

AGENDA.

Ordinary Council Meeting

17 December 2019

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 17 December 2019 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 7:00pm.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

13 December 2019

Acknowledgement of 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 and present.

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

Councillor Mary Choy (6 December 2019 to 3 January 2020)

Councillor Ken Manolas (13 December 2019 to 22 December 2019)

5. DECLARATIONS OF INTEREST

Mayor Greg Milner declared an Impartiality Interest in relation to Agenda Item 10.3.8 as he is the patron of the City of South Perth Historical Society.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Responses to questions taken on notice at the November Ordinary Council Meeting can be found in the Appendix of this Agenda.

6.2 PUBLIC QUESTION TIME: 17 DECEMBER 2019

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 November 2019

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 26 November 2019 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing – 10 December 2019

Officers of the City presented background information and answered questions on Items to be considered at the 17 December 2019 Ordinary Council Meeting at the Council Agenda Briefing held 10 December 2019.

Attachments

7.2.1 (a): Council Agenda Briefing Notes

7.2.2 Concept Briefings and Workshops

Officers of the City and/or Consultants provided Councillors with an overview of the following matters at Concept Briefings and Workshops:

Date	Subject
3 December 2019	South Perth Activity Centre Plan
9 December 2019	Underground Power Briefing

Officer Recommendation

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Council Agenda Briefing – 10 December 2019
- 7.2.2 Concept Briefings and Workshops

8. PRESENTATIONS

8.1 PETITIONS

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 10 December 2019.

8.4 COUNCIL DELEGATES REPORTS

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Pop-up Parks in the City of South Perth

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-106604
Meeting Date:	17 December 2019
Author(s):	Jennifer Hess, Recreation Development Coordinator
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 is in response to Council's resolution from the Council Meeting held 24 September 2019:

'That the City investigate the concept of Pop-up Parks and report back to Council at the December Meeting. The investigation to include:

- *Provision of temporary play spaces;*
- *Suggested locations; and*
- *Research other local governments' initiatives with this concept'.*

Officer Recommendation

That Council notes that:

1. The Community Recreation Facilities Plan endorsed by Council in July 2019 includes a recommendation for the City to develop a Play Spaces Plan;
2. The City has recently commenced the development of a draft Play Spaces Plan, which is comprising the stages outlined in this report, including an investigation of the concept of Pop-up Parks; and
3. The draft Play Spaces Plan is scheduled to be presented to Council in the first quarter of 2020.

Background

At its meeting held 24 September 2019, as a result of a Notice of Motion, Council resolved as follows:

“That the City investigate the concept of Pop-up Parks and report back to Council at the December Meeting. The investigation to include:

- *Provision of temporary play spaces;*
- *Suggested locations; and*
- *Research other local governments’ initiatives with this concept.”*

In July 2019, Council endorsed the City’s Community Recreation Facilities Plan. One of the recommendations from this Plan was to develop a Play Spaces Plan.

Comment

The City has recently commenced work on the development of a draft Play Spaces Plan, which comprises the following stages:

- Conduct an audit and assessment of the City’s existing play spaces (including playgrounds, exercise equipment, and skate parks).
- Undertake a review of existing City and stakeholder plans and associated documents relevant to the provision of play spaces e.g. Community Recreation Facilities Plan, Disability Access and Inclusion Plan, Public Open Space Strategy etc.
- Identify gaps and provide recommended catchment for play spaces based on industry best practice and benchmarking.
- Investigate the concept of Pop-up Parks, including temporary play spaces, and suggested locations where gaps, needs and demand are identified.
- Provide recommendations on capital funding options.
- Conduct stakeholder consultation as identified by the City.
- Provide a documented action plan that prioritises maintenance and capital investment in the City’s play spaces.

Consultation

A stakeholder management plan has been developed for the Play Spaces Plan project. Officers intend to present the draft Play Spaces Plan to Council with a recommendation that the draft Plan be advertised for community and stakeholder consultation, prior to it being re-submitted to Council for final endorsement.

Policy and Legislative Implications

The following are relevant:

- Policy P106 Use of City Reserves and Facilities
- Classification Framework of Public Open Space 2012 (DSR)
- City of South Perth Public Open Space Strategy 2012
- Parks and Leisure Australia WA Branch Guidelines for Community Infrastructure 2012
- City of South Perth Community Recreation Facilities Plan

Pop-up Parks in the City of South Perth

- City of South Perth Disability and Access Inclusion Plan
- Australian Standard AS 4685-2014 (Parts 1-6 & 11): Playground equipment and surfacing - safety requirements and test methods
- Australian Standard AS 4685.0:2017: Playground equipment & surfacing - development, installation, inspection, maintenance and operation
- Australian Standard AS 4422:2016: Playground surfacing - specifications, requirements and test method

Financial Implications

The draft Play Spaces Plan is being developed internally by officers using existing employee resources allocated within the 2019/20 City 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: Community infrastructure
Strategy: Develop and facilitate community infrastructure to respond to changing community needs and priorities

Attachments

Nil

10.1.2 Tender 15/2019 Supply and Installation of CCTV Cameras

Location:	South Perth Foreshore & Karawara
Ward:	All
Applicant:	Not Applicable
File Reference:	D-19-106605
Meeting Date:	17 December 2019
Author(s):	Michelle Baker, Infrastructure Planning Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.3 Community Safety & Health

Summary

This report considers submissions received from the advertising of Tender 15/2019 for the Supply and Installation of CCTV Cameras.

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

Officer Recommendation

That Council:

1. Accepts the tender submitted by Dataline Visual Link Pty Ltd for the Supply and Installation of CCTV Cameras in accordance with Tender 15/2019 for the period of supply up to 30 March 2020 inclusive;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that tender price will be included in the Ordinary Council Meeting Minutes.

Background

In March 2019, the Western Australian (WA) Government released a report from the Inquiry into the Protection of Crowded Places from Terrorist Acts. The inquiry was established to determine whether there was adequate preparation for the protection of crowded places in WA. It was motivated, in part, by the release of Australia's strategy for protecting crowded places from terrorism in 2017.

The City already has a CCTV Plan in place which had been presented to Elected Members in May 2018. The CCTV Plan focuses on the necessary strategic direction and framework for the development, ongoing operation and new installation of a CCTV system.

In 2019, the City was successful in receiving a \$500,000 grant from the Federal Government under the \$30 million Safer Communities Fund for the installation of CCTV equipment and other security measures within the City. The installation of the other security measures is not the subject of this tender report.

Three sites were identified for installation of CCTV following liaison with WA Police and in response to a resident petition from Karawara. These were the Mends Street foreshore, Coode Street foreshore and Karawara Greenways in the vicinity of the Lady Gowrie Centre.

The City has already installed the CCTV system on the Mends Street foreshore as part of the Connect South project. The two new systems are designed to be compatible to that already installed.

A Request for Tender (RFT) 15/2019 for the Supply and Installation of CCTV Cameras was advertised in The West Australian on Thursday 24 October 2019 and closed at 2.00pm on Tuesday 19 November 2019.

Tenders were invited as a fixed price contract.

Comment

At the close of the tender advertising period two submissions had been received as listed in Table A below:

TABLE A – Tender Submissions

Tender Submission	
1.	Dataline Visual Link Pty Ltd
2.	NGT Downer

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel, Skills & Resources	20%
3. Demonstrated Understanding	30%
4. Program of Works	10%
5. Report and Testing	10%
Total	100%

Based on the assessment of all submissions received, it is recommended that the tender submission from Dataline Visual Link Pty Ltd be accepted as the most advantageous offer.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

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

The following Council Policies also apply:

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

Financial Implications

The City has been successful in receiving a \$500k grant from the Federal Government under the \$30 million Safer Communities Fund for the installation of CCTV equipment and other security measures within the City.

The full cost of the works is included in the 2019/2020 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:	Community Safety and Health
Strategy:	Facilitate and foster a connected and safe community

Attachments

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

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Final Endorsement of the South Perth Activity Centre Plan and Scheme Amendment No. 61

Location:	Not Applicable
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-19-106606
Meeting Date:	17 December 2019
Author(s):	Mark Carolane, Senior Strategic Projects Planner
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 City of South Perth has prepared the draft South Perth Activity Centre Plan (draft ACP) and proposed Scheme Amendment No. 61 (Amendment No. 61) to set out the strategic vision and statutory planning requirements for development within the South Perth Activity Centre. The draft ACP and Amendment No. 61 are available at

<https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>.

At the Special Council Meeting held 6 March 2019, Council resolved to publically advertise the draft ACP, proposed Amendment No. 61 and draft Local Planning Policy P321 'South Perth Activity Centre Competitive Design Policy', for a period of 60 days. Public consultation commenced on 14 May 2019 and closed on 22 July 2019.

This report outlines and provides the rationale for a number of recommended modifications to the draft ACP and proposed Amendment No. 61 in response to feedback received during the public consultation period.

The purpose of the draft ACP and proposed Amendment No. 61 consultation was to gain a deeper understanding of stakeholder views and to identify elements of the plans that could be improved. The engagement activities undertaken, and outcomes of the public consultation process, are summarised in **Attachment (a)** and outlined in detail in three reports available on the City of South Perth website and in the 'Consultation' section of this report.

The general nature of the feedback received is described as follows:

- The feedback was highly varied, with limited consistency on the approach, opinions (both positive and negative), elements and outcomes that would result from the implementation of the draft ACP and proposed Amendment No. 61;
- The majority of submissions did not challenge the underlying assumptions or planning process that inform the preparation of the draft ACP or the outcomes expected as a result of the implementation of the plan.

Submissions generally recognised the need for a comprehensive and locally-specific planning framework to manage growth and development of this area;

- A large number of modifications were suggested by respondents, with many of these modifications relating to the outcomes that would occur on specific sites; and
- A range of submissions suggested modifications and/or raised concerns with elements of the plan that were already addressed by the plan, or arose from a misunderstanding of the controls in the draft ACP and proposed Amendment No. 61.

All submissions received during the public consultation period have been summarised and responded to in a Schedule of Submissions, which is available on the City of South Perth website.

Having regard to the observations and outcomes of consultation, modifications are recommended to improve the draft ACP and proposed Amendment No. 61 and to support the ACP vision and objectives. The full lists of recommended modifications to the draft ACP and proposed Amendment No. 61 can be found at **Attachments (b)** and **(c)** respectively.

The recommended modifications clarify parts of the ACP and Amendment No. 61 documents and address a number of the key themes raised through the public consultation period, in particular character areas, building height limits and setback requirements for specific sites, minimum non-residential floor space requirements, protection of significant views, amenity values and overshadowing, water sensitive urban design, and land use requirements.

The recommended modifications are discussed in detail in the Discussion section of this report.

It is recommended that the Council note the submissions received and resolve to support the draft ACP and Amendment No. 61, subject to the proposed modifications to address the outcomes of public consultation and improve the draft documents.

It is also recommended that Council agree to receive a further report on the outcomes of consultation on draft Local Planning Policy P321 'South Perth Activity Centre Competitive Design Policy' once the determination of the draft South Perth Activity Centre Plan and draft Amendment No. 61 is certain.

Officer Recommendation

1. That Council:
 - a. Notes the submissions received relating to the draft South Perth Activity Centre Plan detailed in the Schedule of Submissions;
 - b. Advises the Western Australian Planning Commission (WAPC), pursuant to Clause 36(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that it recommends approval of the Draft South Perth Activity Centre Plan, subject to the modifications set out in **Attachment (b)**; and
 - c. Forwards the Draft South Perth Activity Centre Plan as modified in (b) and any required supporting information, inclusive of copies of all of the submissions received, to the WAPC for assessment.
2. That Council:
 - a. Notes the submissions received relating to proposed Amendment No. 61 as detailed in the Schedule of Submissions;
 - b. Resolves pursuant to section 75 of the *Planning and Development Act 2005* and section 41(3) of the Regulations, to advise the WAPC that it supports proposed Amendment No. 61 to Town Planning Scheme No. 6, subject to the modifications set out in **Attachment (c)**;
 - c. Authorises the Mayor and Chief Executive Officer to execute the relevant documents and affix the common seal of the City of South Perth on the documentation; and
 - d. Requests the Minister for Planning to grant final approval to proposed Amendment No. 61 to the City of South Perth Town Planning Scheme No. 6.
3. That Council agrees to receive a further report on the outcomes of consultation on draft Local Planning Policy P321 South Perth Activity Centre Competitive Design Policy once the determination of the draft South Perth Activity Centre Plan and proposed Amendment No. 61 is certain.

Background

The City of South Perth has prepared the draft South Perth Activity Centre Plan (draft ACP) and proposed Amendment No. 61 (Amendment No. 61) to set out the strategic vision and statutory planning requirements for development within the South Perth Activity Centre. This being the area that stretches from the South Perth Peninsula to Richardson Park and the Perth Zoo as shown on **Figure 1** below.



Figure 1: South Perth Activity Centre Plan area

Establishment of the strategic planning framework for this area began in 2011 with the preparation of the South Perth Station Precinct Plan, which sought to guide development in the precinct surrounding the planned South Perth train station located at the western end of Richardson Street.

Since the preparation of the Station Precinct Plan there have been three amendments to the City's Town Planning Scheme No. 6 (the Scheme) relating to the South Perth Activity Centre area:

- Amendment No. 25 (gazetted in 2013): Implemented the South Perth Station Precinct plan by introducing special development provisions relating to land use, plot ratio, building height, setbacks, parking and other design/performance standards;
- Amendment No. 46 (gazetted in 2017): Added additional performance criteria for development seeking variations to the Scheme requirements; and

- Amendment No. 56 (gazetted in 2019): Applied specific development controls to the 'Civic Site', being the site bound by Mill Point Road, Labouchere Road and Mends Street, in the activity centre area.

In May 2015 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 and the station precinct, and development proposed within the area. Following this meeting, separate to the Amendment No. 46 process, Council resolved to conduct an independent review of the relevant town planning scheme provisions and the geographic extent of the station precinct (refer Special Council Meeting 20 May 2015, Item 7.1.1). The findings and recommendations of this review identified the need to undertake a high level, collaborative planning and design exercise in the area to inform future planning and development.

South Perth Peninsula Place and Design Project

The South Perth Peninsula Place and Design Project was undertaken in 2017. This project involved a series of collaborative workshops that built on the vision, research and stakeholder input for the South Perth Peninsula and surrounding area. Through the workshops a new vision and objectives for the future of the area were developed.

The process culminated in the preparation of the South Perth Peninsula Place and Design Report (Place and Design Report). The Place and Design Report recommended the preparation of an 'activity centre plan' as a priority.

At its June 2017 meeting, Council noted that the Place and Design Report should form the basis of ongoing planning in the area and endorsed the preparation of an activity centre plan as a priority action. The Place and Design Report has played an important role informing the preparation of the draft ACP and proposed scheme amendment. A full summary of the history of the existing planning framework is available in minutes of the June 2017 Council Meeting (item 10.4.1), October 2018 Council Meeting (item 10.3.1) and the Special Council Meeting held on 6 March 2019 (item 7.3.1).

Draft South Perth Activity Centre Plan and Proposed Amendment No. 61

Following the Place and Design project, preparation of the draft ACP and proposed Amendment No. 61 commenced in September 2017.

The draft ACP is divided into two sections:

- Part 1 (Implementation): sets out the vision for the area and includes the draft ACP area map and plans, character statements, objectives and development requirements relating to building height and plot ratio, land use, podiums, towers, design quality, parking and other development requirements; and
- Part 2 (Explanation) sets out the evidence base and rationale for the planning requirements in Part 1. It is separated into ten sections: Introduction, Centre Context, Process, Vision, Plan Components, Activity, Built Form, Movement, Public Realm and Next Steps.

Good planning practice requires planning documents to be informed by a sound and robust evidence base, and the draft ACP has been informed by detailed background studies.

This evidence base provides the rationale for the plan and is explained in Part 2 and appendices of the draft ACP. The draft ACP is informed by a range of different data sources including:

- Regional planning strategies, policies and guidelines of the State Government;
- Detailed demographic, economic and transport 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 2 explains the intended effect of the draft ACP, outlines the analysis and context that has informed its preparation by summarising the findings of the background documents and details how the provisions of the plan will deliver the vision for the ACP area. The key elements and rationale informing the preparation of the draft ACP are discussed below.

Amendment No. 61 is to introduce a new schedule into TPS6 (Schedule 9B), which will contain the key development requirements for the ACP area. The proposed new Schedule 9B is to be read in conjunction with the ACP and its requirements will form part of TPS6. Specifically it proposes 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 contains objectives, development requirements and rationale which will be considered by the City and decision makers, including Development Assessment Panels when assessing development applications, and where discretion is sought. When assessing and determining development applications, the City and decision makers including Development Assessment Panels must ensure that applications comply with TPS6. Therefore amending the City's Town Planning Scheme to include these land use requirements gives the greatest possible certainty about the land use and built form requirements in the ACP area.

Planning Context

The State Government's strategic framework for growth in metropolitan Perth, Perth and Peel @3.5 Million, as well as State Planning Policy 4.2 (Activity Centres for Perth and Peel) (SPP4.2) have informed the preparation of the draft ACP.

Perth and Peel @3.5 Million

The Perth and Peel @3.5 Million document and supporting sub-regional strategies provide 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. This target is intended to provide a guide for more detailed and localised investigations into population growth and corresponding dwelling requirements. These investigations are in turn refined through detailed, localised planning exercises such as activity centre planning. As one of three larger activity centre areas within the City of South Perth, the ACP area is expected to accommodate a relatively large proportion of the City's growth.

State Planning Policy 4.2 Activity Centre Plans for Perth and Peel

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 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.

City of South Perth Strategic Community Plan 2017-2017

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.

Expected Growth

Notwithstanding the dwelling growth targets set by State Government, the City undertook independent future population and economic analysis to inform the preparation of the draft ACP (Economic and Demographic Assessment, Appendix 1 of the draft ACP), identifying significant growth in residential population and economic activity within the 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.

Long-term population forecasts are important to provide a sound evidence base in support of the long-term vision provided in the activity centre, as well as to:

- Ensure sufficient capacity is provided in the long-term, particularly 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 and 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 demand and growth will not fit within the established vision. Table 1 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 1: Forecast demand for growth in the ACP area

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.

Process to prepare the draft ACP and proposed Amendment No. 61

The process to prepare and refine the draft ACP and proposed Amendment No. 61 has been extensive. The City has undertaken a comprehensive process to ensure that the draft ACP and proposed Amendment No. 61 provide a robust and evidence-based planning framework, informed by feedback from stakeholders at each stage.

As outlined in the ‘Background’ section of this report, the process to develop the draft ACP and proposed Amendment No. 61 commenced in May 2015. In summary, the following actions led to the development of the draft ACP and proposed Amendment No. 61:

- Preparation of the Place and Design Report, inclusive of intensive community and stakeholder engagement over two workshops and a five-day ‘Planning Design Forum’ held in February and March 2017;
- The establishment of a Stakeholder Reference Group (SRG) in August 2017 to provide an additional reference point for planning, development and place initiatives and activities in the area. The group comprised 17 members representing a diverse range of stakeholders with interests in the area and has been consulted and engaged throughout the activity centre planning process;
- The engagement of a multidisciplinary project team in September 2017 to prepare the necessary background reports, studies and analysis that ultimately provided the evidence-base for the draft ACP and proposed Amendment No. 61. The project team includes expert planners, urban designers, architects and professionals with experience in economic and demographic forecasting, transport planning and stakeholder engagement; and

- Extensive and continued engagement/workshops with Elected Members throughout the project.

The result of these actions has been the preparation of an activity centre plan and town planning scheme amendment that are responsive to an evidence-base of information, stakeholder feedback and best planning practice.

Resolution to advertise the draft ACP and proposed Amendment No. 61

At the Special Council Meeting held on 6 March 2019, Council resolved to publically advertise the draft ACP and proposed Amendment No. 61, for a period of 60 days.

Consultation on the draft ACP and proposed Amendment No. 61 commenced on 14 May 2019 and closed on 22 July 2019. The engagement activities undertaken, and outcomes of the public consultation process, are summarised in **Attachment (a)** and outlined in detail in three reports available on the City of South Perth website and in the 'Consultation' section of this report.

In total, the ACP project reached more than 64,000 people through various communication and engagement channels. The City received 225 individual submissions during the consultation period. Each submission has been analysed in detail to understand the exact nature of the submission and to identify key themes and suggested modifications to the draft ACP and proposed Amendment No. 61.

This report outlines and provides the rationale for a number of recommended modifications to the draft ACP and proposed Amendment No. 61 in response to feedback received during the public consultation period.

Discussion

Consultation Outcomes

The engagement process for the draft ACP and proposed Amendment No. 61 was extensive and multi-layered to ensure that as many stakeholders as possible could provide feedback to the City. The analysis of the feedback received, which varied in form and content, identified a wide range of suggested modifications and key themes. A full outline of the consultation undertaken is included in the 'Consultation' section of this report.

The purpose of the draft ACP and proposed Amendment No. 61 consultation was to gain a deeper understanding of stakeholder views and concerns, and to identify elements of the plans that could be improved. The general nature of the feedback received is described as follows:

- The feedback was highly varied, with limited consistency on the approach, opinions (both positive and negative), elements and outcomes that would result from the implementation of the draft ACP and proposed Amendment No. 61;
- A large number of modifications were suggested by respondents, with many of these modifications relating to the outcomes that would occur on specific sites. The majority of submissions did not challenge the underlying assumptions or planning process that inform the preparation of the draft ACP or the outcomes expected as a result of the implementation of the plan; and

- A range of submissions suggested modifications and/or raised concerns with elements of the plan that were already addressed by the plan, or arose from a misunderstanding of the controls in the draft ACP and proposed Amendment No. 61.

The engagement process also included two intensive workshop processes with selected stakeholders, from both the existing Stakeholder Reference Group (SRG) and a randomly selected group of community members. The purpose of these engagement processes was to collect additional feedback from a group of highly-interested stakeholders (the SRG) and from a group that was reflective of the broader community and demographic profile of the suburb of South Perth (the Community Panel). This provided opportunity to further discuss issues that were raised through the general feedback, and to consider potential modifications to improve the ACP and Amendment No. 61.

The SRG and Community Panel workshop sessions allowed a selection of the outcomes of the wider consultation and written feedback to be interrogated in detail. The outcomes of the wider written feedback and the deliberations of the SRG and Community Panel are explored in detail in the following reports, which are available on the City of South Perth website:

- Engagement Summary Report.
- Stakeholder Reference Group Summary Report.
- Community Panel Summary Report.

These reports are supplemented by an additional 'Executive Summary of Stakeholder and Community Engagement Outcomes' report included at **Attachment (a)**. This report provides a concise summary of the outcomes of the stakeholder and community engagement outcomes, including where modifications to the draft ACP and Amendment No. 61 documents are recommended to be investigated.

All of the information gathered during the public consultation process has been analysed in detail and is expressed below as a series of 'consultation outcomes'. These outcomes are the product of all of the feedback received and the advice of the SRG and Community Panel. The outcomes have also been considered in the context of the underlying background analysis and process that has informed the development of the draft ACP and proposed Amendment No. 61 to date.

The following consultation outcomes have been investigated as potential modifications to the draft ACP and proposed Amendment No. 61:

1. Character area boundaries
 - 1.1 Modify the character area boundaries between Mends and Hillside to include South Perth Esplanade properties currently in Hillside.
2. Building height
 - 2.1 Reduce building height at the northern end Mill Point Road from the Medium-High typology to the Medium typology.
 - 2.2 Reduce building height along the western side of Labouchere Road to preserve light access to Perth Zoo.

- 2.3 Reduce building height along South Perth Esplanade from Medium typology to the Low-Medium or Low typology.
- 2.4 Increase building height within the Hillside character area.
- 2.5 Reconsider the distribution of the 'Tier 2' height limits, particularly for those properties nearby to South Perth Esplanade and the Mends Street jetty.
- 2.6 Express building height limits in storeys, rather than metres, or provide explanation of the number of storeys likely to be developed under the building height limits.

3. Podiums

- 3.1 Clearly indicate a degree of flexibility for side and rear setbacks of podiums in instances where the setback responds to existing development and site specific context.
- 3.2 Provide discretion to reduce the rear setbacks of podiums within the Mill Point, Hillside and Richardson character areas.
- 3.3 Identify a suitable maximum length of wall before there should be a break in the structure, to improve the visual aesthetic of long walls.
- 3.4 Clarify the terminology in the maps and tables relating to podium structures.

4. Views/values

- 4.1 Ensure consideration of building orientation to balance the need to provide outlook and light access to both new developments and adjoining properties.

5. Car parking (requirements and as plot ratio) and traffic

- 5.1 Modify the on-site vehicle parking access criteria to allow one crossover per street frontage.

6. Plot ratio

- 6.1 Allow for adaptable floor space to count towards the minimum non-residential plot ratio requirement in Mends and Richardson character areas.
- 6.2 Provide a variable scale of plot ratio where plot ratio increases incrementally as building height increases to encourage a diversity in building size.

7. Solar access

- 7.1 Ensure protection of winter light access to all properties affected by a new development, not just those directly adjoining the development site.
- 7.2 Ensure light access to Perth Zoo is appropriately preserved.

8. Setbacks

- 8.1 Modify street setback criteria to better align with the character of each street and to reflect the applicable Streetscape Type on Plan 2: Street Type Plan.
- 8.2 Provide clarity to and rationalise the number of different setbacks that apply throughout each character area.

9. Environment

- 9.1 Ensure development considers and incorporates water sensitive urban design principles.

10. Design quality

- 10.1 Reconsider the appropriateness of the design competition requirements applicable to building developed to the 'Tier 2' height limit.

11. Land use

- 11.1 Permit short-stay accommodation, serviced apartments, indoor sporting activities and aged-care facility uses in more locations.

12. Public realm

- 12.1 Street setback areas should be landscaped and free of parking.

Clarify the guidance on the location and provision of private pocket parks and mid-block links.

There are a range of other matters raised in the consultation that are not directly addressed by the consultation outcomes listed above. This is reflective of feedback that was highly varied and often site-specific. In addition some feedback was not able to be addressed via modifications to the ACP or Amendment No. 61, for example:

- Concerns about the amount of growth that may occur in the area. The City has undertaken a comprehensive demographic and economic analysis of the South Perth Activity Centre to inform the ACP. It is important that future demand and growth is well understood at the strategic planning stage and the role of the ACP is to manage growth as it occurs; and
- Other matters are already addressed by the ACP and/or Amendment No. 61, such as comments regarding podium setbacks misinterpreted the requirements in Amendment No. 61 and are therefore already addressed.

A number of the most significant and/or common recurring matters that have not resulted in recommended modifications to the ACP are discussed later in this report.

The Schedule of Submissions (available on the City of South Perth website) provides detailed responses to each comment received during the public consultation period.

Responses to the consultation outcomes identified above (Items 1-12) are described further below.

Modifications to the draft ACP and proposed Amendment No. 61 to address the outcomes of consultation

Having regard to the observations and outcomes of consultation identified above, in **Attachment (a)**, and in the engagement outcomes reports available on the City of South Perth website, the following modifications to the draft ACP and proposed Amendment No. 61 are recommended. The full lists of recommended modifications to the draft ACP and proposed Amendment No. 61 are at **Attachments (b)** and **(c)** respectively.

Character Area Boundaries

i. Boundary between Mends and Hillside character areas

Submissions discussed the boundary/extent of the Mends and Hillside character areas, including:

- The character area objectives set out at Provision 4 of Schedule 9B (in Amendment No. 61) suggest that properties fronting South Perth Esplanade east of Mends Street were intended to be included in the Hillside character area (refer Provision 4 element 4. d. vi);
- Properties fronting the northern side of Ray Street and the eastern side of Darley Street have a character that is consistent with the Hillside character area and are more suited for inclusion in this area; and
- Properties fronting South Perth Esplanade east of Mends Street, the northern side of Ray Street and the eastern side of Darley Street should have setback requirements consistent with the Hillside character area.

Recommendation:

Modify the Mends/Hillside character area boundaries to follow Darley Street, Ray Street and the laneway separating Lots 113 (No. 81-85) and 36 (No. 87) South Perth Esplanade as illustrated on **Figure 2b**.

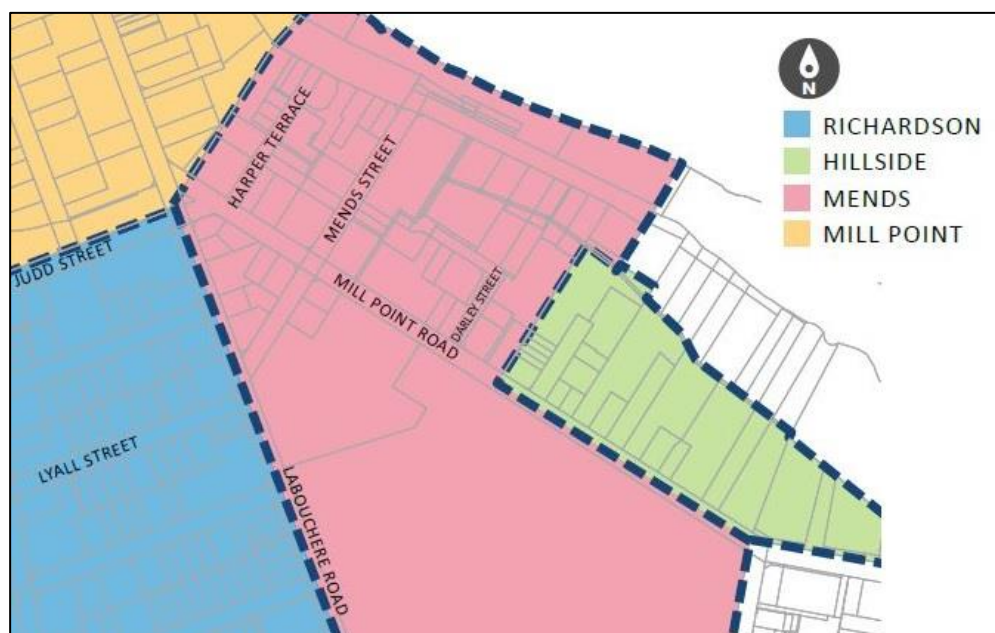


Figure 2a: Advertised Mends/Hillside character area boundaries



Figure 2b: Recommended modified Mends/Hillside character area boundaries

ii. Corrections to Hillside character area objectives and preferred ground floor land uses

During the public consultation period an inconsistency was identified in Provision 4 of Schedule 9B, which sets out the objectives for each of the four character areas. Clause d, which sets objectives for the Hillside character area, includes references to non-residential uses on South Perth Esplanade that are not permitted under Schedule 9B.

Recommendation:

Remove reference to South Perth Esplanade from objective d.i and to remove reference to 'active commercial ground floors' in objective d.vi.

Remove retail uses from the list of preferred ground floor land uses for South Perth Esplanade in the Hillside character area in Provision 5 element 1.10 of Schedule 9B.

iii. Update to figure showing growth by character areas to reflect changes to typologies and character area boundaries

Part 2 of the ACP explains the intended effect of the ACP and details how the provisions in Part 1 will deliver the vision for the South Perth Activity Centre. Figure 12 (page 91) shows the expected growth in residential, retail and office activity for each of the four character areas.

Recommendation:

This figure will be updated to reflect the expected growth by character area accounting for the modifications to Part 1 of the ACP and Schedule 9B.

Please note that Figure 12 will be updated following Council approval, to reflect the approved ACP and Amendment No. 61.

Building Height

iv. Explanatory note regarding number of storeys likely to be developed under building height limits

Submissions suggested that building height limits should be expressed in storeys, rather than metres, to make the limits easier to interpret and to encourage greater floor-to-ceiling heights that help improve amenity, particularly for residential apartments.

Building height limits are expressed in metres in Schedule 9B to provide certainty regarding the maximum permissible height of buildings. The number of storeys that is possible depends on the height of each storey, which can vary depending on the use and design of each building.

Setting the building height limit in storeys would provide less certainty regarding the maximum permissible height of buildings. Development requirement 4.3.5.1 of the ACP (page 27) sets minimum floor to ceiling heights for development in the ACP area that are greater than the minimums required under the Building Code of Australia. There are no maximum floor to ceiling limits. Design quality requirements (development requirement 4.3.3.1, page 24 of the ACP) also encourage building designers to consider occupant amenity, which may include greater floor-to-ceiling heights.

Recommendation:

Retain building height limits expressed in metres in Schedule 9B, to retain certainty regarding maximum permissible building heights.

Add an explanatory note and table at section 4.1.1 of the ACP (page 18) to provide an approximate number of storeys that may be developed under the building height limits in Schedule 9B.

v. Modifications to Map 2: Building Height and Plot Ratio Limits in Schedule 9B

Building height and plot ratio typologies have been thoroughly reviewed in light of the outcomes of public consultation. A number of suggestions raised in public submissions were also discussed in workshops with the SRG and Community Panel.

The following recommended modifications to Map 2 in Schedule 9B are shown on **Figure 3**.

Reduce the height typology on Mill Point Road north of Frasers Lane

Submissions received during the public consultation period suggested reducing the building height limit on the northern part of Mill Point Road. There is rationale for this change as the northern part of the peninsula area is removed from the centre of the ACP area, is less accessible by public transport, and has a strong character of buildings set within landscaping and tree lined streets.

The recommended Medium typology would allow for approximately 7 storey buildings at the Base (Primary) height, or up to 11 storeys if the Tier 1 additional height criteria can be met. Tier 2 additional development potential is not available in this area.

The existing building height limits in this area under Town Planning Scheme No. 6 allows for approximately 9 storey buildings.

It is noted that the recommended reduction of typology results in the Mill Point Character area accommodating a lesser proportion of the overall ACP area growth.

However it is considered any loss of development potential can be balanced by the recommended increased typology in the Hillside character area (modification 7, below).

Recommendation:

The recommended modifications are shown on **Figure 3** as follows:

1. Lots fronting Mill Point Road on the western side of Mill Point Road and north of Scott Street changed from the Medium-High to the Medium typology; and
2. Lots fronting Mill Point Road on the eastern side of Mill Point Road and between Lot 102 (No. 14) Mill Point Road and Lot 35 (No. 62) Mill Point Road, inclusive, changed from the Medium-High to the Medium typology.

Lot 113 (No. 81-85) South Perth Esplanade having Tier 2 Additional Development Potential Available on the southern part of the lot only

The SRG recommended that Tier 2 height availability be removed from two locations as a way of providing graduated heights from higher at the centre of the ACP area to lower heights adjacent to the foreshore. Both suggestions were considered by the project team:

- Corner of Mends Street and South Perth Esplanade.
This property (Lot 113, No. 81-85 Mends Street, known as 'South Shore') is large and may be suitable for a landmark building in the future; however development on this site must respect the character of the foreshore and provide an appropriately-scaled interface with the foreshore.

Recommendation:

The recommended modification is shown on **Figure 3** as follows.

3. Lot 113 (No. 81-85) South Perth Esplanade is granted Tier 2 Additional Development Potential Available on the southern part of the lot only.

- Between Darley Street and just beyond Parker Street.

The properties fronting Darley and Parker Streets that have Tier 2 additional development potential available are mostly relatively large in size, elevated and, if developed to the available Tier 2 height and plot ratio limits, are likely to be consistent with the character of existing neighbouring development.

It is considered that these properties are suitable for additional height and it is recommended to retain Tier 2 additional development potential over these lots with no change to the ACP provisions.

Boundary between Mends and Hillside character areas

The Mends character area is the commercial heart of the ACP area and the land use and built form requirements reflect this via generally greater permissibility of non-residential land uses and lesser podium (base) setbacks. The Hillside character area is generally more residential in nature and requires 4 metre side and rear boundary setbacks for the podium (base) of buildings. This residential character is evident in the properties fronting South Perth Esplanade east of Mends Street and the properties to the North and east of Darley and Ray Streets. The boundary between these character areas is recommended to be modified to include all properties north and east of Darley and Ray Streets within the Hillside character area.

Recommendation:

The recommended modification is shown on **Figure 3** as follows:

4. The boundary between the Mends and Hillside Character Areas modified to follow Darley Street, Ray Street and the laneway separating Lots 113 (No. 81-85) and 36 (No. 87) South Perth Esplanade.

Correct property boundaries for lots in Hillside character area

There was an error on the advertised version of Map 2 whereby the boundaries of some lots were incorrectly shown. It is recommended that this error be corrected so that Map 2 accurately shows the entirety of those lots being subject to Low and High typologies respectively.

Recommendation:

The recommended modifications are shown on **Figure 3** as follows:

5. The entirety of Lots 29 (No. 93), 30 (No.95), 31 (No. 97) and 100 (No. 99) South Perth Esplanade as Low typology.
6. The entirety of Lot 501 (No. 9) Parker Street as High typology.

Increase building height within the Hillside character area

Through the community engagement process, in particular the Community Panel, it was suggested that the Hillside character area (with the exception of those lots fronting South Perth Esplanade) would be suitable for the High typology. There are several reasons for an increase in typology in this area:

- The setbacks, podium (base) site cover limits, tower floorplate area limits, and plot ratio limits in many cases restrict development potential to less than is currently possible under Town Planning Scheme No. 6, notwithstanding the increase in building height limit;
- There are many ageing building on large blocks in this area that may provide development opportunities;
- The area is elevated and therefore may be more suitable for basement car parking than other parts of the ACP area;
- There is an existing precedent for height and density development in the area, including multi-storey buildings;
- The area is isolated from other residential areas and is considered suitable for taller built form; and
- The area is very accessible by car and bus, and is within easy walking distance of the ferry and Mends Street commercial centre.

This recommendation would change the base (primary) building height limit from 37.5 metres (approximately 11 storeys) to 50.7 metres (approximately 15 storeys). Current TPS No. 6 permits heights up to 28 metres in the area.

No changes are recommended to the advertised extent of Tier 2 development potential availability in the Hillside character area.

Recommendation:

The recommended modification is shown on **Figure 3** as follows:

7. All lots in the Hillside character area fronting Mill Point Road or Parker Street changed from the Medium-High to the High typology.

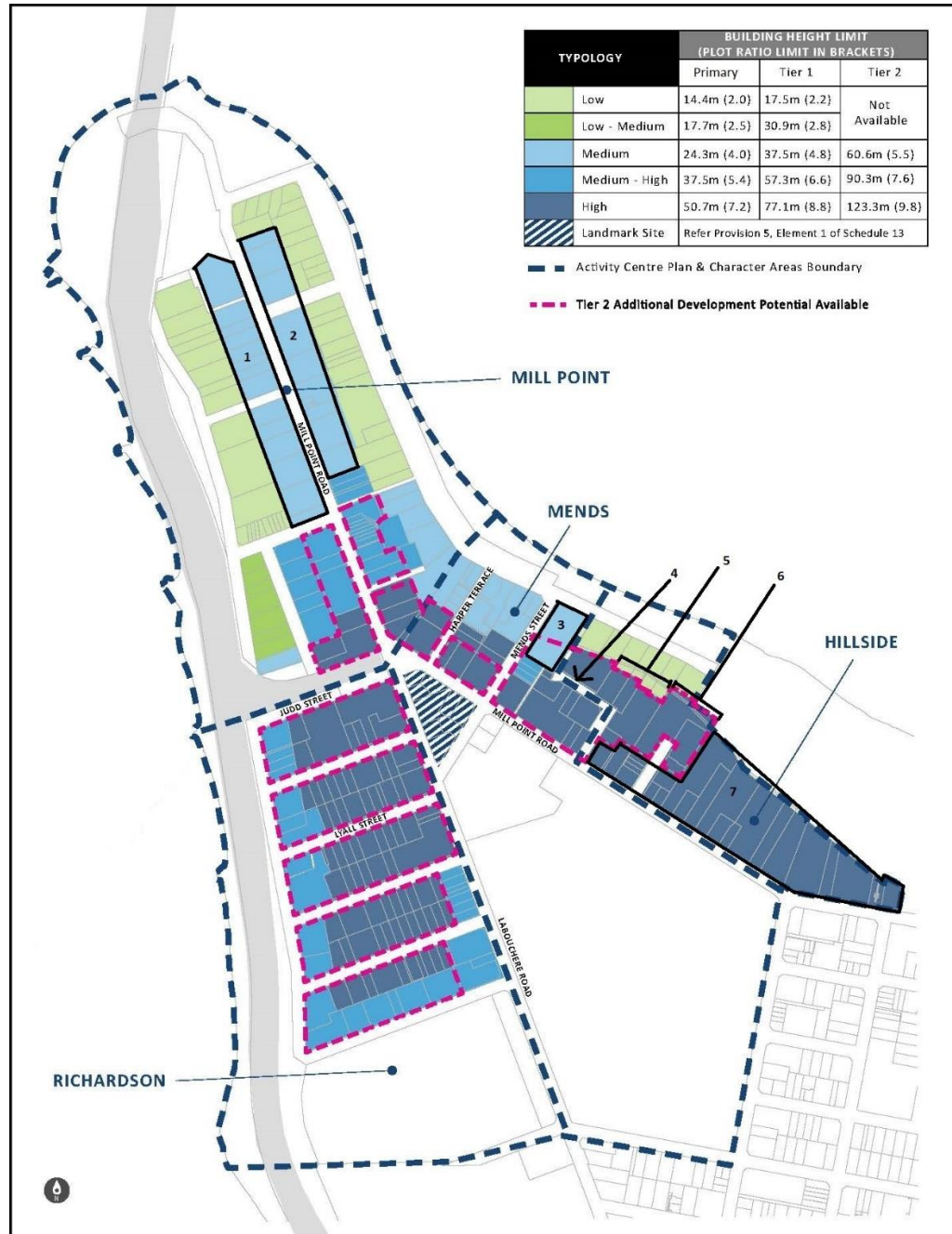


Figure 3: Modifications to Map 2: Building Height and Plot Ratio Limits. (The numbers in black refer to the recommended modifications discussed above).

Podiums

- vi. Replacement of the word “podium” with the word “base”

It was evident, based on the feedback received, that the podium element was poorly understood during the public consultation period and therefore requires clearer presentation in the ACP and Schedule 9B. Stakeholders mistakenly interpreted “podium” to mean a commercial base of a building with minimal or nil setbacks to the street and side/rear property boundaries.

Recommendation:

Replace the definition of the word “podium” with the word “base” in Schedule 9B (Provision 3) and wherever it occurs throughout the ACP and Schedule 9B. The definition will read:

***‘base’** means the ground and lower levels of a multi-storey building that provide a clearly differentiated element, above which all higher parts of the building are situated.*

vii. New development requirement for maximum length of walls at street level

There are a number of requirements in the ACP to ensure that buildings provide an attractive, engaging and human-scale street interface (including ACP development requirements at 4.3.1, page 22); however on large sites it may be possible, under the advertised ACP and Schedule 9B requirements, to develop long continuous walls fronting streets for the podium (base) of buildings without any form of articulation.

Recommendation:

Supplement the development requirements at 4.3.1 (ACP page 22) with a new requirement to limit the maximum length of walls fronting the street to 20 metres. Any wall fronting a street that is greater than 20 metres in length would need to introduce a setback or projection with a depth and length of at least 3 metres.

Views and amenity values

viii. New development requirement for Tower Orientation

Loss of views, shadowing and separation between towers were raised as concerns in the feedback and in the SRG and Community Panel discussions. In one location in particular there were a large number of submissions specifically concerned with loss of views and amenity that may occur if new development proceeds. To address this issue, it is recommended that new performance based requirement be added to the ACP to guide the design and orientation of towers. Tower orientation will be required to optimise access to light, ventilation and outlooks in new developments and manage impacts on these matters for neighbouring properties.

The recommended new requirement will allow for solutions to be considered on their merits to find the best possible outcome across the range of potential development scenarios.

Recommendation:

Add a new development requirement to the ACP at Part A section 4.1.3 (page 20) to require the orientation of towers to optimise daylight and solar access, provide attractive outlooks from habitable rooms and private open spaces within the development, and minimise overlooking, overshadowing, loss of significant views and significant loss of amenity for neighbouring properties.

Car Parking

ix. Modification of development requirement for access to on-site parking
Development requirement 4.3.8.2 (ACP page 30) limits crossovers to on-site parking to one per development in order to limit the impact of crossovers on footpaths and streetscapes. However where a site has more than one street frontage, for example corner sites or sites that have access from two streets, it may be beneficial to allow access from more than one street to facilitate access to parking areas and/or waste collection areas, especially for larger sites.

Recommendation:

Modify development requirement 4.3.8.2 to allow additional crossovers to be considered for sites with more than one street frontage, provided that the relevant access objectives are met and that a maximum of one crossover is provided per street frontage.

Plot Ratio

x. Allowance for adaptable floor space to count towards minimum non-residential plot ratio requirement in Mends and Richardson character areas

Feedback raised that the requirement to provide a minimum amount of non-residential floor space in the Mends and Richardson character areas (development requirement 3.1.4 in the ACP, page 17) is very difficult to achieve when market demand for commercial floor space is low.

It is considered that this may have the effect making development difficult, creating large amounts of vacant commercial floor space, and/or encouraging larger mixed use buildings, wherein the commercial floor space is effectively subsidised by the residential or other parts of the building.

Conversely, the requirement for non-residential floor space is important to ensure that development in the Mends and Richardson character areas provides for growth in local services and employment opportunities, to support the growth in residential population.

A modification to the ACP will allow flexibility for development to respond to market conditions, while ensuring that new development complements and supports the mixed use character of the Mends and Richardson character areas.

Recommendation:

Modify development requirement 3.1.4 in the ACP (page 17) to allow adaptable floor space to count towards the minimum non-residential space requirement.

Adaptable floor space is defined at section 4.3.5 of the ACP (page 27) and includes the requirement for greater floor-to-ceiling heights (minimum 3.3 or 4 metres) to allow for future conversion between residential and non-residential uses.

Adaptable floor space may be occupied by residential use in the short term, but is designed to be easily convertible to non-residential uses in the future.

Overshadowing

xi. Modification of development requirement for overshadowing

Shadowing of nearby properties was a significant concern raised through public submissions and SRG and Community Panel discussions. Overshadowing requirements protect neighbouring properties, especially those parts of properties where access to direct sun is particularly important. However it must be acknowledged that larger buildings will cause some overshadowing impacts on neighbouring properties at certain times of the day and it may not be possible to eliminate the cumulative effects of overshadowing in all cases.

Recommendation:

Strengthen the requirement for overshadowing (ACP development requirement 4.3.3.4, page 25) so that it applies to any lot (rather than only those lots adjoining the development).

Introduce a new requirement that building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties on 21 June (winter solstice).

xii. New objective and development requirement regarding amenity and overshadowing of Perth Zoo

Perth Zoo is a unique and invaluable asset to the ACP area and submissions raised concern that its amenity should be protected. A new objective and development requirement are recommended to directly respond to concerns that development should not negatively impact on the zoo and that overshadowing of the zoo to be limited.

Recommendation:

Add a new objective to the ACP Part 1 section 4.3.3 (page 24) *to ensure that development does not have a significant negative impact on the amenity of Perth Zoo.*

Add a new development requirement to the ACP at 4.3.3.5 (page 25) that *development shall not cast a shadow over more than 5% of the Perth Zoo for more than 2 hours between 9am and 3pm on 21 June.*

Setbacks

xiii. New development requirement to prevent the use of street setback areas for car parking

Street setback areas are intended to contribute to the desired character of streets via landscaping and/or alfresco spaces and these areas should not be used for car parking.

Recommendation:

Add a new development requirement (4.1.2.3, page 19) to specifically prohibit the use of street setback areas for car parking.

xiv. Discretion to reduce rear setbacks within the Mill Point, Hillside and Richardson character areas

The SRG and Community Panel, along with community submissions, highlighted the importance of flexibility regarding the location of podiums (bases) on sites. On small sites, such as in the Richardson character area, it is important to ensure that setback requirements do not unnecessarily restrict or prevent development, while on larger sites it is important to allow podiums (bases) to be optimally located.

Element 3 of Provision 5 of Schedule 9B allows for side setbacks to be varied down to nil, subject to relevant character area objectives and considerations, within the Mill Point, Hillside and Richardson character areas. A similar provision to reduce rear setbacks, where appropriate, would allow flexibility for podiums (bases) to be located on a site (behind the required street setback) provided that there is no negative impact of any reduced setbacks.

Recommendation:

Discretion to reduce setbacks be extended to apply to rear setbacks, as well as side setbacks, via modifications to ACP development requirement 4.1.2.4 (page 19) and Element 3 of Provision 5 of Schedule 9B, including Table 3.

xv. Replace Map 3 – Street Setbacks with a new Map 3 - Base Street Setbacks and modify selected base street setbacks

It was evident based on the feedback received that the street setback requirements were not well understood. Clarification of the requirements is recommended. Street setbacks were reviewed following the public consultation period in light of the feedback received and a number of modifications are recommended to street setbacks for specific properties.

Recommendation:

Modify Map 3 in Schedule 9B to make the interpretation of podium (base) street setback requirements easier. Tower street setbacks also refer to Map 3 in the advertised Schedule 9B and it is recommended to add a separate map to illustrate tower street setbacks. This will allow for simplification of Tables 3 and 4 in Schedule 9B.

The following recommended modifications to Map 3 in Schedule 9B are shown on **Figure 4:**

1. The northern boundary of Lot 50 (No. 23) Mill Point Road to be subject to an 8 metre setback. This boundary was not included on the advertised version of Map 3 and this modification corrects that error.
2. Lots 36 (No. 49), 101 (No. 51), 2 (No. 53) and 77 (No. 59) South Perth Esplanade, and Lot 501 (No. 5) Ferry Street subject to an 8 metre setback to South Perth Esplanade. The SRG recommended an increase to this setback as a transition between the larger (15 metre) setback to the north of Fraser Lane and the smaller (3 metre) setback to the east.

3. Lots 2 (No. 86), 15 (No. 88) and 16 (No. 90) Mill Point Road subject to a 6 metre setback to Mill Point Road. The SRG and Community Panel discussed a number of options to provide appropriate definition to the corner of Mill Point Road at the intersection with the Freeway on-ramp and transition between the large nil-setback podium of the Aurelia building and the residential character of the Mill Point character area. A 6 metre street setback is recommended to provide transition between the 8 metre setback to Mill Point Road north of Ferry Street and the nil setback to Mill Point Road to the east.
4. Remove the indication of a street setback from the southern portion of Lot 11 Stone Street (Stone Street Reserve). There is no street interface at this location and the reserve is not planned to be developed.
5. Lot 1 (No 1 and 5) Harper Terrace provided with a nil setback to Mill Point Road to reflect the existing nil setback of recently-constructed buildings.
6. All lots fronting Ray and Darley Streets subject to an 8 metre setback to Ray and Darley Streets to reflect the desired future character of this area, with the northern and eastern sides of Darley and Ray Streets recommended to be included in the Hillside area as discussed above.
7. All lots fronting Mill Point Road east of Darley Street subject to an 8 metre setback to Mill Point Road to reflect a consistent street setback in line with the desired future character of the Hillside character area.
8. All lots fronting Judd Street subject to a 6 metre setback to Judd Street to reflect the Garden Street type of Judd Street and consistent with other similar streets in the Richardson character area.
9. All lots fronting Melville Parade between Judd Street and Charles Street subject to a 6 metre setback to Melville Parade to reflect the Garden Street type of Melville Parade and consistent with other similar streets in the Richardson character area.
10. All lots fronting Lyall Street subject to a 3 metre setback to Lyall Street to clarify the advertised 0-3 metre setback requirement.

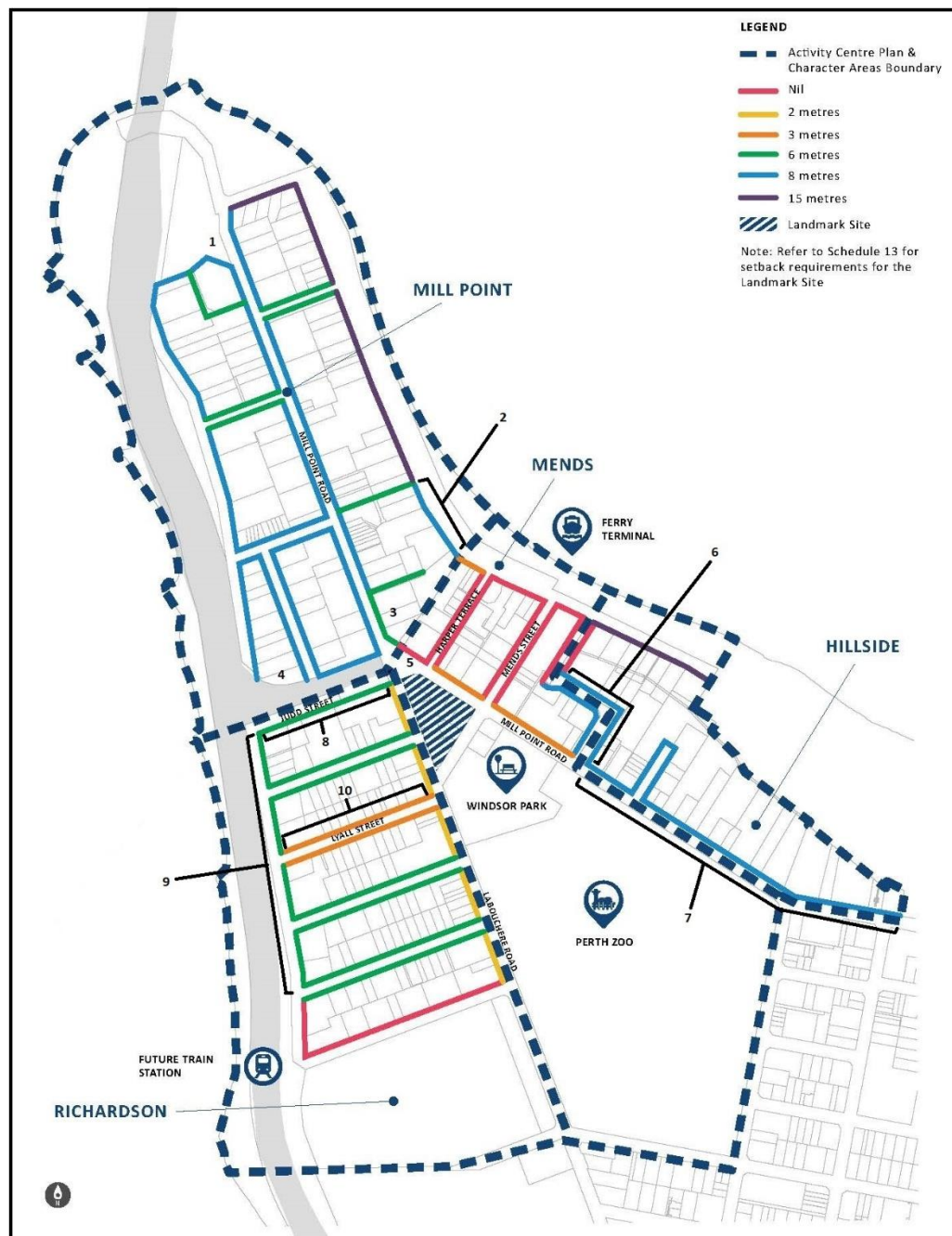


Figure 4: Modifications to Map 3: Base Street Setbacks. (The numbers in black refer to the recommended modifications discussed above)

xvi. New Map 4: Tower street setbacks, and modifications to Tower street setbacks

Tower street setbacks in the advertised Schedule 9B were shown on the same map as the podium (base) street setbacks (Map 3). In order to improve the clarity of Schedule 9B, it is recommended to include a separate tower street setbacks map. In addition, a number of changes to tower street setbacks are proposed to align with the modified podium (base) street setbacks discussed above.

Recommendation:

Recommended modifications to tower street setbacks are shown on **Figure 5**. The modifications are discussed at Recommendation xv, above.

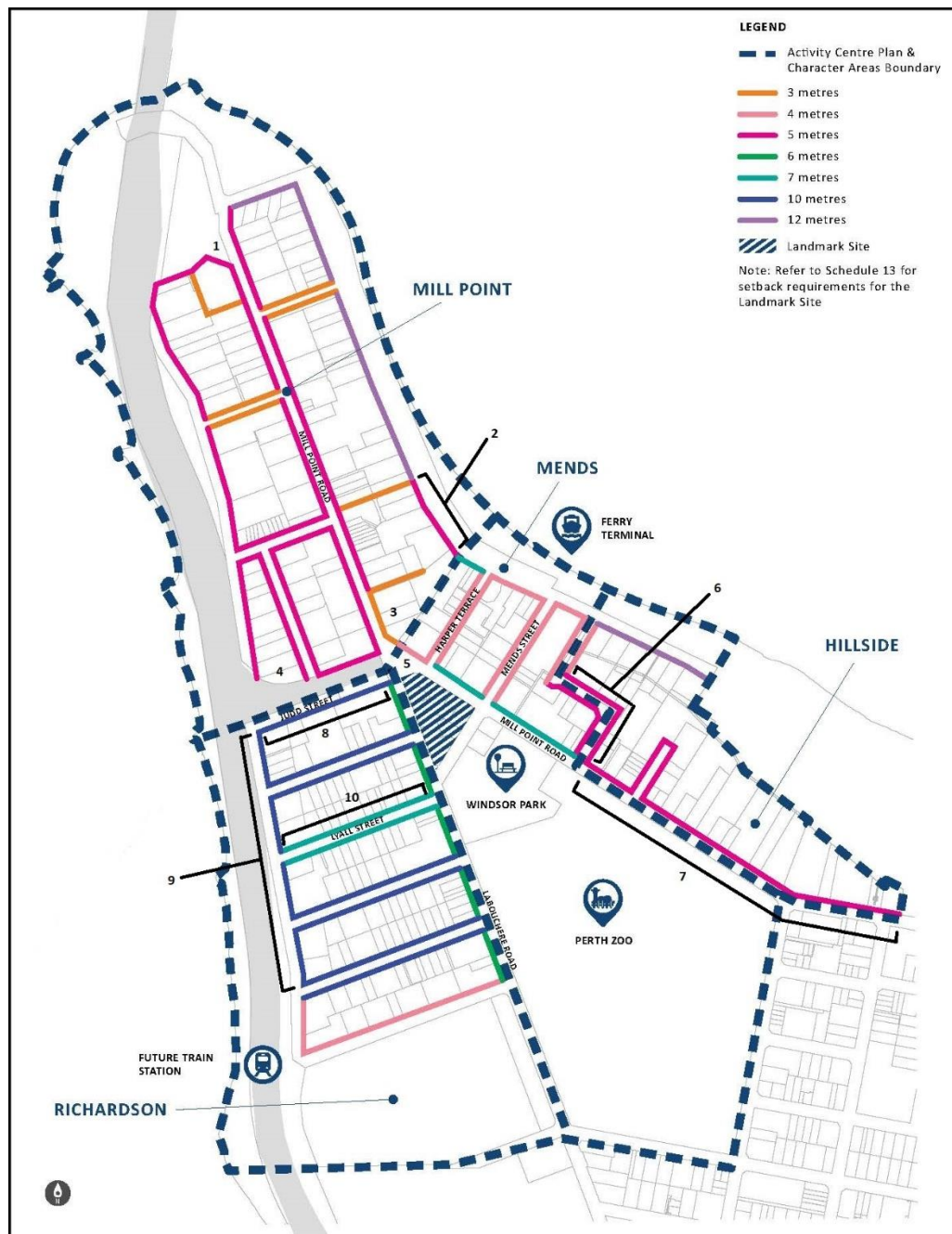


Figure 5: Recommended new Map 4: Tower Street Setbacks. (The numbers in black refer to the recommended modifications discussed above)

Environment

xvii. New objective and development requirement for water sensitive urban design

The Department of Water and Environmental Regulation (DWER) provided feedback regarding water sensitive urban design, groundwater management and floodplain management. The DWER supports the existing ACP requirements regarding groundwater management (ACP development requirement 4.3.4.4 (page 26) and Part 1 section 8.2 (page 41)). However improvements were recommended for water sensitive urban design and flood protection.

Recommendation:

Add a new development requirement 4.3.4.6 (page 26) that *all development should incorporate water sensitive design principles and consider integrated water cycle management, including water supply and efficiency, groundwater, stormwater, wastewater, flooding, waterways and wetlands, consistent with the Better Urban Water Management (WAPC, 2008) framework (as amended).*

Add a new development requirement 4.3.4.7 (page 26) that *all development shall have adequate flood protection from at least a 1 in 100 (1%) Annual Exceedance Probability (AEP) flood and shall not detrimentally impact on the existing flooding regime of the area.*

Land Use

xviii. Modifications to land use permissibility table for the Mill Point character area

Submissions were received relating to a specific site in the Mill Point character area, which identified that there should be no prohibition of serviced apartments (as serviced apartments are already present in the area) and that uses such as Hotel, Mixed Use, Serviced Apartment, Tourism Accommodation and Tourist Development should all be permitted uses in the area.

The uses 'Mixed Development', 'Tourist Accommodation' and 'Tourist Development' are already listed as 'discretionary uses with consultation' in Table 1 of Schedule 9B for the Mill Point character area and this classification is considered appropriate.

Recommendation:

The uses 'Hotel', 'Indoor Sporting Activities' and 'Serviced Apartment' be also listed as 'discretionary uses with consultation' in Table 1 of Schedule 9B for the Mill Point character area.

Public Realm

xix. Clarification of guidance for location of private pocket parks and mid-block links

Submissions raised concerns relating to the impact that private pocket parks and mid-block links may have in some locations, as discussed at Part 1 section 6.3 (page 38) and shown on Plan 5 (page 51) of the ACP. It is intended that the locations of public open space on private land shown on Plan 5 are indicative only and that the exact location of mid-block links and pocket parks will be determined as development progresses.

Recommendation:

Clarify development requirements 6.3.1 and 6.3.2 (ACP page 38) by adding text to explain that the exact location of private pocket parks and mid-block links are to be determined as development progresses. It is also recommended to add text to the legend on Plan 5 (page 51) to explain that locations are indicative only.

Heritage

xx. Introduction of list of State Registered Heritage Places within the ACP area

The State Heritage Office provided feedback that there are a number of State Registered Heritage Places within the ACP area and these should be listed in the ACP.

Recommendation:

Add reference to State Registered Heritage Places at Part 1 section 4.3.2 (page 24) and add a list of these places.

Minor Modifications – Definitions, Plans and Figures

xxi. Corrections to ACP plan series (Plans 1-5)

Minor modifications are recommended to Plans 1-5 in part 1 of the ACP (pages 47-51) to remove unnecessary detail from the underlying cadastral map, correct inconsistencies between the plans and ACP text, and improve readability of the plans.

xxii. Modifications to definitions in Provision 3 of Schedule 9B

Provision 3 of Schedule 9B defines terms that have specific meanings in the Schedule. The following modifications are recommended to clarify and/or update the meanings of terms.

Recommendation:

- a) Addition of a definition of the term ‘basement’, meaning *a building floor level in which 50 per cent or more of its volume is below natural ground level.*
- b) Clarification of the definition of the term ‘plot ratio’. The recommended modification does not change the definition of the term but expresses it more clearly.
- c) Replacement of the term ‘podium’ in Provision 3 with the term ‘base’, to reflect the change in language outlined previously in this report. The terms ‘podium’ and ‘base’ have the same meaning in this context.

xxiii. Replacement of the word “base” with the word “primary” when referring to building height/plot ratio limits

As outlined earlier in this report, the podium element was not well understood by many stakeholders during the public consultation period and the term is therefore recommended to be replaced with the term ‘base’. Similarly there was some confusion with the term ‘base’ where it is used to define building height limits in Provision 5 Element 2 of Schedule 9B. It is recommended to clarify these terms and change the terminology from ‘base’ to ‘primary’ where it refers to building height/plot ratio limits. This does not change the operation of the tiered system of building height and plot ratio limits.

Recommendation:

Replace the term ‘base’ in the context of building height and plot ratio limits (elements 2 and 6 of Schedule 9B) with the term ‘primary’. The three tiers of building height and plot ratio limits will be:

- Primary: All properties can build up to the Primary building height or plot ratio limit;
- Tier 1: Building may be approved up to the Tier 1 building height or plot ratio limit, additional building height/plot ratio limit, if the tower floorplate area is reduced, and the building achieves an excellent standard of design quality, and a public benefit contribution is provided; and

- Tier 2: On certain sites (identified on Map 2 of Schedule 9B) a building may be approved up to the Tier 2 additional building height/plot ratio limit if the tower floorplate area is further reduced, and the building achieves an exemplary standard of design quality, and a public benefit contribution is provided.

xxiv. Addition of a new element to define the boundaries of typologies on lots where more than one typology applies

In the Mends and Mill Point character areas there are two lots where more than one typology (building height and plot ratio limits) apply on different parts of the lot. This is shown on Map 2 in Schedule 9B (as per **Figure 6**, below).



Figure 6: Lots 2 and 113 South Perth Esplanade, showing different typologies on parts of each lot

Recommendation:

Add a new element 2.4 to clarify the boundary of typologies on Lots 2 and 113 South Perth Esplanade.

xxv. Replacement of the term ‘Height Type’ with the term “Typology” in the ACP and Amendment No. 61 documents.

There were a wide variety of views expressed during the public comment period regarding building height; however most respondents agreed with the heights generally stepping down from the centre of the ACP area and reducing towards the river, as a key principle of the draft documents.

In reviewing the ACP and Amendment No. 61, and considering community feedback, the word “typology” is considered to provide a more accurate term than “height type” when referring to building height/plot ratio limits.

Recommendation:

Replace the word “Height Type” with the word “Typology” where it occurs in the ACP and Amendment No. 61 documents.

xxvi. Minor corrections and typographic corrections to ACP and Schedule 9B
 Minor modifications are recommended to text and figures throughout the ACP and Schedule 9B to correct minor errors and remove inconsistencies between plans, maps and text.

The full list of recommended modifications to the ACP and Schedule 9B is at **Attachments (b) and (c)** respectively.

Outcomes of consultation without recommended modifications

Notwithstanding the above modifications, a number of other observations arose from the public consultation that have not resulted in a recommended modification to the draft ACP or proposed Amendment No. 61.

The Schedule of Submissions (available on the City of South Perth website) provides detailed responses to every comment received during the public consultation period. Key suggested modifications that are not supported are summarised below:

i. Reduce building height along the western side of Labouchere Road to preserve light access to Perth Zoo.

Land on the western side of Labouchere Road has either a High or Medium-High typology. The primary concern raised in the feedback relating to building height limits along Labouchere Road concerned the potential loss of light this height may cause to the adjacent Perth Zoo.

This matter is recommended to be directly addressed by a modification that provides an additional objective and development requirement for any site near to the Perth Zoo (refer modification (xii) above). This approach directly addresses the concern raised, rather than arbitrarily reducing the building height and plot ratio typologies.

ii. Reduce building height along South Perth Esplanade from Medium typology to the Low-Medium or Low typology.

The building height limit along South Perth Esplanade focusses taller buildings close to Mends Street to ensure larger scale development and population is within walking distance of the Mends Street ferry terminal.

The existing Town Planning Scheme No. 6 has a building height limit of 25 metres in this area, which is measured to the finished floor level of the uppermost storey. This allows for a total building height of up to approximately 30 metres in total. Properties on South Perth Esplanade to the east of Harper Terrace are able to have additional height above this building height limit, with no upper limit on building height. Tower setbacks are required to be 4 metres or less and there are no tower floorplate area limits.

In the Medium typology the Base (Primary) building height limit of 24.3 metres is the expected typical height for development, whilst the tier system allows for potentially taller buildings up to a 37.5 metre limit (Tier 1). Building heights are to be measured to the highest point of wall or roof of the building. In addition, tower floorplate area limits require buildings above the Base (Primary) building height limit to be slimmer, thus providing greater separation between buildings, wider view corridors and more ventilation.

It is not recommended to decrease the typology along South Perth Esplanade from the advertised Medium typology. However, it is recommended to introduce a new requirement into the ACP to ensure that the orientation of towers is optimised for both the development and neighbouring properties (refer to modification viii above). The recommended performance-based requirement will allow for appropriate solutions to be designed and assessed on a site-specific basis.

iii. Provide a variable scale of plot ratio where plot ratio increases incrementally as building height increases to encourage a diversity in building size.

There were suggestions raised during the consultation that the building height and plot ratio tiers should be set on a variable scale whereby the plot ratio limit incrementally increases as the building increases in height (up to the maximum height applicable for each site). It is suggested that this approach could result in a greater diversity of building sizes/heights.

The suggestion may have merit; however there is no evidence that the tiered system as proposed in the ACP and Amendment No. 61 will create a lack of diversity of building heights. It is expected that building height on each site will be determined by the interplay of the different development requirements and that the optimal outcome will vary from site to site.

Ongoing monitoring of the documents will be undertaken to assess if this concern is realised and a revised system using a variable scale of height and plot ratio limits may be developed at a later date.

iv. Reconsider the appropriateness of the design competition requirements applicable to building developed to the 'Tier 2' height limit.

Developments that exceed the Tier 1 height/plot ratio limit must be of exemplary design quality, which is defined in the draft ACP as “being of a standard that provides a high benchmark for design, innovation, and sustainability, and is visually striking and memorable in the context of the locality”. In order to achieve this standard the applicant must undertake a competitive design process between a minimum of three suitably qualified architects that is independently assessed in accordance with the City’s South Perth Activity Centre Competitive Design Policy (P321). This requirement reflects the scale and significance of development above the Tier 1 limits. It is not recommended to remove the requirement to undertake a design competition for proposals seeking to achieve exemplary design quality as it is considered that the design competition is an appropriate mechanism to help ensure that exemplary design is achieved. However opportunity remains to review and amend policy P321 to refine the design competition process once the ACP and Amendment No. 61 are finalised.

Conclusion

The discussion in this report outlines the recommended response to feedback received during the public consultation period. The community and stakeholder consultation process was an important aspect of this project and a comprehensive and very large amount of feedback was received, including a number of detailed suggestions to improve the draft ACP and Amendment No. 61 documents. Consequently, a number of modifications have been suggested in response to this feedback.

It is submitted that, while a number of submissions were received on a variety of topics, the relatively limited extent/impact of modifications proposed is generally reflective of the extensive and comprehensive process of plan preparation. This included Councillor engagement and stakeholder consultation undertaken prior the commencement of formal public consultation.

Accordingly, as the modifications are not considered to be significant, with many being dealt with through text or map modifications and that these modifications have not substantially altered the intent of the ACP, it is not considered necessary to re-advertise the draft ACP or proposed Amendment No. 61. This is in due regard to the purpose of clause 42(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and clause 35(1)(d) of the Deemed Provisions (Schedule 2 of the Regulations).

Consultation

The preparation of the ACP and Amendment No. 61 has been a significant undertaking, involving a wide range of detailed engagement and consultative exercises. Both documents have been greatly informed by input from a range of stakeholders through a number of different forums and consultation processes.

In accordance with the Regulations and Deemed Provisions, formal consultation of the draft ACP and proposed Amendment No. 61 was carried out for a period of 68 days between 14 May 2019 and 22 July 2019. City officers undertook a number of structured engagement activities to raise awareness of the project and to encourage feedback from as many stakeholders as possible.

Pursuant to regulation 36(2) of the Deemed Provisions and 44(1) of the Regulations, the City is required to submit a schedule of submissions/responses to the WAPC. The Schedule of Submissions (available on the City of South Perth website) includes responses to each submission received during the comment period.

Summary sheets and feedback forms

As the draft ACP and proposed Amendment No. 61 are lengthy and complex, City staff developed a set of summary sheets and feedback forms to make it easier for stakeholders to provide feedback. Stakeholders were encouraged to read the Overview and Background document first, which explained the background and development of the two documents and how to provide the most useful and constructive feedback.

The summary sheets and feedback forms were designed to enable stakeholders to comment on as few or as many elements as they wished. The key elements were:

- Land Use
- Building Size (Height and Plot Ratio)
- Podiums
- Towers
- Design Quality
- Additional Development Potential and Public Benefits
- Bicycle and Car Parking
- Movement and Access
- Public Realm

Each key element corresponded to a feedback form, available on the Your Say South Perth website or in hard copy, which included questions to direct and help prompt feedback to improve the draft documents. A General Comment feedback form was also available for any other feedback including on matters not covered in the summary sheets. None of the questions on the feedback forms were compulsory to answer.

Draft Local Planning Policy P321 South Perth Activity Centre Competitive Design Policy (Policy P321) was also open for public comment and had a separate feedback form.

Potential development scenarios and explanatory drawings

Potential development scenarios and explanatory drawings were available on Your Say South Perth to illustrate how the amount of development expected to the years 2031 and 2041, could be distributed. In addition advice was provided on how the built form requirements proposed in Amendment No. 61 combine to determine the building envelope (the three-dimensional space within which a building can be designed).

Consultation and engagement activities

The City sought comment and input by written feedback and through a series of online feedback forms on the Your Say South Perth online engagement platform (<https://yoursay.southperth.wa.gov.au/>). A summary of key engagement and communications activities are provided below:

- Two media releases (May and June) detailing the purpose of the draft ACP and how stakeholders could have their say;
- Letters to all landowners and residents within the ACP area and approximately 150 metres from the ACP boundary (3,600 letters in total). In addition, some 7,000 households and business were mailed directly to advise of the opportunity to be involved in the Community Panel;
- Four direct emails to community members who had previously indicated an interest in the project (340 recipients);
- Five articles in the City's fortnightly e-newsletter;
- Two articles in the Peninsula Magazine (May & July 2019), distributed to approximately 24,000 households;
- Two full-page advertisements in the Peninsula Snapshot (Southern Gazette) feature;
- 24 social media posts across the City's social network platform including a range of paid posts; and
- Posters, postcards and displays at the City's buildings (administration centre and libraries) and to businesses within the ACP area.

In total, the ACP project reached more than 64,000 people through various communication and engagement channels.

Four drop-in sessions were also held at different times and locations during the public comment period with City officers and consultants available to answer questions and provide information. In total approximately 65 people attended the drop-in sessions.

City staff were available in person or by telephone during business hours throughout the public consultation period to discuss the plans and questions could also be submitted online via a dedicated tool on the Your Say South Perth page.

More than 3,000 individuals visited the project page on the Your Say South Perth website and more than 2,500 documents were downloaded, resulting in more than 900 individual participants becoming informed about the project.

South Perth Station Precinct Reference Group and Community Panel

In 2017 the City established a South Perth Station Precinct Reference Group (SPSP) to provide the City and key stakeholders with an additional reference point for planning, development and place initiatives and activities in the activity centre plan area. The group includes 17 members representing a diverse range of stakeholders with interests in the ACP area.

The SRG has been involved at a number of points through the preparation of the draft ACP and Amendment No. 61, and feedback from this group represents a continuous and informed voice that has helped to inform the preparation of the draft documents. Two workshops were held with the SRG, on 3 July 2019 and 2 August 2019.

More information about the outcomes of workshops with the SRG is the Stakeholder Reference Group Summary report available on the City of South Perth website.

A separate Community Panel was established for this public engagement process to discuss the question 'What improvements could we make to the guiding framework for the development of the South Perth Activity Centre now and into the future?'

The Community Panel brought together a group of 42 people selected via a random process to reflect the makeup of the broader community. The Community Panel was selected via an expression of interest process to form a group with:

- Age breakdown that reflects the population of South Perth;
- Equal number of male and female participants;
- 75% of participants from within the ACP area and 25% from South Perth outside of the ACP area;
- Representation from all four character areas; and
- Residents, tenants and business people that reflect the population of the area.

Invitations were sent to approximately 7,000 households within the suburb of South Perth, including all households within the ACP area. People who registered interest to be part of the Community Panel were then pooled and a random sample was taken to select Panel members. Recruitment for the Panel was handled independently by a separate consultant, who were engaged through the City's specialist engagement consultant Shape Urban. Shape Urban facilitated the Stakeholder Reference Group and Community Panel meetings.

Two workshops were held with the Community Panel, on 27 July 2019 and 3 August 2019. More information about the outcomes of the Community Panel process is in the Community Panel Summary report available on the City of South Perth website.

Councillor briefings

Elected members were briefed on the outcomes of public consultation and recommended modifications to the draft ACP and Amendment No. 61 at four briefings, held on 11 September, 30 October, 6 November and 3 December 2019.

Feedback and Submissions

At the conclusion of the consultation period the City received the following feedback:

- 150 email and hard copy submissions (general feedback).
- 659 online and hard-copy feedback forms were received from 108 people.
- 551 pro forma submissions. The pro forma submissions are site specific, and are summarised separately for this reason.

A number of people provided multiple responses, for example both email and feedback forms. In total the City received 225 individual submissions, in addition to the pro forma submissions.

Each submission received has been analysed in detail to understand the exact nature of the submission and to identify key themes and suggested modifications to the draft ACP and proposed Amendment No. 61. All of the submissions received are included in a Schedule of Submissions, which is available on the City of South Perth website. It is noted that the submissions have not been edited and/or fact checked for the accuracy of statements and claims.

Of all of the submissions, approximately 26% were generally supportive of the ACP and Amendment No. 61, 64% generally did not support various aspects of the documents and 10% can be categorised as neutral or are Government Agencies. This is reflective of a public engagement process designed to encourage a diverse range of responses and suggestions for improvements to the draft documents, and to encourage more critical submissions.

The people providing feedback were highly localised to the ACP area, with 69% of respondents indicating that they were residents of the ACP area, 8% as residents of South Perth and a further 9% as residents of the City of South Perth. 4% of submissions were received from landowners (non-resident) or consultants on behalf of landowners.

Of the submissions where age information was provided, 67% of respondents were over the age of 55 and approximately 35% of all respondents were female and 65% were male.

Details of the engagement processes and outcomes are available on the City of South Perth website, with an overview provided at **Attachment (a)**. A summary of each submission along with comments from City officers is in a Schedule of Submissions, which is also available on the City of South Perth website.

Policy and Legislative Implications

The draft ACP has been prepared in accordance with Part 5 of Schedule 2 of the Regulations, the Model Centres framework contained in SPP4.2, the Western Australian Planning Commission (WAPC) Structure Plan Framework (2015), and with regard to relevant City of South Perth and WAPC planning policies.

Under clause 36 of the Deemed Provisions, the local government must prepare a report on the proposed activity centre plan and provide it to the WAPC no later than 60 days after the last day for making submissions (being 22 September 2019). Additionally, under clause 41 of the Regulations, the local government must prepare a report on the proposed complex amendment to the scheme and provide it to the WAPC no later than 90 days after the last day for making submissions (being 22 October 2019).

Given the large number and complexity of the submissions, the City sought and was granted an extension to both of these timeframes to 26 November 2019. The WAPC subsequently allowed additional time for the City to consider the draft ACP and amendment at the Council meeting on 17 December 2019. The City is now in a position to recommend that Council consider the ACP submissions and Amendment No.61 modifications and prepare a resolution in accordance with the Deemed Provisions and the Regulations.

The consideration of the draft ACP and proposed Amendment No. 61 are subject to separate policy and legislative requirements, as set out below.

Proposed Town Planning Scheme Amendment No. 61

Part 5, Division 2 of the Regulations sets out the process for a complex amendment to a local planning scheme.

Section 41(3) of the Regulations states as follows:

“Before the end of the consideration period for a complex amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution –

- (a) To support the amendment to the local planning scheme without modification; or*
- (b) To support the amendment to the local planning scheme with proposed modifications to address issues raised in the submissions; or*
- (c) Not support the amendment to the local planning scheme.”*

Section 44 of the Regulations then requires the City to submit the necessary information, inclusive of a recommendation under Section 41, to the WAPC for assessment.

Draft South Perth Activity Centre Plan

Pursuant to clause 35 of the Deemed Provisions, following the conclusion of the advertising of an activity centre plan;

“(1) The local government –

- (a) Must consider all submissions made to the local government within the period specified in a notice advertising a proposed activity centre plan; and,*

- (b) *May consider submissions made to the local government after that time; and,*
- (c) *May request further information from a person who prepared the activity centre plan; and,*
- (d) *May advertise any modifications proposed to the activity centre plan to address issues raised in submissions.”*

The local government must then prepare and forward the activity centre plan and accompanying information to the WAPC for assessment.

Subject to Council endorsement, a copy of the report on the draft ACP and proposed Amendment No. 61 will be forwarded to the WAPC in the form outlined in clause 36(2) of the Deemed Provisions and clause 44 of the Regulations.

Financial Implications

The preparation and advertising of the draft ACP and proposed Amendment No. 61 is included in the 2019/2020 operational budget.

Endorsement of the draft ACP and proposed Amendment No. 61 will result in the need to prepare a number of incidental plans/strategies, including but not limited to a Public Art Plan, Public Benefit Contributions Framework and Public Realm Design Guidelines. The financial implications of preparing each (or any) of these plans will be assessed as need arises. The full suite of possible incidental plans are contained at Clause 8.2 of Part 1 of the draft ACP.

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

- 10.3.1 (a): Engagement Overview November 2019
- 10.3.1 (b): South Perth Activity Centre Plan Schedule of Modifications
- 10.3.1 (c): Amendment No. 61 Schedule of Modifications

10.3.2 Final Adoption - Revised Local Planning Policy P303 Design Review Panel

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-106607
Meeting Date:	17 December 2019
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 considers the outcomes of consultation on draft revised local planning policy P303 Design Review Panel, and the Design Review Panel Terms of Reference.

The Design Review Panel (DRP) is an independent, advisory panel funded by the local government. The role of the DRP is to provide independent, impartial, expert design advice to proponents, City officers and decision makers on a range of planning matters including development applications and strategic documents. Local planning policy P303 provides guidelines for the selection and appointment of members to the DRP, its operation, and its reporting and recommendations.

Policy P303 has been reviewed and updated to align the policy with the model process for design review and the model Terms of Reference contained in Design WA: Design Review Guide. This will ensure that the establishment, operation and reporting of the design review panel are aligned with best practice resulting in better design outcomes for new developments.

Council resolved to advertise modifications to P303 at its meeting held 27 August 2019 and advertising was subsequently carried out for a period of 26 days from 19 September 2019 to 14 October 2019.

At the conclusion of the consultation period, one submission was received. It is recommended the Council adopt the revised local planning policy P303 subject to modifications as set out in **Attachment (a)**. The recommended modifications relate function and operation of the DRP as contained in the Terms of Reference and seek to ensure that DRP meetings achieve the purpose and objectives as set out in the Policy.

Officer Recommendation

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

1. Adopt the revised Local Planning Policy P303 – Design Review Panel as included in **Attachment (a)**; and
2. Publish a notice of the modified Policy in the local newspaper circulating in the local area.

Background

At its meeting held 23 April 2019, Council resolved as follows:

“That Council reviews the Policy P303 Design Review Panel including the Terms of Reference by August 2019.”

The reasons for this resolution included that the Western Australian Planning Commission released the Design WA suite of documents which became operational in May 2019. Design WA is a State Government initiative, including a series of State policies, to ensure good design is at the centre of all development in Western Australia.

One of the documents in the Design WA suite is the “Design Review Guide”. This document aims to assist local government with the establishment and operation of design review panels and support consistency in the design review process across the State.

The City’s Policy P303 and associated Terms of Reference and templates have been reviewed to align with the content of the Design Review Guide. This will ensure that the establishment, operation and reporting of the design review panel are aligned with best practice resulting in better design outcomes for new developments.

At its meeting held 27 August 2019, Council resolved to prepare and undertake advertising on a draft revised policy P303 Design Review Panel. The policy was advertised between 19 September 2019 and 14 October 2019 and one submission was received. Details of the consultation undertaken are discussed in the ‘consultation’ section of this report.

Additional background on the Design WA Guidelines, the Design Review Guide and design review for the City is available in the minutes of the August 2019 Ordinary Council Meeting (refer item 10.3.4).

Comment

The full list of proposed modifications/inclusions to the Policy endorsed by Council for the purpose of advertising are outlined in the minutes of the August 2019 Ordinary Council Meeting (refer item 10.3.4).

Following advertising, modifications are recommended to the Policy. These modifications relate only to Appendix 1 - City of South Perth Design Review Panel Terms of Reference of the Policy. These modifications relate to the function and operation of the DRP to ensure that the meetings achieve the purpose and objectives as set out in the Policy. The recommended modifications are outlined below.

Proposals for Review

The Terms of Reference outlines what proposals shall be presented to the Design Review Panel. Modification is recommended to the list of proposals that will be referred to the DRP to better align with the model terms of reference released as part of the State Design Review Guide. The modified list is as follows:

The Design Review Panel (DRP) is to provide impartial architectural and design advice on

- (a) proposals that are, in the opinion of the assessing officer, significant because of their size, the uses they support, their location, or their impact on the community*
- (b) proposals that include a building that is 9.0 metres or greater in height*
- (c) proposals that comprise of 10 or more dwellings*
- (d) proposals that meet the mandatory requirement to be determined by the Joint Development Assessment Panel*
- (e) proposals not of the kind referred to in items (a) to (d) above, but which, in the opinion of the assessing officer, is contentious or likely to be of significant community interest*
- (f) any relevant scheme amendment, activity centre plan, structure plan, policy, precinct plan, local development plan or design guidelines*
- (g) any other proposal referred to the panel by the Director of Development & Community Services*

This modification will provide more flexibility for the City by ensuring that any proposal can be referred to the DRP regardless of size or scale. It will also provide more certainty that developments of a certain height, scale or development cost will be referred to the DRP. The proposed modifications are not intended to increase or reduce the number of proposals that will be presented to the DRP.

Quorum and maximum attendance

A modification is recommended to clause 7(ii)(f) of the Terms of Reference that introduces a maximum number of four Panel Members at any one meeting, and reduces the number of panel members required for a quorum from four to three.

This modification was identified through review of the Terms of Reference following the public advertising period and is considered a necessary modification to improve the effectiveness in the operation of the DRP. Limiting the maximum number of four panel members will make meetings more efficient, while still providing applicants and the City with an acceptable level of design advice. It had been noted by both City officers and Panel Members that having five panel members resulted in too many opinions making reporting on each design element difficult and unnecessarily lengthened the time of meetings.

The current DRP panel members, when advised of the City's intention to limit the overall number of Panel Members in each meeting to four in lieu of five, were unanimously supportive of this change.

Meeting Procedure

It is recommended that an additional clause be included under the “Meeting procedure” section of the Terms of Reference as follows:

“The panel shall only provide advice on the proposal as contained in the agenda. Any information provided by the applicant prior to or at the DRP meeting will not be considered.”

This inclusion aims to address an on-going issue with proponents providing the City with new information, such as modified plans, on the day of the DRP meeting and having an expectation that this new information will be considered. The new clause will make it clear that the DRP will only provide advice on the proposal as presented in the agenda.

This will ensure that sufficient time has been given to Panel Members to review the proposal prior to the meeting, leading to more comprehensive and carefully considered advice.

Minor modifications

A number of minor typographical and grammatical errors have been corrected throughout the Policy and its Appendices.

Consultation

The draft revised Policy was advertised for a period of 26 days from 19 September 2019 and, concluding on 14 October 2019. The consultation involved:

- One notice in the Southern Gazette newspaper, appearing in the edition issued on 19 September 2019.
- Notice of the Local Planning Policy being published on ‘Your Say South Perth’ throughout the consultation period and the page including an opportunity for people to comment electronically on the Policy.
- Hard copy notices and copies of the Local Planning Policy being available at the City’s Civic Centre and Libraries throughout the consultation period.

At the conclusion of the consultation period, one submission was received. This submission is summarised below:

Comment	Officer Response
<p>The following sentence of the policy is too long and should be modified to be more clear and concise:</p> <p><i>“Design review is an integral component of this approach, and therefore the assessment process for applications being assessed against SPP7.0 or any other part of the local planning framework that contains performance based design criteria, as qualitative assessment is required to determine whether the required performance outcomes have been achieved in a given proposal.”</i></p>	<p>This sentence has been reviewed and is considered to be sufficiently clear. Modification of this sentence is not recommended.</p>
<p>The policy should require that one of its members is also an officer from the Office of the Government Architect (OGA).</p>	<p>The composition and eligibility for membership on the City’s Design Review Panel is derived from the Design Review Guide released by the Department of Planning Lands and Heritage as part of Design WA Stage One. These requirements ensure that the panel consists of members with a range of design and built environment experience disciplines such as Architecture, Landscape Architecture and Urban Design. In addition, the selection criteria ensures that panel members have a high level of expertise, knowledge and experience in their field and about the local planning context. The requirements of the policy as advertised are considered to be robust and detailed enough to ensure that panel members are suitably qualified and experienced to provide design advice to the City.</p> <p>Additionally, it is noted that the OGA runs the State Design Review process and there would be no benefit in a panel member potentially doubling up for a local DRP as the proposed development may be subject review by the State DRP also.</p> <p>Modification of the policy to introduce a requirement that a minimum of one panel member be an officer of the Office of the Government Architect is therefore not recommended.</p>

Policy and Legislative Implications

A Local Planning Policy does not form part of a Scheme and cannot bind a decision maker in respect to an application or planning matter.

Clause 3(4) of, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that the Council may amend or repeal a Local Planning Policy. The draft revised Policy will be appropriately adopted under this provision.

Financial Implications

Adoption of the revised Local Planning Policy incurs minor costs in publishing a notice in the local newspaper. This cost has been accounted for in the 2019/2020 budget. Additionally, all remuneration for Panel Members is included in the 2019/2020 budget.

Strategic Implications

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

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

Attachments

10.3.2 (a): Draft Revised Local Planning Policy P303 Design Review Panel

10.3.3 Consent to Advertise - Draft Local Planning Policy P350.19 Planning Compliance

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-106608
Meeting Date:	17 December 2019
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 considers the introduction of a new Local Planning Policy, P350.19 Planning Compliance (P350.19) that seeks to:

1. Identify the criteria by which it is determined whether or not a compliance action should be undertaken.
2. Identify specific circumstances where compliance action will not be taken.
3. Outline compliance procedures including the issue of infringement notices and prosecution action.
4. Ensure that any alleged non-compliance and/or breaches of legislation or conditions of approval are investigated in a fair, transparent, and equitable manner.

The Policy outlines circumstances in which the City will and will not take action, and the procedure the City will follow in each of these situations.

Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare Local Planning Policy P350.19 Planning Compliance as set out in **Attachment (a)**; and
2. Publically advertises the Policy for a period of not less than 21 days; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Background

As part of the City's planning function, officers are required to carry out investigations and enforcement relating to a range of matters including unauthorised land uses or works, development not in accordance with a development approval and development that contravenes the City of South Perth Town Planning Scheme No. 6 (the Scheme).

Clause 9.2 of the Scheme states that:

A person must not:

- (a) contravene or fail to comply with the provisions of the Scheme; or*
- (b) use any land or commence or continue to carry out any development within the Scheme area:*
 - (i) otherwise than in accordance with the Scheme;*
 - (ii) unless all approvals required by the Scheme have been granted and issued;*
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.*

Any person that contravenes the Scheme or carries out unauthorised development is committing an offence as prescribed in section 218 of the *Planning and Development Act (2005)* (the Act).

Comment

A number of other local governments have adopted Policies to address planning compliance. The City does not currently have a Policy to guide on how compliance matters relating to planning are resolved. Typical planning compliance matters include, but are not limited to, unauthorised development, unauthorised land uses and development not complying with a development approval. The draft Policy has the following objectives:

- Identify the criteria by which it is determined whether or not a compliance action should be undertaken.
- Identify specific circumstances where compliance action will not be taken.
- Outline compliance procedures including the issue of infringement notices and prosecution action.
- To ensure that any alleged non-compliance and/or breaches of legislation or conditions of approval are investigated in a fair, transparent, and equitable manner.

P350.19 aims to address the gap that currently exists within the City's Policy framework by providing guidance on how the City will resolve a matter when an offence (as defined by the Act) has been committed, or is alleged to have been committed. The Policy ensures that planning compliance matters are addressed in a fair, transparent, and equitable manner.

A number of actions may be used to resolve a matter, such as:

- Stopping and not recommencing development (this includes uses);
- Removing, pulling down, taking up or altering a development;
- Restoring the land as nearly as practicable to its condition immediately before development started;
- The landowner submitting a retrospective development application and receiving an approval;
- Issuing an infringement notice;
- Commencing legal action; or
- A combination of the above.

In some instances it may not be reasonable for the City to take action in relation to a planning compliance matter. These include cases where the City, after reasonable investigation, is uncertain that a matter is non-compliant (e.g. lack of details on historic plans), where a matter is considered to be trivial or insignificant (e.g. fence height 50mm different than what was approved), or of a vexatious nature. The Policy also outlines the procedure for handling matters relating to properties outside the boundaries of the City of South Perth or on land under the jurisdiction of another authority.

Consultation

Should Council resolve to prepare the Policy it will be publically advertised for a period of at least 21 days in accordance with Clauses 4(1) and 4(2) of the Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations). Consultation will be undertaken in accordance with Local Planning Policy P301 Community Engagement in Planning Proposals.

At the completion of the public advertising period, a further report will be referred to Council with recommendations incorporating any comments received during the advertising period.

Policy and Legislative Implications

A planning Policy does not form part of a Scheme, and cannot bind the decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the Policy in making its decision. In regard to planning policies, Clause 3(1) of Schedule 2 of the Regulations states that the Council may prepare in respect of any matter related to the planning and development of the Scheme area.

Financial Implications

There will be a minor financial implication to the City in carrying out consultation on the draft Policy. These costs have been included in the 2019/2020 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 Local Planning Policy P350.19 Planning Compliance

10.3.4 Proposed Amendment to Change of Use from 'Single House' to 'Residential Building' on Lot 206, No. 426 Canning Highway, Como

Location: 426 Canning Highway, Como
Ward: Moresby Ward
Applicant: CF Town Planning and Development
File Reference: D-19-106611
DA Lodgement Date: 17 January 2019
Meeting Date: 17 December 2019
Author(s): Kevin Tang, Urban Planner
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy: 3.2 Sustainable Built Form

Summary

This report seeks Council's consideration of an application to grant permanent consent in relation to a previous time limited approval for Residential Building on Lot 206 No. 426 Canning Highway, Como. Council is being asked to exercise discretion in relation to the following:

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

It is considered that the development, via appropriate conditions, would provide sufficient measures to safeguard the amenity of the surrounding residential area, and accordingly, it is recommended that the application be approved subject to conditions.

Officer Recommendation

1. That Council accepts that the Development Application reference 11.2016.185.3 to amend the approvals granted by Council on 26 April 2017 and 29 May 2018 to remove the time limit, is appropriate for consideration in accordance with Clause 77 of the deemed provisions of Planning and Development (Local Planning Schemes) Regulations 2015.
2. That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for amendment to change of use from 'Single House' to 'Residential Building' (Reference Nos. 11.2016.185.1 and 11.2016.185.2) on Lot 206 No. 426 Canning Highway, Como, **be approved** subject to the following:
 - (a) Conditions 1, 2, 3 and 5 being replaced by the following conditions
 1. This approval pertains to the use of 'Residential Building' only. At no time are both 'Residential Building' and 'Single House' to be used concurrently.

2. A maximum of eight temporary occupants are permitted in relation to the use of 'Residential Building'.
 3. The occupants of the 'Residential Building' shall stay for a minimum of 2 nights.
 5. The amended Management Plan must be implemented and adhered to for the life of the 'Residential Building'.
- (b) Condition 4 being removed.

Comment

(a) Background

Council previously considered the original retrospective application for change of use for an additional use of 'Residential Building' for the property at its meeting of 26 April 2017 and approved the application with a 12-month limit. A temporary approval was further granted by Council for an additional two years, expiring 26 April 2020.

In January 2019, an application for development approval for amendment to the approval was received to remove Condition 1 of the approval seeking perpetual land use of Residential Building. As agreed by the applicant, consideration of this application was deferred to December 2019 in order to allow the City to continue monitoring the suitability of a permanent approval for the land use.

The residence at No. 426 Canning Highway, more commonly known as 'Blue Waters' is listed in the City's Local Heritage Inventory (LHI) with a classification of Management Category B since 1994. Category B is also on the City's Heritage List in accordance with Council Policy P313. The place is not registered by the Heritage Council of Western Australia in the State Register for Heritage Places. It is not considered there will be any heritage impact, as no building works are being proposed.

(b) Description of the Surrounding Locality

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



Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The existing dwelling is a two-storey, Art Deco inspired residence that has been recently restored by the current owner. It comprises of four bedrooms with a swimming pool and balconies with views to the Swan River. The dwelling has frontages to Canning Highway and Daisy Lane with parking bays accessible from both roads.

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

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

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

The Management Plan was subsequently approved by the City on 10 May 2018.

The applicant intends to apply for a permanent approval for the 'Residential Building' component by removing condition 1 from the approval.

As a result of the City's planning assessment, further amendments to the Management Plan were required to be included:

- Prohibition of sound equipment, disruptive parties and unruly events;
- Improved check in and departure procedure;
- Improved complaints management procedure;
- The imposition of a visitors' curfew beyond 11pm; and
- Clarifying that the approved land use is for 'Residential Building' and not as a 'Function Centre' where large gatherings can occur.

A copy of the applicant's application document is provided at **Attachment (a)**.

(d) Land Use

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

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

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

In accordance with Council's initial decision, the 'Residential Building' land use is seen as being appropriate for this property and locality.

It is noted that the current approval includes an additional 'Residential Building' land use to 'Single House' which implies that both land uses can run concurrently, which raised issues in determining the maximum number of guests on the premises at any one time. The applicant would be able to convert the 'Residential Building' land use to 'Single House' without the need to apply any further approvals from the City as 'Single House' is a permitted use in the Residential zone. Given the request for a permanent approval, it is considered appropriate that Condition 1 is amended to remove the reference for an additional use. The property would only be allowed to have one land use at any one time.

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

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

Clause 4(c) provides the following:

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

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

Changes to the characteristics of the surrounding area

No significant changes to the characteristics of the surrounding area have taken place since the original approval was granted in April 2017.

Management Plan

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

A Management Plan was approved by Council and has been implemented and largely adhered to since the approval. As a result of the City's planning assessment, the existing Management Plan has been amended to include the following additional requirements:

- prohibition of sound equipment, disruptive parties and unruly events;
- Improved check in and departure procedure;
- Improved complaints management procedure;
- Visitor curfew after 11pm; and
- Clarifying that the approved land use is for 'Residential Building', not for 'Reception Centre' or 'Function Centre' where large gatherings can occur;

The amended Management Plan will form part of the approval should it be approved by Council.

Additionally, in order to minimise booking for the purpose of merely having private parties, a planning condition has been recommended to request a minimum booking of two nights. This requirement has also been widely implemented and proven to be effective in another Metropolitan Council, i.e. City of Fremantle, when dealing with short-term accommodation.

Complaints

The City's Environmental Health Department advised that one complaint was received over the 2019 Australia Day period. This was a one-off instance. No further complaints were received following this event. It is considered that the updated Management Plan and additional planning condition will ensure that any future complaints will be effectively managed and addressed.

(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.

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

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

In considering an application for development approval, the local government is to have due regard to the matters listed in Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. It is considered that the proposal satisfies the relevant sections of Clause 67.

Consultation

(h) 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 'Area 1' consultation method, a total of 80 consultation notices were sent, with relevant property owners, occupiers and/or strata bodies invited to inspect the plans and to submit comments during a minimum 14-day period. It is noted that the Neighbour Consultation was undertaken in February 2019, however submissions are still considered to be relevant to Council's deliberation.

During the advertisement period, a total of three submissions were received, all of which were against the proposal. The comments from the submitters, together with a response are summarised in table below.

Summary of Submitters' Comments	Officer's Responses
Excessive noise level	Noise is regulated under the Environmental Protection (Noise) Regulations 1997. The updated Management Plan strictly prohibits guests from having visitors (without prior approval) and restricts parties and gatherings, with any guests participating in these activities or of a similar antisocial behaviour are to be evicted. Additionally, the updated Management Plan stipulates that no sound equipment shall be used. The comment is NOTED .
Lack of parking facilities	The provision of four onsite parking bays were considered to be appropriate for this development, when the original development approval was granted. The comment is NOT UPHELD .
Liquor licence, crowd control, ablution facilities, emergency exits and procedures, risk management, first aid, drug and alcohol abuse, waste disposal, food vendors	The comment relates to events and gatherings that were previously held at the premises, the updated Management Plan now strictly prohibit the site from being used for having big parties and gatherings. These issues would be unlikely to re-occur and are therefore considered to be adequately addressed. The comment is NOTED .

A redacted copy of submissions is provided at **Attachment (b)**.

(i) External agencies

Comments were also invited from Main Roads Western Australia. Main Roads has no comments to offer to the proposed development.

10.3.4 Proposed Amendment to Change of Use from 'Single House' to 'Residential Building' on Lot 206, No. 426 Canning Highway, Como

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

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

Conclusion

Council originally approved this land use in 2017 and extended the approval period for a further two-year period to 2020. It is noted that the Management Plan has been strengthened to include prohibition of disruptive parties and events, restriction in the use of sound equipment and visitor curfew. Additionally, further planning conditions have been attached to request a minimum two nights booking and removal of the possibility that two land uses can run concurrently on the site. Accordingly, it is recommended that the application be approved subject to conditions.

Attachments

- 10.3.4 (a): Application Documents at Lot 206 No. 426 Canning Highway
- 10.3.4 (b): Submissions

10.3.5 Introduction of Guidelines for Builders undertaking construction within the City

Location:	City Wide
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-106612
Meeting Date:	17 December 2019
Author(s):	Fiona Mullen, Manager 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

This report provides a response to Council's resolution from its meeting held on 24 September 2019 seeking the introduction of guidelines for builders undertaking development within the City.

Officer Recommendation

That the Council adopts guidelines for builders to ensure competent management and neighbourliness in relation to construction sites within the City of South Perth as contained in **Attachment (a)**.

Background

At its meeting held 24 September 2019, following a Notice of Motion, Council resolved as follows:

That Council request the Chief Executive Officer arrange for a report to be prepared for the October 2019 Ordinary Council Meeting in respect of the introduction of guidelines for developers within the City undertaking construction, to be considerate of their neighbours, ensuring sites are well managed, and give due consideration to their impact on the locality and the public with particular reference to:

- *Informing, respecting and showing courtesy to those affected by the work.*
- *Minimising the impact of deliveries, parking and work on the road reserve.*
- *Having systems that care for the safety of the public.*
- *Minimising security risks to neighbours.*

Comment

As the City continues to develop, there will be increasing incidents of significant construction taking place adjacent to existing residential properties with resultant noise and general disturbance during the course of the works.

The development industry has an impact on the residents of the City of South Perth, with most construction work taking place in established residential areas. If construction sites and companies presented an image of good management, accountability, and neighbourliness, although local residents would still experience disturbance from the changes that are taking place within the City, they would have the potential reassurance of knowing such builders are engaged with the community and aim to minimise the impact of the construction.

The following Guidelines have been prepared which will be displayed on the City's website, which would guide builders to respect the community, secure everyone's safety and care about the appearance of the site. The guidelines will also include a requirement to provide clear contact details including the name and telephone number of the site manager or company contact at the site, together with out of hours contact details, and a recommendation that such details are provided directly to local residents prior to construction commencing.

Each section of the Guidelines is relatively concise, and consist of supporting statements with bullet points representing basic expectations, such as: minimising the impact of deliveries, parking and work on the immediate locality, informing, respecting and showing courtesy to those affected by the work.

Considerate Builder Guidelines

Respect

Builders should give utmost consideration to their impact on neighbours and the public by:

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.

Care

Builders should care about the appearance of the site and ensure sites appear professional and well managed by:

- Being organised, clean and tidy.
- Enhancing the appearance of facilities, stored materials, vehicles and plant.

Protect

Builders should protect and enhance the environment by:

- Identifying, managing and promoting environmental issues.
- Minimising waste
- Minimising the impact of vibration, and air, light and noise pollution

Secure

Builders should secure everyone's safety by achieving the highest levels of safety performance by:

- Having processes in place that ensure the safety of the public, visitors and the workforce.
- Ensuring the security of the site to minimise risks to neighbours
- Adopting behaviours in the workforce that enhance safety performance.

Conclusion

By Builders being aware of the expectations of the City and local residents and thereby demonstrating consideration for the neighbourhood in which they are working, it is the aim of the guidelines that greater dialogue and positive interaction will occur, improving the image of construction within the City.

Consultation

The City will publicise the introduction of the guidelines and notify builders prior to publication on the Council's website.

Policy and Legislative Implications

As the guidelines will be voluntary there are no policy or legislative implications.

Financial Implications

Nil.

Strategic Implications

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

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

Attachments

10.3.5 (a): Considerate Builder Guidelines

10.3.6 Tender 6/2019 Supply of Traffic Management for Works and Road Services

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Reference:	D-19-106613
Meeting Date:	17 December 2019
Author(s):	Len Dalton, Works and Services Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

This report considers submissions received from the advertising of Tender 6/2019 for the Supply of Traffic Management for Works and Road Services.

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:

1. Accepts the tender submitted by Carrington's Traffic Services Pty Ltd for the Supply of Traffic Management for Works and Road Services in accordance with Tender 6/2019 for a three year period commencing in January 2020 until January 2023 with an option to extend for a further two years at the City's discretion;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that tender price will be included in the Ordinary Council Meeting Minutes.

Background

The City utilises contract specialist traffic management services to ensure the safe movement of traffic and pedestrians while works are being undertaken. The services required may include the design, installation, maintenance and removal of temporary traffic control devices, controllers, signposting, lights and barriers.

A Request for Tender (RFT) 6/2019 for the Supply of Traffic Management for Works and Road Services was advertised in The West Australian on 14 August 2019 and closed at 2.00pm on 1 October 2019.

Tenders were invited as a Schedule of Rates contract.

The contract is initially for a three year period commencing in January 2020 until January 2023 with an option to extend for a further two years at the City's discretion.

Comment

At the close of the tender advertising period 13 submissions had been received as listed in Table A below:

TABLE A – Tender Submissions

Tender Submissions	
1.	LGC Traffic Management
2.	WARP Traffic Management Pty Ltd
3.	Vigilant Traffic Management Group Pty Ltd
4.	Taborda Contracting
5.	Pilot and Traffic Services
6.	PAR Traffic Solutions Pty Ltd
7.	Overwatch Traffic Services Pty Ltd
8.	Highways Traffic
9.	Evolution Traffic Control Pty Ltd
10.	Downer / DM Roads
11.	Carrington's Traffic Services Pty Ltd
12.	Altus Traffic Pty Ltd
13.	Advanced Traffic Management (WA) Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	40%
2. Key personnel, Skills and Resources	20%
3. Demonstrated Understanding	20%
4. Price	20%
Total	100%

Based on the assessment of all submissions received, it is recommended that the tender submission from Carrington's Traffic Services be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

Section 3.57 of the Act 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 and is planned to be included in the City's annual budgets.

Strategic Implications

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

Strategic Direction:	Environment (built and natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

Attachments

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

10.3.7 Tender 9/2019 Cleaning of Stormwater Drainage Pipes, Gullies, Manholes and Soakwells including CCTV Inspection of Pipes

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Reference:	D-19-106614
Meeting Date:	17 December 2019
Author(s):	Len Dalton, Works and Services Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

This report considers submissions received from the advertising of Tender 9/2019 for the Cleaning of Stormwater Drainage Pipes, Gullies, Manholes and Soakwells, including CCTV inspections of Pipes.

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:

1. Accepts the tender submitted by Western Maze Pty Ltd trading as Western Educting Services for the Cleaning of Stormwater Drainage Pipes, Gullies, Manholes and Soakwells, including CCTV Inspections of Pipes in accordance with Tender 6/2019 for a three year period commencing in January 2020 until January 2023 with an option to extend for a further two years at the City's discretion;
2. Accepts the estimated tender price included in **Confidential Attachment (a)**; and
3. Notes that estimated tender price will be included in the Ordinary Council Meeting Minutes.

Background

A Request for Tender (RFT) 9/2019 for the Cleaning of Stormwater Drainage Pipes, Gullies, Manholes and Soakwells, including CCTV Inspections of Pipes was advertised in The West Australian on 14 August 2019 and closed at 2.00pm on 1 October 2019.

Tenders were invited as a Schedule of Rates contract.

The contract is initially for a three year period commencing in January 2020 until January 2023 with an option to extend for a further two years at the City's discretion.

Comment

At the close of the tender advertising period six submissions had been received as listed in Table A below:

TABLE A – Tender Submissions

Tender Submissions	
1.	Western Educting Service / Western Maze Pty Ltd
2.	Violia Environmental Services Pty Ltd
3.	TCD Civil Construction Ltd / Aaro Group
4.	Drainflow Services Pty Ltd
5.	Cleanflow Environmental Solutions
6.	Allpipe Technologies

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	40%
2. Key personnel, Skills and Resources	20%
3. Demonstrated Understanding	20%
4. Price	20%
Total	100%

Based on the assessment of all submissions received, it is recommended that the tender submission from Western Educting Service / Western Maze Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

Section 3.57 of the Act 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.

10.3.7 Tender 9/2019 Cleaning of Stormwater Drainage Pipes, Gullies, Manholes and Soakwells including CCTV Inspection of Pipes

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 and is planned to be included in the City's annual budgets.

Strategic Implications

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

Strategic Direction:	Environment (built and natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

Attachments

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

10.3.8 Tender 14/2019 Provision of Como Tram Display - Design and Construct Services

Location:	Not Applicable
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Reference:	D-19-106615
Meeting Date:	17 December 2019
Author(s):	Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

Summary

This report considers submissions received from the advertising of Tender 14/2019 for the Provision of The Como Tram Display – Design and Construct Services.

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:

1. Accepts the tender submitted by Enviro Infrastructure Pty Ltd for the Provision of The Como Tram Display – Design and Construct Services in accordance with Tender 14/2019;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

Background

The Historical Society of South Perth and Perth Electric Tramways Society (PETS) have restored an original authentic 1922 tram (No. 15) which originally operated in South Perth. PETS have worked hard over a number of years to restore the tram to its authenticity. The tram is currently being housed at Whiteman Park.

The Historical Society and PETS have a contract with the City to provide a suitable housing structure for the tram. There has been several proposals for a suitable site including the Old Mill, however all parties agreed the best location is in the vicinity of Heritage House, near the corner of Mends and Mill Point Road as this signifies where the tram route was.

In 2018, a Request for Tender (RFT) was called but the design resulted in the project being significantly over-budget. A main contributing factor was the Heritage Council's stringent design requirements for the selected location, immediately west and adjacent to Heritage House.

The scope of the project was subsequently revised and a new RFT (14/2019) for the Provision of The Como Tram Display – Design and Construct Services was advertised in The West Australian on Wednesday 23 October 2019 and closed at 2.00pm (WST) on Wednesday 20 November 2019.

The City requires the construction of a structure suitable for the display of a heritage tram which has been restored and donated to the City by the Perth Electric Tramways Society (PETS). A budget of \$255,000 is included in the 2019/2020 Capital Works program for this project.

Tenders were invited as a Lump Sum contract.

Comment

At the close of the tender advertising period four submissions had been received as listed in Table A below:

TABLE A – Tender Submissions

Tender Submissions	
1.	AE Hoskins & Sons Pty Ltd
2.	Clinton Long Project Management (CLMP) Pty Ltd
3.	Enviro Infrastructure Pty Ltd
4.	Pindan Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel, Skills & Resources	20%
3. Demonstrated Understanding (including Concept Design)	50%
Total	100%

Based on the assessment of all submissions received, it is recommended that the tender submission from Enviro Infrastructure Pty Ltd be accepted by Council as the most advantageous offer.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

Section 3.57 of the Act 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 2019/2020 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:	Enhanced environment and open spaces
Strategy:	Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

Attachments

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

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - November 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-106616
Meeting Date:	17 December 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 November 2019 and 30 November 2019 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(437)	\$4,894,096.92
Cheque Payment to Creditors	(11)	\$20,461.47
Total Monthly Payments to Creditors	(448)	\$4,914,558.39
EFT Payments to Non-Creditors	(96)	\$108,793.49
Cheque Payments to Non-Creditors	(19)	\$9,009.92
Total EFT & Cheque Payments	(563)	\$5,032,361.80
Credit Card Payments (November 2019)	(7)	\$19,883.08
Total November Payments	(570)	\$5,052,244.88

Officer Recommendation

That the Council receives the Listing of Payments for the month of November 2019 as detailed in **Attachment (a)**.

Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment. These controls are documented in Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

After an invoice has been matched to a correct Goods Receipt Note in the financial system, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. The payment listing for November 2019 is included at **Attachment (a)**.

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

In accordance with the Council resolution on 26 March 2019, the attached report includes a "Description" for each payment. Officers provide a public disclaimer in that the information contained within the "Description" is unlikely to accurately describe the full nature of each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Strategic Implications

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

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

Attachments

10.4.1 (a): Listing of Payments November 2019

10.4.2 Amendment to Preferred Model - Third Party Appeal Rights in Planning

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-106849
Meeting Date:	17 December 2019
Author(s):	Vicki Lummer, Director Development and Community Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report seeks Council's support for suggested amendments to the Western Australian Local Government's (WALGA) preferred model for Third Party Appeal Rights in Planning.

WALGA has been working on a Preferred Model for Third Party Appeal Rights for a number of years, however has been unable to achieve a consensus from member Councils.

Changes to the Model made in May 2019 by the WALGA State Council are now suggested to be overturned by a resolution from the WALGA AGM in August 2019.

WALGA's Chief Executive Officer is now seeking comments of support or non-support for the changes, in order to report the matter to the March 2020 State Council meeting.

Officer Recommendation

That Council advises WALGA that it supports the following WALGA AGM 2019 motion:

1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.
2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to local governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

Subject to:

- The appeal right should not be open to any interested party but be limited to those parties which previously made a submission;
- It should be available for a Responsible Authority where a Development Assessment Panel has gone against the Responsible Authority Report;

- It should be available for a local government where a Development Assessment Panel has gone against the position of Council itself;
- It should be available to a public authority (e.g. Main Roads WA, Department of Transport) where a Development Assessment Panel has made a decision contrary to their advice.

Background

In the first half of 2017, the Western Australia Local Government Association (WALGA) released a discussion paper titled “Third Party Appeal Rights in Planning”. Feedback on the views of local governments on this matter was sought by 14 July 2017. At the June 2017 Ordinary Council meeting, Council considered the matter (refer to Item 10.6.5). The resolution and reasons given by Council supported the ability to have a Third Party Appeal for Development Assessment Panel (DAP) applications and also included recommending wider Third Party Appeal rights.

In December 2017 WALGA advised the City that the feedback from Council, along with other feedback received had been considered by WALGA State Council at its 8 September 2017 meeting where it was resolved that further consultation be undertaken on the matter, including workshops, to determine a preferred model.

Two workshops were held on 1 November 2017 and a webinar held on 9 November 2017 to review the options which had been collated from the previous feedback and to determine a preferred model. The workshops had 40 attendees (35 officers, of which the report author was one and five elected members), representing 25 local governments.

The matter was referred back to WALGA State Council in May 2018 where it was resolved to amend the policy position to support the introduction of Third Party Appeal Rights for decisions made by DAPs.

State Council also resolved to further consult with members to provide more clarity on the exact details of the criteria that need to be established, before any system is implemented by the State Government.

Based on the outcomes of the workshops, WALGA then requested that member Councils consider the preferred model as the introduction of Third Party Appeal Rights for Decisions made by DAPs. Council considered this in February 2018 (Item 10.4.5) and supported the preferred model.

The preferred more detailed model was considered by Council at its meeting on 26 February 2019 (Item 10.4.1) where it was resolved:

That Council endorses, the proposed WALGA Third Party Appeal Rights in Planning model for decisions made by the Development Assessment Panels, subject to clarification being provided on the following matters prior to presentation to the WALGA Zones and State Council for endorsement and with the following changes:

1. a. *Is there to be a limit on the number of Third Party Appeals that may be lodged in regard to a particular application?*
- b. *How would simultaneous Third Party Appeals, from different applicants be managed?*

- c. *Why are Form 2 DAP applications for extensions of time exempt from Third Party Appeals?*
2. *That Council support Third Party Appeal Rights being extended to State Administrative Tribunal and Western Australian Planning Commission decisions; and*
3. *That WALGA seek to review Third Party Appeal Rights on a regular basis so that further refinement and review of the appeals process can be undertaken.*

At the May 2019 WALGA State Council Meeting a report with the results of the consultation was considered and an amended “Preferred Model” was endorsed. The resolution was:

That WALGA:

1. *Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and*
2. *Endorses the ‘Preferred Model’ as presented in the May 2019 Agenda, as the third party appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.*

The amendments to the preferred model were as follows:

1. Only a Local Government will be able to challenge and seek review of DAP decisions that is made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.
2. Third Party Appeals not to be extended to decisions made by any other Authorities, just decisions made by DAPs.
3. Other submissioners and other interested parties would not be included in this model, removing any multiple appeals being lodged for the same application.
4. Allow for third party appeal rights to apply to all Form 2 decisions including extensions of time
5. Proposed preliminary hearing to be aligned/combined with the existing Directions Hearing process.
6. Include within the model the existing right of appeal of the SAT decisions to Supreme Court.
7. Discuss with SAT the definition of ‘valid planning grounds’ to determine whether the submission has reasonable grounds for appeal.

It is noted that some of the Council’s points (from 26 February 2019 Council resolution) were included in the amended model while some were not.

Comment

On 9 November 2019, WALGA wrote to the City to advise that:

At the August 2019 WALGA Annual General Meeting (AGM), an item was discussed by members which proposed an amendment to the existing 'Preferred Model' for Third Party Appeal Rights for decisions made by Development Assessment Panels.

The following motion was carried by the attendees:

1. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
2. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels*

WALGA seeks an indication if Council supports or does not support this motion to amend the Preferred Model prior to WALGA's State Council considering this AGM motion at its meeting in March 2020. Comments would be appreciated before **30 January 2020**.

The relevant minutes of the WALGA Annual General Meeting are **Attachment (a)**.

The motion suggests changes to the model that essentially reverse the changes numbered 1, 2 and 3 above from the decision made at the May 2019 WALGA State Council Meeting.

The motion changes do however support the Council resolution of 26 February 2019:

That Council support Third Party Appeal Rights being extended to State Administrative Tribunal and Western Australian Planning Commission decisions;

and Council's previous support for the iteration of the model where parties other than Local Governments would be able to lodge an appeal.

The model that was previously supported by Council had these clauses:

- *Should not be open to any interested party but be limited to those parties which previously made a submission*
- *Should be available for a Responsible Authority where DAP has gone against the RAR; or*
- *Should be available for a Local Government where a DAP has gone against the position of Council itself; or*
- *Should be available to a public authority (e.g. Main Road WA, Department of Transport) where DAP has made a decision contrary to their advice.*

It is considered that these restrictions to Third Party Appeals should still apply to any model that permits a wider range of appellants.

Accordingly, the recommended response for Council to WALGA on this matter, includes these previously supported clauses.

Consultation

There is no consultation required for this decision.

Policy and Legislative Implications

There are no policy or legislative implications for this decision. Support for the changes to the WALGA model is a step towards the changes to legislation that would be required should the state government introduce third party appeals in planning.

Financial Implications

There are no financial implications for this decision, as it is only providing support for a WALGA position.

However, should Third Party Appeal Rights be approved in WA, there are likely to be significant additional staff and monetary resources required.

- Additional staff resources would be required to prepare for and attend third party appeals in SAT.
- Additional monetary resources would be required to engage legal counsel.
- Whilst third party appeal rights would give the community the ability to appeal decisions made by DAPs, the likely outcome would be that Council itself would be lobbied by community or interest groups to lodge the appeals on their behalf, with the City bearing the costs of such significant legal challenges.

Strategic Implications

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

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

Attachments

10.4.2 (a): Third Party Appeal Rights in Planning - WALGA AGM Minutes - August 2019

10.4.3 CEO attendance at Local Government Exchange & Cooperation Seminar February 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-106851
Meeting Date:	17 December 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.1 Engaged Community

Summary

This report seeks Council's approval for the CEO to attend the Local Government Exchange & Cooperation Seminar in Japan from 3 to 14 February 2020 organised by the Council of Local Authorities for International Relations.

Officer Recommendation

That Council approves the attendance of the CEO at the Local Government Exchange & Cooperation Seminar to be held in Japan from 3 to 14 February 2020.

Background

The CEO, Geoff Glass applied for and was selected to attend the 2020 Local Government Exchange & Cooperation Seminar organised by the Council of Local Authorities for International Relations (CLAIR), to be held in Japan from 3 to 14 February 2020. CLAIR is a Japanese government foundation that supports international local government collaboration and development. There are seven CLAIR offices around the world and the Australasian office is located in Sydney. Each year they invite senior local government representatives from Australia and New Zealand to apply for a study tour. A group of five is selected each year with three being from Australia and two from New Zealand.

The CEO applied for and was successful in being selected as one of three candidates to represent Australia for the 2020 tour. Information regarding the other selected representatives is unknown however CLAIR have asked the CEO to be the Group Leader for this tour.

Comment

CLAIR organises a study tour to meet with Japanese public officials, to study Japanese public administration first-hand, and to exchange ideas and expertise with local staff and fellow participants. Over the course, participants attend lectures, take part in workshops, and visit local government offices, and are exposed to the workings of Japanese local government.

The program is an opportunity for two way exchange and also to promote the features, attractions and operations of the City of South Perth and our partners within the region more broadly. Some of the City's features and services that will be promoted include Curtin University, Technology Park, State Government agencies and the Perth Zoo.

The event will be held from Monday 3 February to Friday 14 February 2020. During the CEO's absence, a Director would be appointed as acting CEO for that time.

This is a unique opportunity to see how local government operates in an international setting and it is anticipated that it will be both stimulating and beneficial for the CEO's development both professionally and personally.

There is no cost to the City for the CEO to attend this event as all travel and accommodation costs are paid for by CLAIR.

Under Policy P669 Elected Member Development, Council must approve for the CEO to attend events in the course of his duty outside of Australasia.

Consultation

Nil.

Policy and Legislative Implications

Policy P669 Elected Member Development

Financial Implications

Nil.

Strategic Implications

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

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

Attachments

Nil

10.4.4 Monthly Financial Statements - November 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-106055
Meeting Date:	17 December 2019
Author(s):	Abrie Lacock, 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 are provided within the Attachments (a)–(i), with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated. Report refinement is an ongoing task.

Officer Recommendation

That Council notes the interim Financial Statements and report for the month ended 30 November 2019.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2019/20 budget adopted by Council on 25 June 2019, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains the Original Budget and Revised (Adjusted) 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 1996. 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.

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently, report refinement is an ongoing task. This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments, with nil effect on the closing position, will be presented for Council approval at a future meeting.

Actual income from operating activities for November year-to-date (YTD) is \$50.92m in comparison to budget of \$50.51m. Actual expenditure from operating activities for October is \$24.27m in comparison to budget of \$26.26m. The November Net Operating Position of \$26.66m was \$2.40m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.084m in comparison to the budget of \$1.856m. Actual Capital Expenditure YTD is \$5.530m in comparison to the budget of \$8.701m. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there are a number of capital projects that will require a budget adjustment as they were not re-budgeted for in 2019/20.

Cash and Investments balance is \$68.5m. The November cash balance is traditionally higher following the collection of rates revenue in the beginning of the 2019/2020 financial year. Consistent with previous monthly reports, this information is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

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 43.12% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, 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

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

Strategic Implications

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

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

Attachments

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

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

Responses to questions from members taken on notice at the November Ordinary Council Meeting can be found in the Appendix of this Agenda.

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Contract for Sale of Land - Manning

*This item is considered **confidential** in accordance with section 5.23(2)(d) of the Local Government Act 1995 as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"*

Location:	Manning
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-19-106853
Meeting Date:	17 December 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

Officer Recommendation

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

- 15.1.1 Contract for Sale of Land - Manning

16. CLOSURE

APPENDIX

PUBLIC QUESTIONS TAKEN ON NOTICE AT OCM 26 NOVEMBER 2019

1. Ms Cecilia Brooke, Garden Street South Perth. Received: 26 November 2019	Responses provided by: Bernadine Tucker, Manager Governance
1. Who made the alleged complaints regarding the selling of alcohol at StrEATS?	Please refer to the Public Question Time table of questions and responses contained in the Appendix of the Ordinary Council Meeting Minutes of 26 November 2019.
2. What is the City's policy on resident parking permits?	The City does not have a policy on residential parking permits.
2. Ms Julie Rogers, Douglas Avenue South Perth. Received: 26 November 2019	Response provided by: Bernadine Tucker, Manager Governance
1. Council has followed the lead of other councils in implementing paid parking in residential areas. Why can they do this however they can't adopt the same willingness of those councils to provide resident parking permits or a minimum two hour free parking in areas where local business survival will be adversely impacted?	Recognised traffic management engineers Cardno, were engaged by the City to develop a Parking Management Plan to respond to the local growth in residential and commercial development in the South Perth area. The Parking Management Plan was developed in consultation with community members and drew upon findings of a City-wide parking strategy that was adopted by Council in May 2016. The Plan aimed to address current and future parking needs whilst working towards minimising congestion. Council have now resolved that a new Parking Management Plan be undertaken.

ELECTED MEMBER QUESTIONS TAKEN ON NOTICE AT OCM 26 NOVEMBER 2019

Councillor Glenn Cridland	Question 2 - Response provided by: Fiona Mullen, Manager Development Services
<p><i>[Preamble]</i></p> <p><i>Referring to Mr Sam Parr's questions, it was clear that he was unhappy with the acoustic report.</i></p>	
<p>2. There is a complaint made about that acoustic report being only a single point calculation and that as a result it's not accurate. Is the City able to either review the acoustic report that it had or ask the report author whether or not only a single point calculation was done (given that it seems part of his complaint is that the noise may be different at different locations along his fence)?</p>	<p>The City contacted the noise consultant who provided the acoustic report which was considered as part of the development assessment, and requested they provide a response to the question.</p> <p>The response received states that:</p> <p><i>"The single point calculations were not undertaken to the centre of the block as intimated in the query.</i></p> <p><i>The labels for the locations are for reference purposes only (i.e. to identify the premises) the location of the single point calculation is representative of the highest noise level affected location on the premise (i.e. within 15m of the premise towards the proposed development – but within the land that the premise is located).</i></p> <p><i>Similarly, the location of the noise source for the large truck within the noise model is for "worst case".</i></p> <p><i>It is also noted that the mechanical plant noise emissions were based solely on assumed plant, with conservative noise level emissions utilised to ensure a conservative assessment.</i></p> <p><i>This is typical (and necessary) at this stage of the project as the design is concept only. Actual selections of equipment would not occur until the design development phase of the project (i.e. upon receiving development approval from Council)."</i> [This refers to the Building Permit stage of the development process].</p>

“A further assessment, utilising the actual selections and noise control within the development, is anticipated to be required to address likely development approval conditions of the project.”