

# AGENDA.

## Ordinary Council Meeting

23 July 2019

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 23 July 2019 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

19 July 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, present and future.

## Our Guiding Values



## Disclaimer

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

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

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# Ordinary Council Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

Councillor Tracie McDougall (2 July 2019 to 30 July 2019 inclusive)

## 5. DECLARATIONS OF INTEREST

Councillor Greg Milner disclosed a Financial Interest in relation to Item 12.2 as a party with an indirect interest in this matter has offered him unparticularised electoral support. No such support has been accepted or received. Nonetheless it is his intention to vacate the Council Chamber before the Item is discussed and voted on.

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

### 6.2 PUBLIC QUESTION TIME: 23 JULY 2019

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

## 7. CONFIRMATION OF MINUTES AND NOTING BRIEFINGS AND OTHER MEETINGS

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 25 June 2019

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 25 June 2019 be taken as read and confirmed as a true and correct record.

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Council Agenda Briefing - 16 July 2019

Officers of the City presented background information and answered questions on Items to be considered at the 23 July 2019 Ordinary Council Meeting at the Council Agenda Briefing held 16 July 2019.

##### Attachments

7.2.1 (a): 16 July 2019 - 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
2 July 2019	Millers Pool Café Briefing
2 July 2019	Community Safety and Crime Prevent Plan Briefing
9 July 2019	Collier Park Golf Course Proposals
15 July 2019	Canning Bridge Activity Centre Review – Outcomes of Consultation

##### Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 16 July 2019
- 7.2.2 Concept Briefings and Workshops

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

Nil

### **8.3 DEPUTATIONS**

*Deputations were heard at the Council Agenda Briefing held 16 July 2019.*

### **8.4 COUNCIL DELEGATES REPORTS**

### **8.5 CONFERENCE DELEGATES REPORTS**

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

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Endorsement of City of South Perth Community Recreation Facilities Plan

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-63507
Meeting Date:	23 July 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:	1.2 Community Infrastructure

#### Summary

- The City has 102 community facilities that are used for recreational purposes (or assist with the provision of recreation) with an estimated value of \$50million.
- These facilities are comprised of sports spaces, recreation spaces, nature spaces, pavilions, leisure centre, community halls, library buildings, seniors centres, heritage & arts buildings, kindergartens and public toilets.
- During 2018/19 the City undertook a review of its community recreation facilities to assess facility provision/identify gaps; develop a prioritised hierarchy for the facilities; provide recommendations regarding the current and future usage of the facilities; and produce an Action Plan that prioritises maintenance and capital investment in the facilities.
- The outcome of this project has led to the development of a Community Recreation Facilities Plan for the City, which is shown as **Attachment (a)**.
- At the June 2019 Council meeting, Council resolved to defer endorsement of the Plan to the July Council Meeting so that consideration could be given to a number of proposed modifications.
- These modifications, along with Officer comment and recommended action, are outlined in the additional information section of this report.
- The Plan has been modified to incorporate a number of these modifications as outlined and explained in the aforementioned table.



**Officer Recommendation**

That Council endorses the City of South Perth Community Recreation Facilities Plan, July 2019, as shown at **Attachment (a)**, and by doing so, also endorses the:

1. Community Recreation Facility Priority Areas;
2. Community Recreation Facility Strategy and Seven Overarching Principles;
3. Community Recreation Facilities Action Plan, which is intended as a guide only to be delivered over a period of 15 years from 2019 to 2034 inclusive; and
4. Funding for each stage of the Plan to be requested as part of the annual operational budget process for assessment by Council.

**Background**

The City has 102 community facilities that are used for recreational purposes (or assist with the provision of recreation) with an estimated value of \$50million. These facilities are comprised of:

- 12 sports spaces (used for structured sport)
- 21 recreation spaces (used for passive, unstructured sport and recreation)
- 11 nature spaces (river foreshore, bushland, wetlands, geological and natural features)
- 19 sport/recreation pavilions
- Seven kindergartens/early learning centres
- Six community halls
- One leisure centre (George Burnett Leisure Centre)
- Three library buildings (including vacant former Manning Library)
- Three seniors centres (2 x senior citizen's centres and 1 x men's shed)
- Four heritage and arts buildings
- 15 public toilets (that assist with the nearby provision of recreation).

Many of the City's sport pavilions and halls were built between 1950 and 1990, with some facilities approaching the end of their lifecycle. Facility maintenance, facility renovations and/or complete facility replacements have occurred throughout the years. Recent examples include Bill Grayden Pavilion, WCG Thomas Pavilion, Manning Community Centre and John McGrath Hall and Pavilion.

Several concurrent requests are currently being received from clubs and community groups for significant structural and maintenance works for the community recreation facilities they occupy/utilise. Although the City has a general facility maintenance program, priorities for maintenance and redevelopment are relatively ad-hoc. The current process for assessing requests from clubs for building redevelopment exists through the State Government's Community Sporting Recreational Facilities Fund (CSRFF) process. However, this process considers individual facility requests in isolation as they are submitted, so a more strategic decision-making process is required that assesses/prioritises works involving all of the City's community recreation facilities.

During 2018/19 the City undertook a review of its community recreation facilities to assess facility provision/identify gaps; develop a prioritised hierarchy for the facilities; provide recommendations regarding the current and future usage of the facilities; and produce an implementation plan that prioritises maintenance and capital investment in the facilities. The outcome of this project has led to the development of a Community Recreation Facilities Plan for the City. The Plan will provide a strategic asset management framework that will guide the planning, construction, maintenance, and operation of community recreation infrastructure to best meet the community's sport, recreation and wellbeing needs.

On 28 May 2019, the City of South Perth Community Recreation Facilities Plan was presented to Council for endorsement. At that meeting, Council resolved that the Plan be deferred to the June 2019 Council meeting to allow detailed consideration by Councillors.

### Comment

The Community Recreation Facilities Plan will assist with the delivery of the City's Strategic Community Plan 2017-2027 (i.e. the Community Recreation Facilities Plan aligns to 15 strategies within the Strategic Community Plan).

The Community Recreation Facilities Plan has been developed following a comprehensive process involving four main phases, as follows:

1. Research Phase;
2. Identification of Community Recreation Facility Priority Areas;
3. Development of Sport and Recreation Facility Provision Principles; and
4. Development of an Action Plan.

These four phases are outlined below.

#### 1. Research Phase

Various areas of research were undertaken, including audit and assessment of the City's existing community recreation facilities; review of sport and recreation participation trends and opportunities; stakeholder consultation; comparison of facility plans by other local governments; review of existing City of South Perth and State Government documents and reports relevant to the development of community sport and recreation policy (local, state and national); and review of the City's Strategic Community Plan to determine Council's strategic direction relating to recreation facilities. The outcomes of the research phase are reflected in the Community Recreation Facilities Plan.

## 2. Identification of Community Recreation Facility Priority Areas

In reviewing the outcomes of the research phase, eleven key community recreation facility priority areas were identified, namely:

1. Sports Spaces (Playing Fields and Ovals)
2. Recreation Spaces (Open Parklands, Community Gardens)
3. Nature Spaces (River Foreshore, Bushland, Coastal areas, Wetlands and Riparian habitats, and Geological and Natural features)
4. Sport/Recreation Pavilions
5. Kindergartens/Early Learning Centres
6. Community Halls
7. Leisure Centre
8. Library Buildings
9. Senior Centres
10. Heritage and Arts Buildings
11. Public Toilets

## 3. Development of Overarching Sport and Recreation Facility Provision Principles with Strategic Alignment

The outcomes of the research phase and identification of the priority areas led to the development of seven key principles that are intended to provide guidance on sport and recreation facility provision within the City into the future, which are aligned to a Strategy as detailed below.

### Strategy:

To provide a strategic framework to guide decision making for key community facility projects throughout the City over the next 15 years; which are based on:

- Seven key overarching principles;
- Alignment to the City's Integrated Planning and Reporting Framework (Strategic Plan);
- Key stakeholder consultation; and
- Annual measuring and review as part of the City's annual budget and business planning cycle.

### Seven Principles:

The seven overarching principles to be endorsed by Council in setting the strategic direction of the City's community recreation facility projects into the future are:

1. Community Wellbeing - That Council endorses and supports the community's participation within its community recreation facilities to increase quality of life, encourage community cohesiveness and promote community wellbeing.
2. Facility Mix - That Council supports the provision and development of a range of community facilities at the local, neighbourhood, district and regional levels. Shared use/co-location and multifaceted design elements are considered as high priority. Consistency should be portrayed in the City's imaging including signage.

3. Access for All - That Council encourages access for all within its community recreation facilities, including specific population groups, such as: people with disabilities, the elderly and juniors.
4. Facility Provision Decision Making - That Council supports community participation in relevant decision making processes to guide current and future provision of the City's community recreation facilities.
5. Partnerships - That Council encourages the establishment of partnerships between the City and government, businesses, community groups, schools and other stakeholders to support the provision of community recreation opportunities for the community; including shared use agreements with local schools.
6. Facility Cost User Contribution - That Council supports a cost recovery model that contributes to lifecycle costing of facilities considering the following:
  - Whole of life facility costs;
  - Type of facility use (single versus shared);
  - User's specific facility requirements (e.g. below, on par or above the City's standard level of provision);
  - User's capacity to pay; and
  - Level of community benefit.
7. Facility Funding Prioritisation - That Council prioritise funding for the renewal of the City's existing community recreation facilities and/or provision of new facilities based on the following considerations:
  - Available resources & cost recovery;
  - Community need;
  - Legislative requirements;
  - Industry best practice guidelines;
  - Australian standards;
  - Whole of life facility costs can be accommodated;
  - Shared use/co-location and multifaceted design elements;
  - External funding, partnerships or other facility opportunities can be demonstrated;
  - Obsolete, oversupply or duplicate facility provision may be addressed e.g. through down-sizing or rationalization;
  - Crime Prevention through Environmental Design (CPTED) principles;
  - Access and inclusion principles; and
  - Environmental Sustainable Design (ESD) principles.

#### 4. Action Plan

The Action Plan is the final phase of the Community Recreation Facilities Plan and it incorporates the outcomes of the three earlier phases (i.e. research, priority areas and sport and recreation facility provision principles). The Action Plan is presented in a table format to clearly outline the level of priority; description of the actions; and the suggested implementation timeframes. The Action Plan should be read as a guide only. The Action Plan will be subject to an annual review to stay in tune with current and emerging community needs and organizational priorities. The associated timeframes will be adjusted accordingly. The outcomes of actions within the Plan will be measured and reviewed annually as a part of the City's annual business planning process. Measuring the success of the actions related to the delivery of the Community Recreation Facilities Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data.

As an outcome of the Council meeting on 28 May 2019 and subsequent Councillor feedback, the Community Recreation Facilities Plan has been amended to include the following projects in 2019/20:

- Manning Community Centre - Design work for an awning at Manning Community Centre Clubrooms Terrace (Manning Rippers Football Club);
- Manning Bowling Club - Design work for a universal toilet at Manning Bowling Club; and
- Como Bowling Club - Design work for kitchen and toilet upgrades at Como Bowling Club.

Funds are also listed in the City's draft 2019/20 Budget for the above projects, which is subject to Council approval.

Furthermore, as part of the City's Sports Oval Floodlight Plan, re-lamping, cleaning and re-aiming of sports lighting is planned to occur at Bill Grayden Oval, George Burnett Oval, Richardson Reserve and James Miller Oval in June/July 2019. The objective is to assist in addressing/minimizing dark spots on the sporting reserves. The City will also arrange for another lux lighting assessment on relevant sporting reserves.

#### **Consultation**

Thorough consultation has occurred during the development of the Community Recreation Facilities Plan, namely:

- local sporting and community groups that lease a City community recreation facility;
- relevant State Sporting Associations;
- relevant City departments involved in community recreation facilities; and
- Elected Members through a Councillor workshop held on 8 April 2019.

Feedback provided during the consultation sessions has been incorporated into the Community Recreation Facilities Plan.

### Policy and Legislative Implications

Development and implementation of the Community Recreation Facilities Plan is aligned with:

- Policy P106 – Use of City Reserves and Facilities
- Policy P110 – Support of Community and Sporting Groups
- Policy P609 - Management of City Property
- Public Places and Local Government Property Local Law 2011

### Financial Implications

The Community Recreation Facilities Plan is intended to be delivered over a period of 15 years from 2019 to 2034 inclusive. Funds required for the Actions will be sought using a combination of City funds, external funding and/or contributions from sport and recreation clubs and stakeholders; and will be requested as part of the annual operational budget process for assessment by Council.

### Strategic Implications

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

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

### Additional Information – 23 July 2019

At the July 2019 Council meeting, Council resolved:

*That Council defers endorsement of the City of South Perth Community Recreation Facilities Plan to the July Ordinary Council Meeting*

The reasons for the deferral included so that consideration could be given to a number of changes that are proposed by Councillor Glenn Cridland. These changes are examined in the table below with officer's comment.

Councillor Glenn Cridland's Amended Motion	Officer Comment
Consideration by the City of a. modest ad hoc facilities upgrades in particular for health, safety and disability access purposes in aged and tired buildings which are not planned for replacement in the near term; and b. amalgamating the freehold titles that make up Comer Reserve to protect it as open green space and sports playing fields for future generations; and	Consistent with current practice, facility upgrades and maintenance will continue to occur to all facilities as required through consideration of the annual capital works program and the annual budgeting process, regardless of whether the facility is considered for replacement. Any decision regarding major upgrades or replacement would need to be considered separately by Council in consultation with user groups.

	<p>Amalgamation of titles and use of land is outside of the scope of this Plan. Any decisions regarding this would need to be separately considered by Council Whilst comprised of several freehold lots, Comer Reserve is a local scheme reserve. Changing the use of this reserve would require a scheme amendment. Such an amendment would be contrary to the draft local planning strategy and therefore not possible to support. As this matter is adequately covered by another strategy a modification to the Plan is not considered necessary.</p> <p><b>No amendments recommended.</b></p>
<p>Adding “Comer Reserve and Morris Mundy Reserve” after “Richardson Park” in the Sports Spaces (Playing Fields and Ovals) category on page 5 of Plan</p>	<p><b>Plan amended.</b></p>
<p>Adding “and lack of disabled toilet facilities” to the Limitations of Community Infrastructure category after “female changerooms” on page 7 of Plan</p>	<p><b>Plan amended.</b></p>
<p>Deleting “Single use facilities (as opposed to multi use facilities)” from the Limitations of Community Infrastructure category (on page 7 of Plan)</p>	<p>In 2018 the federal government through the Australian Sports Commission contracted KPMG to prepare a report on the Value of Community Sport Infrastructure. This report identified a list of limitations to optimising the benefits of community sport infrastructure (which are included on page 7 of the Plan). As these limitations have been directly quoted from this federal government report, it is not recommended that it be deleted.</p> <p><b>No amendments recommended.</b></p>

<p>Inserting “noting that single use facilities can also be high priority and may be appropriate and the only rational use of some facilities depending on the applicable circumstances of the facility, use, location and user characteristics” after “high priority” in the section Facility Mix on page 10 of Plan.</p>	<p>Best practice for recreation facilities is to rationalise facilities and move towards shared spaces. This allows for more effective and efficient provision. This is evidenced by the Department of Local Government, Sport and Cultural Industries allocating priority funding consideration for shared recreation facility projects.</p> <p><b>No amendments recommended.</b></p>
<p>Inserting “tennis, lawn bowls” after “traditional Australian sports of cricket” in third last paragraph of section “Who are we?” (page 13 of Plan)</p>	<p><b>Plan amended.</b></p>
<p>Replacing the sentence commencing “As such ...” in 2nd paragraph of page 14 of the Plan with “Some, but by no means all, residents of South Perth have capacity to pay reasonable fees for programs and services. There are a significant number of age and disability pensioners and persons of limited financial means who live in the City and who should also be able to access and make use of the City’s recreational facilities despite limited financial resources.”</p>	<p>The sixth key principle of the Plan identified on page 6, Facility Cost User Contribution acknowledges capacity to pay for the City’s Fees and Charges. The City provides concessions for users to pay through its fees and charges and delegation <i>DM115 Granting Fee Waiver – City Reserves and Facilities</i>.</p> <p>The Plan aligns with the City’s Disability Access and Inclusion Plan and makes reference to people with disabilities and making facilities accessible physically, financially and mentally to all members of the community.</p> <p><b>No amendments recommended.</b></p>
<p>Adding “Hensman Tennis Club” to the Community Centre category on page 16 of the Plan</p>	<p><b>Plan amended.</b></p>
<p>Adding “Comer Reserve and Morris Mundy Reserve” to the Sports Spaces category on page 18 of the Plan.</p>	<p><b>Plan amended.</b></p>



<p>Delete “Industry guidelines no longer recommend single use facilities.” from 4th last dot point on page 22 and 3rd dotpoint under Sports pavilions on page 26.</p>	<p>This is a guideline identified in federal and state government policies including Australian Sports Commission, Sport Australia, Dept of Sport, Local Government, and Cultural Industries an industry bodies such as Parks and Leisure Australia (PLA). These guidelines provide the basis for decision making to local government regarding sustainable infrastructure development and funding options and should be included for the purposes of transparency.</p> <p><b>No amendments recommended.</b></p>
<p>Replace “6 new acrylic courts” with “2 new acrylic courts and 4 synthetic grass courts” in 4th dotpoint under tennis courts on page 25.</p>	<p><b>Plan amended.</b></p>
<p>Add a new dotpoint under the Lawn bowls dotpoint stating “The City does not support the forced amalgamation or relocation of croquet, tennis or bowls clubs or reduction in playing greens / courts.”</p>	<p>Best practice for recreation facilities is to rationalise facilities and move towards shared spaces. This allows for more effective and efficient provision. However, as is evidenced by past practice, the City does not force amalgamation of any clubs or users of facilities. An additional dot point in the Plan is therefore not considered necessary as the City does not force amalgamations.</p> <p><b>No amendments recommended.</b></p>

<p>Add “if supported by the rugby league and touch football clubs” after “at the reserve” in 2nd last dotpoint under Sports Spaces on page 31.</p>	<p>The development of a Master Plan for George Burnett Recreation Precinct will investigate redevelopment options. If it is recommended that the perimeter fencing be removed to accommodate for future redevelopment, this decision will be referred to Council for consideration. Consistent with current and past practice, any decision regarding the implementation of the Master Plan will be done in consultation with Council, clubs and necessary stakeholders.</p> <p><b>No amendments recommended.</b></p>
<p>Delete 2nd dotpoint (ie commencing “That the City investigate ...”) on page 32.</p>	<p>In developing the Plan, the City undertook comprehensive sport and recreation industry research. Part of this research included state sporting association strategic facility plans completed for lawn bowls and tennis. Based on the evidence provided, industry guidelines and feedback from both Bowls WA and Tennis West, it suggests there is duplication of these facilities. It would therefore be prudent to investigate the matter further as recommended by the plan. The investigation would require further research and consultation with all necessary stakeholders and the outcomes would need to be further considered by Council.</p> <p><b>No amendments recommended.</b></p>

<p>Add “Morris Mundy Reserve,” after “James Miller Oval” in first subdotpoint referring to Sports Oval Floodlight Plan on page 32.</p>	<p>Morris Mundy Reserve currently does not have sports oval floodlighting (this Reserve has lower community use compared to other sporting reserves, so is less of a priority). The Sports Oval Floodlight Plan makes recommendations on existing sports floodlighting only. However, it does make recommendations to consider sports floodlighting to other sports ovals that don’t have it such as Morris Mundy and Collier Reserve. Morris Mundy will be considered once all the City’s existing floodlights have been upgraded to meet Australian Standards.</p> <p><b>No amendments recommended.</b></p>
<p>Delete “of Como Croquet Club or other” from first subdotpoint on page 33.</p>	<p>The City supports this amendment. However, the development of a master plan will investigate all options. If the option is to consider relocation of the Croquet Club the needs of both clubs will be accommodated and considered in consultation with Council, clubs and necessary stakeholders. As stated above, best practice for recreation facilities is to rationalise facilities and move towards shared spaces. This allows for more effective and efficient provision. However, as is evidenced by past practice, the City does not force amalgamation of any clubs or users of facilities.</p> <p><b>Plan amended.</b></p>

<p>Delete “croquet or” from third subdotpoint on page 33.</p>	<p>The City supports this amendment. However, the development of a master plan will investigate all options. If the option is to consider relocation of the Croquet Club the needs of both clubs will be accommodated and considered in consultation with Council, clubs and necessary stakeholders. As stated above, best practice for recreation facilities is to rationalise facilities and move towards shared spaces. This allows for more effective and efficient provision. However, as is evidenced by past practice, the City does not force amalgamation of any clubs or users of facilities.</p> <p><b>Plan amended.</b></p>
<p>Delete “to investigate co-location and amalgamation of facilities (not necessarily clubs)” from 2nd dot point on page 33 and second subdotpoint thereunder (ie “Repurposing the facilities for another sport such as volleyball”)</p>	<p>Based on the overarching principles outlined in the Plan, if investigations recommend the Como Croquet Club remains at the existing site on Comer Reserve, a master plan for this site will investigate all options that encompasses more than the single use of the facility by one user. This will be done in consultation with Council, clubs and necessary stakeholders, and be subject further Council consideration and decisions.</p> <p><b>No amendments recommended.</b></p>

Replace “and Como Croquet Club” with “if agreed by the club” in 4th dotpoint on page 33	As stated above, best practice for recreation facilities is to rationalise facilities and move towards shared spaces. This allows for more effective and efficient provision. However, as is evidenced by past practice, the City does not force amalgamation of any clubs or users of facilities. The Plan has been amended to add the word ‘consider’ relocation which means that any recommendation will be subject to further review, stakeholder consultation and Council consideration and decisions.  <b>Plan amended.</b>
Replace “demolishes” with “considers demolishing” in 5th dotpoint on page 33	<b>Plan amended.</b>
Insert “Como Croquet Club Veranda / Roof restoration” to Year 1 matters on page 37.	Funds for the design work for the Como Croquet Club verandah and roof restoration has been approved within the City’s 2019/20 Budget, and so, this project is scheduled to occur this financial year.  <b>No amendments recommended.</b>

### Attachments

10.0.1 (a): City of South Perth - Community Recreation Facilities Plan

## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

### 10.1.1 Endorsement of City of South Perth Community Safety and Crime Prevention Plan 2019-21

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-63508
Meeting Date:	23 July 2019
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.3 Community Safety & Health

#### Summary

- The City's former Community Safety and Crime Prevention Plan expired on 30 June 2019.
- The City has undertaken recent stakeholder and community engagement to assess local community safety and crime prevention priorities over the next three years.
- The outcome of this project has led to the development of the City's Community Safety and Crime Prevention Plan 2019-21, which is shown as **Attachment (a)**.

#### Officer Recommendation

That Council endorses the City of South Perth Community Safety and Crime Prevention Plan 2019-21 in **Attachment (a)**.

#### Background

The State Government introduced the concept of a Community Safety and Crime Prevention Plan in 2003. The City's former Community Safety and Crime Prevention Plan recently expired on 30 June 2019.

Over the last six months, the City has been reviewing its previous community safety and crime prevention initiatives; and undertaking planning to identify the new initiatives that should be contained in the next Community Safety and Crime Prevention Plan for 2019-21.

The objectives of the project were:

1. To identify community safety priorities.
2. To encourage collaboration between state government, local government and community organisations on issues of community safety.
3. To direct resources towards appropriate community safety initiatives.
4. To build partnerships with key organisations, groups and individuals to address community safety.
5. To coordinate actions to increase actual and perceived community safety in people's homes and public spaces.

The Community Safety and Crime Prevention Plan 2019-21 was developed in partnership with the City of South Perth, Kensington Police, state government agencies, community stakeholder groups and the community.

### Comment

The Community Safety and Crime Prevention Plan 2019-21 outlines the plan development process undertaken; stakeholder engagement results; and identified strategies and actions to be developed over the life of the Plan.

Five community safety goals have been identified for the Community Safety and Crime Prevention Plan 2019-21:

- Goal 1 - Increase Awareness of Home Safety
- Goal 2 - Reduce Anti-Social Behaviour
- Goal 3 - Decrease levels of theft of possessions from motor vehicles
- Goal 4 - Safe Places and Spaces
- Goal 5 - Road Safety

The Community Safety and Crime Prevention Plan 2019-21 is underpinned by a community development approach and thus seeks to build social cohesion and community connections. This in turn enhances the community's sense of safety. In addition, place making principles are utilised to instil community ownership and participation in public places, leading to increased activity and an increased feeling of safety.

The Community Safety and Crime Prevention Plan 2019-21 includes an Implementation Plan that is presented in a table format to clearly outline the overarching goal; description of the actions; level of City involvement; and the suggested implementation timeframes. The Implementation Plan should be read as a guide only. The Implementation Plan will be subject to an annual review to stay in tune with current and emerging community needs and organisational priorities. This will occur with the assistance of the City's Community Safety and Crime Prevention Group, which is comprised of representatives from the City of South Perth, WA Police, state government agencies and key stakeholder group representatives. The associated timeframes of the Implementation Plan will be adjusted accordingly.

Measuring the success of the actions related to the delivery of the Implementation Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data. The Community Safety and Crime Prevention Plan 2019-21 is intended to be a 'living' document with the long established Community Safety and Crime Prevention Group continuing to monitor and review the Plan.

### Consultation

The Community Safety and Crime Prevention Plan 2019-21 was developed through an extensive consultation process. In particular, information was gathered from the community regarding their perceptions of safety and crime in the community; as well as sourcing factual data from the WA Police; feedback from the Community Safety and Crime Prevention Group; and feedback from Elected Members through a Councillor workshop held on 2 July 2019.

Feedback provided during the consultation process has been incorporated into the Community Safety and Crime Prevention Plan 2019-21.

### Policy and Legislative Implications

Nil.

### Financial Implications

The Community Safety and Crime Prevention Plan 2019-21 is intended to be delivered over a period of three financial years from 2019/20 to 2021/22 inclusive. Funds required for the Implementation Plan will be sought using a combination of City funds, external funding and/or contributions from community safety and crime prevention stakeholders; and will be requested as part of the annual operational budget process for assessment by Council.

### 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

<b>10.1.1 (a):</b>	City of South Perth Community Safety and Crime Prevention Plan 2019-21
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### 10.1.2 Application for a Large Scale Event/Activation on the South Perth Foreshore - The Big Wedgie Pty Ltd

Location:	Sir James Mitchell Park
Ward:	Mill Point
Applicant:	The Big Wedgie Pty Ltd
File Ref:	D-19-63509
Meeting Date:	23 July 2019
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

- The City has received a request from a commercial organisation called The Big Wedgie Pty Ltd to hire a portion of Sir James Mitchell Park to operate a temporary aquatic leisure activation (water slides business) from 16 December 2019 to 2 February 2020.
- City of South Perth Policy 106 'Use of City Reserves and Facilities' requires large scale events and activations facilitated by commercial organisations to be referred to Council for its approval.
- The water slides business facilitated by The Big Wedgie Pty Ltd is assessed as a commercial-facilitated large scale activation, so is presented to Council for its consideration.
- This report recommends approval of the temporary water slides business subject to The Big Wedgie Pty Ltd complying with the stated terms.

#### Officer Recommendation

That Council approves a Licence Agreement to The Big Wedgie Pty Ltd to use part of Sir James Mitchell Park to operate a temporary large scale aquatic leisure activation (water slides business) pursuant to City of South Perth Policy 106 Use of City Reserves and Facilities and subject to the following terms:

- a. Licensed Area: Part of Sir James Mitchell Park comprising an area of approximately 6,000 square metres within Lot 214 and Lot 215 Coode Street South Perth.
- b. Term: 16 December 2019 to 2 February 2020.
- c. Operating Times: 9am-7.30pm daily (except Australia Day being 3pm to 7:30pm).

- d. Permitted Use: Installation and operation of four inflatable waterslides with associated infrastructure comprised of kiosk, ticket booth, chlorine water filtration system, water tanks, storage compound, power leads, water hoses and perimeter fencing.
- e. Event Requirements: Site Plan, Risk Management Plan, Noise Management Plan, Public Liability Insurance Coverage, Resident Notification Letter, Parking and Traffic Plan, Crowd Control Plan, First Aid Plan, Food and Beverage Plan, Amenities/Toilets Plan and Waste Management Plan.
- f. Special Conditions: Australia Day - The community shall receive free use of the water slides on 26 January 2020, as part of the City's Australia Day Celebration Zone.
- g. The payment of the Fees and Charges (excluding GST) contained in **Confidential Attachment (a)**:
- h. Other Approvals: In accordance with the Swan and Canning Rivers Management Regulations 2007, The Big Wedgie Pty Ltd will also require a permit from the Department of Biodiversity Conservation and Attractions, as the land requested for hire by the operator falls within the Swan River Trust Riverpark area.

### Background

The Big Wedgie Pty Ltd previously hired a portion of Sir James Mitchell Park (Lot 214 and 215 Coode Street South Perth) to operate a temporary water slides business from 10 December 2018 to 4 February 2019.

Their business involved the installation and management of four inflatable water slides and associated infrastructure (i.e. kiosk, ticket booth, chlorine water filtration system, water tanks, storage compound, power leads, water hoses and perimeter fencing).

The City has received another reserve hire booking application from The Big Wedgie Pty Ltd to again hire a portion of Sir James Mitchell Park (Lot 214 and 215 Coode Street South Perth) to operate its water slides business for a temporary basis from 16 December 2019 to 2 February 2020.

At its meeting held 25 June 2019, Council resolved to approve amendments to Policy 106 Use of City Reserves and Facilities. In particular, large scale events and activations facilitated by commercial organisations are now required to be referred to Council for its approval.

### Comment

There are various positive impacts on the community resulting from use of the City's reserves and facilities for large scale events and activations, such as:

- Activation of public spaces;
- Improves social connectedness;
- Promotes participation in physical activity;
- Commercial trade opportunities for local business; and
- Enhances overall community health and wellbeing.

Large scale events and activations are assessed in relation to the impact it may have on the venue and surrounding area. Consideration shall be given to the number of people attending the event; other activities taking place in the area; the availability of parking facilities; and the possible impact of the event on the facility itself, facility users and local residents. As large scale events have a greater potential impact on the community, the City has developed 'event suitability criteria' to guide the decision-making process regarding future large scale events on the South Perth Foreshore (see table below).

<b>Large Scale Event Suitability Criteria</b>	<b>City's Assessment</b>
Land Ownership and Permitted Land Use	The land requested to be used by The Big Wedgie Pty Ltd is freehold land owned by the City. The land has a 'Parks and Recreation' zoning. The proposed activation (water slides operation) is consistent with the permitted land use.
Compliance to Legislation/Local Laws/Policies	The Big Wedgie Pty Ltd has agreed to comply with all relevant legislation and associated regulations, namely: <ul style="list-style-type: none"> <li>• City of South Perth Public Places and Local Government Property Local Law 2011</li> <li>• Environmental Protection (Noise) Regulations 1997</li> <li>• Swan and Canning Rivers Management Regulations 2007</li> <li>• Policy 106 - Use of City Reserves and Facilities</li> </ul>
Alignment to the City's Strategic Plans	The proposed activation is compatible with the objectives of the City's Community Plan; Public Open Space Strategy; and South Perth Foreshore and Management Plan.
Compliance to the City's Event Planning and Risk Management Requirements	The Big Wedgie Pty Ltd has agreed to comply with all large scale event requirements, namely: site plan, risk management plan, noise management plan, public liability insurance coverage, resident notification letter, parking and traffic plan, crowd control plan, first aid plan, food and beverage plan, amenities/toilets plan and waste management plan.

Compatibility to Community Expectations	The Big Wedgie Pty Ltd has operated in South Perth once before (December 2018 to February 2019). The City received a small amount of feedback from the community (approx. 10 people) about the water slides during the previous hire period, with people expressing their views both for and against the operation. People in favour of the water slides commented that it was a fun school holiday activity for the community. People against the water slides commented that it blocked their day-time views of the city; or it was not suitable for the Foreshore.
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If this booking request is approved, The Big Wedgie Pty Ltd will be required to implement risk mitigation strategies to minimise anti-social behaviour and parking/noise disruptions to nearby residents. These strategies include:

- The operator will use a series of low voltage/low noise (10amp) air blowers to inflate the water slides;
- The slides will be inflated each morning/deflated each evening;
- The slides will be installed inside a perimeter fence;
- Overnight security will be provided every day to minimize anti-social behaviour in and around the site;
- The activity will include low level background music at the site, which will be monitored by the City to ensure compliance to noise regulations.

### Consultation

Various City officers have been consulted during the development of this report from the following business units: Community, Culture and Recreation; Governance; Development Services; Ranger Services; and Parks Operations.

### Policy and Legislative Implications

The following are relevant to this report:

- City of South Perth Policy 106 Use of City Reserves and Facilities;
- City of South Perth Public Places and Local Government Property Local Law 2011;
- Environmental Protection (Noise) Regulations 1997; and
- Swan and Canning Rivers Management Regulations 2007.

### Financial Implications

The City's 2019/20 Schedule of Fees and Charges includes the fees and charges setting mechanism that is applicable to commercially facilitated large scale events and activations. In particular, the licence fee is negotiated between the parties, therefore, it comprises information that if disclosed would reveal a trade secret that has a commercial value. The fees form part of a future contract that will be entered into between the parties. For these reasons, the fees and charges are listed in a confidential attachment to this report, as per Section 5.23 of the Local Government Act.

A reserve hire bond will also be levied and the The Big Wedgie Pty Ltd will be required to reimburse the City for any legal costs for development and execution of the Licence Agreement.

*Note: In addition, it is estimated that the water slides attraction will save the City money for its Australia Day event, as the City would otherwise have to fill this space in the Australia Day Celebration Zone with other paid leisure activities and associated infrastructure.*

### Strategic Implications

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

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

### Attachments

**10.1.2 (a):** Fees and Charges (*Confidential*)

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

### 10.3.1 Proposed Temporary Facilities (Office, Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning

Location:	Manning
Ward:	Manning Ward
Applicant:	MW Urban/Kiaran Glenn
File Reference:	D-19-63510
DA Lodgement Date:	20 December 2018
Meeting Date:	23 July 2019
Author(s):	Kevin Tang, Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for Temporary Facilities (Office Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use	Canning Bridge Activity Centre Plan Requirement 1.14 of Element 1
Bushfire Risk Management	Deemed Provisions Part 10A
Vehicular access	TPS6 clause 7.8

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for Temporary Facilities (Office, Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning **be approved** subject to the following conditions:

1. The approval of the Temporary Facilities is valid until 1 May 2020.
2. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
3. Prior to the submission of a building permit application or the commencement of development, a revised Environmental Acoustic Report shall be submitted to and approved by the City.
4. Prior to the submission of a building permit application or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City. The Construction Management Plan must address the following issues, where applicable:

- a. Public safety and amenity;
  - b. Contact details of essential site personnel, construction period and operating hours;
  - c. Complaints management;
  - d. Noise, vibration, air and dust management;
  - e. Any other matter deemed relevant by the City.
5. The design and dimensions of car parking bays and associated accessways shall be in accordance with Australian Standard AS2890.1.
  6. All temporary structures including the office, crib, ablution and storage container and other construction materials are to be removed from the site in their entirety no later than 1 May 2020.
  7. Prior to the commencement of development, heavy vehicles turning signs shall be installed on Manning Road to warn drivers of traffic entering and exiting the Site and all vehicular access shall be via Manning Road on a “left in/left out” basis.
  8. Any lighting installed is to achieve compliance with Australian Standard 4282 – 1997- Control of the obtrusive effects of outdoor lighting, to the satisfaction of the City.
  9. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City of South Perth.
  10. Any damage to the City’s assets on Manning Road and Ley Street resulting from the temporary use shall be reinstated at the cost of the applicant to the satisfaction of the City.
  11. All stormwater from the property shall be discharged into soakwells or sumps located on the site unless otherwise approved by the City.

#### Specific Advice Note

The applicant/landowner is advised that the City’s Firebreak Notice should be strictly complied with. The applicant should maintain the development site in a tidy manner, including maintenance of grass/weeds and removal of dead branches and material.

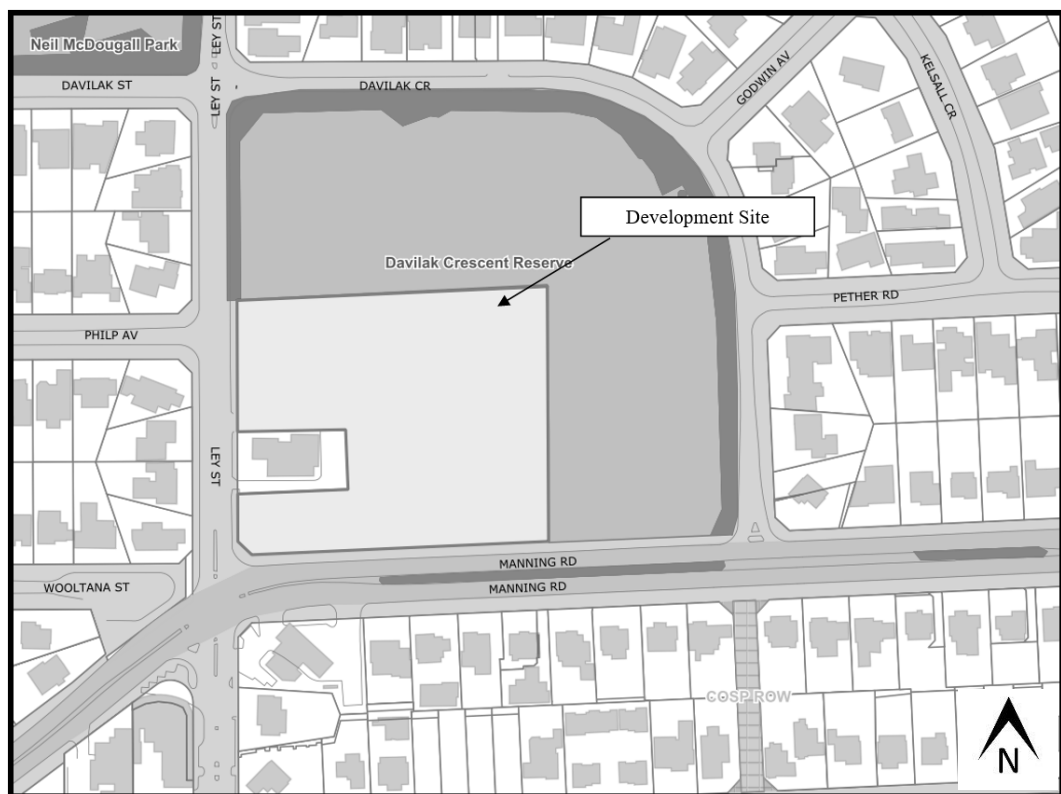
**Note:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

### Background

The development site details are as follows:

<b>Zoning</b>	Centre Zone Canning Bridge Activity Centre Plan Quarter: Davilak (Q4) Canning Bridge Activity Centre Plan Zone: M10 (Mixed Use Development up to 10 Storeys)
<b>Density coding</b>	Not Applicable
<b>Lot area</b>	14155 sq. metres
<b>Development potential</b>	Various potential uses-refer to Element 1 (Land Use) of Canning Bridge Activity Centre Plan
<b>Existing Land Use</b>	Vacant

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



**Figure 1:** Development site

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

1. *Specific Uses*
  - (h) *Use not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme, except Display Homes where the City does not receive objections during consultation. (The proposed land use is not listed as a preferred land use in the Canning Bridge Activity Centre Plan)*



10.3.1 Proposed Temporary Facilities (Office, Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning

**Comment**

**(a) Background**

In December 2018, the City received an application for Temporary Facilities (Office, Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning (the **Site**). Following the City’s planning assessment, amended development plans were received by the City on 21 May 2019. It should be noted that development approval was granted to the **Site** for temporary storage in 2007 and expired in 2009.

During the City’s planning assessment, a letter received from a complainant on 15 January 2019 informed the City that materials were being transported by trucks to and from the site at varying hours during the night resulting in excessive noise within the surrounding residential area. The activity and use of the Site have since ceased due to the City’s compliance investigation. The applicant was advised that a development approval is required prior to works being conducted on the site.

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

The Site is currently vacant with remnant bushland located in the northern portion of the Site and contains a hardstand area at the southwest corner, as depicted in **Figure 2** below.

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

The Site surrounds a Telstra exchange, has frontages to Ley Street to the west and Manning Road to the south and is surrounded by the City’s Davilak Reserve on the north and east sides, as seen in **Figure 2** below:



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

**(d) Description of the Proposal**

The proposal involves the use of the Site as a work and storage compound in association with the Smart Freeways- Kwinana Northbound project. The proposed use of the land is for a temporary period only between July 2019 and April 2020, to assist with the construction of the additional northbound lane on Kwinana Freeway between Canning Highway and the Narrows Bridge. The project is of metropolitan significance and being funded by the State and Federal Governments. There are two existing vehicular driveways, both of which are proposed to be retained for the purposes of this application. The western driveway accesses the site from Ley Street while the southern driveway accesses the site from Manning Road.

Specifically, the proposal includes the following:

- A material laydown area of 1,364m<sup>2</sup>;
- The positioning of a transportable office and crib internal to the site, around the south-eastern corner of the Telstra land;
- The deployment of a transportable ablutions block to the site;
- Staff car parking; and
- Access via Manning Road.

The applicant's planning report and development plans are provided at **Attachment (a)**. Additionally, the site photographs show the relationship of the site with the surrounding built environment at **Attachment (b)**. A Bushfire Management Plan and Environmental Acoustic Assessment are provided at **Attachment (c) and (d)** respectively.

The following components of the proposed development require discretionary assessment and are discussed in the sections below:

- (i) Land use;
- (ii) Bushfire risk management; and
- (iii) Vehicular access.

**(e) Land Use**

The proposed land use of temporary facilities is not a use that is listed as a preferred land use for any floor level in the M10 Zone at Q4. Requirement 1.14 under the Canning Bridge Activity Centre Plan states that *any use not listed in the relevant Clause pertaining to the relevant Quarter is not permitted unless the Council is satisfied that the use is consistent with the relevant Desired Outcomes for that Quarter*. A table outlining the Desired Outcomes for Q4 is shown below:

Objective	Desired Outcome	Requirements
<i>Element 1 – Land Use To reinforce the Canning Bridge Activity Centre Plan as a vibrant and high use area, where employment and accommodation options are plentiful and varied</i>	<i>DO1.4 Q4 is a rejuvenated residential area with a vibrant local main street of local shops and employment. Both residential and office development will be encouraged in the M10 and M15 areas, although more focus on café and retail opportunities will be encouraged for the development of the ground floor in buildings along Davilak Street between the Freeway and Edgcombe Street. Uses within the Residential zone will remain residential only to establish an appropriate buffer between the centre and the surrounding suburb, although some appropriate scale non-residential uses may be considered along the residential edges for Davilak Street.</i>	<i>Preferred Land Uses 1.7 Q4 – Ground Floor Uses 1.7.2 M10 Zone – Restaurant, Shop, Fast Food Outlet, Consulting Rooms, Convenience Store</i>

While the proposed land use is not a use that is envisaged under the Canning Bridge Activity Centre Plan, it is being proposed on a temporary basis between 1 July 2019 and 30 April 2020 to assist one of the State's Freeway projects. It is expected that the project will increase traffic capability of Kwinana Freeway and reduce pressure and commuting time on local roads. On this basis, it is considered that the proposal is consistent with the Objective of the area and can be supported with appropriate conditions to safeguard the amenity of the surrounding residential area during this 10-month period.

**(f) Bushfire Risk Management**

The subject site is located within a Bushfire Prone Area declared by the Fire and Emergency Services Commissioner. The Planning and Development (Local Planning Schemes) Regulations 2015 requires a Bushfire Attack Level Assessment or Bushfire Contour Map to be prepared before a development is commenced. The State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) requires the following information to accompany a development application if the proposal is located within designated Bushfire Prone Area:

- a) *A Bushfire Attack Level assessment or Bushfire Attack Level Contour Map;*
- b) *The identification of any bushfire hazard issues arising from the Bushfire Attack Level Contour Map or the Bushfire Attack Level assessment; and*
- c) *An assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.*

At the City's request, the applicant has provided a Bushfire Management Plan prepared by an accredited Level 2 Bushfire Planning and Design Practitioner, a copy of which is provided at **Attachment (c)**. The Bushfire Management Plan includes a Bushfire Attack Level Contour Map and an assessment against the bushfire protection criteria requirements contained within the SPP3.7. The Bushfire Management Plan advises that the overall bushfire risks are mitigated by the following elements:

- While portions of the site have a Bushfire Attack Level -40/FZ rating, these will only be used for parking of vehicles and storage. Both the office and crib room, which are habitable buildings, have a Bushfire Attack Level -29 or lower rating;
- The use is temporary in nature operating for only a portion of the 2019/2020 fire season;
- The development site is situated on the corner of two district roads and has excellent access especially to the east and west; and
- The site is being used primarily for storage purposes and parking of staff vehicles. Few staff will be present on the site except at the start/end of their shifts;

The Bushfire Management Plan does not recommend any specific planning conditions to be imposed but requests the City to enforce compliance with its annual Firebreak Notice.

In this instance, it is considered that the proposal satisfies the discretionary Clause and addresses Clause 78 (c) of the Deemed Provisions and is therefore supported by the City.

10.3.1 Proposed Temporary Facilities (Office, Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning

(g) **Vehicular access**

Clause 3.3.1 of the WAPC Development Control Policy 5.1 Regional Roads (Vehicular Access) (DCP 5.1) requires *where alternative access is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply.*

The Site is bounded by Ley Street to the west and Manning Road to the south. Manning Road is a Regional Road under the Metropolitan Region Scheme. Consistent with the requirements of DCP 5.1, the applicant initially proposed to access the site from Ley Street. This arrangement was however met with neighbour objections due to the need to access the site for night works. The applicant advised that the majority of road works are conducted at night time between 8pm and 6am when traffic volume is low on Kwinana Freeway. It is therefore necessary to access the site during night times.

Alternative access arrangements were explored due to this constraint. The proposal to utilise the existing driveway off Manning Road was approved by both the Department of Planning, Lands and Heritage (DPLH) and the City's Asset and Design Department on the following conditions:

- The access shall be "left in/left out" only from Manning Road; and
- This arrangement being temporary only between July 2019 and April 2020.

In this instance, it is considered that the proposal satisfies the discretionary clause, and is therefore supported by the City with recommended conditions.

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

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

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

The proposed development is considered satisfactory in relation to this matter, subject to the recommended conditions.

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

In considering an application for development approval the local government is to have due regard to the following matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matters	Officer's Comment
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	The proposed development is considered to satisfy the aims and provisions of the Scheme as the amenity of the surrounding residential area is protected by relocating the vehicular access to Manning Road and other appropriate planning conditions.
(c) <i>any approved State planning policy</i>	The SPP3.7 has been duly considered as outlined in the "Bushfire Risk Management" section of the report.
(e) <i>any policy of the Commission</i>	The DCP 5.1 has been duly considered as outlined in the "Vehicular Access" section of the report.
(m) <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	<p>As the proposal is not a comprehensive new development, it is therefore not reflective of the full potential under the current or proposed planning framework.</p> <p>The proposed temporary facilities are an interim land use proposed with the only structures being a site office, crib, storage container and ablution.</p> <p>As there are no other structures proposed on site, there are no resultant impacts from height, overshadowing or building bulk to adjoining properties. The existing landscaping surrounding the site also serves as visual screening from public roads.</p>

<p>(n) <i>the amenity of the locality including the following –</i></p> <p>(i) <i>environmental impacts of the development;</i></p> <p>(ii) <i>the character of the locality; and</i></p> <p>(iii) <i>Social impacts of the development;</i></p>	<p>It is noted that the existing amenity of this locality will change over the coming years as a result of ongoing development within the Canning Bridge Activity Centre Plan.</p> <p>The proposed development is considered to have a minimal impact on the amenity of the locality given the proposed temporary land use and its 10 month approval timeframe. The Environmental Acoustic Assessment demonstrates that noise levels from the proposed onsite activities will be compliant with the requirements of the Environmental Protection (Noise) Regulations 1997.</p> <p>It is also noted that as the temporary facilities are at grade level, it is visible from surrounding properties and therefore afforded with good passive surveillance to ensure the risk of anti-social behaviour is minimised on this otherwise vacant land.</p> <p>Additionally any lighting provided in the temporary facilities is required to achieve compliance with Australian Standard 4282-1997 – Control of the obtrusive effects of outdoor lighting.</p>
<p>(s) <i>the adequacy of–</i></p> <p>(i) <i>the proposed means of access to and egress from the site; and</i></p> <p>(ii) <i>arrangements for the loading, unloading, manoeuvring and parking of vehicles</i></p>	<p>The City's Asset and Design Department has reviewed the plans and has confirmed that the proposed access and egress from the site is satisfactory.</p>

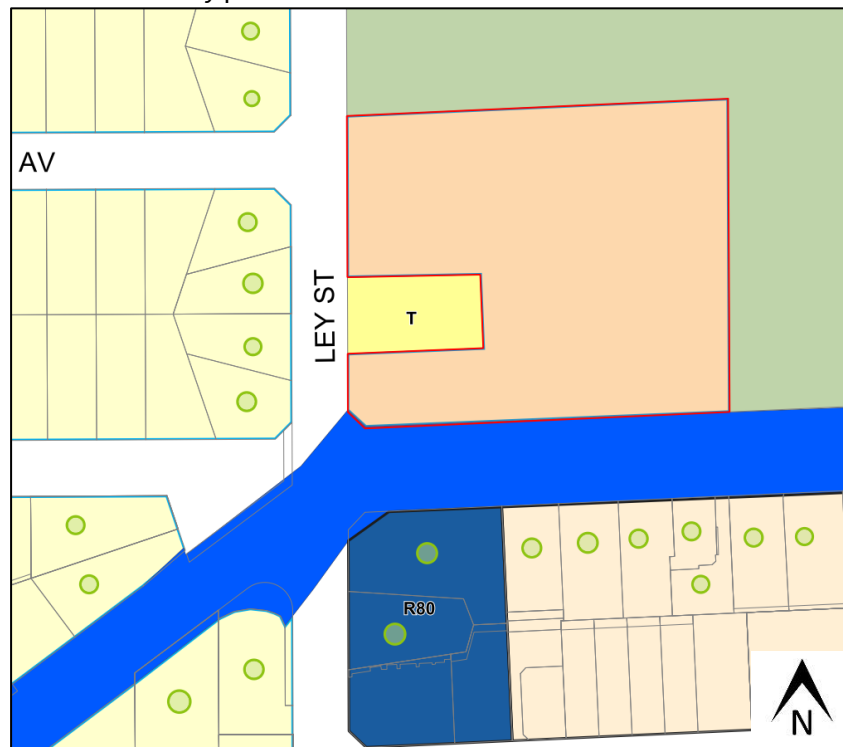
<p>(t) <i>the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</i></p>	<p>The proposal has been reviewed by the City’s Asset and Design department, who have confirmed that the surrounding road network can accommodate the extra vehicles resulting from the proposed development subject to a “left in/left out” access arrangement.</p>
<p>(y) any submissions received on the application</p>	<p>All the submissions received have been duly considered, as outlined in the “Consultation” section of this report.</p>

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

**Consultation**

**(a) Neighbour Consultation**

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





During the advertising period, a total of 47 consultation notices were sent and one submission was received against the proposal. The proposal was re-advertised for a period of 14 days following the receipt of amended plans. No additional submission was received. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p><i>We object to the proposal to situate a temporary facility at the above address due to the excessive after hours noise of articulated trucks going in and out of the depot all hours of the night, even well after midnight to 2 or 3 in the morning. This has been going on for a few nights now. The entrance to the yard is directly across from our residence at ... and we have had limited sleep for the past few nights.</i></p> <p><i>The track record of the contractor has not been good through using the facility even before they have approval so heavens knows what will happen if they are given approval so we strongly object. We live in a residential area and as such see no reason why we should be kept awake at night.</i></p> <p><i>We will request your immediate action to stop the excessive after hours noise from this site</i></p>	<p>In regard to the submitter's complaint, the applicant has provided the following information:</p> <p><i>The night we received the complaint we had long semi trailers transporting the road safety barriers (12m lengths) stored in the compound out to site. This activity occurs very infrequently, in fact we only have one more night shift required for barrier install to occur later this month and then we are done with the barriers [i.e very large vehicle movements].</i></p> <p>Apart from the above, the largest trucks being used for the site work are 6-wheel 10-tonne tip truck/water trucks. The City's Compliance team has also met with the applicant onsite and, subsequently, advised that all activities should cease until a development approval is granted. It is observed that all the activities have ceased since that time.</p> <p>Additionally, the applicant has since amended the vehicular access from Ley Street to Manning Road. This will assist in alleviating any noise impact emanating from vehicle movements.</p> <p>The comment is <b>NOTED</b>.</p>

**(b) Internal Administration**

Comments were invited from the Asset and Design and Environmental Health business units of the City's administration.

The Asset and Design business unit was invited to comment on a range of issues relating to vehicle movements and onsite parking generated from the proposal. This business unit raises no objections and has provided the following comments:

- (i) *Heavy Vehicles Turnings* signs should be installed on Manning Road to warn drivers of traffic entering and exiting the site;
- (ii) Access to Manning Road is only supported on a "left in/left out" basis; and
- (iii) Parking to comply with AS2890.1:2004.

The Environmental Health business unit provided comments with respect to health-related issues and requested a few amendments to be made prior to commencement of development.

Accordingly, planning conditions and/or advice notes are recommended to respond to the comments from the above officer(s).

**(c) External Agencies**

Comments were also invited from the Department of Planning, Lands and Heritage (DPLH). The DPLH provides the following comments:

*The Department has no objection to the provision of temporary left in / left out access point to Manning Road for Freeway works as outlined in the MW Urban correspondence dated 17 May 2019 and depicted on the Smartways plan dated 3 May 2019.*

*This is supported for a period of 10 months only from July 2019 to April 2020.*

Accordingly, planning conditions are recommended to respond to the comments from the above officer(s).

**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 may have some financial implication should the owner or applicant be aggrieved by Council's decision and lodges an appeal to the State Administrative Tribunal, or should the City need to undertake legal action to enforce the development approval.

10.3.1 Proposed Temporary Facilities (Office, Crib, Ablution, Storage and Parking) on Lot 2 (No. 54) Manning Road, Manning

**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: (B) Promote and facilitate contemporary sustainable buildings and land use

**Sustainability Implications**

This determination has no sustainability implications.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. The proposed temporary facilities will assist with the construction of the Smart Freeway project, which will in turn reduce traffic pressure on local roads. Potential bushfire risks are adequately addressed in the applicant's Bushfire Management Plan. It is also important to note that as the proposal is temporary in nature, it does not prejudice more comprehensive redevelopment of the site in the future. Provided that conditions are applied as recommended, it is considered that the application be approved.

**Attachments**

- 10.3.1 (a): Amended Planning Report and Development Plans
- 10.3.1 (b): Site Photos
- 10.3.1 (c): Bushfire Management Plan
- 10.3.1 (d): Environmental Acoustic Assessment

### 10.3.2 Proposed Two Grouped Dwellings (Single Storey and Two Storey) at Lot 25, No.1A Sandgate Street, South Perth

Location: Lot 25, No.1A Sandgate Street, South Perth  
 Ward: Mill Point Ward  
 Applicant: Beilby Design  
 File Reference: D-19-63511  
 DA Lodgement Date: 28 February 2019  
 Meeting Date: 23 July 2019  
 Author(s): Victoria Madigan, Statutory Planning Officer  
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
 Council Strategy: 3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for proposed Two Grouped Dwellings (single storey and two storey) on Lot 25, No.1A Sandgate Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Dwelling density (pre-Scheme development)	Town Planning Scheme No. 6, Clause 6.2A(1)(a)(ii)
Lot boundary setbacks	Design Principles of Clause 5.1.3 of R-Codes WA (Volume 1)
Boundary walls	Discretionary criteria of Clause 2.0 of Policy P350.02 and Design Principles of Clause 5.1.3 of R – Codes WA(Volume 1)
Open Space	Design Principles of Clause 5.1.4 of R-Codes WA (Volume 1)

#### Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for proposed Two Grouped Dwellings (single storey and two storey) on Lot 25, No.1A Sandgate Street, South Perth **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the issue of a building permit, details of the surface of the boundary wall to the store and laundry of Unit 1A on the western side of the lot shall be provided. The finish of the boundary wall is to be compatible with the external walls of the neighbouring dwellings, to the satisfaction of the City.

3. The surface of the boundary wall to the garage of Unit 1B visible from the street, on the southern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
4. Prior to the issue of a building permit, a landscaping plan for the site shall be submitted by the applicant, to the satisfaction of the City. The landscaping is to be installed prior to the occupation of the dwellings and maintained thereafter, to the satisfaction of the City.
5. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
6. Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
7. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
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, to the satisfaction of the City.
9. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
10. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
11. Prior to occupation, all fencing, obscure glazing and visual privacy screening to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, to the satisfaction of the City.
12. Prior to occupation, at least one tree not less than 3.0 metres in height shall be planted on site, preferably within the street setback area. The tree shall be maintained in good condition thereafter.

#### Specific Advice Note

1. The street addresses for this development will be 1A Sandgate Street (northern dwelling) and 1B Sandgate Street (southern dwelling), SOUTH PERTH. The size and siting of the numbering must be in accordance with Policy P361 – Street Addressing. The new numbers will not be effective until Landgate requests numbering for the related new titles; if the dwellings are completed prior to new titles being issued, please contact the City.

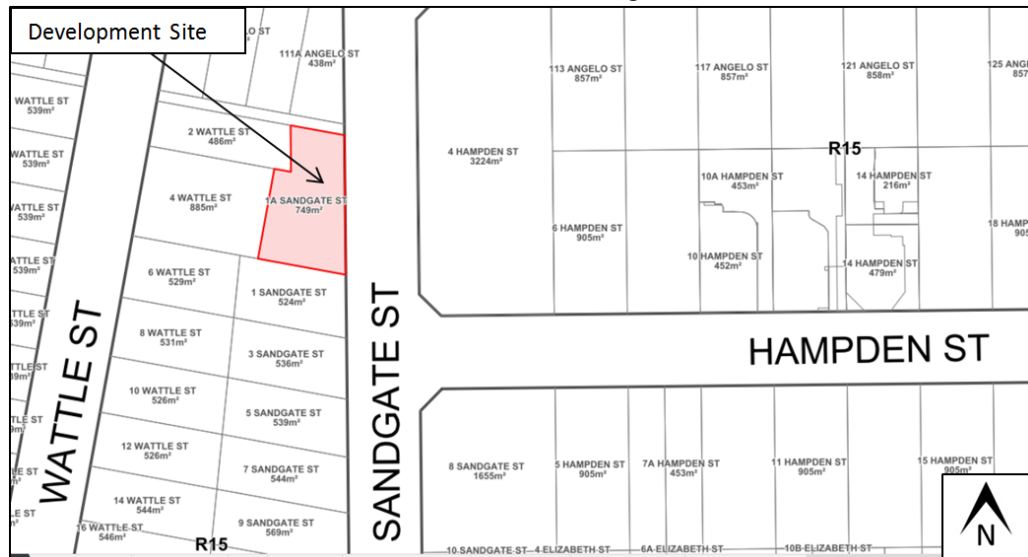
**Note:** City officers will include relevant advice notes on the determination notice.

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	748.96m <sup>2</sup>
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Two dwellings under Clause 6.2A of the City's Town Planning Scheme No.6

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



**Figure 1:** Development site

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

3. ***Developments involving the exercise of a discretionary power***
  - (d) *Applications involving the exercise of discretion under Clauses 6.2A or Schedule A (Part 3) clause 7A & 12. (4) of the Scheme.*

### Comment

#### (a) Background

In April 1969, the City granted development approval for two Multiple Dwellings within a two storey building on Lot 25, No. 1A Sandgate Street South Perth (the site).

In February 2019, the City received an application for two Grouped Dwellings (single storey and two storey). The existing site area of 748.96m<sup>2</sup> does not meet the minimum (580m<sup>2</sup>) and average (666m<sup>2</sup>) lot size requirements for two grouped dwellings on a Residential 15 coded site, as prescribed in the Residential Design Codes (Volume 1) (**R-Codes**). The application has been considered against special provisions for pre-scheme development in accordance with Clause 6.2A of the City's Town Planning Scheme No. 6 (**Scheme**).

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

The existing site currently features two Multiple Dwellings within a two storey building with two outbuildings in the form of a carport and storeroom. The previously approved development plans can be found at **Attachment (c)** in this report.

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

The site has a frontage to Sandgate Street to the east, residential dwellings to the south and west and a City of South Perth owned right of way (ROW) to the north, as seen in **Figure 2** below:



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

**(d) Description of the Proposal**

The proposal involves the demolition of the existing dwellings and associated outbuildings and the construction of two Grouped Dwellings (single storey and two storey) on the Site.

The following components of the proposed development require discretion under the Scheme, the R-Codes and/or Council Policy requirements:

- (i) Site area;
- (ii) Lot boundary setbacks;
- (iii) Boundary walls; and
- (iv) Open space.

The development plans can be found at **Attachment (a)** in this report. The site photographs show the relationship of the site with the surrounding built environment and can be found at **Attachment (b)**.

In regards to the site area of the proposal, Clause 6.2A(1)(ii) of the Scheme states the following:

**(1) Total replacement of pre-Scheme developments**

- (a) *On a site containing a pre-Scheme development, the local government may approve redevelopment of that site as follows:*
  - (ii) *Where the pre-Scheme development exceeds the number of dwellings permitted by the Scheme or by Table 3 of the R-Codes: with the same number of dwellings as the pre-Scheme development.*

As such, the City can reasonably entertain the application for the site. The proposal is considered to meet the relevant design principles in the R-Codes and discretionary criteria of the Scheme and relevant Council policies. The various discretionary assessments are discussed in further detail below. Additionally, the four discretionary matters are also addressed by the applicant in their justification report, at **Attachment (d)**.

(e) **Dwelling Density (pre-Scheme Development)**

Element	Deemed-to-Comply Provision	Proposed
R-Codes site area requirement (Table 1)	Minimum site area per dwelling: 580m <sup>2</sup> Average site area per dwelling: 666m <sup>2</sup>	Minimum site area: 350.75m <sup>2</sup>  Average site area: 373.83m <sup>2</sup>  Unit 1A area: 396.91m <sup>2</sup> Unit 1B area: 350.75m <sup>2</sup>
<p>Clause 6.2A (1)(a) <i>Total replacement of pre-Scheme developments is permitted:</i></p> <p>(i) <i>Where the pre-Scheme development exceeds the number of dwellings permitted by the Scheme or by Table 3 of the Codes: with the same number of dwellings as the pre-Scheme development;</i></p> <p>Clause 6.2A(1)(b) <i>On a site containing a pre-Scheme development, the local government may permit a replacement development to be used for:</i></p> <p>(i) <i>The same use as the pre-Scheme development; or</i> (ii) <i>Any use which is permissible under the Scheme.</i></p> <p>Clause 6.2A (1)(c) <i>An application for planning approval submitted under clause 6.2A(1) shall meet all of the following requirements:</i></p> <p>(i) <i>The pre-Scheme development is to remain on the site at the time of determination of an application for planning approval made under this sub-clause.</i> (ii) <i>The pre-Scheme development is to be demolished as part of the proposed development.</i> (iv) <i>No external wall of the replacement building is to extend higher than the highest point of the corresponding external wall of the pre-Scheme development.</i></p> <p>Clause 6.2A (2)(d) <i>The replacement development shall comply with all other site requirements and relevant provisions of the Scheme and R-Codes.</i></p> <p>Clause 6.2A (4)(a) <i>The proposed development has been advertised in accordance with the provisions of Deemed Provisions clause 64; and</i></p>		



## Clause 6.2A (4)(b)

*In the local government's opinion, the proposed development:*

- (i) will enhance the streetscape and improve the amenity of the locality; and*
  - (ii) in the case of additions and alterations to pre-Scheme developments, will contribute positively to the visual enhancement of the building; and*
  - (iii) will not significantly:*
    - (A) overshadow an adjoining property;*
    - (B) adversely affect visual privacy; or*
    - (C) impede significant views;*
- to a greater extent than was caused by the pre-Scheme development.*

The proposed dwellings are considered to meet the relevant discretionary criteria in Clause 6.2A of the Scheme and are supported for the following reasons:

- While multiple dwellings and grouped dwellings are not unrelated uses, grouped dwellings is a permitted land use as per clause 6.2A (1)(b)(ii).
- The development is proposed at a density reflective of that which is currently on-site, being two dwellings.
- The grouped dwellings propose frontages and major openings to Sandgate Street and the adjoining ROW, thereby providing surveillance along the street and the ROW.
- There are similar designed buildings with comparable setbacks within the streetscape along the west side of Sandgate Street.
- The grouped dwellings provide an improved amenity for future residents by way of access to additional floor space for family living areas and associated outdoor activities.
- The development has provided multiple articulations between walls using varying setbacks, to reduce the impact of bulk as viewed from the streetscape along Sandgate Street, the adjoining ROW and properties along Wattle Street.
- The proposed development satisfies the solar access and visual privacy requirements of the deemed-to-comply provisions of the R-Codes, and will not impede any significant views.
- The proposed setbacks to the upper floor of the two storey Grouped Dwelling are maintained and further proposes a reduced floor size to that of the existing building on site, and will contribute positively to the visual enhancement of the building.

(f) **Lot Boundary Setbacks**

Element	Deemed-to-comply	Provided
<b>Unit 1A</b>		
Ground Floor - West: Bulk Wall - Living Room Ground Floor - West: Bed 3 and Patio Wall Length	6.0 metres	1.4 – 4.57 metres
Level 1 – West: Entire Wall Length	6.0 metres	1.4 – 2.4 metres
<b>Unit 1B</b>		
Ground Floor – West: Bulk Wall - Living and Dining Room Ground Floor – West: Bed 3 and Patio Wall Length	6.0 metres	1.5 -3.4 metres
<p><i>Design Principles:</i>  <i>Clause 5.1.3, P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>		

**Unit 1A**Ground Floor West

The lot boundary setback variations to the western ground floor boundary are considered to satisfy the design principles of the R-Codes and are supported for the following reasons:

- The proposed boundary wall is not adjacent to any major openings or outdoor living areas, and therefore no sensitive spaces are impacted.
- The setback variations to the ground floor will provide unrestricted access to direct sunlight and ventilation to the adjoining properties (Nos. 2 and 4 Wattle Street), given the shadow falls to the south of the proposed development site.
- The solar access requirements meet with the deemed-to-comply provisions of the R-Codes.
- Adequate access to sunlight and ventilation is also maintained for the subject dwelling as sufficient setbacks have been provided, ranging between 1.4 to 4.57 metres.
- The setback variation on the ground floor satisfies the visual privacy requirements of the deemed-to-comply provisions of the R-Codes.

Upper Floor West

The lot boundary setback variations to the western upper floor boundary are considered to satisfy the design principles of the R-Codes and are supported for the following reasons:

- Due to the unusual orientation of the lot and the design of the dwellings, the upper floor provides multiple articulations by way of varying setbacks, to reduce the impact of bulk as viewed from the adjoining ROW and properties along Wattle Street as depicted in **Figure 3** and **Figure 4** below.
- The upper floor variations will not restrict access to direct sunlight to the adjoining properties (Nos. 2 and 4 Wattle Street) given the shadow cast, falls to the south of the development site.

- The proposed setback variations satisfy the solar access requirements of the deemed-to-comply provisions of the R-Codes.
- Adequate access to sunlight and ventilation is also maintained for the subject dwelling as sufficient setbacks have been provided, which range between 1.28 to 4.57 metres.
- The proposed 1.5 metre setback to the subject site provides a 5.08 metre separation distance between dwellings and therefore sufficient ventilation to the adjoining property is provided.
- The setback variation on the upper floor satisfies the visual privacy requirements of the deemed-to-comply provisions of the R-Codes.



Figure 3: Overlay of upper floor of unit 1A on the development site.



Figure 4: Overlay of upper floor of unit 1A on the development site.

### Unit 1B

#### Ground Floor West

The lot boundary setback variations to the western ground floor boundary are considered to satisfy the design principles of the R-Codes and are supported for the following reasons:

- The building bulk associated with the setback variation is diminished due to the location of an adjacent carport with a nil setback along the shared common boundary in this location.
- The western adjoining property would not be impacted by shadow given the shadow cast, falls to the south of the development site.
- Adequate access to sunlight is maintained for the subject dwelling as a sufficient setback of 1.5 metres has been provided.
- The setback variations to the ground floor will provide unrestricted access to ventilation as sufficient setbacks have been provided, which range between 1.5 metres and 3.5 metres.
- The setback variation on the ground floor satisfies the visual privacy requirements of the deemed-to-comply provisions of the R-Codes.

(g) **Boundary Walls**

Element	Deemed-to-Comply Provision	Proposed
Unit 1A		
Boundary Wall to Store and Laundry (west)	Discretionary criteria of P350.02 – boundary walls are not permitted as of right on R15 coded sites	Maximum height –3 metres Average height – 3 metres Length – 7.76 metres
Unit 1B		
Boundary Wall to Garage (south)	Discretionary criteria of P350.02 – boundary walls are not permitted as of right on R15 coded sites	Maximum height –3.4 metres Average height – 2.90 metres Length – 6.3 metres
<p><i>Discretionary Criteria:</i>  <i>Policy P350.02, Clause 2.0</i></p> <p>(a) <i>Streetscape character;</i>            (b) <i>Outlook from:</i>                (i) <i>the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</i>                (ii) <i>any habitable room window of an adjoining dwelling;</i>            (c) <i>Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</i>            (d) <i>Amount of overshadowing of a habitable room window or outdoor living area on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing caused by the boundary wall does not exceed the overshadowing caused by a wall that conforms to the Residential Design Codes ‘deemed-to-comply’ setback.</i></p> <p><i>Design Principles:</i>  <i>Clause 5.1.3, P3.2: Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> <li>• <i>Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i></li> <li>• <i>Does not compromise the design principle contained in clause 5.1.3 P3.1;</i></li> <li>• <i>Does not have any adverse impact on the amenity of the adjoining property;</i></li> <li>• <i>Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i></li> <li>• <i>Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework;</i></li> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>		

The proposal is assessed against the discretionary criteria of Clause 2 of P350.02, in addition to the Design Principles of Clause 5.1.3.

**Unit 1A**

The storeroom and laundry boundary wall to the western ground floor boundary is considered to satisfy the discretionary criteria of P350.02 and is supported for the following reasons:

- The proposed boundary wall will not be visible from the streetscape as the access is provided off an adjoining ROW.
- The proposed boundary wall is not adjacent to any major openings or outdoor living areas, and therefore no sensitive spaces are impacted.
- The proposal makes effective use of space on an unusual shaped lot.
- The western adjoining property would not be impacted by shadow given the shadow cast, falls to the south of the development site.

**Unit 1B**

The garage boundary wall to the southern ground floor boundary is considered to satisfy the discretionary criteria of P350.02 for the following reasons:

- It is noted there are multiple boundary walls within the focus area and thus the proposal is considered appropriate in context with the existing streetscape character.
- The boundary wall is not adjacent to any major openings or outdoor living areas and therefore does not impact any sensitive spaces.
- The boundary wall will not dominate the streetscape, given the proposed setback is 6.75 metres from the street boundary alignment.
- Solar access satisfies the deemed-to-comply requirements of the R-Codes and, in addition, the shadow cast from the boundary wall is adjacent to a carport structure on the adjoining dwelling.

**(h) Open Space**

Element	Deemed-to-comply	Provided
Unit 1A		
Open Space	50% (185m <sup>2</sup> )	48.9% (180.9m <sup>2</sup> )
Unit 1B		
Open Space	50% (175.4m <sup>2</sup> )	49.3% (172.8m <sup>2</sup> )
<p><i>Design Principles:</i>  <i>Clause 5.1.4 P4 Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i></li> <li>• <i>Provide access to natural sunlight for the dwelling;</i></li> <li>• <i>Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i></li> <li>• <i>Provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i></li> <li>• <i>Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i></li> <li>• <i>Provide space for external fixtures and essential services.</i></li> </ul>		

The proposed open space variations are considered to satisfy the design principles of the R-Codes and are supported for the following reasons:

- The shortfall in the open space provision across Units 1A and 1B are 3m<sup>2</sup> and 4m<sup>2</sup> respectively, and are considered to be relatively minor variations to the deemed-to-comply provisions.
- The outdoor living areas have access to northern sunlight and are well ventilated.
- Solar access satisfies the deemed-to-comply requirements of the R-Codes.
- There are areas of open space which are accessible directly from habitable rooms for use from each dwelling at the front and rear of the property.
- Each dwelling provides generous street setback areas to enhance the streetscape through landscaping. A planning condition has been recommended to ensure that detailed landscaping is provided within the street setback area for each dwelling.
- The open space provided is positioned towards the eastern and western boundaries to allow for a usable space for the purpose of outdoor recreation.
- The dwellings maintain setback corridors to be utilised for purposes of external fixtures and essentials services, which will not detract from the streetscape as they are situated behind the dwelling.

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

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

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

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

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

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

Matter	Officer's Comment
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	For reasons outlined in the report, the development is considered to be consistent with the aims and provisions of the Scheme, particularly the following:  Clause 1.6 (f): <i>Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.</i>
(f) <i>Any policy of the state;</i>	For reasons outlined in the report, the development is considered to meet the relevant design principles within the R-Codes, being a state planning policy.
(g) <i>Any local planning policy for the Scheme area;</i>	For reasons outlined in the report, the development is considered to address the relevant boundary walls local planning policy.
(m) <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The application is, on balance, considered compatible in its setting, noting that the various discretionary assessments are deemed to be supportable. In particular, the boundary wall variations are considered to respond to the context of the adjoining properties appropriately. In addition, the proposed dwellings are considered compatible with the existing character of the streetscape, being single storey and two storey dwellings.
(y) <i>any submissions received on the application;</i>	No submissions were received during the consultation period.

### Consultation

#### (k) 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, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 23 consultation notices were sent and no submissions were received.



**(l) Assets and Design**

The City's Assets and Design business unit was invited to comment on issues relating to car parking and traffic, arising from the proposal. These referral comments can be found at **Attachment (e)**.

Accordingly, planning conditions and important notes are recommended to address issues raised by this business unit.

**(m) City Environment**

The City's Streetscapes Coordinator provided comments with respect to the removal of the existing street tree. This Streetscapes Coordinator raises no objections.

Accordingly, planning conditions and/or important notes are not required to respond to the comments from the above officer.

**(n) Street Address**

The City Projects Officer, Development Services provided comments with respect to the street numbering along Sandgate Street. This section raises no objections and has provided the following advice note to be included on the determination notice if the development is approved:

- (i) The street addresses for this development will be 1A Sandgate Street (northern dwelling) and 1B Sandgate Street (southern dwelling), SOUTH PERTH. The size and siting of the numbering must be in accordance with Policy P361 – Street Addressing. The new numbers will not be effective until Landgate requests numbering for the related new titles; if the dwellings are completed prior to new titles being issued, please contact the City.

Accordingly, the above advice note is recommended to respond to the comments from the above officer.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of approval, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

### Strategic Implications

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

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

### Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, in particular the design elements relating to site area, lot boundary setbacks, boundary walls and open space. The proposal is not considered to have a negative impact on adjoining residential properties or on the existing streetscape. Notwithstanding the lot size discretion, the site is being developed to a pre-Scheme dwelling density that is consistent with the surrounding area. The proposed dwellings create an opportunity for the site to be developed and supported under Clause 6.2A of the Scheme for the reasons outlined in this report. Accordingly, it is considered that the application be approved.

### Attachments

10.3.2 (a):	Development Plans
10.3.2 (b):	Site Photographs
10.3.2 (c):	Previous Approval - Development Plans and Determination Notice
10.3.2 (d):	Applicants Justification Report
10.3.2 (e):	Assets and Design Referral Comments

### 10.3.3 Proposed Two Storey Single House at Lot 41 (No. 21) Hope Avenue, Salter Point

Location: Salter Point  
 Ward: Manning Ward  
 Applicant: 101 Residential Pty Ltd  
 File Reference: D-19-63512  
 DA Lodgement Date: 29 March 2019  
 Meeting Date: 23 July 2019  
 Author(s): Brendan Philipps, Statutory Planning Officer  
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
 Council Strategy: 3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for a two storey Single House at Lot 41 (No. 21) Hope Avenue, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Vehicular Access	Design Principles of Clause 5.3.5 of the R-Codes (Volume 1)
Retaining walls (east and west)	Design Principles of Clause 5.3.8 of the R-Codes (Volume 1)
Visual Privacy (east)	Design Principles of Clause 5.4.1 of the R-Codes (Volume 1)
Fencing height (eastern dividing fence)	Discretionary criteria of clause 2.0 of Policy P350.07 Clause 6.7 of Town Planning Scheme No.6

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a two storey Single House at Lot 41 (No. 21) Hope Avenue, Salter Point, be **approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
3. Prior to occupation, the bus shelter infrastructure fronting Lot 41 (No. 21) Hope Avenue shall be relocated to the eastern side of the verge at the expense of the applicant, on advice from the Public Transport Authority, and to the satisfaction of the City.

4. Prior to occupation, the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
5. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
6. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
7. The surface of the boundary wall garage visible from the street, on the western side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
8. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
9. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
10. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
11. Prior to occupation, all fencing, obscure glazing and visual privacy screening to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA (Volume 1). The structures shall be installed and remain in place permanently, to the satisfaction of the City.
12. Prior to occupation, at least one tree not less than 3.0 metres in height shall be planted on site, preferably within the street setback area. The tree shall be maintained in good condition thereafter.

**Note:** City officers will include relevant advice notes in the determination notice.

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15/R20
<b>Lot area</b>	766m <sup>2</sup>
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One dwelling
<b>Plot ratio limit</b>	N/A – open space requirements apply

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



**Figure 1:** Location map of the subject site.

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

**6. Amenity impact**

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

**Comment**

**(a) Background**

In March 2019, the City received a development application for a two storey Single House. The application was referred to the City's Assets and Design business unit for comment in respect of the proposed crossover and driveway location. Specifically, the crossover would necessitate the removal and/or relocation of a bus stop situated in the road reserve fronting No. 21 Hope Avenue. The implications of this advice in relation to the assessment of the application are discussed in further detail later in this report.

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

The subject site is a vacant lot in preparation for construction.

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

The site is located in the street block bounded by Mount Henry Road to the west, Redmond Street to the east, Roebuck Drive to the south and Hope Avenue to the north.



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

**(d) Description of the Proposal**

The proposal involves the construction of a two storey Single House including the following rooms:

- 4 bedrooms;
- 4 bathrooms;
- Kitchen, dining and living rooms;
- Theatre;
- Office;
- Alfresco;
- Laundry;
- Lounge; and
- Garage and store.

The development plans can be found at **Attachment (a)** in this report. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (b)**.

The following components of the proposed development require discretion under the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) the Residential Design Codes (Volume 1) (**R-Codes**) and/or Council Policy requirements:

- (i) Vehicular access
- (ii) Retaining walls
- (iii) Visual privacy
- (iv) Fencing height

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

The proposed crossover location and impact on a bus shelter is discussed in further detail below, in addition to the 'Assets and Design' referral section of this report.

(e) **Vehicular Access**

Element	Deemed-to-comply	Provided
Access to on site car parking spaces	Access to be provided from the primary street frontage	Crossover in conflict with a bus shelter, thereby restricting vehicle access
<p><i>Design Principles:</i>  <i>Clause 5.3.5, P5.1: Vehicular access provided for each development site to provide:</i></p> <ul style="list-style-type: none"> <li>• <i>Vehicle access safety;</i></li> <li>• <i>Reduced impact of access points on the streetscape;</i></li> <li>• <i>Legible access;</i></li> <li>• <i>Pedestrian safety;</i></li> <li>• <i>Minimal crossovers; and</i></li> <li>• <i>High quality landscaping features.</i></li> </ul>		

A condition of approval is considered to address vehicle access arrangements appropriately. The City's Assets and Design business unit provided advice which supports the inclusion of a condition of approval, requiring the relocation of the bus shelter, on advice from the Public Transport Authority. The costs of this relocation would need to be incurred by the applicant. This matter is discussed further in the 'Crossover Location' section of this report.

(f) **Retaining Walls**

Element	Deemed-to-comply	Provided
Retaining wall height (east and west boundaries)	Up to 0.5m within 1m of a lot boundary	Up to 0.67m in height (at a maximum)
<p><i>Design Principles:</i>  <i>Clause 5.3.8, P8: Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i></p>		

The retaining walls proposed in this application are, on balance, considered to satisfy the design principles of the R-Codes in the following ways:

- The retaining walls are considered to result in land which can be effectively used for the benefit of residents, by incorporating retaining in response to the natural slope to appropriately level segments of the site for construction. There is an attempt to achieve a balance of excavation and fill, to avoid more significant retaining of the land.

- While the rear section of retaining is proposed to be built to an overall height of 0.67m from natural ground level, the remainder of retaining graduates down in height. Subject to appropriate conditions of approval, the design of the retaining is also considered to address Clauses 5.3.7 (site works) and 5.4.1 (visual privacy) of the R-Codes.
- The retaining will be largely obscured from Hope Avenue and therefore is not considered to have a significant impact on the streetscape presentation.
- There are not considered to be any particularly sensitive areas that would be detrimentally affected by the retaining walls, to the east of the subject site.
- The impact to the western boundary by way of the retaining is considered to be clearly supportable as a public access way is located to the west of the subject site.

The level of site works (fill) does not exceed 1 metre within 3 metres of lot boundaries and therefore complies with clause 1.2 of Policy P350.17 (Site Works). The extent of fill is also considered to satisfy clause 6.10 of the City's TPS6, noting the predominant extent of site works occurs in areas that are not visible from the primary street. In addition, the impact on neighbouring properties in relation to overshadowing and visual impact are considered to be supportable. The applicant also submitted further justification relating to this design element, which can be found at **Attachment (c)** in this report.

(g) **Visual Privacy**

Element	Deemed-to-comply	Provided
Visual privacy setback from Alfresco to eastern property	7.5m visual privacy setback	1.6m visual privacy setback
Visual privacy setback from Kitchen to eastern property	6m visual privacy setback	
<p><i>Design Principles:</i>  <i>Clause 5.4.1, P1.1: Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>Building layout and location;</i></li> <li>• <i>Design of major openings;</i></li> <li>• <i>Landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>Location of screening devices.</i></li> </ul>		



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

- The south-eastern visual privacy would overlook non sensitive areas of the adjoining property, as shown in the image below:



**Figure 3:** Ground floor western elevation of No. 23 Hope Avenue, showing the rooms at the rear of the property that would be adjacent to the proposed alfresco/kitchen areas at No. 21 Hope Avenue.

Given that no major openings, or any part of the outdoor living area, at 23 Hope Avenue would be overlooked, these variations are considered to be supportable. For reference, the porch adjacent to the utility/laundry room is not a habitable room as defined in the R-Codes. It is also noted that a new dividing fence height would be installed which would assist with mitigation of direct overlooking.

**(h) Fencing height**

Element	Deemed-to-comply	Provided
Eastern boundary fencing height	1.8m in height	From existing NGL – a maximum of 2.4m
<p><i>Design Principles</i>  <i>Policy P350.07, Clause 2.0</i></p> <p>(a) <i>Whether the height, materials and visual permeability of the proposed fence is consistent with the established pattern of fences within the surrounding streetscape or will not materially impact on the character or amenity of the surrounding streetscape. This includes matters such as excessive shadow and restriction on sun penetration, restriction on views of significance and adverse bulk and scale.</i></p> <p>(b) <i>Additional fence height where necessary by virtue of the sloping topography of the site, including any level difference between a site and the adjacent street verge.</i></p> <p>(c) <i>Where privacy screening is needed in the street setback (primary, secondary or communal street) area because there is no alternate outdoor living area or where privacy screening is needed for a north facing outdoor living area.</i></p> <p>(d) <i>The fence relates to a Mixed Development and the height or solidity of the fence is considered to compliment the form of the Mixed Development.</i></p>		

The fencing height proposed on the eastern elevation is considered to be supportable against clause 2 of the City's P350.07 (Street Walls and Fences) for the following reasons:

- It is considered that the fencing on the eastern elevation will not result in an excessively dominant and overbearing visual impact, noting that the retaining situated underneath the fencing is incorporated to level the land for construction.
- The shadow cast complies with the requirements of clause 5.4.2 (overshadowing) in the R-Codes.
- The additional fencing height is largely in response to the topography differential across the site, and to avoid any undue overlooking.
- The fencing on the eastern boundary is up to a maximum of 2.4m in height from NGL, and graduates down to 1.8m as the topography steps down, closer toward Hope Avenue.

**(i) Crossover Location**

As noted previously in this report, the proposed crossover location as part of this application would require the removal and/or relocation of the bus shelter in the road reserve fronting the subject site. In most cases, any proposal to modify or remove infrastructure in the road reserve requires consent from the City, pursuant to s. 55 (2) of the *Land Administration Act 1997*:

*55. (2) Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road.*

Sections 3.53 (2) and 3.2 of the *Local Government Act 1995* also reaffirms this delegation to local governments, with respect to the management of roads. Additionally, it is noted that the road verge is reserved under the City's TPS6 as a 'Local Road' reserve. In this regard, clause 2.2 (2) (b) of TPS6 outlines the following:

- (b) *In determining an application for development approval, the local government shall have regard to:*
  - (i) *the matters set out in Deemed Provisions clause 67; and*
  - (ii) *the ultimate purpose intended for the Reserve.*

In consideration of the proposed crossover location and bus shelter removal, Council needs to contemplate the ultimate purpose and function of the road reserve, as well as general matters within clause 67 of the Deemed Provisions.

In regards to the responsibility of the local government concerning the management of the bus shelter infrastructure, the following section of the '*Partnership Agreement between WALGA and the Public Transport Authority (2018/2019)*' is highlighted below:

#### *7. Roles and responsibilities*

##### *7.1. General*

*The PTA is responsible for the planning and delivery of public bus services for the benefit of the local community which includes; selection of bus routes, setting of service frequencies, selection of bus stop locations and the operation of bus services. Local Government is responsible for the care and maintenance of its assets located within Road Reserve for the benefit of the local community.*

A representative of the PTA has also advised that the responsibility for managing the bus shelter asset rests with the City.

The City's Assets and Design business unit submitted recent advice which states that the relocation of the bus shelter could be supported subject to a condition of approval. The condition of approval would recommend that this expense be borne by the proponent, and require consultation between the City and the PTA to occur, particularly in regards to the bus stop location itself. It is therefore recommended that any condition relating to the bus shelter is worded to the effect that '*Prior to occupation, the bus shelter infrastructure fronting Lot 41 (No. 21) Hope Avenue shall be relocated to the eastern side of the verge at the expense of the applicant, on advice from the Public Transport Authority, and to the satisfaction of the City.*'

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

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

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

The proposed development is considered satisfactory in relation to all of these matters.

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

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

Matter	Officer's Comment
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	With the exception of the crossover location matter, the development is considered to be consistent with the aims and provisions of the Scheme, particularly the following:  Clause 1.6 (f): <i>Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.</i>
(c) <i>any approved State Planning Policy</i>	The proposal is considered to satisfy the R-Codes, and any variations proposed to certain elements are considered to meet the applicable design principles.
(m) <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The development is of a comparable scale to many other properties in the streetscape, with many buildings also being two storey in nature. The size and scale of the proposal generally is also considered to be compatible within its setting.

<p>(s) <i>the adequacy of –</i></p> <p>(i) <i>the proposed means of access to and egress from the site; and</i></p> <p>(ii) <i>arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i></p>	<p>A condition of approval is recommended to satisfactorily arrange for the relocation of the bus shelter infrastructure in consultation with the PTA. In this regard, the access arrangements to the site are considered to be addressed.</p>
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### Consultation

#### (l) Neighbour Consultation

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

During the advertising period, one consultation notice was sent, and one objection was received. The main concerns of the submission are outlined below:

Submitters' Comments	Officer's Responses
<p><u>Fencing height</u> The dividing fence on the eastern boundary will have a significant amenity impact onto the adjoining property.</p>	<p>For the reasons mentioned in the report, the dividing fence height is considered to be supportable, noting that it will be positioned adjacent to non-sensitive areas of the eastern adjoining site.</p> <p>The comment is <b>NOTED</b>.</p>
<p><u>Primary street setback</u> The building is positioned too close to the street in comparison to other properties in the streetscape.</p>	<p>The development satisfies the deemed-to-comply of Clause 5.1.2 (primary street setback) in the R-Codes.</p> <p>The comment is <b>NOT UPHELD</b>.</p>

#### (m) Internal referrals

The application was referred internally to the City's Assets and Design business unit for comment on the proposal. In summary, recent advice provided in June by this business unit supports a condition being applied to the approval, requiring the costs of the relocation of the bus shelter infrastructure to be borne by the applicant, and for consultation with the PTA to occur. In this regard, the following comments were made:

- *The City understands that PTA might be open to support the relocation of the bus stop to the eastern side of the 21 Hope Avenue;*
- *If this is the case, the City can support the relocation of the bus stop and bus shelter to the eastern side of 21 Hope Avenue at the cost of developer, payable to the City following PTA approval. This will form a condition of planning approval;*
- *The process for organising relocation of the bus stop and shelter will require you to liaise with the City and the PTA following DA approval;*

- *The City is currently in the process of costing the relocation of the bus shelter including the necessary footpath connection to the park on the eastern side of the property. At this stage the PTA will do the work and the City will pay the PTA. We are expecting a quotation from the PTA in the near future.*

A range of other engineering advice was provided relating to stormwater drainage and the public access way to the west of the site.

It is also noted that the applicant has forwarded correspondence provided by the PTA relating to the proposal. These comments can be found at **Attachment (d)**, which provide more context to the discussions relating to the bus shelter removal. Additionally, the proponent has submitted a justification letter in regards to the rationale for the bus shelter removal, which is located at **Attachment (e)** to this report.

### Policy and Legislative Implications

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

### Financial Implications

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of an approval granted, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

### Strategic Implications

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

Strategic Direction:	Environment (Build and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	2.3 Sustainable built form
Strategy:	Promote and facilitate contemporary sustainable buildings and land use

### Sustainability Implications

The applicant has advised that the proposal has been designed in accordance with sustainable design principles, such as passive solar design, on the basis of recommendations provided by a sustainability consultant.

### Conclusion

It is considered that the proposal largely meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, in particular the design elements relating to retaining walls, visual privacy and fencing heights. The City's Assets and Design business unit have provided referral comments in regards to the location of the crossover impacting a bus shelter. The recent advice submitted would require the imposition of a condition of approval, requiring the costs associated with the relocation of this infrastructure to be borne by the applicant, and for consultation to occur with the Public Transport Authority. Subject to this condition being included as recommended, along with other standard conditions, it is considered that the development adequately addresses the applicable planning framework, and is recommended for approval.

### Attachments

- 10.3.3 (a): Amended Plans
- 10.3.3 (b): Site Visit Photos
- 10.3.3 (c): Justification letter from applicant
- 10.3.3 (d): Correspondence from PTA representative
- 10.3.3 (e): Justification letter from owner

### 10.3.4 Tender 5/2019 - Provision of Removal & Disposal of Inert Waste

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Reference:	D-19-63513
Meeting Date:	23 July 2019
Author(s):	Steve Atwell, Manager Programs Delivery
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

#### Summary

This report considers submissions received from the advertising of Tender 05/2019 for the Provision of Removal & Disposal of Inert Waste.

This report outlines the assessment process used during evaluation of the tenders received and recommends 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 Capital Recycling for the Provision of Removal & Disposal of Inert Waste in accordance with Tender Number 05/2019 for the period of two years with the option to extend for one additional year;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that the approved tender price will be included in the Ordinary Council Meeting Minutes.

#### Background

This Request for Tender (RFT) 5/2019 is for the Provision of Removal & Disposal of Inert Waste. The City encourages the recovery and reuse of the inert waste that is disposed via this tender.

RFT 5/2019 was advertised in The West Australian newspaper on 18 May 2019 and closed at 2pm on 6 June 2019.

Inert waste consists primarily of works and services construction rubble and street sweeping debris, it is collected by the City via its waste transfer station and through the undertaking of its own maintenance and works programs. The City typically disposes some 2500 Tonnes of material annually.

Tenders were invited as a Schedule of Rates.

The contract is for the period of two years with the option to extend for one additional year.



### Comment

At the close of the tender advertising period four submissions had been received and these are described in the table below:

TABLE A – Tender Submissions

Tender Submission	
1.	Fairfield Holdings Pty Ltd ATFT R. Gullotto Trust trading as Capital Recycling
2.	West Tip Waste Control Pty Ltd
3.	Community Green Waste Control Pty Ltd
4.	Resource Recovery Solutions 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	30%
4. Pricing	10%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 5/2019 Provision of Removal & Disposal of Inert Waste, it is recommended that the tender submission from Capital Recycling be accepted as the most advantageous by Council.

More detailed information about the assessment process can be found in the Evaluation 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 of the works proposed to be procured is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 defines regulations in relation to 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 inert waste disposal is funded within 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:	Resource management and climate change
Strategy:	Promote and implement sustainable water, waste, land and energy management practices

**Attachments**

10.3.4 (a): Evaluation Report (*Confidential*)

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - June 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-63515
Meeting Date:	23 July 2019
Author(s):	Elizabeth Smith, Financial Coordinator
Reporting Officer(s):	Colin Cameron, Director Corporate Services Andre Brandis, Manager Finance
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 June 2019 and 30 June 2019 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(554)	\$5,796,663.32
Cheque Payment to Creditors	(18)	\$43,087.25
<b>Total Monthly Payments to Creditors</b>	<b>(572)</b>	<b>\$5,839,750.57</b>
Cheque Payments to Non-Creditors	(106)	\$127,499.03
<b>Total EFT &amp; Cheque Payments</b>	<b>(678)</b>	<b>\$5,967,249.60</b>
Credit Card Payments (June 2019)	(6)	\$23,736.72
<b>Total June Payments</b>	<b>(684)</b>	<b>\$5,990,986.32</b>

#### Officer Recommendation

That the Council receives the Listing of Payments for the month of June 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 is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

From the July 2018 Listing of Payments Report, the attachment was changed to exclude the description relating to the individual payment, as in the majority of cases the description was misleading in that the Report:

- is system generated from a free text field, entered by an officer (over 100 people) for internal purposes;
- only includes the first line of a vendor payment that may include multiple invoices, with multiple lines of goods or services for each invoice; and
- the first line may relate to the smallest component (value) of the payment.

In addition to the information described above, the description may also include information that is confidential or private. Due to system limitations, the only way to rectify misleading, confidential or private data was manual intervention, requiring significant resources.

At the August 2018 and the March 2019 Council Meetings, the Director Corporate Services advised the changes implemented were in accordance with the *Local Government Act 1995* and Local Government (Administration) Regulations 1996. In addition, he advised Council it was important to acknowledge that Council do not approve payments at an Ordinary Council Meeting as payment approval had already occurred under delegated authority.

The City has received legal advice confirming the City was compliant with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, with the Listing of Payments Report format provided for months, July 2018 to February 2019, inclusive. Compliance was confirmed with Regulation 13(1)(d), that sufficient information to identify the transaction was provided on the reports during this period.

On 26 March 2019, Council resolved as follows:

*“The City’s payment listing report to Council meetings is to revert back to what was done in the past showing a description column.”*

### Comment

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

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

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 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 that are regular suppliers with whom the City transacts business. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number.

- **Non Creditor Payments**

The payments are one-off payments to individuals / suppliers who are not listed as regular suppliers. These payment listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held.

- **Credit Card Payments**

Credit Card Payments are not processed in Authority Finance System as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided.

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

### Consultation

Nil.

### Policy and Legislative Implications

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

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

### Strategic Implications

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

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

### Attachments

10.4.1 (a): Payment Listing - June 2019

## 10.4.2 Monthly Financial Statements - June 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-63519
Meeting Date:	23 July 2019
Author(s):	Elizabeth Smith, Financial Coordinator
Reporting Officer(s):	Colin Cameron, Director Corporate Services Andre Brandis, Manager Finance
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

The monthly Financial Statements have been reformatted and incorporated in one package (**Attachments (a)–(i)**). High level analysis is contained in the comments of this report. The June reports are interim, in that all the year-end accounting transactions and reconciliation is still to be undertaken.

### Officer Recommendation

That Council notes the interim Financial Statements and Report for the month ended 30 June 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 2018/19 Budget, adopted on 26 June 2018, adopts a variance analysis for significant amount of \$10,000 or 10% for the 2018/19 financial year. Each Financial Management Report contains the Original Budget and the Annual Budget, allowing a quick comparison between the adopted budget and any budget adjustments approved by Council.

It should be noted that these statements are interim, in that all the year-end accounting transactions and reconciliation is still to be undertaken. The final annual financial statements form part of the Annual Report. These financial statements are Audited by the WA Auditor General and presented at the Annual Meeting of Electors held each year.

### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations. This Financial Report is unique to Local Government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding. The Statement of Financial Activity has commentary provided on variances in accordance with the Regulations.

Actual income from operating activities for June year-to-date (YTD) is \$58.79m in comparison to budget of \$59.28m. Actual expenditure from operating activities for June is \$61.44m in comparison to budget of \$60.41m. The June net operating position was \$1.511m unfavourable with higher actual expenditure against budget of \$1.025m and lower revenue of \$0.486m than the adjusted Budget.

The YTD expenditure is higher as a result of the 1System project design and implementation costs being expensed to the Operating Statement, rather than Capitalised. As presented to the Councillor Briefing session on 7 May 2019, following recent discussions with the Office of the Auditor General, the 1System project will be expensed as incurred, rather than the past accounting treatment of capitalising and the amortising the expense over the life of the contract.

A previously described in the 2016/17 Annual Report, 2018/19 Budget, 2018/19 Half Year Review, 2019/20 Budget and reported by the Auditor General for the 2017/18 Annual Financial Statements, the Operating Surplus Ratio, a significant contributor to the Financial Health Indicator (FHI) score, has been deteriorating over the past few years. Significant effort has been undertaken to increase Operating Revenue in comparison to Operating Expenses. Whilst good progress has been made the 1System expense, as described above, together with changes to Regulations, has and will continue to cause challenges to improve the Operating Surplus Ratio over the next few years.

Actual Capital Revenue YTD is \$2.155m in comparison to the budget of \$0.928m. Actual Capital Expenditure YTD is \$11.267m in comparison to the budget of \$15.950m.

Cash and Investments balance is \$48.386m. June Cash is reducing; following Rates Revenue being mostly received early in the year, with reduced non-rates income for the remainder of the year, and continued operating and capital costs being incurred until year-end. Declining Cash balances are normal at this time of the financial year cycle and are expected.

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 47.48% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, **Attachment (h)**, illustrates the percentage invested in each of the Non-Fossil Fuel institutions and the Short Term Credit Rating for each of the institutions.

### Consultation

No external consultation is undertaken.

### Policy and Legislative Implications

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

### Financial Implications

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

### Strategic Implications

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

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

### Attachments

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



## 11. APPLICATIONS FOR LEAVE OF ABSENCE

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

### 12.1 NOTICE OF MOTION - MAYOR SUE DOHERTY - COUNCIL CARETAKER POLICY

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-63520
Meeting Date:	23 July 2019
Author(s):	
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	
Council Strategy:	

#### Draft Summary

Mayor Sue Doherty submitted the following Notice of Motion prior to the Council Agenda Briefing held 16 July 2019.

#### Notice of Motion Recommendation (suggested alternative recommendation page 83)

That a policy be developed to govern the conduct of council members, candidates and employees in relation to a local government election.

#### Background

At the Council meeting held 25 June 2019, Mayor Sue Doherty submitted a Notice of Motion that requested a policy be developed to govern the conduct of council members, candidates and employees in relation to local government elections. The reasons given for the Notice of Motion were:

- A policy provides more transparency around major decisions being made by Council in the lead up to a local election;
- A policy can help to protect both the reputation of a local government's Elected Members and its administration; and
- A policy that governs the conduct of council members, candidates and employees in local government elections is common practice across the local government sector.

### Comment

A draft Council Caretaker Policy has been prepared in response to the Notice of Motion.

Prior to the 2017 local government elections, the Department of Local Government, Sport and Cultural Industries (Department) issued Bulletin 1 - Local Government Elections. In this Bulletin, the Department gave information on the election process to keep local governments and the community informed of requirements for the upcoming local government elections. Included in this Bulletin was information on caretaker periods.

That Bulletin suggested if a local authority chose to prepare a caretaker policy it could cover:

- decisions made by the Council
- materials published by the local government
- attendance and participation in functions and events
- use of the local government's resources
- access to local government information.

It is noted that the State Government also assumes a 'caretaker' role in the period immediately before a State General Election. This role commences from the date the writs for elections for the Legislative Assembly are issued and continues until the election result is clear, or in the event of a change of government, until the new government is formally sworn in. The practices associated with the caretaker role are directed at protecting the apolitical nature of the public sector, and avoiding the use of State Government resources in a manner that advantages a particular party. The arrangements also aim to prevent controversies about the role of the Public Sector during an election campaign.

It is also noted that local government is fundamentally different from State Government in that it is not party politically based and elected members are elected on individual merit and not a party platform. No group of Councillors form 'government' of the Council and each decision, whether a strategy or policy, an approval or a commitment is judged on the merits of the individual matter before the Council. It is considered that the Council is capable of making decisions of relevance to the interest of the District up to the time of the election and effectively serve their full term.

If adopted, Policy P697 – Caretaker Policy would implement a caretaker period from the close of nominations, 4pm on Thursday 12 September 2019 until 6pm on election day, Saturday 19 October 2019.

### Consultation

Nil.

**Policy and Legislative Implications**

Section 2.7(2)(b) of the *Local Government Act 1995* – the Council determines the local government’s policies.

**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

**Suggested Alternative Recommendation**

That Council endorses Policy P697 – Council Caretaker Policy as contained in **Attachment (a)**.

Policy P697 – Council Caretaker Policy has been developed in accordance with Mayor Sue Doherty’s notice of motion to govern the conduct of council members, candidates and employees in relation to a local government election.

**Attachments**

**12.1 (a):** DRAFT Policy 697 Council Caretaker Policy

Councillor Greg Milner has disclosed a Financial Interest in relation to Item 12.2 as a party with an indirect interest in this matter has offered him unparticularised electoral support. No such support has been accepted or received. Nonetheless it is his intention to vacate the Council Chamber before the Item is discussed and voted on.

## 12.2 NOTICE OF MOTION - COUNCILLOR TRAVIS BURROWS - ROAD SAFETY AND FARMER JACK'S

Location:	264-270 Canning Highway, Como
Ward:	Como Ward
Applicant:	Not Applicable
File Ref:	D-19-63523
Meeting Date:	23 July 2019
Author(s):	Mark Taylor, Director Infrastructure Services
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (Built and Natural)
Council Strategy:	Connected and accessible City

### Summary

Councillor Travis Burrows submitted the following Notice of Motion prior to the Council Agenda Briefing to be held 16 July 2019.

### Notice of Motion Recommendation (suggested alternative recommendation page 87)

I move that Council request the CEO take the following actions in response to the decision of the Metro Central Joint Development Assessment Panel (MCJDAP) on 14 June 2019 in respect of (MCJDAP/347) the development application for a Farmer Jack's on Canning Highway Como:

1. Liaise with the applicant and the School Council of the Collier Primary School to ensure that the road safety audit required by condition 34 of the MCJDAP:
  - a. has appropriate terms of reference for a formal, systematic, evidence (rather than model) based assessment of safety risks associated with the development;
  - b. considers all road users / persons adjacent to the roads and suggests measures to mitigate or eliminate risks identified;
  - c. measures existing traffic and parking congestion and difficulties around the Collier Primary (i.e. Hobbs Avenue, Monash Avenue, Throssell Street and Murray Street) at school drop-off and pickup times on school days and such measurement is based on actual observations of vehicles and pedestrians rather than modelling and theory;
  - d. assesses the impact of the additional traffic generated by the development using an analysis of actual traffic generated by similar retail outlets and modified to local circumstances and not using a desktop computation of trips generated using models;

- e. is conducted by a traffic consultant other than the applicant’s traffic consultant in the MCJDAP process; and
  - f. is peer reviewed and brought back before the Council for consideration before the City advises the applicant of its satisfaction with the audit.
2. Liaise with Main Roads WA to ensure that the length of the extended solid median island to be constructed on Canning Highway prevents the possibility of right or U-turns on Canning Highway to enter the development site.
  3. Before the issuing of a building licence to the applicant, the City provide a report to Council on
    - a. the above two matters including any proposed City responses, and
    - b. the City’s processes in place for ensuring the cash payments and legal expenses payable to the City in conditions 12 and 13 are recorded as payable, paid and recovered by the City if not voluntarily paid.

**Reasons:**

The MCJDAP approved the Farmer Jack’s development on Canning Highway on 14 June 2019.

Farmer Jack’s is a popular shopping experience and format. The proposed store is likely to be a busy store with its many customers visiting the site by car to carry out their shopping. Obviously, by nature of the retail outlet, extremely few customers will visit the site by bicycle or bus and it is misleading to use such an assumption (although the MCJDAP did reduce the development’s car parking requirement on this basis).

There has been no traffic measurement or road safety analysis of existing traffic and parking east of Throssell Street and near the development site. Notably, there are already significant parking and traffic issues around Collier Primary School at pickup and drop off times on school days which will be impacted adversely by the development.

The required road safety audit must have proper terms of reference and be carried out by an independent consultant to ensure the report has utility to the City and credibility with the local community. The analysis must be evidence based and not a desktop study utilising interstate trip generation models which were prepared decades ago.

Presentations at the MCJDAP indicated that the applicant’s design plans readily allowed for right turns and U-turns into the development site which clearly are very dangerous turns on such a busy highway. Road safety concerns dictate that the responsible authority (Main Roads) must be contacted by the City to see what modifications can be made to prevent the foreseeable accidents that will flow from frequent dangerous turns into a busy retail area (exactly as the City did a few hundred metres north of this site).

The MCJDAP conditions require payments to the City for the development’s car parking shortfalls / impacts. The Council wish to be reassured that there are processes in place to record the requirements to make payments to the City in the future that will not be forgotten or missed (to the detriment of the City’s finances) with the passage of time and that the payments are readily enforceable.

### **Background**

The Metro Central Joint Development Assessment Panel (JDAP) approved an application for a single storey commercial development (Farmer Jack’s supermarket) with a basement at Lots 181, 803, 804, 805, 806 and Part Lot 182, Canning Highway on 14 June 2019. The approval is subject to 39 conditions, a number of which relate to the ongoing traffic management of the development and cash in lieu for car parking (onsite and on street). This notice of motion relates to the enforcement and clearance of several of these conditions.

### **Comment**

The traffic impacts and traffic management associated with this development were a key issue raised through submissions and a key consideration of the development assessment. The intent of the notice of motion is to provide transparency in the clearance of the conditions relating to traffic management and parking is noted. Notwithstanding, the City cannot amend or add to conditions of approval by the JDAP or vary the requirements for a road safety audit mandated by Main Roads, which is in effect what may result from points 1 of the notice of motion. The City can however put processes in place to ensure that any conditions are adequately considered and met in a transparent manner.

For these reasons an alternative recommendation that will achieve the intent of the original notice of motion is recommended.

### **Consultation**

The City will liaise with the applicant, Main Roads and Collier Primary in order to ensure that the matters in the recommended alternative are adequately addressed.

### **Policy and Legislative Implications**

The City cannot amend or modify conditions of approval of the JDAP. If Road Safety Audits are required, they need to comply with Main Roads Policy and Guidelines for Road Safety Audit. Additional matters and considerations not covered by the aforementioned document cannot be added to a Road Safety Audit. A Road Safety Audit is required to be undertaken by an independent, qualified expert. It cannot be undertaken by the traffic consultant originally used for the development application.

### Financial Implications

There will be a financial implication for the City in terms of the resources required to clear and enforce the conditions. This is required for all development applications that are granted conditional approval.

### 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

### Suggested Alternative Recommendation

I move that Council requests the Chief Executive Officer take the following actions in response to the decision of the Metro Central Joint Development Assessment Panel (MCJDAP) on 14 June 2019 in respect of (MCJDAP/347) the development application for a Farmer Jack’s on Canning Highway Como:

1. Ensure that the Road Safety Audit required by condition 34 meets the requirements of Main Roads Policy and Guidelines for Road Safety Audit including an actual physical traffic count;
2. Liaise with Main Roads WA to consider measures to limit right-turns and U-turns from the Canning Highway northbound lane into the development site;
3. Liaise with Collier Primary School to investigate options to improve traffic flow around the school during pick-up and drop-off times, including the option for a kiss and drop facility; and
4. Before the issuing of a building licence to the applicant, the City provide a report to Council on:
  - a. the above two matters including any proposed City responses; and
  - b. the City’s processes in place for ensuring the cash payments and legal expenses payable to the City in conditions 12 and 13 are recorded as payable, paid and recovered by the City if not voluntarily paid.

### Reasons for Alternative Recommendation

With respect to point 1, Condition 34 from the MCJDAP on 14 June 2019 reads as follows:

*“34. Prior to the issue of a building licence, the applicant at its cost, shall prepare and submit to the City of South Perth a Road Safety Audit with respect to the proposed development, with particular and specific reference to the anticipated impact of traffic generated by the proposal upon the operations of Collier Primary School. This condition shall be satisfied upon the City advising the applicant of its satisfaction with that audit.”*

The Main Roads Western Australian (MRWA) Policy and Guidelines describe the scope and requirements of how to conduct a Road Safety Audit (RSA), including specific requirements for Auditors to be suitably trained and independent.

In relation to point 2, as Canning Highway is under MRWA jurisdiction the City cannot specify specific traffic treatments, such as a median island. The City can however request MRWA to consider various traffic treatments to limit the right-turn and U-turn traffic movements into the development site.

In relation to point 3, Collier Primary School is responsible for creating and implementing its own drop-off and pick-up arrangements for its students. Although the City cannot provide such a direct design service to a private/public entity, it can investigate traffic management around the school by providing more appropriate line marking and parking signage in the school vicinity, including the option of a kiss and drop facility.

In relation to point 4 the City can report to Council on the processes undertaken to enforce these conditions. Such a report would not require a Council decision as it relates to an administrative matter it would simply outline the processes undertaken with respect to the clearance of these conditions.

#### *Clarification for Reasons for the Motion*

In reference to the third paragraph (“*The analysis must be evidence based and not a desktop study utilising interstate trip generation models which were prepared decades ago.*”) it seems there is a misunderstanding about the traffic data used in the Traffic Impact Assessment Report by Riley Consulting.

The traffic data used in the assessment was collected in 2014 and 2016 – refer to the attached traffic count information for details **Attachment (a)**.

The Road and Traffic Authority’s Guide to Traffic Generating Developments was last updated in 2002 and is used as the Australian-wide standard in obtaining traffic generation rates for developments. The RTA report can be found here:

<https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/guides-manuals/guide-to-generating-traffic-developments.pdf>

The Riley report used table 3.2 in the RTA Guide – Daily Traffic Generation Rates – **Attachment (b)**.

#### **Attachments**

- 12.2 (a):** Traffic Count Information
- 12.2 (b):** Guide to Traffic Generating Developments - Daily Traffic Generation Rates



### **13. QUESTIONS FROM MEMBERS**

Responses to questions from members taken on notice at the Ordinary Council Meeting held 25 June 2019 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**

### **16. CLOSURE**

## APPENDIX

### RESPONSES TO PUBLIC QUESTIONS TAKEN ON NOTICE AT THE ORDINARY COUNCIL MEETING HELD 25 JUNE 2019

<p>1. Ms Carol Roe, Abjornson Street, Manning Received: 25 June 2019</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>A condition and advice note recommended in the RAR for the Civic Triangle site specify that according to Policy P361 Street Addressing, the street number and name shall be clearly displayed on the building. I've noticed that mixed-use sites on corner locations are using two addresses in for sale or lease advertisements for residential and commercial units. For example: Aurelia: 96 Mill Point Rd and 1 Harper Tce; Echelon: 77 South Perth Esp and 39 Mends St; and Civic Heart 99 Mill Point Rd and 1 Mends St.</i></p>	
<p>1. Is it the City of South Perth or the developer who has the final say on the actual address of an amalgamated lot that is required to be notified to Landgate?</p>	<p>The City determines street addresses based on its policy <a href="#">P361 – Street Addressing</a>. The examples mentioned in the preamble are developments with more than one street frontage. Ground floor tenancies in Aurelia that have their entrance on Mill Point Road are given a Mill Point Road address and residential properties that have their entrance on Harper Terrace are given a Harper Terrace address.</p>

## RESPONSES TO ELECTED MEMBER QUESTIONS TAKEN ON NOTICE AT THE ORDINARY COUNCIL MEETING HELD 25 JUNE 2019

### Councillor Glenn Cridland

*[Preamble] In respect to the recent approval of the Farmer Jack's development on Canning Highway by the Metro Central JDAP.*

- |  |   |
|--|---|
| <p>1. In respect of the safety audit that is required to be carried out by the applicant to the City's satisfaction, has there been any contact between the City and the applicant in respect of carrying out that safety audit? In particular looking at traffic and parking around the Collier Primary School which was not assessed by any of the traffic consultants for the Metro Central JDAP.</p> | <p>There has not been any contact between the City and the applicant or Collier Primary School in respect of carrying out the safety audit.</p>   |
| <p>2. Has there been any contact with the Department of Main Roads in respect of the placing of a significant median strip to prevent right turns into the approved Farmer Jack's given that the plans that were seen by the Metro Central JDAP indicate that there was only to be a short median strip built which would allow a right turn off Canning Highway straight into Farmer Jack's.</p>        | <p>From the City's perspective there has been no contact with Main Roads Western Australia in regards to placing a significant median strip in Canning Highway to prevent right turns into the Farmer Jack's development.</p> |