

AGENDA.

Ordinary Council Meeting

28 May 2019

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 28 May 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

24 May 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

Mayor Sue Doherty (26 April 2019 to 2 June 2019 inclusive)

5. DECLARATIONS OF INTEREST

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 28 MAY 2019

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

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23 April 2019

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 23 April 2019 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 21 May 2019

Officers of the City presented background information and answered questions on Items to be considered at the 28 May 2019 Ordinary Council Meeting at the Council Agenda Briefing held 21 May 2019.

Attachments

7.2.1 (a): 21 May 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
7 May 2019	Budget Workshop II
13 May 2019	Strategic Town Planning – Annual Briefing
14 May 2019	Business Community Priorities Workshop
14 May 2019	South Perth Station Precinct Parking Workshop

Attachments

Nil

Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 21 May 2019
- 7.2.2 Concept Briefings and Workshops

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 Petition - Zoning in Draft Local Planning Strategy

A petition was received on 17 April 2019 from Alison Orr of 8 Hampden Street, South Perth, together with 29 verified signatures in opposition of proposed rezoning in the Draft Local Planning Strategy.

The text of the petition reads:

'Request that the area previously zoned R25 in Town Plan 5 (bounded by Angelo St, Sandgate St, Lawler St, Hensman St) be rezoned R25 (from R15) in Town Plan 7 currently known as 'Local Planning Strategy'.'

Officer Recommendation

That the petition received 17 April 2019 from Alison Orr of 8 Hampden Street, South Perth, together with 29 verified signatures in relation to rezoning in the Draft Local Planning Strategy be forwarded to the relevant Director for consideration.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 21 May 2019.

8.4 COUNCIL DELEGATES REPORTS

Nil

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Mount Henry Estate Entry Signage

Location:	City of South Perth
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-19-44398
Meeting Date:	28 May 2019
Author(s):	Geoff Colgan, Acting Manager Programs Delivery
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report responds to the Notice of Motion moved by Cr Glenn Cridland and endorsed by Council at its 26 March 2019 Ordinary Meeting which required the preparation of a report detailing the circumstance surrounding the removal of the West entry statement sign from the Mount Henry Housing Estate and discussion of opportunities for its possible re-instatement.

Officer Recommendation

That Council note the information provided in this Report and resolve to take no further action at this time, noting that the owners of Lot 197 Kenneally Court do not wish to have any signage on the boundary wall of their property and that the City has no authority to erect replacement signs or to require their retention.

Background

At its meeting held 26 March 2019, Council resolved as follows:

That Council request the CEO arrange for a report to be prepared for the May 2019 council meeting in respect of:

- 1. The facts surrounding the removal of the western side entry statement (including aboriginal artwork / design) to the Mount Henry estate including consultation and planning approval (if any);and*
- 2. Options for requiring or facilitating the restoration of the western side entry statement (including aboriginal public artwork / design) to the Mount Henry Estate.*

Comment

Relevant History

LandCorp on behalf of the West Australian Government received approval to subdivide and develop the Mount Henry Housing Estate in March 1999.

The estate comprises an area of approximately 10 hectares of residential housing bounded by the following streets:

- Gentilli Way (North)
- Hogg Avenue (South)
- Mount Henry Road (East)
- Stitfold Promenade (West)



Image 1: Mount Henry Estate

The estate can be described as a “high end” development featuring quality homes, significant streetscape development and attractive public spaces. The subdivision development included the erecting of two masonry walls on the truncated boundaries of lots 117 and 197 Kenneally Circuit which served to identify the entrance to the estate. The masonry walls carry / carried fabricated letters which read Mt. Henry Salter Point framed by stylised silhouettes of a native bird, most likely an Osprey as shown in **Attachment (a)**.

Lot Ownership and Planning Approvals

Lot 197 Kenneally was initially used by LandCorp as a public car park to service a site sales office. There have been three planning approvals relevant to the Lot, they are:

- October 2009 Sales Car Park and Sales Office
- December 2001 Single House Two Story
- April 2002 Single House Two Story (Boundary Wall)

As suggested by the planning approvals above the land was sold by LandCorp resulting in a planning application for a single house in 2001. A subsequent 2002 planning approval was issued for a boundary wall. The property has changed ownership 5 times since subdivision by LandCorp in 1999.

A review of images from Google Street Maps® (**Attachment (a)**) suggests that the Lot 197 Kenneally Circuit signage remained in place until at least 2014, after this date the signage is either absent or screened by vegetation. The image showing a modified wall (dated 2019) confirms the signage is missing, however the current owners verbally advise that they did not remove the signage and that it was absent when they purchased the property in October 2018.

As shown in the attached images the current owners of Lot 197 Kenneally Circuit, have since purchasing the property modified the boundary wall. These works were completed without planning approval, the City's compliance officers are liaising with the owner in this regard. The owners have confirmed their intention to apply for retrospective planning approval for the building works but advise that they will not authorise the reestablishment of the signage on their property.

Signage Ownership and Status

An enquiry with LandCorp in relation to the entry signage has confirmed that it is not aware of any agreement requiring retention of the signage by the private lot owner. A title search has confirmed that there is no caveat on the land title relevant to signage. A LandCorp representative observed that the signage installed on the Lot boundary was likely intended as marketing support to the sales office rather than public realm infrastructure.

City officers consider that a formal sub-division entry statement would typically form part of the streetscape and be located within the road reservation or on public open space, ownership of which would transfer to the local government when vesting occurs. The approved plans for the Mount Henry subdivision streetscape and public open spaces make reference to the signs but do not contain any detail in relation to their design.

Current evidence suggests that the Mount Henry estate signage is effectively the property of the property (Lot) owner and there is no legal requirement for it to be retained. The City cannot require that it is reinstated or maintained in the future.

Sign Design Detail

Further to the issue of the sign design detail, the City has written to LandCorp seeking its assistance in searching its archive to identify any information about the design, the authors of the design and any consultation relevant to the design. This information will inform the City's historic record about the sub-division.

Conclusion

It is likely that that the Mount Henry signage was initially installed to assist with the marketing of the sub-division and not as a formal estate entry statement. Alternatively it may have been intended to function as an entry statement but no agreements were established to require the sign's retention by subsequent Lot owners and the signage walls were not cited to ensure their inclusion within the future public realm and management by the City.

The signage that was installed on the wall of Lot 197 Kenneally Circuit was removed some time after 2014.

The current owners of Lot 197 Kenneally Circuit state that they did not knowingly remove the signage and confirm that they do not want to have the signs re-established on their property boundary wall.

The remaining and previously installed Mount Henry estate signage belongs to the respective property owner, it is / was attached to the boundary wall which comprises part of the fabric of the property, and there is no legal requirement for the lot owner to retain or maintain the signs.

Consultation

Consultation was undertaken with the land owners Lot 197 Kenneally Court, Salter Point.

Liaison with LandCorp in relation to the Mount Henry Subdivision and the entry signage. The City has formally requested LandCorp undertake an archive search to seek to locate and supply to the City any design drawings and supporting information relevant to the signage.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community.
Outcome:	Community infrastructure
Strategy:	Manage the use and development of the City's properties, assets and facilities

Attachments

10.1.1 (a): Mount Henry Road Entry Statement Signage

10.1.2 Endorsement of City of South Perth Community Recreation Facilities Plan

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-44400
Meeting Date:	28 May 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)**.

Officer Recommendation

That Council endorses the City of South Perth Community Recreation Facilities Plan, which is shown as **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
- 7 kindergartens/early learning centres
- 6 community halls
- 1 leisure centre (George Burnett Leisure Centre)
- 3 library buildings (including vacant former Manning Library)
- 3 seniors centres (2 x senior citizen's centres and 1 x men's shed)
- 4 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.

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.

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 110 – Support of Community and Sporting Groups
- Policy 609 - 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

Attachments

10.1.2 (a): Community Recreation Facilities Plan - Final

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Change of Use from Restaurant to Tavern on Lot 10 No. 39 Mends Street, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Hospitality Total Services (Aus) Pty Ltd
File Reference:	D-19-44401
DA Lodgement Date:	8 February 2019
Meeting Date:	28 May 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 a Change of Use from Restaurant to Tavern on Lot 10 No. 39 Mends Street, South Perth. The proposal is to allow the venue to hold a number of events that would require a Tavern (Restricted) Licence from the Department of Racing, Gaming and Sports. The venue will operate in accordance with a management plan. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Use not listed as a preferred use	TPS6 Schedule 9A, Elements 1 and 2
Car parking provision	TPS6 clause 7.8(1)

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Change of Use from Restaurant to Tavern (Restricted) on Lot 10 No.39 Mends Street, South Perth, **be approved** subject to the following conditions:

1. No amplified music will be permitted and entertainment shall be background in nature that permits normal conversations to occur.
2. No packaged liquor shall be sold from the premises.
3. Seating on the ground floor will be provided as per the Floor Plans dated 27 February 2019 with 108 seats, except during a function or event.
4. There will be no more than 12 functions or events per annum (being any function or event at which there are more than 30 standing patrons on the ground floor).

5. During a function or event on the ground floor, seating will be provided for a minimum 50% of the patron capacity of the ground floor and windows will be closed for the duration of the function.
6. No more than 30 patrons will be permitted to be standing on the ground floor, except when there is a function or event occurring.
7. The maximum number of patrons on the mezzanine level is restricted to 50 patrons at any one time.
8. The maximum number of patrons in the venue shall be no more than 168 at any one time.
9. The Tavern shall be operated in accordance with the Acoustic Assessment Report prepared by Herring Storer Acoustics dated April 2019 and shall be implemented to the satisfaction of the City.
10. The hours of operation for the Tavern shall be limited to 7.00am to 12.00 midnight Monday to Saturday and 10.00am to 12.00 midnight on Sunday.
11. A separate application for alfresco dining in accordance with the City's Public Places and Local Government Property Local Law 2011 shall be required.
12. The Tavern shall be operated in accordance with the Operational Management Plan submitted by Hospitality Total Services Pty Ltd dated on 8 February 2019.

Specific Advice Notes

The applicant is reminded of its obligation to comply with the agreed list of conditions submitted by Total Hospitality Services Pty Ltd dated 15 April 2019.

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

Background

The development site details are as follows:

Zoning	Special Control Area 1 (Mends Street Centre Commercial)
Density coding	R100
Lot area	1149 sq. metres
Building height limit	25.0 metres
Development potential	N/A for this development
Plot ratio limit	N/A for this development

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

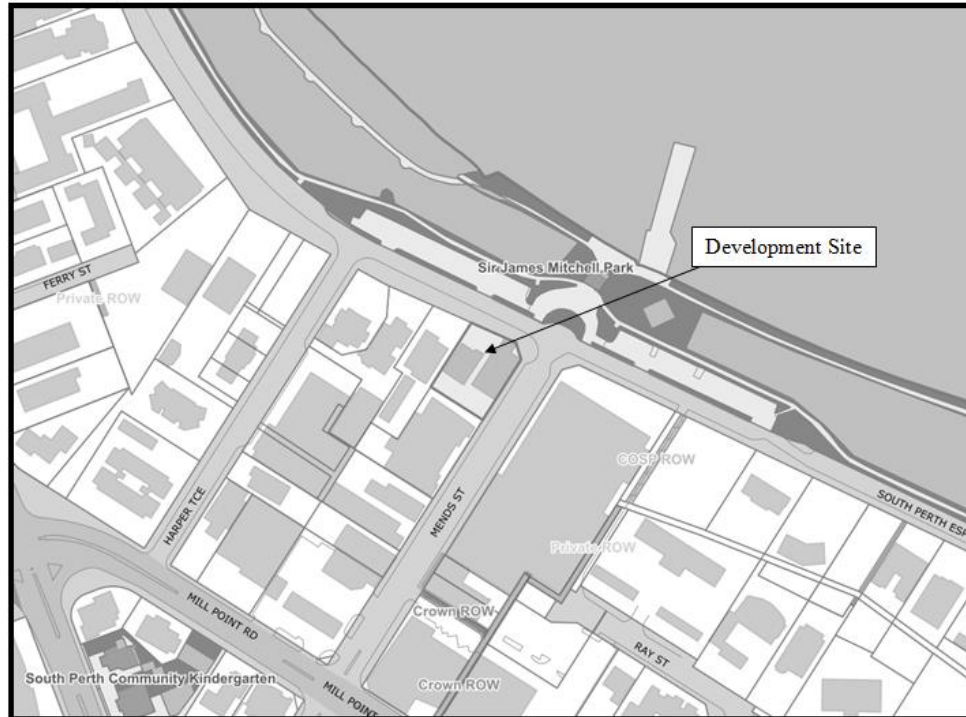


Figure 1: Location Map

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

6. Amenity impact

In considering any application for planning approval, the delegated officer shall take into consideration the impact of the proposal on the general amenity of the area. If, in the opinion of the delegated officer, any significant doubt exists, the application shall be referred to Council for determination.

Comment

(a) Background

In February 2019, the City received an application for a change of use from Restaurant to Tavern on Lot 10 (No. 39) Mends Street, South Perth (the site).

(b) Existing Development on the Subject Site

The site contains a nine-storey mixed development currently under construction, known as the “Echelon”, which was approved by the Metro Central JDAP at its meeting held 1 December 2015.

The change of use application relates to the ground floor Restaurant tenancy. The existing development on the site is depicted in the site photographs at **Attachment (a)**.

(c) Description of the Surrounding Locality

The site has a frontage to South Perth Esplanade to the north, Mends Street to the east and is adjacent to a number of eateries to the south and an apartment building to the west. The site is also located in the Mends Street commercial area as seen in **Figure 2** below:

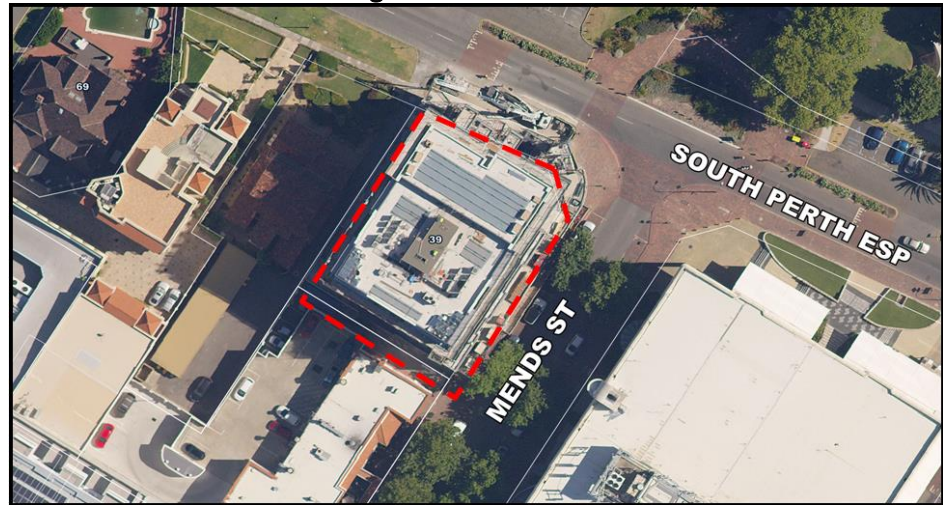


Figure 2: Aerial Image

(d) Description of the Proposal

The proposal involves converting the approved ground floor Restaurant tenancy to Tavern on Lot 10 No. 39 Mends Street, South Perth, and involves the following main components:

- Change of use from “Restaurant” to “Tavern” on the development site – ground floor commercial tenancy (346m²);
- A 33m² alfresco dining area is proposed in front of the building and will operate from no earlier than 8.00am on any morning until no later than 5.00pm from April to August (inclusive) and 7.00pm from September to March (inclusive). A separate application for an alfresco dining licence will be required to be submitted by the applicant;
- There will be no more than 12 functions or events per annum (being any function or event at which there are more than 30 standing patrons on the ground floor);
- No more than 30 patrons will be permitted to be standing on the ground floor, except when there is a function or event occurring; and
- Takeaway liquor will not be available from the premises.

The proposed development plans are provided at **Attachment (b)**.

Additionally, the site photographs show the relationship of the site with the surrounding built environment at **Attachment (a)**. The applicant has also provided documentation (Operational Management Plan and Public Interest Submission) in accordance with the requirements of Council Policy P317 ‘Licensed Premises’, which is at **Attachment (c)**. An Acoustic Assessment Report is provided at **Attachment (d)**.

As a measure to minimise potential amenity impacts on future upper floor residents of the “Echelon” building, a list of conditions have been negotiated and agreed upon between the applicant and landowner and is provided at **Attachment (e)**.

It should be noted that this is a private agreement and some conditions may not be enforceable under the *Planning and Development Act 2005*. It is therefore recommended that only some of these conditions are imposed as planning conditions.

The main reason cited for the change of use within the management plan is due to the restrictions of a Restaurant Liquor Licence surrounding holding functions. A Tavern (Restricted) Liquor Licence gives the flexibility to permit patrons to consume liquor without the requirement of a meal, consume liquor standing and host upmarket cocktail functions without having to apply each time for an occasional licence.

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

- (i) land use; and
- (ii) car parking.

(e) Land Use

As the change of use application forms part of a comprehensive new development, Schedule 9A of TPS6 has been used to assess the proposal. The use of Tavern as defined in TPS6 means “*any land or building the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended)*”. The applicant has made an application to the Department of Gaming, Racing and Liquor for a Tavern (Restricted) Licence. A Tavern Restricted Licence is similar to that of Tavern Licence, aside from the sale of packaged alcohol not being permitted.

The use of Tavern is not a use that is listed as either “preferred land uses” or “discretionary land uses” under Mends Sub-Precinct of Schedule 9A. while Element 2 of Schedule 9A lists land use permissibility specifically for ground floor land uses, Element 1 outlines the suitability of land uses more generally on a sub-precinct basis. Requirements 1.5 and 2.5 of Schedule 9A stipulate that a land use if not listed should satisfy relevant Guidance Statements. The relevant Guidance Statements and assessment against them are provided in the table below:

Guidance Statements	Assessment
1(a) It is intended that the South Perth Station Precinct is to consolidate its role as an employment destination.	The use of a Tavern is likely to generate the same amount of jobs as the previously approved Restaurant use. It is considered more employment and business opportunities will be available when functions or events are being held.
1(b) In the Mends and Scott-Richardson Sub-Precincts, non-residential uses should predominantly comprise office, shops and other commercial land uses, Educational Establishments and tourist-oriented development.	A Tavern use is considered to be tourist-oriented and will provide convenience for tourists which may lead to them extending their stay in the area.

Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees.	
1 (c) Mends Sub-Precinct For the Mends Sub-Precinct, shops and other commercial uses are encouraged to retain Mends Street's traditional function as the main retail area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors.	While a Tavern is not a direct retail land use, it provides support and convenience for retail visitors to the area. It is also anticipated that a Tavern use would have a higher level of visitation intensity compared to the previously approved Restaurant use due to events and functions in addition to their daily trading.
2(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public/private interface.	It is expected that the Tavern land use will enhance the public and private interface in the same way as the previously approved Restaurant use.
2(b) Within Element 2 'Ground Floor Land Uses', the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct. (To determine whether a land use is 'preferred' or 'discretionary' within a particular Sub-Precinct, refer to Element 1 of Table A)	Please refer to discussions regarding Guidance Statements 1(a)-1(c) above.

Additionally, the applicant has provided a list of liquor licensed premises within close proximity to the site.

Name	Address	Licence Type
The Wine Box South Perth	Shop 7, Mends St Arcade	Liquor Store
Coco's	85 South Perth Esplanade	Restaurant
The Red Cabbage	49/15 Labouchere Rd	Restaurant
Mister Walker	Mends Street Jetty	Restaurant
Mends Street Cafe	2/35 Mends Street	Restaurant
Perth Zoo	20 Labouchere Rd	Special Facility Licence
Old Mill Theatre	Mends Street	Special Facility Licence
De Bortoli Wines	5/15 Labouchere Road	Wholesalers Licence

Automatic Cafe	35 Mends Street	Restaurant Licence
Paddle Steamer Decoy	Mends Street Jetty	Special Facility Licence
Rambla on Swan	81 South Perth Esplanade	Tavern Restricted
Windsor Hotel	112 Mill Point Road	Hotel Licence

P317 Licensed Premises

In considering a development application for a licensed premises, Council Policy P317 “Licensed Premises” provides the following list of relevant location and design criteria for the City to consider:

- (i) *whether the development contributes positively to the character of the locality in terms of existing and desired streetscape character. The design of the development shall contribute to an active street frontage and take into account the relevant provision of Western Australian Planning Commission Planning Bulletin 79 – Designing Out Crime Planning Guidelines.*
- (ii) *Whether the scale and nature of the development is appropriate for the locality and, in the case of a ‘Tavern’ or ‘Hotel’ that will display and self packaged liquor from a net lettable area of more than 300 square metres, whether a ‘Liquor Store(Large)’ is a prohibited use in the subject zone.*
- (iii) *The existing land use mix and the cumulative impact of licensed premises.*
- (iv) *The proximity of the development to residential land uses and the impact on the amenity of the surrounding area.*
- (v) *The location of public transport facilities (including taxi services) and adequacy of on-site parking facilities.*
- (vi) *The location of any proposed outdoor licensed areas and the impact of these on surrounding residential areas.*

City’s comments regarding the above criteria are provided below:

- (i) The proposed Tavern land use is consistent with the existing and desired streetscape character that is featured by a range of diverse commercial land uses in Mends Street commercial precinct, including shops, cafes and restaurants. Council at its meeting held 25 October 2016 granted a Tavern land use to “Rambla on Swan” at No. 81 South Perth Esplanade only 20 metres east of the site. Tavern land use has also been identified as a “preferred land use” in the draft South Perth Activity Centre Plan for the site.

As evident from the site photos contained in **Attachment (a)**, the ground floor tenancy includes a large expanse of glazing on both Mends Street and South Perth Esplanade frontages and will provide sufficient surveillance between public and private spaces.

- (ii) The proposed land use is consistent with the previously approved Restaurant land use with minor variations to allow private functions and serving of unpackaged liquor without a substantial meal. No packaged liquor will be sold on the site. It is considered that the scale and nature of the land use is appropriate for this locality.

- (iii) The objectives for the SCA1 under TPS6 are to encourage a diverse range of land uses and, specifically in Mends Street sub-precinct, encourage tourist-related land uses. If approved, the site would provide a tourist-related land use. It is noted that the proposed Tavern (Restricted) land use is the second one to be considered in Mends Street commercial strip. The applicant's Acoustic Assessment report has confirmed that noise levels at nearby sensitive receptors will be below the levels permitted under the Environment Protection (Noise) Regulations 1997.
- (iv) The nearest residential land uses to the site are apartments on upper levels located directly above the proposed Tavern site. These apartments are in the process of being sold to prospective purchasers. The landowner and applicant have agreed on a list of conditions to be imposed on the Tavern land use development approval as well as on the prospective liquor licence in order to minimise amenity impact on future apartment owners (refer to Attachment (e)). It is considered that the agreed conditions are appropriate to be imposed as development approval conditions and will minimise the amenity impact on the surrounding residential land uses.
- (v) Please refer to comments relating to the car parking section of the report below.
- (vi) A 33m² alfresco dining area is being proposed on Council's verge in front of the "Echelon" building as part of this change of use application. A number of conditions have been agreed between the applicant and landowner relating to hours of operation, maximum number of seats and music playing. Subject to these conditions, it is considered that amenity impact on the surrounding residential areas from the alfresco area will not be unacceptable.

Based on the above analysis, it is considered that the proposed land use is acceptable for this locality and will not pose significant amenity impact on the surrounding residential land uses.

(f) Car Parking

When the Metro JDAP approved the "Echelon" building at its meeting held 1 December 2015, a Car Parking Management Plan (CPMP) was required as a condition of the approval and subsequently approved by the City. Based on the CPMP, the Restaurant tenancy was allocated three bays for the exclusive staff use plus four reciprocal bays that are shared with the Office tenancies within the same building. Consequently, three staff bays will be available for the Restaurant use at all times with four additional staff bays being available during the night time when the Restaurant is the busiest. In addition, six visitor bays are available on the ground floor to be shared between all apartments and commercial tenancies. A copy of the CPMP is provided at **Attachment (f)**.

The parking demand for a Tavern use is consistent with that of a Restaurant. While a larger crowd will be present when events or functions are being held, it is expected that patrons attending these functions or events may visit the site by public transport or ride sharing services due to the need to consume alcohol, thus not increasing the overall demand for car parking.

It is therefore considered that the car parking provision is adequate for the change of use application.

(g) 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;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) the preservation of the amenity of the locality.*

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

(h) 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. The matters most relevant to this proposal and the City's responses to each consideration are outlined in the table below:

Matters	Officer's Comment
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	The development satisfies the aims and provisions of the TPS6 and the relevant Guidance Statements as outlined in the planning assessment above.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The proposed Tavern land use is considered to be compatible with the surrounding land uses in SCA1 for the reasons discussed above.

<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;</i></p> <p>(iii) <i>social impacts of the development;</i></p>	<p>The proposal will have no significant impact on the existing amenity of the locality. The alfresco dining area will add vibrancy and activation to the locality.</p>
<p>(s) <i>the adequacy of –</i></p> <p>(i) <i>the proposed means of access to and egress from the site;</i> <i>and</i></p> <p>(ii) <i>arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i></p>	<p>The provision of car parking has been discussed in the planning assessment section above and is considered to satisfy the relevant Guidance Statements.</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 traffic impact of the “Echelon” building has been previously assessed and approved to be acceptable for this locality. The change of use from Restaurant to Tavern will not generate any significant additional traffic to the area for the reasons discussed above.</p>
<p>(y) <i>any submissions received on the application;</i></p>	<p>Details of neighbour consultation will be discussed below.</p>

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 2’ consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 21-day period (however the consultation continued until this report was finalised). In addition, signs were placed on site inviting comment from any other interested person.

During the advertising period, a total of 149 consultation notices were sent and four submissions were received, all against the proposal. The comments from the submitter(s), together with officer responses are summarised below. A copy of all the submissions and applicant’s response to submissions is provided at **Attachment (g)**.

Submitters' Comments	Officer's Responses
Impact of increased noise level on residential amenity and human health and safety	An Acoustic Assessment Report has been provided by an acoustic consultant and reviewed by the City's Environmental Health department. The Report suggests that noise generated from the development will meet Environment Protection (Noise) Regulations 1997 requirements. This report is provided at Attachment (d) . The comment is NOT UPHELD .
Car parking	The provision of parking is discussed in section (f) of this report above. The comment is NOTED .
Tavern land use is inappropriate for this locality and may result in character and use intensity changes	The appropriateness of Tavern land use is discussed in section (e) of this report above. The comment is NOTED .

(b) Internal Administration

Comments were invited from the City's Environmental Health Department.

The Environmental Health Department has reviewed the Acoustic Assessment Report and has no further comments to offer.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above section.

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

Nil

Strategic Implications

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

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

Sustainability Implications

This determination has negligible sustainability implications.

Conclusion

Stringent conditions have been negotiated and agreed upon between the landowner and applicant to ensure the amenity of the surrounding residential properties will not be adversely affected by this development proposal. It is anticipated that the proposed Tavern land use will facilitate an enhanced tourist experience in the area and the proposed alfresco area will provide much needed activation. It is therefore considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. Accordingly, it is recommended that the application should be conditionally approved.

Attachments

- 10.3.1 (a): Site Photos
- 10.3.1 (b): Development Plans
- 10.3.1 (c): Application Documents
- 10.3.1 (d): Acoustic Assessment Report
- 10.3.1 (e): Agreed Conditions between the applicant and landowner
- 10.3.1 (f): Previously Approved Car Parking Management Plan - Echelon South Perth
- 10.3.1 (g): Copy of full submissions and applicant's response

10.3.2 Proposed Extension to Validity of Approved Temporary Sales Office. Lots 7-20, Nos. 3-7/74 Mill Point Road, South Perth

Location: Lots 7-20, Nos. 3-7/74 Mill Point Road, South Perth
 Ward: Mill Point Ward
 Applicant: Hillam Architects
 File Reference: D-19-44403
 DA Lodgement Date: 12 April 2019
 Meeting Date: 28 May 2019
 Author(s): Cameron Howell, Senior Statutory Planning Officer
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
 Council Strategy: 3.2 Sustainable Built Form

Summary

To consider an application for development approval for an extension to the validity of an approved temporary sales office, including a sales office building, viewing tower, car parking, signage and landscaping, on Lots 7-20, Nos. 3-7/74 Mill Point Road, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Approval Timeframe	Deemed Provisions clause 77

The approved temporary sales office is associated with the proposed *Lumiere* mixed use development at Lots 2-20, Nos. 72-74 Mill Point Road. The existing temporary sales office approval is valid until 29 May 2019. The owner and applicant are seeking an 18 month extension.

Officer Recommendation

That Council:

1. **Accepts** that the development application is appropriate for consideration in accordance with Schedule 2 clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. Pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for an amendment to the validity of approval for an approved temporary sales office at Lots 7-20, Nos. 3-7/74 Mill Point Road, South Perth be **refused** for the following reasons:
 - a. The temporary development has been installed on the site for over 3¹/₂ years.
 - b. The ongoing retention of the temporary development will impose an unreasonable visual impact to the streetscape and neighbouring apartments.

- c. The owner has had an opportune timeframe provided for on-site marketing and sales of the apartments and commercial tenancies in the proposed *Lumiere* mixed use development on the subject site.
- d. The subject site has not held a valid development approval for the proposed *Lumiere* mixed use development for over 12 months and the granting of a new approval is not certain or imminent.

Background

The development site details are as follows:

Zoning	Mixed Use Commercial; Special Control Area SCA1 – South Perth Station Precinct
Density coding	R80/100
Lot area	1407 sq. metres (Lots 7-20)
Building height limit	25.0 metres base height (TPS6 Schedule 9A)
Development potential	Multi-storey development
Plot ratio limit	Unlimited (TPS6 Schedule 9A)

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



Figure 1: Locality Map – Lots 7-20 Highlighted

This item is referred to Council as the previous extension application for the temporary sales office was determined by Council.

Comment

(a) Background

Temporary Sales Office

The approved temporary sales office is associated with the proposed *Lumiere* mixed use development at Lots 2-20, Nos. 72-74 Mill Point Road.

In June 2015, immediately following the first development approval for the proposed *Lumiere* mixed use development being granted by the Metro Central JDAP, a development application for the temporary sales office, including a sales office building, viewing tower, car parking, signage and landscaping, was submitted to the City.

10.3.2 Proposed Extension to Validity of Approved Temporary Sales Office. Lots 7-20, Nos. 3-7/74 Mill Point Road, South Perth

The first application was conditionally approved by the City under delegated authority on 30 June 2015, for an 18-month period.

The City's records indicate that the works affiliated with the construction of the temporary sales office were undertaken between July and September 2015.

A second development application was submitted to the City in November 2016, requesting an extension to the original validity period. The application was conditionally approved by the City under delegated authority on 22 November 2016, for an 18-month period from the date of determination.

A third development application was submitted in April 2018, requesting an extension to the latest validity period. This application was referred to Council and was conditionally approved by the Council on 29 May 2018, for a 12-month period from the date of determination.

Condition 2 of the latest approval requires all temporary structures to be removed by 29 May 2019.

The current (fourth) application was submitted to the City in April 2019. The owner and applicant are seeking an 18-month extension to the validity period.

Lumiere Mixed Use Development

The *Lumiere* mixed use development is a proposed comprehensive new development for the subject site. There are currently no valid approvals for the *Lumiere* mixed use development. Key milestones relevant to the current extension application are listed as follows:

November 2014	First DAP Form 1 development application submitted.
25 May 2015	First development approval granted by the Metro Central JDAP.
December 2015	Second DAP Form 1 development application submitted.
25 February 2016	First development approval set aside by the Supreme Court.
19 October 2016	Second development approval granted by the Metro Central JDAP.
November 2017	Third DAP Form 1 development application submitted.
20 February 2018	Second development approval set aside by the Supreme Court.
25 June 2018	Latest refusal of the third development application by the Metro Central JDAP.

The *Lumiere* mixed use development is currently scheduled to be the subject of a hearing in the State Administrative Tribunal in September. It would be reasonable to expect that the Tribunal will take a few months after the conclusion of the hearing to deliver its decision as to whether development approval will be granted or refused.

(b) Existing Development on the Subject Site

The existing development on the site is the temporary sales office, including a single storey sales office building, an approximately 20 metre high viewing tower, car parking bays, signage and landscaping.

(c) Description of the Surrounding Locality

The site is within the South Perth Station Precinct (TPS6 Special Control Area SCA1) and the South Perth Activity Centre and has a frontage to Mill Point Road to the west. The adjoining developments are summarised as follows:

No. 66 Mill Point Road (north):	3-4 storey 12 unit office / apartment building.
Nos. 72A & 72B Mill Point Road (north):	2x2 storey dwellings (proposed to be demolished as part of the construction of the <i>Lumiere</i> mixed use development).
No. 78 Mill Point Road (south):	3 storey 6 unit office / apartment building.
No. 53 South Perth Esplanade (west):	3 storey tourist accommodation building.

The immediate area is generally characterised by a mix of medium to high density residential and mixed use development, as seen in **Figures 2, 3 and 4** below:

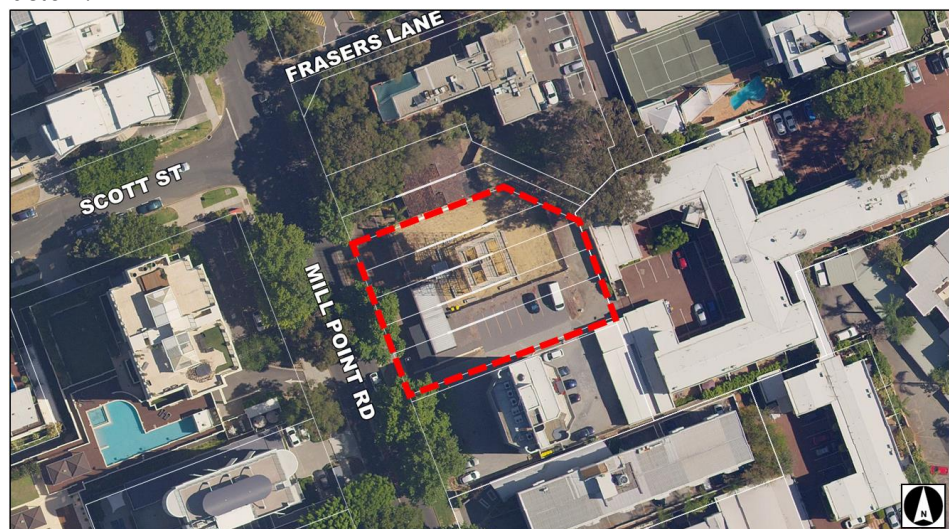


Figure 2: Aerial Photograph (January 2019) – Lots 7-20 Highlighted



Figure 3: Aerial Photograph (January 2019)



Figure 4: 3D Survey (2016)

(d) **Description of the Proposal**

The proposal involves an amendment to a condition of development approval relating to the removal of temporary structures from the site. Condition 2 of the latest approval dated 29 May 2018 is as follows:

- (2) *All temporary structures including the viewing tower, sales office, car bays, signage and landscaping are to be removed from the site in their entirety no later than 12 months from the date of the determination above.*

The owner and applicant are seeking an 18-month extension to the effective validity period of the temporary approval. The applicant's cover letter makes reference to the status of the *Lumiere* mixed use development project for requesting the extension.

No amendments to the constructed temporary development or the other conditions of development approval are proposed.

(e) **Planning Assessment**

The City has received a development application to amend a condition of approval, in accordance with clause 77 of the Deemed Provisions.

In determining this application, Council is effectively being requested to determine the appropriateness and amenity impact of the temporary development remaining on site for up to an additional 18 months (or an alternative period as determined by Council). In making this determination, the Council should have regard to the relevant matters listed in clause 67 of the Deemed Provisions.

The temporary development has been on site for over 3¹/₂ years. The purpose of the temporary development is associated with the sale of the apartments and commercial tenancies within the proposed *Lumiere* mixed use development.

The City is not supportive of granting the 18-month extension. The City has come to this position having regard to the visual appearance of the temporary development on the streetscape and neighbouring apartments, the extended timeframe that has elapsed since the temporary development was first installed and the status of the proposed *Lumiere* mixed use development.

Should Council resolve to refuse the application, the refusal would not prejudice the determination of any future development applications that the City may receive for temporary sales office developments on the subject site.

(f) **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 decision-maker 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 decision-maker, those matters are relevant to the development the subject of the application.

The City is not supportive of granting the 18-month extension.

Consultation

(a) **Neighbour Notification**

The City has undertaken neighbour notification for information purposes for this proposal under Council Policy P301 'Community Engagement in Planning Proposals'. Individual property owners and occupiers within 'Area 1' of the development site were mailed a notice (216 notices have been mailed out) and invited to inspect the plans during a minimum 14-day period that concluded on 16 May 2019. It is noted that a number of neighbours have sent correspondence to the City and/or Councillors in response to the information notices that in essence requests that the current application be refused.

The notification period had not concluded at the time of preparing this report. The correspondence received to date generally refers to the visual amenity impact of the temporary development, the length of time that the temporary development has been in place and that there are no approvals for the redevelopment of this site.

(b) Internal Administration and External Agencies

No internal or external referrals are needed for this application.

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 implications 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.

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

Having regard to all of the relevant matters in considering the current development application, the City is not supportive of granting an additional 18 months to the timeframe before the temporary development is required to be removed from site.

Accordingly, it is considered that the application should be refused.

Attachments

10.3.2 (a): Applicant's Cover Letter & Previous Development Approvals - Temporary Sales Office - Lots 7-20, Nos. 3-7/74 Mill Point Road, South Perth - 11.2015.268.4

10.3.3 Retrospective additions and alterations to Single House at Lot 28 (No. 22A) Banksia Terrace, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Actus and Associates Pty Ltd
File Reference:	D-19-44405
DA Lodgement Date:	21 December 2018
Meeting Date:	28 May 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 retrospective additions and alterations to the Single House on Lot 28 (No. 22A) Banksia Terrace, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Lot boundary setbacks (south-east)	Design Principles of Clause 5.1.3 of the R-Codes
Vehicular access	Design Principles of Clause 5.3.5 of the R-Codes
Retaining walls (north-west)	Design Principles of Clause 5.3.8 of the R-Codes
Visual Privacy (south-east)	Design Principles of Clause 5.4.1 of the R-Codes
External fixtures, utilities and facilities	Design Principles of Clause 5.4.4 of the R-Codes

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for retrospective additions and alterations to the Single House on Lot 28 (No. 22A) Banksia Terrace, South Perth **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. The major opening to the Master Bedroom on the south-western elevation shall be modified so as to prevent overlooking to the south-eastern property in accordance with the visual privacy requirements of the Residential Design Codes of WA. Any structures required shall be installed and remain in place permanently, to the satisfaction of the City.
3. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.

4. 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. In particular, the alfresco decking area extending in front of the garage shall be deleted and does not form part of this approval.
5. Prior to practical completion, a suitable stabilisation treatment in the form of retaining walls shall be installed along the north-western boundary abutting the driveway, to the satisfaction of the City.
6. The external plumbing pipes shall be relocated so as to be fully concealed within the wall cavity of the building, to the satisfaction of the City. All other external fixtures 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.
7. Prior to the issue of a building permit, details of the surface of the boundary wall(s) to the garage not visible from the street, on the south-eastern side of the lot shall be provided. The finish of the boundary wall shall only apply to the portion of wall visible from the south-eastern adjoining property, and the finish is to be compatible with the external walls of the neighbour's dwelling, to the satisfaction of the City.
8. This development approval hereby granted is to achieve practical completion by 28 May 2020.

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	536 sq. metres
Building height limit	7.0 metres
Development potential	One (1) dwelling
Plot ratio limit	N/A – open space requirements apply

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



Figure 1: Map of subject site

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

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

The subject site has an extensive and complex history involving previous planning and building applications, as well as compliance investigations, and, as such, a comprehensive overview of background information pertinent to this current application is necessitated.

On 28 August 2014, a previous owner of the site submitted an application for development approval relating to a second storey addition to the Single House. Following the submission of revised drawings to address design elements of the City's Kensington and Arlington Design Policy, the application was conditionally approved on 13 November 2014.

On 24 February 2015, the City received a certified building permit application for the approved second storey addition to the Single House at 22A Banksia Terrace. Construction of the development commenced in early March of 2015.

During the construction phase of the project, the City received a number of complaints regarding alleged non-compliant building work. A compliance investigation was subsequently carried out by the City.

Following this preliminary compliance investigation, a variation application to the previous planning approval (dated 13 November 2014) was formally lodged to the City on 19 May 2015. The amendments being sought encompassed the inclusion of a roof terrace area, which in turn resulted in an increase to the building height of the property. As a consequence of the proposed modifications, the City refused the variation application on 8 October 2015, due to concerns relating to building height and visual privacy.

On 25 February 2016, the City commenced further compliance investigations to determine if certain conditions of planning approval from the original approval had been breached. From February 2016 until August 2016, the City identified a number of design elements which were not in conformity with the approved plans. In particular, these discrepancies related to visual privacy screening not being installed, external drainage piping not being concealed from view or suitably integrated into the design of the building, and a range of other building inconsistencies such as conflicting layout and orientation of the approved additions. The landowner was issued with a Direction pursuant to the *Planning and Development Act 2005* requiring the owner to return the development into compliance with the approval, or submit a retrospective application.

On 30 August 2016, the landowner submitted a retrospective development application, which precipitated from the compliance investigations undertaken by the City. At a later stage, following the submission of amended plans, the development was approved on 27 October 2016, subject to a range of conditions. Notably, the south-eastern lot boundary setback from the upper floor of the rear portion of the dwelling was approved at 2 metres.

From November 2016 until June 2018, lengthy and comprehensive compliance action was taken against the owner of the property in relation to unauthorised works. The scope of works which had been carried out was a significant departure from the approved drawings for the dwelling, in particular reduced setbacks on the southern side of the residence. On 3 April 2017, the City served the landowner with a further Direction pursuant to the *Planning and Development Act 2005* to cease works on the site and undertake remedial action to increase southern eastern setbacks and bring the development into compliance with approved drawings dated 27 October 2016. Subsequently, the City successfully prosecuted the landowner for failing to comply with the Direction dated 3 April 2017.

In August 2018, the property was sold and a new owner inherited some of the outstanding compliance matters associated with the site. With a view to rectify and resolve the planning discrepancies remaining with the building, the new owner submitted a retrospective application on 21 December 2018, which is the current application before the City.

The four key outstanding matters for consideration in the current retrospective application relate to:

- setbacks from the south east lot boundary;
- exposed plumbing on the south east side of the residence;
- insufficient stormwater disposal; and
- retaining along the north west lot boundary.

The initial set of plans submitted as part of this current retrospective application proposed a south-eastern lot boundary setback of 1.57 metres from the rear half of the upper floor. This was a fundamental variation being sought, noting the most recent approval granted for the development contained a 2 metre south-eastern setback from the rear half of the upper floor. The City requested that this setback be increased to 2 metres to more appropriately respond to the design principles of the R-Codes, and an amended set of plans, with this requested alteration incorporated, was provided by the applicant on 10 April 2019, along with other revisions. This second iteration of plans is the current set under consideration in this assessment.

(b) Existing Development on the Subject Site

The existing development on the site currently features an unfinished two storey Single House, with many sections of the property exposed, unroofed or of a deteriorating state. The rear portion of the dwelling, in particular, is in such a poor condition that it presents a potential safety risk by virtue of unsecured and damaged remnant building materials.

(c) Description of the Surrounding Locality

The site is located in the street block bounded by Banksia Terrace to the north-east, Mill Point Road to the north-west, Canning Highway to the south-east and Brandon Street to the south-west, as seen in **Figure 2** below:

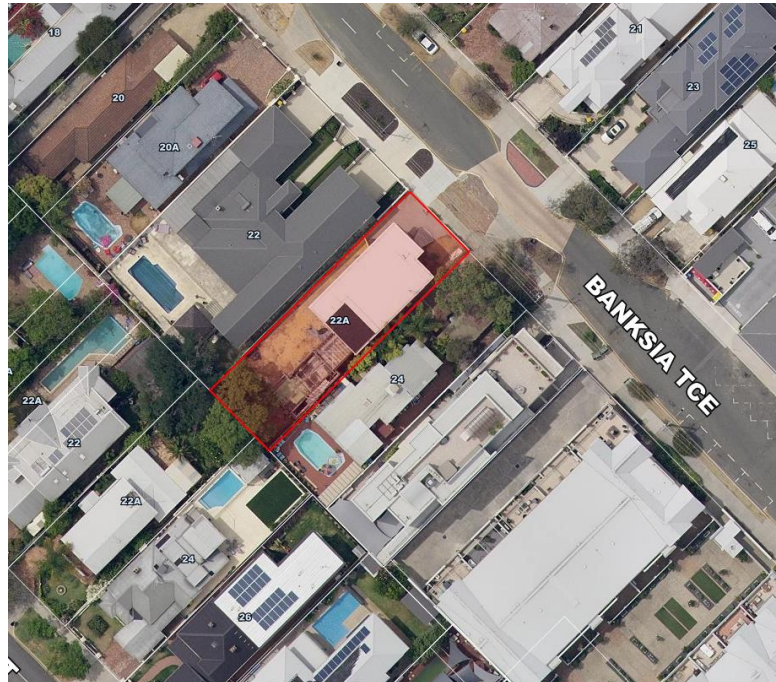


Figure 2: Aerial image of the subject site

(d) Description of the Proposal

The proposal involves the retrospective approval of additions and alterations to the Single House, as depicted in the submitted plans at **Attachment (a)**. Additional information can be found under the 'Background' section of this report relating to the unauthorised aspects of the partially constructed building.

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 of WA 2008 (**R-Codes**) and/or Council Policy requirements:

- (i) Lot boundary setbacks (south-east);
- (ii) Vehicular access;
- (iii) Retaining walls;
- (iv) Visual privacy; and
- (v) External fixtures, utilities and facilities.

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

(e) Lot boundary setback (south-east)

Element	Deemed-to-comply	Provided
South-East (Upper Floor – Wine Cellar to Master Bedroom)	2.8m	Between 1.2m – 2m
<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"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

It should be noted that the most recent development approval (ref. 11.2016.325.1) for the property also permitted an upper floor setback to the south-eastern boundary between 1.2m – 2m. However, the upper floor south-eastern setback in this retrospective application is nonetheless considered and assessed as a variation given that the layout and articulation of this elevation has changed.

The upper floor setback variation to the south-eastern boundary is considered to satisfy the Design Principles of the R-Codes for the following reasons:

- A large component of the upper floor south-east elevation would impact a driveway, access leg and entry pathway to the dwelling at 24 Banksia Terrace. These spaces, in isolation, are not considered to be particularly sensitive, as they are not ordinarily occupied by residents for extended periods of time. As the south-eastern elevation of the building approaches the more sensitive areas of the affected building at 24 Banksia Terrace, it is proposed to be repositioned from the currently constructed south-east setback of 1.3 metres (from the rear portion) to 2 metres. In particular, it can be observed in the overlay image below that the portion of upper floor setback at 2 metres abuts the portion of the dwelling at 24 Banksia Terrace that is positioned more closely to the dividing boundary.

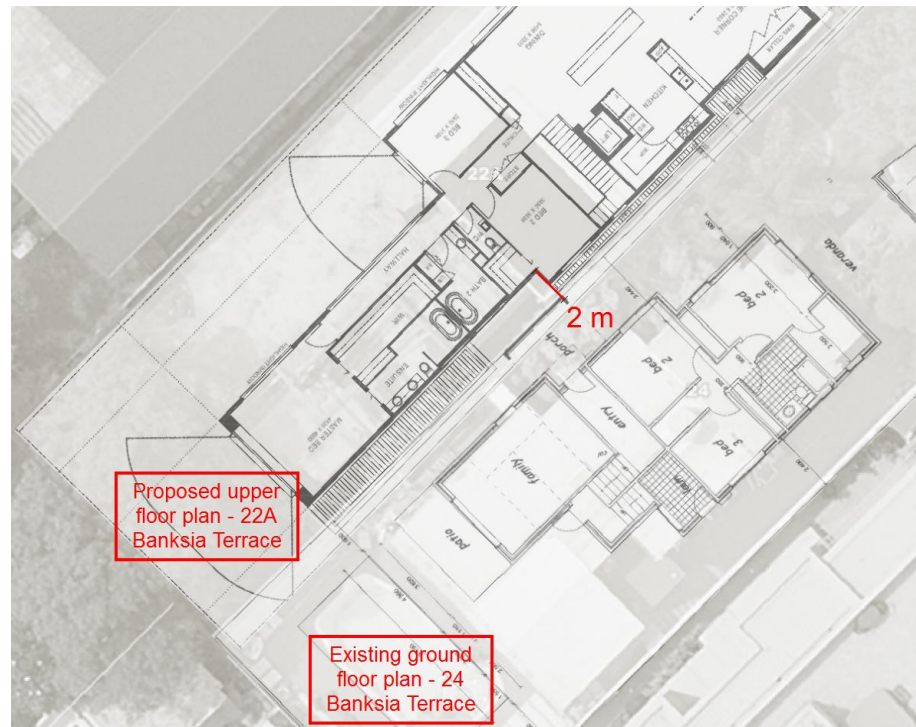


Figure 3: Overlay image of upper floor plan at 22A Banksia Terrace and existing ground floor plan at 24 Banksia Terrace. Please note this overlay image is an approximation and should only be used for guidance purposes.

Responding to the site context in this manner is considered to be an appropriate articulation technique to reduce a perception of building bulk or confinement.

- There is a topography differential between the subject site and the adjoining lot in that the rear outdoor space of No. 24A Banksia Terrace is positioned approximately 1.4m higher than the adjoining contour level of 22A Banksia Terrace. In this regard the presentation of the rear portion of the building at 22A Banksia Terrace resembles a single storey building from some perspectives, notably from the outdoor space at the rear of the adjoining lot, as can be seen in the image below.



Figure 4: View of south-east elevation of No. 22A Banksia Terrace, from the perspective of the rear of 24 Banksia Terrace. This image shows the rear portion of the building (partially) constructed with a south-eastern setback of 1.3m. It is proposed to be altered to 2m.

- The setback of the upper floor to the south-east is between 1.2m to 2m, which is considered to provide a reasonable offset so as to facilitate ventilation to the south. It is also noted that the overshadowing cast does comply with the limit of 25% as prescribed by the deemed-to-comply of the R-Codes (5.4.2).
- It is acknowledged that there is a visual privacy variation proposed from the master bedroom on the south-western elevation, which would overlook a portion of the outdoor living area of No. 24 Banksia Terrace. It is recommended that, through the imposition of a condition of approval, the size of this major opening is modified so as to achieve compliance with the deemed-to-comply of clause 5.4.1 of the R-Codes.
- Overall, the reduced lot boundary setback is not considered to result in a significant adverse impact on the amenity of the adjoining property for the abovementioned reasons.

It is additionally noted that the boundary wall, as part of the garage on the south-eastern boundary, was previously approved in its current location. Notwithstanding, the finish of the boundary wall at present is not of an acceptable standard so as to address clause 1.2 of Policy P350.02 (Lot boundary setbacks (boundary walls)). To this end, a condition of approval is recommended, requiring the applicant to finish the wall to an acceptable standard, noting a preference submitted by the adjoining neighbour, which will be included as an accompanying advice note. Only the portion of the boundary wall visible from the south-eastern adjoining site will need to be finished in this manner.

The applicant has indicated to the City's administration that the concealment of external drainage piping can be satisfactorily completed without the need to extend the building closer to the dividing boundary. This is discussed further in the *External fixtures, utilities and facilities* section of this report. In this regard, there would not be any subsequent discretion sought to lot boundary setbacks by virtue of carrying out remedial works to obscure view of these particular external fixtures and drainage infrastructure. While noting that the ground floor lot boundary setback to the south-east does not satisfy the deemed-to-comply of 1.5m, the setback of 900mm does not deviate from the most recent approval (ref. 11.2016.325.1) and therefore is not subject to further review.

(f) **Vehicular Access**

Element	Deemed-to-comply	Provided
Driveway of a trafficable standard	Driveways shall be adequately paved and drained	Decking/alfresco area extending in front of entry point to garage parking bays
<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"> • <i>Vehicular access safety;</i> • <i>Reduced impact of access points on the streetscape;</i> • <i>Legible access;</i> • <i>Pedestrian safety;</i> • <i>Minimal crossovers; and</i> • <i>High quality landscaping features.</i> 		

The extension of the alfresco decking area to the north-west of the garage, directly abutting the driveway space, is not supported as it would likely deteriorate and degrade over time with vehicle movements taking place over this material. This could potentially inhibit the ability for residents to conveniently access their garage. For this reason, a condition of approval is recommended to delete the extension of alfresco decking in this location from the plans. In lieu of decking, trafficable paving is to be installed to the satisfaction of the City.

In regards to the width of the driveway providing access for vehicles to the rear garage, it is noted that this was previously contemplated and approved in the most recent development approval in October 2016 (ref. 11.2016.325.1). Given that the development has been substantially commenced (*ref. Dawson & Anor and City of Fremantle [2008] WASAT 125*), the City cannot retrospectively revisit this matter. In particular, it is observed that no unauthorised works or alterations have been conducted specifically in regards to the width of the access-way. The reduced access-way width also appears to have been in existence historically, prior to the construction of the second storey additions in 2015.

Ordinarily, the access-way width is required to be a minimum of 4 metres, with concessions permissible in circumstances where an existing dwelling is to be retained. The width of the access-way in this application is only 2.35 metres. The width specified in Australian Standard 2890.1 (*Parking Facilities - Off-street car parking*) is 2.4 metres. While it is acknowledged that this particular aspect of the application is a significant departure from the R-Codes, re-examining this matter would not be a prudent course of action.

(g) Retaining Walls

As a consequence of the driveway being constructed within 0.5m of the north-western boundary, there was a subsequent need to incrementally raise levels to an appropriate grade for vehicle movements. A review of the site plan of the subject site reveals a difference in the topography between 22A and 22 Banksia Terrace in the order of ~1 metre RL. Up to a metre of fill (site works) within 3 metres of a lot boundary is permitted in accordance with clause 1.2 of Policy P350.17 (*Site Works*), however typically such modifications to levels also requires the installation of retaining walls to stabilise the property. No retaining walls have been constructed on the north-western boundary directly abutting the access-way at 22A Banksia Terrace. In order to rectify this discrepancy, a condition of approval is recommended requiring the installation of retaining and suitable stabilisation along the north-western boundary. The implementation of these works would address one of the key outstanding matters identified in the City's Compliance Letters to the past and current owner(s).

In regards to satisfying clause 6.10 of the Scheme, it is observed that the streetscape of Banksia Terrace has a significant slope running east-west. In this regard a number of properties directly abutting one another have a substantial difference in their contour levels due to the natural topography of the land. In light of this surrounding site context, the driveway location and associated site works carried out in implementing previous approvals are considered to maintain a visually balanced streetscape.

(h) Visual Privacy

Element	Deemed-to-comply	Provided
Visual privacy setback from Master Bedroom to South-Eastern property	4.5m visual privacy setback	3.9m 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"> • <i>Building layout and location;</i> • <i>Design of major openings;</i> • <i>Landscape screening of outdoor active habitable spaces; and/or</i> • <i>Location of screening devices.</i> 		

The visual privacy setback to the south-eastern boundary from the proposed master bedroom is not considered to satisfy the Design Principles of the R-Codes for the following reasons:

- The overlooking from the master bedroom would be directed toward a triangular portion of the outdoor living area of No. 24 Banksia Terrace.

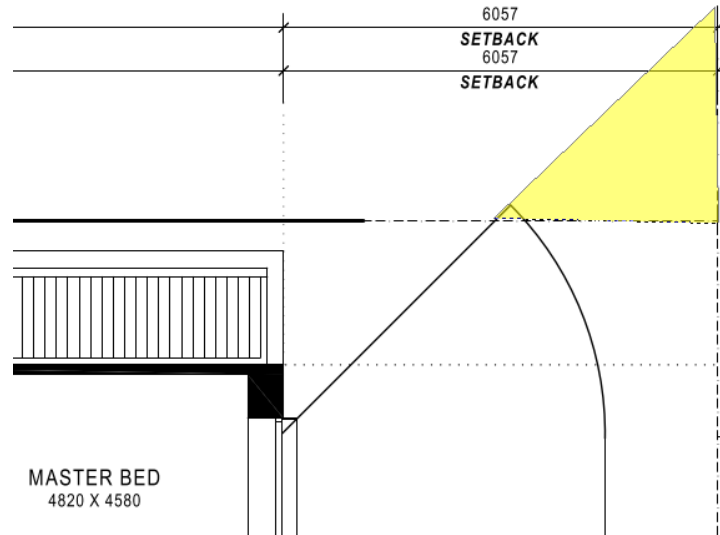


Figure 5: Overlooking from upper floor master bed on south-western elevation toward No. 24 Banksia Terrace.

- While the area overlooked, in total, represents a relatively small space in the context of the site overall, this particular segment of the property is the outdoor living area, which contains a pool. This is a highly sensitive space and is worthy of greater protection in respect to potential overlooking. As such, a condition of approval is recommended to modify this major opening to comply with the deemed-to-comply of clause 5.4.1 of the R-Codes.

(i) **External fixtures, utilities and facilities**

Element	Deemed-to-comply	Provided
Integration of external fixtures into design of building	External fixtures integrated into design of building and located so as to not be visually obtrusive	External stormwater piping and other drainage infrastructure constructed in an ad-hoc, convoluted and disorganised manner
<p><i>Design Principles:</i> Clause 5.4.4, P4.1: Solar collectors, aerials, antennas, satellite dishes, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.</p>		

In order to understand the manner in which the external fixtures have been integrated into the building design it is necessary to review the site photographs contained in **Attachment (b)**. One image is shown below for reference to highlight some of the external fixtures at the subject site as viewed from 24 Banksia Terrace.



Figure 6: An example of some external piping on south-eastern elevation of subject site, as viewed from the balcony at 24 Banksia Terrace.

At present, the external piping and associated drainage infrastructure is not considered to satisfy the deemed-to-comply provisions, nor the design principles, of clause 5.4.4. Attention should also be drawn to a previous condition of approval (ref. 11.2016.325.1) which stated the following in respect to external plumbing fixtures:

(4) *All plumbing fittings on external walls shall be concealed from external view as required by clause 7.5 (k)* of Town Planning Scheme No. 6.*

**Note – this clause of TPS6 has since been rescinded due to the introduction of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015.*

The applicant has written to the City confirming that they would be willing to accept the imposition of a condition relating to the external fixtures being appropriately concealed within the wall cavity of the building. In this regard, it is recommended that such a condition forms part of any development approval granted, in order to address clause 5.4.4 of the R-Codes.

(j) Streetscape Compatibility – Precinct 5 ‘Arlington’ and Precinct 6 ‘Kensington’

The subject site falls within the Arlington precinct and as such is subject to the design provisions of Policy P351.5. The proposal has previously been referred to the City’s Design Review Panel and the roof design has been supported. The roof elements and pitch that are visible from the streetscape do not differ from the most recent approval and in this regard no further assessment is conducted in relation to this aspect of the application.

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

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

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

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

(l) 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>
(b) <i>The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	It is noted that draft Scheme Amendment No. 57 relating to Canning Highway (east) is currently before the Western Australian Planning Commission (WAPC) for consideration. The subject site falls within the area impacted by this proposed amendment. However, there is no certainty regarding the timeframe that the WAPC may or may not approve and gazette the draft Scheme Amendment. Minimal weight is therefore applied to the draft planning instrument, due to the lack of certainty relating to potential modifications and subsequent adoption (gazettal).

<i>(f) Any policy of the state;</i>	For reasons outlined in the report, the development is considered to meet the relevant design principles within the Residential Design Codes, being a state planning policy of the state.
<i>(g) Any local planning policy for the Scheme area;</i>	For reasons outlined in the report, the development is considered to address the relevant local planning policies, such as the City's Boundary Walls Policy.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The streetscape along this section of Banksia Terrace consists of a number of two storey dwellings and houses of a comparable scale. For the reasons mentioned in this report, the various discretions proposed in this application are considered to be supportable and the development is therefore considered to be compatible in its setting.
<i>(y) any submissions received on the application;</i>	As discussed further in the Consultation section below, the concerns raised by surrounding neighbour(s) have been taken into account as part of the assessment of the retrospective development application.

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

Consultation

(m) 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, a total of three consultation notices were sent and two submission(s) were received, with one objection being received.

Following on site meetings and discussions with relevant parties to the application, amended development plans were submitted to the City on 10 April 2019. The revised plans were provided to the neighbour that previously objected to the application. In response, the objection was, in effect, withdrawn subject to some design preferences, particularly in relation to the finish of the boundary wall as part of the garage.

Submitters' Comments	Officer's Responses
The finish of the boundary wall on the south-eastern boundary should match the rest of the building	A condition of approval is recommended to require the finish of the boundary wall visible from the south-eastern adjoining property to be of an acceptable standard. The comment is UPHELD

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 (Build and Natural)
 Aspiration: Sustainable urban neighbourhoods
 Outcome: 3.2 Sustainable built form
 Strategy: Promote and facilitate contemporary sustainable buildings and land use

Sustainability Implications

Nil

Conclusion

It is considered that the proposal does meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as the amended plans are considered to represent a proposal that satisfactorily addresses the relevant design principles for variations being sought. The revised plans in particular facilitate an acceptable design outcome to the south-eastern property, and the key outstanding matters in the City's previous compliance investigations have been addressed. As a result of the revised plans there will be a need for significant remedial work to be undertaken to the premises. In this regard, specific advice notes will be included to ensure that close monitoring of the rectification work occurs, so as to satisfy relevant building requirements and negate the potential for adverse impacts onto adjoining sites (ie. s.77 of the *Building Act 2011*). The City's Compliance section will also oversee the commencement and implementation of any approval granted to prevent the site from remaining in its current dilapidated state. Additionally, a condition of approval will require practical completion of the approval within 12 months from the determination date.

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

Attachments

- 10.3.3 (a): Amended Plans (dated 15 April 2019) - 22A Banksia Terrace - Retrospective additions and alterations to Single House - 11.2019.3.1
- 10.3.3 (b): Site Visit Photos – 22A Banksia Terrace – Retrospective additions and alterations to Single House – 11.2019.3.1

10.3.4 Proposed additions and alterations to Single House at Lot 38 (No. 61) Gwentyfred Road, Kensington

Location: Kensington
 Ward: Moresby Ward
 Applicant: V & M Worthington
 File Reference: D-19-44407
 DA Lodgement Date: 18 December 2018
 Meeting Date: 28 May 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 additions and alterations to a Single House at Lot 38 (No. 61) Gwentyfred Road, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Secondary street setback (Fourth Avenue)	Design Principles of Clause 5.1.2 of the R-Codes
Lot boundary setbacks (south-east and south-west)	Design Principles of Clause 5.1.3 of the R-Codes
Boundary walls (south-east)	Discretionary criteria of clause 2.0 of Policy P350.02
Sight lines	Design Principles of Clause 5.2.5 of the R-Codes
Outdoor living area	Design Principles of Clause 5.3.1 of the R-Codes
Retaining walls (south-east)	Design Principles of Clause 5.3.8 of the R-Codes
Visual Privacy (south-east)	Design Principles of Clause 5.4.1 of the R-Codes
Fencing height (south-east dividing fence)	Discretionary criteria of clause 2.0 of Policy P350.07
Roof form variation – Kensington Design Policy	Discretionary criteria of clause 3.0 of Policy P351.5

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 additions and alterations to a Single House at Lot 38 (No. 61) Gwentyfred Road, Kensington **be approved** subject to:

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 practical completion, the applicant shall construct the modified crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
4. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
5. Prior to the submission of a building permit, details of the surface of the boundary walls to the Laundry/Bathroom and Scullery not visible from the street, on the south-eastern side of the lot shall be provided. The finish of the boundary wall is to be compatible with the external walls of the neighbour's dwelling, to the satisfaction of the City.
6. 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.
7. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
8. 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.
9. The primary and secondary street fencing proposed shall comply with the City's Policy P350.07 (Street walls and fences), to the satisfaction of the City.
10. Prior to practical completion, all fencing 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. Specifically, the screening to the roof top deck shall be amended in length to comply with the deemed-to-comply of clause 5.4.1 of the R-Codes. The structures shall be installed and remain in place permanently, to the satisfaction of the City.
11. The alfresco is to remain unenclosed on a minimum of two sides.
12. The storeroom is to be used for non-habitable purposes only.
13. Prior to practical completion, 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(s) shall be maintained in good condition thereafter.

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	544m ²
Building height limit	7.0 metres
Development potential	One (1) dwelling
Plot ratio limit	N/A – open space requirements apply

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

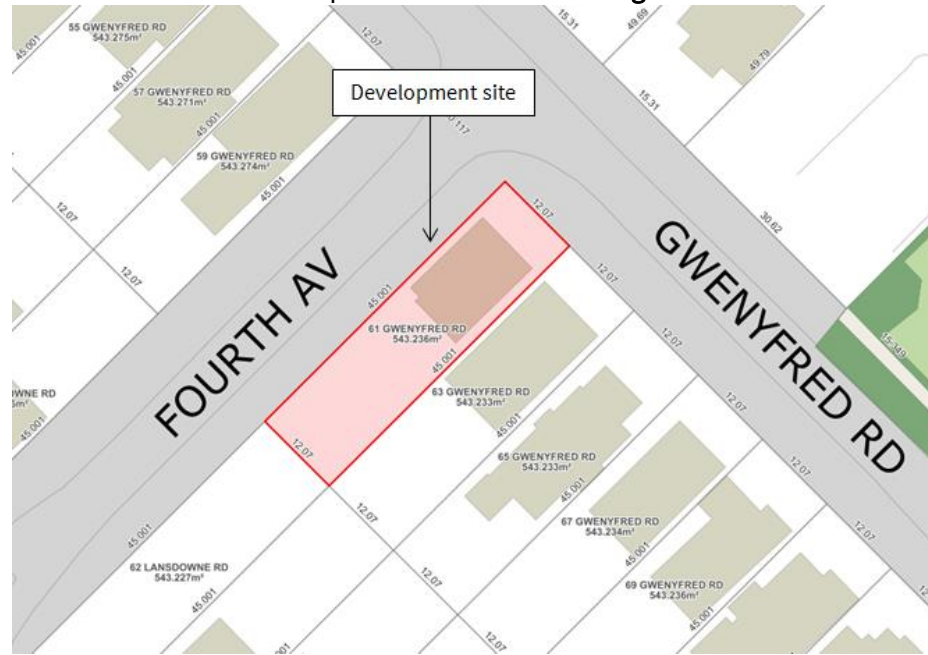


Figure 1: Map of subject site.

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

3. ***Developments involving the exercise of a discretionary power***
 - (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.*

Comment

(a) Background

In December 2018, the City received an application for additions and alterations to the Single House on Lot 38 (No. 61) Gwentyfred Road (the site). In total, three different sets of amended plans have been submitted to the City, with the third iteration of plans dated 9 April 2019 the current development plans under consideration.

A number of amendments have been made to the plans in response to neighbour concerns relating to lot boundary setbacks and boundary walls. The modifications have involved increasing setbacks and removing boundary walls to the south-west and south-east boundaries.

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

The existing development on the site currently features a single storey Single House with a large area at the rear of the property currently vacant. There is an existing crossover at the rear of the site on Fourth Avenue.

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

The site is located at the corner of Gwentyfred Road and Fourth Avenue, as seen in **Figure 2** below:



Figure 2: Aerial image of the subject site.

(d) **Description of the Proposal**

The proposal involves additions and alterations to the Single House, as depicted in the submitted plans at **Attachment (a)**. Specifically, the works involve a contemporary extension including the following:

- Kitchen, dining and living rooms;
- Master bedroom and ensuite;
- Laundry, bathroom and powder room;
- Alfresco and pool area; and
- Garage, store and roof-top deck.

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 of WA 2008 (R-Codes) and/or Council Policy requirements:

- (i) Secondary street setback;
- (ii) Lot boundary setbacks (south-east and south-west);
- (iii) Boundary walls (south-east);
- (iv) Sight lines;
- (v) Outdoor living area;
- (vi) Retaining walls;
- (vii) Visual privacy (south-east);
- (viii) Fencing height;
- (ix) Kensington & Arlington Design Policy.

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

(e) **Secondary street setback**

Element	Deemed-to-comply	Provided
Secondary street setback	1.5m	Between 1.2m – 2m
<p><i>Design Principles:</i> <i>Clause 5.1.2, P2.1: Buildings set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> • <i>Contribute to, and are consistent with, an established streetscape;</i> • <i>Provide adequate privacy and open space for dwellings;</i> • <i>Accommodate site planning requirements such as parking, landscape and utilities; and</i> • <i>Allow safety clearances for easements for essential service corridors.</i> 		

The secondary street setback variation to the south-eastern boundary is considered to satisfy the design principles of the R-Codes for the following reasons:

- The existing building on site currently has a secondary street setback of 1.2m. In attempting to achieve a sense of continuity along this elevation, a more uniform secondary street setback for the predominant length of frontage is considered to achieve greater consistency and a satisfactory presentation to the streetscape. An incursion of 30cm to satisfy the deemed-to-comply would not substantially alter the appearance of the development nor result in any significant improvement to the design and presentation to the streetscape.
- It is noted that the development complies with the open space provision (cl. 5.1.4) and accommodates space for two vehicle parking bays.
- It is also observed that the verge area on the frontage to Fourth Avenue is relatively wide (approximately 5.5m) and therefore reduces the perception of the building being overly imposing on the streetscape.

(f) **Lot boundary setback (south-east and south-west)**

Element	Deemed-to-comply	Provided
South-West (Store and Garage)	6m	1m
South-East (Alfresco to Store)	1.5m	1m
<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"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

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

South-west

- The proposed height and length of the garage and store on the south-west elevation, being 3.5m and 8.8m, is not considered to result in a significant building bulk impact or lead to a sense of confinement.
- It is noted that the natural topography of the south-western adjoining property is of a higher elevation profile than that of No. 61 Gwentyfred Road. In this regard the garage and store would not have an overbearing impact due to these site circumstances.
- The existing crossover on the Fourth Avenue frontage suggests that, historically, this area of the property has been used for the purpose of vehicle parking. An aerial image from December 2008 demonstrates this arrangement has occurred over time.



Figure 3: Aerial image of 61 Gwentyfred Road from December 2008 depicting a car parking in the rear setback area of the subject site.

While there was not previously a garage in this particular location, this portion of the property has been used for the purpose of parking vehicles. If the garage was relocated so as to achieve a 6 metre rear setback, it would result in the need to reposition the crossover and as a consequence, may require the removal of a street tree.

- Typically in site planning for residential development on corner lots, it is sensible to position the garage or access point at the furthest distance possible from an intersection for improved safety and sight lines. An example of this layout in close proximity to the site can be found at 61 Lansdowne Road to the south-west of the site, which has a garage positioned in the rear setback area and at the greatest possible distance from the street intersection, achieving an effective use of space.
- The lot boundary setback is of a reasonable distance to facilitate necessary ventilation and sunlight access. It is also recognised that the proposal complies with the overshadowing limit of the R-Codes (cl.5.4.2).
- In reviewing the space directly impacted by the garage and store to the south-west, it is observed that a shed occupies a portion of the area directly affected.
- Overall, there is not considered to be a significant adverse impact on the amenity of the south-west adjoining property for the above reasons.

South-east

- The open style of the alfresco area, in particular, would reduce a perception of building bulk toward the south-east, and allow for ventilation.
- The existing site plan of the south-eastern adjoining property reveals that a pool area and cabana structure would be impacted by the proposed alfresco and store area, as shown in Figure 4 below.

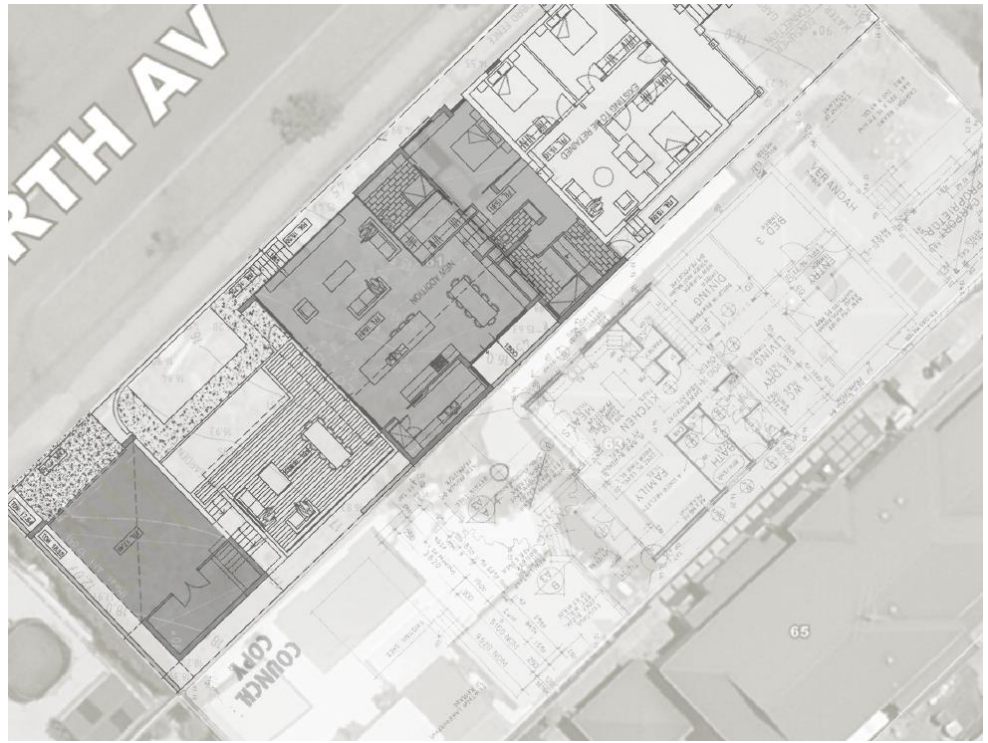


Figure 4: Overlay image of proposed floor plan at 61 Gwentyfred Road and existing ground floor plan at 63 Gwentyfred Road. Please note this overlay image is an approximation and should only be used for guidance purposes.

It should be noted that there is an existing limestone dividing fence directly abutting the pool area at present, which is situated at a higher contour level. As can be seen in **Figure 5** below, the pool area towards the rear of No. 63 Gwentyfred Road rises and as such, the impact of a reduced lot boundary setback onto this portion of the property is considered to be moderated through the height of the existing dividing fence.



Figure 5: Limestone dividing fence abutting pool area, as viewed from 63 Gwentyfred Road.

- It is noted that the development satisfies the deemed-to-comply overshadowing provisions of the R-Codes.
- In the original set of plans submitted to the City for consideration, the store room and alfresco were both situated directly on the south-eastern boundary. This layout was not considered to be supportable, however the alteration made to the plans is deemed to facilitate a more acceptable amenity impact onto 63 Gwentyfred Road. The setback of one metre would not result in a perception of the affected outdoor living area becoming confined or enclosed in, due to the existing site context and height of the dividing fence at this portion of the site.
- Overall, there is not considered to be a significant adverse amenity impact on the affected property for the abovementioned reasons.

(g) **Boundary walls (south-east)**

Element	Deemed-to-comply	Provided
South-East (Laundry/Bathroom)	1m	Nil (0m)
South-East (Scullery)	1m	Nil (0m)
<p><i>Design Principles:</i> <i>Policy P350.02, Clause 2.0</i> (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>		

The boundary walls proposed in this application are considered to satisfy the design principles of P350.02 in the following ways:

- In reference to the boundary wall as part of the laundry and bathroom, this would abut a portion of the property to the south-east that has no major openings (as shown in Figure 4 above). For this reason, this particular boundary wall would not abut any sensitive space and therefore is not considered to have an adverse amenity impact.
- A site inspection of No. 63 Gwentyfred Road reveals that the ground floor living area is partially 'sunken' and at a marginally lower elevation profile than the directly adjacent area of No. 61 Gwentyfred Road.



Figure 6: View from living of No. 63 Gwentyfred Road toward the approximate location of the proposed scullery boundary wall at No. 61 Gwentyfred Road shown in red.

- The height of the boundary wall as part of the scullery would project approximately 1.3m (at a maximum) above the height of the existing dividing fence. While it could be argued that this additional height by virtue of the boundary wall may lead to a sense of confinement, it should be noted that the length of this boundary wall is only 5.1m. If the boundary wall was considerably longer it would be more difficult to support, however it is considered that the relatively small length, in the context of the overall length of this dividing boundary (approximately 45m), would allow for some ventilation and sunlight access.
- As noted in the lot boundary setback assessments above, the application does comply with the 25% overshadowing limit as prescribed by the R-Codes.
- The boundary wall proposed would not have any impact on the streetscape character.
- It is acknowledged that the boundary wall would abut the outdoor living area of the adjoining property. Although, the overall size and scale of the backyard of No. 63 Gwentyfred Road is in the order of 180m² (inclusive of the pool and cabana area). Taking into account the relatively minor proportion of the outdoor living area that would be impacted, it is considered to have an acceptable amenity impact. If, for example, the boundary wall as part of the alfresco and storeroom was retained as per the original drawings submitted, then it is likely that the cumulative impact overall onto the south-eastern outdoor living area would not be supportable. However, given that the storeroom and alfresco have now been setback 1 metre from the south-eastern boundary, this arrangement and layout is, on balance, considered to be capable of being supported.

(h) **Sight Lines**

Element	Deemed-to-comply	Proposed
Vehicle sight lines	1.5m offset from vehicle access points, no obstructions	1m setback distance from fencing at south-west corner to driveway
<p><i>Design Principles:</i> <i>Clause 5.2.5, P5:</i> <i>Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.</i></p>		

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

- A one metre offset is still considered to allow for adequate visibility to view any pedestrians or oncoming traffic in a safe manner.
- The overall width of the driveway, being 5 metres, is of a reasonable distance to allow vehicles, upon exiting the site, to gradually move toward a more central position in the crossover. This would facilitate greater sight lines than what is ordinarily inferred from the site plan.
- It would be expected that vehicle drivers would exercise sensible caution in exiting the site, and it is further observed that there is an offset, albeit relatively small, between the edge of the lot boundary and the footpath, to provide a buffer for additional visibility.

A condition of approval could be imposed requiring the installation of a convex safety mirror on the dividing fence adjacent to the pool, to facilitate greater sight lines in a south-westerly direction. However for the abovementioned reasons the sightlines afforded are supported.

(i) **Outdoor living area**

Element	Deemed-to-comply	Provided
Outdoor living area	Positioned behind the street setback area (inclusive of primary and secondary street setback areas)	Partially located in the secondary street setback area
<p><i>Design Principles:</i> <i>Clause 5.3.1, P1.1:</i> <i>Outdoor living areas which provide spaces:</i></p> <ul style="list-style-type: none"> • <i>Capable of use in conjunction with a habitable room of the dwelling;</i> • <i>Open to winter sun and ventilation; and</i> • <i>Optimise use of the northern aspect of the site</i> <p><i>P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun</i></p>		

The proposed outdoor living area location (partially within the secondary street setback area) is considered to satisfy the design principles of the R-Codes for the following reasons:

- The swimming pool area is located on the north-western boundary of the site and is therefore open to winter sun and ventilation.
- The pool area is accessible from the living area by walking through the alfresco space. It is not considered to be unreasonable or inconvenient for residents to use this space directly from the living or kitchen areas.
- The secondary street fencing surrounding the pool provides a degree of privacy for the outdoor living area.

(j) **Retaining Walls**

Element	Deemed-to-comply	Provided
Retaining wall height	Up to 0.5m within 1m of a lot boundary	Up to 0.82m 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 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 as necessary to appropriately level segments of the site for construction. There is, in effect, an attempt to achieve a balance of excavation and fill, to avoid more significant retaining of the land.
- While a section of retaining wall is proposed to be built to an overall height of 0.82m from natural ground level, the remainder of retaining graduates down in height. Taking into account the graduating nature of the retaining wall heights, there is not considered to be a detrimental impact on adjoining properties. 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 Fourth Avenue or Gwentyfred Road and therefore is not considered to have a significant impact on the streetscape presentation.

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 or secondary street. In addition, the impact on neighbouring properties in relation to overshadowing and visual impact are considered to be supportable for the reasons mentioned in the lot boundary setbacks section of this report.

(k) Visual Privacy

Element	Deemed-to-comply	Provided
Visual privacy setback from Roof Deck to South-Eastern property	7.5m visual privacy setback	5.6m visual privacy setback
<p><i>Design Principles:</i> Clause 5.4.1, P1.1: Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • Building layout and location; • Design of major openings; • Landscape screening of outdoor active habitable spaces; and/or • Location of screening devices. 		

The visual privacy setback to the south-eastern boundary from the proposed roof deck is not considered to satisfy the Design Principles of the R-Codes for the following reasons:

- The south-eastern visual privacy setback should take into account the scenario when the ‘privacy gate’ is closed. The plans only contemplate a state in which the privacy gate is continuously open, which would not be the case at all times (refer to Figure 7 below).

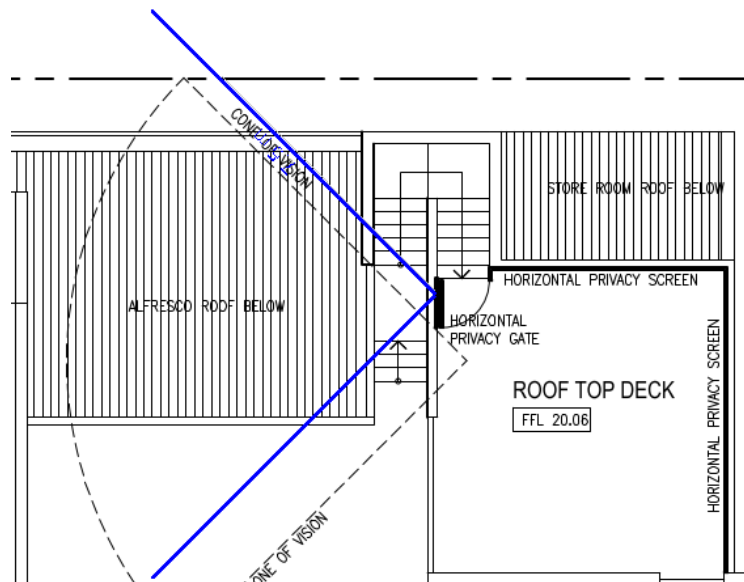


Figure 7: Cone of vision from roof top deck, from a viewing position which could be obtained when the privacy gate is closed.

Given the sensitive area that would be overlooked to the south-east (outdoor living area and major openings), it is recommended that a condition of approval be imposed requiring the privacy screen to ‘wrap around’ the deck area to an extent which enables this design element to comply with the deemed-to-comply of the R-Codes. A separate imposition is also recommended to ensure that the height of the dividing fence proposed on the south-eastern boundary is adequate to prevent any overlooking.

(l) **Fencing height**

Element	Deemed-to-comply	Provided
South-eastern boundary fencing height	1.8m in height	From existing NGL – a maximum of 2.6m
<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>		

In this case, it is evident the fencing on the south-eastern boundary is necessary to achieve compliance with visual privacy provisions. Additionally, the fencing heights proposed on south-eastern elevation are 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 south-eastern elevation will not result in an excessively dominant and overbearing visual impact, noting that the retaining situated underneath the fencing is considered necessary to effectively 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 steep topography and to avoid any overlooking as outlined above.
- The fencing on the northern boundary is up to 2.6m in height from NGL for a small portion, and graduates down to 1.8m as the topography steps down.

(m) **Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington'**

The subject site falls within the Kensington precinct and as such is subject to the design provisions of Policy P351.5. The proposal was referred to the City's Design Review Panel (DRP) as the roof form of the dwelling seeks a variation to clause 3 of Policy P351.5. In summary, the City's DRP were supportive of the proposed roof form and pitch, as it would not be highly visible as viewed from the primary street (Gwentyfred Road). A copy of the minutes from the DRP meeting held on 5 February 2019 can be found at **Attachment (b)**.

The proposed roof form is therefore considered to be supportable, as the rear additions are not considered to significantly detract from, or dominate, the appearance of the original house as viewed from the primary street. Furthermore the additions are considered to be compatible with the streetscape surrounding the property, noting there are examples of other sites in close proximity with flat roofs.

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

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

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

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

(o) **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 Residential Design Codes, being a state planning policy of the state.

<i>(g) Any local planning policy for the Scheme area;</i>	For reasons outlined in the report, the development is considered to address the relevant local planning policies, such as the City's Boundary Walls and Fencing Policies.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The application is, on balance, considered to be 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 property appropriately, and amendments have been made to the plans in an effort to obtain an improved design outcome.
<i>(y) any submissions received on the application;</i>	As discussed further in the Consultation section below, the concerns raised by surrounding neighbour(s) have been taken into account as part of the assessment of the development application. While the submitter ultimately still objects to the development proceeding in its current form, the City has negotiated a number of amendments in an effort to address their concerns.

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

Consultation

(p) Design Review Panel

As mentioned above, the proposal was referred to the City's Design Review Panel due to a variation from the City's design policy for Kensington and Arlington. The City's DRP were supportive of the proposal, particularly in regards to the roof design, pitch and form of the additions. The minutes from the DRP meeting held on 5 February 2019 can be found at **Attachment (b)**.

(q) 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, a total of two consultation notices were sent and two submissions were received, with both objecting to the proposal.

Following the submission of amended development plans, one particular neighbour provided no further comments in relation to the proposal. While the lack of additional feedback does not constitute explicit support for the proposal, the amendments made specifically addressed concerns raised in the previous submission relating to a boundary wall as part of the garage.

The City has been involved in numerous discussions with the other submitter in order to determine the range of amendments that would ultimately resolve their concerns. It is noted that, although the final version of the proposal does not satisfy their concerns entirely, the latest set of plans under consideration is a significant improvement from the original set provided upon lodgement of the application. The modifications made to the plans are considered to strike an appropriate balance in responding to the various concerns raised, as well as addressing the applicable design principles.

Submitters' Comments	Officer's Responses
The boundary walls would have a significant building bulk impact and restrict sunlight access.	For the reasons mentioned in the report the boundary walls are on balance considered to address the discretionary criteria of Policy P350.02. The comment is NOTED .
The boundary wall as part of the garage on the south-west boundary should be moved off the boundary.	The amended plans have removed this boundary wall and the garage/storeroom is now setback 1 metre from the south-west boundary. This comment is UPHELD .
The retaining walls proposed are excessive and unnecessary, which will negatively impact adjoining properties.	Due to the slope of the site there is inevitably a need for some excavation and fill, and site works usually necessitates retaining. While noting that 820mm of fill does exceed the deemed-to-comply, it is only for a relatively small portion and is considered to otherwise address the design principles accordingly. The comment is NOTED .
The roof top deck would facilitate overlooking onto adjoining sites and allow residents to view into neighbouring backyards.	Conditions of approval are recommended to ensure that roof deck has sufficient screening to satisfy the deemed-to-comply of clause 5.4.1 in the R-Codes. This comment is UPHELD .

<p>The reduced building setbacks to the south-east will adversely impact the outdoor living area of the adjoining site.</p>	<p>The lot boundary setback assessment in the report supports the setback of 1 metre from the alfresco and storeroom, as it would enable sunlight and ventilation, as well as not resulting in a sense of confinement. It is also noted that the development complies with the overshadowing limits of the R-Codes.</p> <p>The comment is NOTED.</p>
<p>The proposal represents overdevelopment of the site, given that there is an open space variation.</p>	<p>The City has independently calculated and verified the open space to be compliant with the deemed-to-comply of the R-Codes, noting that 51.1% (278m²) open space is provided. Attention should be drawn to the definition of open space in the R-Codes, which does include <i>'open areas of accessible and useable flat roofs'</i>. As such the roof top deck forms part of the open space calculation.</p> <p>This comment is NOT UPHELD.</p>

(r) **External Agencies**

The application was referred to Western Power due to overhead transmission power lines surrounding the subject site. Western Power provided a range of comments to ensure that their asset is not damaged in any way during the construction phase of the project, should it be approved. The applicant would also be required to send further detail to Western Power prior to commencement of construction.

Accordingly, advice notes will be included in the determination notice to reflect the referral comments provided by Western Power. The referral advice can be found at **Attachment (c)** in 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 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 (Build and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 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 Council Policy objectives and provisions, as it will have an acceptable amenity impact on adjoining properties, as well as the streetscape. The roof form proposed has been supported by the City's DRP, and the various discretions, in particular those relating to boundary walls and lot boundary setbacks are, on balance, considered to satisfy the relevant design principles.

Council could, however, disagree with the officer's view and refuse the application on the grounds that it does not appropriately address the discretionary criteria within Policy P350.02 - Lot boundary setbacks (boundary walls).

The retention and improvement of existing house stock is encouraged, and the additions are complementary to the design and style of the existing dwelling. The current version of plans is considered to represent a significant improvement from the initial submission, and is capable of being supported for the reasons mentioned in the report. Subject to suitable conditions, the application is recommended for approval.

Attachments

- 10.3.4 (a):** Revised Plans (dated 9 April) - 61 Gwentyfred Road - Additions and alterations to Single House - 11.2018.471.1
- 10.3.4 (b):** DRP Notes – 5 February 2019 – 61 Gwentyfred Road – Additions and alterations to Single House – 11.2018.471.1
- 10.3.4 (c):** Western Power Referral Advice - 61 Gwentyfred Road - Additions and alterations to Single House - 11.2018.471.1

10.3.5 Proposed two storey Single House at Lot 889 (No. 69) Axford Street, Como

Location: Como
 Ward: Como Ward
 Applicant: Novus Homes Group
 File Reference: D-19-44408
 DA Lodgement Date: 18 January 2019
 Meeting Date: 28 May 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 on Lot 889 (No. 69) Axford Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Lot boundary setbacks (south)	Design Principles of Clause 5.1.3 of the R-Codes
Garage width	Design Principles of Clause 5.2.2 of the R-Codes
Site works (excavation)	Discretionary criteria of clause 2.0 of Policy P350.17
Overshadowing	Design Principles of Clause 5.4.2 of the R-Codes

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for two storey Single House on Lot 889 (No. 69) Axford Street, Como **be approved** subject to:

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, any modifications required to the existing crossover between the road and the property boundary shall be in accordance with the approved plans, to the satisfaction of the City.
4. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.

5. Prior to the issue of a building permit, details of the surface of the boundary wall to the guest room on the northern 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.
6. The surface of the boundary wall garage visible from the street, on the northern 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.
7. 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.
8. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
9. 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.
10. 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.
11. 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 on the recommendation letter.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	508m ²
Building height limit	7.0 metres
Development potential	One (1) dwelling
Plot ratio limit	N/A – open space requirements apply

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



Figure 1: Map of subject site.

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

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

An application to subdivide No. 69 Axford Street into two green title lots was referred to the City on 19 December 2017. The subdivision application was conditionally approved by the Western Australian Planning Commission (WAPC) on 13 March 2018, with the titles issued on 6 June 2018 for newly created lots 69 and 69A Axford Street. These sites have lot sizes of 509m² and 508m², respectively, and both have a frontage of 10.11m.

In January 2019, the City received an application for a two storey Single House on Lot 889 (No. 69) Axford Street, Como (the site). The development plans have been amended in response to neighbour concerns relating to overshadowing. The modifications have resulted in a reduced roof pitch to the rear (single storey) component of the dwelling, an alteration to the gutter line and retracting the eave on the southern elevation to the alfresco area.

All of these changes, in aggregate, lessen the percentage of overshadowing onto the southern adjoining property, and, in particular, reduces the extent of shadow cast onto major openings of the approved dwelling to the south.

A further set of plans were submitted on 15 May 2019 which encompass the following modifications:

- Lowering the retracted eave on the southern side of the living room and alfresco (ground floor), which is achieved by virtue of a reduction in the ground floor wall height from 33 courses to 30 courses for the rear half of the dwelling, as shown in Figure 2 below:

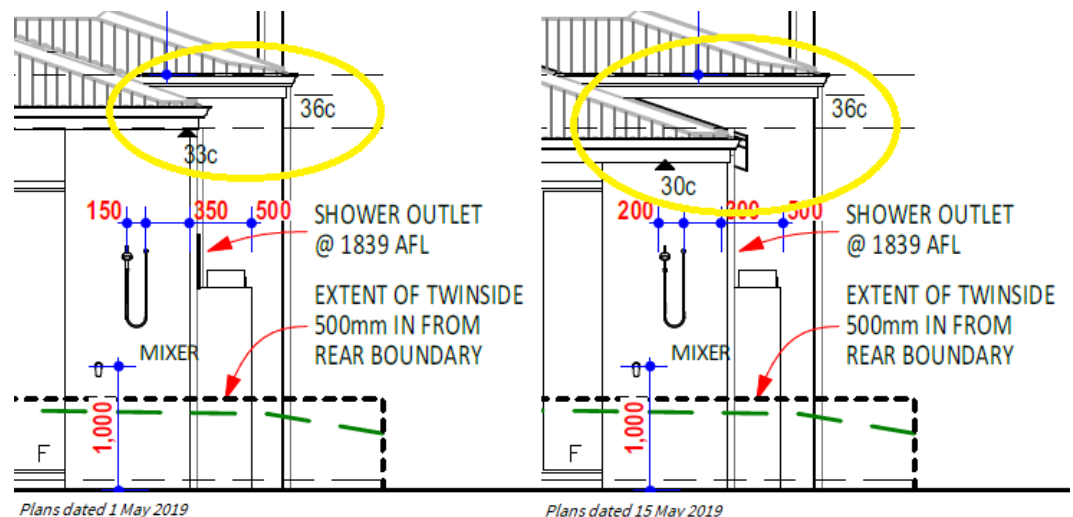


Figure 2: Comparative image showing the lowering of the eaves height in the most recent set of plans for the rear (ground floor) component of the dwelling.

(b) Existing Development on the Subject Site

The existing site has recently been cleared and levelled as part of a subdivision application, and is currently vacant.

(c) Description of the Surrounding Locality

The site is located in the street block bounded by Axford Street to the east, Talbot Avenue to the west, Henley Street to the south and Cale Street to the north, as seen in **Figure 3** below:

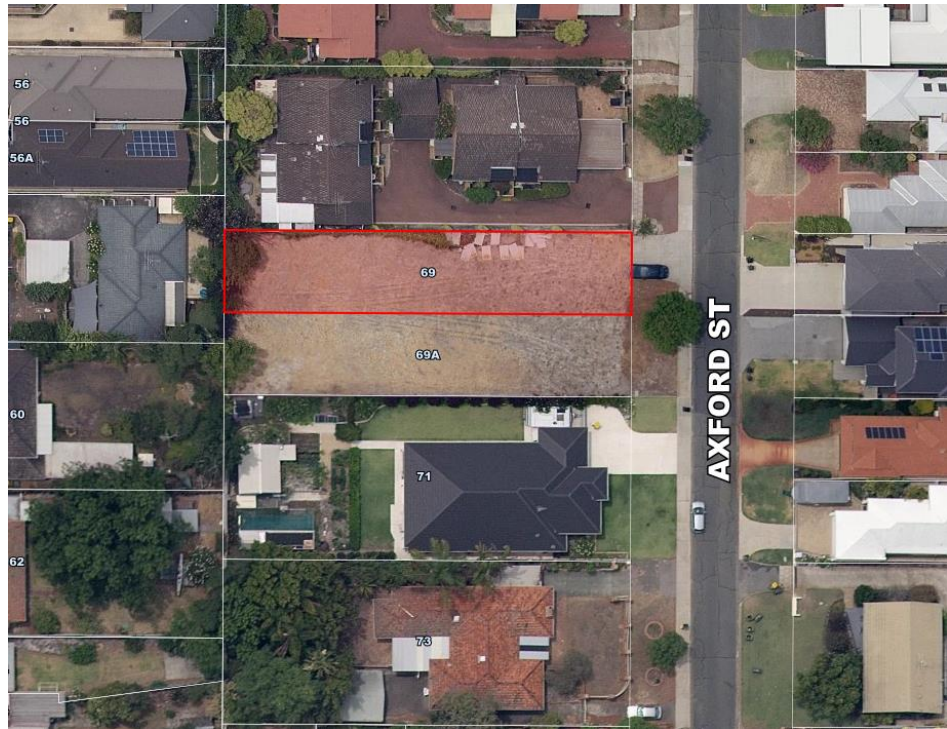


Figure 3: Aerial image of the subject site.

(d) Description of the Proposal

The proposal involves the construction of a two storey Single House, as depicted in the submitted plans at **Attachment (a)**. Two boundary walls are proposed on the northern boundary.

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 of WA 2008 (**R-Codes**) and/or Council Policy requirements:

- (i) Lot boundary setbacks (south);
- (ii) Garage width;
- (iii) Site works (excavation); and
- (iv) Overshadowing.

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

(e) **Lot boundary setback (south)**

Element	Deemed-to-comply	Provided
Southern lot boundary setback (Scullery/Kitchen) – Ground Floor	1.5m	1m
Southern lot boundary setback (Living/Alfresco) – Ground Floor	1.5m	Ranging between 1.25m – 1.7m
<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"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

The lot boundary setback variations to the southern boundary are considered to satisfy the design principles of the R-Codes for the following reasons:

- The height of the ground floor on the southern elevation varies between 2.8m-3.5m, which is not considered to significantly contribute to a sense of building bulk or confinement. Additionally, it is observed that the southern upper floor lot boundary setback satisfies the deemed-to-comply.
- It is noted that the southern lot boundary setback of 1.7m for the living room complies with the deemed-to-comply, although the alfresco component is measured as one continuous wall, which is below 1.5m. Nonetheless, this articulation is considered to further assist with providing a sense of visual relief rather than a monotonous, blank wall.
- The open design of the alfresco area is considered to assist with mitigating the potential impact of confinement to the south.
- The setback is considered to be sufficient to provide for some ventilation and sunlight. There is significant open space at the rear of the property which would also facilitate necessary ventilation to the south.
- On the basis of the above, this variation is considered to be supportable against the applicable design principles.

It is noted that the boundary walls on the northern boundary comply with the deemed-to-comply of clause 5.1.3 C3.2 (ii) as the length of walls, in aggregate, does not exceed 1/3 the length of the overall boundary (behind the front setback).

(f) **Garage Width**

Element	Deemed-to-comply	Provided
Width of garage	50% of the length of frontage	61.3% of frontage (upper floor does not extend for the full length of garage)
<p><i>Design Principles:</i> <i>Clause 5.2.2, P2 Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.</i></p>		

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

- While it is acknowledged that the upper floor does not extend for the full width of the garage, by virtue of its location (i.e. sitting forward in alignment to the garage below), it emphasises the upper level and reduces the impact of the garage on the streetscape and further assists in reducing the perception of the garage overwhelming or dominating the frontage.
- Visual connectivity between the dwelling and the street is maintained by virtue of the major opening to Bedroom 1, positioned on the eastern (street) elevation.
- The entry to the dwelling is still visible, with a clearly defined porch area designating the entrance to the house. Given the porch is in line with the garage, the porch helps to reduce the impact on the streetscape.

(g) **Site works**

Element	Deemed-to-comply	Provided
Site works (excavation)	Up to 0.5m within 1m of a lot boundary	Up to 0.67m of excavation along northern boundary
<p><i>Design Principles:</i> <i>Clause 5.3.7</i> <i>P7.1: Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i> <i>P7.2: Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i> <i>Policy P350.17, Clause 2:</i> <i>(i) The natural features of the site, in particular any significant differences in natural ground level that result in a sloping site;</i> <i>(ii) The interpretation of natural ground level at all lot boundaries;</i> <i>(iii) The natural ground level as viewed from the street; and</i> <i>(iv) Having regard to the natural features of the site and adjoining properties, the necessity for any excavation and/or fill.</i></p>		

The extent of site works (excavation) proposed in this application is considered to satisfy the design principles of the R-Codes in the following ways:

- The excavation is only proposed for a small segment along the northern boundary with associated retaining incorporated. Generally, excavation is considered to have a more tolerable visual impact than that of significant fill, and the degree of site works is not considered to result in the finished levels of the two properties appearing substantially incongruous.
- The adjoining site to the north contains a communal driveway which would be directly impacted. This is not considered to be a sensitive space, and the inclusion of appropriate retaining walls ensures the land would not be destabilised.
- To the north and south of the site there is a combination of excavation and fill in response to the cross fall that occurs. The proposed extent of excavation and fill on either side is considered to appropriately respond to the natural features of the site.

It should be noted that the fill along the southern boundary does not exceed 500mm.

(h) **Overshadowing**

Element	Deemed-to-comply	Provided
Overshadowing (onto 69A Axford Street)	25% (127m ²)	37.4% (189.95m ²)
<p><i>Design Principles:</i> Clause 5.4.2, P2.2 Development design to protect solar access for neighbouring properties taking account the potential overshadow existing:</p> <ul style="list-style-type: none"> • Outdoor living areas; • North facing major openings to habitable rooms, within 15 degrees of north in each direction; or • Roof mounted solar collectors. 		

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

- It is important to note that the site to the south is currently vacant. However, the City has approved a single storey house on the lot at 69A Axford Street. On 24 April 2019, a building permit for this house was lodged with the City, and the City understands that the building has not been substantially commenced. The approval of this dwelling, as well as the recent lodgement of a building permit, indicates a level of certainty that the dwelling will be constructed and that the assessment in regards to the overshadowing design principle is therefore not purely speculative.
- For clarity, an assessment of overshadowing should not simply be focused on the fact that the shadow cast is above the deemed-to-comply requirement; instead, a thorough examination of the space(s) impacted by shadow should be conducted.

This is further elaborated in the following note from the Explanatory Guidelines for Residential Design Codes WA, which also explains the difficulty in 'skinny' east-west lots to achieve compliance with the deemed-to-comply for overshadowing:

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

- As described in the background section of this report, the applicant has amended the plans with the specific intent of reducing the shadow cast on to major openings at the rear of the approved single storey dwelling. 3D modelling submitted by the applicant highlights the impact the shadow would have on the windows to habitable rooms, such as the living and kitchen areas.



JUNE 21 12noon

Figure 4: 3D modelling showing the shadow cast at midday 21 June on to the rear portion of the approved dwelling at No. 69A Axford Street to the south of the subject site. The applicant has highlighted 3 solar panels in dark black to show further panels that could be installed in addition to the 18 panels originally indicated.

It can be observed in the 3D modelling that effectively only the sills of the major openings at the rear would be impacted. In this regard, the overshadowing onto the major openings of the approved dwelling at 69A Axford Street is considered to be acceptable.

- The roof pitch of the single storey component of the proposed house at 69 Axford Street has been reduced from 26 degrees to 18 degrees. While this modification does not necessarily assist with reducing the shadow cast at midday 21 June specifically, it improves the availability of sunlight access throughout the day more generously.
- The site plan provided by the applicant in the latest set of amended plans superimposes a portion of the approved plans to the south. Further, the shadow cast is also shown in reference to the dwelling to the south, so as to demonstrate the impact when it is ultimately constructed. Pertinently, in regards to addressing the design principles of clause 5.4.2, the greater proportion of overshadowing impacts walls that do not have a window, or casts shadow onto windows into non-habitable rooms (as defined in the R-Codes), such as the laundry. This arrangement in regards to the overshadowing cast is considered to respond to the design principle accordingly.
- The main areas of the approved dwelling of the southern lot affected by shadow cast include blank walls and roofing to the front portion of the dwelling. The proponent has also included indicative solar collectors in the 3D modelling to illustrate that, despite the seemingly large percentage of overshadowing cast, it would appear the installation of some solar panels on the southern property may be feasible.
- It is observed that the future location of the outdoor living area at the rear of the adjoining southern lot will be largely unaffected by the overshadowing proposed, and there is significant space at the rear which will not be overshadowed. Both the subject property and the adjoining property have large, open backyards located in similar positions on each lot.
- Overall, while the percentage of shadow cast may appear to represent a significant variation, the applicant has carefully considered the spaces that would be impacted by the overshadowing, and has modified the plans in response to more sensitive areas of the approved dwelling to the south, such as reducing overshadowing to major openings. In this regard the overshadowing is considered to satisfy the design principles.

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

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

- (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
<i>(a) 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: <i>Clause 1.6 (f): Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.</i>
<i>(f) Any policy of the state;</i>	For reasons outlined in the report, the development is considered to meet the relevant design principles within the Residential Design Codes, being a state planning policy of the state.
<i>(g) Any local planning policy for the Scheme area;</i>	For reasons outlined in the report, the development is considered to address the relevant local planning policies, such as the City's Site Works Policy.

<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The development is considered to be compatible in its setting. A two storey dwelling is appropriate in this location and the applicant has attempted to reduce the roof pitch of the dwelling in order to reduce building bulk and overshadowing impacts on the neighbouring property.
<i>(y) any submissions received on the application;</i>	As discussed further in the Consultation section below, the concerns raised by surrounding neighbour(s) have been taken into account as part of the assessment of the development application. The applicant has amended the development plans to address the overshadowing concern raised, and the City is of the view that the manner in which shadow would be cast is considered acceptable.

Consultation

(k) Neighbour Consultation

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

During the advertising period, a total of eight consultation notices were sent, and one objection was received.

Following the submission of amended development plans, the objecting neighbour was provided with the opportunity to submit additional feedback in regards to the revisions. At the time of writing, no further comments have been submitted by this neighbour. Notwithstanding, the initial concerns raised by this neighbour are addressed below.

Submitters' Comments	Officer's Responses
The overshadowing proposed is significant and will have an adverse impact on the amenity of the future residence.	For the reasons mentioned in the report, the overshadowing is considered to respond to the design principles of the R-Codes and in particular limit the extent of shadow cast onto windows to habitable rooms (major openings). The comment is NOTED .

The shadow cast would prohibit the future installation of solar panels on the southern adjoining property.	This assertion has been given careful consideration by the proponent, and the 3D modelling analysis indicates that it would be feasible to install solar collectors on the southern adjoining property. The City notes that the overshadowing onto the rear half of the approved dwelling would not fully encompass the roof to result in solar panels being completely unviable. The comment is NOTED .
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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 (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

Noting the orientation of the lot, the officers observe that the proposed outdoor living area has 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 Council Policy objectives and provisions, as it will have an acceptable amenity impact on adjoining properties. In particular, the overshadowing cast is considered to adequately respond to the design principles by mitigating the extent of shadow cast onto major openings of the approved dwelling to the south. The reduced roof pitch, as well as the lower wall height at the rear of the dwelling will provide opportunity for sunlight to penetrate into the adjoining property at different times of the day. As such, the proposal is considered to be capable of being supported for the reasons mentioned in the report. Subject to suitable conditions, the application is recommended for approval.

Attachments

10.3.5 (a): Amended Plans (dated 15 May 2019) - 69 Axford Street - Two storey Single House - 11.2019.28.1

10.3.5 (b): Site Visit Photos – 69 Axford Street – Two storey Single House – 11.2019.28.1

10.3.6 Parking Management Action Plan for the South Perth Station Precinct

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Ref:	D-19-44409
Meeting Date:	28 May 2019
Author(s):	Mark Taylor, Director Infrastructure Services
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

This report provides a response to Council's resolution from its meeting held 26 March 2019 on the Parking Management Action Plan for the South Perth Station Precinct.

Officer Recommendation

That the City undertakes annual reviews of the Parking Management Action Plan for the South Perth Station Precinct (PCA1) and reports on the outcome(s) to Council as required.

Background

At its meeting held 26 March 2019 Council resolved (Item 12.5) the following Notice of Motion (NoM) by Councillor Ken Manolas as follows:

That the City reports and reviews at the May Ordinary Council Meeting on how the current Parking Management Plan can be improved before implementation in the South Perth Station Precinct.

Councillor Manolas, in submitting his Notice of Motion provided the following reasons:

As the current Parking Management Plan is being implemented, it is causing problems throughout the peninsular area.

- 1. Paid parking in Angelo and Onslow streets adjoining the zoo: This was implemented to give certainty to the staff at the zoo. In the mornings around 10am, the paid parking streets are virtually empty and the zoo staff appears to be parking further afield in smaller residential streets where there is no time limit or paid parking.*
- 2. Under the present Parking Management Action Plan, parking restrictions in streets like Hopetoun, Clarence and York Streets, it was recently changed to 4 hours Monday to Friday 8am to 6pm in lieu of 2 hours, 7 days a week 8am to 6pm to provide the least inconvenience to residents.*

3. *South Perth Esplanade under the Traffic Management Plan is now \$3 an hour 24 hours a day 7 days a week. The result of this implementation is a street virtually deserted at all times and residents have nowhere to park, day or night.*
4. *Conversion of grassed area of Melville Parade North for contractors to park at a parking fee of \$8 per day, which is more expensive than the zoo all day parking at \$6.*
5. *In the Parking Management Plan the City has not considered or approved private unused vacant land for parking.*
6. *For the above reasons, the City should review the Parking Management Action Plan, taking into consideration the implementation of 2 hour parking restrictions, paid parking in residential streets to alleviate zoo staff parking and overall review of the 24 hours 7 days a week paid parking.*

The community that are affected by the parking changes should be notified of the changes in advance prior to any implementation of any plan. Currently, we have a situation wherein, residential streets have had the Parking Management Plan implemented, without any reasonable prior notice to the resident allowing them time to make adjustments to their parking arrangements.

Comment

The Parking Management Action Plan (PMAP) for the South Perth Station Precinct Parking Control Areas (PCA1) was adopted by Council in October 2017. The aim of the PMAP is to complete a detailed analysis of parking within PCA1 and provide recommendations for implementation of effective parking management.

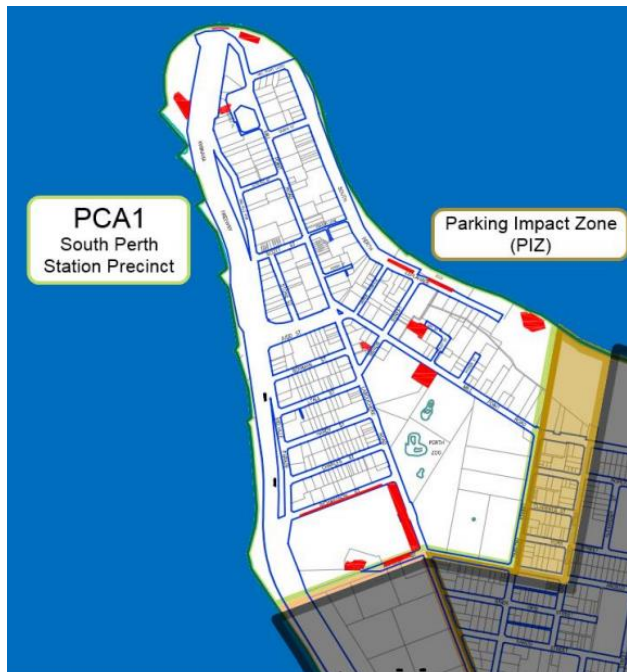


Figure 1: PCA1 (South Perth Station Precinct)

The PMAP for PCA1 is a key outcome of the City's South Perth Parking Strategy, adopted by Council in 2016, which recommends completion of PMAP's for 14 identified Parking Control Areas (PCA's) and provides guidelines for controls within the PMAP's.

The principal objective of the PMAP for PCA1 is to identify changes required in existing management to optimise the function of both on-street and off-street parking.

The report states:

...in the absence of robust and consistent parking management, parking availability tends to be distributed unequally across land uses and geographically across PCA1. This leads to artificial scarcity and can impact the economic viability of commercial and residential development.

The key recommendations of the PMAP for PCA1 are as follows:

- Consider the existing parking supply as part of an integrated system;
- Changes in parking will be implemented throughout the year, using the PMAP as a baseline document;
- Manage demand to promote parking for specific users and land use types;
- Demand-responsive parking;
- Parking wayfinding to maximise the effectiveness of the parking system;
- Complete annual reviews of the PMAP, alongside the City's statutory parking charges review.

The City's responses to the reasons provided by Councillor Manolas in his Notice of Motion are provided below.

1. Paid Parking in Angelo and Onslow Streets adjoining the Zoo
The City has reviewed the current arrangement in conjunction with Perth Zoo. The City and the Zoo have agreed to develop a parking agreement to encourage Zoo employees to park back in the sections of Angelo and Onslow Streets surrounding the Zoo. This is a recommendation of the PMAP for PCA1 however it was not initially supported by the Zoo.
2. Parking restrictions in streets around Hopetoun, Clarence and York Streets
The 4P 9.00am-4.00pm Monday - Friday restrictions have already been implemented for these streets.
3. South Perth Esplanade 24 hour to change to 8.00am-6.00pm Monday - Sunday
This amendment has already been implemented.
4. Conversion of the grassed area of Melville Parade North for contractors to park at a parking fee of \$8.00 per day
There is currently no demand for parking at this site due to limited construction activity in the area. Consequently, the City will be relocating the ticket machine to another location. When the occasion arises when there is greater demand for parking the City will reinstall a ticket machine. The charge for parking will be reviewed at that time to a more suitable amount to attract construction parking.

5. Consideration for parking on private land
Council has resolved to approve a private car park on the corner of Harper Terrace and the South Perth Esplanade. The City is generally supportive of parking on private land. The PMAP recommends that public and private parking within the precinct should work as an integrated system.
6. The community that are affected by the parking changes should be notified of the changes in advance prior to any implementation of any plan.
Previous amendments made to increase parking restrictions, residents were advised in writing six weeks prior to the changes being implemented.

The responses provided above indicate amendments/improvements made to parking arrangements in PCA1. It demonstrates that the PMAP can and will be amended, as deemed necessary, by the City and Council.

Conclusion

The City considers it is important that a PMAP has been prepared for the South Perth Station Precinct and adopted by Council. It is also important that the PMAP is considered to be a working document that is regularly reviewed and amended and if necessary, the amendments are reported to Council.

Consultation

A Councillors' workshop to discuss the PMAP for PCA1 was held Tuesday 14 May 2019.

Policy and Legislative Implications

City of South Perth - Parking Strategy 2016
City of South Perth - Parking Management Action Plan 2017

Financial Implications

Nil

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Implement and maintain integrated transport and infrastructure plans

Attachments

Nil

10.3.7 Proposed Paid Parking Arrangements for 2019/2020

Location: South Perth
 Ward: Mill Point Ward
 Applicant: City of South Perth
 File Ref: D-19-44411
 Meeting Date: 28 May 2019
 Author(s): Mark Taylor, Director Infrastructure Services
 Reporting Officer(s): Mark Taylor, Director Infrastructure Services
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
 Council Strategy: 3.1 Connected & Accessible City

Summary

This report proposes a number of amendments to paid parking in streets and car parks within the City, primarily in the South Perth Station Precinct. Council approval is sought to enable implementation of the amendments.

Officer Recommendation

That the amendments to on and off street paid parking, as listed below, be approved by Council.

On / Off Street Car Park	Proposed Fee Structure
Richardson Street (south side) and Labouchere Road car park	\$2.50 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Sunday
South Perth Foreshore – Millers Pool, Jet ski car parks 11 & 12	\$2.00 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Sunday
South Perth Foreshore – Coode Street and Douglas Avenue – car parks 14 & 15	\$2.00 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Sunday
Melville Parade between Judd and Richardson Streets	\$2.00 per hour (\$6.00 all day) 8:00am – 6:00pm Monday to Sunday
Angelo and Onslow Streets (Zoo boundary sides)	\$2.00 per hour (\$6.00 all day) 9:00am – 4:00pm Monday to Friday
South Perth Esplanade (north side) and Windsor Park	\$3.00 per hour (uncapped) 8:00am – 6:00pm Monday to Sunday
Charles, Hardy, Lyall and Bowman Streets (north sides)	\$2.50 per hour (uncapped) 8:00am – 6:00pm Monday to Sunday
Ray and Darley Streets	\$2.50 per hour (uncapped) 8:00am – 6:00pm Monday to Sunday
Angelo Street shopping car park	\$2.50 per hour (uncapped). First two hours free. 7:00am – 7:00pm Monday to Sunday

ABSOLUTE MAJORITY VOTE REQUIRED

Background

The City's Parking Strategy was adopted by Council in May 2016. The aims of the Strategy are to:

- Provide a long-term plan for the management and provision of parking within the City;
- Assist in the development of Management Action Plans for 14 Parking Control Areas (PCA's); and
- Assist in the development of a City Wide Integrated Transport Plan.

The key strategy recommendations relevant to this report are:

- Manage demand to promote parking for specific users and land use types, using timing restrictions and fee payment schedules;
- Simplification of time restrictions and fees will result in greater compliance and increased churn of bays;
- More effective enforcement technology and resources will assist in the management of parking.

The Parking Management Action Plan (PMAP) for the South Perth Station Precinct (PCA1) was adopted by Council in October 2017. The aim of the PMAP was to complete a more detailed analysis of parking within the South Perth Station Precinct and provide recommendations for implementation.

The key recommendations of the PMAP are as follows:

1. Consider the existing parking supply as part of an integrated system;
2. Changes in parking will be implemented throughout the year, using the Parking Management Plan as a baseline document;
3. Manage demand to promote parking for specific users and land use types;
4. Demand-responsive parking;
5. Parking wayfinding to maximise the effectiveness of the parking system;
6. Complete annual reviews of the Plan, alongside the City's statutory parking charges review.

The PMAP discusses the following principles in respect to paid parking:

..in the absence of robust and consistent parking management, parking availability tends to be distributed unequally across land uses and geographically across PCA1. This leads to artificial scarcity and can impact the economic viability of commercial and residential development.

In respect to paid parking the report states:

Parking pricing is an effective tool to redistribute parking demand such that high-value bays can be retained for commercial uses, and when combined with duration restrictions, can be used to maximise the efficiency of parking throughout the area.

Comment

The current paid parking arrangements for the South Perth Station Precinct is included as **Attachment (a)**.

It is proposed to include the following new and amended paid parking restrictions for the 2019/2020 financial year:

1. Melville Parade between Richardson Street and Judd Street

Current Arrangements:

- 4P 8.00am-6.00pm Monday – Sunday
- No paid parking

Recommendation:

- Ticket parking \$2.00 hourly fee, \$6.00 all day parking Monday to Sunday

Benefits:

- This will retain employees and allow for spill-over of Zoo parking during weekends and school holidays
- The all-day parking will make this area more attractive for the businesses in the area, employee parking, and create further parking opportunities within the side streets for customers and visitors

2. Richardson Street (south side)

Current Arrangement:

- Ticket parking \$2.60 per hour 8.00am-6.00pm Monday – Sunday

Recommendations:

- Amend the charge to \$2.50 per hour to align with other parking charges in the area and include \$8.00 all day parking Monday to Sunday 8.00am to 6.00pm
- Introduce a permit system for the South Perth Cricket Club and WASP Hockey Club to administer allowing free parking on weekends only to support the clubs. This will be a 12 month trial period and be re-assessed in 12 months

Benefits:

- This will allow for increased Zoo visitor parking and commuter parking
- This will also provide sufficient parking for sporting clubs on weekends

3. Car Park 6 - Richardson Park Car Park (Labouchere Road)

Current Arrangements:

- Ticket parking \$2.60 per hour 8.00am-6.00pm Monday – Sunday
- This car park contains 212 bays and operates as a primary parking destination for Zoo visitors with a high level of occupancy at times. This demand is generally low during week days (outside of school holidays). There is an opportunity to support all-day parking.

Recommendation:

- Amend the charge to \$2.50 per hour to align with other parking charges in the area and include \$8.00 all day parking Monday to Sunday 8.00am to 6.00pm

Benefit:

- This will allow for increased Zoo visitor parking and commuter parking

4. Onslow and Angelo Streets surrounding Perth Zoo (Zoo boundary sides)**Current Arrangements:**

- Ticket parking \$6.00 flat rate 9.00am-4.00pm Monday – Friday
- The current use of this parking area is not effective, because Zoo employees have shifted to the outer residential streets where there are no restrictions causing congestion and frustration from local residents

Recommendations:

- Ticket parking \$2.00 hourly fee and \$6.00 all day parking 9.00am – 4.00pm Monday to Friday
- Introduce a Zoo employee parking agreement. It is recommended to introduce a \$20 parking agreement fee, which will allow Perth Zoo employees to purchase a parking permit for the sections of Angelo and Onslow Streets surrounding the Zoo. This permit will be valid per calendar year

Benefits:

- Zoo employees parking back within the designated area and not in surrounding residential streets
- More flexibility in parking by providing an hourly rate

5. Ray & Darley Streets (both sides)**Current Arrangements:**

- 2P 8.00am-6.00pm Monday – Sunday
- No paid parking
- Ray Street and Darley Street function as residential neighborhood streets. The two street's proximity to the Zoo and Mends Street precincts create parking opportunities for staff and people attending the Zoo and Mends Street
- Adjacent residential development consists of high-rises with on-site parking, so the majority of the vehicles that park within this area are from the Mends Street and Zoo areas

Recommendation:

- Ticket parking \$2.50 hourly fee Monday to Sunday 8.00am to 6.00pm

Benefit:

- Eliminates cars being moved around the bays and no commuters

6. Car Park 7 - Angelo Street Carpark**Current Arrangement:**

- Ticket parking \$2.60 per hour 7.00am-7.00pm Monday – Sunday with the first two hours free

Recommendation:

- Amend the charge to \$2.50 per hour 7.00am-7.00pm Monday – Sunday with the first two hours free

Benefit:

- \$2.50 per hour will align with other parking charges in the area

7. South Perth Foreshore – Car Park 15 - Coode Street Boat Ramp**Current Arrangements:**

- Ticket parking \$2.60 per hour 7.00am -7.00pm Saturday, Sunday and public holidays
- Parking within this area is multi-use, including park visitors, events, boat parking, restaurant parking and commuters
- There is currently no charge for parking during Monday to Friday (outside of public holidays), subsequently there is an opportunity to support paid and all-day parking

Recommendation:

- Ticket parking \$2.00 hourly fee and \$8.00 all day parking 8.00am-6.00pm Monday – Sunday including Public Holidays

Benefits:

- Pricing low compared to high demand areas such as the South Perth Esplanade, which is \$3.00 per hour
- Alignment of time restrictions with other areas. Assists community understanding and Ranger enforcement

8. South Perth Foreshore – Car park 14 Coode Street Boat Shed and Douglas Avenue**Current Arrangements:**

- No charge and no timed restrictions
- Parking within this area is multi-use, including park visitors, events, restaurant parking and commuters
- There is currently no charge for parking, subsequently there is an opportunity to support paid and all-day parking

Recommendation:

- Ticket parking \$2.00 hourly fee and \$8.00 all day parking 8am-6pm Monday – Sunday including Public Holidays

Benefit:

- Pricing low compared to high demand areas such as the South Perth Esplanade, which is \$3.00 per hour

9. South Perth Esplanade between Queen Street & Mill Point Road (SPE7) (north side)**Current Arrangements:**

- 4P 9.00am-4.00pm Monday – Friday
- No paid parking

Recommendation:

- Ticket parking \$3.00 hourly fee 8.00am – 6.00pm Monday - Sunday

Benefits:

- Aligns with remainder of the South Perth Esplanade
- No fee cap discourages commuter parking

10. Car Park 11 - Millers Pool Car Park**Current Arrangements:**

- 4P 8:00am-6:00pm Monday to Friday
- No paid parking
- It is proposed to introduce paid parking within this car park as it is underutilised during the day and could support some commuter parking

Recommendation:

- Ticket parking \$2.00 hourly fee and \$8.00 all day parking 8.00am to 6.00pm Monday to Sunday

Benefits:

- Keeps pricing low compared to high demand areas such as the South Perth Esplanade, which is \$3.00 per hour
- Alignment of time restrictions with other areas which assists community understanding and Ranger enforcement

11. Car Park 12 - Jet Ski Car Park**Current Arrangements:**

- 4P 8:00am-6:00pm Monday to Friday
- Trailer Parking 7:00am - 7:00pm Saturday, Sundays and Public Holidays
- No paid parking
- It is proposed to introduce paid parking within this car park as it is underutilised during the day and could support more commuter parking

Recommendation:

- Ticket parking \$2.00 hourly fee and \$8.00 all day parking 8.00am to 6.00pm Monday to Sunday

Benefits:

- Keeps pricing low compared to high demand areas such as the South Perth Esplanade, which is \$3.00 per hour
- Alignment of time restrictions with other areas which assists community understanding and Ranger enforcement

The proposed paid parking arrangement for the City is included as **Attachment (b)**.

Consultation

A Councillor's workshop was held Tuesday 14 May 2019 to present and discuss the proposed amendments to paid parking.

The City will provide advanced notice to residents, businesses and stakeholders of impending changes to parking.

Policy and Legislative Implications

City of South Perth Parking Strategy 2016

City of South Perth Parking Management Action Plan 2017

Financial Implications

The estimated increase in City revenue as a result of the proposed changes to paid parking is \$400,000 per annum.

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: Implement and maintain integrated transport and infrastructure plans

Attachments

10.3.7 (a): Current Parking Arrangements

10.3.7 (b): Proposed Parking Arrangements

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - April 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-44413
Meeting Date:	28 May 2019
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

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

EFT Payments to Creditors	(462)	\$5,029,116.25
Cheque Payment to Creditors	(11)	\$24,893.90
Total Monthly Payments to Creditors	(473)	\$5,054,010.15
Cheque Payments to Non-Creditors	(74)	\$171,093.00
Total EFT & Cheque Payments	(547)	\$5,225,103.15
Credit Card Payments (April 2019)	(7)	\$8,921.46
Total April Payments	(554)	\$5,234,024.61

Officer Recommendation

That the Council receive the Listing of Payments for the month of April 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): Listing of Payments - April 2019

10.4.2 Monthly Financial Statements - April 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-44414
Meeting Date:	28 May 2019
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

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

Officer Recommendation

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

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 April year-to-date (YTD) is \$55.48m in comparison to budget of \$56.62m. Actual expenditure from operating activities for April is \$51.20m in comparison to budget of \$50.54m. The April net operating position was \$1.79m unfavourable due to with higher actual expenditure against budget by \$0.652m and lower revenue of \$1.135m than planned.

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.

Lower revenue is primarily due to Parking Management (\$0.35m), lower net Grant Proceeds/Financial Services income (\$0.188m), net revenue timing of grant receipts for Development & Community Services (\$0.386m), and lower Infrastructure Revenue recoveries (\$0.208m).

Actual Capital Revenue YTD is \$1.332m in comparison to the budget of \$0.781m. Actual Capital Expenditure YTD is \$7.602m in comparison to the budget of \$13.277m.

Cash and Investments balance is \$56.2m. April 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 to continue declining through to year end.

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 51.62% 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):	Statement of Operating Revenue & Expenditure
10.4.2 (e):	Capital Summary
10.4.2 (f):	Significant Variance Analysis by Business Operating
10.4.2 (g):	Statement of All Council Funds
10.4.2 (h):	Statement of Cash Investments
10.4.2 (i):	Statement of Major Debtor Categories

10.4.3 WALGA National Redress and Local Government Directions Paper

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-44415
Meeting Date:	28 May 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.1 Engaged Community

Summary

This report considers a Directions Paper developed by WALGA outlining key considerations to guide discussions with Elected Members regarding joining a National Redress Scheme.

Officer Recommendation

That Council endorses the recommendations contained within the WALGA National Redress and Local Government Directions Paper.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse was established in January 2013 to investigate systemic failures of public and private institutions, and to protect, report and respond to child sexual abuse. Three reports were released with findings and recommendations handed down on December 15, 2017.

Following these reports, local governments were engaged in two stages of consultation being:

1. Child Safety Officers; and
2. National Redress Scheme.

The Department of Local Government, Sport and Cultural Industries (DLGSC) consulted with the local government sector through WALGA between July and September 2018 on Child Safety Officers. The findings have been finalised and will inform the State Government on development of key reforms.

DLGSC are currently in the process of consulting with the local government sector through the WALGA Zone meetings on the National Redress Scheme. The Consultation provides an opportunity for discussion and agreement on whether local governments will participate in the scheme and if so, whether participation will be with the State Government.

WALGA have released a WALGA National Redress and Local Government Directions Paper that requests a response from local governments on whether to join the National Redress Scheme.

Comment

The Directions Paper released by WALGA lists four recommendations:

1. That local governments join the National Redress Scheme;
2. That local government is responsible for sourcing and providing records within prescribed timeframes;
3. That local government is responsible to deliver a Direct Personal Response in the requested manner, supported by the State Governments Redress Coordination Unit.
4. That the State Government is responsible for financial compensation of claims.

Further information regarding these recommendations are contained within the Directions Paper in **Attachment (a)**.

Council's decision will be provided to the WALGA South East Metropolitan Zone meeting to be held in June 2019 in order for a sector wide endorsement of a final position to be provided to the July 2019 WALGA State Council meeting.

Consultation

The WALGA National Redress and Local Government Directions Paper has been distributed to all member local governments for feedback.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

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

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

Attachments

10.4.3 (a): National Redress and Local Government Directions Paper

10.4.4 Update of Policy: P613 Capitalisation & Valuation of Fixed Assets

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-44417
Meeting Date:	28 May 2019
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The recent amendment to Regulation 17 of the Local Government (Financial Management) Regulations 1996 has necessitated a revision of the City's Policy P613 – Capitalisation & Valuation of Fixed Assets.

A revised version of the Policy P613 document **Attachment (a)** is now presented to Council for endorsement.

Officer Recommendation

That Council endorses and adopts the revised Policy P613 – Capitalisation & Valuation of Fixed Assets **Attachment (a)**.

Background

An Amendment to Regulation 17 (A) and (B) of the Local Government (Financial Management) Regulations 1996 was gazetted by the Office of the Auditor General on 26 June 2018.

The amendment results in:

- an increase in the Asset valuation threshold amount to \$5,000, and
- an obligation to record and manage non-consumable assets less than \$5,000 that are susceptible to theft or loss due to their portable nature and attractiveness for personal use or resale.

Comment

The City has identified all assets with a fair value less than \$5,000 as at the date of acquisition. The carrying value of these assets will be fully expensed and will result in a restatement of the Annual Financial Statements prior year's results.

These assets will be recorded under a new category, Portable and Attractive, with zero value on the Asset Register.

The change in Accounting treatment, as a result of the change in Regulations, has implications for the previous, current and future financial years. These implications were presented at the Councillor Briefing held 7 May 2019.

Consultation

The City has consulted with the Office of the Audit General in regards to this amendment.

Policy and Legislative Implications

The reviewed and revised policy is consistent with the Local Government (Financial Management) Regulations 1996.

Financial Implications

The carrying value of affected assets to be written down in the 30 June 2019 year-end totals \$28,919. The financial impact for the prior years will be determined prior year end and will be disclosed in the Annual Financial Statements.

Strategic Implications

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

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

Attachments

10.4.4 (a): P613 Capitalisation & Valuation of Fixed Assets

10.4.5 Rivers Regional Council Future Structure and Operations

Location:	Not Applicable
Ward:	All
Applicant:	Rivers Regional Council
File Ref:	D-19-44418
Meeting Date:	28 May 2019
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report is to provide Council with an opportunity to consider what functions the Rivers Regional Council (RRC) may undertake in the future and the applicable corporate structure.

The report has been considered by the RRC and now seeks the approval of member Councils to wind up the Council and transition towards a Regional Subsidiary.

Officer Recommendation

That Council:

1. Resolve to approve the windup of the Rivers Regional Council and the transition to a regional subsidiary as soon as all approvals can be obtained; and
2. Seek resolution of the advocacy approach prior to the transition.

Background

The Rivers Regional Council has previously resolved that:-

1. *The Strategic Community Plan and Corporate Plan be AMENDED to contain the operations of the RRC to:*
 - *Provision of research and contract management services on matters associated with Waste Management; and*
 - *To influence and liaise with Local, State and Federal Governments in the development of Policies and Legislation for the benefit of the Region.*
2. *Noting that the preferred option is to transition the RRC to a Regional Subsidiary, the CEO prepare a discussion paper outlining the details, timing and control mechanisms.*

Following consideration of the Discussion Paper;

1. *The Council RESOLVED to seek approval from participating Councils to windup the Rivers Regional Council and transition to a Regional Subsidiary as soon as all approvals can be obtained.*

2. *The CEO arrange preparation of:-*
 - *The Windup Agreement and relevant legal processes including individual Council and Ministerial approval; and*
 - *The Rivers Regional Subsidiary Charter and Business Plan.*

The purpose of RRC, as per the Establishment Agreement is:

1. To undertake the processing, recycling, treatment, sale and disposal of Household Waste delivered by the Member Councils;
2. To investigate and assess the possibilities and methodologies of carrying out and to identify funding opportunities for any service or facility on a regional basis;
3. To investigate and assess the possibilities and methodologies of undertaking the processing, recycling, treatment, sale and disposal of waste, other than Household Waste, which is delivered by the Member Councils;
4. To acquire any interest in land considered by the RRC to be necessary or desirable to accommodate facilities for the processing, recycling, treatment, sale and disposal of waste other than Household Waste;
5. To influence and liaise with local, State and Federal Governments in the development of policies and legislation for the benefit of the region;
6. To provide advice, information and education to all Member Councils and their communities.

The vision of RRC is to provide sustainable waste minimisation, recycling and Alternative Waste Treatment (AWT) services for Member Councils; to provide these services in a way which will move Member Councils and their communities substantially towards a zero-waste environment; and to undertake this role sustainably.

Previous planning documents have identified the following considerations:

In summary the four priorities adopted for RRC over the period 2013-2017:

1. Introduction of new waste infrastructure: AWT (short-term); MRF, green waste and bulk waste facilities (Medium to long-term);
2. Expansion of waste education programs;
3. Increased advocacy: to achieve better planning and resourcing of waste industry infrastructure, and training of workers for this growth field; and
4. Development of an expanded services delivery model (potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change)

Once the AWT contract has been awarded, the next priority was to commence feasibility studies into possibly three new facilities for the region: an MRF, regional transfer station and green waste facility.

Feasibility studies could progress on these projects concurrently. The feasibility studies can commence in the second half of 2013, or during the first half of 2014. By early 2016 RRC will have answers on both facilities and will be in a position to make decisions on cost and current contractual commitments. If the decision is to proceed to tender, the tender process is likely to be undertaken during the 2016/17 FY.

In the interim, individual Councils will make their decisions about whether to enter new contracts for recycling and bulk/green waste removal with these timelines in mind, and in support of the intention to channel this waste to the new regional infrastructure, should it proceed.

These projects were deferred pending the achievement of financial close for the Waste to Energy (WtE) facility.

The Discussion paper is included as **Attachment (a)**.

Comment

Regional Materials Recovery Facility

The current competitive environment including the opening of the new Cleanaway facility in 2017 and the state of the recycling products market does not appear to support the RRC getting involved in the provision of a Materials Recovery Facility (MRF). The SMRC has also recently tested the market to take over their current MRF operations. The regional cost per property does however vary substantially with an average of \$33.14, minimum of \$26.78 and Maximum of \$75.61. There may be scope to aggregate the regional materials recover requirements – but there is a marginal case for Councils accepting further risks. The introduction of the Container Deposit Scheme may also lead to the splitting of the collection from the recovery facility. A full feasibility would be required if there is support for this being pursued.

Regional Transfer Station

The WtE facility is located 25 to 41 minutes away from participating Councils. South Perth and Gosnells could use the Canning transfer facility and Murray could use the Mandurah transfer station if those arrangements prove economically viable. Transfer stations are currently operated by South Perth, Murray and Mandurah and could all be used to attract additional waste streams. When the market is tested for delivery of waste to the new WtE facility it may prove more economic to accumulate waste at more local positions. It is unlikely that a RRC run facility would be viable.

Green Waste Facility

The total green waste collected within the region (without introducing the 3 Bin system) is 11,875 tonnes. It is unlikely that this quantity would warrant market intervention and operation by the RRC. The market will need to adjust to the new State Waste Strategy requiring organic separation before the picture is clear.

Waste Education Programs

The creation of a new high level education program aligned with the WtE facility would suit regional co-operation but could be accomplished by officer co-ordination without the overheads attached to the RRC.

Advocacy

With the current State Waste Strategy targeting the introduction of the 3 Bin organic separation system, advocacy will become an important response, however this is likely to be just as effective via individual Councils or group activity via a Regional Subsidiary. It would also be appropriate to review the effectiveness of representation on the Municipal Waste Advisory Council.

The City believes this requires more detailed consideration as advocacy will be critical in future years given the 2 bin position taken. It is recommended that this be a priority for the Rivers Regional Council to determine as part of the transition.

Development of an Expanded Services Delivery Model.

Potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change. Switch your Thinking programs continue to be managed by the City of Armadale on behalf of a number of other Councils. Regional/Economic Development programs would be difficult bearing in mind the separation of South Perth to Mandurah and the role undertaken by the Peel Development Commission. There is also the Southern Southeast Corridor (SSE) Councils promoting regional development opportunities. The SSE Corridor of metropolitan Perth has an area of 1577 square kilometres comprising of three local governments – the Cities of Armadale and Gosnells and the Shire of Serpentine Jarrahdale.

Projects with a Regional benefit could fit the co-ordination role of the RRC but again this could be implemented via officer co-ordination. Regional Climate Change and Carbon Reduction Program could be possible and would require further research on potential effectiveness.

Waste Services Agreement (WSA)

The WSA has a substantial role for the RRC as Principal of the agreement and would need to be replaced. The retention of a Regional Council Structure could be considered desirable until the WtE project has reached the stage where practical completion is likely. However, the creation of a Regional Subsidiary or Council Controlled Organisation under new legislation with officer representation could be an economically viable replacement.

The Local Government Act provisions relevant to Regional Local Governments are also being reviewed as part of the current Act review. Another option is the Council Controlled Organisation which is more corporate orientated than a Regional Subsidiary. The Council Controlled legislation and Local Government Act review is not due to be adopted until later this year.

Windup of the RRC

The Establishment Agreement provides for the RRC to be wound up by agreement between the parties.

What happens to the remaining Funds?

The Establishment Agreement details that remaining funds are distributed by the average of waste tonnes used in the budget deliberations over the last five years. It would be proposed that the RRC would continue to be funded from the Reserve Funds until windup occurs with the remaining funds being distributed to member Councils and then returned to the Regional Subsidiary to fund that operation until funds can be generated from waste being delivered to the WtE Plant. This would form part of the windup agreement executed by member Councils.

Establishment Agreement – Number of Elected members

No action has been taken at this stage to amend the current Establishment Agreement and this is being held pending agreement to the Regional Subsidiary. If this transition is unsuccessful then the action on reduction of numbers will be commenced.

Consultation

The proposal has been agreed through the Regional Rivers Council, at which the City has representation at both officer and Councillor level.

John McNally, the RRC CEO, also attended a Council Briefing Session on 9 April 2019, at which the proposal was discussed with the attending Councillors.

Policy and Legislative Implications

Ministerial approval would be required for a winding up or change to the Establishment Agreement or a change to a Regional Subsidiary. A change to the Establishment Agreement reducing the number of Elected Members would also require individual Council approval. The windup agreement and subsidiary charter are in preparation and will be submitted for consideration of each Council. The process is likely to take until the end of the year.

Financial Implications

Depending on the final structure, savings of up to \$300,000 on overall RRC expenditure could be possible if a Regional Subsidiary is considered appropriate. The savings for the City could therefore be expected to be approximately \$50,000. Funding arrangements for the Regional Subsidiary have already been agreed as part of the Waste Services Agreement involving the Waste to Energy Facility.

Strategic Implications

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

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

Attachments

10.4.5 (a): RRC Discussion Paper

10.4.6 Appointment of Delegate to the Rivers Regional Council

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-19-43898
Meeting Date:	28 May 2019
Author(s):	Mieke Wevers, Governance Officer
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Councillor Cheryle Irons resigned from her role as one of the City's delegates to the Rivers Regional Council on 2 May 2019.

The purpose of this report is for Council to nominate a replacement Elected Member Delegate to the Rivers Regional Council.

Officer Recommendation

That Councillor _____ be appointed to the position of Delegate to the Rivers Regional Council for the remainder of the two-year period concluding in October 2019.

Background

The Rivers Regional Council (RRC) is a Regional Council formed under the *Local Government Act 1995* (the Act).

The purpose of the RRC is to make decisions relating to strategic waste management issues and conduct research and investigations into future waste management options available to member Councils.

Membership consists of the Cities of Armadale, Gosnells, Mandurah, South Perth and the Shires of Murray and Serpentine Jarrahdale. Every two years, after local government elections, the member Councils elect two delegates and two deputies to the RRC.

Meetings of the RRC are held every two months and there are two remaining meetings prior to the October 2019 Ordinary Local Government Elections, when the City will review its delegates and deputies:

- 20 June 2019 at 6.45pm in Mandurah; and
- 15 August 2019 at 6.45pm in South Perth.

Comment

Councillors Travis Burrows and Cheryle Irons are Council's current delegates, with Councillors Colin Cala and Greg Milner as their respective deputies. Councillor Cheryle Irons tendered her resignation from the RRC on 2 May, therefore Council is required to appoint a replacement delegate until October 2019.

Consultation

It is the responsibility of the Council to appoint delegates to external committees. No further consultation is necessary.

Policy and Legislative Implications

This report is consistent with City Policy P670 *Delegates from Council*.

Financial Implications

The Delegate sitting fee is \$1,931.25 per quarter being Jan to March, April to June, July to September, and October to December. The initial fees due will be pro-rata from when the delegate is signed on as an RRC Councillor. This will occur at the 20 June meeting.

Delegates are also able to claim mileage of \$0.76 per kilometre for home to meeting and return, or for any other RRC business.

These costs are covered by the RRC.

Strategic Implications

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

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

Attachments

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Tracie McDougall has requested a Leave of Absence from 2 July 2019 to 30 July 2019 inclusive.

Recommendation

That Council approves the Leave of Absence application received from Councillor Tracie McDougall for the period 2 July 2019 to 30 July 2019 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR TRAVIS BURROWS - SIGNIFICANT TREE REGISTER

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-19-44419
Meeting Date:	28 May 2019
Author(s):	Mark Taylor, Director Infrastructure Services
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (Built and Natural)
Council Strategy:	Enhance the City's Urban Forest

Summary

Councillor Travis Burrows submitted the following Notice of Motion prior to the Council Agenda Briefing to be held 21 May 2019.

Notice of Motion Recommendation

That Council:

1. Develops a marketing campaign for June/July, to link with National Tree Day, designed to promote the Council's Urban Forest Strategy 2018-2023;
2. The marketing campaign should promote achievement of the 5 year target: *"Increase the number of protected trees - Promote the Significant Tree Register and increase the number of listed trees by 25%"*; and
3. The marketing campaign should clearly indicate how residents can nominate trees on their own property.

Reasons for the Motion:

It's most important that we promote and encourage the retention of trees. Given the City's Urban Forest Strategy and State Government Policies we should be facilitating residents voluntarily doing their part to assist the best possible outcome.

Our residents greatly value the amenity of trees in our suburbs and don't want to see a further reduction in the tree canopy of the City.

By embedding this in our town planning scheme we are fulfilling a key outcome of our Urban Forest Strategy.

Comment

There are currently 110 trees registered as significant (issued with a Tree Preservation Order) throughout the City with only four of these being on private land. The City's practice on private land has been to rely on residents to request their trees to be registered.

The Urban Forest Strategy, adopted by Council in July 2018, has recommended a list of five year targets to achieve. One of those is to increase the number of registered trees by 25%.

The ability for residents to request to register significant trees is provided in the City's Town Planning Scheme Text under Section 6:13 'Tree Preservation'.

- (2) *In addition to any trees which are required to be preserved pursuant to a condition of development approval:*
- (a) *the local government may order the preservation and maintenance of a tree pursuant to this clause, having regard to the tree's:*
 - (i) *aesthetic quality;*
 - (ii) *historical association;*
 - (iii) *rarity; or*
 - (iv) *other characteristic which in the opinion of the local government makes the tree worthy of preservation; and*
 - (b) *the local government may, from time to time, amend or repeal an order made under this sub-clause.*

The City has developed a nomination form and assessment criteria to help determine whether a nominated tree is considered to be of City Wide significance, prior to it being issued with a Tree Preservation Order.

Consultation

The City will develop a marketing campaign to encourage residents to apply to have their trees assessed for a Tree Preservation Order.

Conclusion

The City supports the Notice of Motion recommendation as submitted by Councillor Travis Burrows

Policy and Legislative Implications

City of South Perth Town Planning Scheme No.6 Text Section 6:13 Tree Preservation
Policy P205 Tree Preservation
Policy P206 Urban Forest
City of South Perth - Urban Forest Strategy

Financial Implications

Nil.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	Enhanced Environment and Open Spaces
Strategy:	Enhance the City's Urban Forest

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

Responses to questions from members taken on notice at the Ordinary Council Meeting held 23 April 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

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

The Report regarding this matter has been circulated separately to Councillors.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

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

15.1.1 Appointment of New Members to the City's Design Review Panel

15.1.1 Appointment of New Members to the City's Design Review Panel

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-44420
Meeting Date:	28 May 2019
Author(s):	Vicki Lummer, Director Development and Community Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE

APPENDIX

RESPONSE TO QUESTION BY A MEMBER TAKEN ON NOTICE AT THE COUNCIL MEETING HELD 23 APRIL 2019

Councillor Ken Manolas

[Preamble] The Prime Movers who utilise South Perth Community Hall have informed me they are no longer able to use the kitchen facilities after their classes.

1. Why are they no longer allowed to use the kitchen after their classes?

City's Response

The Prime Movers currently hire the South Perth Community Hall each Monday morning to facilitate exercise classes for seniors. The hire fees paid by the Prime Movers to the City is \$61.25 per week.

The South Perth Community Hall kitchen facilities are available for hire/use by all members of the community subject to compliance with the booking conditions. The Prime Movers declined to submit a booking application for use of the kitchen after their classes because they could not afford the extra hire cost (\$17.50 per week).

Following consultation between the City and the Prime Movers, the City has approved a fee waiver under Delegation 115 for use of the kitchen, in recognition of the ongoing health and wellbeing benefits that the Prime Movers provide for members of the local community. The Prime Movers will continue to pay their weekly hall hire fees.