

# MINUTES

## Ordinary Council Meeting

31 July 2018

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 31 July 2018 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

2 August 2018

# Welcome to Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past, present and future.

## Our Guiding Values

### Trust

Honesty and integrity

### Respect

Acceptance and tolerance

### Understanding

Caring and empathy

### Teamwork

Leadership and commitment

## 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 - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 31 July 2018.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.01pm and welcomed everyone in attendance.

She then acknowledged the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past, present and future.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3.1 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law which provides rules and guidelines that apply to the conduct of meetings.

### 3.2 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 'Recording of Proceedings'.

She then gave her permission for the Administration to record proceedings of the Council meeting and requested that all electronic devices be turned off or on to silent.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

Councillor Glenn Cridland	Como Ward
Councillor Tracie McDougall	Como Ward
Councillor Blake D'Souza	Manning Ward
Councillor Colin Cala	Manning Ward
Councillor Travis Burrows	Moresby Ward
Councillor Greg Milner	Moresby Ward
Councillor Ken Manolas	Mill Point Ward

### Officers

Mr Geoff Glass	Chief Executive Officer
Mr Colin Cameron	Director Corporate Services
Ms Vicki Lummer	Director Development and Community Services

Mr Mark Taylor	Director Infrastructure Services
Mr Stevan Rodic	Manager Development Services
Ms Elyse Maketic	Manager Strategic Planning
Ms Christine Lovett	Governance Officer
Ms Sharron Kent	Governance Officer
Ms Katie Roberts	Senior Executive Support Officer
Ms Loren Gee	Customer Service/Administration Officer

#### Gallery

There were 9 members of the public and 1 member of the press present.

#### **4.1 APOLOGIES**

Councillor Cheryle Irons Mill Point Ward

#### **4.2 APPROVED LEAVE OF ABSENCE**

Nil

### **5. DECLARATIONS OF INTEREST**

- Cr Ken Manolas declared an Impartiality Interest in relation to Agenda Item 10.1.4 Tender 8/2017 Contract Variation Management of the City of South Perth Australia Day Event;
- Mayor Sue Doherty declared an Impartiality Interest in relation to Item 10.3.2 Proposed Naming of Right of Way No. 68;  
and
- Mayor Sue Doherty declared an Indirect Financial Interest in relation to Agenda Item 12.3 Legal Advice in relation to ALH v Metro Central JDAP 2018 WASAT 63.

### **6. PUBLIC QUESTION TIME**

#### **6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The Presiding Member advised that the responses to previous public questions taken on notice at the 26 June 2018 Ordinary Council Meeting are available in the Appendix of these Minutes.

#### **6.2 PUBLIC QUESTION TIME: 31 JULY 2018**

*Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law.*

The Presiding Member advised the meeting that questions are to be in writing and submitted 24 hours prior to the meeting. Forms are available on the City's website and at the City's Reception. Questions can also be submitted electronically via the City's website. Questions received 24 hour prior to the meeting would be dealt with first. Questions received less than 24 hours prior to the meeting would be taken on notice and the response provided in the Agenda of the next month's Council meeting.

The Presiding Member then opened Public Question Time at 7.03pm.

Written questions were received prior to the meeting from:

- Mr Mark Paskos of Hartington Way, Caring
- Mr Craig Dermer of Mill Point Road, South Perth
- Ms Vicki Redden of Mill Point Road, South Perth
- Ms Carol Roe of Abjornson Street, Manning
- Mr Adam Quintiliani from Perceptions

The Presiding Member requested a motion to extend Public Question Time by 5 minutes to hear those questions not yet heard.

#### **Motion to Extend Public Question Time AND COUNCIL DECISION**

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Greg Milner

That Public Question Time be extended for 5 minutes to hear those not yet heard.

**CARRIED (8/0)**

A table of questions received and answers provided can be found in the **Appendix** of these Minutes.

No written questions were received at the meeting.

The Presiding Member then closed Public Question Time at 7.26pm.

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

### **7.1 MINUTES**

#### **7.1.1 Ordinary Council Meeting Held: 26 June 2018**

##### **Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That the Minutes of the Ordinary Council Meeting held 26 June 2018 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

### **7.2 BRIEFINGS**

*The following Briefings are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.*



## 7.2.1 Concept Briefing / Workshop - July 2018

The City held the following Concept Briefing / Workshop:

- Clontarf Waterford Salter Point Foreshore Masterplan – 10 July 2018;
- Council Agenda Briefing – 24 July 2018

The notes of which can be found at **Attachment (a) and (b)**.

### Attachments

**7.2.1 (a):** Concept Briefing: Clontarf Waterford Salter Point Foreshore Masterplan

**7.2.1 (b):** Council Agenda Briefing - 24 July 2018 Notes

### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Greg Milner

That the Notes of the Clontarf Waterford Salter Point Foreshore Masterplan Concept Briefing held on 10 July 2018 and the Council Agenda Briefing held 24 July 2018 be noted.

**CARRIED (8/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

*A formal process where members of the community present a written request to Council.*

Nil

### 8.2 PRESENTATIONS

*Occasions where Awards/Gifts may be accepted by Council on behalf of Community.*

Nil

### 8.3 DEPUTATIONS

*A formal process where members of the community may, with prior permission, address Council on Agenda items where they have a direct interest*

Deputations were heard at the Agenda Briefing of 24 July 2018.

### 8.4 COUNCIL DELEGATES REPORTS

Council Delegates' Reports are circulated to Elected Members.

## 8.5 CONFERENCE DELEGATES REPORTS

Conference Delegates' Reports are circulated to Elected Members.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 24 July 2018.

The Chief Executive Officer confirmed that this was correct.

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.4 Tender 8/2017 Contract Variation "Management of the City of South Perth Australia Day Event"
- Item 10.3.2 Proposed Naming of Right of Way No. 68
- Item 10.3.4 Additions & Alterations and Change to Opening Hours of Child Day Care Centre at Lot 10 (No. 64) Mill Point Road, South Perth
- Item 10.3.7 Urban Forest Strategy
- Item 10.4.3 Planning Reform Green Paper - City of South Perth Submission
- Item 10.4.4 Stop Puppy Farming Consultation Paper - Submission

## 9.1 EN BLOC MOTION

### EN BLOC MOTION AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That the Officer Recommendations in relation to the following Agenda Items be carried en bloc:

- Item 10.1.1 Rates Exemption Request for Curtin University Boat Club
- Item 10.1.2 Public Art Advisory Group - Terms of Reference Minor Amendment
- Item 10.1.3 Engaging with the City's Young People
- Item 10.1.5 Tender 6/2018 "Supply the Services of Plant with Skilled Operator to Carry out Minor Works"
- Item 10.3.1 Proposed Change of Use from Single House to Consulting Rooms - Lot 9 (No. 419) and Part of Lot 8 (No. 417) Canning Highway, Como
- Item 10.3.3 Proposed Naming of Right of Way No. 74
- Item 10.3.5 Proposed two storey Single House at Lot 40 (No. 52) Lockhart Street, Como
- Item 10.3.6 Joint Bike Plan - City of South Perth and Town of Victoria Park
- Item 10.3.8 Clontarf Waterford Salter Point Foreshore Masterplan

- Item 10.4.1 Monthly Financial Statements - June 2018
- Item 10.4.2 Listing of Payments - June 2018
- Item 10.4.5 City of South Perth Standing Orders Amendment Local Law 2018

**CARRIED (8/0)**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Rates Exemption Request for Curtin University Boat Club

Location:	Salter Point
Ward:	Not Applicable
Applicant:	Curtin University
File Ref:	D-18-74065
Meeting Date:	31 July 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report seeks Council's consideration of a request from Curtin University for a Council rates waiver for the Curtin University Boat Club facility located in Salter Point for the 21 year period prescribed in the Lease Agreement.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That the Curtin University Boat Club be advised:

1. It is required to pay full Council rates (and the other prescribed fees and charges) for its Boat Club facility located on 301 (Lot 1279) Elderfield Road, Salter Point, for the 21 year period prescribed in the Lease Agreement as:
  - The Boat Club facility is situated on rateable land, as per Section 6.26 (1) of the Local Government Act 1995;
  - None of the rate exemptions apply, as per Section 6.26(2) of the Local Government Act 1995;
  - There are no special circumstances that would warrant a Council rate waiver or other concession, as per section 6.47 of the Local Government Act 1995.
2. Subject to the completion of the proposed multimillion Boat Club Facility Redevelopment Project, the Boat Club will receive a 50% concession on its Council rates (excluding the other prescribed fees and charges) for the corresponding financial year for its use of 301 (Lot 1279) Elderfield Road, Salter Point, as prescribed in the Lease Agreement as:
  - The proposed/redeveloped Boat Club facility will be situated on rateable land, as per Section 6.26 (1) of the Local Government Act 1995;

- None of the rate exemptions apply, as per Section 6.26(2) of the Local Government Act 1995;
  - There are special circumstances that would warrant a 50% Council rate concession, as per section 6.47 of the Local Government Act 1995 (i.e. the proposed/redeveloped Boat Club facility will provide significant benefits to the local community in the form of increased physical activity opportunities through the sport of rowing; revitalisation of a section of Salter Point; and the project will assist in the implementation of the City's Clontarf-Waterford-Salter Point Foreshore Master Plan).
3. To note that any future Council rate concession for the redeveloped Boat Club Facility will be considered as part of the City's annual budget process.

**CARRIED EN BLOC (8/0)**

### Background

The Curtin University Boat Club is located on 301 (Lot 1279) Elderfield Road, Salter Point. The existing Clubhouse was built in 1974 and it is now approaching the end of its useable life.

The Club is proposing to construct a new facility on the site comprising a rowing boat launching site, rowing boat storage, club meeting rooms and club function room. Once constructed it is intended that the facility will predominantly service the rowing club members; with some access being made available to the wider community when not required by the Club (e.g. a hireable function room).

The estimated cost of the proposed redeveloped Clubhouse facility is \$2million to \$4million, which the University and Club is planning to raise through corporate donations, benefactors and government funding. In order to provide long term tenure over the site, the City and the Club (through Curtin University) have agreed to enter into a 21 year Lease Agreement. The parties are currently negotiating/finalising the terms and conditions of the Lease Agreement, including: permitted facility use; term; hours of occupation; insurance and indemnity requirements; repairs and cleaning responsibilities; and fees and charges (i.e. Council rates, rubbish collection charges, Emergency Services Levy, lease rental fee and service payments for water, gas and electricity consumption).

The Club is agreeable to the majority of the proposed Lease Agreement terms and conditions, except payment of Council rates. On 12 June 2018 the City received correspondence from Curtin University (through its Properties, Facilities and Development Department) to advise that Curtin University had decided not to execute the Lease Agreement until the rates issue is considered by Council. Furthermore, on 26 June 2018 the City received correspondence (**Attachment (a)**) from Curtin University to request a rates exemption for the Curtin University Boat Club over the term of the Lease Agreement, which is the subject of this report.

### Comment

The correspondence received from Curtin University focusses on two main areas in support of its request, namely:

1. The local community benefits generated through the Boat Club's annual activities and projects (i.e. a community benefit assessment); and
2. The Boat Club's capacity to pay the annual Council rates.

The two areas listed above are addressed in greater detail by the City below.

#### Boat Club's Community Activities and Projects

The Boat Club is a local not-for-profit sporting organisation with a current membership base of 173 members. The objective of their facility upgrade project is to develop a contemporary rowing club building that attracts new members from the local community and the University; allows the delivery of additional programmes; and remains affordable for the users.

#### Boat Club's Capacity to Pay

Over the last four years, the Club has been able to grow its gross profit income from \$38,730 to \$95,445 (146% increase), mainly due to sourcing additional membership income. In the same period, the Club's net financial position has improved from a loss of \$3,132 in 2014 to a net profit of \$35,201 in 2017. In summary, the Club is currently financially viable. The Club's net profit is directed towards their programmes and the purchase of new equipment, as well as maintenance of existing equipment (e.g. the cost for a new boat ranges from \$10,000 for a single scull boat, up to \$60,000 for an 8-person boat).

As stated above, the Club estimates that its proposed redeveloped boat club facility would cost in the range of \$2million-\$4million. As the Lease Agreement requires Council rates to be charged on the basis of the redeveloped land value, the Club is concerned that it would not be able to afford the rates increase once the facility was redeveloped. However, this assumption does not take into consideration the likely additional income generation opportunities that the Club would be able to achieve from the new facility, such as additional memberships and venue hire opportunities.

### Consultation

Consultation has occurred with the Curtin University Boat Club and Curtin University (through its Properties, Facilities and Development Department) in the development of this report.

### Policy and Legislative Implications

The following sections of the Local Government Act 1995 are relevant to this report:

- Section 6.26 (Rateable Land) – this section prescribes the rateable land within a district.
- Section 6.47 (Concessions) – this section prescribes that a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a Council rate or service charge (absolute majority required); or resolve to grant other concessions in relation to a rate or service charge.

As rates are levied annually, local governments are required to undertake an annual review of its existing Council rate waivers or concessions as part of the annual budget development process. For this reason, if the rates concession is

approved for the Curtin University Boat Club, it will be required to be reviewed annually (i.e. it cannot be approved over the term of the Lease Agreement as requested by Curtin University).

### Financial Implications

Under the proposed Lease Agreement terms and conditions, the Club will be required to pay the prescribed fees and charges per annum, namely: Rent; Council Rates; Emergency Services Levy (ESL); Rubbish Collection Charges; and Water, Gas and Electricity.

The four tables below provide an outline of the estimated annual Council fees and charges payable by the Curtin University Boat Club, based on the current land/facility value; and the other redeveloped land/facility value scenarios that are proposed by the Club.

#### Scenario 1 - Current Boat Club Facility (Gross Rental Value of \$8,175)

<b>Council Fees and Charges</b>	<b>Amount Payable by Boat Club</b>
Lease Fee / Rent	\$1,000 (adjusted annually for the Consumer Price Index)
Council Rates	\$984 (adjusted annually)
Emergency Services Levy (ESL)	\$126 (adjusted annually)
Rubbish Collection Charges	\$305 (adjusted annually)
Water, Gas and Electricity	The amount payable will depend on the Club's consumption (adjusted annually)
<b>Total Council Fees and Charges Payable by Boat Club</b>	<b>\$2,415 (excluding utilities)</b>

#### Scenario 2 - \$2m Redeveloped Boat Club Facility (Gross Rental Value of \$108,750)

<b>Council Fees and Charges</b>	<b>Full Amount Payable by Boat Club</b>	<b>Concession (50%) Amount Payable by Boat Club</b>
Lease Fee / Rent	\$1,000 (adjusted annually for the Consumer Price Index)	\$1,000 (adjusted annually for the Consumer Price Index)
Council Rates	\$7,250 (adjusted annually)	\$3,625 (adjusted annually)
Emergency Services Levy (ESL)	\$1,580 (adjusted annually)	\$1,580 (adjusted annually)
Rubbish Collection Charges	\$305 (adjusted annually)	\$305 (adjusted annually)
Water, Gas and Electricity	The amount payable will depend on the Club's consumption (adjusted annually)	The amount payable will depend on the Club's consumption (adjusted annually)
<b>Total Council Fees and Charges Payable by Boat Club</b>	<b>\$10,135 (excluding utilities)</b>	<b>\$6,510 (excluding utilities)</b>

#### Scenario 3 - \$3m Redeveloped Boat Club Facility (Gross Rental Value of \$158,750)

<b>Council Fees and Charges</b>	<b>Full Amount Payable by Boat Club</b>	<b>Concession (50%) Amount Payable by Boat Club</b>
Lease Fee / Rent	\$1,000 (adjusted annually for the Consumer Price Index)	\$1,000 (adjusted annually for the Consumer Price Index)
Council Rates	\$10,580 (adjusted annually)	\$5,290 (adjusted annually)
Emergency Services Levy (ESL)	\$2,300 (adjusted annually)	\$2,300 (adjusted annually)
Rubbish Collection Charges	\$305 (adjusted annually)	\$305 (adjusted annually)
Water, Gas and Electricity	The amount payable will depend on the Club's consumption (adjusted annually)	The amount payable will depend on the Club's consumption (adjusted annually)
<b>Total Council Fees and Charges Payable by Boat Club</b>	<b>\$14,185 (excluding utilities)</b>	<b>\$8,895 (excluding utilities)</b>

Scenario 4 - \$4m Redeveloped Boat Club Facility (Gross Rental Value of \$208,750)

<b>Council Fees and Charges</b>	<b>Full Amount Payable by Boat Club</b>	<b>Concession (50%) Amount Payable by Boat Club</b>
Lease Fee / Rent	\$1,000 (adjusted annually for the Consumer Price Index)	\$1,000 (adjusted annually for the Consumer Price Index)
Council Rates	\$13,910 (adjusted annually)	\$6,955 (adjusted annually)
Emergency Services Levy (ESL)	\$3,025 (adjusted annually)	\$3,025 (adjusted annually)
Rubbish Collection Charges	\$305 (adjusted annually)	\$305 (adjusted annually)
Water, Gas and Electricity	The amount payable will depend on the Club's consumption (adjusted annually)	The amount payable will depend on the Club's consumption (adjusted annually)
<b>Total Council Fees and Charges Payable by Boat Club</b>	<b>\$18,240 (excluding utilities)</b>	<b>\$11,285 (excluding utilities)</b>

Levying Council Rates

In the City's view it is fair and reasonable to levy Council Rates on the Curtin University Boat Club facility for the following reasons:

- Legislative Requirement – The Boat Club facility is situated on rateable land and levying rates on rateable land is consistent with the Local Government Act 1995. Section 6.26(2) of the Act prescribes the following land is 'non-rateable' land:
  - Crown land that is used for a public (government) purpose;
  - Local government owned land that is used by the local government for its own purposes other than for trading;
  - Regional local government owned land that is used by the regional local government for its own purposes other than for trading;
  - Land used or held exclusively by a religious body as a place of public worship;
  - Land used exclusively by a religious body as a school;
  - Land used exclusively as a non-government school;
  - Land used exclusively for charitable purposes;
  - Land vested in trustees for agricultural or horticultural show purposes;
  - Land used solely for the storage of grain;
  - Land which is exempt from rates under any other written law; or
  - Land which is declared by the Minister to be exempt from rates.

In summary, none of the exemptions under section 6.26(2) of the Act would apply to exempt the Club from paying Council rates having regard to the permitted land purpose for recreation activities.
- Cost Recovery - It will assist with the City's 'cost recovery' objectives for its community facilities. Agreeing to the Council rate waiver request would result in lost annual income for the City.
- Fairness and Equity – Other land owners/occupiers in the City are required to pay Council Rates. If the Council resolved to waive the Council Rates for the Boat Club without sufficient justification, it may create a precedent for other waiver requests.

Council Rates Concession

The Boat Club's current activities provide a community benefit in terms of enhancing the local community's health and wellbeing through sport and recreation. Nevertheless, the current community benefits provided are not at a scale that would warrant a Council rate concession, as per section 6.47 of the Local Government Act 1995.



However, in the future the proposed/redeveloped Boat Club facility should lead to increased benefits for the local community in the form of:

- Increased physical activity opportunities through the sport of rowing;
- Revitalisation of a foreshore section of Salter Point; and
- Assist in the implementation of the City's Clontarf-Waterford-Salter Point Foreshore Master Plan.

These increased community benefits are considered 'special circumstances' that would warrant a Council rate concession, as per section 6.47 of the Local Government Act 1995. In terms of the future Council Rates, it is accepted by the City that the annual amounts payable by the Boat Club will increase significantly once the existing Club facility is redeveloped. As stated above, if a \$4million community facility is constructed on the site, the Council Rates would increase from \$984 to \$13,910 (1,313% increase), which is a large annual expense to levy on a not-for-profit community sporting organisation. For this reason, it is recommended to provide a 50% Council Rates concession to the Boat Club, once the new facility is constructed; and that this concession is reviewed annually as part of the City's budget development process. Council has the option to resolve to cease, increase or decrease this concession amount in the future if it considers the proposed concession does not reflect the circumstances.

### Strategic Implications

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

*Community > A diverse, connected, safe and engaged community > Culture and community > Facilitate and create opportunities for social, cultural and physical activity in the City*

*Community > A diverse, connected, safe and engaged community > Community infrastructure > Develop and facilitate community infrastructure to respond to changing community needs and priorities*

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

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Enhanced environment and open spaces > Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores*

### Attachments

- 10.1.1 (a):** Attachment A - Council Rates Exemption Request for Curtin University Boat Club

### 10.1.2 Public Art Advisory Group - Terms of Reference Minor Amendment

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-18-74077
Meeting Date:	31 July 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

This report seeks Council approval for a minor amendment to the City's Public Art Advisory Group Terms of Reference (shown as **Attachment (a)**), to enable the recruitment of an additional Industry Representative.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That Council:

1. Approves a minor amendment for the City's Public Art Advisory Group Terms of Reference (shown as **Attachment (a)**); and
2. Notes the City will recruit a fourth Industry Representative to serve on the Public Art Advisory Group, in alignment with the revised Terms of Reference.

**CARRIED EN BLOC (8/0)**

#### Background

The Public Art Advisory Group was established in February 2015.

The purpose of the Public Art Advisory Group is to provide recommendations regarding public art projects; and contribute to the on-going development and implementation of the City's Public Art Strategy.

Current voting membership of the Public Art Advisory Group is as follows:

- Cr Colin Cala (Elected member representative);
- Cr Tracie McDougall (Elected member representative);
- Mr Mark Parfitt (Industry representative); and
- Ms Monique Laves (Industry representative).

The following City Officers also attend meetings to provide administrative support:

- Director Development and Community Services/Director Infrastructure Services (alternating);
- Manager Development Services;
- Coordinator Cultural Development; and
- Arts Officer.

On 24 April 2018, a report was presented at the Ordinary Council Meeting to recommend revised Terms of Reference for the Public Art Advisory Group. The recommendations included an amendment to the membership clause to increase the number of Industry representatives from two to three people. The report was subsequently endorsed by Council.

During May 2018 the City commenced a recruitment process to fill a place for the third Industry representative. Expressions of interest were received from six candidates, many of whom were of a very high calibre. Due to the strength of the pool of applicants; it is proposed that the City recruits two new Industry Representatives from the current pool of applicants. To facilitate this, a further minor change to the Terms of Reference will be required to provide for up to four Industry representatives (shown as **Attachment (a)**).

#### **Comment**

The minor amendment to the Public Art Advisory Group Terms of Reference is supported for the following reasons:

- It is accepted by the Public Art Advisory Group members.
- It will enable the City to take advantage of the pool of industry experts who have recently expressed an interest in membership of the Public Art Advisory Group.
- It will enhance and extend the range of expertise, experience and stakeholder perspectives represented on the Public Art Advisory Group, facilitating the continuing fulfilment of its role in providing advice and recommendations to the City.

#### **Consultation**

The City has undertaken consultation with the Public Art Advisory Group in the development of this report.

#### **Policy and Legislative Implications**

The following are relevant to this report:

- Policy P101 Public Art
- Policy P316 Developer Contribution for Public Art and Public Art Spaces
- Policy 112 Community Advisory Groups
- Delegated Authority Register
- Public Art Strategy

#### **Financial Implications**

There are no financial implications associated with amending the Public Art Advisory Group's Terms of Reference.

### Strategic Implications

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

*Community > A diverse, connected, safe and engaged community > Culture and community > Facilitate and create opportunities for social, cultural and physical activity in the City*

*Community > A diverse, connected, safe and engaged community > Community infrastructure > Develop and facilitate community infrastructure to respond to changing community needs and priorities*

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Enhanced environment and open spaces > Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores*

*Leadership > A visionary and influential local government > Engaged community > Engage with the community to contribute to the planning of activities in and around the City*

### Attachments

**10.1.2 (a):** Attachment A - Public Art Advisory Group - Revised Draft Terms of Reference

### 10.1.3 Engaging with the City's Young People

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	South Perth Youth Network (SPYN)
File Ref:	D-18-74079
Meeting Date:	31 July 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

On 10 April 2018 the City facilitated a workshop titled 'Engaging with the City's Young People' at the City's Civic Centre.

The workshop was led by representatives from the South Perth Youth Network (SPYN).

This report provides a summary of the workshop outcomes.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That Council receive the report on the 'Engaging with the City's Young People' workshop outcomes, which was held at the City's Civic Centre on 10 April 2018.

**CARRIED EN BLOC (8/0)**

#### Background

At the Ordinary Council Meeting held on 12 December 2017, a report was presented to Council on the South Perth Youth Network.

Council subsequently resolved:

1. To note that the South Perth Youth Network will continue to operate in its current form.
2. That a workshop be held to identify how young people can provide an informed youth voice in government, local government and community decision making processes; and recommend mechanisms for reporting and interacting with Council; and raise the profile of South Perth's young people.
3. A report is presented to Council on the workshop outcomes.

On 10 April 2018 a workshop titled 'Engaging with the City's Young People' was held at the City's Civic Centre. The workshop content involved:

- Snapshot of the City's young people;
- Demographic analysis of the City's young people;

**Engaging with the City's Young People**

- South Perth Youth Network (SPYN);
- Reports on issues affecting young people;
- Engagement models used by the City to engage young people; and
- Future recommendations to engage with local young people.

At the workshop three main strategies were recommended to optimise engagement with local young people, namely:

1. Know Your Audience - adapt communication and engagement to target young people;
2. Be Relevant - have an understanding of what is important to young people; and
3. Use Creative Engagement - use incentives to encourage engagement and involvement from young people (e.g. prizes).

**Comment**

This report provides the workshop outcomes, which are addressed in greater detail below.

**How Young People can provide an Informed Youth Voice in Government and Community Decision Making Processes**

The main ideas identified at the workshop were:

- Traditional communication mediums – young people are aware they can contact government departments via telephone; attend meetings; or send letters, emails and petitions about issues that are important to them. However, young people are less likely to use these communication mediums.
- Non-traditional/new communication mediums – young people prefer to use social media to communicate and express their ideas through online platforms, such as Facebook and Instagram.
- Community Engagement Mediums – young people are aware they can provide an informed voice for projects through online portals (such as South Perth's 'Your Say' portal; surveys; polls; and discussion forums).
- South Perth Youth Network – many local young people are aware they can attend SPYN meetings and participate in SPYN initiatives. However, it was identified that SPYN would benefit from undertaking an annual publicity campaign in local high schools to attract new members. SPYN could attempt to establish student body contacts within local secondary schools to tap into hubs of young people within the City. In addition, SPYN members could make contact with SPYN alumni or other interested parties (such as Curtin University and associated student bodies), who might be capable of representing the 18-24 year old demographic. If a broader membership was achieved, SPYN could consider electing a committee to represent their membership to ensure that any 'youth voice' is properly representative of youth in the City of South Perth.
- National, State and Regional Reference Groups – young people are aware they can join reference groups that are established by governments and other entities to provide community and stakeholder feedback on a range of issues at an operational and strategic level.

Mechanisms for Reporting and Interacting with Council

The main ideas identified at the workshop were:

- Councillor Bulletin – the City's Youth and Children's Officer provides regular reports in the Bulletin to inform Councillors about local youth events, programs and activities. A recent example was for 'Youth Week 2018'.
- Council Meetings – young people are aware they can attend Council meetings and participate in public question time; or make deputations.
- Council Workshops – young people are not aware they can attend Council workshops. It was suggested that SPYN members be invited to participate in additional future workshops if the topics are relevant to them.

Raising the Profile of South Perth's Young People

The main ideas identified at the workshop were:

- Volunteering – volunteering provides an excellent way to raise young people's profile because they are seen out in the community. Young people are aware they can volunteer at community events. Many local young people already volunteer during Youth Week and Australia Day; and others assist charities, community and sporting organisations. Students at Curtin also work with the Collier Park Village residents for Occupational Therapy and physiotherapy programs.
- Professional Development and Training – young people are aware they can attend local conferences; and participate in training opportunities. SPYN members have the existing opportunity to share the chairing duties for their monthly meetings to develop their leadership abilities. The City will also investigate sponsoring some of the SPYN members to attend youth conferences in the future (such as the annual National Youth Leaders conference).
- Community Events/Workshops/Competitions – young people have the opportunity to participate in events and other initiatives to raise their profile. For example, the City facilitates an annual 'Speak with Confidence Award' project for local primary school aged children to improve their communication and public speaking abilities. In addition, it was suggested at the workshop for the City to consider hosting an annual event where a selection of the young leaders from all our local schools are invited to a workshop style event that SPYN jointly hosts with the City to discuss youth and community issues.
- Marketing and promotion – the City will assist SPYN to raise its profile through the use of marketing and promotion avenues, such as: social media, newspaper stories, Peninsula Magazine articles etc.

**Consultation**

The City has undertaken consultation with the South Perth Youth Network in the development of this report.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

There are no financial implications associated with this report.

**Strategic Implications**

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

*Community > A diverse, connected, safe and engaged community > Culture and community > Facilitate and create opportunities for social, cultural and physical activity in the City*

*Community > A diverse, connected, safe and engaged community > Community Safety and Health > Facilitate and foster a connected and safe community*

*Leadership > A visionary and influential local government > Engaged community > Engage with the community to contribute to the planning of activities in and around the City*

*Leadership > A visionary and influential local government > Good Governance > Empower effective and quality decision-making and governance*

**Attachments**

Nil



Councillor Ken Manolas disclosed an Impartiality Interest in *Item 10.1.4 Tender 8/2017 Contract Variation "Management of the City of South Perth Australia Day Event"* as he is the owner of 193 Mill Point Road, South Perth.

#### 10.1.4 Tender 8/2017 Contract Variation "Management of the City of South Perth Australia Day Event"

Location: City of South Perth  
Ward: All  
Applicant: City of South Perth  
File Ref: D-18-74081  
Meeting Date: 31 July 2018  
Author(s): Patrick Quigley, Manager Community, Culture & Recreation  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Community: A diverse, connected, safe and engaged community  
Council Strategy: 1.1 Culture & Community

#### Summary

The City has undertaken a recent review of the Australia Day event contract and has identified a potential staffing risk.

This report proposes to address this issue by undertaking a contract variation to Tender 08/2017 for the 'Management of the City of South Perth Australia Day Event', which will result in Keos Events Pty Ltd accepting full responsibility for the nominated event staff for the remaining duration of the contract.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That Council:

1. Notifies Keos Events Pty Ltd that it is fully responsible for the human resource management, payment and occupation health and safety of its event staff involved in the City's Australia Day event.
2. Approves a contract variation to Tender 08/2017 for the 'Management of the City of South Perth Australia Day Event' by approving an annual \$50,000 contract payment increase to Keos Events Pty Ltd to be used for its Australia Day event staffing costs for the remaining duration of the contract.

**CARRIED (8/0)**

#### Background

Council will be aware that the City of South Perth has staged a large scale event on Sir James Mitchell Park on Australia Day since 2006 in support of the City of Perth 'Skyworks' event; and to address anti-social behaviour issues that occurred at the 2004 event. Due to the size and scale of the event, the City now contracts an experienced external Event Manager to manage all aspects of the Australia Day event.

On 25 July 2017 a report was presented to Council to consider submissions received from the advertising of Tender 08/2017 for the 'Management of the City of South Perth Australia Day Event'. Council subsequently resolved to approve the tender submitted by Keos Events Pty Ltd for the 'Management of the City of South Perth Australia Day Event' in accordance with Tender Number 08/2017 for a period of one year, with an option for a further four years (at yearly intervals), at the City's discretion, for the indicative price of \$541,532 excluding GST.

In particular, this estimated tender contract price relates to the management of the City's Australia Day event for up to a five year maximum period from 2018 to 2022 inclusive.

The City has undertaken a recent review of the Australia Day event contract and has identified a potential staffing risk. Peter Roaen from Keos Events Pty Ltd is the main 'Event Manager' for the City's Australia Day event, whose contractor costs are covered under Tender 08/2017. However, due to the large-scale nature of the event, four other staff are also contracted on a temporary basis to assist during the pre-event planning and event facilitation, namely:

1. Event Office Coordinator;
2. Staff Coordinator;
3. Logistics Coordinator; and
4. Vendor and Entertainment Coordinator.

In the past, the City paid these four staff directly out of the City's Australia Day event budget, yet these staff were recruited and supervised by the Event Manager (who is a contractor). The total salary cost paid by the City to the above staff is \$50,000 per annum.

This management model is not appropriate as it creates 'greyness' about who is responsible for these staff; and it exposes the City to potential occupational health and safety claims if these staff are injured. This issue is proposed to be addressed by approving a contract payment variation to Tender 08/2017 for the 'Management of the City of South Perth Australia Day Event', which will result in Keos Events Pty Ltd accepting full responsibility for the nominated event staff for the remaining duration of the Tender.

#### **Comment**

Australia Day is the largest event held in the City of South Perth each year. An estimated 150,000 people attended the South Perth foreshore to enjoy the Australia Day festivities in 2018. The proposed contract payment variation to Tender 08/2017 will enable the City to achieve more effective risk management practices regarding the Australia Day event staff who are contracted.

#### **Consultation**

Consultation has occurred with Keos Events Pty Ltd in the development of this report, who supports the proposed contract payment variation to Tender 08/2017. Consultation has also occurred with the City's Procurement Coordinator.

## Policy and Legislative Implications

### Local Government (Functions and General) Regulations 1996

#### 21A. Varying a Contract for the Supply of Goods or Services

*If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:*

- a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or*
- b) The variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).*

As previously stated, the event manager (Keos Events Pty Ltd) already oversees the recruitment and direct supervision of the Australia Day event staff, so the proposed contract variation will not change the project scope; which is in accordance with clause 21A of the above Regulations.

## Financial Implications

All costs associated with staging the 2019 Australia Day event are included in the City's 2018/19 Operating Budget. The proposed contract variation to Tender 08/2017 will result in \$50,000 being transferred from the event budget to Keos Events Pty Ltd to pay the nominated event staff directly.

The table below provides the estimated annual contractor payments to be made by the City to Keos Events Pty Ltd for the remainder of the Australia Day event contract period (at the City's discretion).

Year	Event Manager Costs	Event Assistants Costs	Total Costs
2019	110,364	\$50,000	\$160,364
2020	110,364	\$50,000	\$160,364
2021	110,364	\$50,000	\$160,364
2022	110,364	\$50,000	\$160,364
	<b>\$441,456</b>	<b>\$200,000</b>	<b>\$641,456</b>

*Note: The contract makes provision for annual 'rise and fall variations', whereby the Contractor is eligible to apply for a minor contract payment variation to reflect Consumer Price Index (CPI) adjustments. The table above does not include any CPI adjustments, as future CPI amounts are unknown at this time.*

## Strategic Implications

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

*Community > A diverse, connected, safe and engaged community > Culture and community > Facilitate and create opportunities for social, cultural and physical activity in the City*

*Community > A diverse, connected, safe and engaged community > Community safety and health > Facilitate and foster a connected and safe community*

*Leadership > A visionary and influential local government > Engaged community > Engage with the community to contribute to the planning of activities in and around the City*

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

*Economy > A thriving City activated by innovation, attractions and opportunities > Local Business > Embrace and facilitate unique events and attractions on or near foreshore areas and reserves around the City*

**Attachments**

Nil

### 10.1.5 Tender 6/2018 "Supply the Services of Plant with Skilled Operator to Carry out Minor Works"

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Reference:	D-18-74083
Meeting Date:	31 July 2018
Author(s):	Len Dalton, Works and Services Coordinator
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 considers submissions received from the advertising of Tender 6/2018 *Supply the Services of Plant with Skilled Operator to Carry out Minor Works*.

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That:

- (a) the Council approves the tender submitted by MMM (WA) Pty Ltd for *Supply the Services of Plant with Skilled Operator to Carry out Minor Works* in accordance with Tender 6/2018 for the period of supply up to 2021 inclusive, with options for two one (1) year extensions at the discretion of the City.
- (b) the resolved tender price be included in the Minutes of this meeting.

**CARRIED EN BLOC (8/0)**

#### Background

A Request for Tender (RFT) 6/2018 for *Supply the Services of Plant with Skilled Operator to Carry out Minor Works* was advertised in The West Australian on Saturday 7 April 2018 and closed at 2pm (AWST), on Thursday 3 May 2018 at the Civic Administration Centre, Sandgate Street, South Perth.

Tenders were invited as a *Schedule of Rates*.

The RFT is for *Supply the Services of Plant with Skilled Operator to Carry out Minor Works*.

The contract is for a three year (3) period from the date on the letter of engagement with an option for two one (1) year extensions at the discretion of the City.

### Comment

At the close of the tender advertising period eight (8) submissions had been received and these are tabled below:

TABLE A – Tender Submission

Tender Submission
1. JSB Fencing and Machinery Hire Pty Ltd ATF The Blackaller Trust
2. Citywide Civil Contractors
3. Industrial Roadpavers (WA) Pty Ltd
4. MMM (WA) Pty Ltd
5. Sherrin Rentals Pty Ltd
6. Platinum Plant & Equipment Hire Pty Ltd, the trustee for Platinum Plant & Equipment Unit Trust
7. Egan Civil Pty Ltd t/as Castle Civil
8. Certa Plant Hire

The Tenders were initially reviewed to ensure compliance. Four (4) submissions were deemed non-complaint and did not proceed to evaluation. The remaining four (4) compliant submissions were assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B – Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant experience	60%
2. Key personnel, skills and resources	20%
3. Demonstrated understanding	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 6/2018 *Supply the Services of Plant with Skilled Operator to Carry out Minor Works*, it is recommended that the tender submission from MMM (WA) Pty Ltd be approved by Council.

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

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

#### **Financial Implications**

The full cost of the works is reflected in the 2018/2019 budget/s.

#### **Strategic Implications**

The report is consistent with Council's [Strategic Community Plan 2017-2027](#):

*Community > A diverse, connected, safe and engaged community > Culture and community > Develop and facilitate community infrastructure to respond to changing community needs and priorities*

#### **Attachments**

- 10.1.5 (a):** Tender 6/2018 - Supply the Services of Plant with Skilled Operator to Carry out Minor Works - Recommendation Report *(Confidential)*

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

### 10.3.1 Proposed Change of Use from Single House to Consulting Rooms - Lot 9 (No. 419) and Part of Lot 8 (No. 417) Canning Highway, Como

Location:	Como
Ward:	Como Ward
Applicant:	Jing Ming Dong
File Reference:	D-18-74085
DA Lodgement Date:	5 January 2018
Meeting Date:	31 July 2018
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 Single House to Consulting Rooms on Lot 9 No. 419 and part of Lot 8 No. 417 Canning Highway, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use ('DC' Use)	TPS6 clause 3.3
Minimum Lot Size prescribed by Table 4 of the TPS6	TPS6 clause 7.8(1)
Locational Requirement for Consulting Rooms prescribed by Table 4 of the TPS6	
Car parking provision	

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Change of Use from Single House to Consulting Rooms on Lot 9 No. 419 and part of Lot 8 No. 417 Canning Highway, Como, **be approved** subject to:

#### (a) Conditions

1. Prior to the submission of an Occupancy Permit application, revised plans shall be submitted, to the satisfaction of the City that incorporate the following:
  - i) A revised Landscaping Plan being submitted.
2. The development shall be in accordance with the stamped plans at all times unless otherwise authorised by the City.



3. In accordance with Table 4 of the City's Town Planning Scheme a maximum of 2 practitioners are permitted to operate and consult within the approved consulting rooms at all times.
4. Prior to the submission of an Occupancy Permit application, a legal agreement shall be formulated at the applicant/landowner's cost to allow reciprocal land use arrangements between No. 419 and No. 417 Canning Highway in relation to car parking and right of carriageway in perpetuity to the satisfaction of the City of South Perth.
5. Prior to the submission of an Occupancy Permit application, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
6. Car parking bays no. 1-3 shall be restricted to staff use only with appropriate markings or sign posts.
7. Prior to the submission of an Occupancy Permit application, the car parking bays and accessways shall be marked on site as indicated on the stamped plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.
8. The days and hours of operation shall be limited to:  
8:00AM – 6:00PM Monday to Friday  
8:00AM – 12:00PM Saturday  
Closed Sunday
9. 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.
10. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
11. The following additional conditions as advised by Main Roads Western Australia –
  - (i) No vehicular access to Canning Highway is permitted. All vehicle access shall be restricted to the reciprocal right of way as identified on the attached plan titled, site Development Plan, prepared by Interite Health Care Interiors;
  - (ii) No development or car parking, other than landscaping shall be permitted on the land as shown required for future road purposes on the enclosed Drawing. No 201DOT040 Rev 0, dated 11 November 2011.
  - (iii) Redundant driveway (on to Canning Highway) shall be removed and the verge and its vegetation reinstated to the City of South Perth's standards at the applicant's cost.

**(b) Advice Notes**

1. PN01
2. PN02
3. PN05
4. Main Roads Western Australia advises the landowner/applicant with regard to Canning Highway:
  - (i) No earthworks are to encroach onto the road reserve;
  - (ii) No stormwater drainage is to be discharged onto the road reserve; and
  - (iii) The landowner/applicant shall make good any damage to the existing verge.
5. The City's Engineering Department provides the following advice:

*General comments*

The rear parking bays provided will be suitable to access.

*Property line levels*

Property line levels and footpath levels are to remain unaltered.

*Drainage*

The proposed development is a Type 1 Residential Building located within the Como Precinct, as defined in Policy P354 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M354.

The developer is to ensure all stormwater landing within their property is retained within their property. The design will need to meet the requirements outlined in:

[http://intranet.cosp.internal/docs/management\\_practices/M354.pdf](http://intranet.cosp.internal/docs/management_practices/M354.pdf)

The developer is to ensure suitable stormwater soakwells are installed to address flows coming from parking hardstands. The developer is to ensure stormwater cannot flow from the road or footpath into the property by suitable fencing and crossing levels and/or drainage grates along the property boundary.

6. All mechanical ventilation services, motors and pumps e.g. air conditioners to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

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

**CARRIED EN BLOC (8/0)**

## 1. Background

The development site details are as follows:

<b>Zoning</b>	Residential/MRS Primary Regional Road Reservation
<b>Density coding</b>	R40
<b>Lot area</b>	Approx. 667 sq. metres (excluding road reservation)
<b>Building height limit</b>	7.0 metres

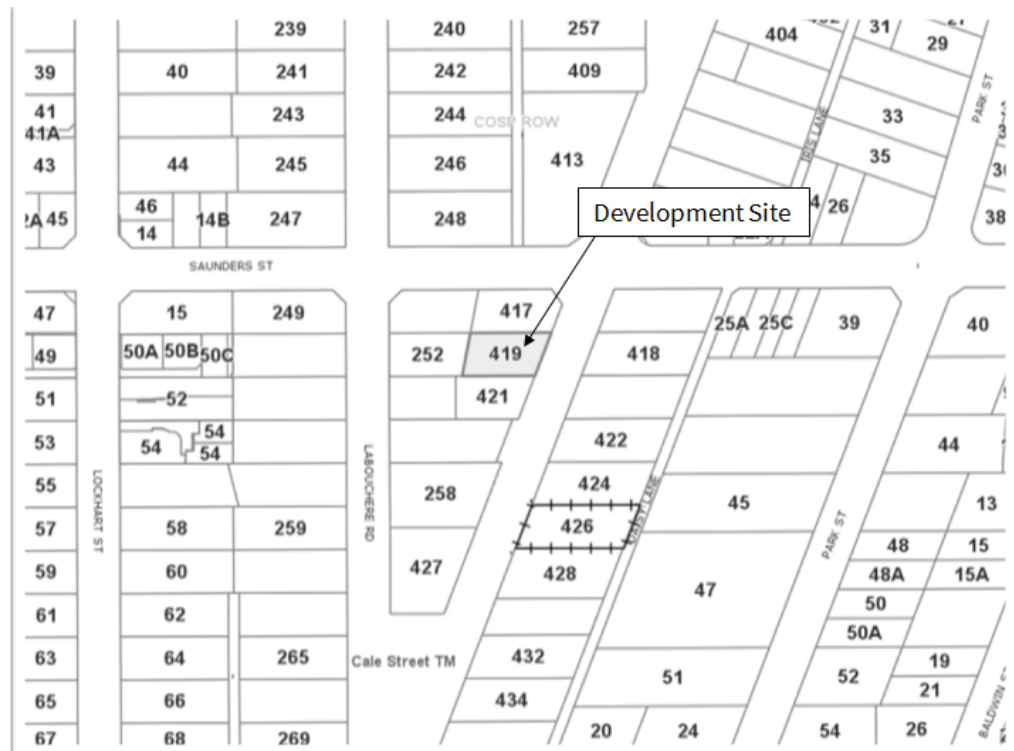


Figure 1: Location Map of 419 Canning Highway

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

### 1. Specified uses

(g) Non-residential “DC” uses within the Residential zone;

### 3. The exercise of a discretionary power

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

## 2. Comment

### (a) Background

In January 2018, the City received a development application for proposed Change of Use from a Residential Single House to Consulting Rooms on Lot 9 No. 419 Canning Highway, Como (the **Site**). It is noted that Council approved a Consulting Room land use on the adjoining property (No. 417 Canning Highway) at its meeting of 25 August 2015. Both properties are under the same ownership.

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

The existing development on the site currently features an older, single residential dwelling and outbuildings, as depicted in the site photographs at **Attachment (a)**. The subject site slopes away from Canning Highway with the rear portion of the site proposed to be filled and retained.

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

The site has a frontage to Canning Highway to the east and is adjoining an existing Consulting Room property to the north. The site is surrounded predominantly by low to medium density residential dwellings (R20 – R60) as depicted in Figure 2 below:



Figure 2: Aerial Image of Subject Site

**(d) Description of the Proposal**

The proposal involves the demolition of the existing outbuilding at the back of the site and internal modifications to allow the existing residential dwelling to be altered for the use as 'Consulting Rooms'. The existing residential dwelling has a floor space of 110m<sup>2</sup>. A retaining wall is proposed to be erected along the rear boundary of the subject site.

Given both properties are under the same ownership, the proposal also seeks to gain reciprocal vehicle access from Saunders Street to the north through No. 417 Canning Highway. Two proposed car parking bays also straddle both properties.

As a result of the City's planning assessments, plans have been modified a number of times. A copy of the applicant's final plans can be found at **Attachment (b)**. An amended Landscaping Plan that incorporates current car parking bays layout will be required to be provided. A planning condition to this effect has been recommended to be imposed.

The following planning aspects require a discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (TPS6) and/or Council Policy requirements:

- (i) Land Use (TPS6 clause 3.3);
- (ii) Minimum Lot Size (TPS6 Table 4);
- (iii) Locational Requirement (TPS6 Table 4); and
- (iv) Car parking and access (TPS clause 6.3);

These discretionary matters are further discussed below.

**(e) Land Use**

The subject land is zoned Residential (density coding of R40) under TPS6. 'Consulting Rooms' are a 'DC' use (discretionary with consultation) in the Scheme's zoning table. 'DC' uses may be approved by Council after suitable neighbourhood consultation has taken place.

In considering this discretionary land use, no submissions were received during the neighbourhood consultation period. It is also noted that the proposal adjoins an existing 'consulting room'. It is therefore considered that the proposed land use is suitable for this location subject to satisfying other planning requirements.

**(f) Minimum lot size**

Table 4 of the TPS6, prescribes that Consulting Rooms when proposed within residential zones should have a minimum lot size of 900m<sup>2</sup>. Clause 7.8(1)(a)(i) of TPS6 allows the local government to approve variations to prescribed minimum lot areas if the local government considers that requirements of clause 7.8 (1)(b) are being satisfied. Clause 7.8(1)(b) states the following:

*(b) The power conferred by this sub-clause may only be exercised if the local government is satisfied that:*

- (i) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (iii) the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct plan for that precinct.*

The subject site has an approximate lot size of 667m<sup>2</sup> (excluding Canning Highway reservation) representing a 25% shortfall in the required site area. The rationale for requiring a minimum lot size of 900m<sup>2</sup> is to ensure that there is sufficient space to accommodate the Consulting Room use, operation and any associated development without resulting in conflict with adjoining residential uses.

While the proposal does not comply with the minimum lot size as prescribed in Table 4, it can utilise space for parking and access on the adjoining lot on No. 417 Canning Highway as both properties are under the same ownership. A legal agreement will however be required to be formulated in order for both properties to share right of carriageway and car parking in perpetuity in the event that one of the properties is sold.

It is considered that the site, despite a variation to the minimum lot size, can utilise parking space and right of carriageway on the adjoining property without causing inconvenience or an unacceptable adverse amenity impact upon occupiers and nearby inhabitants. The proposed variation will satisfy the requirements of clause 7.8(1)(b).

**(g) Locational Requirement**

Table 4 of the TPS6 prescribes that Consulting Rooms will not be permitted on sites having frontage to Canning Highway unless it is situated on a corner site. The rationale of this requirement is to ensure that future traffic will only use side streets instead of Canning Highway, avoiding unnecessary interruptions to highway traffic flow, and road safety is maintained. Clause 7.8(1)(a)(i) of TPS6 allows the local government to approve variations to car parking or related matters if the local government considers that requirements of clause 7.8 (1)(b) are being satisfied.

The proposal seeks to access the site from the northern adjoining property from Saunders Street through a reciprocal vehicle access arrangement and erect a fence along Canning Highway frontage to provide for pedestrian access only. As advised by Main Roads Western Australia (MRWA), no objection was raised and a planning condition restricting access from Canning Highway has been recommended to be imposed.

Clause 7.8 of TPS6 does not explicitly give discretion to a location requirement of the Scheme, however it is interpreted that the local government has the ability to grant discretion as a matter relating to car parking, having regard to the rationale of the requirement and the site layout. It is therefore considered that this variation satisfies clause 7.8(1)(b) and can be supported with strict conditions that restrict vehicular access to and from Canning Highway.

(h) **Car Parking and Access**

The car parking calculation is provided below:

Land Use	TPS6 Requirement	Proposed	Shortfall
Proposed use - Consulting Rooms (Scheme requirements)	1 car parking bay every 19m <sup>2</sup> of GFA with a minimum of 6; plus 1 for every person employed on the premises - 110/19 =5.79 -> 6 bays plus 3 employees -> 9 bays	7 bays	-2 bays (9-7=2)
Proposed use - Consulting Rooms (Scheme and P315 requirements)	After applying policy Adjustment Factor (located within 400m from a bus stop) 9x0.85=7.65 (8bays)	7 bays	-1 bay (8-7=1)

Council discretion - cl. 6.3(4)

On the basis of the above parking calculation, the proposal contains a shortfall of one (1) parking bay.

Clause 6.3(4) provides the local government discretion to approve a car parking deficit if it is satisfied that the **peak parking demand** for different uses on the development site is being met.

The adjoining site, No. 417 Canning Highway, was granted development approval for a change of use to Consulting Rooms in 2015. Nine (9) parking bays were required to be provided for this land use.

Combined with seven (7) car parking bays being proposed for this development, there is a total of 16 car parking bays across both sites. The applicant advised that the proposed Consulting Rooms is a skin cancer clinic with all patients attending the site by appointments. If three (3) car parking bays were assigned to each consultant, it would allow one patient seeing the consultant with the other waiting. Four (4) additional bays are considered to be sufficient for staff use. With a maximum of four (4) consultants being onsite, it is considered that 16 car parking bays will be able to satisfy the peak parking demand on the basis of a reciprocal parking arrangement across both sites.

In addition, it is expected that some patients may utilise public transport or other alternative modes of transport to attend the clinic. It is noted that two (2) bicycle parking spaces are also proposed to be provided on site.

The proposed car bays no. 1-3 will have slight egressing difficulties and are recommended to be used by staff only. A planning condition has been recommended to be imposed to this effect.

**(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:

- (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;*

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

<b>Matters</b>	<b>Officer's Comment</b>
<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 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 development adjoins an existing Consulting Rooms land use that was approved in August 2015. To date, no issues have been brought to the City's attention regarding the existing land use.  It is therefore considered that the proposed Consulting Rooms will be compatible with the surrounding environment subject to the recommended conditions.
<i>(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</i>	The existing amenity of the locality will change as a result of this development, however the development largely satisfies the planning requirements of TPS6.  The proposal contains building renovation works to the existing old building and will be an improvement to the existing streetscape amenity.



<i>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</i>	A detailed Landscaping Plan has been submitted with this application. (Refer to <b>Attachment b</b> )  Conditions of approval will address this matter.
<i>(s) the adequacy of – (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	The access to and egress from the proposed development will be via Saunders Street through a reciprocal access and parking arrangement. Conditions of approval will address this matter.
<i>(t) 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>	The Main Roads WA provides no objection to the proposed development subject to all vehicular access to be via Saunders Street. The recommended conditions and advice notes from this agency have been included in the Recommendation.
<i>(za) the comments or submissions received from any authority consulted under clause 66;</i>	The City has considered the comments from Main Roads WA (Refer to <b>Attachment d</b> ) and the recommended conditions and advice notes have been included in the Recommendation.

### 3. Consultation

#### (a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, nearby individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, 72 consultation notices were sent. No submissions were received during the Neighbour Consultation period.

**(b) Internal Administration**

Comments were invited from Engineering Infrastructure and Environmental Health sections of the City's administration.

The City's Engineering Infrastructure section was invited to comment on a range of issues relating to vehicle movements, car parking and traffic generated from the proposal. A copy of the comments is provided at **Attachment (c)**.

The Environmental Health section provided comments with respect to noise. This section raises no objections and has provided recommended advice notes.

Accordingly, planning conditions and advice notes are recommended to respond to the comments from the above sections.

**(c) External Agencies**

Comments were also invited from the Main Roads Western Australia.

The Main Roads WA provided comments with respect to vehicular access to Canning Highway, regional reserve and redundant driveway. This agency raises no objections and recommends standard conditions and/or notes be placed on the approval. A copy of the comments is provided at **Attachment (d)**.

Accordingly, planning conditions and advice notes are recommended to respond to the comments from the above State Agency.

**4. 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.

**5. Financial Implications**

This determination has some financial implications – if the applicant were to appeal the determination at the State Administrative Tribunal, the City would be required to seek representation (either internal or external).

**6. Strategic Implications**

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

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

**7. Sustainability Implications**

Being low impact non-residential land use in a residential area, it is considered that the development enhances sustainability by endeavouring to achieve a balance between the social needs of the residents in the neighbourhood and financial needs of the subject property owners to enable them to meet the requirements of a growing family.

**10.3.1 Proposed Change of Use from Single House to Consulting Rooms - Lot 9 (No. 419) and Part of Lot 8 (No. 417) Canning Highway, Como**

**8. Conclusion**

It is considered that the proposal meets all of the relevant Scheme and Council Policy objectives and provisions subject to recommended conditions and advice notes. The proposed Consulting Room land use is adjoining an existing similar land use and will not have a significant adverse impact on the neighbouring residential properties. Vehicular access through the adjacent property to Saunders Street will not cause unnecessary interruption to traffic flow of Canning Highway and traffic safety concern. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.1 (a):** Attachment (a) - Site Photographs
- 10.3.1 (b):** Attachment (b) - Final Plans
- 10.3.1 (c):** Attachment (c) - Engineering Comments
- 10.3.1 (d):** Attachment (d) - Main Roads WA comments

Mayor Sue Doherty disclosed an Impartiality Interest in *Item 10.3.2 Proposed Naming of Right of Way No. 68* as her hairdresser requested this Right of Way be named.

### 10.3.2 Proposed Naming of Right of Way No. 68

Location:	Right of Way No. 68, off Moresby Street, Kensington
Ward:	Moresby Ward
Applicant:	City of South Perth
File Ref:	D-18-74088
Meeting Date:	31 July 2018
Author(s):	Sarah Wickham, Projects Officer - Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

This report analyses feedback following consultation on the proposal to name Right of Way No. 68 “Tinsel Lane”, with “Nivea Lane” and “Flannel Lane” submitted to the Geographic Names Team as alternatives. One submission of support was received during the consultation period. It is recommended that the name “Tinsel Lane” for Right of Way No. 68 be supported.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Greg Milner

**Seconded:** Councillor Colin Cala

That:

- a) Council support naming Right of Way No. 68;
- b) Council support the name “Tinsel Lane” for Right of Way No. 68, with alternative names of “Nivea Lane” or “Flannel Lane” should the first name be rejected;
- c) The City submit a request to the Geographic Names Team (Landgate) to name Right of Way No. 68 as per (b).

**CARRIED (8/0)**

#### Background

At its meeting of 24 April 2018 the Council resolved that:

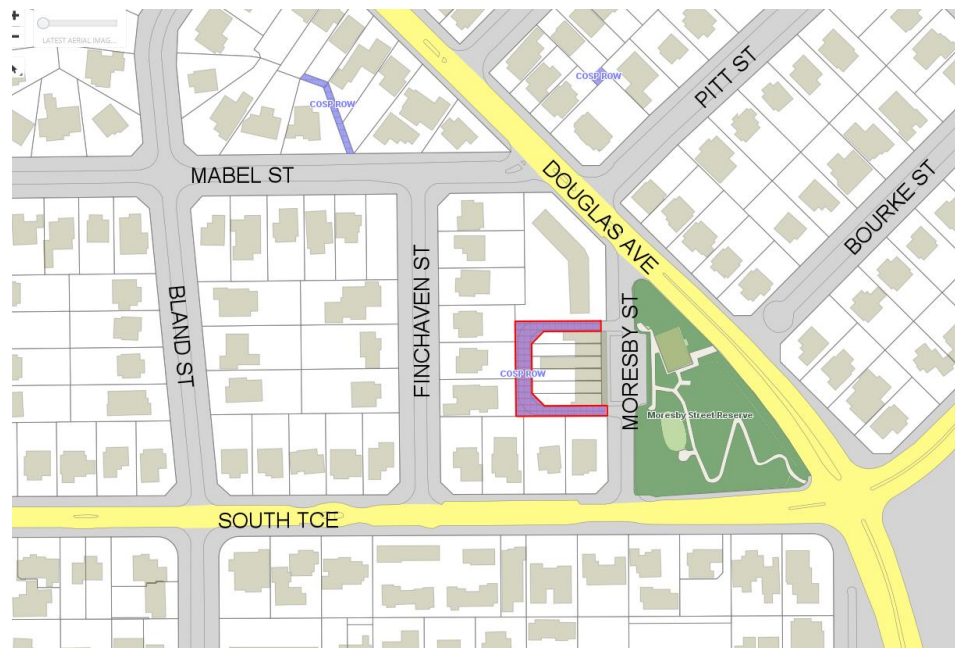
- (a) the City write to the owners and occupiers adjoining Right of Way No. 68 and request comment be provided to the City within 30 days of the letter on:
  - i. the proposal to name Right of Way No. 68,
  - ii. the proposal to name the right of way “Tinsel Lane”, with “Nivea Lane” and “Flannel Lane” as alternatives should the Geographic Names Team reject the first preference; and

- (b) after the comment period has closed, a report analysing the feedback be presented to Council.

The consultation has now been undertaken. This report analyses feedback and recommends the next step.

### Location

The proposed road name is for Right of Way No. 68, which wraps around the shops in Moresby Street, Kensington. The location of the right of way is shown in Figure 1 over page. It is identified as Lot 5344 on P/D 6097. A plan of the right of way to be named is shown at **Attachment (a)**.



**Figure 1: Location Plan**

Eight properties have vehicular access from the right of way, one of those is to a block of flats, another is primary vehicular and pedestrian access to a single house, the remainder is secondary access.

Right of Way No. 68 is paved, drained, and has street lighting.

### Decision Maker and Landgate Policy

Under delegation from the Minister for Lands, the Geographic Names Team (based at Landgate) is the decision maker regarding naming of roads and laneways. Landgate's "Policies and Standards for Geographical Naming in Western Australia" guides the naming of roads and laneways.

The policy requires that the local government support the proposed name(s). Landgate's policy also has numerous requirements regarding the selection of names, e.g. not being within 10km of the same name within the metro area, and not sounding like another name within the local government area. The policy also has requirements regarding consultation with the community.

The procedures to lodge a naming request recommend supplying more than one name, in order of preference, in case the first choice is rejected.

Need to Name

The need to for this ROW to be named is evident with there being approved primary access to dwelling and properties from the ROW. With this comes the need for those properties to be given an address from the ROW so that visitors, mail, utility providers and emergency services can easily locate the property.

Naming Theme

The theme used for naming right of ways within the district to date is ‘flowering species’, with a preference for endemic species.

The Council has previously adopted (item 10.0.2 on 26 October 2010) a list of names approved for the naming of future right-of-way’s within the City (see **Attachment (b)**), subject to availability at the time.

Proposed Names

**Tinsel Lane** was advertised as the first preference for the Right of Way No. 68 naming. **Nivea Lane** and **Flannel Lane** were advertised as alternatives should the Geographic Name Team reject the first preference. Background to each of the names was provided in the letters to the neighbours (see **Attachment (c)**).

All of these names are endemic to Australia, meet of the requirements of “Policies and Standards for Geographical Naming in Western Australia” and pass Landgate’s “Preliminary Validation Test” as at 13 July 2018.

Nivea and Flannel are on the Council’s list of possible names for right of ways.

**Comment**

One submission was received during the consultation period and is summarised in the table below.

Submitter	Submitter’s Response	Suggested Alternative Names
Individuals, 2	Support Live in the right of way and naming will help visitors & mail deliveries find the dwellings more easily. Like the name “Tinsel Lane”.	-

This submission was received from the same people who requested the right of way naming. No other responses were received.

Where objections to a proposal are received, Landgate’s policy states the following:

“Statements of objection that do not refer directly to ways in which the proposal does not conform to the guidelines must be discarded and cannot be included in the data analysis of community support.

Objections must be addressed when they raise an issue of the proposal not complying with the principles and procedures outlined in the guidelines. If it can be shown that the proposal does not conform to the requirements of the guidelines the local government must alter or abandon the proposal.” (pg 82)

No objections were received, and the significant majority of those written to did not respond. Landgate's policy allows for non-responses to be considered tacit support of the proposal. While more responses from the neighbours would have been more helpful in determining community support, in this case with one positive response and no other responses received the proposal can be considered to have community support.

### Consultation

In accordance with the City's policy "P301 Community Engagement in Planning Proposals" and Section 1.8.1 "Consulting with the community" in Landgate's "Policies and Standards for Geographical Naming in Western Australia" the naming proposal was advertised for a period of 30 days plus additional days to allow for the long weekend; consultation commenced on 3 May and concluded 5 June 2018. The consultation was by way of 33 notices printed on letterhead, posted directly to the owners and occupiers of the lots adjoining the right of way. A copy of the notice is shown at **Attachment (c)**.

At the conclusion of the consultation period, one submission was received which is summarised in the 'Comment' section above with further comment made there.

### Policy and Legislative Implications

There are no legislative implications in relation to this report. However, in selecting names and analysing the neighbours feedback, the Council must be mindful of Landgate's "Policies and Standards for Geographical Naming in WA". Comments on this and related Council policies are made elsewhere in this report.

### Financial Implications

Should the naming request be approved by the Geographic Names Team, street signs will be required to be erected at the Council's expense.

### Strategic Implications

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

*Environment (Built and Natural) > Sustainable urban neighbourhood > Connected and accessible City > Facilitate a safe, efficient and reliable transport network*

### Attachments

- 10.3.2 (a): Plan of Proposed Naming of Right of Way No. 68
- 10.3.2 (b): Road names previously adopted by Council for future use
- 10.3.2 (c): Consultation Letter for Right of Way No. 68 Naming

### 10.3.3 Proposed Naming of Right of Way No. 74

Location:	Right of Way No. 74, which is bounded by Thelma Street, Labouchere Road, Alston Avenue and Lockhart Street in Como
Ward:	Como Ward
Applicant:	City of South Perth
File Ref:	D-18-74091
Meeting Date:	31 July 2018
Author(s):	Sarah Wickham, Projects Officer - Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

This report analyses feedback following consultation on the proposal to name Right of Way No. 74 “Dahlia Lane”, with “Peony Lane” and “Nerine Lane” submitted to the Geographic Names Team as alternatives. Two submissions were received during the consultation period with one objection and one supporting the proposed name. It is recommended that the name “Dahlia Lane” for Right of Way No. 74 be supported.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That:

- a) Council support naming Right of Way No. 74;
- b) Council support the name “Dahlia Lane” for Right of Way No. 74, with alternative names of “Peony Lane” or “Nerine Lane” should the first name be rejected;
- c) The City submit a request to the Geographic Names Team (Landgate) to name Right of Way No. 74 as per (b).

**CARRIED EN BLOC (8/0)**

#### Background

At its meeting of 24 April 2018 the Council resolved that:

- (a) the City write to the owners and occupiers adjoining Right of Way No. 74 and request comment be provided to the City within 30 days of the letter on:
  - i. the proposal to name Right of Way No. 74,
  - ii. the proposal to name the right of way “Dahlia Lane”, with “Peony Lane” and “Nerine Lane” as alternatives should the Geographic Names Team reject the first preference; and



- (b) after the comment period has closed, a report analysing the feedback be presented to Council.

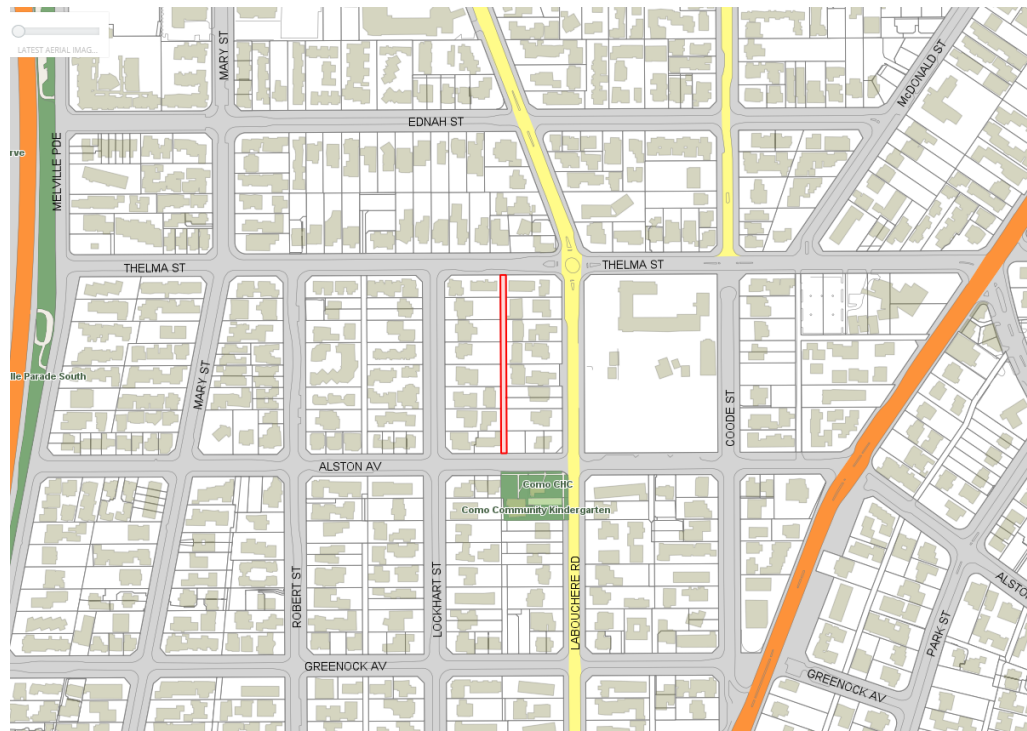
The consultation has now been undertaken. This report analyses feedback and recommends the next step.

### Location

The proposed road name is for Right of Way No. 74, which is bounded by Thelma Street, Labouchere Road, Alston Avenue and Lockhart Street in Como. The location of the right of way is shown in **Figure 1** over page. A plan of the right of way to be named is shown at **Attachment (a)**.

Six properties have vehicular access from the right of way, and there are 5 pedestrian gates.

Right of Way No. 74 is paved and drained. There is no street lighting.



**Figure 1: Location Plan**

### Decision Maker and Landgate Policy

Under delegation from the Minister for Lands, the Geographic Names Team (based at Landgate) is the decision maker regarding naming of roads and laneways. Landgate's "Policies and Standards for Geographical Naming in Western Australia" guides the naming of roads and laneways.

The policy requires that the local government support the proposed name(s). Landgate's policy also has numerous requirements regarding the selection of names, e.g. not being within 10km of the same name within the metro area, and not sounding like another name within the local government area. The policy also has requirements regarding consultation with the community.

The procedures to lodge a naming request recommend supplying more than one name, in order of preference, in case the first choice is rejected.

#### Need to Name

As all the properties have established primary access from the roads, the main reason to name this right of way is to simplify the giving of directions to trades and deliveries to the back of properties. However, there remains potential for some lots to have primary vehicle access from the right of way. With this comes the need for those properties to be given an address from the right of way so that visitors, mail, utility providers and emergency services can easily locate the property.

#### Naming Theme

The theme used for naming right of ways within the district to date is ‘flowering species’, with a preference for endemic species.

Nearby, in the block bounded by Thelma Street, Canning Highway, Alston Avenue and Coode Street are two right of ways that are not named after endemic species; they are named Azalea Lane and Orchid Lane. Further afield there is also Daisy Lane, Iris Lane and Flax Lane, all named after species that are not native to Australia.

The Council has previously adopted (item 10.0.2 on 26 October 2010) a list of names approved for the naming of future right-of-way’s within the City (see **Attachment (b)**), subject to availability at the time.

#### Proposed Names

**Dahlia Lane** was advertised as the first preference for the Right of Way No 74 naming. **Peony Lane** and **Nerine Lane** were advertised as alternatives should the Geographic Name Team reject the first preference. Background to each of the names was provided in the letters to the neighbours (see **Attachment (c)**).

These names are not endemic to Australia. These names do meet the requirements of “Policies and Standards for Geographical Naming in Western Australia” and pass Landgate’s “Preliminary Validation Test” as at 13 July 2018.

**Comment**

Two submissions were received during the consultation period and are summarised in the table below.

Submitter	Submitter's Response	Suggested Alternative Names
Individual, 1	<p>Object.</p> <p>Few, if any deliveries to their knowledge. More likely to be a surreptitious stage of re-zoning to allow new developments to have access from a named lane way.</p> <p>Laneway is unkempt and naming would be an injustice to these species. A species of weed would be more relevant.</p>	No specific suggestion made on proposed naming of Right of Way No. 74..
Individuals, 2	<p>Support.</p> <p>Agree and support the rationale enabling simpler directions to trade and deliveries as have experienced regular issues in the past.</p> <p>Fully endorse the proposed names.</p>	-

The submission supporting the proposed naming was received from the same people who requested the City name Right of Way No. 74.

The properties abutting Right of Way No. 74 are zoned Residential R20/30. Where a development is proposed to be developed at the higher coding vehicle access to the laneway is encouraged. There are no plans currently to change the existing zoning of the properties abutting Right of Way No. 74.

Regarding the lane being unkempt, Infrastructure Services has been advised of this. The naming suggestion of a species of weed is taken as a sarcastic remark.

With there being an objection received, Landgate's policy on how to consider an objection needs to be considered.

“Statements of objection that do not refer directly to ways in which the proposal does not conform to the guidelines must be discarded and cannot be included in the data analysis of community support.

Objections must be addressed when they raise an issue of the proposal not complying with the principles and procedures outlined in the guidelines. If it can be shown that the proposal does not conform to the requirements of the guidelines the local government must alter or abandon the proposal.” (pg 82)

The objection received does not discuss any matters that relate to conforming to Landgate's guidelines, principles or procedures. Therefore, within this framework, the objection can be discarded.

Landgate's policy also allows non-responses to be considered tacit support of the proposal. While more responses from the neighbours would have been more helpful in determining community support, in this case with one positive response and one discarded objection received, the proposal can be considered to have community support.

### Consultation

In accordance with the City's policy "P301 Community Engagement in Planning Proposals" and Section 1.8.1 "Consulting with the community" in Landgate's "Policies and Standards for Geographical Naming in Western Australia" the naming proposal was advertised for a period of 30 days plus additional days to allow for the long weekend; consultation commenced on 3 May and concluded 5 June 2018. The consultation was by way of 59 notices printed on letterhead, posted directly to the owners and occupiers of the lots adjoining the right of way. A copy of the notice is shown at **Attachment (c)**.

At the conclusion of the consultation period, two submissions were received which are summarised in the 'Comment' section above with further comment made there.

### Policy and Legislative Implications

There are no legislative implications in relation to this report. However, in selecting names and analysing the neighbours feedback, the Council must be mindful of Landgate's "Policies and Standards for Geographical Naming in WA". Comments on this and related Council policies are made elsewhere in this report.

### Financial Implications

Should the naming request be approved by the Geographic Names Team, street signs will be required to be erected at the Council's expense.

### Strategic Implications

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

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Connected and accessible City > Facilitate a safe, efficient and reliable transport network*

### Attachments

- 10.3.3 (a): Plan of Proposed Naming of Right of Way No. 74
- 10.3.3 (b): Road names previously adopted by Council for future use
- 10.3.3 (c): Consultation Letter for Right of Way No. 74 Naming

### 10.3.4 Additions & Alterations and Change to Opening Hours of Child Day Care Centre at Lot 10 (No. 64) Mill Point Road, South Perth

Location: Lot 10 (No. 64) Mill Point Road, South Perth  
Ward: Mill Point Ward  
Applicant: Sanpoint Pty Ltd  
File Reference: D-18-74093  
DA Lodgement Date: 25 May 2018  
Meeting Date: 31 July 2018  
Author(s): Brendan Philipps, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

To consider an application for planning approval for additions and alterations, and change to opening hours of a Child Day Care Centre at Lot 10 (No. 64) 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
Opening Hours and Revised Parking Layout	'Deemed Provisions' cl. 77(1)(c)

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Glenn Cridland

That:

- a) the Council accepts that this application is appropriate for consideration in accordance with Schedule 2 Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015;
- b) 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 the additions and alterations, and change to opening hours of a Child Day Care Centre at Lot 10 (No. 64) Mill Point Road, South Perth be approved subject to:

1. Amended condition number 4:

Condition 4 of the approval dated 27 September 2016 be amended as follows:

*(4) The maximum operating hours of the Child Day Care Centre shall be strictly limited from 6:30am to 7:00pm, Monday to Friday and 7:00am to 4:30pm on Saturday, with no children playing outside permitted prior to 7:00am.*

## 2. Amended condition number 7:

Condition 7 of the approval dated 27 September 2016 be amended as follows:

*(7) The car parking bays shall be marked onsite, as indicated on the approved site plan, in order to comply with the requirements of Clause 6.3(10)(c) of Town Planning Scheme No. 6, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.*

## 3. New condition number 17:

*(17) The Parking Management Plan (ref. Parking Management Plan 2018: Studio 64 Early Learning) shall be implemented and adhered to all times, to the satisfaction of the City.*

All other conditions and requirements detailed on the previous approval dated 27 September 2016 shall remain.

**CARRIED (5/3)**

## 1. Background

The development site details are as follows:

<b>Zoning</b>	Mixed Use Commercial
<b>Density coding</b>	R80/R100
<b>Lot area</b>	918m <sup>2</sup>
<b>Building height limit</b>	24.5 metres
<b>Development potential</b>	Approximately 7-8 storey building
<b>Plot ratio limit</b>	<p><u>Residential</u></p> <ul style="list-style-type: none"> <li>• R80: 1.0</li> <li>• R100: 1.25</li> </ul> <p><u>Non-Residential</u></p> <ul style="list-style-type: none"> <li>• New office building: 0.30</li> <li>• Single House conversion for Office use with refurbishment: 0.50, or the plot ratio of the house, whichever is the greater.</li> <li>• Expansion and refurbishment of purpose-built Office building constructed prior to gazettal of the Scheme: 0.75.</li> <li>• Mixed Development: 0.75.</li> </ul>

The location of the development site is shown below:



Figure 1: Location map of 64 Mill Point Road.

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

**1. Specified uses**

(a) *Child Day Care Centres;*

**4. Applications previously considered by Council**

*Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*

**7. Neighbour comments**

*In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.*

**2. Comment**

**(a) Background**

The original application for the Child Day Care Centre at 64 Mill Point Road ('the site') was approved by Council at its meeting held on 27 September 2016. The application was acted upon and the Child Day Care Centre is now in operation. For a copy of the previous Council minutes relating to the original approval of the Child Day Care Centre, refer to **Attachment (a)**.

In May 2018, the City received an application requesting to amend aspects of this previous development approval relating to a Child Day Care Centre at 64 Mill Point Road. Specifically, the proposed amendments encompass:

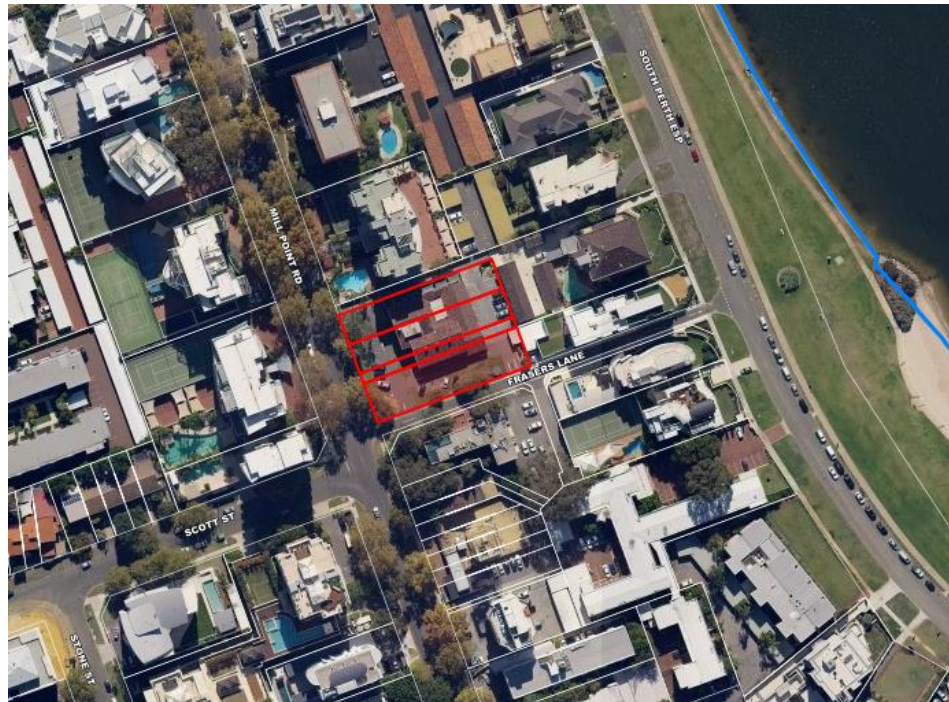
- *Amending opening hours*
- *Altering car parking layout*
- *Modifying outdoor play area*

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

The existing development at the subject site currently contains a Child Day Care Centre and Office building.

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

The site is situated at the corner of Mill Point Road and Frasers Lane, as seen in **Figure 2** below:



3. 4. **Figure 2: Aerial image of subject site.**

5.

**(d) Description of the Proposal**

The proposal involves amendments to a Child Day Care Centre. The amendments relate to additions and alterations, and altered opening hours, with details outlined as follows:

- Extending a courtyard area in the north-eastern aspect of the site;
- Relocating car parking and establishing a tandem configuration for staff parking. Vehicle parking bays are also altered on the Frasers Lane frontage.
- Amending opening hours by modifying the start time to 6:30am from 7:00am (Monday to Friday).



The applicant's covering letter and associated plans can be found at **Attachment (b)**.

The proposed additions and alterations, and amendment of opening hours are considered minor and capable of determination by Council as an amendment application under the provisions of Schedule 2 clause 77 of the Planning and Development (Local Planning Scheme) Regulations 2015.

**(e) Additions and alterations**

In regards to the car parking alterations shown, the amendments have been reviewed internally by the City's Engineering Infrastructure department. Engineering Infrastructure did not raise any concern relating to the revisions, and have reiterated some previous commentary concerning the disabled parking arrangement. However, it should be noted that the angled layout for the disabled bays was previously supported. Additionally, the two-way access to Frasers Lane at the south-eastern aspect of the site was also approved at the current width, and this matter should not be revisited.

The tandem car parking arrangement for staff is considered to be suitable, as staff members would, generally, arrive and depart the premises at similar times. The applicant has provided an updated parking management plan, and it is recommended a condition of approval be updated to refer to this revised management plan, to provide a logical and cohesive approach to parking on site.

The total provision of vehicle parking remains at 28. The small staff bay identified is not included in this calculation as it technically does not meet the specified dimensions to comply with AS2890.1. It is also noted that the original approval did not impose a condition limiting the number of children as part of the Child Day Care Centre. Notwithstanding, the original vehicle parking requirement, based on 52 children and 11 staff, was identified as being 17 vehicle parking bays. The amended parking layout and the parking management plan refer to 18 bays allocated to the Child Day Care Centre (10 for staff and 8 for parents) and 6 for the Office use. Four other bays have not been marked as being allocated to a specific use, and are therefore considered as being reciprocal bays. On this basis, the revised layout is considered to satisfy the provisions of Town Planning Scheme No. 6 as they relate to vehicle parking for a Child Day Care Centre. The Office vehicle parking requirement is also satisfied accordingly. There is considered to be a reasonable surplus of vehicle parking bays to account for any increase in the number of children being accommodated, given that there was no previous condition limiting the number of children on the premises.

The courtyard extension to the north-eastern aspect of the site does not result in a contravention of any previous planning conditions, given that the vehicle parking allocation remains virtually identical, albeit in a differing layout. The provision of additional courtyard space is considered to further enhance the extent of landscaping and provide more outdoor space for children.

## (f) Opening Hours

The original condition of approval (ref. 11.2016.238.1) relating to opening hours prescribed the following:

*The maximum operating hours of the Child Day Care Centre shall be strictly limited from 7:00am to 7:00pm, Monday to Friday and 7:00am to 4:30pm on Saturday, with no children playing outside permitted prior to 7:00am. Should any noise complaints from neighbours be received within the 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose a later opening time or other requirements to address the complaints.*

The applicant is proposing that the hours of the Child Day Care Centre be from 6:30am to 7:00pm, Monday to Friday, with the remainder of the condition left unchanged.

As part of reviewing the impact this proposed change to the opening hours would have on adjoining properties, the application was referred internally to the City's Environmental Health department from comment on noise levels. The City's Environmental Health department raised no concern in respect to noise levels. A change by half an hour earlier in the morning is not considered to be significant, and it is noted that condition 4 of the original approval restricts children from playing in outdoor areas prior to 7:00am. The applicant has acknowledged this part of the condition would need to be adhered to and is not requesting that this imposition be modified in any way.

On this basis, the change to the opening hours is considered to be supportable and condition 4 of the original approval is recommended to be modified accordingly. It is also recommended that the second half of the condition regarding a 12 month period to review noise complaints be removed, as children would be within the building prior to 7am, and Environmental Health raised no concern in relation to noise.

## (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 (considered not to comply in bold):

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

*(g) **Protect residential areas from the encroachment of inappropriate uses;***

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

6. In considering an application for development approval the local government is to have due regard to matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

7. 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>	The application is considered to satisfy the provisions of the Scheme as they relate to vehicle parking and access. A discussion relating to the land use itself has not been reiterated as the use is existing.
<i>(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</i>	The proposal is considered to have an acceptable impact on the amenity of the locality, particularly in relation to environmental impacts (noise), for reasons mentioned previously in this report.
<i>(s) the adequacy of – (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	The access point remains unchanged from the original configuration. The car parking layout, despite partly being in a tandem configuration, is considered to satisfy Scheme requirements and AS2890.1.
<i>(y) any submissions received on the application;</i>	The submissions received in the advertising period have been duly considered, as outlined in the 'Consultation' section of this report.

## 8. Consultation

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

During the advertising period, a total of 202 consultation notices were sent and 18 submissions were received, 14 in favour and 4 against the proposal. The comments from the submitters, together with officer responses are summarised below.

Submitters' Comments (summarised)	Officer's Responses
<u>Noise</u> – the noise levels would be unreasonable, particularly due to the earlier starting time.	The change to opening hours is considered to be supportable for the reasons mentioned in the paragraph titled 'Opening Hours' of this report. Children would only be able to utilise outdoor playing spaces after 7am. The City's Environmental Health department also did not raise any concern in regards to the earlier starting time. This comment is <b>NOTED</b> .
<u>Traffic</u> – the traffic generation as part of the Child Day Care Centre would be excessive and result in congestion issues.	The vehicle parking allocation provides the same number of bays compared with the current configuration. The land use is already approved and no concerns have been raised from Engineering in respect to congestion. This comment is <b>NOTED</b> .
<u>Flexibility</u> – the change to opening hours is supported as greater flexibility would be offered, and it would allow parents to drop off their children at a more convenient time prior to work.	The change to opening hours is supported for previous reasons mentioned in this report. This comment is <b>NOTED</b> .

**(j) Internal Referrals**

Comments were invited from Engineering Infrastructure and Environmental Health.

Engineering Infrastructure were invited to comment on a range of issues relating to car parking, traffic and vehicle access. Some comments were provided in relation to access and disabled parking, although these aspects of the site plan remain unchanged and have previously been approved.

The City's Environmental Health department raised no concern in respect to noise levels, and recommended a standard advice note informing the applicant that the land use must achieve compliance with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. This advice note was included in the previous determination notice and the applicant is aware of this obligation.

**9. 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.

**10. Financial Implications**

This determination has no financial implications.

**11. Strategic Implications**

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

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

### 12.Sustainability Implications

Not Applicable – land use is existing.

### 13.Conclusion

It is considered that the proposed amendments to the previous development approval can be considered as minor and address relevant Scheme and Council Policy objectives and provisions. The impact on surrounding properties by allowing an earlier start time is considered to be acceptable, and it is also noted that the vehicle parking allocation is sufficient. Subject to both amended and existing conditions of approval being adhered to, it is considered that the application should be approved.

### Attachments

- 10.3.4 (a):** Copy of minutes from Ordinary Council Meeting held on 27 September 2016 - 64 Mill Point Road - Child Day Care Centre - 11.2016.238.1
- 10.3.4 (b):** Development plans + covering letter - 64 Mill Point Road - Additions and alterations + change to opening hours of Child Day ~ 11.2016.238.2

### 10.3.5 Proposed two storey Single House at Lot 40 (No. 52) Lockhart Street, Como

Location: Como  
Ward: Como Ward  
Applicant: Perceptions  
File Reference: D-18-74095  
DA Lodgement Date: 16 March 2018  
Meeting Date: 31 July 2018  
Author(s): Brendan Philipps, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for a two storey Single House at Lot 40 (No. 52) Lockhart Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary Walls (North and South – Ground Floor)	Clause 2 of Policy P350.02 & Design Principles of Clause 5.1.3 of R-Codes WA
Lot boundary Setback (South – Upper Floor)	Design Principles of Clause 5.1.3 of R-Codes WA
Garage Width	Design Principles of Clause 5.2.2 of R-Codes WA
Overshadowing	Design Principles of Clause 5.4.2 of R-Codes WA

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland  
**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a two storey Single House at Lot 40 (No. 52) Lockhart Street, Como **be refused** for the following reasons:

- (1) The proposal is not considered to satisfy the Design Principles of clause 5.4.2 P2.2 (Overshadowing) in the Residential Design Codes WA by virtue of an unacceptable shadow impact on:
  - an existing roof mounted solar collector at the southern adjoining property; and
  - a north facing major opening at the southern adjoining property.

- (2) The proposal is not considered to satisfy the Design Principles of clause 5.1.3 and the additional criteria contained within clause 2 of Policy P350.02 – Lot Boundary Setbacks (Boundary Walls), as the boundary wall from the kitchen to scullery directly abuts a north facing major opening to the south.
- (3) The development is considered to have an unacceptable amenity impact on the southern adjoining property by way of overshadowing, and therefore is not considered to satisfy clause 67 (n) of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015.

**Advice Notes**

- (1) PNX3 – right of review to State Administrative Tribunal

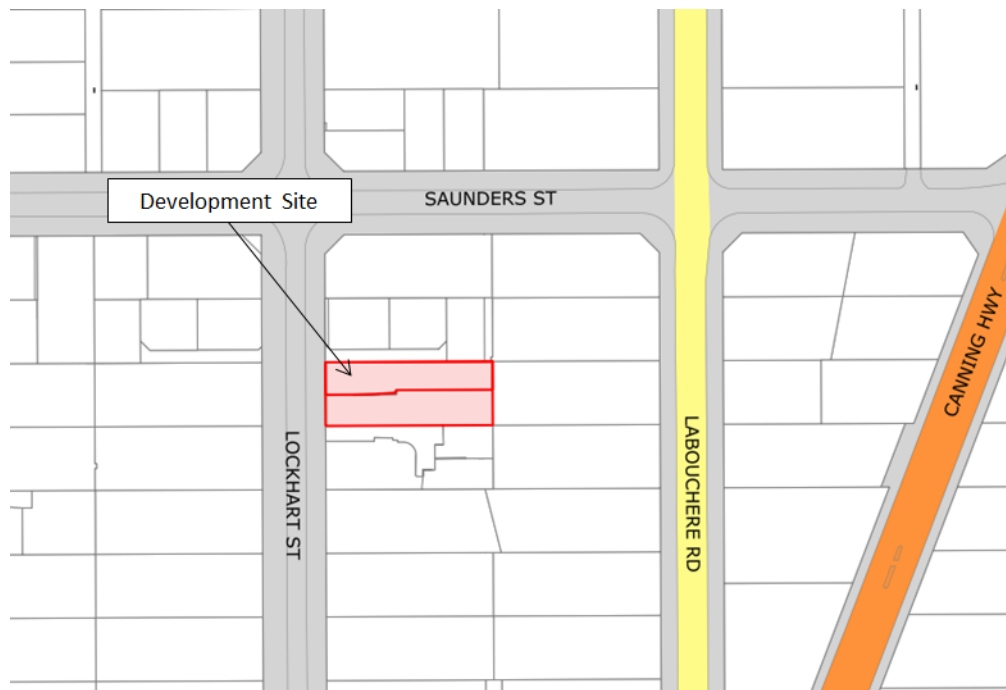
**CARRIED EN BLOC (8/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20/R30 (the development has been assessed in accordance with the lower R-Coding of the site, given it has been developed in this manner)
<b>Lot area</b>	499m <sup>2</sup>
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One dwelling
<b>Plot ratio limit</b>	N/A

The location of the development site is shown below:



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

In accordance with Council Delegation DC690, the proposal is referred to 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.*

**7. Neighbour comments**

*In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.*

**Comment**

**(a) Background**

In March 2018, the City received an application for a two storey Single House. The overshadowing diagram initially provided by the applicant was incorrect in that it misrepresented the extent of shadow cast by a significant percentage. The applicant prepared an amended overshadowing diagram and submitted additional justification. It is noted that the applicant was provided with the opportunity to amend the development plans to reduce overshadowing in particular, and no specific amendments were made to address this concern.

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

The subject site is located at Lot 40 (No. 52) Lockhart Street (the **Site**). The existing development on the Site currently features a single storey dwelling with a party wall to the south.

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

The Site has a frontage to Lockhart Street to the west, with Cale Street to the south, Saunders Street to the north, and Labouchere Road to the east, as seen in Figure 2 below.



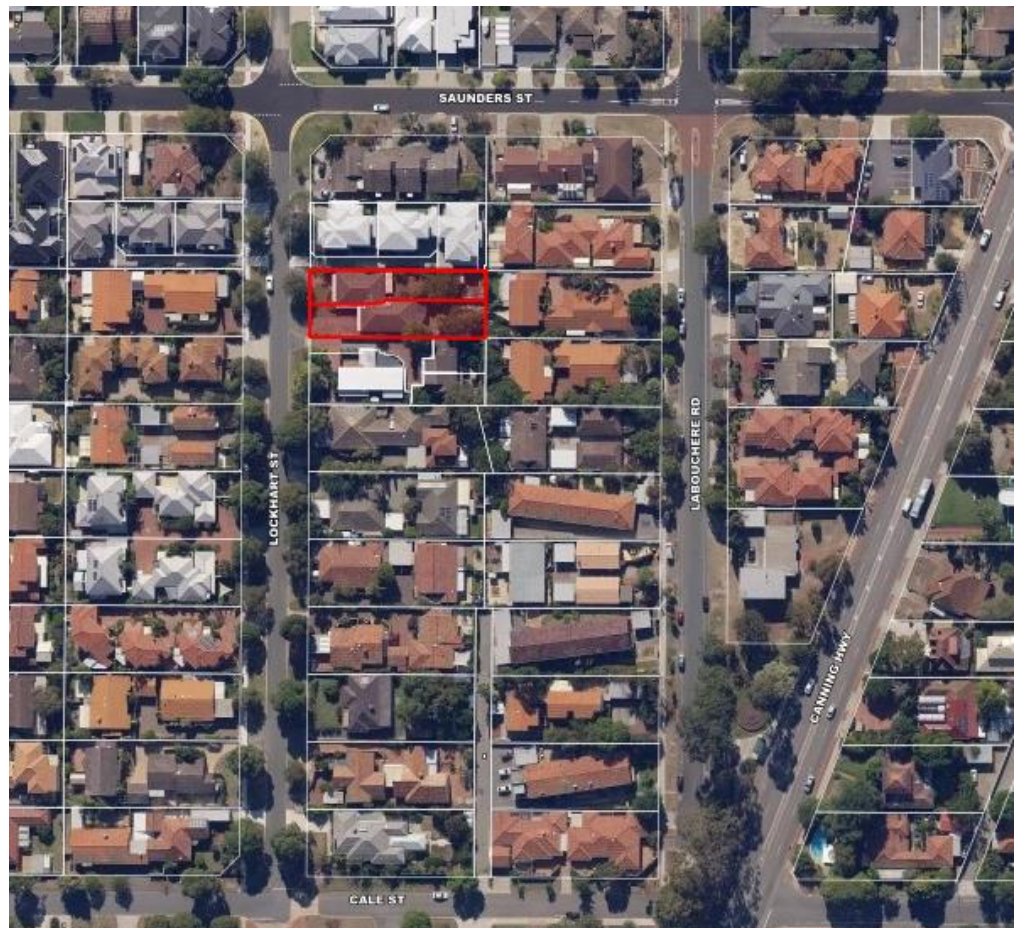


Figure 2: Aerial image of subject site.

(d) Description of the Proposal

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

- Four bedrooms;
- Two bathrooms and a powder room;
- Kitchen, dining and living rooms;
- Scullery;
- Laundry;
- Study room;
- Activity room;
- Theatre room;
- Alfresco;
- Courtyard; and
- Garage.

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

- (i) Boundary wall (north and south)
- (ii) Lot boundary setback (south)

- (iii) Garage width
- (iv) Overshadowing

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

(e) Boundary wall (north and south)

Element	Deemed-to-comply	Provided
Northern boundary wall (garage)	1m setback from boundary	Nil setback
Southern boundary wall (entrance)	1m setback from boundary	Nil setback
Southern boundary wall (scullery to kitchen)	1.5m setback from boundary	Nil setback
<p><i>Design Principles:</i></p> <p>(a) <i>Streetscape character;</i></p> <p>(b) <i>Outlook from:</i></p> <p style="padding-left: 20px;">(i) <i>the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</i></p> <p style="padding-left: 20px;">(ii) <i>any habitable room window of an adjoining dwelling;</i></p> <p>(c) <i>Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</i></p> <p>(d) <i>Amount of overshadowing of a habitable room window or outdoor living area on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing caused by the boundary wall does not exceed the overshadowing caused by a wall that conforms to the Residential Design Codes 'deemed-to-comply' setback.</i></p>		

Northern boundary wall

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

- The space immediately to the north is a driveway, which, as per clause 5.1.3 (C3.1 v), technically can be used in applying a setback reduction up to 2m, although the boundary wall variation is still assessed. The communal street effectively acts as a buffer in between the properties, so as to reduce any potential building bulk impacts.
- The height and length of the boundary wall, being 2.8m and 7m, is not considered to result in an adverse building bulk impact.
- It is noted that the northern adjoining property would not be impacted by shadow (as per the R-Code measurement).
- There is considered to be sufficient open space on the northern boundary to allow for ventilation.
- The boundary wall is not deemed to be out of character with the streetscape, noting a number of other boundary walls being visible from the street in close proximity to the subject site.

- The boundary wall does not impact on any habitable rooms to the north, and the outlook from the northern adjoining property is not considered to be detrimentally impacted.
- Overall, there is not considered to be an adverse impact on the amenity of the adjoining properties for the abovementioned reasons, and is supported in accordance with Policy P350.02.

#### Southern Boundary Wall (Entrance)

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

- The height and length of the boundary wall, being 2.9m and 5.6m, is not considered to result in an adverse building bulk impact.
- It is noted that, at approximately 10m in width, the lot is particularly narrow and it is difficult to develop without boundary walls.
- The boundary wall would not impact on any outdoor living area (front setback area).
- While it is recognised that the proposal does not comply with overshadowing, this particular boundary wall proposed would not impact on any solar collectors, north facing major openings or outdoor living areas.
- The boundary wall to the entry-way is considered to enhance a sense of privacy for both occupants and the adjoining neighbour.
- There is considered to be a reasonable amount of open area on the southern boundary, particularly at the rear, to allow for necessary ventilation.
- On balance, the boundary wall is considered to be supportable against the design principles and Policy P350.02 for the abovementioned reasons.

#### Southern Boundary Wall (Kitchen to Scullery)

The southern boundary wall as part of the entrance is not considered to satisfy the Design Principles of the R-Codes and Policy P350.02 for the following reasons:

- The boundary wall would directly impact on a major opening on the northern elevation of the southern adjoining property. The outlook from the kitchen at No. 52A Lockhart Street would be adversely impacted.
- The boundary wall would result in overshadowing of the major opening to the kitchen. It is also noted that the overshadowing cast to the south does not meet the 'deemed-to-comply'.
- It is noted that the lot has an unusual layout in that it steps up in a northerly direction approximately at the median point in the southern lot boundary. This creates a more difficult site to work with in terms of site planning and positioning the dwelling. If the lot had a more typical layout, the setback would be positioned at approximately 1.5 metres, which would satisfy the Deemed-to-comply requirement.

## (f) Lot boundary setback (south)

Element	Deemed-to-comply	Provided
South (Upper Floor – Ensuite to Staircase)	1.8m	Minimum of 1.55m
<p><i>Design Principles:</i>  <i>P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• Reduce impacts of building bulk on adjoining properties;</li> <li>• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>		

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

- This particular component of the upper floor southern elevation would impact on the subsequent party boundary wall to the south and the front setback area. These spaces are not considered to be sensitive, and the outlook from the neighbouring site to the south would not be detrimentally impacted.
- The setback is between 1.55m to 1.8m, which is considered to provide a reasonable offset so as to facilitate ventilation to the south. It is noted that the overshadowing cast does not comply with the limit of 25% as prescribed by the deemed-to-comply (5.4.2), however this portion of the elevation does not impact on the solar collector to the south.
- This portion of the upper floor is partially articulated between the ensuite and the staircase, so as to further reduce a perception of building bulk.
- There is a reasonable setback to this portion of the upper floor toward the southern boundary to allow for ventilation.
- 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.

## (g) Garage Width

Element	Deemed-to-comply	Provided
Width of garage	50% of the length of frontage	56% of frontage (upper floor does not extend for the full length of garage)
<p><i>Design Principles:</i>  <i>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 the full width of the garage, it 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 major openings to the master suite and study, positioned on the western (street) elevation.
- The entry to the dwelling is still visible, with a clearly defined porch area designated the entrance to the house.

(h) Overshadowing

Element	Deemed-to-comply	Provided
Overshadowing (onto 52A Lockhart Street)	25% (141m <sup>2</sup> )	32.5% (183m <sup>2</sup> )
<p><i>Design Principles:</i>                      P2.2 Development design to protect solar access for neighbouring properties taking account the potential overshadow existing:</p> <ul style="list-style-type: none"> <li>• Outdoor living areas;</li> <li>• North facing major openings to habitable rooms, within 15 degrees of north in each direction; or</li> <li>• Roof mounted solar collectors.</li> </ul>		

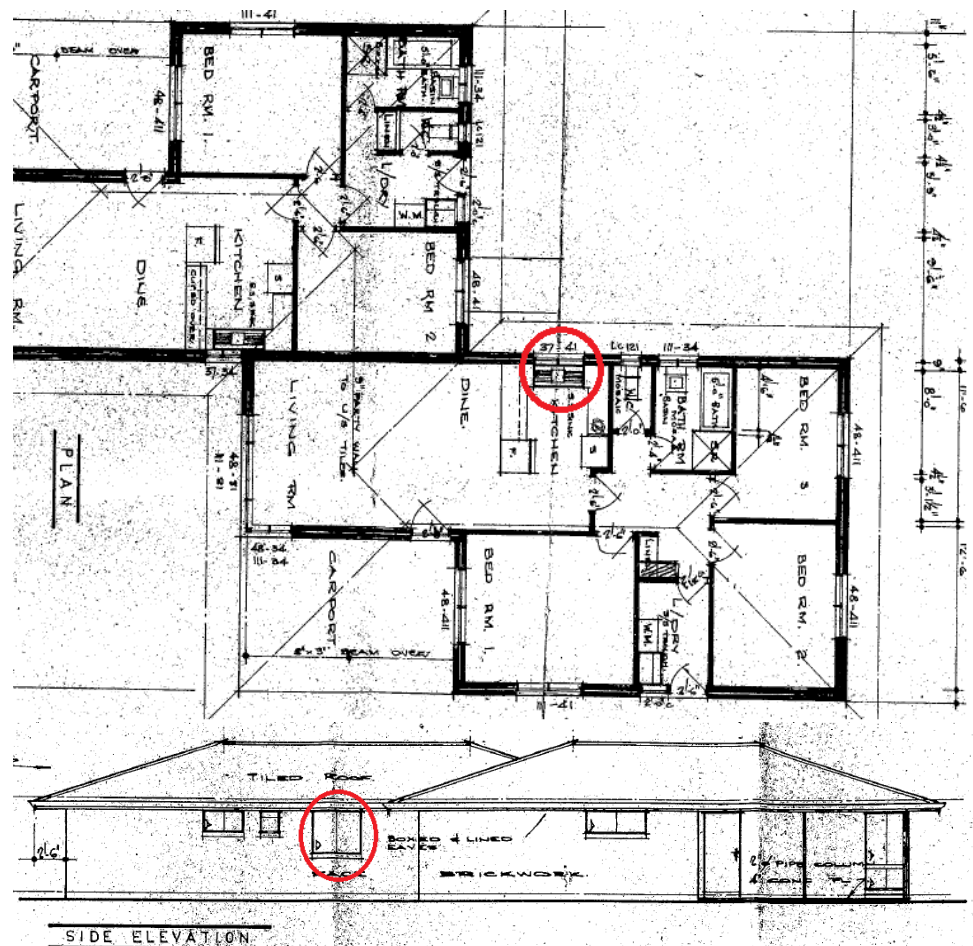
The proposed overshadowing is not considered to satisfy the Design Principles of the R-Codes for the following reasons:

- The overshadowing would directly impact upon an existing roof mounted solar collector to the southern adjoining property at No. 52A Lockhart Street, as shown in the image below.



Figure 3: Aerial image of the southern adjoining site (52A Lockhart Street) identifying an existing solar collector.

- The extent of overshadowing would also directly impact on a window to a habitable room (major opening) on the northern elevation of No. 52A Lockhart Street.



**Figure 4: Diagram highlighting major opening to kitchen on northern elevation of dwelling at No. 52A Lockhart Street, Como.**

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

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

If the development was amended to avoid impacting the solar collector and window to the kitchen, then it is considered that the dwelling would represent a proposal potentially capable of being supported. As mentioned in the excerpt above, an assessment of overshadowing should be not simply 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.

In order to reduce the extent of shadow that falls onto sensitive areas of the southern adjoining property, it is likely that the boundary wall as part of the scullery would need to be setback further, thereby also (potentially) removing a variation. The applicant has been provided with the opportunity to amend the development plans so as to address overshadowing, and has elected to proceed with the proposal in its current form.

- (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 is particularly relevant to the current application and require careful consideration (considered not to comply in bold):

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

The proposed development is considered unsatisfactory in relation to the above items in bold.

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

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

Matter	Officer's Comment
(c) any approved State Planning Policy;	Two design elements of the proposal are not considered to satisfy the Design Principles of clause 5.1.3 and 5.4.2 of the Residential Design Codes WA, which is a State Planning Policy incorporated into the City's Town Planning Scheme No.6.
(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is not considered to have an acceptable impact on the amenity of the locality by virtue of an adverse overshadowing impact, as detailed in the report.

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

### Consultation

#### (k) Neighbour Consultation

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

During the advertising period, a total of five (5) consultation notices were sent and two (2) submissions were received objecting to the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<u>Overshadowing</u> – the proposed overshadowing would have a significant impact on the amenity of my dwelling.	The proposed overshadowing is not supported as it is not considered to adequately address the Design Principles within clause 5.4.2 of the R-Codes. This is discussed further in the overshadowing section of this report. This comment is <b>UPHELD</b> .
<u>Northern boundary wall finish</u> – the finish of the northern boundary wall should be of clean finish that is compatible with the remainder of the dwelling.	If the application were supported, a standard condition of approval would be imposed requiring the finish of the northern boundary wall to be compatible with the dwelling, to the satisfaction of the City. This comment is <b>NOTED</b> .

### 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 – if the applicant were to appeal the decision at the State Administrative Tribunal, the City would be required to seek representation (either internal or external).

### Strategic Implications

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

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



10.3.5 Proposed two storey Single House at Lot 40 (No. 52) Lockhart Street, Como

**Sustainability Implications**

Not Applicable.

**Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, in particular two design elements being the southern boundary wall as part of the kitchen and scullery rooms, and the extent of overshadowing cast. These two variations are not considered to satisfy the relevant Design Principles, resulting in an unacceptable amenity impact on the southern adjoining property (No. 52A Lockhart Street). For these reasons, the application is recommended for refusal.

**Attachments**

10.3.5 (a): Amended Plans (Finalised) - 52 Lockhart Street - Two storey Single House - 11.2018.61.1

### 10.3.6 Joint Bike Plan - City of South Perth and Town of Victoria Park

Location:	City of South Perth and Town of Victoria Park
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-74098
Meeting Date:	31 July 2018
Author(s):	Geoff Eves, Acting Manager Assets & Design
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

The purpose of this report is for Council to adopt the Joint Bike Plan (the 'Plan') for the City of South Perth and the Town of Victoria Park. The Plan is an alignment and acknowledgment of both the State Government's and the Local Governments' sustainability target strategies, which are aimed at making cycling a realistic and appealing option for a high proportion of the population.

The development of the Plan is an opportunity for both local governments to align, shape and influence the aspirational cycle networks identified in the State Government's "Perth and Peel Transport Plan for 3.5 million People and Beyond". The Plan is partly funded through the Western Australian Bicycle Network Grants Program and administered by the Department of Transport.

This is the first Joint Bike Plan in Western Australia and will be an example of Local Government Authorities working collaboratively to produce positive outcomes.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That Council adopts the City of South Perth and Town of Victoria Park Joint Bike Plan.

**CARRIED EN BLOC (8/0)**

#### Background

In the 2016/17 financial year, the City of South Perth (the City) and the Town of Victoria Park (the Town) were successful in securing a grant from the Department of Transport for the development of the Plan. A consultant (Aurecon) was then commissioned to develop the Plan for the City of South Perth and Town of Victoria Park.

The Plan sets out the long term vision for the strategic cycling network throughout the City and the Town, in line with the State Government's "*Perth and Peel Transport Plan for 3.5 million People and Beyond*" ('Perth Transport Plan for 3.5 million'). The development of the Plan included a detailed evaluation of existing cycling conditions and involved significant stakeholder and community consultation.

In 2017, the City of South Perth and Town of Victoria Park undertook community surveys, three community workshops and a number of stakeholder interviews. Community feedback was also gathered via an online and hard copy survey completed by 349 people, and an interactive online mapping tool with 239 contributions. A briefing on 4 December 2017 provided Council with an overview of the Plan and outlined five-year action plans for specific improvements to the cycle network and environment for the City of South Perth and Town of Victoria Park.

Shortly after the Council Briefing, the Draft Joint Bike Plan was released for public comment which was advertised in the local community paper (Southern Gazette) and listed on the City's website to seek public comment for a period of four weeks, commencing on 19 February 2018 and ending 12 March 2018.

The key components of the Plan are:

1. The establishment of a long term aspirational cycle network; and
2. The establishment of an action plan that identifies key cycle infrastructure projects to be further investigated by the City of South Perth.

### Comment

A summary of seven projects follows:

1. South Perth Esplanade Project

This project includes various improvements along the South Perth Foreshore and is divided into several components. The key component of the proposed project involves new and upgraded cycle infrastructure along South Perth Esplanade, either in the form of on-road cycle lanes and widened shared path, or development of the route into a Safe Active Street.

Additional improvements include modifications at the shared path intersection with the Kwinana Freeway Off-Ramp and the foreshore path crossing points at Coode Street, Douglas Avenue and Ellam Street to provide improved safety and priority for cyclists.

2. Canning Bridge to Curtin Link

This project provides a connection between Curtin University and Canning Bridge and is divided into three sections.

This includes:

- A proposed separated bi-directional cycle path along Davilak Street,
- A Safe Active Street / bicycle boulevard along Davilak Crescent and Godwin Avenue, and
- A separated bi-directional cycle path along Jackson Road.

3. Manning Road Project

This project includes a number of modifications to provide a complete cycling connection along Manning Road.

This includes installing a new shared path between Elderfield Road and Kent Street and formalising the existing footpath with red paint and pavement markings elsewhere. Cyclist crossing improvements are also proposed at the intersections of Welwyn Avenue, Elderfield Road, Kent Street and the Curtin University South Entrance.

4. Douglas Avenue Project

This project provides a connection from the South Perth Foreshore to Curtin University and is split into four sections.

This includes:

- The development of Douglas Avenue into a safe active street between the South Perth Foreshore and Mill Point Road,
- A bi-directional path on Tate Street between Douglas Avenue and Lawler Street,
- The development of Lawler Street into a Safe Active Street, upgraded on-road cycle lanes on Douglas between Canning Highway and South Terrace/George Street, and
- An upgraded shared path from South Terrace/George Street to Kent Street.

5. Thelma Street Investigations

This project aims to strengthen the east-west cycle route along Thelma Street by investigating an improvement to the gap in cyclist connection between the existing shared path and the Thelma Street on-road lanes.

6. Kent Street Investigations

This project aims to strengthen the overall on-road cyclist connection between Curtin University and the City of Belmont, providing access to key destinations along the route. This includes the installation of on-road protected cycle lanes between Kent Street and Jarrah Road, plus off-road bypass paths at the Jarrah Road, Dick Perry Avenue, Hayman Road, and Curtin Main Street intersections.

7. Coode Street Project

This project aims to strengthen the north-south connection from the South Perth Foreshore to Thelma Street by filling a gap in the existing network.

This includes:

- Installing on-road protected cycle lanes between Thelma Street and South Terrace,
- Off-road bypass paths at the South Terrace and Angelo Street intersections,
- Advanced cycle stop boxes at the Mill Point Road intersection
- Improving the shared path and on-road environment connecting to the South Perth Foreshore.

8. Minor works improvement or 'quick wins'

To improve the amenity of the existing cycling routes.

9. Other Recommendations:

- Ensure projects through the Black Spot Program and Roads to Recovery Program consider the movement of cyclists through the project site, and provide treatment to support their requirements;
- Partner with the RAC on road safety issues such as awareness campaigns for drivers towards cyclists on roads in South Perth;
- Partner with Department of Transport on awareness campaigns and behaviour changes program;
- Prioritise and continue to seek funding for project implementation through the Perth Bicycle Network Grants Program;
- Consider Commonwealth Funding opportunities for project implementation;
- Modify the bicycle parking provision section in the City of South Perth Town Planning Scheme to include best practice provision for cyclists.

- Improve collection of count data bicycle (and pedestrian) use on key routes.

### **Consultation**

An extensive communication and stakeholder engagement strategy was undertaken by the City of South Perth and Town of Victoria Park.

#### Major Stakeholder Consultation

Several agencies were consulted with, including state government agencies, adjacent local government authorities, Curtin University and local cycling groups. Local government officers within the City and the Town were also consulted to ensure the Plan aligned with local strategies and future projects. In addition, the City's Bike Users Group assisted the Consultant to undertake an audit of the existing bicycle network in South Perth.

The City consulted Curtin University to discuss the alignment of the Plan with Curtin's "Specialised Activity Centre Plan". The Joint Bike Plan references the work undertaken by Curtin University and its effects on the bicycle network. The Joint Bike Plan highlights the importance of the Curtin to Canning Bridge bicycle link and the investigation of bicycle and pedestrian provisions on Kent Street.

#### Community Survey

As part of the development of the Plan, the local community was invited to provide feedback on their cycling journeys with the aim of identifying common routes, existing issues, barriers to cycling and desired locations to improve or provide additional facilities and infrastructure. A total of 349 responses were received.

#### Online Mapping Tool Survey

The City's interactive online mapping tool was open to the public from May 1 to June 9 2017. The tool allowed members of the community to place pins on a map of the City.

#### Community Workshop

Members of the general community were invited to contribute ideas, report issues, prioritise and suggest improvements. The workshop followed a human-centred approach where residents were invited to participate in interactive activities that placed the end user at the centre of the design process.

The Draft Joint Bike Plan was released for public comment between 19 February and 12 March 2018. There were 14 submissions - 93% were positive and fully supportive of the plan. All submissions have been considered in development of the final Plan.

### **Policy and Legislative Implications**

Development and implementation of the Joint City of South Perth and Town of Victoria Park Bike Plan is aligned with the charter set out in the current policy P502 – Cycling Infrastructure.

All works undertaken will comply with Austroads Guidelines and relevant Australian Standards relating to bicycle infrastructure.

### **Financial Implications**

The Joint Bike Plan will guide funding allocations within annual and long term financial parameters.

**Strategic Implications**

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

*Community > A diverse, connected, safe and engaged community > Community safety and health > Facilitate and foster a connected and safe community*

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Connected and accessible City > Facilitate a safe, efficient and reliable transport network*

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Connected and accessible City > Facilitate a pedestrian and cycle friendly environment*

**Attachments**

**10.3.6 (a):** Final Draft - Joint Bike Plan - City of South Perth and Town of Victoria Park

### 10.3.7 Urban Forest Strategy

Location:	City of South Perth
Ward:	All Wards
Applicant:	Infrastructure Services
File Ref:	D-18-74100
Meeting Date:	31 July 2018
Author(s):	Bruce Moorman, Acting Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

#### Summary

This report outlines the changes made to the draft Urban Forest Strategy 2018-2023 following community consultation held during August of 2017 and presents the updated strategy for adoption by Council.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Glenn Cridland

That the Council adopts the Urban Forest Strategy 2018-2023.

**CARRIED (6/2)**

#### Background

Urban forestry is the practice of managing and maintaining trees and significant vegetation in city areas. A healthy urban forest is a vital community, environmental and economic asset. The City has developed an Urban Forest Strategy to address the ongoing concern of canopy loss by providing an overarching document that will help guide our decisions about tree planting, maintenance and protection over the next five years.

City officers presented the Draft Urban Forest Strategy to Council at a concept briefing in July 2017 for their approval to go out for public consultation. Subsequently the City released the draft document on Your Say South Perth from Friday 4 August to Monday 28 August 2017.

During the three-week consultation period the city received 32 responses as well as general feedback via social media and internal comments from city staff and elected members.

Overall, the feedback was very positive but there were consistent requests for changes in a few key areas including:

- Setting clear and measurable targets
- Having specific timeframes for these targets
- Increasing tree species diversity. i.e. plant fewer *Jacaranda* trees
- Providing more native tree plantings
- Providing more information on specific tree planting projects
- Linking the strategy to the Strategic Community Plan
- Showing synergies with other City Strategies. i.e. the Public Art Strategy

Based on this feedback city officers have modified the document to address these issues and have added information in the following areas:

- Established specific targets and timeframes, such as increasing species diversity and native tree planting
- Made the document a 5 Year Strategy
- Provided direct links to Strategic Community Plan, other key City strategies and included specific actions
- Added a section on the City's key projects

City officers also visually modified the Strategy to match current City documents and to follow new design guidelines.

#### **Comment**

Although only a small percentage of the City's population provided comment, the consultation provided a very good indication of respondents' common areas of concern and helped identify specific areas for improvement in the Strategy.

Once adopted the Urban Forest Strategy 2018-2023 will guide the City's tree management practices through the next five years and help the development and implementation of other key strategic documents such as the Public Open Space Strategy, the Tree Management Plan, the Local Planning Strategy as well as City policies and management practices.

#### **Consultation**

Along with public consultation and Council briefings, officers discussed the Strategy with City directors, managers, coordinators, and supervisors to provide input in key areas.

#### **Policy and Legislative Implications**

The Urban Forest Strategy 2018-2023 will be a key document guiding future policy and strategy development and implementation including:

Policy P205 – Tree Preservation

Policy P206 – Urban Forest

Policy P350.5 – Trees on Development Sites and Street Verges

Policy P302 – General Design Guidelines for Residential Development

#### **Financial Implications**

Beginning in the 2019/20 financial year, Council will need to consider increasing the annual tree planting budget by approximately 10% to help reach targets set in the Urban Forest Strategy 2018-2023.



**Strategic Implications**

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

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Enhanced environment and open spaces > Maintain and improve the ecosystem biodiversity of the City*

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Enhanced environment and open spaces > Enhance the City's urban forest*

**Attachments**

**10.3.7 (a):** Urban Forest Strategy 2018-2023

### 10.3.8 Clontarf Waterford Salter Point Foreshore Masterplan

Location:	Waterford and Salter Point
Ward:	Manning Ward
Applicant:	Infrastructure Services
File Ref:	D-18-74101
Meeting Date:	31 July 2018
Author(s):	Yulia Volobeuva, City Environment Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

#### Summary

This report outlines the draft Clontarf Waterford Salter Point Foreshore Masterplan's series of management strategies for the whole foreshore and individual precincts that have been developed in consultation with internal and external stakeholders over 12 months and requires Council approval for release of the draft document for community comment.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That the Council approves the release of the draft Clontarf Waterford Salter Point Foreshore Masterplan for community comment (**Attachment (a)**).

**CARRIED EN BLOC (8/0)**

#### Background

Since the adoption of the various management plans across the Clontarf Waterford Salter Point foreshore (CWSPF), the City has incrementally implemented numerous projects throughout this foreshore. However, the City has recognised that in order to improve the foreshore in a holistic, sustainable and cost-effective way, undertaking stand-alone projects is not a logical or effective way forward.

In response to this need, the draft Clontarf Waterford Salter Point Foreshore Masterplan (CWSPFMP) has been developed to drive effective coordination of investment and implementation of foreshore improvements, by synthesizing all current work, community and stakeholder aspirations into a single document. This strategic document provides an integrated approach to project delivery across the foreshore into the future. It identifies the most appropriate combination of uses for the CWSPF, while maintaining and preserving the environmental and heritage values of the area and its surrounds.

The CWSPFMP includes a series of management strategies that due to the size of the foreshore have been broken down into two inter-related approaches based on strategic 'themes' and geographical areas:

1. Whole of Foreshore (WOF) strategies that apply to the whole foreshore area and intend to provide consistency in approach and delivery across all precincts.
2. Precinct strategies that are individual to each precinct area and are intended to address local needs and drive local identity.

The CWSPFMP has been designed around four precincts and four key themes.

The four precincts are:

Precinct 1: Clontarf and Andrew Thomson Conservation Reserve

Precinct 2: Bodkin Park

Precinct 3: Sandon Park

Precinct 4: Salter Point Reserve to Redmond Reserve

The four key themes are:

Environment

Culture and Heritage

Access and Movement

Recreation

There are 54 strategies that have been identified as relevant to the whole of the CWSPF and a number of key initiatives have been established to support 45 precinct strategies.

### **Comment**

To inform this Masterplan, the City embarked on a significant campaign of community and stakeholder consultation and engagement. This consultation was essential in developing a draft CWSPFMP that is comprehensive, robust and considerate of broad range of ideas and community views.

Throughout the consultation and Masterplan development process, respondents overwhelmingly reinforced the following core principles to be incorporated into the CWSPFMP:

1. Preservation of the natural environment;
2. Protecting and enhancing the physical and visual connections to the river, and,
3. Maintaining and enriching character of 'the place'.

However, whilst there was overall strong agreement on the core principles to guide future development and management of the CWSPF, there was significant variance of opinion on how best to achieve these objectives. In response to this, this Masterplan targets a balanced middle ground, embracing best practice, embedded flexibility, and, wherever possible, light but decisive interventions.

To finalise the consultation in the master planning it is essential to complete the process by providing an opportunity to internal and external stakeholders to comment on the CWSPFMP draft. Therefore the City seeks Council approval to release the draft CWSPFMP for public review and comment.

### **Consultation**

Prior to consulting with stakeholders and the community, the City's appointed consultancy URBIS undertook an extensive review of previous studies, relevant

literature and records of previous stakeholder engagement to form an overview of the likely issues and opportunities within the Masterplan area. Subsequently, a workshop was held with City staff to build upon the initial review by providing additional depth and perspective. More than 30 staff from a broad range of managerial and operational roles contributed their collective knowledge and experience to this initial review.

The City of South Perth publicly launched the CWSPFMP project online in October 2017. Information about the project was published on the City's website, and a consultation hub was established via the City's *Have Your Say* platform. The *Have Your Say* site presented project news, maps and technical reports. It provided links to fly-through videos of the CWSPFMP area, and a detailed public survey.

An online public survey was conducted over five weeks to 4 December 2017. Respondents were asked to rate and add to a range of factors under the three key themes in terms of importance and priority for future planning. Other information including areas most visited and demographic data was collected. Comments were invited so that respondents could share hopes and ideas for the CWSPFMP area in their own words.

The survey was completed by 172 people, of which 148 visit the foreshore at least weekly. The most popular areas visited were Precinct 3: Sandon Park followed by Precinct 4: Salter Point Reserve to Redmond Reserve. Other consultation opportunities were provided at community open day in November 2018 and community information session held in February 2018 and the second online survey.

In addition to consultation with the general public, interviews and meetings with key institutional and community stakeholders were conducted to collect input from groups with special interests in the CWSPFMP. These included government agencies with statutory roles in managing the area, and community members representing groups with recreational, environmental or cultural interests.

The outcomes of the community consultation and stakeholder engagement process led to identification of the key themes that were highly favoured in the consultation feedback responses under the three identified categories (natural environment, recreation and activities and facilities and services). These key themes outlined in the section 3.2 of CWSPFMP draft on page 48.

Additionally as part of the consultation process were some highly generalised, but recurrent points that were pertinent to the CWSPFMP that included the following:

- A need for greater consideration a sense of history, continuity and cohesion in strategic planning and management across all three categories;
- Consideration and fostering people personal emotional connections with the river and surrounds in establishment of strategic direction of the CWSPFMP.
- Strong support for finding ways to capture the environmental, social and cultural history via appropriate interpretive signage, and the use of community events and new technology to creatively communicate the CWSPF's heritage.

#### **Policy and Legislative Implications**

The CWSPFMP will become the key strategy document for City management of this foreshore.

### Financial Implications

At a current project stage there is no financial implications. However when the CWSPFMP is adopted by the Council, City budgets in the following 10-20 years will need to be reviewed to accommodate the implementation of the CWSPFMP strategies.

### Strategic Implications

The draft CWSPFMP is aligned with the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Connected and accessible City > Enhanced environment and open spaces > Maintain and improve ecosystem biodiversity in the City; Enhance the City's urban forest; Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores; Facilitate effective management of Swan and Canning River foreshore*

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Resource management and climate change > Manage the risk associated with climate change*

### Attachments

10.3.8 (a): Draft Clontarf - Waterford - Salter Point Foreshore Masterplan

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Monthly Financial Statements - June 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-74103
Meeting Date:	31 July 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That the Council note the Financial Statements and Report for the month ended 30 June 2018 in accordance with Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*.

**CARRIED EN BLOC (8/0)**

#### Background

Regulation 34(1) of the *Local Government (Financial Management) Regulation 1996*, requires each Local Government to present a Statement of Financial Activity, reporting on income and expenditure, as set out in the annual budget. In addition, Regulation 34(5) requires a Local Government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2017/18 Budget, adopted on 10 July 2017, has increased the amount to \$10,000 or 10% for the 2017/18 financial year.

In previous years the monthly reports were presented in two separate agenda item reports, with multiple attachments. These two separate reports, as well as numerous attachments have been streamlined to one agenda item.

The attachment Financial Management Reports provides similar information to that provided in previous years, with less duplication. By way of example, each Financial Management Report contains the Original Budget and the Annual Budget, thereby allowing a quick comparison between the adopted Budget and any Budget Adjustments approved by Council. This change eliminates the need for the previous 'Reconciliation on Budget Movements' reports.

### 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 the year to date is \$56.74m in comparison to budget of \$55.97m. Expenditure from Operating Activities for the year to date is \$57.29m in comparison to budget of \$57.41m. The June Operating year to date Net Position was \$0.89m favourable with marginally lower actual expenditure than budget of \$0.12m and YTD revenue higher by \$0.77m than planned. The Operating results are preliminary and processing of year-end accruals, provisions, revaluations and non-recurrent expenditure is incomplete at this stage and will be finalised as part of the audit of the Financial Reports.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$1.10m in comparison to the budget of \$1.19m. Actual Capital Expenditure for the year to date is \$18.13m in comparison to the budget of \$22.82m.

The Mid-Year Budget Review, as approved at the February 2018 Ordinary Council Meeting has been reflected in these Financial Reports. The Original Budget adopted for this year is also included for comparative purposes.

Cash and Investments balance is \$53.69m, traditionally a low balance, following the annual cycle after reduced income from rates collection in conjunction with consistent levels of operating expenditure and capital payments, resulting in net cash outflows impacting diminishing cash balances later in the year.

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 49.71% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, Attachment 10.6.1 (h), has been improved to illustrate the percentage invested in each of the Non-Fossil Fuel institutions as well as adding the Short Term Credit Rating provided by Standard & Poors (S&P) for each of the Banks.

### Consultation

No external consultation is undertaken.

### Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and *Local Government Financial Management Regulation 34*.

### Financial Implications

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

### Strategic Implications

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

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

### Attachments

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



## 10.4.2 Listing of Payments - June 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-74105
Meeting Date:	31 July 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

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

EFT Payments to Creditors	(563)	\$4,842,889.80
Cheque Payment to Creditors	(15)	\$35,696.94
<b>Total Monthly Payments to Creditors</b>	<b>(578)</b>	<b>\$4,878,586.74</b>
Cheque Payments to Non-Creditors	(96)	\$107,124.78
<b>Total EFT &amp; Cheque Payments</b>	<b>(674)</b>	<b>\$4,985,711.52</b>
<b>Credit Card Payments (June 2018)</b>	<b>(7)</b>	<b>\$11,452.00</b>
<b>Total June Payments</b>	<b>(681)</b>	<b>\$4,997,163.52</b>

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

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

**CARRIED EN BLOC (8/0)**

### Background

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

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

### Comment

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

**10.4.2 Listing of Payments - June 2018**

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

The report records payments classified as:

- **Creditor Payments**

*(regular suppliers with whom the City transacts business)*

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

- **Non Creditor Payments**

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

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

- **Credit Card Payments**

Credit Card Payments are not processed in Authority as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided. For June 2018, Credit Card Payments total \$11,452.

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**

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

**Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Strategic Implications**

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

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

**Attachments**

10.4.2 (a): Listing of Payments - June 2018

### 10.4.3 Planning Reform Green Paper - City of South Perth Submission

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-18-74106
Meeting Date:	31 July 2018
Author(s):	Elyse Maketic, Manager Strategic Planning
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.2 Advocacy

#### Summary

The Minister for Planning commissioned an independent review of the planning system to “identify ways to make it more efficient, open and understandable to everyone”. Arising from this, a Green (discussion) Paper on potential reform has been released for public comment. The paper makes recommendations across five key areas:

- Strategically-led,
- Legible,
- Transparent,
- Efficient, and
- Delivering smart growth.

This purpose of this report is for Council to consider and endorse a submission in response to the Green Paper.

#### Officer Recommendation

**Moved:** Councillor Glenn Cridland

**Seconded:** Councillor Travis Burrows

That Council endorse the submission to the Planning Reform Team on *Modernising Western Australia’s Planning System: Green Paper Concepts for a Strategically-led Planning System – Discussion Paper for Planning Reform May 2018*, as detailed in **Attachment (a)**.

#### AMENDED MOTION AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Colin Cala

That the Officer Recommendation be amended (in red) to read as follows:

That Council endorse the **modified** submission to the Planning Reform Team on *Modernising Western Australia’s Planning System: Green Paper Concepts for a Strategically-led Planning System – Discussion Paper for Planning Reform May 2018*, as detailed in **Minutes Attachment (a)**.

**The modifications specifically include:**

- a. **OBJECTION** to the standardisation of requirements and provisions that diminish the ability for local governments to effectively represent their

- community's needs;
- b. RECOMMENDATIONS for further reform of the Development Assessment Panels (DAP), including:
    - a. Introduction of third party appeal rights for DAP applications to allow the relevant local government or a submitter who adjoins the development to apply to the State Administrative Tribunal (SAT) for a review of the decision and also to join as a party to any review of a decision not initiated by a third party;
    - b. Removal of the opt-in mechanism for DAP's;
    - c. Providing more time to the public to read agendas and make deputations; and
    - d. Further clarify around the Chief Presiding Member's powers, which could present a conflict of interest as a self-regulating body;
  - c. OBJECTION to local planning policies requiring approval of the Western Australian Planning Commission (WAPC);
  - d. RECOMMENDATIONS for consideration and priority to be given to matters relating to infill development.
  - e. ADVOCATING to the Department of Planning, Lands and Heritage (DPLH) that any proposed actions that have a direct impact on local governments be required to be further examined in consultation with the industry;

#### Reasons for the Amendment

- The modifications support and expand on the submission prepared by the City's Officers;
- The modifications emphasise the importance of the community and local views on the planning process;
- The modifications emphasise the importance of the state providing appropriate guidance on planning for infill as a matter of priority; and
- Acknowledges proposed DAP reforms are a positive step, however do not go far enough to address community concerns on the matter, primarily being the local context and the community's genuine planning concerns have not been given sufficient consideration.

**CARRIED (8/0)**

The Amendment then became the Substantive.

#### COUNCIL DECISION

**Moved:** Councillor Glenn Cridland  
**Seconded:** Councillor Travis Burrows

That Council;

Endorse the modified submission to the Planning Reform Team on *Modernising Western Australia's Planning System: Green Paper Concepts for a Strategically-led Planning System – Discussion Paper for Planning Reform May 2018*, as detailed in **Minutes Attachment (a)**.

The modifications specifically include:

- f. OBJECTION to the standardisation of requirements and provisions that diminish the ability for local governments to effectively represent their community's needs;
- g. RECOMMENDATIONS for further reform of the Development Assessment Panels (DAP), including:
  - a. Introduction of third party appeal rights for DAP applications to allow the

- relevant local government or a submitter who adjoins the development to apply to the State Administrative Tribunal (SAT) for a review of the decision and also to join as a party to any review of a decision not initiated by a third party;
- b. Removal of the opt-in mechanism for DAP's;
  - c. Providing more time to the public to read agendas and make deputations; and
  - d. Further clarify around the Chief Presiding Member's powers, which could present a conflict of interest as a self-regulating body;
- h. OBJECTION to local planning policies requiring approval of the Western Australian Planning Commission (WAPC);
  - i. RECOMMENDATIONS for consideration and priority to be given to matters relating to infill development.
  - j. ADVOCATING to the Department of Planning, Lands and Heritage (DPLH) that any proposed actions that have a direct impact on local governments be required to be further examined in consultation with the industry;

**CARRIED (8/0)**

### Background

The Western Australian Planning system is established and governed by the state through a number of statutory instruments, primary of which is the *Planning and Development Act, 2005*.

In 2009 the previous state government commenced a review of the planning system entitled *Planning Makes it Happen: A Blueprint for Planning Reform*. This reform programme focussed on; making the system more transparent, consistent and efficient, and introducing greater certainty and accountability. Initiatives which stemmed from this reform programme included:

- Establishment of Development Assessment Panels (DAPs)
- Introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* which incorporate:
  - additional requirements for local government reporting on the status of local planning schemes and strategies;
  - Deemed Provisions which were automatically introduced into existing local planning schemes to effect consistency on key administrative matters; and
  - An updated Model Scheme Text.
- The publication and application of Model Subdivision Conditions to improve the consistency of application and wording of conditions imposed on subdivision approvals.
- Development of a strategic land use plan for Perth and Peel (the *Perth & Peel @ 3.5 Million* suite of documents)
- A restructure of Western Australian Planning Commission (WAPC) committees.
- Standardisation of the local structure planning process and content.

In late 2017 the current Minister for Transport; Planning; Lands (the Minister) commissioned a further independent review of the planning system. The purpose of the review was to identify ways to make the system more efficient, open and understandable for everyone. A Green Paper, or discussion paper, has

subsequently been prepared and released for public comment. The Green Paper makes recommendations for change across five key reform proposals:

1. Strategically led – make strategic planning the cornerstone of the planning system;
2. Legible – make the planning system easy to access and understand;
3. Transparent – open up the planning system and increase community engagement in planning;
4. Efficient – make the planning system well-organised and more efficient;
5. Delivering smart growth – refocus the planning system to deliver quality urban infill.

The overarching purpose of the Green Paper process is to allow stakeholders to consider the identified issues and proposals, and provide the opportunity to suggest alternative solutions that address these issues. Importantly, the Green Paper does not commit the state government to the views expressed or to a particular direction for future action.

The purpose of this report is for Council to consider and endorse a submission in response to the Green Paper.

#### Comment

The City's submission provided at **Attachment (a)** provides support for the reform principles and key reform proposals. Notwithstanding comments under the following headings are offered in order to assist with the further development and implementation of the review proposals

- High level comments on key issues and implications arising from the Green Paper recommendations;
- Detailed comments on individual review proposals;
- Comments on further meaningful engagement

A summary of the comments under each of these headings is provided below:

#### *Comments on key issues and implications arising from the Green Paper Recommendations*

The following are high level comments on identified issues and implications arising as a result of Green Paper recommendations:

- There is a need for capacity building within the current system. This should be approached holistically and a key consideration of the reform.
- Reform proposals should be prioritised as short, medium and long term to provide a realistic framework for delivery. This will assist all sectors in ensuring there is adequate capacity within the available resources to deliver the reform proposals.
- Reform of the planning system has been ongoing since 2009 and there is frustration across all sectors with a perceived lack of progress on meaningful reform. A commitment to meaningful and holistic review should be demonstrated through progressing final recommendations through to implementation, which will require commitment and leadership from the state.
- A series of 'quick wins' that can be implemented relatively quickly should be identified. This will help to build momentum and good will amongst both the planning profession and wider community as a certain amount of change and commitment to progressing with the reform will be visible. These may include:

- Developing an interactive, legible and user friendly online planning portal for local planning schemes,
  - Providing that DAP meetings are held at regular times, and
  - Preparation of a framework to allow parties with a sufficient interest in a matter to be heard during SAT mediation of DAP matters.
- It is important to ensure that local governments currently undertaking much needed comprehensive reviews of their local planning frameworks can still progress these in an efficient manner without any risk of them being put on hold at state level because of potential changes to the content and format of the planning framework, and state resources being directed and diverted to the preparatory work on these documents. There needs to be sufficient capacity at the state level to deal with both 'business as usual' matters, and the implementation of the recommended changes to the format and content of the local planning framework.
  - On issues of regional, state and national importance, such as responsible urban growth management and infill, there is a case for state government leadership to be more firmly demonstrated. This may include playing a greater role in educating the wider community about state policy on growth management, what informs it and the need for such policies. This would potentially avoid argument and debate about the principles of such objectives at the local level, ensuring that time and energy is focussed on shaping growth in a locally responsive manner.
  - Recommendations relating to the provision of greater guidance by the state government on local planning instruments also need to be carefully considered and managed to minimise the risk of introducing further layers and rigidity to the already complex process.

*Detailed Comments on Individual Review Proposals*

The following provides a summary of comments contained in the submission on specific review proposals. These are for the purpose of providing guidance on the further development and refinement of these proposals.

*Review Proposal 1.1.3 Complex amendments being accompanied by an amendment to the Local Planning Strategy-*

- It is suggested that this should only apply where one of the reasons for the amendment being complex is due to inconsistency with a Local Planning Strategy. It also suggested that the most efficient method of undertaking both processes concurrently is employed.

*Review Proposals 1.3.1 and 1.3.2 Housing strategies being included in local planning strategies and overarching guidance on the preparation of these being provided in the Local Planning Manual –*

- Local planning strategies should provide a coordinating framework addressing key themes of housing, employment, centres and integrated transport but be structured to enable more detailed strategies focussing on key priority areas to fit into this overarching framework.
- The local planning manual currently provides guidance for what should be covered in a local planning strategy and makes reference to a Population and Housing section, which is for all intents and purposes the local housing strategy. As this is already covered in the guidance document the proposal should therefore relate to enforcement of this requirement.



- Any methodology for a local housing analysis/strategy would need to be robust enough to account for the differences in planning for greenfields and infill areas.
- It is critical that a strategically-led planning system incorporates short - (5 to 10 years), medium-(10 to 15 years) and long-term (30 years and beyond) planning.
- Ensuring the methodology considers short, medium and long-term planning is critically important for a number of reasons;
  - To ensure sufficient capacity is provided for in the long-term in infill environments, where fragmented landownership limits capacity for redevelopment and increases the risk of underdevelopment;
  - To align long-term strategic planning with long-term infrastructure commitments and needs (public transport, schools and the like). Plans considering short-term planning horizons (i.e. 5 years) are insufficient for proper infrastructure planning in infill settings; and
  - To recognise that places evolve over time to respond to changing demographic profiles, technology, social trends and market conditions.
- The analysis should be based on the latest ABS census data and population projections, and updated and reviewed every five years to align with the release of census data.
- It is suggested that a further review proposal be added to consider removing the arbitrary targets specified in the Perth and Peel @ 3.5 million suite of documents as these are not based on any detailed analysis of likely population and dwelling growth.
- These documents should instead set a model for delivering infill and allow local governments to determine the required dwellings based on this guidance and the latest ABS data.
- This will go some way to addressing the current disconnect between what the local communities expectation is (targets in Perth and Peel @ 3.5 million) and what the evidence is saying local governments need to plan for.

*Review Proposal 2.4.1 Comprehensive Local Planning Schemes incorporating local planning strategies, local planning schemes and local planning policies -*

- The improvement in the alignment and 'line of sight' of these documents is supported, but it is critical that their statutory roles and functions remain unchanged to ensure the best planning outcomes.
- The role of local planning policies providing guidance on the application of discretion is vital to ensuring an appropriate balance between certainty and flexibility, and ultimately achieving good planning outcomes for the locality.

*Review Proposal 2.7.3 Deemed Provisions for standardised zones, land uses and land use permissibility -*

- Caution should be exercised in providing standardised land use permissibility's for certain zones as what is appropriate in a particular zone in one locality may not be appropriate in another.

*Review Proposal 3.2.1 Development by DPLH of a Community Engagement Charter for all aspects of the Planning System -*

- The Charter and associated processes need to incorporate an education component to inform stakeholders of the need to responsibly plan for and manage growth, and the state instruments that govern and inform planning at the local level to assist stakeholders in understanding the non-negotiables of planning for growth, such as infill.

- The charter should also provide guidance on undertaking meaningful and representative engagement to ensure a broad cross section of stakeholder views is captured, and in planning for strategic matters balance the needs of the existing and future community.

*Review Proposals 3.3.2 and 3.6.4 Requiring reasons for planning decisions to be published –*

- This is unlikely to result in significant improvements to transparency as reasons for decisions that are currently published under existing legislation are generic and add little value. A coherent system of planning and a well written report on a proposal addressing that system is likely to be far more valuable in communicating reasons for decisions.

*Review Proposal 3.5.1 Mandatory Reporting by local government –*

- It is suggested that this be expanded to include state government to improve transparency across the whole system.
- Reporting for local government should relate to:
  - An up to date strategic framework (LPS and other associated strategies),
  - Age and consistency of the Scheme with the model provisions and state policy,
  - Amount of decisions made under delegation, and
  - Amount of decisions made within statutory timeframes.
- State government reporting should consider age and relevance of state strategies and policies, and processing timeframes.

*Review Proposal 3.6.6 New specialist members to consider matters relating to reconsideration of a DAP decision through SAT*

- The intent is understood but the recommendation is not supported for the following reasons:
  - The same principle will not apply to local government members. To be meaningful this would need to apply to local members as well,
  - Inconsistent with local government practice as the membership of the decision maker does not change through the process, and
  - More resource intensive for both the new specialist members and responsible authority, as the new specialist members would be unlikely to have as detailed an understanding of the proposal and its history requiring more work on background information.

*Review Proposal 3.6.7 Framework for third parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation on DAP matters –*

- Further development of this proposal requires careful consideration so as not to compromise efficiency in the interests of transparency.
- How parties with a sufficient interest are determined needs to be given careful consideration and restricted to parties with concerns relating to fundamental planning considerations.

*Review Proposals 4.2.6 and 4.1.14 Streamlining of the development assessment process –*

- The recommendation to incorporate in the Regulations that a local government must advise an applicant within 10 business days of receipt of an application whether additional information is required needs further clarification.
- The above does not necessarily need to be mandated in the Regulations. If it is thought must be given to who will monitor and implement it, as well as what happens if the timeframe is not met.
- It may be an overly resource intensive requirement for very little gain and ultimately counterproductive to the key principle of efficiency.
- A better approach would be to have best practice notes on the development assessment process developed, in conjunction with local government and WALGA, and then distributed amongst the industry.
- The recommendation to fast-track single house applications with only ‘minor’ variations to the R-Codes would only work if the definition of ‘minor’ can be clearly and unequivocally established and the assessment process (including consideration of neighbour impacts) resolved to address the very issues that lead to a ‘performance criteria’ approach in the first place. This would then need to be mandated across all local governments

*Review Proposal 5.2.1 Smart Growth State Planning Policy -*

- Unclear how this would relate to existing strategies and policies that currently deal with elements related to Smart Growth Principles (Perth and Peel @ 3.5 million and State Planning Policy 4.2 and the like).
- It is recognised that more clear, consolidated and coherent guidance around this principle is needed, however, more detail around how this might work needs to be considered and worked through.

*Further Meaningful Engagement*

- With respect to further meaningful engagement with local government it is suggested that the reform team consider setting up a number of working groups with the assistance of WALGA.
  - Three working groups for local government administration should be set up, one for inner and middle metropolitan local governments, one for outer metropolitan local governments and one for regional local governments, including all directors and planning managers (both strategic and statutory/development assessment).
  - Three similar working groups for elected members should also be set up. It would be up to the Council of each local government to determine which elected members would participate.

*Summary*

The principles and key reform proposals are encouraging and will help with achieving a planning system that promotes and achieves best planning practice. The above comments are intended to assist with the further development and implementation of the review proposals. It is recommended that Council endorse the City’s submission on the Green Paper included at **Attachment (a)**.

### Consultation

The Green Paper was released by the Minister for public consultation in late May 2018. The closing date for submissions is 20 July 2018, however, the City has been granted an extension to this date by the Planning Reform team to enable Council to consider and endorse a submission at the July Ordinary Council Meeting.

Elected members were consulted by means of a Bulletin Item on 25 May 2018 requesting points for inclusion in this submission. No points have been raised by elected members.

### Policy and Legislative Implications

There are no policy and legislative implications arising from the City's submission. Notwithstanding, a number of the recommendations, if proceeded with, will result in modifications to the state planning framework, both legislative and policy.

### Financial Implications

There are no financial implications to the City in making this submission.

### Strategic Implications

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

*Leadership > A visionary and influential local government > Advocacy > Advocate for public infrastructure improvements including South Perth train Station and ferry services*

### Attachments

10.4.3 (a): City of South Perth Submission - Planning Reform Green Paper

#### 10.4.4 Stop Puppy Farming Consultation Paper - Submission

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-18-74108
Meeting Date:	31 July 2018
Author(s):	Dene Lawrence, Coordinator Ranger Services
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report considers the Council's submission to the Stop Puppy Farming Local Government Consultation Paper produced by the Department of Local Government, Sport and Cultural Industries.

#### Officer Recommendation

**Moved:** Councillor Colin Cala  
**Seconded:** Councillor Tracie McDougall

That the Council endorse the summary of the key points of the submission, shown in **Attachment (a)** to the Stop Puppy Farming Local Government Consultation Paper. The submission will be submitted to WALGA and the Department of Local Government, Sport and Cultural Industries.

#### AMENDED MOTION AND COUNCIL DECISION

**Moved:** Councillor Glenn Cridland  
**Seconded:** Councillor Greg Milner

That the Officer Recommendation be amended by:

1. Replacing in the first line "the Council endorse" with "with the exception of the proposal for mandatory de-sexing, which is opposed, the Council endorses";
2. Inserting a new sentence after the first sentence - "The Council supports financial incentives for de-sexing dogs such as higher registration fees for dogs which do not have a certificate confirming the dog has been de-sexed."; and
3. Replacing the word "The submission will" in the last sentence with "A revised submission incorporating the opposition for mandatory de-sexing and support for financial incentives for de-sexing of dogs shall".

So that the Officer Recommendation reads as follows (**amendments in red**):

That, ~~the Council endorse~~ **with the exception of the proposal for mandatory de-sexing, which is opposed, the Council endorses** the summary of the key points of the submission, shown at **Attachment (a)** to the Stop Puppy Farming Local Government Consultation Paper. **The Council supports financial incentives for de-sexing dogs such as higher registration fees for dogs which do not have a certificate confirming the dog has been de-sexed.** ~~The submission will~~ **A revised**

submission incorporating the opposition for mandatory de-sexing and support for financial incentives for de-sexing of dogs shall be submitted to WALGA and the Department of Local Government, Sport and Cultural Industries.

### Reasons for the Amendment

The blanket prohibition proposed by the State Government to de-sex all dogs in the City of South Perth is an excessive and unnecessary infringement on personal liberty of residents.

Encouraging residents to have their dogs de-sexed via financial incentives is a defensible and reasonable method of reducing the numbers of unwanted puppies.

More draconian restrictions on personal liberties are not required, justified or desirable. For example, there are no packs of wild dogs bred locally from un-de-sexed dogs causing personal injury or roaming the streets of South Perth leaving residents in fear.

**CARRIED (8/0)**

The Amendment then became the Substantive.

### COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Tracie McDougall

That Council endorse the report with the following changes to the Officer Recommendation;

That, with the exception of the proposal for mandatory de-sexing, which is opposed, the Council endorses the summary of the key points of the submission, shown at **Attachment (a)** to the Stop Puppy Farming Local Government Consultation Paper. The Council supports financial incentives for de-sexing dogs such as higher registration fees for dogs which do not have a certificate confirming the dog has been de-sexed. A revised submission incorporating the opposition for mandatory de-sexing and support for financial incentives for de-sexing of dogs shall be submitted to WALGA and the Department of Local Government, Sport and Cultural Industries.

**CARRIED (8/0)**

### Background

The Department of Local Government, Sport and Cultural Industries released a Community Consultation Paper in May 2018 which has garnered a considerable response to date.

WALGA, together with Local Government Professionals WA, recommended a separate consultation process with Local Governments in recognition of the different considerations the Sector currently experiences as lead agencies in dog management, and is likely to encounter when implementing the Government's intended Stop Puppy Farming proposals.

WALGA has requested a Council-endorsed response by Friday 3 August 2018. This will permit a report to be prepared for the August round of WALGA Zone meetings and consideration by State Council at its meeting of 5 September 2018. This process and timeline aligns with the State and Local Government Partnership Agreement:

*Where appropriate and practicable, consultation should be for:  
12 weeks – for proposals that will have a significant impact on Local Government responsibilities or operations.*

*Examples include:*

- *New legislation and amendments to existing legislation that will impact Local Government; and*
- *Proposals and policy decisions that will have an impact on Local Government expenditure.*

### **Comment**

The McGowan Government is committed to stopping puppy farming and the overbreeding of dogs, and improving the health and welfare of all dogs in Western Australia (WA). The Stop Puppy Farming Consultation Paper summarises the proposed actions to stop this practice.

Currently, cruelty to dogs is addressed through the Animal Welfare Act 2002 (Animal Welfare Act) and restrictions on dog numbers through the Dog Act 1976 (Dog Act). There are however, currently no legal provisions that deal specifically with the overbreeding of dogs in WA or which encourage responsible breeding.

The Department of Local Government, Sport and Cultural Industries propose to introduce various provisions as part of this review, including the introduction of:

- mandatory dog de-sexing
- a centralised registration system to identify every dog at the point of sale or adoption
- the transition of pet shops into adoption centres
- mandatory standards for dog breeding, housing, husbandry, transport and sale

Consultation with the community on the impact and implementation of these measures is currently being undertaken. Consultation with the local government sector is being undertaken in a separate process. The Department of Local Government, Sport and Cultural Industries is working with WALGA to consult with the sector on how these measures can be implemented and what the impact will be on local governments.

Amendments to the Dog Act are being considered that would impose additional responsibilities on local government authorities, including:

- enforcing the mandatory dog de-sexing requirement (by taking action against owners when this comes to the local government's attention);
- processing dog breeder applications;
- enforcing the dog breeder registration requirement;
- inputting information into a centralised registration system, as opposed to the local government's own dog register.

#### 10.4.4 Stop Puppy Farming Consultation Paper - Submission

It is proposed that the State will develop a centralised registration system that is used by all local governments. For local government this means instead of maintaining individual dog registration databases, local government will continue to be responsible for processing of dog registrations and uploading the registrations to a centralised system. The Department of Local Government, Sport and Cultural Industries are working with the local government sector to undertake economic modelling to anticipate what these costs may look like.

A draft submission summary shown at **Attachment (a)** is based on the City's Ranger Services recommendations.

#### **Consultation**

Consultation with the City's Ranger Services Department, with a draft submission considered.

#### **Policy and Legislative Implications**

Amendments to the Dog Act are being considered that would impose additional responsibilities on the City of South Perth.

#### **Financial Implications**

There are no financial implications associated with this submission; however with the Amendments to the Dog Act this would impose additional responsibilities on the City of South Perth Ranger Services in relation to enforcement.

#### **Strategic Implications**

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

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

#### **Attachments**

**10.4.4 (a):** City of South Perth Draft Submission Summary - Stop Puppy Farming Local Government Consultation Paper



## 10.4.5 City of South Perth Standing Orders Amendment Local Law 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-74110
Meeting Date:	31 July 2018
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

This report recommends that Council makes a Standing Orders Amendment Local Law 2018.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glen Cridland

**Seconded:** Councillor Colin Cala

That the Council:

- in accordance with section 3.12(4) of the Local Government Act 1995, adopts the *City of South Standing Orders Amendment Local Law 2018*, subject to amendments shown 'marked up' on the attachment to the report to Council;
- in accordance with s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
- after Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, resolves that local public notice be given —
  - Stating the title of the local law;
  - Summarising the purpose and effect of the local law and the day on which it comes into operation; and
  - Advising that copies of the local law may be inspected or obtained from the City's offices.
- following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

*ABSOLUTE MAJORITY VOTE REQUIRED*

**CARRIED EN BLOC (8/0)**

### Background

At its meeting held on 12 December 2017, Council resolved to make a number of changes to its Standing Orders Local Law relating to:

- Deputations;
- Amendments to a motion; and
- Disruptive or inappropriate behaviour at meetings.

The background to the issues involved are contained in the minutes of the Council meeting of 12 December 2017 and the minutes and recommendations from the Audit, Risk and Governance committee meeting of 27 November 2017.

To give effect to the Council decision, a *City of South Perth Standing Orders Amendment Local Law* was adopted by Council at its meeting held on 27 March 2018.

### Comment

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

### Consultation

The process to make a local law is set out in s3.12 of the Local Government Act 1995.

In this respect, section 3.12(3) of the *Local Government Act 1995* requires a local government to give State-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

A copy of the proposed local law must also be given to the Minister(s) administering the Act under which the local law is made; in this instance the Minister for Local Government and Communities. Feedback from this consultation must be considered by Council before it resolves to make the local law.

The proposed local law was duly advertised and a copy sent to the Minister. There were no comments received from the public, but the Department of Local Government, Sporting and Cultural Industries made a number of minor suggestions in relation to the format of the Amendment Local Law, which are shown 'marked' at **Attachment (a)**.

The suggested changes are considered minor and the local law does not need readvertising.

### Policy and Legislative Implications

The City has now complied with the requirements of the Act and the Amendment Local Law may now be made in accordance with s3.12(4). Following adoption the Amendment local law will be published in the Government Gazette and come into effect 14 days after Gazettal. The City must also give notice of its coming into effect.

The City is also required to submit the Amendment local law to the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) for scrutiny. The JSCDL oversees the making of local laws and regulations on behalf of Parliament and can recommend disallowance if an instrument offends its terms of reference or if the procedure to properly make a local law has not been correctly followed.

These requirements are reflected in the recommendation above.

#### **Financial Implications**

There are some administrative expenses involved in making the proposed Amendment Local Law.

#### **Strategic Implications**

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

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

#### **Attachments**

- 10.4.5 (a):** City of South Perth Standing Orders Amendment Local Law 2018  
- showing minor suggestions to the format of the Local Law

## 11. APPLICATIONS FOR A LEAVE OF ABSENCE

Councillor Cheryle Irons applied for a Leave of Absence for the period 27 August 2018 – 4 September 2018, inclusive.

### MOTION TO APPROVE LEAVE OF ABSENCE APPLICATION AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Ken Manolas

That the Leave of Absence Application received from Councillor Cheryle Irons for the period 27 August 2018 – 4 September 2018, inclusive be approved.

CARRIED (8/0)

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

### 12.1 COUNCILLOR MOTION: POLICY P303 DESIGN REVIEW PANEL (CR KEN MANOLAS)

At the Council Agenda Briefing held 24 July 2018 Councillor Ken Manolas gave notice that at the 31 July 2018 Ordinary Council Meeting he would move the following Motion:

#### Motion AND COUNCIL DECISION

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Blake D'Souza

That Council update page 2 of Policy P303 Design Review Panel – Appendix 1, City of South Design Review Panel Terms of Reference, (2) Aspects of proposals to be considered by the DRP be amended with the change in the following sentence (in red):

The DRP ~~will~~ **may be requested to** examine proposals referred to them in relation to the following, among other aspects.

i. State Planning Policy- Design Principles:

- a) Context and character
- b) Landscape quality
- c) Built form and scale
- d) Functionality and build quality
- e) Sustainability
- f) Amenity
- g) Legibility
- h) Safety
- i) Community
- j) Aesthetics

For guidance on these design principles see *State Planning Policy 7 – Design of the Built Environment*.

CARRIED (8/0)

#### Reasons for the Motion

This is a minor change. There is no other change to the policy. I have been informed by the Director of Development and Community Services that the Design Review Panel already consider these aspects in their assessment. This change brings the Policy up to date as to what is being done and clarifies to the community the correct information when reading the Policy P303.

#### CEO Comment

The City's Design Review Panel is expected to provide detailed advice in regards to applications for apartments and mixed use development and the template for the meeting notes includes the following:

*Items presented to the Design Review Panel are assessed by a panel of relevant professionals using the “design quality principles” and with due regards to Design WA. The design principles include but are not limited to – Context and character, Landscape quality, Built form and scale, Functionality and build quality, Sustainability, Amenity, Legibility, Safety, Community and Aesthetics.*

*In respect of “Comprehensive New Development” within South Perth Station Precinct and “Major Development” within the City of South Perth, the development shall, in the opinion of the Panel, be exemplary design. The proponent shall provide detailed commentary to demonstrate how exemplary design has been achieved.*

*The Panel will provide commentary regarding the elements of the design that are supported and those that would benefit from further consideration. For preliminary applications, the Panel's comments shall be provided to the proponent to assist in the development of the design.*

In addition to design quality evaluation above, the ‘Design Quality’ insert from Schedule 9A Table B is also included as a further reference in relation to the panels advice.

In light of the above, proposed amendment to the City of South Perth Design Review Panel Terms of Reference will not make any change to the manner in which plans are reviewed by the panel.

## **12.2 COUNCILLOR MOTION: REVIEW OF CITY POLICY P350.03 - CAR PARKING ACCESS, SITING AND DESIGN (CR GLENN CRIDLAND)**

At the Council Agenda Briefing held 24 July 2018 Councillor Glenn Cridland gave notice that at the 31 July 2018 Ordinary Council Meeting he would move the following Motion:

## MOTION AND COUNCIL DECISION

**Moved:** Councillor Glenn Cridland

**Seconded:** Councillor Colin Cala

That Council requests the CEO arrange for:

1. A Review by City Officers of *Local Planning Policy P350.03 – Car Parking Access, Siting and Design* with particular reference to clauses 8.2 and 8.4 relating to the use of mechanical parking devices (car stackers) in relation to:
  - a. the minimum ratio of onsite car bays that must be accommodated in any development outside of any car stacker system, and
  - b. whether site difficulties are a proper planning consideration for allowing the installation of smaller / less capable car stackers that cater for a smaller proportion of vehicles traditionally used and seen in the District.
2. A draft revised Policy be presented to Council no later than December 2018.

**CARRIED (8/0)**

### Reasons for the Motion

Car stackers come in a variety of sizes, capacities and types which determine the types of vehicles which may be accommodated therein as well as the time, training and effort required to use them.

In the District, car stackers are a solution increasingly frequently being proposed by developers to provide the required numbers of onsite car parking locations in buildings with high residential / commercial density. Areas particularly impacted include the South Perth Train Station area and the Canning Bridge Activity Centre. The latter area is rapidly transitioning from single storey detached houses on quarter acre lots to 8 and 10 storey apartment blocks.

The community are slow to embrace car stacking systems and tenant / resident cars are often parked off site and on street rather than in provided stackers – thus increasing parking and traffic congestion. This has an amenity and safety impact to the local area for residents and their visitors.

The intention of the existing policy was and is to ensure that a small (20%) proportion of onsite car parking is provided outside of car stacking systems to reduce this impact.

The text of 8.2 is ambiguous and has been approached by developers as allowing all onsite car parking to be provided in car stackers as long as the small proportion (20%) of car parking locations are accessible in the car stacker when it is not being operated or operational (eg through power outage) *rather than* ensuring that a small (20%) proportion of onsite car parking is provided outside of car stacking

systems irrespective of whether it is operating. The JDAP recently accepted this interpretation and approach by a developer.

A further question is whether 20% is an adequate proportion of non-stacker car parking locations given residents and visitors have a demonstrated reluctance to use this type of parking.

The other matter worthy of review is whether mere site difficulty is an adequate reason for considering a concession on the minimum standards and dimensions of car stackers – noting the amenity and safety impact on the local neighbourhood of cars parked on the street which should be accommodated onsite.

CEO Comment

The Administration note the reasons for the policy change and will prepare a draft policy accordingly.

Mayor Sue Doherty disclosed an Indirect Financial Interest in *Item 12.3 Legal Advice in relation to ALH v Metro Central JDAP 2018 WASAT 63* as she was the recipient of 1 election related gift in September 2015 and 2 election related gifts in October 2015, all from Pierre Sequeira (owner of the Karalee Bottle Shop and Liquor Barons, Angelo Street) and left the meeting at 8.17pm.

At 8.17pm Councillor Glenn Cridland assumed the chair.

### 12.3 LEGAL ADVICE IN RELATION TO ALH V METRO CENTRAL JDAP 2018 WASAT 63

At the Council Agenda Briefing held [24 July 2018] Councillor Cridland gave notice that at the 31 July 2018 Ordinary Council Meeting she/he would move the following Motion.

Councillor Glenn Cridland **WITHDREW** his Notice of Motion at the Ordinary Council Meeting held Tuesday 31 July 2018

#### Reasons for the Motion

The Council has consistently and vigorously opposed the development of the Dan Murphy's at the site at the corner of Canning Highway and South Terrace including by commencing Supreme Court proceedings.

The development has been refused twice by the JDAP and approved once by the JDAP. The approval expired and (on the three occasions that the extension was before the JDAP) the JDAP refused to extend the period of the approval - on several grounds including that the town planning framework had changed to make the Dan Murphy's use a prohibited use at the location.

The applicant (ALH) sought a State Administrative Tribunal ("SAT") review of the JDAP decision to refuse an extension of time.

In its decision published on 16 July 2018, the SAT has reversed the JDAP decision to refuse an extension of time and allowed the extension of time in which to commence construction of the development notwithstanding the use is now a prohibited use at the location and the traffic arrangements have significantly changed.

The City has not obtained any written legal advice on the lawfulness of the SAT decision and its amenability to judicial review by a particularly interested third party (ie the City).

Councillors will be better informed if the advice is obtained and made available to them.



CEO Comment

Council should give consideration as to the purpose of this legal advice as the City is not a party to the proceedings. However, the City wrote to the Development Assessment Panel requesting the Panel consider appealing the matter in the interests of our ratepayers. It is suggested that if the Council resolves to seek legal advice it be held over until the Development Assessment Panel's position is known.

At 8.19pm Mayor Sue Doherty returned to the meeting and resumed the chair as Presiding Member prior to consideration of Item 13.

**13. QUESTIONS FROM MEMBERS**

**13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

NIL

**13.2 QUESTIONS FROM MEMBERS**

NIL

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

Nil

## 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 these matters has been circulated separately to Councillors.*

The meeting was not closed to the public as no further discussion was requested.

### 15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

#### 15.1.1 Community Infrastructure Analysis

Location:	South Perth
Ward:	Moresby
Applicant:	Council
File Ref:	D-18-74114
Meeting Date:	31 July 2018
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### MOTION AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Greg Milnor

That the Council requests the Chief Executive Officer to undertake the preparatory work described in Option 2 of this report.

**CARRIED (8/0)**

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.21pm.

## 17. RECORD OF VOTING

### 7.1.1 Ordinary Council Meeting Held: 26/06/2018

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 7.2.1 Concept Briefing / Workshop - July 2018

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 9.1 En Bloc Motion

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.1.1 Rates Exemption Request for Curtin University Boat Club

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.1.2 Public Art Advisory Group - Terms of Reference Minor Amendment

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.1.3 Engaging with the City's Young People

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.1.4 Tender 8/2017 Contract Variation "Management of the City of South Perth Australia Day Event"

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.1.5 Tender 6/2018 "Supply the Services of Plant with Skilled Operator to Carry out Minor Works"

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.3.1 Proposed Change of Use from Single House to Consulting Rooms - Lot 9 (No. 419) and Part of Lot 8 (No. 417) Canning Highway, Como

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.3.2 Proposed Naming of Right of Way No. 68

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

### 10.3.3 Proposed Naming of Right of Way No. 74

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.3.4 Additions & Alterations and Change to Opening Hours of Child Day Care Centre at Lot 10 (No. 64) Mill Point Road, South Perth**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Glenn Cridland; Councillor Tracie McDougall

Against: Councillor Travis Burrows; Councillor Greg Milner; Councillor Blake D'Souza

**10.3.5 Proposed two storey Single House at Lot 40 (No. 52) Lockhart Street, Como**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.3.6 Joint Bike Plan - City of South Perth and Town of Victoria Park**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.3.7 Urban Forest Strategy**

For: Mayor Sue Doherty; Councillor; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Travis Burrows

Against: Councillor Greg Milner; Councillor Ken Manolas

**10.3.8 Clontarf Waterford Salter Point Foreshore Masterplan**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.4.1 Monthly Financial Statements - June 2018**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.4.2 Listing of Payments - June 2018**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.4.3 Planning Reform Green Paper - City of South Perth Submission**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.4.4 Stop Puppy Farming Consultation Paper – Submission**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**10.4.5 City of South Perth Standing Orders Amendment Local Law 2018**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**12.1 Councillor Motion: Policy P303 Design Review Panel (Cr Ken Manolas)**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**12.2 Councillor Motion: Review of City Policy P350.03 - Car Parking Access, Siting and Design (Cr Glenn Cridland)**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**12.3 Legal advice in relation to ALH v Metro Central JDAP 2018 WASAT 63**

Withdrawn

**15.1 Matters For Which The Meeting May Be Closed**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

**15.1.1 Community Infrastructure Analysis**

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

## 6.2 PUBLIC QUESTION TIME: 26 JUNE 2018

Mr Bill Gleeson of Canning Highway, South Perth	Received at the Meeting 26 June 2018 and Taken on Notice
<p>1. Why did this council approach Main Roads with a request to construct a median strip on Canning Highway stopping traffic turning right into Norton Street to use the drive through bottle shop at the Como Hotel site?</p>	<p><i>[Response provided by Mr Geoff Eves, Acting Manager Assets and Design]</i></p> <p>The City received a petition from a number of residents of Norton Street via the Minister of Transport and Lands requesting the extension of median along Canning Highway to prevent traffic turning right into Canning Highway for safety concerns. This matter of extending the median on Canning Highway was subsequently raised and discussed at a meeting of Council to consider another but related matter on the 14 November 2017. As a consequence of a Council resolution at that meeting the City wrote to Main Roads WA with a request to extend the median on Canning Highway from just north of South Street to just north of Norton Street. The justification provided by the City to Main Roads was on the grounds of safety, and this was supported by Main Roads along with an agreement to provide 50% of the cost.</p>
<p>2. Are you aware that residents from Kensington/South Perth location now use Hensman Street, Renwick then Sandgate Street and proceed up Norton Street to use the above drive through bottle shop? This is commonly known as the “rat run” which means using other residential streets to get to their destination.</p>	<p><i>[Response provided by Mr Geoff Eves, Acting Manager Assets and Design]</i></p> <p>While a more practical route from the east of Canning Highway (Kensington) to the Como Hotel drive through bottle shop is via the signal intersection of Canning Highway/South Terrace there would be vehicles coming from Douglas Avenue and perhaps further north via Canning Highway to make the right hand turn into Hensman Street or Renwick Street but this is not quite as safe as the alternative and is considerably longer and results in traffic essentially doubling back on itself.</p> <p>This is not the usual pattern of the driving habit known as ‘Rat-Running’. It is unlikely that the carrying capacity of Hensman Street and Renwick Street will be exceeded with the small number of additional vehicles however, now that six months has elapsed since the median extension was done the City has arranged</p> <p>for traffic counts to be undertaken in Sandgate Street, Norton Street, Renwick Street and Hensman Street once the school term resumes.</p>

3. Why have the City of South Perth failed to respond to my letter dated 20 March 2018, addressed to Mr Glass CEO in relation to conflict of interest? (Copy of letter attached).

*[Response provided by Mr Geoff Glass, Chief Executive Officer]*

The City had already provided a very detailed response to your assertion regarding conflict of interest by the Council which explained why this was not the case. In addition the Mayor met with you to discuss your views and explained in detail in an email dated 21 March 2018 once again why there was no conflict of interest. The matter had been satisfactorily responded to you by both the Administration and the elected Council.

Attachment to Question 3 – Mr Bill Gleeson

Bill Gleeson  
Unit 2/95 Canning Highway  
South Perth WA 6151

20<sup>th</sup> March 2018

MR Glass CEO  
City of South Perth

Dear Sir

I wrote to you letter dated 14/02/2018 regarding conflict of interest/RSL Australia Day.

The City's response was from Mr Patrick Quigley letter dated 08/03/2018 – no reference number supplied.

I phone Mr Quigley to discuss the context of his letter, was told by the call centre he was at a meeting. I left a message for him to return my call and that never happened.

I find his letter to be unsatisfactory.

I called Mr Quigley Friday 16/03/2018, once again only to be told by the call centre that he is not in his office and left a message but no response to date.

Mr Glass, my letter raises a number of issues to be told by Mr Quigley that the City does not concur with my personal view about the conflict of interest and he is just fobbing me off and not addressing the issues I raised.

Mr Glass, I seek from you reasons why the City does not have a conflict of interest/RSL given the resources the City provides on Anzac Day.

Regards.

**BILL GLESSON**



## 6.2 PUBLIC QUESTION TIME: 31 July 2018

Mr Mark Paskos of Hartington Way, Carine	Received 26 July 2018
<p>4. What is the total project cost to date (ie from inception to now) of the <i>Local Planning Strategy project</i>, split into 2 figures representing:</p> <p>a. Internal direct CoSP costs (ie labour and internal costs; and</p> <p>b. External 3<sup>rd</sup> party costs (ie consultants and contractors)?</p>	<p><i>[Response provided by: Vicki Lummer]</i></p> <p>In response to Part a., the City does not keep a record of the internal staff costs of each project or individual piece of work. It should be noted that multiple business units within the City are involved in this project. The project is adequately resourced internally based on its nature and complexity.</p> <p>The total cost to date of external consultants on this project is \$22,450 excluding GST.</p>
<p>5. What is the total project cost to date (ie from the inception to now) of the <i>Station Precinct Activity Centre plan project</i>, split into 2 figures representing:</p> <p>a. Internal direct CoSP costs (ie labour and internal costs; and</p> <p>b. External 3<sup>rd</sup> party costs (ie consultants and contractors)?</p>	<p><i>[Response provided by: Vicki Lummer]</i></p> <p>In response to Part a., the City does not keep a record of the internal staff costs of each project or individual piece of work. It should be noted that multiple business units within the City are involved in this project. The project is adequately resourced internally based on its nature and complexity.</p> <p>The total cost to date of external consultants is \$131,548</p>
<p>6. The Strategic Planning budget line item in your Operating Budget has increased significantly from the actual spend of \$598,000 in 2017/8 to a budget of \$1,046,000 in 2018/9. Please provide the amounts budgeted for each of the major projects that have caused this increase of \$445,000 over last year and a brief explanation of the increases.</p>	<p><i>[Response provided by: Vicki Lummer]</i></p> <p>The increase in the Strategic Planning Operating budget is as a result of:</p> <ul style="list-style-type: none"> <li>• The projects budget being incorporated into the operating budget. These projects were previously included in the City's Capital Works budget; and</li> <li>• Other incidental increases to overhead operating costs.</li> </ul>

*The Place and Design report contains a schedule for the development of the Peninsula (Station?) Activity Centre Plan. Many items were required to be completed before the final AC plan which had a 2-5 year time frame. Recently it was reported that the ACP would be available this year, in a significantly shorter timeframe.*

1. Who in the planning team made the decision to reduce the timeframe and scope of the prerequisite activities and plan, and why?

*[Response provided by: Vicki Lummer]*

The timeframes for the actions in the Implementation Schedule of the Place and Design Report were determined based on numerous factors, most notably the complexity of the task, and if and how far the City had already progressed the action. The 2 to 5 year time frame for the Activity Centre Plan referenced in the schedule relates to the completion of the Activity Centre Plan, not its commencement. The project commenced approximately 12 months ago and is anticipated to be complete within this 2 to 5 year timeframe. Further, the majority of the actions with a shorter timeframe are not, and were not intended to be, pre requisites for commencing the Activity Centre Plan. Those that are pre-requisites have either been completed separately or were completed as part of the background work on the Activity Centre Plan.

The time frame of the Activity Centre Plan and scope of the prerequisite activities has therefore not been changed

2. Were the Elected Councillors briefed on these timetable and scope changes and did they give the officers formal approval for the changes?

*[Response provided by: Vicki Lummer]*

As outlined in the answer to the previous question there have been no changes to the timetable and scope. Notwithstanding, when Council considered the Place and Design Report in June 2017 the following formed part of the resolution on the matter:

*“That the Council...*

*(b) Endorse the following priority actions for the further planning of the South Perth Station Precinct and the surrounding area:*

*i. Establish a Stakeholder Reference Group, to actively engage with key stakeholders and provide regular feedback on the implementation of recommended actions; ii. Prepare a Community Needs Assessment; and*

*iii. Prepare an Activity Centre Plan pursuant to Part 5, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, and State Planning Policy 4.2 Activity Centres for Perth and Peel.”*

*Re the Place and Design Report - individual costs are publicly available but are spread over months of reports and some are unidentifiable as related to the project. Since these would have had to be aggregated by the project team.*

3. What was the total cost of the Place and Design Report, including costs of community engagement, through to report preparation?

*[Response provided by: Vicki Lummer]*

The total combined cost of the consultants for the Place and Design project was \$183,300.

**Ms Vicki Redden of Mill Point Road, South Perth**

**Received 30 July 2018**

1. If the prescribed heights in Schedule 9A of the Station Precinct Plan were met - what would be the resulting population density in the Station Precinct?

*[Response provided by: Vicki Lummer]*

Determining population density based on a proposed plan requires complex and detailed modelling as there are numerous assumptions in an infill area that are required to be made in arriving at the figure. The City has not undertaken such modelling for Schedule 9A. The Executive Summary of the Station Precinct Plan notes that 950 dwellings would be the ultimate potential scale of residential dwellings. This equates to approximately 30 gross dwellings per hectare. The background documents for the Station Precinct Plan include some high level analysis of redevelopment potential, however not the detailed modelling that is now considered best practice. Lessons learnt from this are that assumptions must consider vital factors for sound evidence based planning such as growth trajectory, overall suburb population share and the expected location of growth as set out in state strategies.

2. Is the city intending to include a formal asset devaluation assessment for neighbouring properties as part of the new Activity Centre plan?

*[Response provided by: Vicki Lummer]*

The assertion that properties would be devalued as a result of the Activity Centre Plan is not based on any documented, peer reviewed evidence. As it is not a requirement of an Activity Centre Plan the City will not be undertaking such an assessment

3. When emails are sent to 'enquiries@southperth.wa.gov.au' there is a response email indicating receipt. Email sent to Officers or Management does not get the receipt message. How long is it reasonable to wait before we query the status of questions posed or resend the Emails?

*[Response provided by: Geoff Glass]*

The City receives on average over 3000 external email enquiries a week. How to best respond to or deal with an email enquiry depends upon the nature of the email, the complexity and urgency of the matter it concerns, which Department or Departments or staff that might need to communicate with each to consider the response and what method of handling the enquiry is best to apply. Not all emails for example require a written response as the follow up action may be a phone call or a meeting request or an onsite visit to discuss the matter.

We strongly encourage therefore that emails to the City should be directed to [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au) where they are acknowledged, logged into the City's electronic records management system, referred to the person if they are named in the email (whether that is a staff member or a Councillor) and it is then able to be monitored for workflow.

If you choose to send the email to an individual it is then up to the individual and their circumstances as to how that email is managed. It may be impacted by their workload, availability (are they on leave or not) or in fact it might be the responsibility of some other staff member.

With respect to emails sent to [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au) we aim to respond within 10 working days of its receipt (or if it is identified that the matter cannot be fully addressed within that time then we aim to provide an interim response within 5 working days).

We generally advise therefore that [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au) is the address that should be used for all email enquiries sent to the City.

*There is a lot of evidence that population growth is unsustainable. For example Dick Smith's book Population Crisis: The dangers of unsustainable growth for Australia 2011. He argues that the term sustainable population growth is an oxymoron because the words are in opposition.*

1. Did such evidence inform the City's strategic planning team and consultants when they decided to increase the target set by the WAPC of 8,300 new dwellings in the City by 2050 rather than accept or lower it?

*[Response provided by: Vicki Lummer]*

There are numerous examples of peer reviewed evidence which suggest that population growth can be sustainable if appropriately planned for. This evidence highlights the importance of short, medium and long term forecasting based on the most reliable and up to date data available, to plan for the most likely growth within these timeframes. This type of evidence based planning is a fundamental principle that underpins contemporary best planning practice. In preparing the Local Planning Strategy and other strategic planning documents the City considers detailed, up to date population and demographic data that identifies population and economic trends, and comprehensive forecasts based on this data. It should be noted that the targets set by the WAPC are not based on this type of robust data and are therefore not responsive to expected and likely growth.

*The economic report to guide preparation of the ACP on the peninsula states that about 25% of dwellings in that area are unoccupied. An attendee named Richard told the Community Planning Workshop on 27 Feb 2017 that in his block 12 out of the 14 have overseas owners.*

2. How do the City's strategic planning team and consultants justify huge apartment towers when with an oversupply, existing properties lose their value; existing new apartments currently remain unsold like in Aurelia despite mass advertising and towers result in loss of amenity for existing residents in the neighbourhood? (Oversupply of commercial/retail space is also evident as vacant tenancies in mixed use buildings).

*[Response provided by: Vicki Lummer]*

There are many complex factors which inform expected and likely growth within an activity centre, and consequently the type of built form required to accommodate this growth. The current dwelling occupancy rate cannot be considered in isolation and needs to be considered in the context of the entire economic and demographic assessment which has not yet been publically released. Best planning practice, as well as legislation, requires activity centre plans to be based on sound rationale and evidence. The built form recommendations in the Activity Centre Plan will respond to the outcomes and recommendations of the economic and demographic assessment, and the movement and access analysis which provide the rationale and evidence for the plan.

*The id population experts' economic section shows that 50% of 20,000 workers residing in the City have a bachelors' or higher degree.*

3. How can such residents be targeted to provide community input into the numerous projects on which community input is being sought because they may have greater knowledge and or experience than the average

*[Response provided by: Vicki Lummer]*

The City does not discriminate according to educational background when seeking general feedback from residents, ratepayers and other stakeholders and welcomes informed feedback from all sectors

<p>person? (For example, this coming month, community comments are requested on preparation of the Perth Water Precinct Plan by the relevant State Department.)</p>	<p>of the community.</p> <p>For a number of relevant City projects, community feedback may be sought according to City demographic sampling. This may include seeking feedback from statistically representative samples of the population and may include percentage representation, that may include age, sex, marital status, educational background, place of birth and nationality</p>
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<p><b>Mr Adam Quintiliani from Perception Homes</b> <span style="float: right;"><b>Received 30 July 2018</b></span></p>	
<p>1. If we move the Boundary wall to the Kitchen from 350mm where it is currently to 600mm off as suggested by council how does this make a difference to the neighbour's property when the neighbours property house external wall, clear window to Kitchen and eave are so close to the boundary anyway and the fence line will not be affected?</p>	<p><i>[Response provided by: Vicki Lummer]</i></p> <p>Due to a variation being sought to the City's Boundary Walls Policy (P350.02), the City is required to undertake a design principle assessment. Based on the various design principles contained with clause 5.1.3 of the R-Codes and Policy P350.02, the southern boundary wall as part of the kitchen was not considered to be supportable for the reasons mentioned in the report. During the assessment process the City recommended that you consider amending the proposal to reduce the impact on the southern adjoining property.</p>
<p>2. How does redesigning the first floor to be within the R20 allowance of 25% overshadowing (reducing by 7%) affect the light to the kitchen window when the window is overshadowed by the eaves on the neighbours existing property itself and the proximity to the fence on the neighbours side being so close to the boundary?</p>	<p><i>[Response provided by: Vicki Lummer]</i></p> <p>For the reasons mentioned in the report, the overshadowing cast is not considered to satisfy the relevant design principles of clause 5.4.2 in the R-Codes. While the City can appreciate that a proposal that met the overshadowing limit of 25% may still cast shadow over solar panels, the fact of the matter is that the proposal exceeded the deemed-to-comply requirement and the City was required to conduct a design principle assessment accordingly. The report acknowledges the constraints of the site in that it can be difficult for narrow east-west orientated lot to achieve compliance with overshadowing. Notwithstanding, the design principles of clause 5.4.2 of the R-Codes do not explicitly consider this constraint in assessing overshadowing. Instead, an assessment must be made in regards to whether the development is designed to protect solar access for the southern adjoining site, with particular reference to the specific criteria identified in the design principles of clause 5.4.2 of the R-Codes</p>

3. How are we meant to avoid overshadowing the neighbours one solar panel on their roof when it is on the northern side of their home, even if the first floor was revised to be within the allowed 25% overshadowing to the southern neighbour this would overshadow this panel as the block is only 10.2m and the panel is on the roof close to the boundary line?

*[Response provided by: Vicki Lummer]*

Given the east west orientation of the lot and the location of the adjoining neighbours solar panels it is likely that even with a redesign of the first floor the development would overshadow the solar panels of the adjoining property. Notwithstanding, where a development exceeds the deemed-to-comply overshadowing limit of 25% the City must consider the proposal under the design principles as mentioned above.

**DISCLAIMER**

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting on: Tuesday 28 August 2018.

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed