



Ordinary Meeting of the 39th Council 27 April 2021

Minutes

To: The Mayor and Councillors

Here within the Minutes of the Ordinary Meeting of Council of the City of Stirling held Tuesday 27 April 2021 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.

Stuart Jardine PSM | Chief Executive Officer

Our Vision, Mission and Values

Vision

The City of Stirling will be a place where people choose to live, work, visit and invest. We will have safe and thriving neighbourhoods with a range of housing, employment and recreational opportunities. We will engage with our diverse community to help shape our future into the City of Stirling - City of Choice.

Mission

To serve the City's diverse community through delivering efficient, responsive and sustainable services.

Values

The City of Stirling's core values are:-

- Agile
- Approachable
- Inclusive
- Innovative
- Inspiring
- Respectful
- Transparent

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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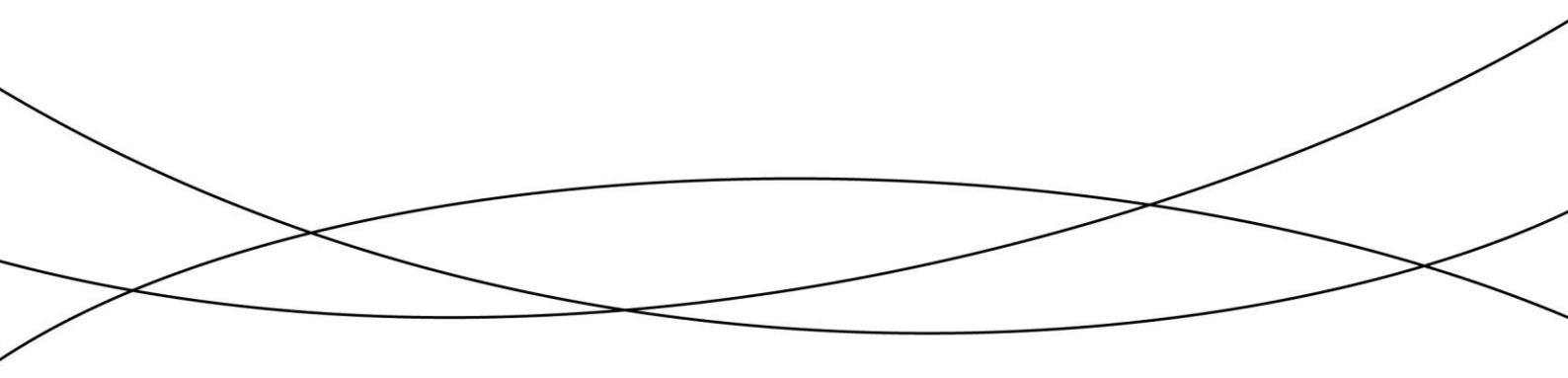


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**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF TUESDAY 27 APRIL
2021 HELD IN CITY OF STIRLING COUNCIL CHAMBER,
25 CEDRIC STREET, STIRLING**

Prior to the commencement of the meeting, Mayor Mark Irwin called for one minute's silence in honour of the recent passing of Prince Phillip.

1. OFFICIAL OPENING

The Presiding Member declared the Ordinary Meeting of Council open at 7.02pm.

2. ATTENDANCE AND APOLOGIES**ATTENDANCE**

Mayor Mark Irwin

Deputy Councillor Bianca Sandri

Councillors Councillor David Boothman JP
Councillor Felicity Farrelly
Councillor Joe Ferrante
Councillor Chris Hatton
Councillor David Lagan
Councillor Suzanne Migdale
Councillor Karlo Perkov
Councillor Stephanie Proud JP
Councillor Elizabeth Re
Councillor Keith Sargent
Councillor Adam Spagnolo
Councillor Lisa Thornton

Employees Chief Executive Officer - Stuart Jardine PSM
Director Community Development - Michael Quirk
Director Corporate Services - Ingrid Hawkins
Director Infrastructure - Michael Littleton
Director Planning and Development - Stevan Rodic
Manager Development Services - Amanda Sheers
Manager Engineering Services - Paul Giamov
Manager Governance - Jamie Blanchard
Acting Manager City Planning - Daniel Heymans
Senior Governance Officer - Regan Clyde
Senior Governance Officer - Amorette Kerklaan
Senior Governance Officer - Jackson Mawby

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APOLOGIES

Nil.

3. APPROVED LEAVE OF ABSENCE

Councillor Karen Caddy (granted a leave of absence for the period 26 April 2021 to 10 May 2021 inclusive).

4. DISCLOSURES OF INTEREST

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the City of Stirling and its community.

Planning and Development Committee - 20 April 2021

Councillor Bianca Sandri disclosed an Impartial Interest in Item 12.1/DS2 as she is a former patient of the owner, and attended university with the planning consultant.

Council - 27 April 2021

Nil.

5. PETITIONS

Nil.

6. RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

The responses to questions that were answered during Public Question Time at the previous Council meeting were published in the minutes of that meeting.

7. PUBLIC QUESTION TIME

7.1 PUBLIC QUESTION TIME - S LOHSE

The following questions were submitted by Mr S Lohse, Dianella WA 6059, prior to the Council Meeting held Tuesday 27 April 2021.

Q1. *"A City of Stirling verge tree's roots has caused visible and structural damage to my perimeter wall. Will the City compensate me for the damage to be rectified?"*

A1. The Director Planning and Development advised that if Mr Lohse would like to send in his concerns in writing, the City will consider these and respond accordingly.

Q2. *"Under what premise or law can a City of Stirling engineer or employee enter a private residence and carry out an inspection of the structures within?"*

A2. The Director Planning and Development advised that a Building Surveyor has inspected Mr Lohse's property. The relevant legislation is the *Building Act 2011*. Under Section 100 and Section 101, the powers of entry and the powers after-entry for compliance purposes are provided for in that legislation. Under this legislation, and delegation from the City, authorised officers are able to carry out on-site inspections, and carry out the required compliance functions as stipulated under the *Building Act 2011*.

Q3. *"Will the City of Stirling provide me with any records relating to contacts or historic information about a current verge tree that has been noted by the City to have caused damage to my property?"*

A3. The Director Planning and Development advised that a City officer will be in contact with Mr Lohse on the specifics of the information requested.

7.2 PUBLIC QUESTION TIME - J HOLLIER

The following questions were submitted by Ms J Hollier, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *"The report response suggests that to provide a safe means of crossing at the roundabout, the City will consider providing local footpath connectivity with crossing ramps at that roundabout to the Pedestrian Access Way. 1,250 students per week walk between Churchlands Senior High School and Pearson Street. The danger to children is when they cross Churchlands Avenue. Residents can confirm that inexperienced P-plate drivers speed along our road daily. Recently, a P-plate driver hit the curbing of that roundabout at high speed and blew out a tyre - twice on consecutive days. Please explain how the local footpath suggestion could possibly provide a safe means of crossing in these circumstances?"*
- A1. The Director Infrastructure advised it is not possible to design for outcomes involving poor or illegal driver behaviour. However, the provision of a safe path with pram ramps would provide pedestrians with a dedicated and safe route to navigate through the roundabout.
- Q2. *"The Council has been aware of and has recognised the dangerous driving conditions in this area since 6 August 2013. With potentially 600 inexperienced P-plate drivers at Churchlands Senior High School, what pre-emptive action regarding the safety of children, and other pedestrians crossing Churchlands Avenue, will the City take, knowing that the parking is causing the dangerous situation?"*
- A2. The Director Infrastructure advised that the issue of pedestrians crossing Churchlands Avenue primarily occurs at the roundabout, and the provision of a safe path to navigate the roundabout would address that issue. The City is also proposing an alternative solution that would remove the majority of parking activity from these roads, and also encourage the schools to better manage the parking spaces available on site.
- Q3. *"We are not asking the City to restrict types of vehicles or drivers. Can the Council apply signs to limit the traffic that is causing a danger, and has become the safety issue to students and other pedestrians in this area?"*
- A3. The Director Infrastructure advised that whilst the City can and does apply parking controls, it does not have the power to limit the use of public streets. The request to restrict parking activities on Churchlands Avenue without providing a suitable alternative location would displace these vehicles to other roads that are already experiencing similar parking issues. This is the reason that the City is seeking a more holistic solution by recommending that parking spaces be made available on Memory Place.

7.3 PUBLIC QUESTION TIME - A SLEE

The following questions were submitted by Mr A Slee, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“On 14 April 2021, the police were called twice to assist an elderly resident living in Hibiscus Court who was verbally abused by a P-plate driver. This is not the only example of abuse of elderly residents by students. The City has no authority over the behaviour of the students. However, does the Council accept it has authority over parking signs that would limit student parking and therefore the opportunity for such confrontations?”*
- A1. The Director Infrastructure advised that the City acknowledges that it has the power to regulate parking through parking controls. However, any limitations to parking along this road would apply equally to residents and visitors, who would also no longer be able to park for the prescribed period.
- Q2. *“The residents will not tolerate the abuse of our elderly residents. It is disheartening that the School has not returned a resident’s phone call relating to a matter of elder abuse that occurred on 14 April 2021. The residents should have access to parking on the road in front of their home. The City has no authority over the behaviour of the students. However, does the Council accept it has authority over parking signs that would limit student parking and therefore the opportunity for such confrontations?”*
- A2. The Director Infrastructure advised that the City acknowledges it has the power to regulate parking through parking controls.
- Q3. *“The police were called to assist in dealing with a student from Churchlands Senior High School after an elderly resident was obscenely abused by him when she asked him if he could move his car to allow her elderly visiting friend to park in front of her house. The student was aggressive and has frightened the elderly female who lives on her own and is a widow. This is not the first instance of elder abuse by students in this neighbourhood. The City has no authority over the behaviour of the students. However, does the Council accept it has authority over parking signs that would limit student parking and therefore the opportunity for such confrontations?”*
- A3. The Director Infrastructure advised that the City acknowledges it has the power to regulate parking through parking controls. However, any limitations to parking along this road would apply equally to residents and visitors, who would also no longer be able to park for the prescribed period.

7.4 PUBLIC QUESTION TIME - B QUAIL

The following questions were submitted by Mr B Quail, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *"Whilst we acknowledge the response to our points raised in the petition, we do not necessarily agree with all of them. However, we do support the City's alternative recommendation that they take action to provide student access to parking in Memory Place. Can you please provide an expected time frame for the alternative recommendation to be implemented?"*
- A1. The Director Infrastructure advised that subject to the timing of discussions with the School and Education Department, and the time required to order and install appropriate signage, the implementation of the proposed parking controls could occur within four to six weeks.
- Q2. *"With other schools, colleges and universities who have similar issues, it appears commonplace for them to advise their students that limited local parking is available, and therefore they are encouraged to make use of public transport. Will the City's communications with the Department of Education request that Churchlands Senior High School adopt a similar policy?"*
- A2. The Director Infrastructure confirmed that it would.
- Q3. *"The City's alternative recommendation may reduce, but certainly would not eliminate nor deter students from parking within Churchlands Estate. The original reason for not extending the parking restrictions to all of the Estate would no longer apply once the Memory Place student parking is available, so can our request for the extension of parking restrictions still be implemented? This would result in a win-win for all parties."*
- A3. The Director Infrastructure advised that the implementation of parking controls on Churchlands Avenue can still be considered as a future option, subject to the success or otherwise of the proposed alternative recommendation.

7.5 PUBLIC QUESTION TIME - S ROBERTS-SMITH

The following question was submitted by Ms S Roberts-Smith, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“With regard to the petition lodged by residents of Churchlands regarding the Expansion of Churchlands Estate Parking Restrictions, when a child is killed in Churchlands Avenue, will the City and every Councillor be prepared to explain at the Inquest or even a Royal Commission why they did not do more to prevent it?”*
- A1. The Director Infrastructure advised that he appreciates the emotion of the question. However, the City cannot respond to a hypothetical question when there are so many variables that contribute to motor vehicle accidents. Any displacement of vehicles from Churchlands Avenue without a suitable alternative arrangement would increase the risk to children in other areas that are already experiencing similar parking issues.

7.6 PUBLIC QUESTION TIME - S REAR

The following questions were submitted by Mr S Rear, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“At the Ordinary Council meeting in July 2013, Mr T Tranter questioned the Council about the dangerous and hazardous nature of the extra Churchlands Senior High School traffic regarding the safety and parking in this area and asked ‘what action has been taken’ to alleviate their concerns over eight years? Mr Tranter has since died waiting for measures to be put in place.”*
- A1. The Director Infrastructure advised that the City has sought to consider and respond to all queries regarding parking and traffic issues raised by local residents. However, the City has not agreed to blanket parking restrictions on roads within this subdivision due to the potential displacement of parking to other roads that are already experiencing similar issues. The City considers that the alternative recommendation provides a solution to the issue that would remove the significant majority of parking activity from these roads and would also encourage the school to better manage the parking spaces available on-site, which is the intent of the recommendation to Council.
- Q2. *“How many meetings has the Council had internally and externally, including the School and other agencies, regarding the parking and safety issues in Churchlands and what recommendation and actions have been taken during the past eight years?”*
- A2. The Director Infrastructure advised there have been numerous meetings to deal with parking issues around Churchlands over the years. The City has responded. The development of the Memory Place car park was a resolution to address car parking in the local precinct. The school continues to grow, so the issue will continually be monitored and managed by the City.
- Q3. *“How many complaints does the Council need to receive before pre-emptive action is taken to prevent serious injury or death to pedestrians or drivers?”*
- A3. The Mayor advised that the Item was on the Agenda for consideration by Council.

7.7 PUBLIC QUESTION TIME - A REAR

The following questions were submitted by Ms A Rear, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“Your response shifting the lack of actions by the Council and placing the problem squarely on the shoulders of the State Government is unacceptable. How many meetings have you had with the Education Department and other agencies over eight years, and were any of those meetings productive?”*
- A1. The Mayor advised that a similar question has been answered, however the response will be provided in the Minutes of the meeting [please refer to the additional information below].
- Q2. *“The School is an educational facility and is also a business - it is in the business of educating students. The Council accepts that it is for businesses to provide parking at their premises in support of business activities, customers and their own use. Given there are 600 potential P-plate drivers and parents from Churchlands Senior High School causing safety and parking issues on these roads, what has the Council done to impress upon those State Government agencies to which the Council refers?”*
- A2. The Director Infrastructure advised that unlike privately owned businesses, where the City can impose parking requirements and conditions of development, the redevelopment of schools is approved by the State Government independently of the City. The City acknowledges and agrees that businesses should generally cater for their parking requirements on-site, but it is not uncommon for businesses to also take into consideration parking provided on surrounding streets.

Additional Information

- A1. The City has not maintained a record of the number of meetings held with the Education Department and the school over the last eight years. However, there have been numerous meetings to discuss traffic and parking issues over this time.

7.8 PUBLIC QUESTION TIME - A BASSAN

The following questions were submitted by Mr A Bassan, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *"In early 2016, at the beginning of the school extensions, my wife and I wrote to our Local MP and to the Director General of Education expressing our concerns about future traffic problems attributable to students and parents using our subdivision for parking, drop-offs and pick-ups. The replies, one signed by the Minister of Education and the other by the Director General of Education, were essentially identical and included: 'An additional 137 on-site parking bays for staff, students (here I emphasize Students) and parent pick-ups/drop-offs will be provided as part of the project.' The letters concluded by saying that parents and students will be continually discouraged from entering Churchlands Estate. Assuming this is an official Education Department policy, has the Council communicated with the Education Department over the past five years on these two specific matters, particularly given that according to your report, many of the 207 onsite parking bays are not being utilised?"*
- A1. The Director Infrastructure advised that the City has had numerous meetings with the schools over the past five years to discuss traffic and parking issues, and at one of those meetings, the school advised that they were instructing students to not park within Memory Place which means students were being actively displaced onto the local streets by the school. The alternative recommendation in the report to be considered by Council seeks to give some priority to P-plate drivers to park in Memory Place, which the City believes will go some way to addressing the issue.
- Q2. *"What power does the Council have to compel the school to open the onsite car-parking to students and parents, given that with any normal commercial or industrial development, it is a condition that the mandatory on site car parking facilities be available to all staff and visitors?"*
- A2. The Director Infrastructure advised that the City does not have powers to compel the school to take specific actions regarding on-site parking spaces. The City does, however, have full control over the parking spaces in Memory Place. That will be further considered by Council during the meeting.

7.9 PUBLIC QUESTION TIME - M BASSAN

The following question was submitted by Ms M Bassan, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following question relates to Item 14.1 of the Agenda:-

Q1. *“My question refers to the Council’s Response to Item 12 of our petition on page 357 of the Agenda. Council has consistently based its responses to residents largely on reference to Liveable Neighbourhoods (LN), but in fact our streets do not conform to LN principles and guidelines. Based on LN, our 1980s subdivision would not be approved by planning authorities today. For example, LN no longer permits a development with only one entrance/exit to the subdivision. This is not safe planning in case of blocked entrance/exit which could prevent or critically delay emergency vehicles entrance/egress. Streets must be through roads. Even our three cul-de-sacs do not conform to LN. Can the Council please identify specifically where the LN Policy document shows how our streets comply in regard to:-*

- *Student street parking often of approximately 18 cars parked kerbside, end-to-end, corner to corner, all day, and where those students have no relationship to residents or any work in this subdivision; and*
- *Parents’ parking end-to-end, corner to corner, in the adjoining section of our Avenue at pick-up and drop-off times?*

Please bear in mind that such parking reduces our two-way thoroughfare to narrow lanes and this prevents any street parking at all by residents in front of their own homes, or indeed their visitors, workers or delivery vehicles, during school hours every day of the year.”

A1. The Director Infrastructure advised that regardless of whether a subdivision was designed in accordance with Liveable Neighbourhoods, the principles of these guidelines can still be applied to local roads. Churchlands Avenue and adjoining roads have been assessed as meeting the form and function of a low volume ‘Access or Yield Street’, and the width of the street is capable of accommodating on-street parking. As the school has frontage onto Churchlands Avenue, it is considered an integral part of the community, and the City does not have the powers to limit the use of public streets to certain parts of the community.

7.10 PUBLIC QUESTION TIME - D LOW

The following questions were submitted by Mr D Low, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“Is it the responsibility of the Council to place road signs around the school to assist in traffic management for the rate payers, or do State Government agencies outside the City have authority to place road signs for the residents to stop the school traffic from blocking us from entering and exiting our driveway at peak times?”*
- A1. The Director Infrastructure advised that the Road Traffic Code prohibits drivers from blocking access to and from properties and, through its Local Laws, the City can infringe drivers who obstruct crossovers.
- Q2. *“Do other State Government agencies outside of the City of Stirling have authority to place ‘no parking’ signs for the ratepayers, or does some other agency have authority place parking signs within the City?”*
- A2. The Director Infrastructure advised that the responsibility for parking controls on local roads is delegated to local governments. In this instance, these roads are within the City of Stirling.
- Q3. *“Who has authority to place ‘no parking’ signs within the City of Stirling? Since the current parking is causing danger for pedestrians, will the Council use preventative measures to assist us, so we do not run over a child as we back out of our driveway between the cars?”*
- A3. The Mayor advised that a similar question has been answered, however the response will be provided in the Minutes of the meeting [please refer to the additional information below].

Additional Information

- A3. The City has responsibility for parking controls on local roads. However, regardless of any signage in place, motorists still have a legal and moral responsibility to ensure they drive safely, including reversing from private property onto a verge or road.

7.11 PUBLIC QUESTION TIME - M ACACIO

The following questions were submitted by Ms M Acacio, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“When were the observations by the Council made to indicate that the worst driving behaviour appears to be by parents not the ‘relatively small number of student drivers’, and are you aware that residents observe bad driving by P-plate drivers every single day?”*
- A1. The Director Infrastructure advised that observations have been undertaken by City officers on numerous occasions during both morning and afternoon school peak periods.
- Q2. *“When did the Council observe the student drivers parking in the area and compare them to the number of parents delivering and collecting their children? Were the observations made by City officers when the students were attending school during the day, and their cars parked on the side of the road?”*
- A2. The Director Infrastructure advised that observations were undertaken during normal school days.
- Q3. *“Does the Council have any statistics regarding the number of student drivers compared to the number of parents who use our streets for parking, or for dropping and collecting students. What day and time did they make their observations?”*
- A3. The Director Infrastructure advised that the Manager Engineering Services can provide some details of the observations within the Minutes of the meeting [please refer to the additional information below].

Additional Information

- A3. The most recent traffic count surveys for Churchlands Avenue showed around 760 vehicles per weekday, including around 90 vehicles in each of the AM and PM peak periods.

Using recent observations, the 25 parked P-plate vehicles would generate 25 trips during each peak period (or 50 trips total), which represents 7% of total daily traffic using this road. If it is assumed that all remaining trips during the peak periods are made by parents, these trips represent around 17% of the total daily traffic using this road.

The actual number of parents is likely to be slightly lower, as there would also be residents making some trips during the peak period. However, this does suggest that the number of parents is greater than the number of student drivers.

7.12 PUBLIC QUESTION TIME - S TULLY

The following questions were submitted by Ms S Tully, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *"The Council has letters and emails on file regarding speeding drivers in Churchlands. The situation is becoming worse every day as children, elderly people, mum's with prams people walking their dogs, and students try to navigate their way past speeding and parked cars. Letters from me eventually resulted in 'no parking' signs in relation to a neighbour who was found very shaken when a P-plate driver speeding around a blind bend almost hit her. Does the Council accept that there are dangers on Churchlands Avenue, and it is only a matter of time before there is a fatality? Does the council accept the information of residents who live in the Estate?"*
- A1. The Mayor advised that the Item was on the Agenda for consideration by Council.
- Q2. *"Subdivisions such as ours, with only one entry point, which is also the exit point for all traffic, are no longer permitted by planning authorities, as in the event of obstruction at that one entry/exit point, such a subdivision layout could prevent or critically delay access by emergency vehicles. This situation does not occur in neighbouring areas. How many streets in Churchlands have one entry, and one exit and do they cater for School traffic and parking?"*
- A2. The Director Infrastructure advised that there are numerous instances where precincts have a single entry/exit onto an arterial road. Regardless, this should not influence whether a road abutting a school is suitable for on-street parking.
- Q3. *"Approximately 250 Churchlands Senior High School students are disgorged every school morning at the Pearson Street bus stop, and return to catch their bus home in the afternoon. They go through our laneway, across our Churchlands Avenue roundabout and directly up Churchlands Avenue to the School. They return on the same route in the afternoon. It is potentially dangerous to simultaneously have the added parental drop-offs/pick-ups routed through our subdivision, as well as the all-day student parkers entering or leaving our subdivision. Is there any busy street in Churchlands where 250 students cross each day?"*
- A3. The Director Infrastructure advised that ideally students would be able to board and alight from public transport on roads surrounding the school to minimise the number of crossing movements. However, the City does not have control over the provision of public transport services, and it must work with the existing services provided by the Public Transport Authority.

7.13 PUBLIC QUESTION TIME - C HOLLIER

The following questions were submitted by Mr C Hollier, Churchlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 14.1 of the Agenda:-

- Q1. *“At various times of the day, tradespeople need to park their cars on the lawns of the home they are attending because there is no available parking on the roads. With all day student parking in place, it is obvious that tradespeople will not be able to access homes either in school peak time or during the day. When did City officers make their observations regarding the inability of tradespeople to access homes in this area? Was it over a period of days and months at different times of the day? If so, can you provide those days and times?”*
- A1. The Director Infrastructure advised that further information will be provided in the Minutes of the Meeting [please refer to the additional information below].
- Q2. *“When City officers made their observations and did not see tradesmen parked on our lawns, did they see the rubbish that students leave on our streets, including empty pizza boxes, empty packets, plastic coffee cups, cigarette butts and bongs?”*
- A2. The Director Infrastructure advised that the City’s observations were confined to parking and traffic issues on local roads.
- Q3. *“A resident has observed students who had parked opposite his home were removing the silver tags that Council had placed on trees that required lopping. They were moving the silver tags to other trees. Did City officers take note during the year that the silver tags placed on the specified large trees near the waterway had all been moved to different trees, and did the Council waste ratepayer money attending to trees that did not need attention?”*
- A3. The Director Infrastructure advised that this information will be passed on to the City’s Parks and Sustainability Business Unit for their consideration and action as required.

Additional Information

- A1. Observations have been undertaken by City officers on numerous occasions during both morning and afternoon school peak periods.

7.14 PUBLIC QUESTION TIME - R HADLEY

The following questions were submitted by Mr R Hadley, Woodlands WA 6018, prior to the Council Meeting held Tuesday 27 April 2021.

- Q1. "On 10 May 2019, on behalf of the Ewen Street Community Group, the question was asked why the annual budget for Vehicle Panel Beating was exceeded by a staggering average of \$241,000 over the previous five years. Can the Council provide monthly expenditure figures for the previous financial year and figures for this current year?"
- A1. The Director Corporate Services advised that the question looks to be related to information provided on 14 May 2019, which indicated an average spend of \$236,076 from 2014/2015 to 2018/2019, against a budget of \$185,000, resulting in an average of \$51,076 over budget each year. [With regards to the detailed information from 2019/2020 and 2020/2021 to date, this will be provided in the Minutes of the Meeting \[please refer to the additional information below\].](#)
- Q2. "If the expenditure exceeds budget costs, would this imply that vehicles with only very minor damage are being directed to the contractor S&A Smash Repairs?"
- A2. The Director Infrastructure advised that this does not imply the City is sending only minor damage vehicles to S&A Smash Repairs. The budget for panel beating services is assumptive. If expenditure exceeds budget, it would imply that the City's vehicles have been involved in more incidents requiring repair than that which was budgeted for.
- Q3. "Is the City's Transport Manager aware of the extent of the damage done to each vehicle?"
- A3. The Director Infrastructure advised that the City's Coordinator Fleet Services reviews and assesses all damages that occur to the City's fleet prior to forwarding the vehicles for repair.

Additional Information

- A1. The table below shows the City's expenditure on Vehicle Panel Beating for the last two financial years and the current 10 months to April 2021.

The figures previously reported for the 2018/2019 Financial Year was a year to date figure for nine months only.

	Full Year	Full Year	10 Months
			to Apr 21
	2018/19	2019/20	2020/21
S&A Smash Repairs	185,772	153,488	118,365
Other City Suppliers	0	178	0
	185,772	153,666	118,365

These figures and those previously supplied exclude any costs recovered from insurers which have not been taken into account in the comparison to budget.

The reduction in cost over the last three years is a reflection of City's commitment to safety.

7.15 PUBLIC QUESTION TIME - S WHEELER

The following questions were submitted by Mr S Wheeler, Scarborough WA 6019, prior to the Council Meeting held Tuesday 27 April 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"It is unclear from the report which relevant sections of the Local Government Act 1995 will be included in the policy document. This is of special concern in regard to 'Part 5 Public Participation', specifically provision 5.1, where the policy wording does not note that meetings are required under the Act to be open to the public unless of a type noted in Section 5.23(2) of the Act. Without the enabling text, it would appear to the casual reader that whether a meeting is open to the public or not is at the sole discretion of the CEO, which is not the case. Can the City please confirm if the text of the Act is to be included in this section and if not, will the City include the specific circumstances of when a meeting might be closed to the public in the local law and also reflect the general requirement that Council meetings are to be open to the public?"*
- A1. The Manager Governance advised that the draft Meeting Procedures Local Law 2021 proposes no changes to the business of the City that is conducted in public. The vast majority of Committee and Council business is dealt with in public and this will continue under the draft new Local Law. The circumstances in which a meeting can be closed to the public are set out in the *Local Government Act 1995* and Regulations, and the City cannot change them.
- Q2. *"It is suggested in Section 4.5(6) of the Draft Meeting Procedures Local Law 2021 that:-*
'A member must not submit a Notice of Motion at a meeting dealing with a matter that is wholly or substantially outside of the member's ward unless prior written agreement has been obtained from –
(a) one ward member from the ward to which the matter relates; and
(b) the remaining Ward member or the Presiding Member.'

A similar provision is added in 5.5(4) in regard to petitions - this change is noted in the Explanatory Memorandum though the proposed change to 4.5(6) is not. The intent of this provision is contrary to the intent of the Local Government Act 1995, which makes clear the role and responsibility of Councillors in Section 2.10, and this unnecessary restriction on the ability of Councillors to bring important matters to Council is of particular concern. What justification can the City provide in attempting to override the intent of the Act. and in what fashion does it think this provision is enforceable?"

- A2. The Manager Governance advised that the proposed changes to Clause 4.5 are outlined on page 254 of the agenda, which is the last page of the Explanatory Memorandum. The Act provides for a system of representation by ward onto a Council that governs for the whole district. The proposed provisions recognise that Ward Councillors develop a deep relationship with their community, that results in detailed knowledge of the issues within their ward. The proposed Meeting Procedures provide a reasonable step to dealing with issues raised by an Elected Member that are wholly or substantially in a different ward. The provision would not apply to issues that relate to the whole of the district of the City of Stirling. Whether the provisions are enforceable is determined by the Joint Standing Committee on Delegated Legislation of the Western Australian Parliament which reviews local laws after they are adopted.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Mayor Mark Irwin requested a leave of absence for 25 May 2021.

Council Resolution

0421/001

Moved Councillor Migdale, seconded Councillor Perkov

That Council APPROVES Mayor Mark Irwin's requested leave of absence for 25 May 2021.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

9. CONFIRMATION OF MINUTES

Council Resolution

0421/002

Moved Councillor Hatton, seconded Councillor Spagnolo

That the Minutes of the Ordinary Meeting of Council of 30 March 2021 be confirmed as a true and correct record of proceedings.

The motion was put and declared CARRIED (13/1).

For: Councillors Boothman, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Councillor Farrelly.

10. ANNOUNCEMENTS BY THE PRESIDING MEMBER

11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING

Nil.

At the request of the Presiding Member, Council agreed that Item 14.1 be BROUGHT FORWARD and CONSIDERED in accordance with Clause 4.2 of the Meeting Procedures Local Law 2009.

14.1 NOTICE OF MOTION - COUNCILLOR ELIZABETH RE - EXPANSION OF CHURCHLANDS ESTATE PARKING RESTRICTIONS

Councillor Elizabeth Re submitted the following Notice of Motion at the Council Meeting held 30 March 2021:-

“That the City EXPANDS morning and afternoon parking restrictions to the whole of Churchlands Estate to ensure the safety of road users and pedestrians as outlined in the petition as tabled at the 30 March 2021 Council meeting.”

Background Information/Reason for Motion (provided by Councillor Elizabeth Re)

“The increase in the poor driving ability and poor attitude by road users in the area is compromising the safety and well-being of the local residents and the environment.”

Report Information

Location: Churchlands Avenue, Park View Green, The Grove and Hibiscus Court
Applicant: Not Applicable
Reporting Officer: Manager Engineering Services
Business Unit: Engineering Services
Ward: Doubleview
Suburb: Churchlands

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|--|
| <input type="checkbox"/> | Advocacy | when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers. |
| <input type="checkbox"/> | Quasi-Judicial | when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| <input type="checkbox"/> | Information Purposes | includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting'). |

Council Resolution

0421/003

Moved Councillor Re, seconded Councillor Proud

- 1. That the City INSTALLS ‘No Parking’ signs to the 52 bays along the southern side of Memory Place, applicable from 8.00am to 10.00am, with an exception provided to P-Plated vehicles.**
- 2. That the City WRITES to the Department of Education and Churchlands Senior High School to discuss the implementation of the proposed solution, including an effective communication strategy by the school to all affected parties.**
- 3. That a report be PRESENTED to the Community and Resources Committee meeting to be held 9 November 2021 to summarise the parking activities and issues that have occurred since the implementation of the strategy, as outlined in Recommendation 1 above.**

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Reason for change

The extension of parking controls to Churchlands Avenue, Park View Green, The Grove and Hibiscus Court would displace parked vehicles onto far more congested streets. The application of parking controls to bays along the southern side of Memory Place would ensure those bays are available for use by students (P-Plated vehicles) and would encourage a more efficient use of existing parking bays within school grounds.

Notice of Motion Recommendation

That the City EXPANDS morning and afternoon parking restrictions to the whole of Churchlands Estate to ensure the safety of road users and pedestrians as outlined in the petition as tabled at the 30 March 2021 Council meeting.

(Suggested Alternative Recommendation – refer to Conclusion)

Report Purpose

To respond to the Notice of Motion submitted by Councillor Elizabeth Re.

Relevant Documents

Attachments

Attachment 1 - Location Plan of Affected Roads and Residents [↓](#)

Attachment 2 - Parking Catchment from Churchlands SHS and Adjacent Schools [↓](#)

Attachment 3 - Location Plan of Parking Within or Adjacent to The School [↓](#)

Attachment 4 - Schedule of Responses to the Issues Raised in the Petition [↓](#)

Available for viewing at meeting

Nil

Background

A petition with 89 verified signatures was tabled at the Council meeting held 30 March 2021. The petition made the following request:-

"We, the undersigned electors of Churchlands Avenue, Park View Green, The Grove and Hibiscus Court in the suburb of Churchlands WA 6018, request that you expand the morning and afternoon parking restrictions to the whole of Churchlands Estate to prevent:-

1. *Serious injury or death of students crossing Churchlands Avenue to access the bus on Pearson Street;*
2. *Inexperienced P-Plate drivers causing a danger to other drivers, students and pedestrians while driving at high speed;*
3. *Damage to residents' verge sprinklers, lawns and Council curbing;*
4. *Abusive and rude behaviour to the residents in this area;*
5. *The wrath of City of Stirling Council rubbish truck drivers who have difficulty manoeuvring or entering the streets;*
6. *The inability to manoeuvre in and out of our driveways with cars parking opposite on the narrow roads;*
7. *The inability of tradespeople to gain access to our homes to carry out their work;*
8. *The inability of emergency vehicles including ambulance, police and fire service vehicles to access emergencies;*
9. *The danger of leaving and entering streets where parked cars reduce the visibility of oncoming traffic;*
10. *The danger of leaving and entering streets when parked cars reduce the narrow street to one lane, forcing drivers to drive on the wrong side of the road toward blind corners;*
11. *The danger to pedestrians pushing prams and strollers and walking with small children and pets alongside the long row of parked cars;*
12. *Long term parking on very narrow streets that were originally deemed too narrow to have long term parking; and*
13. *Wasting the valuable time of residents who have been corresponding with Stirling City Council for the past 10 years to no avail regarding this matter.*

A location plan of the affected roads and residents is provided in Attachment 1. This report has been prepared to provide information to assist Council in making an informed decision on the request to expand morning and afternoon parking restrictions to the whole of Churchlands Estate.

Comment

Background

Between 2011 and 2018, Churchlands Senior High School (CSHS) has added six major building complexes to accommodate the doubling of student numbers from around 1,500 to 3,000 students. This has required a considerable amount of land within the school, at the expense of recreational areas, which could otherwise have been made available for parking.

CSHS has a relatively large intake area, extending west to the ocean and north to Karrinyup Road. CSHS also offers a Gifted and Talented Music Program to students from across the metropolitan area, which further increases the demand for access outside of the normal catchment. There is no public transport hub close to the school, which means that many student journeys to and from home require the use of multiple services. The combination of these factors drives a demand for student parking with the school.

All holders of a WA Driver's License have the same rights to drive and park on streets, irrespective of whether they are P-Plate drivers. Both students and teachers can be considered as commuters to a community facility and, subject to parking conforming to the form and function of local streets, both are able to benefit from local street parking to the same extent as residents.

Wider Catchment Considerations

CSHS sits between two other significant overlapping school catchments – Woodlands Primary School (WPS) to the north and Newman Senior and Junior Colleges (NC) to the south, as shown in Attachment 2. Any limitation of parking with the CSHS catchment will displace that parking to either less suitable locations within the CSHS catchment, or into other areas of parking stress within the other school catchments.

In assessing the potential effects in other areas, consideration has been given to the four quadrants surrounding CSHS.

- North Quadrant: North of Hale Road, both Lombardy Street and Woodlands Street, together with east-west side streets, are within the catchment for WPS. The City is aware of issues with traffic congestion and competition for parking demand in this area, which would be seriously exacerbated by displacing CSHS parking to this area.
- South Quadrant: South of Mantua Crescent, and in particular Tuscany Way and Dolomite Crescent, are within the catchment for NC. The City is aware of issues with traffic congestion and competition for parking in this area, which would be seriously exacerbated by displacing CSHS parking to this area.
- West Quadrant: Student parking (identified by P-Plates) has been confirmed on Otram Way and Godin Court. These are local streets capable of accommodating the degree of parking observed. Any restrictions would see around 20 P-Plate vehicles displaced elsewhere, in addition to a smaller number of residents/tradesmen observed parking.

- East Quadrant: Student parking (identified by P-Plates) has been confirmed on Churchlands Avenue (southern extremity), Hibiscus Court and The Grove. These are low volume local streets that are capable of accommodating the degree of parking observed. Any proposal to expand restrictions would see around 25 P-Plate vehicles displaced elsewhere, in addition to a smaller number of residents/tradesmen observed parking. There is also some pick-up activity in Silkwood Turn and Winterbell Court with an overlapping catchment that would be compromised by any displacement of student parking.

There are several roads in these areas (such as Lucca Street, Tuscany Way and Dolomite Court) that already carry substantial traffic volumes and suffer from congestion and unlawful practices by parents during pick up/set down. These roads would be further compromised if the current legal options, being used at peak school times, were occupied by displaced student parking. It is imperative that current parking is not displaced to these streets.

In addition to on-street parking in the east and west quadrants (amounting to 45 students), parking is available either within or adjacent to the school in Memory Place, as shown in Attachment 3.

An assessment of the available spaces and presence of students was carried out on Monday 19 April 2021 between 10.30am and 11.30am, which indicated the following:-

- Area 1 – Internal ‘Staff Only’ restricted parking (accessed via Lucca Street opposite Otram Way) with 85 bays plus 2 ACROD bays – 30 vacant spaces observed.
- Area 2 – Internal ‘Staff Only’ restricted parking (accessed via Hale Road) with 86 bays plus 2 ACROD bays – 35 vacant spaces observed.
- Area 3 – School Admin Centre parking (accessed via Lucca Street) – This area was not reviewed, but had some vacant spaces.
- Area 4 – Memory Place unrestricted ‘road reserve’ car park with 103 spaces plus 2 ACROD) – All spaces were occupied, with no student parking observed.
Note: CSHS has previously informed the City at a meeting that they instruct students not to park in Memory Place, which effectively reserves this for staff parking. This is not supported by the City and is a primary cause of displacing students from legitimate parking bays.

By restricting all internal parking to staff, and instructing students to not park in Memory Place, the City considers that CSHS is not making effective use of their parking facilities, with around 65 bays unused. These spaces are more than capable of accommodating the 45 student vehicles that have been displaced onto local streets. Measures should be put in place to provide a better balance between parking availability and the needs of all commuters (irrespective of P-Plate status).

Suitability of Affected Streets to Accommodate On-Street Parking

When considering whether it is appropriate for parking to occur on a local street, the City considers its location within the wider community, as well as the form and function of that street as defined in the State Government’s Primary Planning Policy Document, *Liveable Neighbourhoods*.

The State Government, when granting approval to expand the school, took account of the local streets in the area and their relationship to the school. The streets within the Churchlands Avenue subdivision abuts and provides direct pedestrian access to Churchlands Avenue and is therefore an integral part of the community.

In considering the suitability of streets for parking in accordance with *Liveable Neighbourhoods*, the form and function of the catchment streets meet the following:-

- The high traffic roads (Lucca Street, Tuscany Way) would classify as Neighbourhood Connectors (Local Distributer Roads) with the primary function to safely convey traffic. Already experiencing high levels of demand for parking and stopping, it is imperative that no actions are taken to exacerbate this.
- Although Dolomite Court meets the form and function of a local 'Access or Yield Street' it already accommodates significant levels of demand for parking and stopping, suggesting that it is imperative that no actions are taken to exacerbate this given its immediate proximity to Newman College.
- Otram Way, including related cul-de-sac, (west quadrant) meets the form and function of a very low volume local 'Access or Yield Street'. The width is such that this street can and does accommodate two-sided parking in accordance with *Liveable Neighbourhoods* and little if any illegal parking is observed or has warranted infringement. Unless alternative parking provision can be identified, the current parking contribution to the school catchment should not be restricted.
- Churchlands Avenue, including related culs-de-sac, (east quadrant), meets the form and function of a low volume local 'Access or Yield Street'. The width is such that this street is capable of accommodating on-street parking with the width effectively managing this to single-sided parking in accordance with *Liveable Neighbourhoods*, and little if any illegal parking is observed or has warranted infringement. This single-file parking is even less inhibiting than that occurring on Otram Way. Unless alternative parking provision can be identified, the current parking contribution to the school catchment should not be restricted.

Any displacement of parking, from the relatively safe local 'Yield Streets', without an alternative parking area being defined, will be highly detrimental to all other surrounding streets generally functioning beyond capacity at peak times.

Discussion and Officers Recommendations

The expansion of CSHS has seen a displacement of parking onto local streets. While this parking is within the capacity of those streets to accommodate, it is not accepted by the local residential community, who did not experience this parking prior to the expansion of the school. Accordingly, measures should be put in place to see a more efficient use of on-site car parking.

As staff tend to arrive and occupy bays earlier than students, it is important that the identified bays remain available some time into the morning. There are two ways to achieve this.

- Option 1 – On-site Bays – CSHS to designate 50 car bays within school grounds for the priority use by students.
- Option 2 – Off-site Bays – The City to install parking restrictions to the 52 bays along the south side of Memory Place, such that they are only available to students up to 10.00am (and become unrestricted after that time). This can be implemented by the installation of 'No Parking – 8.00am to 10.00am' signage with an additional plate indicating 'P-Plated Vehicles Excepted'. The 51 bays (plus 2 ACROD bays) along the north side of Memory Place would remain unrestricted and available for use by staff.

Option 1 would be outside of the City's control, and CSHS may not put in place effective measures to ensure the bays are only available for students. Option 2 would be under the City's control as road reserve and would be easy for the City to enforce. By extending the period of prohibition to 10:00am, patrols can be undertaken outside of the morning school peak. Option 2 is therefore the City's recommended option.

Subject to the outcome of this report, the City intends to write to the Department of Education and CSHS to discuss the implementation of the proposed solution, including an effective communication strategy by the school to all affected parties.

Consultation/Communication Implications

The petition received from the community contained 89 signatures from 67 different households on the four directly affected roads. A schedule of responses to the issues raised in the petition are provided in Attachment 4.

A breakdown of the petitioners is provided below.

Street Name	Petitioners	Households
Churchlands Avenue	55	41
Hibiscus Court	17	15
The Grove	13	8
Park View Green	4	3
Total	89	67

Policy and Legislative Implications

The City of Stirling *Parking Local Law 2014* (Clause 1.10) states that:-

"The local government may prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law."

Financial Implications

The implementation of parking restrictions would require the installation of additional parking signs and posts at appropriate spacing. The cost of installation can be accommodated in the existing Engineering Services budget.

Strategic Implications

Key Result Area: Thriving communities

Outcome S4: Safer City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	The residents of the four affected roads advise that there has been damage to verge reticulation and lawns due to vehicles parked illegally. This does not appear to be related to student vehicle parking, but more from parents crossing flush kerbs onto verges to avoid queues at pick-up times.

SOCIAL	
Issue	Comment
Amenity	The residents of the affected roads consider that their amenity is adversely impacted through the presence of vehicles parked on-street for extended periods of the day. The restriction of parking on these roads would distribute parked vehicles to other roads that have equal or greater issues of concern.
Health, wellbeing and safety	The petition indicates that parked vehicles are having an adverse impact on road safety. However, this has not been supported by crash statistics, which shows there have been no reported midblock crashes on the four affected roads over the last five year period on record.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

On-street parking by students is not ideal. However, given the proximity to the school and current levels of congestion and parking demand, the streets subject to the petition are operating well within their form and function with respect to parking. Unless some of the current car bays can be secured for student parking, the displacement of parking from the safer local streets to more congested areas cannot be supported.

An assessment of parking use has identified that a significant proportion of the on-site parking within school grounds remains free during the day. It was confirmed by CSHS that students are also instructed to not park in Memory Place, despite this being a public road over which CSHS has no authority. Based on the information available, ensuring students have access to parking on Memory Place will force CSHS to more effectively manage their on-site staff parking, and proactively divert student parking away from the Churchlands Avenue subdivision (together with Otram Way), thus improving traffic flows during the busy afternoon pick-up period.

Suggested Alternative Recommendation

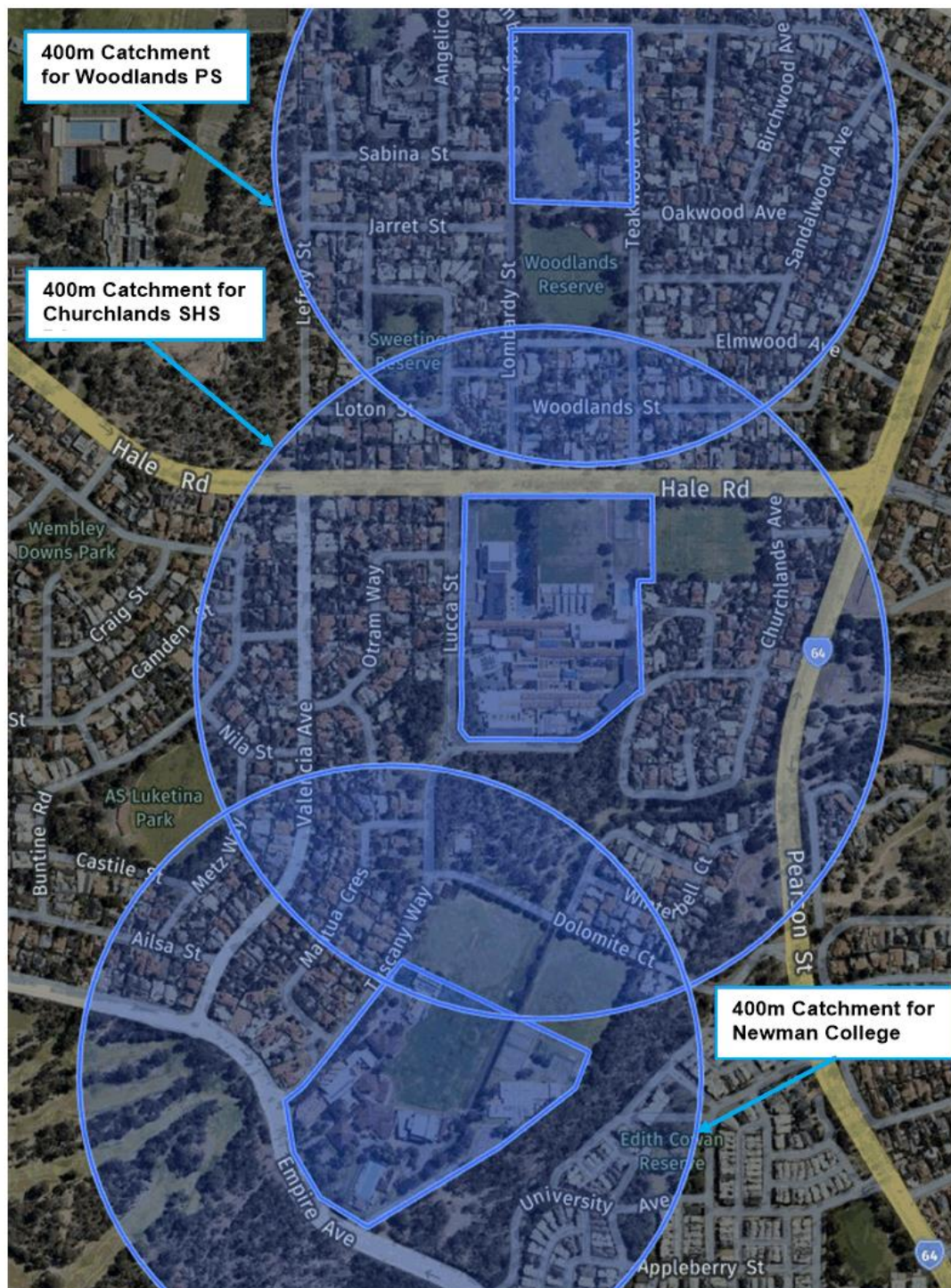
1. That the City **INSTALLS** 'No Parking' signs to the 52 bays along the southern side of Memory Place, applicable from 8.00am to 10.00am, with an exception provided to P-Plated vehicles.
2. That the City **WRITES** to the Department of Education and Churchlands Senior High School to discuss the implementation of the proposed solution, including an effective communication strategy by the school to all affected parties.

Reason for Alternative Recommendation

The extension of parking controls to Churchlands Avenue, Park View Green, The Grove and Hibiscus Court would displace parked vehicles onto far more congested streets. The application of parking controls to bays along the southern side of Memory Place would ensure those bays are available for use by students (P-Plated vehicles) and would encourage a more efficient use of existing parking bays within school grounds.



Parking Catchment (400 metres) from Churchlands SHS and Adjacent Schools





Schedule of Responses to the Issues Raised in the Petition

"We, the undersigned electors of Churchlands Avenue, Park View Green, The Grove and Hibiscus Court in the suburb of Churchlands WA 6018, request that you expand the morning and afternoon parking restrictions to the whole of Churchlands Estate to prevent:"

- 1. "Serious injury or death of students crossing Churchlands Avenue to access the bus on Pearson Street;"***

Response:

Data from the PTA (Public Transport Authority) indicates that up to 250 students per day walk between CSHS and Pearson Street. The City will investigate ways to ensure that the verges and carriageways are as safe as possible for pedestrian traffic within the constraints of flush kerbing and avenue trees, which limits the ability to provide a separate footpath. To provide a safe means of crossing at the roundabout, where it is constrained by kerbing, the City will consider providing local footpath connectivity with crossing ramps to the PAW (Public Access Way).

- 2. "Inexperienced P-Plate drivers causing a danger to other drivers, students and pedestrians while driving at high speed;"***

Response:

Observations have indicated that the worst driving behaviour appears to be by parents, not the relatively small number of student drivers.

- 3. "Damage to residents' verge sprinklers, lawns and Council curbing;"***

Response:

There is no evidence that student parking damages verges or Council kerbing. This damage is more related to parents driving over verges to avoid the congestion. The only significant damage requiring repair was to kerbing close to Hale Road, which appeared to be unauthorised use of the verge by the school/public to access the playing field.

- 4. "Abusive and rude behaviour to the residents in this area;"***

Response:

This issue will be reported to CSHS, as it is a disciplinary matter relating to students under their responsibility.

- 5. "The wrath of City of Stirling Council rubbish truck drivers who have difficulty manoeuvring or entering the streets;"***

Response:

The City's Waste team confirms that there are far less issues affecting waste collection compared to similar streets.

- 6. "The inability to manoeuvre in and out of our driveways with cars parking opposite on the narrow roads;"***

Response:

The combined road width and crossover splays provides the appropriate turning areas and accords with *Liveable Neighbourhoods* Guidelines.

7. “The inability of tradespeople to gain access to our homes to carry out their work;”

Response:

The only time tradespersons have been observed with restricted access is during the AM/PM school peak, primarily due to congestion created by parent drivers.

8. “The inability of emergency vehicles including ambulance, police and fire service vehicles to access emergencies;”

Response:

At no stage has parking restricted the access for emergency services. Access is only restricted when parents are queueing to pick-up, in which case the drivers are with the vehicles and would be required to respond.

9. “The danger of leaving and entering streets where parked cars reduce the visibility of oncoming traffic;”

Response:

Parked cars are not reducing the level of visibility at intersections which are all functioning within the requirements of the *Road Traffic Code 2000* and City’s Local Laws.

10. “The danger of leaving and entering streets when parked cars reduce the narrow street to one lane, forcing drivers to drive on the wrong side of the road toward blind corners;”

Response:

Parked cars are not reducing the level of visibility applicable to a ‘Yield Street’. The concept of wrong side does not apply when traffic is limited to one direction as drivers are then required to yield to oncoming traffic. All ‘blind corners’ have adequate parking controls in place (and can be reviewed). On Local Access roads or Yield Streets, one-way traffic is acceptable and actually assists in traffic calming and reduced speeds.

11. “The danger to pedestrians pushing prams and strollers and walking with small children and pets alongside the long row of parked cars;”

Response:

This is acknowledged, as all streets that are not culs-de-sac should have a footpath. However, given the streetscape, flush kerbing and avenue verge trees, it is not considered appropriate to install kerbed footpaths. This is considered to be the most substantive safety issue for students and pedestrians in general. Accordingly, the City will consult with all residents within the Churchlands Avenue subdivision to see whether there is support for 30 km/h speed zoning, in which case a submission would be made to Main Roads WA.

12. “Long term parking on very narrow streets that were originally deemed too narrow to have long term parking; and”

Response:

These streets are of a width that accommodates and effectively controls parking in accordance with *Liveable Neighbourhoods* Guidelines.

13. “Wasting the valuable time of residents who have been corresponding with Stirling City Council for the past 10 years to no avail regarding this matter.”

Response:

The issues, and the extent to which they impact to residents, is a direct cause of actions by State Government agencies outside of the control of the City.

12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 PLANNING AND DEVELOPMENT COMMITTEE - 20 APRIL 2021

12.1/DS1 LOT 14691, HOUSE NUMBER 2, PLANTATION STREET, MENORA - LOCAL DEVELOPMENT PLAN

Report Information

Location:	Lot 14691, House Number 2, Plantation Street, Menora
Applicant:	Planning Solutions
DA Reference:	Not Applicable
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	Lawley
Suburb:	Menora

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0421/004****Moved Councillor Boothman, seconded Councillor Migdale****THE COMMITTEE RECOMMENDS TO COUNCIL**

1. That, pursuant to Schedule 2, Part 6, Clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council **APPROVES** the revised 'Bethanie on the Park Local Development Plan' dated 31 March 2021 (as shown in Attachment 9).
2. That, pursuant to Schedule 2, Part 6, Clause 59 of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval granted in accordance with Recommendation 1 of this resolution be **EXTENDED** for a period of 10 years from the date of this approval.

The motion was put and declared CARRIED (13/1).**For:** Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.**Against:** Councillor Re.**Committee Recommendation**

1. That, pursuant to Schedule 2, Part 6, Clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council **APPROVES** the revised 'Bethanie on the Park Local Development Plan' dated 31 March 2021 (as shown in Attachment 9).
2. That, pursuant to Schedule 2, Part 6, Clause 59 of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval granted in accordance with Recommendation 1 of this resolution be **EXTENDED** for a period of 10 years from the date of this approval.

Officer's Recommendation

1. That pursuant to Schedule 2, Part 6, Clauses 52 and 59 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council **ADVISES** the Applicant to resubmit the amended Bethanie on the Park Local Development Plan for Lot 14691, House Number 2, Plantation Street, Menora with the following modifications:-
 - a. Amending the Maximum 6 Storey Development Height Zone to also show a minimum setback requirement of 10m to the northern lot boundary for any portion of a building over four storeys in height. The additional setback, or stepping, of height is to be depicted on both the 'Maximum 6 Storey Development' zone and the 'Explanatory Section 1'.
 - b. Adding a new point 3 to the provision entitled 'Northern boundary interface' as follows:-

“Development in the northern portion of the Local Development Plan area shall demonstrate provision of view corridors between Yokine Reserve and the interior of the site, generally in the locations of the view corridors depicted in this Local Development Plan. View corridors shall ameliorate impacts of building bulk and provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access, and outlook to Yokine Reserve.”

- c. Adding a new provision as follows:-

“Vehicle Access

A maximum of two crossovers are permitted to the site. The location of the vehicle access to the five storey development zone is indicative and may vary based on assessment of the relevant future development application.”

- d. Replacing provision 1 with the following:-

“An appropriate and attractive interface between the development and Yokine Reserve shall be provided through:-

- The use of visually permeable fencing;*
- The placement of windows, entries, balconies and other articulations to maximise the surveillance, activity and visual presentation to the reserve; and*
- The use of materials, colours and finishes which respond to the context of the mature vegetation on Yokine Reserve.”*

- e. Amending the boundary to match that of the site of the existing ‘Bethanie on the Park Detailed Area Plan’ and including the existing building on the site.

2. That, pursuant to Schedule 2, Part 10, Clause 82(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, upon submission of the modified Bethanie on the Park Local Development Plan prepared in accordance with recommendation 1, Council DELEGATES to the Chief Executive Officer authorisation to approve the modified ‘Bethanie on the Park Local Development Plan’ without further consideration by Council.
3. That, pursuant to Schedule 2, Part 6, Clause 59 of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval granted in accordance with Recommendation 2 of this resolution be extended for a period of 10 years from the date of this approval.

NB: Absolute Majority Vote required at Council

Report Purpose

To consider the amended Bethanie on the Park Local Development Plan (amended LDP) for Lot 14691, House Number 2, Plantation Street, Menora.

Relevant Documents

Attachments

- Attachment 1 - Amended Local Development Plan Received 15 December 2020 (as modified following advertising)
- Attachment 2 - Amended Local Development Plan (as advertised)
- Attachment 3 - Existing Approved Local Development Plan (known as Bethanie on the Park Detailed Area Plan)
- Attachment 4 - Applicant's Report and Supporting Information (previously circulated to Elected Members under separate cover)*
- Attachment 5 - Applicant's Justification Following Advertising (previously circulated to Elected Members under separate cover)*
- Attachment 6 - Design Review Panel Report
- Attachment 7 - Policy Implications and Assessment
- Attachment 8 - Schedule of Submissions - Summary of Issues Raised during Advertising
- Attachment 9 - Revised Local Development Plan Dated 31 March 2021
- Attachment 10 - Applicant's Letter Dated 31 March 2021

Available for viewing at meeting

Nil

** (Please note Attachment 4 and Attachment 5 can be viewed as a separate document to the Agenda on the City of Stirling website).*

Description of Development

Site Area: 52,666m²
Nearest Cross Street: Alexander Drive

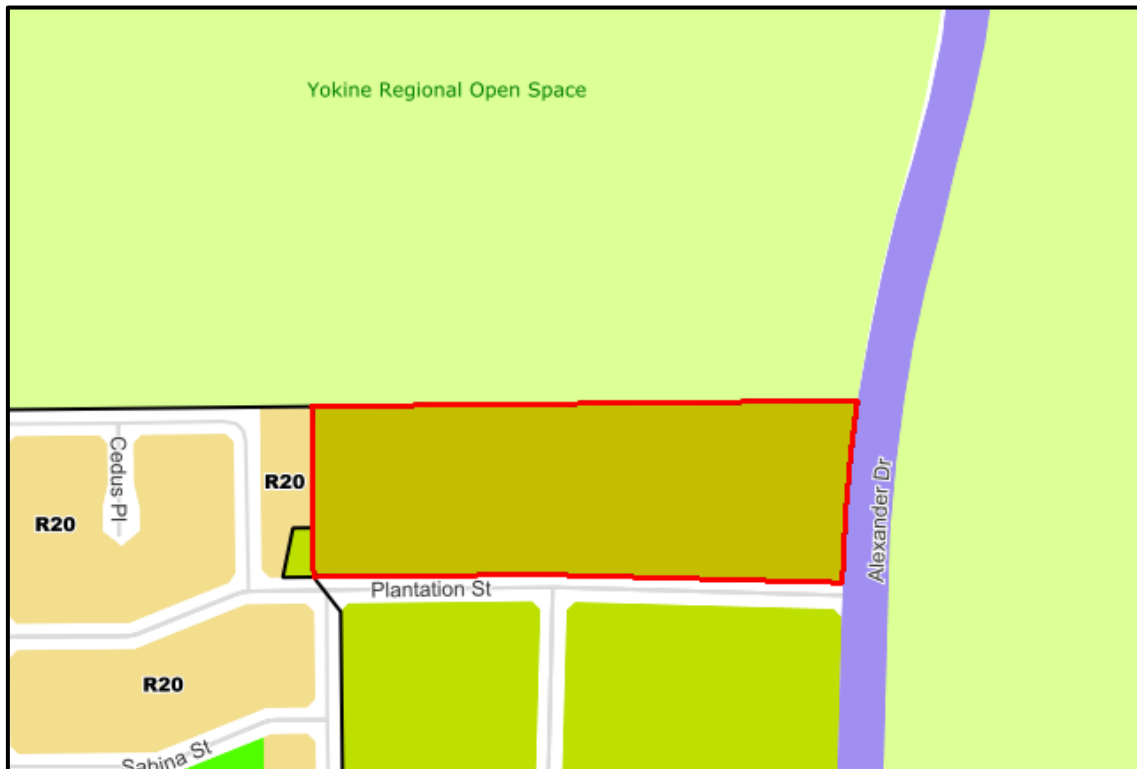


Figure 1 - Location Plan



Figure 2 - Aerial Photograph

Background

Local Development Plan

A Local Development Plan (LDP) was submitted to the City on 14 August 2020 for Lot 14691, House Number 2, Plantation Street, Menora. The LDP and supporting documents can be found in Attachments 1, 4 and 5.

In accordance with Schedule 2, Part 6, Clause 58 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council is only able to revoke an LDP if the Local Planning Scheme is amended so that the development to which the plan relates becomes a non-conforming use.

No scheme amendments are applicable to the subject site and there is an existing approved LDP over the lot (originally referred to as Bethanie on the Park Detailed Area Plan), which will not expire until 19 October 2025. As such, an amended LDP is required in order to update the existing LDP. A copy of the existing approved LDP can be found in Attachment 3.

The proposal will result in the amendment of the existing LDP and will facilitate the further development of aged persons care and accommodation on the site in accordance with the format required by the current planning framework.

Following advertising of the amended LDP, consideration by the City's Design Review Panel (DRP) and the City's request for further information, the Applicant submitted a modified version of the amended LDP in response to concerns and comments raised. A copy of the DRP report and the originally submitted (unmodified) and advertised amended LDP can be found in Attachments 6 and 2.

Site and Development Context

Existing development on the site includes a retirement village of single storey residential villas on the eastern side of the site and a four-storey serviced apartment building facing Plantation Street. The site is bound by Yokine Reserve to the north, Alexander Drive and the Mount Lawley Golf Club to the east, retirement villages and aged care dwellings to the south and low-density residential properties to the south-west and west.

The subject site is zoned Private Institution under the City's Local Planning Scheme No.3 (LPS3). Yokine Reserve to the north is reserved under the Metropolitan Region Scheme (MRS) which also includes Coolbinia Oval to the west and Wordsworth Reserve to the east. A line of mature trees edges the Yokine Reserve abutting the subject site. Residential zoned land to the west and south west has a density coding of R20 under LPS3. Properties to the south are also zoned Private Institution under LPS3.

As a result of the surrounding Private Institution zoning, built form in the locality is mixed and includes buildings varying from single storey to five storeys in height as demonstrated in Figure 3.



Figure 3 - Aerial Image Showing Surrounding Development (above)

Development History

The Bethanie on the Park Detailed Area Plan (now known as Bethanie on the Park LDP) was originally adopted by Council at its meeting held 2 November 2010 (Council Resolution Number 1110/003) and subsequently modified on 22 March 2011 (Council Resolution Number 0311/043) following a State Administrative Tribunal (SAT) reconsideration request.

The existing approved LDP includes eight building envelopes with heights varying from two to five storeys. In addition to the four storey serviced apartment building already constructed, the existing LDP contemplates a further six independent living apartment buildings and a high-care aged care facility.

At its meeting held 11 November 2014, Council refused an application for a modification to the existing LDP to increase the permitted height over a portion of the site facing Plantation Street from two to four storeys (Council Resolution Number 1114/009).

The Metro North-West Joint Development Assessment Panel (JDAP) subsequently supported a variation to the provisions of the existing LDP and approved a Form 1 JDAP application (DA14/3283 refers) for a four-storey building facing Plantation Street on 11 March 2015. This building has since been constructed.

A concurrent application to the SAT, for a review of the City's refusal of the proposed amendment to the LDP, was ultimately dismissed by the SAT on 4 February 2016. The SAT determined that the proposed modifications were unnecessary as the Form 1 JDAP application (DA14/3283 refers) had already been approved and it would be unreasonable to expect a proponent to amend an LDP every time a variation was proposed.

On 14 September 2017, in accordance with the City's Responsible Authority Report recommendation, the JDAP refused an application for a four-storey nursing home (DA17/1012 refers) located adjacent to the western boundary of the site where the existing LDP provides for a two-storey height limit.

An application for a review of the decision was made to the SAT on 6 October 2017. Orders dismissing the application and reaffirming the original decision of the JDAP to refuse the application were made by the SAT on 18 June 2018.

Assessment

The amended LDP comprises the following main elements and is presented in the manner and form required by the current statutory framework:-

- The amended LDP is presented as a single page plan which replaces the existing 10 page 'Master Plan' format;
- Development zones based on permitted building height replace the prescribed building footprints of the existing plan and provide design flexibility in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments;
- The amended LDP outlines design requirements for the western and northern interfaces abutting residential properties and Yokine Reserve, including the introduction of a landscaping buffer between the subject site and residential lots to the west;
- Landscaping requirements have been updated to include tree planting in accordance with current policy requirements; and
- Two vehicle access points are proposed. Parking requirements are no longer prescribed and will be assessed at detailed design stage based on the specific land uses proposed.

An assessment of the amended LDP against the relevant statutory provisions is contained within Attachment 7.

Comment

Proposed modifications

As outlined further in the 'Consultation/Communication Implications' section of this report, the Applicant submitted a modified LDP following advertising in response to comments received, DRP assessment and the City's request for further information.

An evaluation of each provision of the proposed amended LDP is contained within Attachment 7. The recommendations for further modifications are included in the table below.

Provision Reference	Proposed LDP Provision	Assessment and Comment
	<p>Building Height as Depicted</p> <p>Possible building height zones are depicted ranging from one to a maximum of six storeys. Further detail is also provided in Explanatory Section 1 and 2 for the northern and western boundary interface.</p>	<p>The amended LDP provides requirements for building height on the site. It is noted that the advertised LDP provided for a maximum height of eight storeys, however the modified plan provides for a maximum height of six storeys.</p> <p>The proposed maximum height of six storeys is considered acceptable having due regard to the existing LDP which permits a maximum height of five storeys, the existing four storey building on the site, the proposed</p>

Provision Reference	Proposed LDP Provision	Assessment and Comment
		<p>location of the maximum height and examples of three to five storey buildings within the surrounding area. Please refer to the assessment against the objectives of LPP4.5 outlined below.</p> <p>Notwithstanding, it is considered that stepping floors five and six a further 5 metres back from the fourth floor (a total of 10 metres from the boundary) will soften the impact of building bulk as viewed from Yokine Reserve. Building height immediately abutting the Yokine Reserve will be limited to a <i>maximum height of four storeys</i>.</p> <p>The following modification is therefore proposed:-</p> <p><i>Amending the Maximum 6 Storey Development Height Zone to also show a minimum setback requirement of 10m to the northern lot boundary for any portion of a building over 4 storeys in height. The additional setback, or stepping, of height is to be depicted on both the 'Maximum 6 Storey Development' zone and the 'Explanatory Section 1'.</i></p>
	<p>View Corridors as Depicted</p> <p>The LDP depicts the required location of four evenly spaced view corridors between the subject site and Yokine Reserve.</p>	<p>This provision is proposed in order to ensure that the subject site is visually connected to the green spaces to the north and maximises surveillance of Yokine Reserve.</p> <p>It is also noted regarding this provision that the development zones depicting maximum heights do not represent future building footprints/envelopes.</p> <p>All relevant R-Code requirements, including those relating to building separation, will be applied to any future development application and will assist in ensuring that views through the site are preserved in addition to providing solar access, open space, ventilation and visual privacy.</p>

Provision Reference	Proposed LDP Provision	Assessment and Comment
		<p>It is considered that this provision should be strengthened by the inclusion of a textual amendment to be included as point 3 under 'Northern boundary interface'.</p> <p>The following modification is proposed:-</p> <p><i>Development in the northern portion of the LDP area shall demonstrate provision of view corridors between Yokine Reserve and the interior of the site, generally in the locations of the view corridors depicted in this LDP. View corridors shall ameliorate impacts of building bulk and provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access, and outlook to Yokine Reserve.</i></p>
	<p>Vehicle Access</p> <p>The LDP provides for two vehicle access points to the site, with one being to the five-storey development zone facing Plantation Street and the other providing general access to the site.</p>	<p>Based on comment received from the City's Engineering Services Business Unit, it is proposed to include textual requirements to provide further clarity regarding vehicle access.</p> <p>The following modification is proposed:-</p> <p><i>A maximum of two crossovers are permitted to the site. The location of the vehicle access to the five- storey development zone is indicative and may vary based on assessment of the relevant future development application.</i></p>
1.	<p>An appropriate and attractive interface between the development and Yokine Reserve shall be provided through the use of visually permeable fencing, the placement of windows, entries, balconies and other articulations to maximise surveillance, activity and visual presentation to the reserve.</p>	<p>This provision relates to the relationship to be established between future development and Yokine Reserve.</p> <p>This provision could be strengthened by reference to the materials and finishes to be used.</p> <p>The following modification is proposed:-</p>

Provision Reference	Proposed LDP Provision	Assessment and Comment
		<p><i>An appropriate and attractive interface between the development and Yokine Reserve shall be provided through:-</i></p> <ul style="list-style-type: none"> <i>• The use of visually permeable fencing;</i> <i>• The placement of windows, entries, balconies and other articulations to maximise the surveillance, activity and visual presentation to the reserve; and</i> <i>• The use of materials, colours and finishes which respond to the context of the mature vegetation on Yokine Reserve.</i>

Further Comment - Building Height

As noted above, the LDP proposes a maximum building height of six storeys which is a variation to the following requirements of LPP4.5:-

Development shall be restricted to two (2) storeys (6.0 metres wall height) above natural ground level within 10 metres of any residential lot or street boundaries in areas coded R50 or below and a maximum of four (4) storeys (12.0 metres wall height) above natural ground level on the remainder of the site.

An assessment against the objectives of LPP4.5 is therefore provided in the table below.

Objective	Officer Comment
To ensure that development does not adversely affect the amenity of the surrounding properties.	<p>The LDP will facilitate development that is in keeping with the character of the immediate area.</p> <p>The landscape buffer and provisions of Development Zone 1A as shown on the LDP will ensure that future development does not adversely impact the amenity of the surrounding residential properties, particularly the Residential R20 zoned properties to the west.</p> <p>This objective will also be addressed at the development application stage.</p>
To encourage development that is sympathetic to the scale and bulk of the surrounding properties.	As noted below under the assessment of the LDP provisions, the proposed scale of development permitted by the LDP is consistent with the surrounding locality.

Objective	Officer Comment
	<p>The LDP addresses bulk on the site by way of requirements for landscaping, setbacks and the 'stepping back' of development along the western and northern boundaries.</p> <p>This objective will be further reinforced at detailed design stage.</p>
To ensure the efficiency of the local transport network is not encumbered by development.	The LDP will not have an undue adverse impact on the efficiency of the local transport network as access and egress to the site is proposed to be limited to two crossovers.
To support the provision of viable and high-quality aged care developments.	The purpose of the LDP is to facilitate aged care development on the site.
To ensure that development is well integrated with the surrounding community.	The LDP will facilitate future development that is sympathetic to surrounding properties and well-integrated with the surrounding community.

Duration of approval

Schedule 2, Part 6, Clause 57 of the Planning and Development (Local Planning Schemes) Regulations 2015 provides as follows:-

57. Duration of approval

- (1) The approval of a local development plan has effect for a period of 10 years commencing on the day on which the local government approves the plan, or another period determined by the local government, unless the local government earlier revokes its approval.*
- (2) For the purposes of subclause (1), a local development plan that was approved before 19 October 2015 is taken to have been approved on that day*

The above requirement would result in the amended LDP expiring 19 October 2025. It is therefore proposed to extend the current duration of approval for a further 10 years from the date of the latest approval.

Consultation/Communication Implications

The amended LDP was advertised for a period of 14 days, in accordance with the City's Planning Consultation Procedure. At the conclusion of the advertising period, a total of 75 submissions were received. A summary of the number of submissions is provided below.

Submissions Received	Relative Location		All Submissions
	Within 200m radius of Proposed Site	Remainder of the City	
SUPPORT	1.33% (1)	1.33% (1)	2.66% (2)
OBJECT	88% (66)	2.66% (2)	90.66% (68)
CONDITIONAL SUPPORT*	1.33% (1)	5.33% (4)	6.66% (5)
TOTAL	90.67% (68)	9.33% (7)	100% (75)

* Submitters supported provisions of Development Zone 1A however objected to remainder of LDP.

A summary of the issues raised in the submissions together with officers' comments is provided in Attachment 8.

The modifications made to the amended LDP following the advertising period, assessed above, were not re-advertised.

The following issues raised during the advertising period have resulted in key/proposed modifications to the amended LDP:-

- Building height
The maximum permitted height was lowered from eight to six storeys with a maximum of four storeys immediately abutting the northern boundary.
- Interface of LDP development with residential properties and Yokine Reserve
Additional provisions are proposed to ensure that future development is well integrated with the surrounding area and provides visual links to Yokine Reserve.
- Recreation areas
Greater clarity has been provided regarding access to Yokine Reserve.
- Vehicle access and traffic
Although traffic volumes will be assessed at detailed design stage, the LDP limits vehicle access points to the site, with the location of one of the proposed crossovers to be determined when a development application is submitted for the '5 Storey Development Zone'.
- Landscaping
Additional information has been provided regarding tree planting onsite and the location of the subject site in relation to the mature trees edging Yokine Reserve and street trees.

Policy and Legislative Implications

Should Council refuse the amended LDP, the Applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

Clause 5.12 of LPS3 enables Council to require the preparation of an LDP for any lot and LPP4.5 requires the submission of an LDP in certain circumstances.

The Council is the decision-maker for this LDP.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	The LDP will result in the planting of advanced trees on the currently vacant site.

SOCIAL	
Issue	Comment
Community services	The LDP will facilitate the development of aged care facilities onsite consistent with the objectives of the Private Institution Zone.

ECONOMIC	
Issue	Comment
Job creation	The construction of future buildings will facilitate the creation of jobs within the construction industry. The construction of a nursing home will facilitate the creation of jobs within the aged care sector.

Conclusion

The proposed amended LDP will facilitate the coordination of development on the site for aged persons care and accommodation in accordance with the City's Local Planning Policy framework.

Following the conclusion of community consultation, DRP review and the City's request for further information, modifications have been made to the amended LDP which address key concerns raised in relation to building heights, interface with Yokine Reserve, recreation areas, landscaping and vehicle access.

As a result of the changes made to the amended LDP and subject to the further proposed modifications, the LDP is recommended to be approved by Council. Considering the extent of the development proposed, the duration of the approval period may be extended for 10 years.

Additional Information – 20 April 2021

Further Revisions

Following the Council meeting held 16 March 2021, the Applicant submitted a revised LDP to the City on 31 March 2021. The revised LDP (refer Attachment 9) addresses resident concerns and the changes previously recommended by the City Officers as outlined below:-

- The LDP boundary has been modified to match the subject area of the existing LDP;
- The 'Maximum 5 Storey Development Zone' facing Plantation Street has been reduced to a 'Maximum 4 Storey Development Zone';
- The 'Maximum 6 Storey Development Height Zone' has been amended to show a minimum 10m setback to the northern lot boundary for any portion of building over four storeys in height. This has also been depicted within the 'Explanatory Section 1';
- A new point 3 has been added to the provision entitled 'Northern boundary interface' as follows:-

"Development in the northern portion of the Local Development Plan area shall demonstrate provision of view corridors between Yokine Reserve and the interior of the site, generally in the locations of the view corridors depicted in this Local Development Plan. View corridors shall ameliorate impacts of building bulk and provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access, and outlook to Yokine Reserve."

- A new provision regarding vehicle access has been added as follows:-

"A maximum of two crossovers are permitted to the site. The location of the vehicle access to the five storey development zone is indicative and may vary based on assessment of the relevant future development application."

- Provision 1 has been amended to provide more guidance regarding the interface between any future development and Yokine Reserve as follows:-

"An appropriate and attractive interface between the development and Yokine Reserve shall be provided through:-

- *The use of visually permeable fencing;*
- *The placement of windows, entries, balconies and other articulations to maximise the surveillance, activity and visual presentation to the reserve;*
and
- *The use of materials, colours and finishes which respond to the context of the mature vegetation on Yokine Reserve."*

Further detail regarding the Applicant's most recent engagement with residents is included in the Applicant's letter in Attachment 10.

Comment

The revised LDP reflects the content and form of Local Development Plans (as required by the State planning framework) and incorporates all changes previously sought by the City.

The revised LDP also reduces the maximum building height facing Plantation Street from five to four storeys in response to concerns raised by the deputation at the Planning and Development Committee meeting held 9 March 2021. The reduction in building height will reduce building bulk fronting Plantation Street and better reflect the existing streetscape.

The issue of traffic was also raised at the Committee meeting. Traffic issues have been considered in the assessment of the LDP and the Applicant's Traffic Report. Matters addressed relate to vehicle access points and circulation. Detailed traffic assessment however can only be undertaken when future development applications are submitted. This will enable the full assessment of traffic management based on the specific design and land uses proposed at the time.

It is also noted that the existing LDP was approved in 2011 with a Condition for a public access easement through the site from the south to Yokine Reserve prior to the occupation of the first stage of the LDP. As the first stage of the LDP is yet to be completed, the Condition has not been triggered.

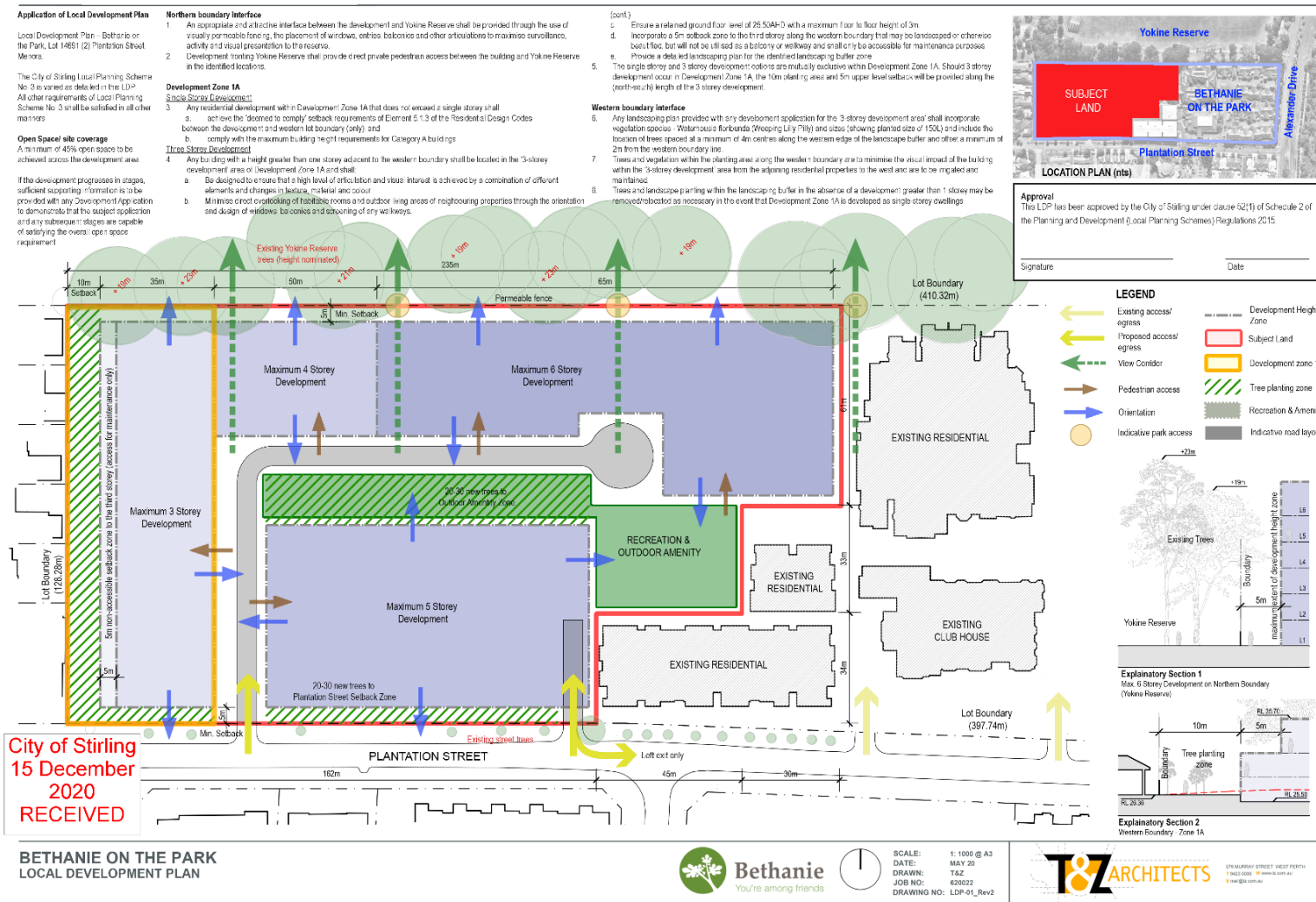
The Condition has not been applied to the revised LDP as it is considered that a public access easement is no longer necessary due to the following:-

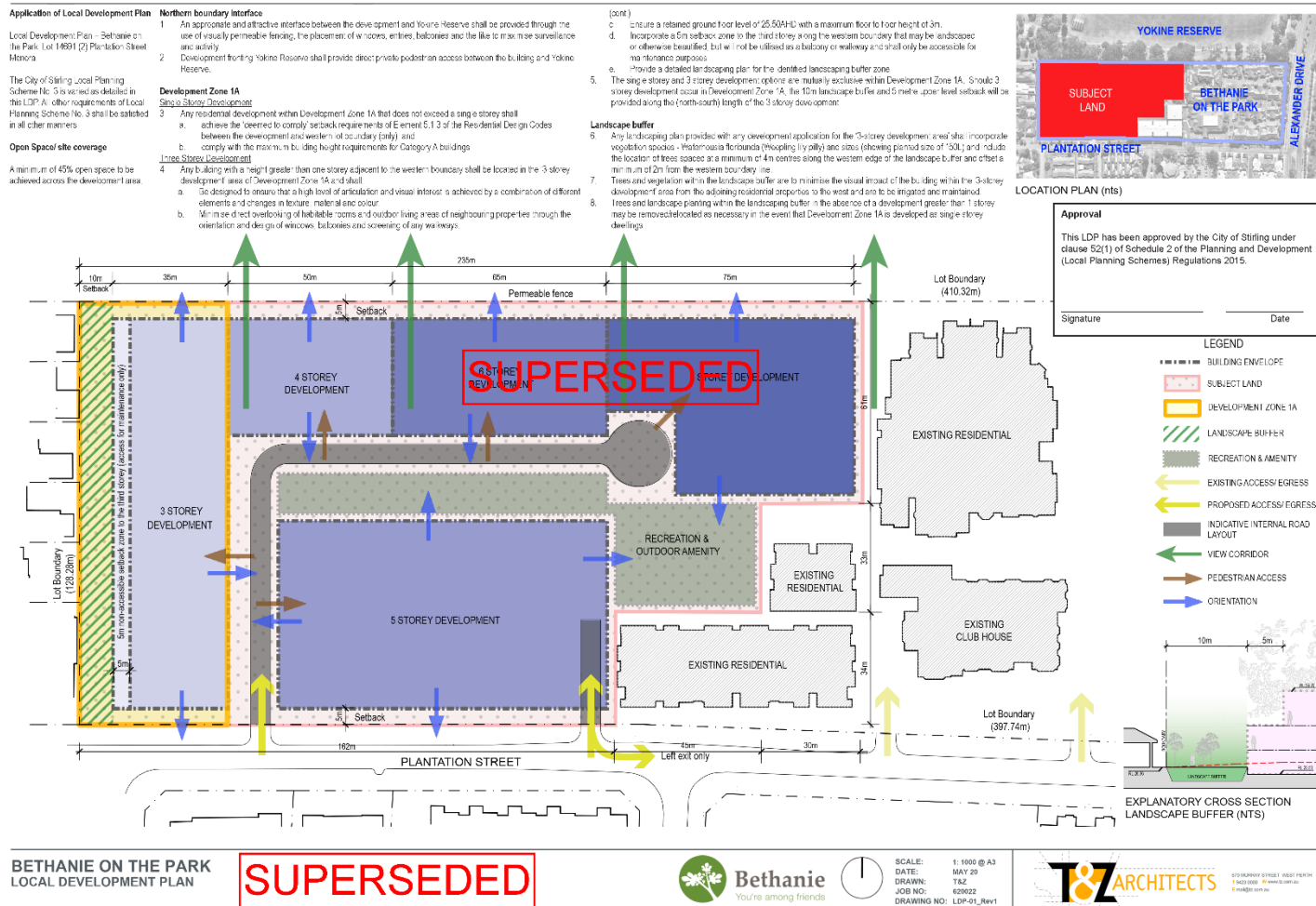
- Allowing public access across privately owned land potentially creates significant security and site management issues; and
- A formalised pedestrian access point from Wareana Street to Yokine Reserve already exists approximately 50m to the west of the subject site.

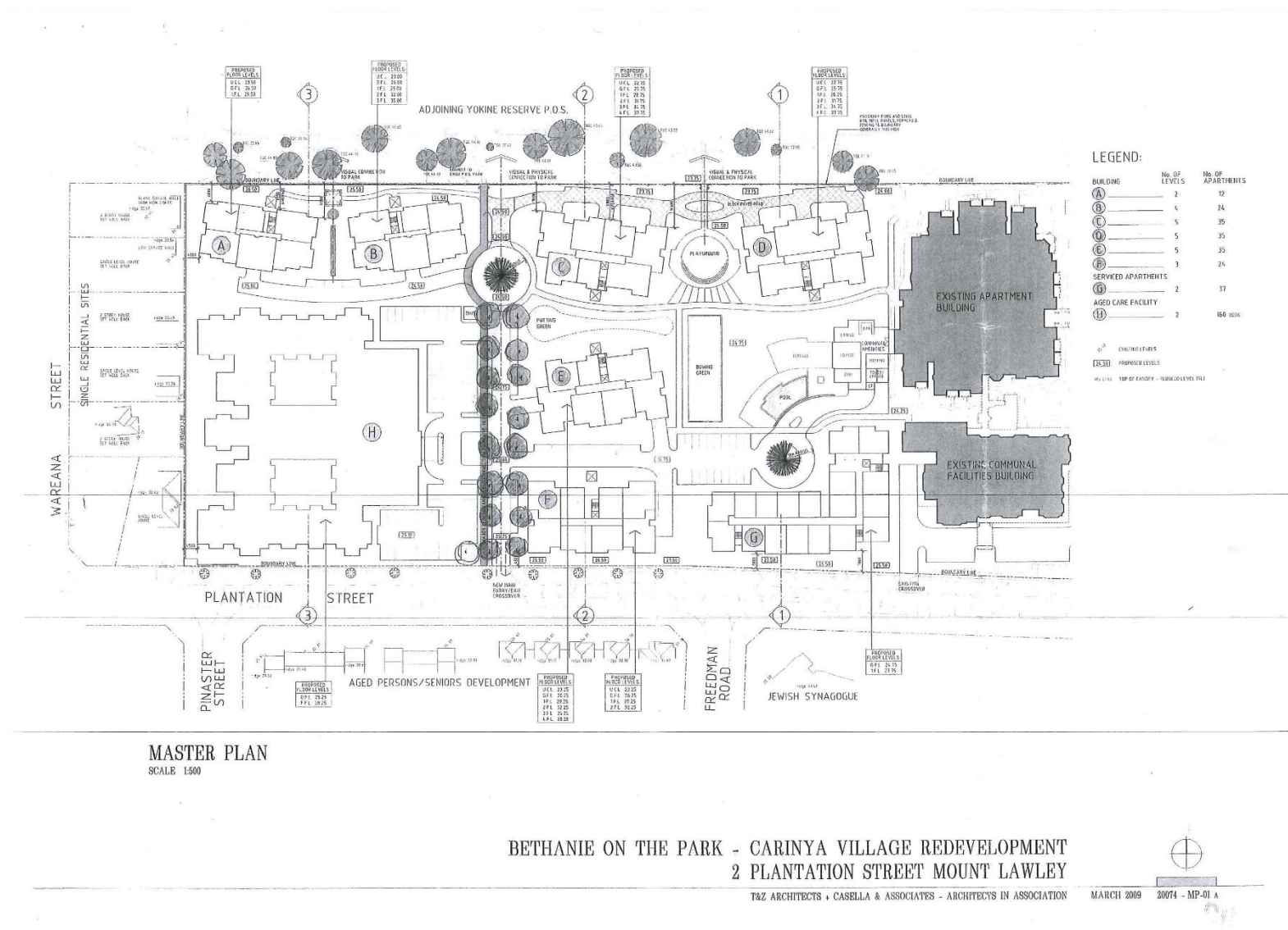
In the context of the above, the revised LDP dated 31 March 2021 is recommended to be approved by Council.

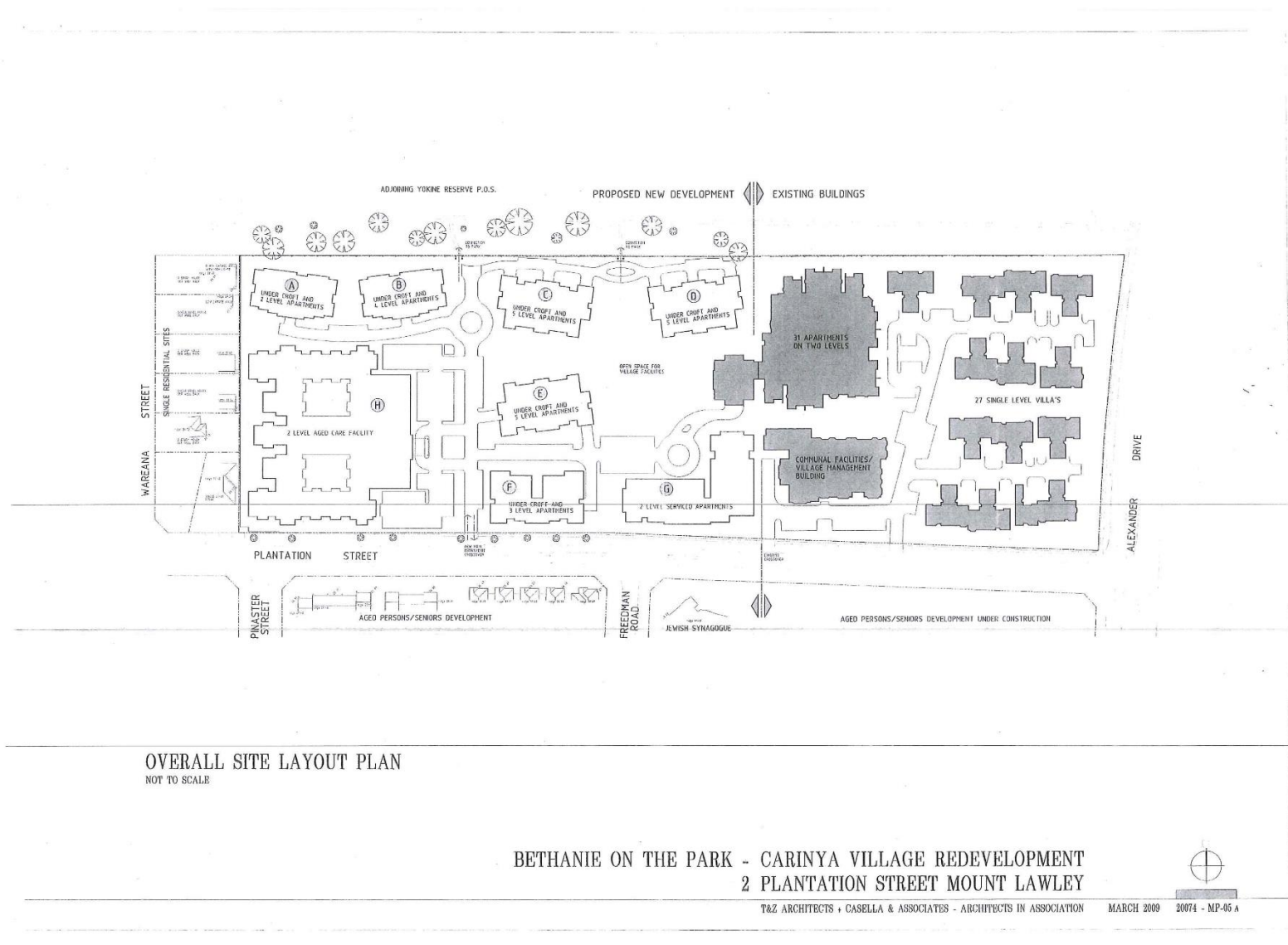
Suggested Alternative Recommendation

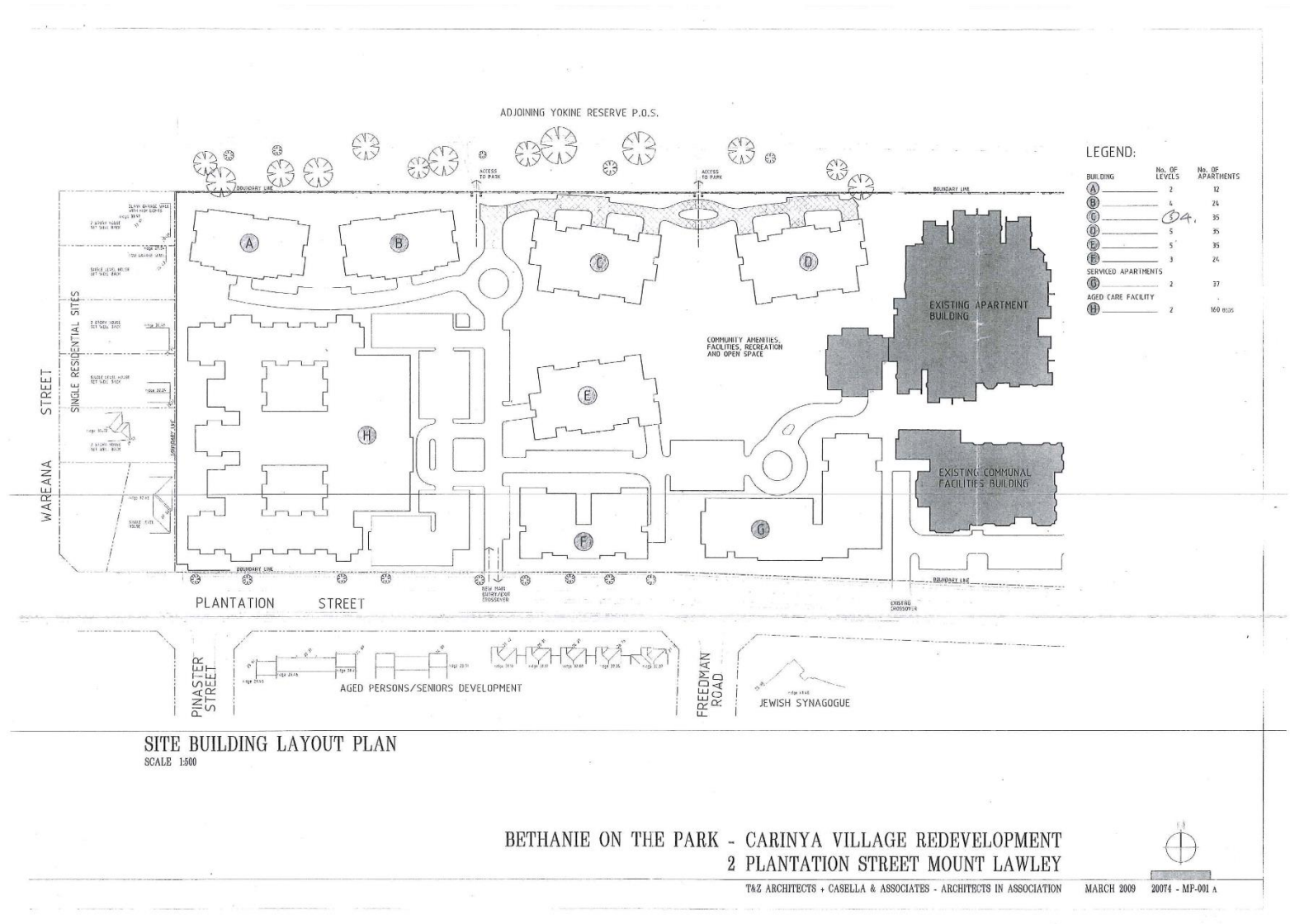
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2. **That, pursuant to Schedule 2, Part 6, Clause 59 of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval granted in accordance with Recommendation 1 of this resolution be EXTENDED for a period of 10 years from the date of this approval.**

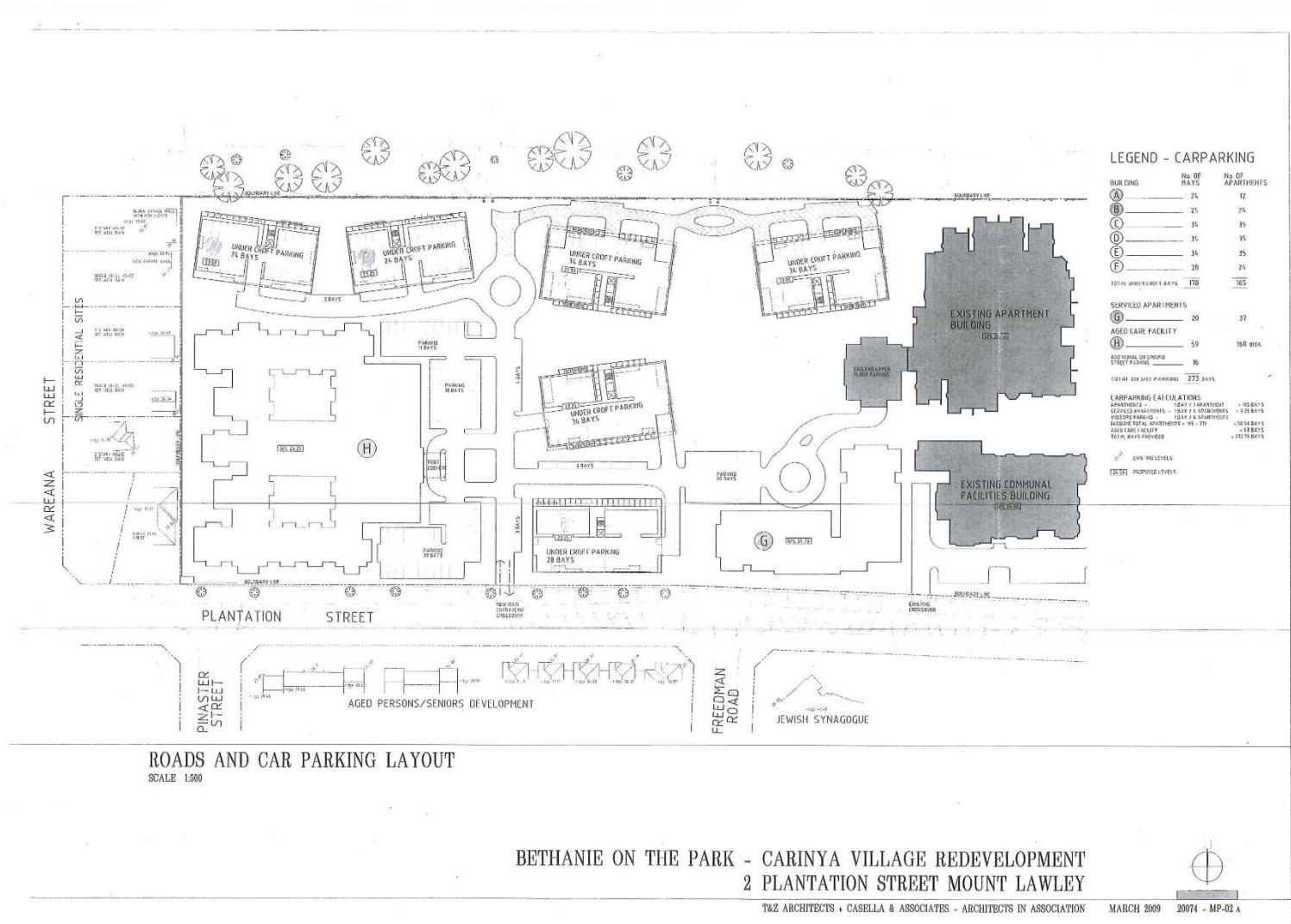


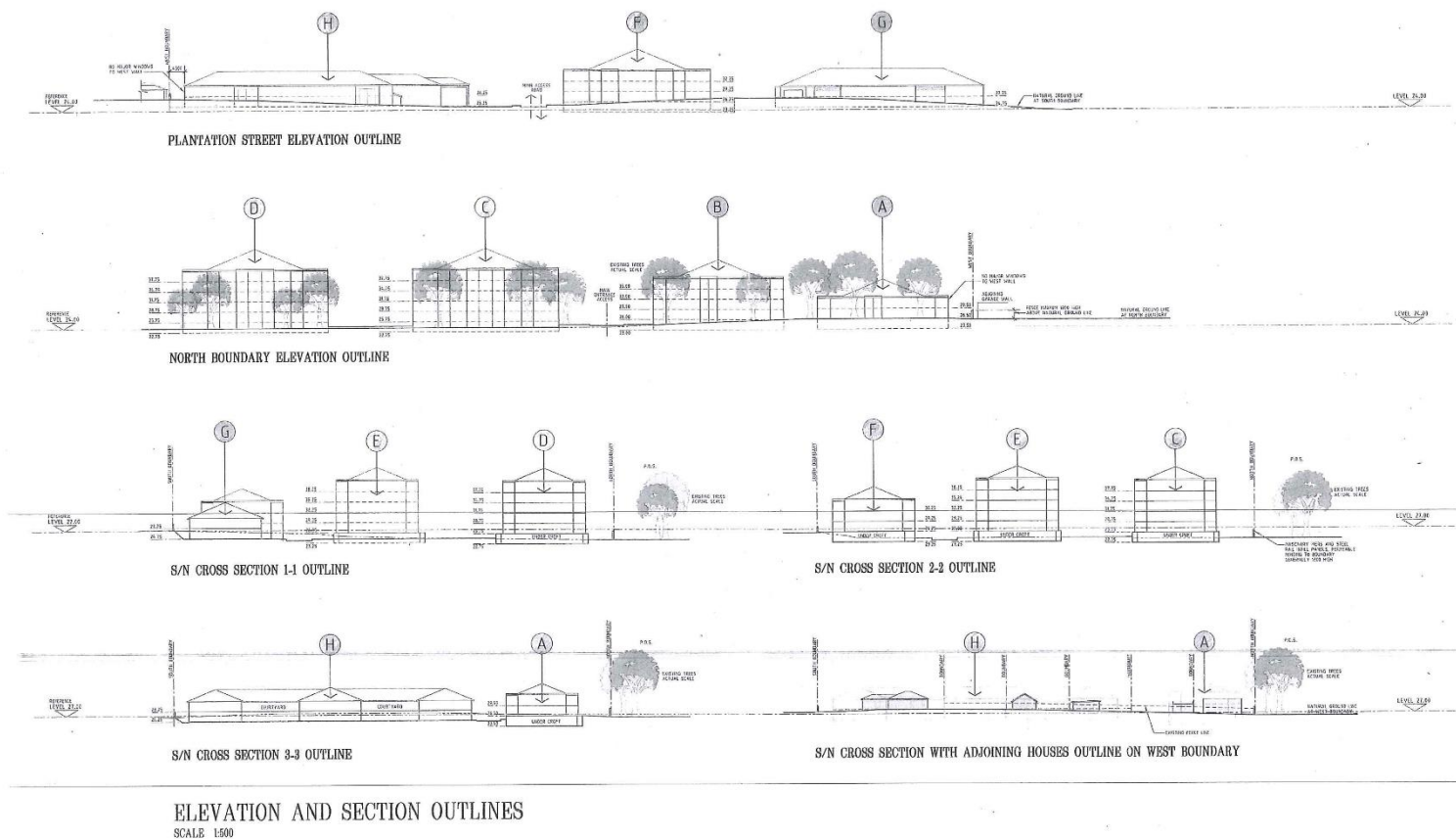








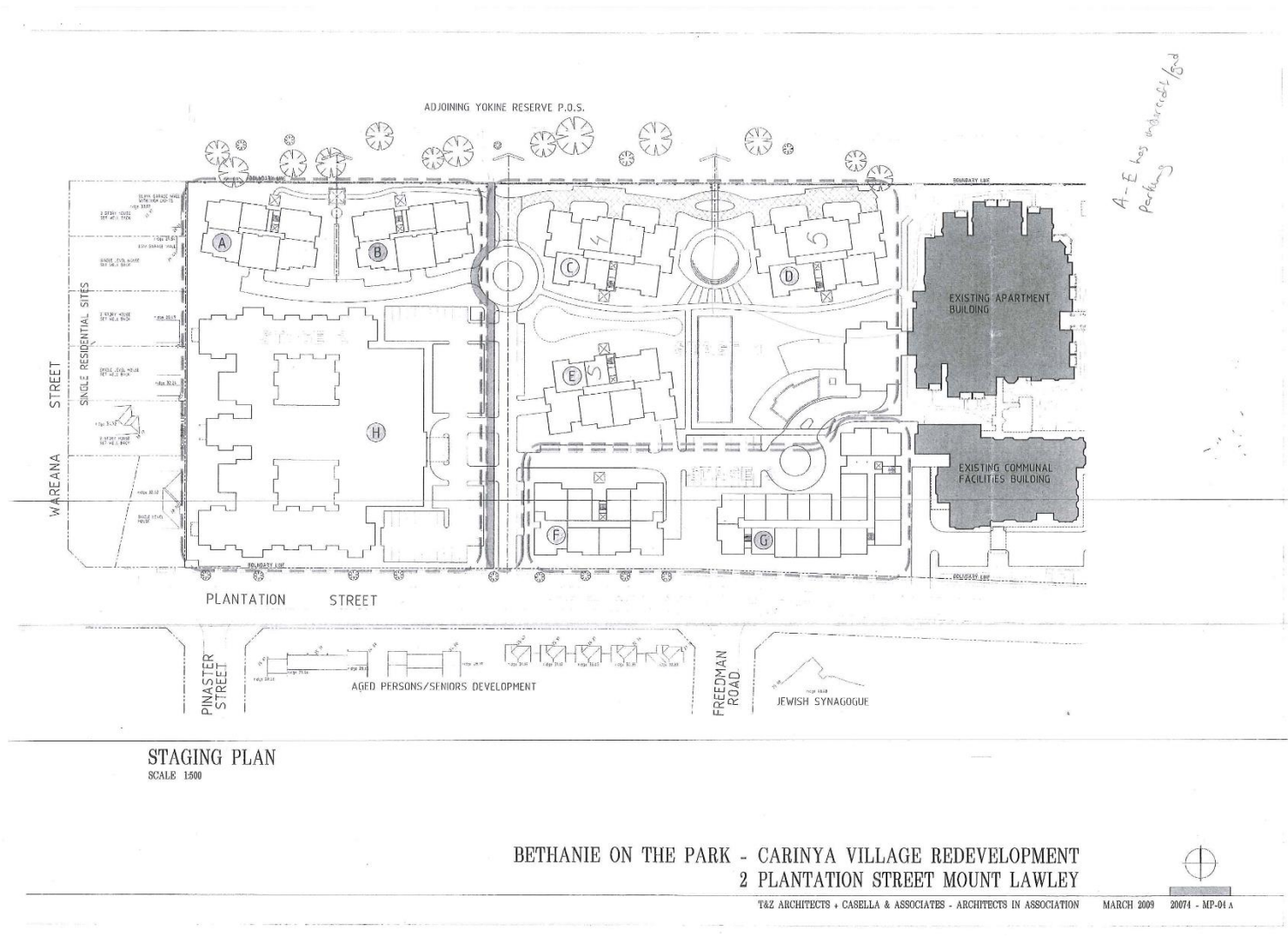




BETHANIE ON THE PARK - CARINYA VILLAGE REDEVELOPMENT
2 PLANTATION STREET MOUNT LAWLEY

T&Z ARCHITECTS + CASELLA & ASSOCIATES - ARCHITECTS IN ASSOCIATION

MARCH 2009 2007/4 - MP-03 A





ACCESS WAY TO NORTH BOUNDARY
view East between Building C & D and Yokine Reserve



PEDESTRIAN PATHWAY TO NORTH BOUNDARY VIEW
view west between buildings A & B and Yokine Reserve



MAJOR PEDESTRIAN ACCESS WAY
view North towards Yokine Reserve



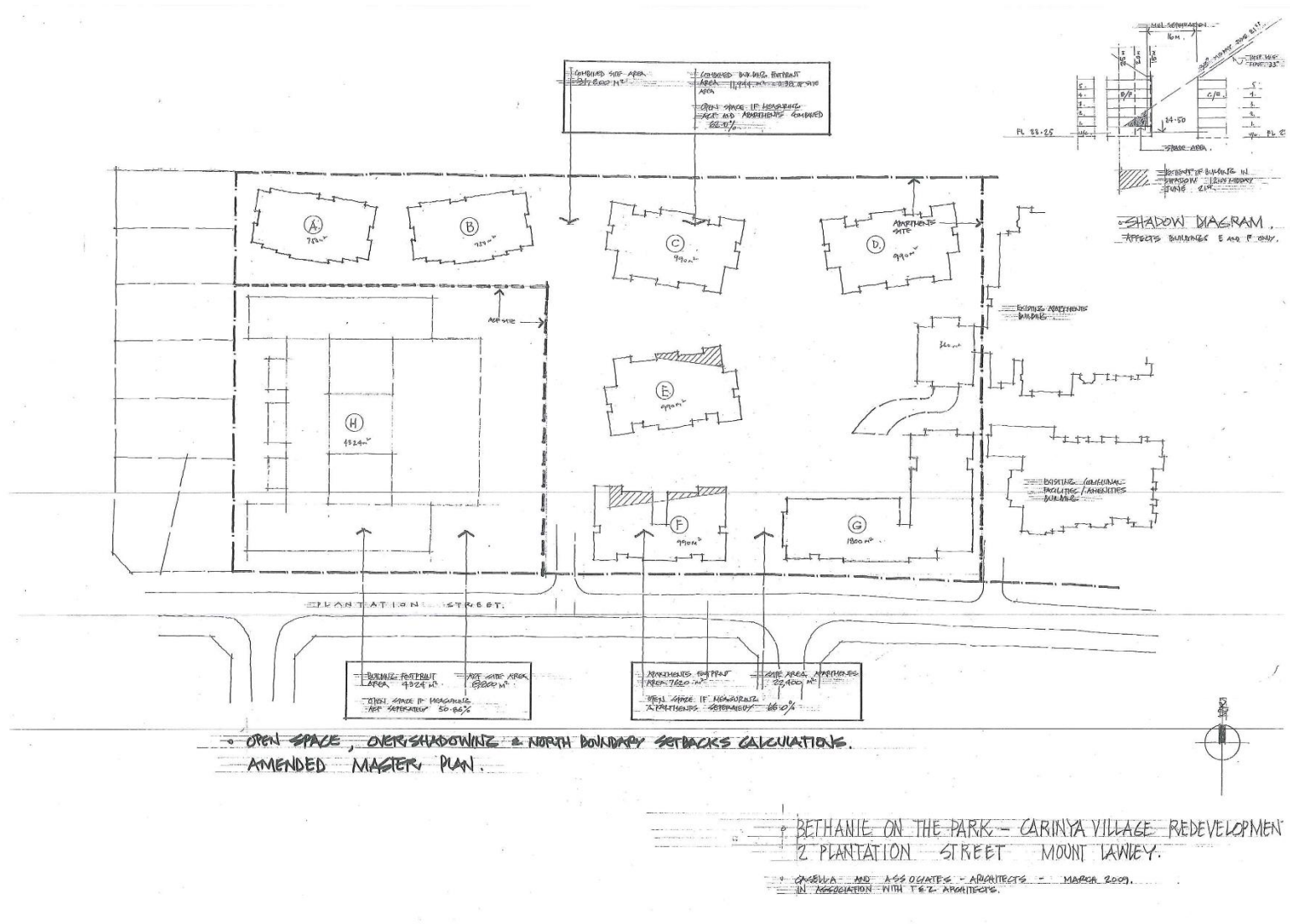
The Bethanie
Group Inc

BETHANIE ON THE PARK - CARINYA VILLAGE REDEVELOPMENT
2 PLANTATION STREET MOUNT LAWLEY


T&Z ARCHITECTS + CASELLA & ASSOCIATES - ARCHITECTS IN ASSOCIATION JUNE 2008 20074 - MP-10









Design Review Report		
Local government	City of Stirling	
Item no.	Item 2 - Local Development Plan, Bethanie on the Park, 2 Plantation Street, Menora	
Date	Thursday 1 October 2020	
Scheduled Time	3pm to 4pm	
Location	City of Stirling, 25 Cedric Street Stirling, Parmelia Room	
Panel Members	Emma Williamson Tony Blackwell Damien Pericles	Chairperson
Local Government officers	Giovanna Lumbaca Chris Fudge James Fletcher Monica Creek Pauline Monaghan	Acting Manager Development Services Acting Coordinator Planning Acting Coordinator Planning Acting Senior Planning Officer Design Review Panel Support Officer
Proponent/s	Ross Underwood Marc Karol David Lorimer Owner	Planning Solutions (<i>Applicant</i>) TZ Architects The Bethanie Group Inc. The Bethanie Group Inc.
Observer/s	None	
Briefings		
Development assessment overview	Monica Creek	Acting Senior Planning Officer
Technical issues	Monica Creek	Acting Senior Planning Officer
Design Review		
Proposed development	Local Development Plan, Bethanie on the Park, 2 Plantation Street, Menora	
Property address	2 Plantation Street, Menora	
Background		
Proposal		
Applicant or applicant's representative address to the design review panel	Ross Underwood	Planning Solutions
Key issues / recommendations	Refer to attached Design Quality Evaluation Report.	
Chair signature		

Design quality evaluation Item 2 - Local Development Plan, Bethanie on the Park, 2 Plantation Street, Menora DRP Meeting – Thursday 1 October 2020	
	<i>Supported</i>
	<i>Pending further attention</i>
	<i>Not supported</i>
Principle 1 Context and character	<i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>
	1a. The Panel stated not enough information in relation to site analysis has been presented. 1b. The Panel recommends the applicant gives more consideration to the site strategy, landscape response and how the proposed development responds to the nuances of the different boundaries. 1c. The Panel recommends the applicant conducts a site context analysis to achieve a design outcome that integrates with the surrounding area and is of benefit to residents and the broader community.
Principle 2 Landscape quality	<i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>
	2a. Further to Design Principle 1b, the Panel stated the landscape strategy needs more work and needs to be integrated into the design response. 2b. Further to Design Principle 1c, the Panel recommends the applicant conducts a site analysis detailing deep soil areas and types, existing trees, species and heights of trees, to provide a more responsive design outcome. 2c. The Panel encouraged the applicant to consider engaging an Arboriculturalist as well as communicate more detail on the drawings in relation to the landscape strategy, commenting this would benefit both the applicant and general public. 2d. Furthermore, the Panel recommends a study of the trees to the reserve is undertaken to ensure the design of the northern facade responds to the volumetric nature of the canopies appropriately. 2e. In addition, the Panel stated consideration should be given to the trees on the Northern boundary and the impact their large root zones may have on setbacks. 2f. The Panel commented the building zones are depicted as abutting and would benefit from the addition of some nooks and green connections to the built forms.
Principle 3 Built form and scale	<i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>

	<p>3a. The Panel commented the Western area (Development Zone 1A), has some detail provided, however the broader development area does not and recommends this is demonstrated via 3D Drawings in addition to more written information on the plan.</p> <p>3b. The Panel commented that eight stories is too high, however five stories is a comfortable communal relationship and better interface with the streetscape. More information would need to be provided to demonstrate the limited impact of the increased height to view corridors and important vistas.</p> <p>3c. The Panel requested a massing study is conducted.</p> <p>3d. The Panel commented the built form interpretation is unclear and could be misinterpreted. The Panel stated the proposal would benefit from the inclusion of specific information relating to the LDP and the built form.</p> <p>3e. The Panel recommends the applicant provide multiple options of the proposed built form in order to demonstrate the opportunities of the proposed plan. The Panel commented these options will provide flexibility as well as an instrument for further conversation in relation to the design.</p>
Principle 4 Functionality and build quality	<i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i>
	4a. Not reviewed
Principle 5 Sustainability	<i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>
	5a. Not reviewed
Principle 6 Amenity	<i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i>
	6a. The Panel commented the design does not consider access for residents to the South and recommends the applicant review to provide a better outcome that benefits both the residents and the community.
Principle 7 Legibility	<i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i>
	7a. Not reviewed
Principle 8 Safety	<i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>
	8a. Not reviewed
Principle 9 Community	<i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>
	<p>9a. The Panel stated the Yokine Reserve is deemed of regional significance and therefore more consideration needs to be given to the future use of the site, to ensure long term benefit to the community.</p> <p>9b. The Panel encouraged the applicant to give more consideration to the way the proposal is communicated to the public.</p> <p>9c. The Panel stated the boundary is 450m in length and access to the reserve is key to the success of the design and future benefit to the community.</p> <p>9d. The Panel recommends the applicant review the proposal to include access for neighbours between Plantation Street and Yokine Reserve.</p>

Principle 10 Aesthetics	<i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>
	10a. Not reviewed

Conclusion:

The Panel thanks the applicants for their time and the presentation. The Panel does not support the proposal and has identified several opportunities for further improvement. In particular the Panel strongly advises that a more detailed response to site and context underpins the development of the plan with a focus on the opportunities of landscape, the impacts to key vistas and views and the capacity to contribute to the broader community.

Design Review progress Item 2 - Local Development Plan, Bethanie on the Park, 2 Plantation Street, Menora DRP Meeting – Thursday 1 October 2020			
	Supported		
	Pending further attention		
	Not supported		
	DR1 1/10/2020	DR2 (Date)	DR3 (Date)
Principle 1 - Context and character			
Principle 2 - Landscape quality			
Principle 3 - Built form and scale			
Principle 4 - Functionality and build quality			
Principle 5 - Sustainability			
Principle 6 - Amenity			
Principle 7 - Legibility			
Principle 8 - Safety			
Principle 9 - Community			
Principle 10 - Aesthetics			

Recommendations Summary			
Item 2 – Local Development Plan, Bethanie on the Park, 2 Plantation Street, Menora			
DR1 – DRP Recommendations DRP Meeting – 1/10/2020	DR2 – Applicant Response DRP Meeting – (Date)	DR2 DRP Recommendations DRP Meeting – (Date)	DR2 – Applicant Response DRP Meeting – (Date)
1b. The Panel recommends the applicant gives more consideration to the site strategy, landscape response and how the proposed development responds to the nuances of the different boundaries. 1c. The Panel recommends the applicant conducts a site context analysis to achieve a design outcome that integrates with the surrounding area and is of benefit to residents and the broader community.			

2a.	Further to Design Principle 1b, the Panel stated the landscape strategy needs more work and needs to be integrated into the design response.			
2b.	Further to Design Principle 1c, the Panel recommends the applicant conducts a site analysis detailing deep soil areas and types, existing trees, species and heights of trees, to provide a more responsive design outcome.			
2d.	Furthermore, the Panel recommends a study of the trees to the reserve is undertaken to ensure the design of the northern facade responds to the volumetric nature of the canopies appropriately.			

3a. The Panel commented the Western area (Development Zone 1A), has some detail provided, however the broader development area does not and recommends this is demonstrated via 3D Drawings in addition to more written information on the plan.			
3c. The Panel requested a massing study is conducted.			
3e. The Panel recommends the applicant provide multiple options of the proposed built form in order to demonstrate the opportunities of the proposed plan. The Panel commented these options will provide flexibility as well as an instrument for further conversation in relation to the design.			
4a. Not reviewed			
5a. Not Reviewed			
6a. The Panel commented the design does not consider access for residents to the South and recommends the applicant review to provide a better outcome that benefits both the residents and the community.			
7a. Not reviewed			
8a. Not reviewed			

9d. The Panel recommends the applicant review the proposal to include access for neighbours between Plantation Street and Yokine Reserve.			
10a. Not reviewed			
Conclusion: The Panel thanks the applicants for their time and the presentation. The Panel does not support the proposal and has identified several opportunities for further improvement. In particular the Panel strongly advises that a more detailed response to site and context underpins the development of the plan with a focus on the opportunities of landscape, the impacts to key vistas and views and the capacity to contribute to the broader community.			

Policy Implications and Assessment

Legislation

Local Planning Scheme No.3

Objectives of the Zone

The subject site is zoned 'Private Institution' under LPS3. The objectives of the Private Institution zone are as follows:

- a) *To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of such facilities, which are compatible with surrounding development.*
- b) *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

Planning and Development (Local Planning Schemes) Regulations 2015

Part 6 – Local Development Plans

Clause 46. Term used: local development plan

local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following –

- (a) Site and development standards that are to apply to the development;*
- (b) Specifying exemptions from the requirement to obtain development approval for development in the area to which the plans relates.*

Clause 51. Consideration of submissions

The local government –

- (c) is to have due regard to the matters set out in clause 67(2) to the extent that, in the opinion of the local government, those matters are relevant to the development to which the plan relates.*

State Planning Policies

State Planning Policy 7.0 – Design of the Built Environment

State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) is to apply to the assessment of Local Development Plans and outlines ten principles against which to assess proposals as follows:

1. *Context and character;*
2. *Landscape quality;*
3. *Built form and scale;*
4. *Functionality and build quality;*
5. *Sustainability;*
6. *Amenity;*
7. *Legibility;*
8. *Safety;*
9. *Community; and*
10. *Aesthetics.*

It is noted that the City's DRP is also required to consider the proposal against the above relevant principles. A copy of the DRP report can be found in Attachment 5.

State Planning Policy 7.2 – Precinct Design

State Planning Policy 7.2 – Precinct Design (SPP7.2) was gazetted and became operational on 19 February 2021. SPP7.2 references the design principles outlined in SPP7.0 and applies design review to the precinct planning process by requiring assessment against six performance-based design elements as follows:

1. *Urban ecology;*
2. *Urban structure;*
3. *Public realm;*
4. *Movement;*
5. *Land use; and*
6. *Built form.*

The current LDP is exempt from assessment against SPP7.2 as the LDP was advertised prior to the introduction of SPP7.2 as follows:

7.3 Exemptions

A ... local development plan ... that would ordinarily make reference to this policy, may only be finalised without reference to this policy, where:

1. *It has been advertised in accordance with the Planning and Development Local planning Schemes Prior to the gazettal of this policy.*

State Planning Policy 7.3 – Residential Design Codes Volume 1 and Volume 2 – Apartments (R-Codes)

Future development proposals on the LDP site will be assessed against the requirements of the R-Codes.

Local Planning Policies

Local Planning Policy 4.5 - Private Institution Design Guidelines

Local Planning Policy 4.5 – Private Institution Design Guidelines (LPP4.5) outline the following LDP requirement:

All applications for development shall be accompanied by a Local Development Plan for the site, as per Clause 5.12 of Local Planning Scheme No.3, with the exception of:

- *Single storey proposals;*
- *Additions to existing buildings less than 10% of the subject lot area; and*
- *Family Day Care and Rural Pursuit.*

LPP4.5 also provides that:

Where this Policy is inconsistent with the provisions of a specific Local Planning Policy, Local Development Plan, Activity Centre Plan or Structure Plan applying to a particular site or area ... the provisions of that specific planning instrument shall prevail.

Assessment

This report details the City's assessment of the modified LDP dated 15 December 2020. The LDP has been assessed against SPP7.0, LPS3 and LPP4.5. It should be noted that LPS3 provides guidance in respect to zoning and objectives of zones, however, more specific development standards are provided in LPP 4.5. The assessment is broken up into the following sections:

1. State Planning Policy 7.0 – Design of the Built Environment
2. Local Planning Scheme No.3:
 - a. Assessment against the objectives of Clause 4.2.10 – Private Institution Zone
3. Planning and Development (Local Planning Schemes) Regulations 2015
 - a. Assessment against Schedule 2, Part 9, Clause 67 (Matters to be considered by local government).
4. Local Planning Policy 4.5
5. Evaluation of Amended LDP Provisions.

1. State Planning Policy 7.0 – Design of the Built Environment

An assessment against the relevant principles is provided in the table below.

Design Principles	Officer Comment
Principle 1 Context and character Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.	The LDP includes provisions that address the interface between the site and the neighbouring residential properties to the west and Yokine Reserve to the north. The LDP includes provisions for building articulation and ensuring materials and finishes used respond to their immediate environment. In addition, provisions have been included that will assist in ensuring that the site maintains a visual connection to the Yokine Reserve.
Principle 2 Landscape quality Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.	Following comments from the DRP and the City's Parks and Sustainability Business Unit, the LDP provides additional detail regarding the location of landscaping and number of trees on site. Further information has also been provided regarding how the site will address existing mature vegetation on Yokine Reserve.
Principle 3 Built form and scale Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.	As noted elsewhere in the assessment, the height proposed is consistent with the provisions of the approved detailed area plan, the built form onsite and existing and planned development in the immediate area. Heights have been reduced onsite (compared to those advertised) where immediately abutting either residential areas or Yokine Reserve.
Principle 4 Functionality and build quality	This principle will be addressed at detailed design stage.

Design Principles	Officer Comment
Good design meets the need of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.	
Principle 5 Sustainability Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.	This principle will be addressed at detailed design stage.
Principle 6 Amenity Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.	The LDP outlines areas to be used internal to the site for recreation and landscaping in addition to ensuring that residents of the LDP area have access to Yokine Reserve.
Principle 7 Legibility Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.	This principle will be addressed at detailed design stage.
Principle 8 Safety Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.	This principle will be addressed at detailed design stage.
Principle 9 Community Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.	The LDP will facilitate the development of aged cared facilities which responds to the need for aged care services and accommodation within the broader community.

Design Principles	Officer Comment
Principle 10 Aesthetics Good design is the product of skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.	This principle will be addressed at detailed design stage.

2. Local Planning Scheme No.3
Assessment against the objectives of Clause 4.2.10 – Private Institution zone

The subject site is affected by Clause 4.2.10–Private Institution Zone. An assessment against the relevant objectives is provided in the table below.

Objective	Officer Comment
To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of such facilities, which are compatible with surrounding development	The proposed LDP will facilitate development on the subject site in an orderly and proper manner.
To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area	The proposed LDP will guide the design and integration of future development with the existing land uses that surround the subject site.

3. Planning and Development (Local Planning Schemes) Regulations 2015 Assessment against Schedule 2, Part 9, Clause 67 (Matters to be considered by local government)

Objective	Officer Comment
a) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	LPS3 provides for the adoption of a LDP for the site in order facilitate development on the site in an orderly and proper manner.
b) any approved State Planning Policy;	The proposed LDP is consistent with SPP7.0, SPP7.2 and SPP7.3.
g) any Local Planning Policy;	The proposed LDP has been assessed against LPP4.5 (as detailed later in this assessment).

Objective	Officer Comment
a) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposed LDP will encourage development that is compatible with the surrounding land uses. The subject site is favourably located between an existing aged care development to the south, Alexander Drive to the east, Yokine Reserve to the north and residential properties to the east. Overshadowing from future development will have no impact to the western residential properties as it will fall to the south. Also, a 10m wide landscape strip is incorporated on the western boundary to provide a green buffer between future development on the subject site and the existing residential properties. Height limits of the LDP combined with the requirements as stipulated in LPP 4.5 and the R-Codes will control the built form to ensure that the bulk and scale of the development is compatible with the setting.
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 LDP will facilitate development that is in keeping with the character of the immediate area. The subject site is currently vacant and the LDP will facilitate the planting of Advanced trees onsite in accordance with LPP 6.11. Furthermore the 10m wide landscape buffer to the west will add extra vegetation to the site. The LDP will facilitate the development of aged care facilities on the site in keeping with the surrounding land uses. In terms of social impacts, the LDP will facilitate a range of institutional facilities, which will have flow on impacts in terms of social interactions.
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	The proposed LDP includes a 10m wide landscaping strip to the western side boundary. A future development application will also be subject to LPP 6.11 however the LDP identifies the future location of required Advanced trees.
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.	The City's Engineering Services Business Unit has supported the LDP subject to details of the secondary vehicle access point being determined at detailed design stage when a development application is lodged.
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	The amount of traffic likely to be generated by the development is not able to be assessed accurately until the specific land uses and building designs are proposed.

Objective	Officer Comment
probable effect on traffic flow and safety;	

4. Local Planning Policy 4.5

Design Element	Subclause	Complies with the Policy	Seeks to Vary the Policy Provisions
<i>Built Form</i>	The portion of the development fronting the street shall be orientated towards the street (e.g. entrances, windows and balconies facing the street) to soften the 'institutional' feel of developments and achieve greater consistency with surrounding developments.	N/A	
		This will be addressed at detailed design stage when a development application is lodged.	
<i>Building Height</i>	Development shall be restricted to two (2) storeys (6m wall height) above natural ground level within 10m of any residential lot or street boundaries in areas coded R50 or below and a maximum of four (4) storeys (12m wall height) above natural ground level on the remainder of the site.		✓
		The LDP complies with the requirement for a maximum of two (2) storeys within 10m of any residential lot or street boundary coded R50 or lower (development opposite Plantation Street frontage is also zoned Private Institution) however, beyond 10m the LDP is proposing six storeys.	
	Where buildings over two storeys in height are proposed, an application shall include justification which addresses the impact of the proposal having regard to matters such as amenity, overshadowing, wind impacts and building design, siting, bulk, materials, scale and colour.	N/A	
		A development application has not yet been lodged.	
		N/A	

Design Element	Subclause	Complies with the Policy	Seeks to Vary the Policy Provisions
	<p>Where buildings over 6.0m in height are proposed:-</p> <p>a) An application requiring the approval of the Council under Clause 8.1 of the Scheme shall include information which addresses the impact of the proposal having regard to matters such as amenity, overshadowing, wind impacts and building design, siting, bulk, scale and colour.</p> <p>b) Before the determination of an application requiring the approval of the Council under Clause 8.1 of the Scheme, the Council shall cause the provision of Clause 9.4 (advertising for public comment) of the Scheme to be invoked in respect of the application</p>	A development application has not yet been lodged.	
Setbacks	<u>Front Setbacks</u>	✓	
	<p>Subject to the following, front setbacks shall be 6.0m:</p> <p>Where adjacent sites have a greater or lesser front setback, the setback requirement may match that of the adjacent site.</p>	The LDP is not seeking to vary this provision as the proposed 5m setback matches that of the existing four storey building adjacent to the subject site.	
	<u>Side and Rear</u>	✓	

Design Element	Subclause	Complies with the Policy	Seeks to Vary the Policy Provisions
	Where adjacent to residential properties all side and rear setbacks of all development shall be calculated in accordance with State Planning Policy 7.3 Residential Design Codes.	The LDP is not seeking to vary this provision.	
	Where adjoining non-residential uses, setbacks of all development shall match those of adjacent and/or adjoining lots.	✓	
	Where adjacent and/or adjoining Public Open Space, the applicant shall demonstrate adequate passive surveillance of and pedestrian access to the Public Open Space.	✓	
<i>On-site Open Space and Amenities</i>	Retirement complex developments shall address landscaping, the provision of on-site amenities such as recreational and entertainment areas for residents and visitors, and facilities such as meeting rooms and club house within required Local Development Plans. Such development is to also comply with the Acceptable Outcomes of Element 4.12 Landscape Design of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.	The LDP includes specific provisions relating to surveillance of Yokine Reserve.	
		✓	
<i>Streetscape Relationship</i>	<u>Uses</u>	N/A	
	New uses shall not cause a detrimental impact on the amenity of the surrounding lots in terms of traffic and parking impacts, noise,	This will be addressed at development application stage.	

Design Element	Subclause	Complies with the Policy	Seeks to Vary the Policy Provisions
	dust, vibration, odour and the like.		
	<u>Levels</u> The levels of sites shall generally match the levels of adjoining sites.		✓
		The LDP specifies a level for Development Zone 1A in order to provide certainty regarding levels and the ultimate heights on the western portion of the site abutting residential properties. This element will be assessed for the remainder of the site at development application stage/s.	
	No more than 500mm of fill shall be permitted unless acceptable justification is provided.	N/A	
		This will be assessed at development application stage.	
<i>Fencing</i>	Fencing shall be compatible with that of surrounding properties.	N/A	
		This will be assessed at development application stage.	
	Fencing abutting Public Open Space reserves shall promote passive surveillance from the site to the reserve.		✓
		The LDP requires fencing abutting Yokine Reserve to be visually permeable.	
<i>Access and Parking</i>	<u>Parking</u> Parking bays for cars and other vehicles shall be provided for in accordance with the City's Parking Policy.	N/A	
		This will be assessed at development application stage when specific uses and design details are proposed.	
	Applicants for retirement complex developments shall liaise with the City on the provision of long-term storage of recreational vehicles such as caravans and campervans in required Local Development Plans to the satisfaction of the City.	N/A	
		This will be addressed at development application stage.	
	Service and delivery vehicle loading areas	N/A	

Design Element	Subclause	Complies with the Policy	Seeks to Vary the Policy Provisions
	shall be located away from dwellings and out of view of the street.	This will be addressed at development application stage.	
	<u>Traffic Management Plan</u> As required by the City's Parking Policy, applications for developments shall be accompanied by a Brief Transport Statement, or by a Full Transport Assessment, as the case may be.	N/A	This requirement will be assessed at the development application stage.
	<u>Emergency Vehicle and Service Access</u> Applicants are required to demonstrate sufficient access and manoeuvring space for emergency vehicles (such as ambulances and fire engines) and service vehicles (delivery and pickup).	N/A	This requirement will be assessed at the development application stage.
<i>Other Considerations</i>	<u>Sustainability Design Standards</u> In order to optimise the sustainability of buildings, applicants are required to: for non-residential development, provide low flow triple dripper or coarse sprays and timer connection; and high efficiency lighting.	N/A	These specific design standards will be required to be addressed at the development application stage.

5. Evaluation of Amended LDP Provisions

Clause Reference	Proposed LDP Provision	Assessment and Comment
	Application of Local Development Plan The City's LPS3 is varied as detailed in the LDP. All other requirements of LPS3 shall be satisfied in all other matters.	This provision establishes the status of the document in the hierarchy of the Local Planning Framework. The wording of this provision is supported.

Clause Reference	Proposed LDP Provision	Assessment and Comment
	<p>Open Space/Site Coverage</p> <p>A minimum of 45% open space to be achieved across the development area.</p> <p>If the development progresses in stages, sufficient supporting information is to be provided with any development application to demonstrate that the subject application and any subsequent stages are capable of satisfying the overall open space requirements.</p>	<p>This provision establishes a requirement for open space across the site.</p> <p>Following initial assessment, the City requested the addition of the provision relating to staged development in order to ensure that open space was provided evenly over the site.</p> <p>It is also noted that the provisions of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes) will also be applicable to future development applications and include additional requirements for communal open space, private open space and circulation and common areas.</p> <p>The wording of this provision is therefore supported.</p>
	<p>Building Height as Depicted</p> <p>Possible building height zones are depicted ranging from one to a maximum of six storeys. Further detail is also provided in Explanatory Section 1 and 2 for the northern and western boundary interface.</p>	<p>The LDP provides requirements for building height on the site. It is noted that the advertised LDP provided for a maximum height of eight storeys, however the modified plan provides for a maximum height of six storeys.</p> <p>The proposed maximum height of six storeys is considered acceptable having due regard to the existing LDP which permits a maximum height of five storeys, the existing four storey building on the site, the proposed location of the maximum height and examples of three to five storey buildings within the surrounding area. Please refer to the assessment against the objectives of LPP4.5 outlined below.</p> <p>Notwithstanding, it is considered that stepping floors five and six a further 5 metres back from the fourth floor (a total of 10 metres from the boundary) will soften the impact of building bulk as viewed from Yokine Reserve. Building height immediately abutting the Yokine Reserve will be limited to a maximum height of four storeys.</p>

Clause Reference	Proposed LDP Provision	Assessment and Comment
		<p>The following modification is therefore proposed to be conditioned:-</p> <p><i>Amending the Maximum 6 Storey Development Height Zone to also show a minimum setback requirement of 10 metres to the northern lot boundary for any portion of a building over 4 storeys in height. The additional setback, or stepping, of height is to be depicted on both the 'Maximum 6 Storey Development' zone and the 'Explanatory Section 1'.</i></p>
	<p>Landscaping as Depicted</p> <p>The LDP provides for the following:-</p> <ul style="list-style-type: none"> • Tree planting zones to the Plantation Street setback, the landscape buffer on the western boundary and the outdoor amenity zone; • Details of the location and canopy spread of the existing mature trees within the adjacent Yokine Reserve; • The location of the trees to be provided in accordance with Local Planning Policy 6.11 Trees and Development; and • The location of street trees. 	<p>The proposed landscaping is consistent with the requirements of LPP6.11 and LPP6.6.</p> <p>LPP6.11 requires a total of 54 advanced trees to be planted on site. The LDP provides for up to 60 advanced trees to be planted in addition to those provided by the specific provisions relating to the landscaping buffer on the western boundary.</p> <p>It is noted that further detail was provided regarding landscaping following advertising, comments from the DRP and a request for further information from the City.</p> <p>The impact of any proposed building on the root zones of the mature trees within Yokine Reserve will be required to be assessed as part of any future development applications for the site.</p> <p>The landscaping provisions of the LDP are supported.</p>
	<p>View Corridors as Depicted</p> <p>The LDP depicts the required location of four evenly spaced view corridors between the subject site and Yokine Reserve.</p>	<p>This provision is proposed in order to ensure that the subject site is visually connected to the green spaces to the north and maximises surveillance of Yokine Reserve.</p> <p>It is also noted regarding this provision that the development zones depicting maximum heights do not represent future building footprints/envelopes.</p>

Clause Reference	Proposed LDP Provision	Assessment and Comment
		<p>All relevant R-Code requirements, including those relating to building separation, will be applied to any future development application and will assist in ensuring that views through the site are preserved in addition to providing solar access, open space, ventilation and visual privacy.</p> <p>It is considered that this provision should be strengthened by the inclusion of a textual amendment to be included as point 3 under 'Northern boundary interface'.</p> <p>The following modification is proposed:-</p> <p><i>Development in the northern portion of the LDP area shall demonstrate provision of view corridors between Yokine Reserve and the interior of the site, generally in the locations of the view corridors depicted in this LDP. View corridors shall ameliorate impacts of building bulk and provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access, and outlook to Yokine Reserve.</i></p>
	<p>Vehicle Access</p> <p>The LDP provides for two vehicle access points to the site, with one being to the five-storey development zone facing Plantation Street and the other providing general access to the site.</p>	<p>Based on comment received from the City's Engineering Services Business Unit it is proposed to include textual requirements to provide further clarity regarding vehicle access.</p> <p>The following modification is proposed:-</p> <p><i>A maximum of two crossovers are permitted to the site. The location of the vehicle access to the five-storey development zone is indicative and may vary based on assessment of the relevant future development application.</i></p>

Clause Reference	Proposed LDP Provision	Assessment and Comment
1.	An appropriate and attractive interface between the development and Yokine Reserve shall be provided through the use of visually permeable fencing, the placement of windows, entries, balconies and other articulations to maximise surveillance, activity and visual presentation to the reserve.	<p>This provision relates to the relationship to be established between future development and Yokine Reserve.</p> <p>This provision could be strengthened by reference to the materials and finishes to be used.</p> <p>The following modification is proposed:-</p> <p><i>An appropriate and attractive interface between the development and Yokine Reserve shall be provided through:-</i></p> <ul style="list-style-type: none"> <i>The use of visually permeable fencing;</i> <i>The placement of windows, entries, balconies and other articulations to maximise the surveillance, activity and visual presentation to the reserve; and</i> <i>The use of materials, colours and finishes which respond to the context of the mature vegetation on Yokine Reserve.</i>
2.	Development fronting Yokine Reserve shall provide direct private pedestrian access between the building and Yokine Reserve.	<p>This clause is considered essential for the amenity of the future residents of the site.</p> <p>It is noted that the amended plan has strengthened this textual provision by adding a depiction of the access points to the plan. The City's Parks and Sustainability Business Unit have raised no objections to future access to Yokine Reserve.</p> <p>The above provision is supported.</p>
3.a.	Any residential development within Development Zone 1A that does not exceed a single storey shall achieve the deemed to comply setback requirements of Element 5.1.3 of the Residential Design Codes between the development and the western lot boundary (only);	

Clause Reference	Proposed LDP Provision	Assessment and Comment
3.b.	Any residential development within Development Zone 1A that does not exceed a single storey shall comply with the maximum building height requirements for Category A buildings	<p>Clauses 3a and 3b are to apply should single storey development be proposed within Zone 1A.</p> <p>Table 3 of the R-Codes provides for a maximum wall height of 3m and a maximum pitched roof wall height of 6m (standard single storey heights).</p> <p>These clauses for setbacks and height will provide an accepted standard for single storey development.</p> <p>Clauses 3.a. and 3.b. are supported.</p>
4.a.	Any building with a height greater than one storey adjacent to the western boundary shall be located in the '3 storey development' area of the Development Zone 1A and shall be designed to ensure that a high level of articulation and visual interest is achieved by a combination of different elements and changes in texture, materials and colour.	<p>This clause is designed to improve the interface between the subject site and the residential properties immediately to the west.</p> <p>It is noted that prior to submission of the LDP and in addition to the advertising undertaken by the City, the Applicant undertook their own consultation process with the residents of Wareana Street. The LDP provisions for Development Zone 1A on the western side of the site have been proposed in response to this community engagement.</p> <p>Clause 4.a. is supported.</p>
4.b.	Any building with a height greater than one storey adjacent to the western boundary shall be located in the '3 storey development' area of the Development Zone 1A and shall minimise direct overlooking of habitable rooms and outdoor living areas of neighbouring properties through the orientation and design of windows, balconies and the screening of any walkways.	<p>It is noted that the 10m landscape buffer to the western boundary is greater than the deemed to comply visual privacy setback requirements of the R-Codes Volume 1 and 2.</p> <p>Clause 4.b. will further ensure that a sense of perceived overlooking is minimised for residents of the dwellings to the west of the site.</p> <p>Clause 4.b. is supported.</p>
4.c.	Any building with a height greater than one storey adjacent to the western boundary shall be located in the '3 storey development' area of the Development Zone 1A and shall ensure a retained ground floor level of RL 25.50 with a maximum floor to floor height of 3m.	<p>Clause 4.c. will provide certainty to adjoining residents to the west of the site regarding levels onsite and the possible height (in metres) of the storeys proposed.</p> <p>It is noted that the existing LDP for the site specifies a level of RL 25.25</p>

Clause Reference	Proposed LDP Provision	Assessment and Comment
		in this location. The 0.25m difference is negligible. Clause 4.c is supported.
4.d.	Any building with a height greater than one storey adjacent to the western boundary shall be located in the '3 storey development' area of the Development Zone 1A and shall incorporate a 5m setback zone to the third storey along the western boundary that may be landscaped or otherwise beautified, but will not be used as a balcony or walkway and shall only be accessible for maintenance purposes.	Clause 4.d. will ensure that the scale of development closest to the residential properties to the west is consistent with the R20 coding of Wareana Street. Clause 4.d. is supported.
4.e.	Any building with a height greater than one storey adjacent to the western boundary shall be located in the '3 storey development' area of the Development Zone 1A and shall provide a detailed landscaping plan for the identified landscaping buffer zone.	This clause reinforces the requirement for the specific details of the proposed landscaping to be assessed by the City at the time a development application is submitted. Clause 4.e. is supported.
5.	The single storey and three storey development options are mutually exclusive within Development Zone 1A. Should 3 storey development occur in Development Zone 1A, the 10m landscape buffer and 5m upper level setback will be provided along the (north-south) length of the three storey development.	This clause provides clarity regarding the application of the provisions for Development Zone 1A. Clause 5 is supported.
6.	Any landscaping plan provided with any development application for the '3 storey development area' shall incorporate vegetation species – Weeping lilly pilly and sizes (planted size of 150L) and include the location of trees spaced at a minimum of 4m centres along the western edge of the landscape buffer and offset a minimum of 2m from the western boundary line.	Clause 6 provides more detailed provisions regarding the requirement for a landscaping plan. It is noted that the tree size required is in excess of that required for an advanced tree under LPP6.11. Clause 6 is supported.
7.	Trees and vegetation within the buffer are to minimise the visual impact of the building within the '3 storey development' area from the adjoining residential properties to the west and are to be irrigated and maintained.	Clause 7 reflects the provisions of LPP6.6 for landscaped areas to be irrigated and maintained. Clause 7 is supported.

Clause Reference	Proposed LDP Provision	Assessment and Comment
8.	Trees and landscape planting within the landscaping buffer in the absence of a development greater than one storey may be removed/relocated as necessary in the event that Development Zone 1A is developed as single storey dwellings.	<p>Clause 8 provides requirements should Development Zone 1A ever transition from three-storey to single-storey development.</p> <p>Clause 8 is supported.</p>

Schedule of Submissions – Summary of Issues Raised

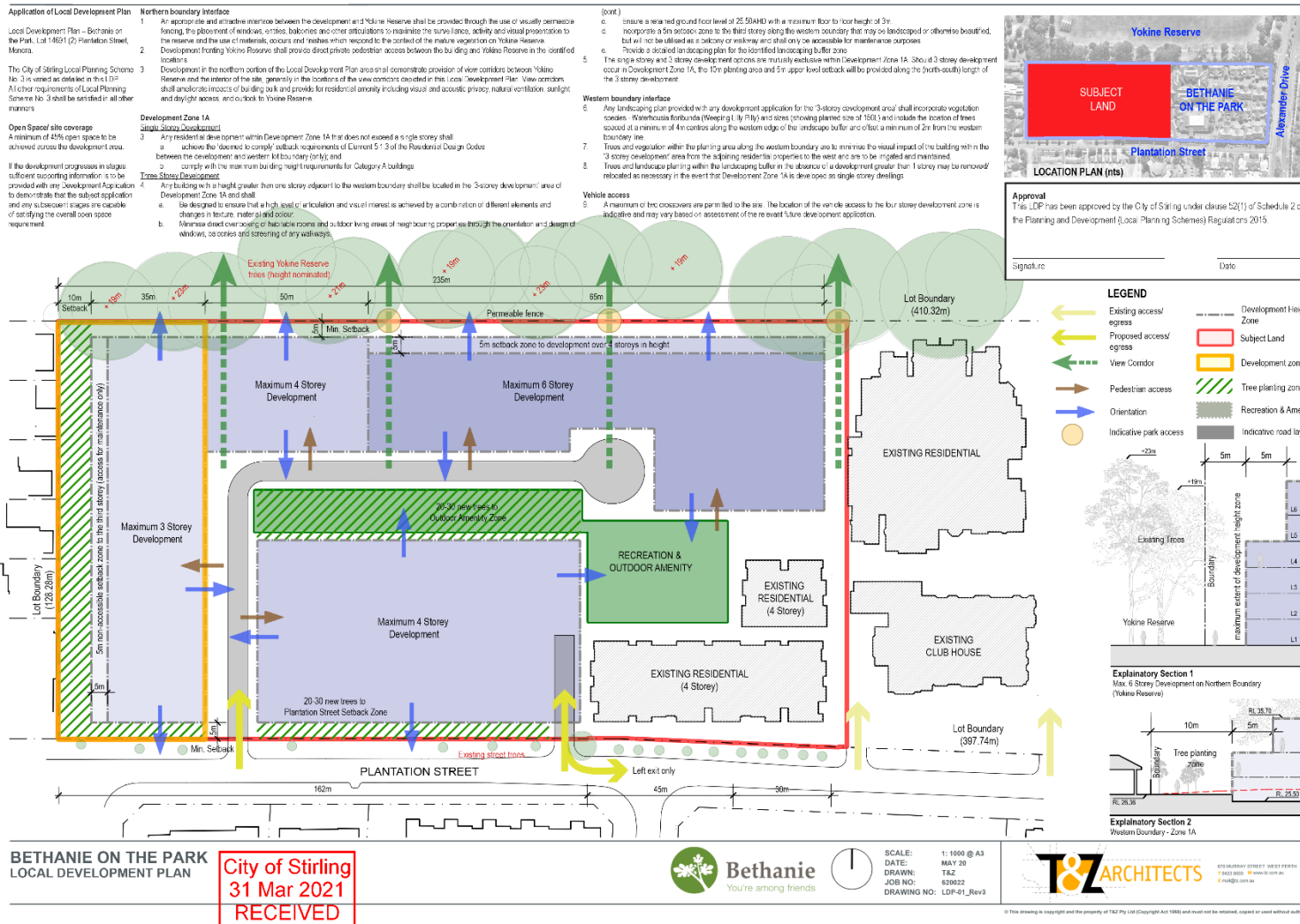
NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
48	Concern that additional fill has been added to the site and will impact the eventual height of the development.	The LDP prescribes a level of RL 25.50 for the ground floor of development within Zone 1A on the western side of the site which is similar to that required by the existing LDP (RL 25.25).
48	More areas should be provided for resident's recreation areas.	<p>Although the LDP identifies an area for outdoor recreation, it is also noted that the LDP site is part of an aged care facility with existing recreational facilities as well as being immediately adjacent to a regional reserve.</p> <p>Following advertising and comments from the DRP, the LDP has been amended to show indicative pedestrian access points to Yokine Reserve.</p> <p>It is also noted that the R-Codes have additional provisions for communal open space within new developments which will apply to future applications.</p>
45	Object to proposed heights due to adverse impact of overshadowing of proposed LDP recreation areas.	<p>The LDP outlines development zones rather than mandating specific building footprints. As a result, elements such as overshadowing will be assessed at the time a specific design is provided when a development application is lodged.</p> <p>Future building designs will be required to meet the relevant Element Objectives of the R-Codes Volume 2.</p>
44	Concerns regarding lack of detail about visitor and emergency parking.	Requirements for resident, visitor and emergency parking depend on the eventual mix of land uses onsite and will be addressed at detailed design stage during the development application process.
25	Object to proposed heights as not consistent with existing residential scale within the area.	The three and five storey development permitted facing Plantation Street will be consistent with the height of other residential aged care facilities in the surrounding area, as demonstrated by the 'Surrounding Development' image provided earlier in this report which illustrates the location of the three storey Synagogue opposite the subject site as well as other existing or proposed multi-storey aged care facilities in the broader area.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
		<p>It is noted that the Applicant has submitted an amended plan which limits the maximum eight storey height permitted onsite to six storeys.</p> <p>In addition, the Applicant has accepted the City's proposed condition to step the permitted height by limiting built form in the first five metres of the building envelope immediately abutting Yokine Reserve to four storeys.</p> <p>Based on consultation with residents of Wareana Street, the LDP proposes a buffer, including landscaping, of 15m to the western boundary should three storey development be proposed in this location.</p> <p>The measures outlined above will ensure that the proposed heights will be compatible with surrounding development.</p>
14	Object to proposal due to increased traffic volumes and related safety concerns.	The LDP is a strategic planning instrument that is required to identify vehicle access points to a site. Possible increases in traffic volumes and related safety concerns will be required to be addressed at the time an application is lodged for development in accordance with the LDP.
13	Concerns regarding the height and setbacks of proposed buildings fronting Plantation Street.	<p>As noted above, the permitted heights fronting Plantation Street are up to a maximum of five storeys which is consistent with both the existing four storey building and surrounding development.</p> <p>The 5m setback requirement to the development zones facing Plantation Street are consistent with those permitted by the existing LDP and the minimum 5m setback of the serviced apartment building.</p>
10	Object to proposed heights due to adverse impact on the amenity of the Yokine Reserve.	<p>As noted above, following advertising, the maximum height to be permitted immediately abutting Yokine Reserve will be four storeys, increasing to six storeys at a setback of no less than 10m from the northern boundary.</p> <p>The existing, mature vegetation along the southern edge of Yokine Reserve will also assist in mitigating any potential adverse impact as a result of building height.</p>

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
		<p>Further to comments received from the DRP, the LDP now notes the location and height of significant trees located within Yokine Reserve. Tree heights range from 19 to 23m which is the approximate height of a six storey building.</p> <p>The northern boundary presentation has also been specifically addressed in a provision for an attractive and appropriate interface to be provided with Yokine Reserve. In addition to the advertised requirement, it is proposed to add a further provision for the materials, colours and finishes to be sympathetic to the context of the mature vegetation on Yokine Reserve.</p>
7	Lack of clarity regarding view corridors to Yokine Reserve from within and outside the subject site.	<p>Following advertising and comments from the DRP, further clarification is proposed to be added to the view corridor provision.</p> <p>It is also noted that the provisions of the R-Codes relating to building separation will assist in maintaining sightlines through the property.</p> <p>Additional text is to be added to the northern boundary interface section as follows.</p> <p><i>"Development in the northern portion of the LDP area shall demonstrate provision of 'view corridors' between Yokine Reserve and the interior of the site, generally in the locations of the 'view corridors' depicted in this LDP. View corridors shall ameliorate impacts of building bulk and provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access, and outlook to Yokine Reserve."</i></p>
5	Concerns regarding the lack of detail about landscaping and mature tree planting, especially to Plantation Street.	In response to comments received during the advertising period and from the DRP, the Applicant has provided additional information regarding surrounding vegetation and the location of up to 60 advanced trees on site.
4	Concern with regards to the location of vehicle access points due to the	Two vehicle access points are provided to the site and the City's Engineering Services Business Unit has advised that the access

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
	topography of Plantation Street (sightlines).	point on the eastern side of the site will be the subject of further assessment at the time a future development application is lodged.
4	Concerns with regard to increased traffic at the intersection of Plantation Street and Alexander Drive.	As noted above, the LDP is a strategic planning instrument that is required to identify vehicle access points to a site. Possible increases in traffic volumes in the surrounding areas and related safety concerns will be required to be addressed at the time an application is lodged for development in accordance with the LDP.
2	Object to proposed height due to adverse overlooking impacts.	The LDP outlines development zones rather than mandating specific building footprints. As a result, elements such as overlooking will only be able to be assessed at the time a specific design is provided when a development application is lodged. Future building designs will be required to meet the element objectives of the R-Codes Volume 2.
2	Object to proposed height as it is greater than that permitted by the City's Local Planning Policy 4.5 - Private Institution Guidelines.	The existing LDP permits a maximum height of five storeys on the site which is greater than the four storeys permitted by Local Planning Policy 4.5. The provisions of Local Planning Policy 4.5 only apply if there is not a more specific planning document for the site, such as a LDP. Local Planning Policy 4.5 and LPS3 specifically require an LDP to be prepared to provide planning guidance for individual sites for specific site in certain circumstances such as outlined elsewhere in this report.
2	Two buildings built as part of Stage 1 must be included in the current LDP to ensure open space across the entire LDP meets 45%.	Following advertising, further clarification has been added to the open space provision to ensure that the requirement is spread evenly across the LDP site, as follows. <i>"If the development progresses in stages, sufficient supporting information is to be provided with any Development Application to demonstrate that the subject application and any subsequent stages are capable of</i>

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
		<i>satisfying the overall open space requirement."</i>
2	Object to lack of access through the site to Yokine Reserve by Bethanie residents and surrounding residents.	<p>As noted above, following advertising and comments from the DRP, the LDP has been amended to show indicative pedestrian access points to Yokine Reserve for residents.</p> <p>The Applicant is not required to provide access to Yokine Reserve through this site for the general public.</p>



PS ref: 6438

City of Stirling
31 Mar 2021
RECEIVED

31 March 2021

Chief Executive Officer
City of Stirling
PO Box 1533
Osborne Park WA 6916

Attention: Planning Services

Dear Sir/Madam,

**LOT 14691 (2) PLANTATION STREET, MENORA
MODIFICATIONS TO LOCAL DEVELOPMENT PLAN FOLLOWING COUNCIL CONSIDERATION
LOCAL DEVELOPMENT PLAN – BETHANIE ON THE PARK**

Planning Solutions acts on behalf of The Bethanie Group, the registered proprietor of Lot 14691 (2) Plantation Street, Menora (**subject site**).

The proposed Local Development Plan (**LDP**) for the subject site was considered at the Ordinary Council Meeting held on 16 March 2021. At that meeting, Council resolved as follows:

That Item DS1 - Lot 14691, House Number 2, Plantation Street, Menora – Local Development Plan be REFERRED to the Planning and Development Committee meeting to be held 20 April 2021 to allow further consideration by Elected Members.

The primary purpose for the deferral was for further consultation between the applicant and the residents of the retirement village on the southern side of Plantation Street (known as Forsyth Gardens), following a deputation by a representative of those residents to the Planning and Development Committee meeting on 9 March 2021.

A meeting was held on 23 March 2021 at Forsyth Gardens, attended by resident representatives, the applicant project team, and Councillor Migdale (Lawley Ward Councillor). Following discussion and clarification of various matters, the residents advised the LDP would be supported by the residents if the applicant agreed to reduce the height of the building fronting Plantation Street from 5 storeys to 4 storeys.

Please find enclosed an amended LDP, depicting the Plantation Street building height limit reduced from 5 storeys to 4 storeys, as requested by the residents of Forsyth Gardens. The residents' representative (Joan Meaghan) has confirmed that the residents have no objection to the LDP as now proposed. We note the residents have reserved their right to consider and make submissions in relation to any future development application/s lodged on the subject site, and we acknowledge this is entirely appropriate and reasonable.

In addition to the reduction of the permitted building height, the LDP has also been modified to include all the modifications recommended by the City's officers in the report to the Planning and Development Committee, as detailed in point 1(a)-(e) of the Officer's Recommendation. As such, we trust the LDP will now be recommended for approval without further modification.

We are pleased to have arrived at a mutually satisfactory solution with the residents to the south. Taking into account the prior negotiated agreement with the adjoining neighbours to the west, the LDP now has the support of all adjacent landowners. We consider this is an excellent outcome for the existing community.

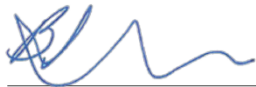


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Planning Solutions (Aus) Pty Ltd

Should you have any queries or require further clarification in regard to the above matter, please do not hesitate to contact the writer.

Yours faithfully



BEN DOYLE
DIRECTOR

Encl.

210330 6438 amendments to Bethanie LDP.docx



**12.1/CP2 LOCAL PLANNING SCHEME NO.3 - AMENDMENT NO.118 -
MODIFICATIONS TO DELIVER VEHICLE ACCESS WAYS
REQUIREMENTS OF THE WALTER ROAD WEST
NEIGHBOURHOOD CENTRE LOCAL DEVELOPMENT PLAN -
OUTCOMES OF ADVERTISING**

Report Information

Location: Former Dianella Industrial Area
Applicant: Not Applicable
Reporting Officer: Manager City Planning
Business Unit: City Planning
Ward: Inglewood
Suburb: Dianella

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0421/005****Moved Councillor Boothman, seconded Councillor Sandri**

1. That proposed Condition 3 to existing A89 in 'Schedule 2 – Additional Uses' be **MODIFIED** to read:-

'Development shall have due regard to the Right of Way, Vehicle Access Way and Pedestrian Access Way requirements of the Walter Road West Neighbourhood Centre Local Development Plan.'

2. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **SUPPORTS** (adopts) Amendment No.118 to Local Planning Scheme No.3, subject to the modification identified in Recommendation 1.
3. That **AUTHORITY** be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.118 documents, and that the Amendment be **REFERRED** to the Western Australian Planning Commission and the Minister for Planning for determination.

The motion was put and declared CARRIED (14/0).**For:** Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.**Against:** Nil.**Reason for Change:**

1. The use of the word "*strict*" in the original Scheme Amendment is unnecessary and may be open to interpretation, which could lead to some confusion in implementing the provision.
2. The modification helps to ensure that a decision maker for development in this area gives appropriate consideration to the requirements of the Walter Road West Neighbourhood Centre Local Development Plan.

Committee Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **SUPPORTS** (adopts) Amendment No.118 to Local Planning Scheme No.3, without modifications, as shown in Attachment 1.
2. That **AUTHORITY** be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.118 documents, and that the Amendment be **REFERRED** to the Western Australian Planning Commission and the Minister for Planning for determination.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council SUPPORTS (adopts) Amendment No.118 to Local Planning Scheme No.3, without modifications, as shown in Attachment 1.
2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.118 documents, and that the Amendment be REFERRED to the Western Australian Planning Commission and the Minister for Planning for determination.

Report Purpose

To report on the outcomes of advertising for Scheme Amendment No.118, and to obtain a Council resolution to support (adopt) the Scheme Amendment without modifications.

Relevant Documents

Attachments

Attachment 1 - Local Planning Scheme No.3 - Scheme Amendment No.118 (for adoption) [↓](#)

Available for viewing at meeting

Nil

Background

In October 2018, Scheme Amendment No.80 to Local Planning Scheme No.3 (LPS3) was gazetted and rezoned land in the Dianella Industrial Precinct from 'Industrial' to 'Local Centre' or 'Residential (R-AC0) and Additional Use (A89)'.

The purpose of these changes is to transform the precinct from an industrial area into a mixed-use area with predominately residential uses.

When the zoning changed, the City prepared the Walter Road West Neighbourhood Centre Local Development Plan to regulate building form including height, setbacks and access. This plan was developed in conjunction with the community following a series of community workshops in 2018.

At its meeting held 23 June 2020, Council considered the outcomes of advertising of the Local Development Plan and resolved (Council Resolution Number 0620/024) as follows:-

- "1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council APPROVES the modified Walter Road West Neighbourhood Centre Local Development Plan as detailed in Attachment 1, subject to the following modifications:-*
 - a. That the Building Height of the Attached Low Rise Apartment lots on Harold Street, which back on to Boulton Street, be reduced to a maximum of three storeys; and*

- b. *That the Ground and Upper Floor Level Street Setback of the Main Street lots on Walter Road West be 4.0m and an awning be provided within the setback area."*

At the same meeting, Council resolved that LPS3 be amended to provide certainty that the access arrangements contained in the Local Development Plan would be delivered. This would be achieved by inserting additional conditions on lots subject to the Additional Use 89 requirements of Schedule 2 of LPS3:-

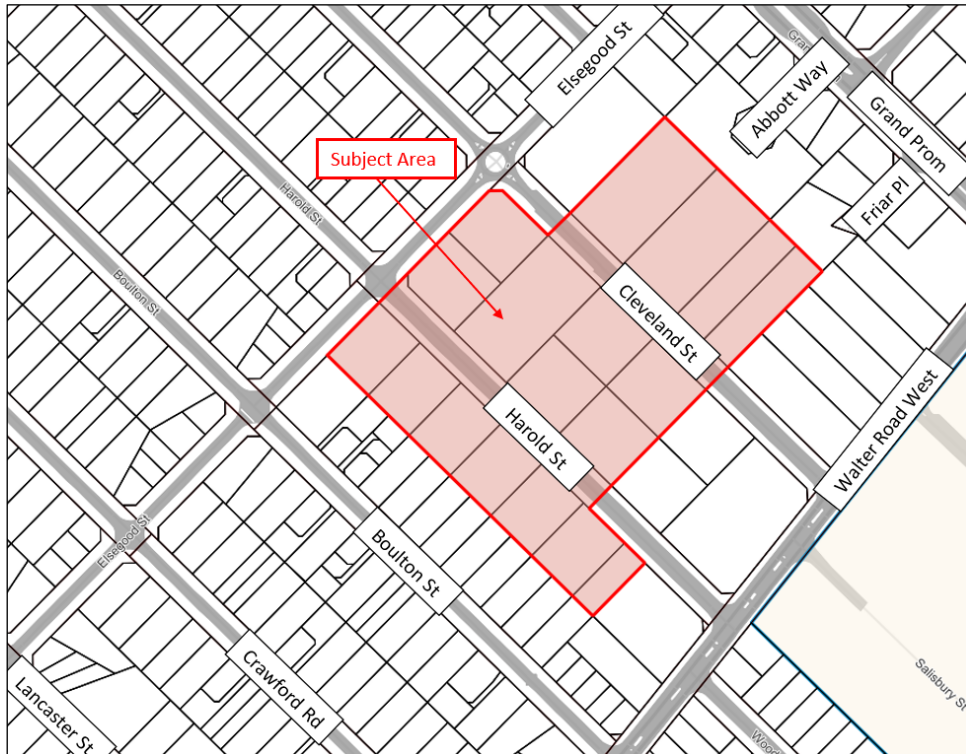
- "2. *That pursuant to the Planning and Development Act 2005, Council PREPARES Amendment No.118 to Local Planning Scheme No.3 to introduce additional condition/s to existing Additional Use 89 of Schedule 2 of Local Planning Scheme No.3 to ensure the delivery of the shared Rights of Way, Vehicle Access Ways and Pedestrian Access Ways required by the Local Development Plan.*
3. *That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.118 is a Standard Amendment as it is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission and does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area."*

The reason this is required is to elevate the importance of the provisions from the Local Development Plan to LPS3, which is a higher order planning instrument.

The Local Development Plan and the associated building types have been designed around the location of these vehicle and pedestrian accessways to ensure the majority of lots will have a street or accessway frontage. This is a key design element of the plan as the design of access arrangements has been developed to ensure that space is made available to plant trees.

Should these vehicle and pedestrian accessways not be provided as planned, the area may not develop as intended, potentially impacting on the delivery of the vision for the area.

The proposed changes will apply to the sites shown on the map below.



Consultation/Communication Implications

Advertising of Scheme Amendment No.118 commenced on 11 February 2021 and concluded on 25 March 2021.

Advertising was carried out in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Planning Consultation Procedure.

An advertisement was placed in three local community newspapers, details were placed on the City's website, and notices placed in the City's Administration Centre for the duration of the advertising period.

The City wrote to 799 owners and residents of land within 200m of the subject lots. Additionally, the City also wrote to nine community groups, and nine government agencies and public authorities.

At the conclusion of the advertising period, nine submissions were received - three individual submissions, and six submissions from government agencies and public authorities (ATCO Gas, Department of Health, Department of Planning Lands and Heritage, Department of Transport, Department of Water and Environmental Regulation, and Main Roads).

This represents a response rate of 0.38% of letters sent to owners and residents, and a response rate of 1.1% overall.

Most submissions did not raise any objections to the draft Policy. A summary of the submissions received is outlined in Tables 1 and 2.

TABLE 1 - SUBMISSIONS RECEIVED

SUBMISSIONS RECEIVED	WITHIN 200M RADIUS	OUTSIDE 200M RADIUS	ALL SUBMISSIONS
SUPPORT	0%	0%	0%
OBJECT	22.2%	0%	22.2%
CHANGES REQUIRED	0%	0%	0%
OTHER (Not stated / No opinion / No Objection)	11.1%	66.7%	77.8%

TABLE 2 - SUMMARY OF ISSUES RAISED IN SUBMISSIONS

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
4	No objections.	Noted. No change.
3	No comments.	Noted. No change.
1	ATCO Gas Further consideration and consent to be requested with ATCO for installation of gas mains within the private Vehicle Access Ways to ensure consistency with the developer's future design of services such as water.	Noted. No change.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
1	<p>Objected to the Scheme Amendment as it is unnecessary. While the landowners are supportive of and intend to comply with the access arrangements in the Local Development Plan, the purpose of the Scheme Amendment is unclear.</p> <p>The Planning and Development (Local Planning Schemes) Regulations 2015 authorises the City to set out the access arrangements in the adopted Local Development Plan. It appears the City is attempting to strengthen access arrangements in the Local Development Plan by adding the words 'in strict accordance with' into the Local Planning Scheme.</p>	<p>Noted. No change.</p> <p>The intent of the Scheme Amendment is to ensure vehicle and pedestrian access ways are delivered as required by the Local Development Plan for the area.</p> <p>A decision-maker is required, when assessing a development application to have due regard to, but is not bound by, the local development plan when determining the application. This means that there is a risk that a decision-maker may approve a development that does not provide vehicle and pedestrian access ways as required by the Local Development Plan.</p> <p>To remove this risk, it is recommended that the LPS3 be amended to give greater certainty to this requirement being met.</p>
1	<p>There is no explanation why the inclusion of the provision into the Scheme that states that it is to be 'in strict accordance with' is necessary over and above the Local Development Plan. 'In strict accordance with' is not a common legal planning term.</p> <p>Concerned that the City may be attempting to bind a future Development Assessment Panel through the Local Planning Scheme.</p>	<p>Noted. No change.</p> <p>It is the intent of the Scheme Amendment to require vehicle access ways to be provided. Failure to do so may risk jeopardising the planning for the area, and the vision developed in conjunction with the community.</p> <p>The City's Local Planning Scheme must be amended because the Local Development Plan is a 'due-regard' document, and does not have the power to enforce the access arrangements requirement.</p>

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
1	Raised concerns with development plans along Harold Street, particularly about potential traffic noise and air pollution from vehicles accessing new apartments.	Noted. No change. Scheme Amendment No.118 only relates to the inclusion of the access way condition into the City's Local Planning Scheme.
1	Requests a minimum 4m driveway requirement with an extra 0.75m to 1m for trees on the property fence (in-lieu of the current minimum 3m) be imposed on 5 Harold Street.	Noted. No change. This relates to the provisions in the Local Development Plan that was already approved by Council on 23 June 2020. Scheme Amendment No.118 only relates to the inclusion of the access way condition into the City's Local Planning Scheme.
1	Questioned why Council is allowing the development of three-storey buildings on land that backs onto existing residential dwellings, and planned for two-storey buildings on the opposite side of the road where there were no existing residential properties.	Noted. No change. This relates to the provisions in the Local Development Plan that was already approved by Council on 23 June 2020. Scheme Amendment No.118 only relates to the inclusion of the access way condition into the City's Local Planning Scheme.

Comment

The Walter Road West Neighbourhood Centre was established to transform the precinct from an industrial area into a mixed-use area with predominately residential uses. The local development plan was adopted to guide the built form of development in the area as it transitions from its current predominant industrial use.

A key objective of the local development plan is to establish an urban structure with streets, right of ways and pedestrian access ways to provide for permeable movement, green spaces and building separation.

The proposed scheme amendment was prepared to deliver this objective.

In response to the issues raised during advertising of the proposed scheme amendment, the following comments are made.

Scheme provision requiring the provision of accessways.

The scheme amendment proposes including, through the local planning scheme, a requirement for accessways to be provided in the locations identified in the local development plan. This inclusion was objected to on the basis that including this requirement in a local planning scheme is unnecessary.

As noted previously in this report, this approach is recommended because a local development plan is a 'due regard' document that cannot enforce the access way requirements.

Vehicle access and built form.

An objection to the proposed scheme amendment was made due to concerns with the location and width of a proposed vehicle access way on land adjoining the submitter's property. Concern was also raised with the heights proposed in the local development plan.

These concerns relate to provisions in the local development plan approved by Council. As Scheme Amendment No.118 does not seek to modify the approved local development plan, and only relates to the inclusion of the access way condition into the City's Local Planning Scheme, the submitter's comments can only be noted and no changes to the Scheme Amendment is proposed as a result of those comments.

No changes to the advertised Scheme Amendment No.118 are recommended as a result of submissions received.

Options

The following options are available to Council with respect to the proposed Scheme Amendment No.118.

Option 1 – Not Support Scheme Amendment No.118

The costs and benefits of this option are as follows:-

Costs

- The access arrangements outlined in the Walter Road West Neighbourhood Centre Local Development Plan may not be provided when sites are developed.

Benefits

- Nil.

This option is not supported as the successful implementation of the Local Development Plan relies on the provision of these vehicle and pedestrian access ways. Any removal of these access ways, or changes in their location, may jeopardise delivery of the local development plan.

Option 2 - Support Scheme Amendment No.118

The costs and benefits of this option are as follows:-

Costs

- Nil.

Benefits

- Will ensure that landowners provide the vehicle and pedestrian access ways outlined in the Walter Road West Neighbourhood Centre Local Development Plan when the land is developed.

This option is supported as it will allow the City to ensure that developers provide the access arrangements as outlined in the local development plan when they redevelop their sites.

Policy and Legislative Implications

Part 5 of the *Planning and Development Act 2005*, together with the Planning and Development (Local Planning Scheme) Regulations 2015, detail the procedures for amending an existing Town Planning Scheme.

As Scheme Amendment No.118 has been advertised, and submissions received, Clause 50(2) and (3) of Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 apply, which state:-

- (2) *The local government —*
- (a) *must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period; and*
 - (b) *may, at the discretion of the local government, consider submissions in relation to the amendment lodged after the end of the submission period but before the end of the consideration period.*
- (3) *Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a Resolution –*
- (a) *to support the amendment without modification; or*
 - (b) *to support the amendment with proposed modifications to address issues raised in the submissions; or*
 - (c) *not to support the amendment.*

These clauses require Council to pass a resolution on the Scheme Amendment before 24 May 2021 (60 days from 25 March 2021).

The Planning and Development (Local Planning Schemes) Regulations 2015 also require a local government to forward the Scheme Amendment to the Western Australian Planning Commission within 21 days of passing a resolution on a Scheme Amendment.

Financial Implications

All administration costs associated with the Scheme Amendment will be covered by the City.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B2: Accessible and connected City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	The local development plan outlines specific front and rear setbacks for certain building types, with an aim to allow for the provision of trees. Should the access arrangements proposed in the local development plan not be provided when landowners redevelop their sites, this may impact on the ability for trees to be provided.

SOCIAL	
Issue	Comment
Transport and access	The Scheme Amendment will provide certainty to the community, landowners and potential developers as to where the rights of ways and access ways will be located. The Local Development Plan and associated building types have been designed around these access ways, and without the access way requirements being in the Scheme, the vision for the area may not be achieved.

ECONOMIC	
Issue	Comment
Transport and infrastructure	The Scheme Amendment will ensure that developers will be required to provide the rights of ways and access ways in the locations identified in the local development plan. This will ensure that the vision for the area will be achieved.

Conclusion

The implementation of the access and built form outcomes outlined by the Walter Road West Neighbourhood Centre Local Development Plan for the area relies on the provision of the vehicle and pedestrian accessways outlined in the Plan.

Any removal of these accessways, or changes in their location, may result in the building types and the associated setbacks and orientation requirements being unachievable. This could mean the vision for the area may not be realised.

As a local development plan is a 'due-regard' document, a planning authority may choose to approve development that does not provide the vehicle or pedestrian access ways in the required locations. As such, provisions in the scheme are needed to ensure these access ways are provided.

It is recommended that Scheme Amendment No.118 be supported (adopted) by Council without modifications.

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 118

Resolution to prepare Amendment to Local Planning Scheme No.3

Resolved that the local government pursuant to Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by amending the Scheme Text by:

1. Modifying 'Schedule 2 – Additional Uses' to insert a new condition to existing A89.

The Amendment is Standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- *It is an Amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;*
- *It is an Amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment;*
- *It is an Amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and*
- *It is an Amendment that is not a complex or basic Amendment.*

Dated this 23rd day of June 2020.

CHIEF EXECUTIVE OFFICER

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 118

The City of Stirling Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

1. Amending the Scheme Text by:

- a. Modifying 'Schedule 2 – Additional Uses' to insert a new condition to existing A89, as follows:

3. Development shall be in strict accordance with the Right of Way, Vehicle Access Way and Pedestrian Access Way requirements of the Walter Road West Neighbourhood Centre Local Development Plan.

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 118

Adopted by resolution of the Council of the City of Stirling at the meeting of the Council held on the 23rd day of June 2020.

MAYOR

CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Stirling at the Meeting of the Council held on the day of 20 and the Common Seal of the City of Stirling was hereunto affixed by the authority of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for
Final Approval

Delegated under S.16 of PD Act 2005

Date _____

Final Approval granted

MINISTER FOR PLANNING

Date _____

Local Planning Scheme No.3 - Amendment No. 118

Council Resolution**0421/006****Moved Councillor Boothman, seconded Councillor Proud**

That the balance of the Planning and Development Committee recommendations, excluding Item 9.1 – Strategic Direction: Balcatta and Item 9.2 – Property Strategy: Management and Financial Report March 2021, which are to be considered behind closed doors, be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2009.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Councillor Bianca Sandri disclosed an Impartial Interest in Item 12.1/DS2 as she is a former patient of the owner, and attended university with the planning consultant.

**12.1/DS2 LOT 157, HOUSE NUMBER 8, WALCOTT STREET, MOUNT
LAWLEY - CONSULTING ROOM - ADDITION OF ONE
CONSULTANT AND INCREASE IN OPERATING HOURS**

Report Information

Location: Lot 157, House Number 8, Walcott Street, Mount Lawley
Applicant: Element
DA Reference: DA20/2261
Reporting Officer: Manager Development Services
Business Unit: Development Services
Ward: Lawley
Suburb: Mount Lawley

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0421/007****Moved Councillor Boothman, seconded Councillor Proud**

That pursuant to Clause 77(4) (b) Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for Amendment to DA14/0910 – Increase to the number of consultants and operation hours/days, at Lot 157, House Number 8, Walcott Street, Mount Lawley be APPROVED subject to the following conditions:-

Amended Conditions

- a. The hours of operation are restricted to Monday to Friday 7.00am to 7.00pm, and Saturday 7.00am to 12.00pm;**
- b. No more than two health consultants and two employees are permitted to operate from the premises at any one time; and**
- c. Customers are only to park within the designated customer parking area to the rear of the site which is to be clearly labelled.**

Additional Conditions

- d. Customers are to visit the site by appointment only with no more than one customer per consultant at any given time; and**
- e. Only two employee car parking bays are permitted in tandem along the existing driveway off Walcott Street. No customer parking is permitted in this location at any time.**

The motion was put and declared CARRIED (14/0) by exception resolution.

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Committee Recommendation

That pursuant to Clause 77(4) (b) Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for Amendment to DA14/0910 – Increase to the number of consultants and operation hours/days, at Lot 157, House Number 8, Walcott Street, Mount Lawley be APPROVED subject to the following conditions:-

Amended Conditions

- a. The hours of operation are restricted to Monday to Friday 7.00am to 7.00pm, and Saturday 7.00am to 12.00pm;
- b. No more than two health consultants and two employees are permitted to operate from the premises at any one time; and
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Additional Conditions

- d. Customers are to visit the site by appointment only with no more than one customer per consultant at any given time; and
- e. Only two employee car parking bays are permitted in tandem along the existing driveway off Walcott Street. No customer parking is permitted in this location at any time.

Officer's Recommendation

That pursuant to Clause 77(4) (b) Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for Amendment to DA14/0910 – Increase to the number of consultants and operation hours/days, at Lot 157, House Number 8, Walcott Street, Mount Lawley be APPROVED subject to the following conditions:-

Amended Conditions

- a. The hours of operation are restricted to Monday to Friday 7.00am to 7.00pm, and Saturday 7.00am to 12.00pm;
- b. No more than two health consultants and two employees are permitted to operate from the premises at any one time; and
- c. Customers are only to park within the designated customer parking area to the rear of the site which is to be clearly labelled.

Additional Conditions

- d. Customers are to visit the site by appointment only with no more than one customer per consultant at any given time; and

- e. Only two employee car parking bays are permitted in tandem along the existing driveway off Walcott Street. No customer parking is permitted in this location at any time.

Report Purpose

To consider a development application (DA20/2261 refers) which seeks to modify conditions of current approval (DA14/0920 refers). The application seeks to:-

- Increase the number of consultants from one to two; and
- Increase the hours of operation from Monday to Friday (9.00am to 5.00pm) to Monday to Friday (7.00am to 7.00pm) and Saturday (7.00am to 12.00pm).

The application requires the consideration of Council, as Council previously approved the original application (DA14/0920 refers) at its meeting held 30 June 2015 (Council Resolution Number 0615/074).

Relevant Documents

Attachments

Attachment 1 - Site Plan [↓](#)

Attachment 2 - Policy Implications and Assessment [↓](#)

Attachment 3 - Consultation Communication Implications [↓](#)

Attachment 4 - Applicant's Justification and Response to Submissions [↓](#)

Attachment 5 - Site Visit Photos [↓](#)

Available for viewing at meeting

Nil

Description of Development

Site Area: 567m²

Nearest Cross Street: Farnley Street



Location Plan



Aerial Photograph

Background

In 2004, District Planning Scheme No.2 was amended (Amendment No.461) to permit a Consulting Room at Lot 157, House Number 8, Walcott Street, Mount Lawley, subject to conditions. The conditions of the additional use restricted the operating days to three days per week, with hours of operation between 9.00am and 5.00pm, and the use of one consultant.

A development application (DA14/0920) was received by the City on 22 April 2014, proposing to amend conditions of the Additional Use (A1) in Schedule 2 of Local Planning Scheme No.3 (LPS3). The application proposed to increase the opening times of the existing Consulting Rooms from three days to five days per week.

At its meeting held 19 August 2014, Council resolved (Council Resolution Number 0814/033) to refuse the application as the increased opening times were considered to be detrimental to the preservation of the existing amenity of the area. The use was further found not to be considered compatible with its setting.

On 23 September 2014, an application was made to the State Administrative Tribunal (SAT) for a review of the City's decision to refuse the application. A full SAT hearing was scheduled in the event that Council resolved to refuse the application.

The applicant modified the application to propose one consultant to operate from the premises Monday to Friday and two administration officers to operate from the premises.

The application was advertised for public comment for a period of 21 days with five submissions received. A total of three objections and two submissions of support were received.

The application was again referred to Council on 30 June 2015 to reconsider the modified application. The application was approved as it was considered to meet the objectives of the Residential Zone and matters to be considered by the Council under LPS3. The submissions received during the consultation period were noted but were not considered substantiated on planning grounds.

The application was approved by Council on 30 June 2015 (Council Resolution Number 0615/074) subject to the following conditions:-

- a. *The Consulting Room being restricted to one practitioner and a maximum of two staff at any given time.*
- b. *The operation of the Consulting Room is restricted to Monday to Friday between the hours of 9.00am and 5.00pm.*
- c. *The car parking shall be generally in accordance with the existing parking layout, as indicatively depicted in the Roberts Day Parking Plan reference PEPMTLRD1002D dated 25 February 2015 prior to commencement of the use in accordance with this proposal.*

Under Clause 77 (1) (b) of the Planning and Development (Local Planning Schemes) Regulations 2015 an owner of the land can lodge a development application to amend or delete any condition to which the approval is subject.

The current proposal seeks to modify conditions (a) and (b) above to allow:-

- Two consultants to operate from the site.
- Increased hours of operation to Monday to Friday (7.00am to 7.00pm) and Saturday (7.00am to 12.00pm).

Principal Statutory Provisions

Use Table

Zoning

MRS Urban

LPS3 Additional Use – Consulting Rooms

Special Control Area – Heritage Protection Area

Use

Class Consulting Rooms

Type Additional Use – Permitted as per Schedule 2

Assessment

An assessment of the proposal which requires Council to exercise discretion is contained within Attachment 2.

Consultation/Communication Implications

The application was advertised for a period of 21 days to all adjoining owners and occupants in accordance with the City's Planning Consultation Procedure. At the conclusion of the advertising period, 10 submissions (six submissions of support and four objections) were received and are summarised in the tables contained in Attachment 3.

Applicant's Justification

Please refer to Attachment 4.

Comment

Under Clause 5.5 of LPS3 if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

The proposed application seeks to modify the existing conditions (a) and (b) of DA14/0920 and proposes the following changes:-

Condition	Existing	Proposed	Difference
A	Patient and clients only visit the site Monday to Friday, between the hours of 9.00am and 5.00pm.	The operation of the Consulting Room is restricted to Monday to Friday 7.00am to 7.00pm and Saturday 7.00am to 12.00pm.	Additional 25 hours per week.
B	With respect to condition (a) above, the premise is permitted to be occupied by one practitioner and a maximum of two employees at any given time.	No more than two health consultants and two employees are permitted to operate from the premises at any one time.	Additional health consultant.

Increase in Consultants

The primary concern raised via public consultation was in relation to the increase in the number of consultants on site and the perceived negative impact this will have on increased traffic on site, particularly along Bird Lane. The proposal seeks to accommodate one additional consultant on site and requires the following parking ratio to be provided on site:-

USE	CAR PARKING RATIO	PARKING BAY REQUIREMENT
Existing (1 health consultant)	5 bays per 1 health consultant	5
Proposed (2 health consultants)	10 bays for 2 health consultants	10
Car parking concession given as site is within:		
200m of a stop on a high frequency bus route		15%
800m of a rail station		10%
300m of an existing public car park area		10%
		Total = 35%
Revised total:		6.5 bays
Rounded total:		6 bays
Car parking bays provided on-site:		6 customer bays and 2 tandem employee bays = 8 bays total
Surplus:		2 bays

On the basis of the above, the proposed development results in a two car parking bay surplus under the current requirements of LPP6.7 with the proposal providing a total of eight bays on site with six bays provided for customers.

The subject site enjoys a favourable location for public transport utilisation with East Perth and Mount Lawley train stations located within 800m and a high frequency bus route also available within 200m of the subject site. It is considered that customers will have access to a number of different modes of transport to access the site. There are also a number of public car park areas in the locality, a variety of means to visit the site are available to customers which therefore has the potential to minimise the increase of vehicular traffic along Bird Lane.

The proposal is considered to meet the objectives of the Residential zone as the proposal seeks to expand an existing non-residential use which is compatible with and complementary to residential development. The proposal is also considered to be compatible with and complementary to the area given the surrounding locality already provides for a transition from residential to non-residential zones and land uses.

Hours of operation

The proposed increase in hours of operation and additional days of operation is considered to be in keeping with other commercial businesses in the locality in close proximity of the subject site which operate at weekends and past 5.00pm on weekdays.

The proposed consulting rooms do not involve activities generating excessive emissions of noise, light, odour or general waste. As such, it is not considered that there will be any amenity impacts on the existing residential amenity along Walcott Street or Farnley Street. The immediate locality of the subject site is characterised by both residential properties and commercial businesses which provide for a wide range of land uses and the proposed hours of operations are considered compatible with the existing semi-commercial nature of the locality.

Increase in traffic, particularly Bird Lane

The proposed increase in traffic along Bird Lane has been considered by the City's Engineering Services Business Unit which has raised no objections to the potential increase in traffic along Bird Lane, and considers that any cumulative increase in traffic will be well below the 300 vehicle trips per day guideline that is recommended in Liveable Neighbourhoods for a laneway use.

It is not expected that the changes proposed as part of this development application will increase traffic beyond this guideline of 300 vehicles per day. Bird Lane is a low speed, low volume laneway with no site-specific risk factors that make it more hazardous than other comparable Category 1 laneways within the City. It is not considered that the small increase in traffic volumes generated by the proposed application would pose an unacceptable safety risk to road users in the locality.

The subject site also enjoys a favourable location for public transport utilisation with East Perth and Mount Lawley train stations located within 800m and a high frequency bus route also available within 200m of the subject site. It is considered that customers will have access to a number of different modes of transport to access the site, in addition to a number of public car park areas in the locality, thereby minimising the increase of vehicular traffic onto Bird Lane.

Concerns regarding noise

The application was referred to the City's Environmental Health Business Unit who raised no concerns with regards to noise emanating from the subject site or from vehicles entering or leaving the property during the proposed hours and days of operation. The City's Environmental Health Business Unit has also confirmed that no noise complaints have been received relating to the current operation of the site.

The proposal seeks to utilise the existing building with no external changes proposed as part of the application. It is considered that the increase in operating hours and an additional consultant operating from the site will not have a detrimental impact on noise or on the existing residential amenity in the area. The immediate locality is characterised by both residential and commercial properties with a number of different businesses operating in close proximity of the subject site. It is considered that the proposed increase in hours is compatible with other businesses in the vicinity and customers are able to travel to the site by a variety of transport means.

All noise emanating from the site is guided by appropriate legislation and will be required to be appropriately managed in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

Policy and Legislative Implications

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

Please refer to Attachment 2 for all Policy and Legislative matters relevant to the application.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Amenity	The impact on amenity of surrounding properties was considered as part of the assessment of this application.

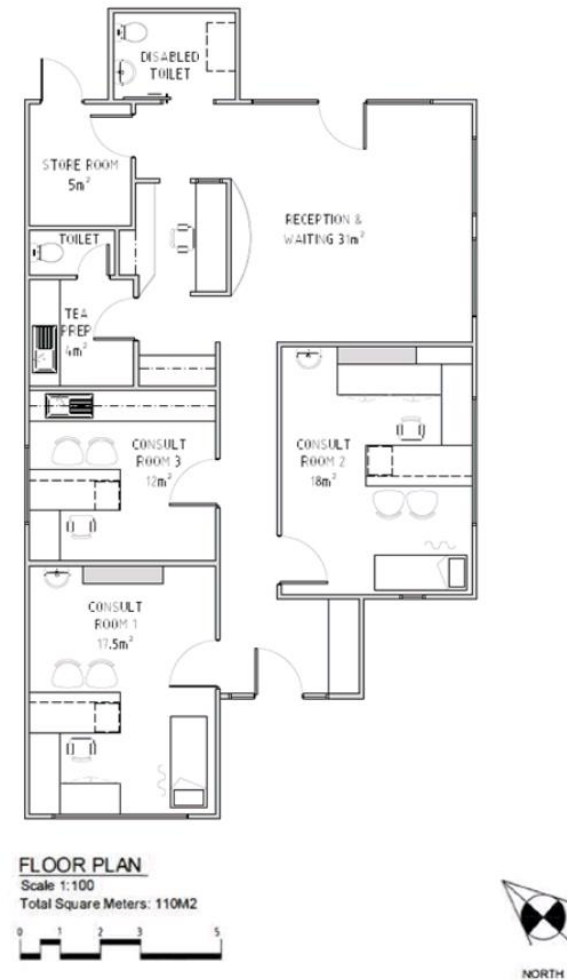
ECONOMIC	
Issue	Comment
Job creation	The proposal will provide for additional job creation in the locality.

Conclusion

The proposal seeks to expand the existing Consulting Room on site with an additional consultant and extended hours of operation. The application has been assessed and is considered acceptable as it meets the objectives of the Residential Zone and matters to be considered by Council under LPS3.

As a result of consultation, a total of 10 submissions (six in support and four opposed) were received. The matters raised in the submissions have been considered and addressed in Attachment 3. The matters raised are not considered to be reasonable grounds upon which to refuse the proposal.

The application is therefore recommended for approval with conditions.



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8 WALCOTT STREET
MT LAWLEY, 6050



5 DONOVAN STREET
OSBORNE PARK, WA 6005
T: 08 9347 1800
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W: www.tko.com.au

Policy and Legislative Implications

The following policy and legislation were considered in assessing this application:

1. Planning and Development (Local Planning Scheme) Regulations 2015;
2. Local Planning Scheme No. 3

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 Matters to be considered by Local Government - Planning and Development (Local Planning Scheme) Regulations 2015

The Deemed Provisions Clause 67 matters to be considered apply to all development applications and are to be considered in the course of determining an application for development approval.

The relevant matters in the context of this proposal are as follows:-

- (m) *the compatibility of the development with its setting, including –
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *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;**
- (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;**
- (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 of traffic flow and safety;*
- (y) *any submissions received on the application.*

City of Stirling Local Planning Scheme No. 3

Clause 4.2.12 – Residential Zone Objectives

- a) *To provide for residential development at a range of densities with a variety of housing type and size, to meet the current and future needs of the community.*
- b) *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Schedule 2 – Additional Uses

The site is zoned Residential (R20) with an additional use – Consulting Rooms. Schedule 2 outlines the conditions attached to the additional use as below:

No.	Description of Land	Additional Uses	Conditions
A1	Lot 157 (House No 8) Walcott Street Mount Lawley	Consulting Rooms	1. The Consulting Room being restricted to one practitioner; 2. Retention of the existing dwelling; 3. The Consulting Room being restricted to three days per week, between the hours of 9am and 5pm; and 4. The rear car park shall be enclosed with a security fence, which shall be locked after business hours.

Clause 5.5 – Variations to Site and Development Standards and Requirements

Clause 5.5.1 of the City's LPS3 provides for the ability to vary a standard or requirement under the scheme as follows:

'Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.'

Clause 5.5.2 of the of the City's LPS3 requires Council to advertise and considered submissions in decision:

In considering an application for planning approval under Clause 5.5.1, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to –

- a) Consult the affected parties by following one or more of the provisions for advertising uses under Clause 9.2; and*
- b) Have regard to any expressed views prior to making its determination to grant the variation.*

Clause 5.5.3 of the of the City's LPS3 permits Council to impose conditions:

Where:

- a) An applicant for planning approval requires the exercise of Council's discretion under clause 5.5.1; and*
- b) In the opinion of Council, there is significant non-compliance with the standard or requirement;*

Council may impose conditions on its approval requiring the provision of specified community facilities at the applicants cost.

Clause 5.5.4 of the of the City's LPS3 requires Council to take into consideration Clause 10.2 and locality:

The power conferred by Clause 5.5.1 may be exercised only if the Council is satisfied that –

- a) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 10.2; and*
- b) The non-compliance will not have an adverse effect upon the occupiers or users of the locality.*

Clause 5.5.5 of the City's LPS3 requires Council to take into consideration setting and amenity:

Notwithstanding Clause 5.5.4, the power conferred by Clause 5.5.1 may be exercised on the sole ground that non-compliance with the standard or requirement would enable retention of a significant tree on the site of the development.

Clause 10.2 – Matters to be considered by Council

The following matters are considered to be especially relevant to this application:

- i) the compatibility of a use or development with its setting;*
- n) the preservation of the amenity of the locality;*
- q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*

Schedule 2

The subject site has an Additional Use (Consulting Rooms) included as A1 in Schedule 2 of Local Planning Scheme No.3. This Additional Use specifies certain "Conditions" which are relevant to the operation of the additional use on site.

Council previously approved amendments to these conditions and considered that this can be considered via development approval and not via another scheme amendment.

Clause 5.5.1 of Local Planning Scheme No.3 (LPS3) allows Council to approve applications unconditionally or subject to conditions even if an application does not comply with a standard or requirement prescribed under the scheme.

Based on Council's previous determination, this application for further amendments can be considered under a development application.

Assessment

Planning and Development (Local Planning Schemes) Regulations 2015

An assessment against the objectives is provided below:-

Matters to be considered	Officers Comments
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	
<i>(m) the compatibility of the development with its setting including the relationship of the</i>	The compatibility of the use with its setting has been established through the 2004

<p><i>development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></p>	<p>scheme amendment (461) that permits consulting rooms to this site.</p> <p>The lots surrounding the subject site are residential and non-residential suggesting there is already a mix of land uses within the immediate area of the site. This demonstrates the compatibility of the development with <i>'its setting'</i>. The proposed development is not considered to result in any adverse impact to the streetscape given there will be no external changes to the site. As a result the heritage character of the site will not be altered and maintained.</p> <p>The proposal is for an extension in the operational hours and number of health consultants on the site, which is considered to be acceptable given the nearby Local Centre and Business Zone along Walcott Street and Guildford Road/Railway Parade. Though there will be an increase in the number of customers to the site, the site is in close proximity to two train stations and a high frequency bus routes which provides customer opportunities to utilise other modes of transport.</p> <p>Further the City's report to Council on 30 June 2015 in relation to DA14/0920 noted the below: <i>'The proposed additional days of operation does not alter whether the development is compatible with its setting or otherwise.'</i></p>
<p>(n) <i>the amenity of the locality including the following —</i></p> <p style="padding-left: 40px;">(i) <i>environmental impacts of the development;</i></p> <p style="padding-left: 40px;">(ii) <i>the character of the locality;</i></p> <p style="padding-left: 40px;">(iii) <i>social impacts of the development;</i></p>	<p>i) Noise associated with vehicles and from the consulting rooms are considered to be the most relevant matters related to amenity for this application. However the proposal will not result in any environmental impacts. In relation to traffic, the site provides a surplus of two parking bays and is in close proximity to two train stations and a high frequency bus route, which, despite the max anticipated 30 customers per consultant provide ample opportunity for these services to be utilised by these customers. The increase in days of operation is not considered to result in any additional impacts to amenity as Coles Petrol Station (all hours),</p>

	<p>F45 Training (6am to 6pm), Shambhala Soft Tissue Therapy (9a m to 3pm), Innova Builders (9am to 5-pm), Elka Clinic (8am to 6pm) all operatin on Satudarys.</p> <p>ii) The character of the heritage area will be maintained as there will be no external changes proposed. There will be an additional staff bay in tandam on the driveway from Walcott Street however this will not result in any loss of the character of the area.</p> <p>iii) The site is abutting Bird Lane which is already providing access for customers to the site. Though a max of 30 customers are anticipated per consultant, this will be spread throughout the day and more likely be 24 customers per consultant as advised by the applicant given appointment times are 20-30mins and by appointment only.</p>
<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 of traffic flow and safety;</i>	The application has been referered to the City's Engineering Operations team whom have advised that the proposed application is not considered to result in in traffic beyond the guieline of 300 vehicles per day. The proposed application would not pose an unacceptable safety risk.
<i>(y) any submissions received on the application.</i>	As per comments attached.

City of Stirling Local Planning Scheme No. 3 - Clause 4.2.1 - Business Zone Objectives

Clause 5.5 of the City's LPS3 allows for the scheme provision limiting the use of the property to three days a week to be reviewed. In considering wheter to approve the additional days of operation and the number of consultants sought, the proposal must be considered against the objectives of the Residential Zone and relevant matters to be considered by Council.

Matters to be considered	Officers Comments
a) <i>To provide for residential development at a range of densities with a variety of housing type and size, to meet the current and future needs of the community.</i>	The objective is not applicable given the site is not being used for residential purposes. Though there is a character residential dwelling on the site, the proposed application does not propose an changes to the building, which will remain as existing.
b) <i>To provide for a range of non-residential uses, which are</i>	The proposed use of the site has already been considered and approved by the City

<p><i>compatible with and complementary to residential development.</i></p>	<p>through the 2004 scheme amendment process.</p> <p>The proposal is considered to be compitible with and complementary to the area given the surrounding lots already show a transition from within residential to non-residential zones and land uses. The additional operational hours are further not considered to result in any adverse impact the the existing surrounding dwellings given the surrounding business and local centre zones, some of which operating past 12pm on Saturdays.</p> <p>Though there is anticipated to be 30 (max) customers per consultant, the site provides the required number of parking bays, with a surplus of two bays. Customers at the site will still utilise Bird Lane for customer parking, thereby not discupting the existing streetscape on Walcott Road. As well as being within 800m of two train stations and 250m of a high frequency bus route which will aid the use of public transport to the site.</p>
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Number of submissions to raise issue	Submission Details	Officers Comment
6	Support/have no objections to two (2) health consultants being able to operate out of No. 8 Walcott Street, Mount Lawley.	Noted.
4	Concern in relation to increase in traffic, width and safety along Bird Lane	<p>The subject site has a permitted additional use of Consulting Rooms under the City's Local Planning Scheme No.3.</p> <p>The proposal complies with the parking requirements for two consultants with an additional two car parking bay surplus provided on site.</p> <p>The application was referred to the City's Engineering Services Business Unit who raised no objection to the application and to the increase in traffic along Bird Lane.</p> <p>Engineering Services also confirmed that any increase in traffic can be accommodated along Bird Lane and that any increase in traffic would be well within the normal vehicle capacity for a laneway which can accommodate up to 300 vehicles per day.</p> <p>The application has also been referred to the City's Community Safety Business Unit who have raised no objection to the application and stated that there are many existing parking restrictions in the locality which customers are required to adhere which inhibit illegal parking in the area.</p>

3	Object to the number of consultants	<p>The subject site has a permitted additional use of Consulting Rooms under the City's Local Planning Scheme No.3.</p> <p>The proposal complies with the parking requirements for two consultants with an additional two car parking bay surplus provided on site.</p> <p>The application was referred to the City's Engineering Services Business Unit who raised no objection to the application and also the using of Bird Lane for customer access to the subject site. The subject site is also located in close proximity to high frequency public transport routes which also enable customers to travel easily to the subject site via bus and train.</p>
2	Consider the site a residential area not commercial. Impact on amenity.	<p>The subject site has a permitted additional use of Consulting Rooms under the City's Local Planning Scheme No.3 and has operated on site since 2004.</p> <p>The character of the Heritage Protection Area will be maintained as no external building works are proposed as part of the development with the existing building maintaining its residential appearance within the surrounding streetscape.</p> <p>The proposal also complies with the parking requirements for two consultants with an additional surplus of two car parking bays on site.</p> <p>The application was referred to the City's Engineering Services Business Unit who raised no objection to the</p>

		<p>application and also the using of Bird Lane for customer access to the subject site.</p> <p>The application was referred to the City's Environmental Health Business Unit who raised no objection to the application and raised no amenity concerns regarding any noise emitted from air conditioner(s) or vehicle entering or leaving the property during the proposed hours and days of operation.</p> <p>The premises is required to operate in accordance with the Environmental Protection (Noise) Regulations 1997 and this requirement is considered appropriate to ensure the existing residential amenity in the area is maintained.</p>
2	Concern in relation to the extended hours of operation	<p>The increase in hours of operation is not considered to result in any additional impacts to amenity as a number of surrounding business operate over on Saturday before 7am and after 12pm as per below:</p> <ul style="list-style-type: none"> • Coles Petrol Station (25/7) • F45 Training (6am to 6pm) • Shambhala Soft Tissue Therapy (9am to 3pm) • Innova Builders (9am to 5-pm) • Elka Clinic (8am to 6pm) <p>The application was referred to the City's Environmental Health Business Unit who raised no objection to the application and raised no amenity concerns relating to</p>

		the proposed increase of operating hours.
2	Support expansion with no concern	Noted.
1	Noise nuisance in relation to air conditioning and vehicles	<p>The application was referred to the City's Environmental Health Business Unit who raised no objection to the application and raised no amenity concerns regarding any noise emitted from air conditioner(s) or vehicle entering or leaving the property during the proposed hours and days of operation.</p> <p>The premises is required to operate in accordance with the Environmental Protection (Noise) Regulations 1997 and this requirement is considered appropriate to ensure the existing residential amenity in the area is maintained.</p>
1	Parking is provided on the premises and located on a major traffic corridor	Noted.

Submissions Received	Within 100m of proposed site	Remainder of City	All Submissions
SUPPORT	60%	0%	60%
OBJECT	40%	0%	40%
OTHER	0%	0%	0%

**element.**

Our Ref: 20-546

21 December 2020

Chief Executive Officer
City of Stirling
25 Cedric Street
STIRLING WA 6021

Attention:

Dear

**AMENDMENT DEVELOPMENT APPLICATION TO DA14/0920 – INCREASE TO
NUMBER OF CONSULTANTS AND OPERATION HOURS – LOT 157 (NO.8) WALCOTT
STREET, MOUNT LAWLEY**

Further to our recent pre-lodgement correspondence, **element** has prepared this Development Application (DA) on behalf of the landowners of Lot 157 (No.8) Walcott Street, Mount Lawley (the subject site). The DA seeks to modify conditions of approval (DA14/0920) relating to 'Consulting Rooms' to allow for two (2) consultants to operate from the premises and also allow for more flexible operation hours. This letter provides an overview of the subject site, proposed modifications, as well as an assessment against the applicable planning framework.

In accordance with the City of Stirling (the City) lodgement requirements, please find enclosed:

- A completed and signed 'Application for Development Approval' form and checklist;
- A completed and signed MRS Form 1;
- A current copy of the Certificate of Title for the subject site;
- One (1) copy of plans; and
- Payment of \$295 (being the applicable DA fee).

Current Temporary Approval

In the wake of the COVID-19 pandemic, a temporary approval has been granted by the City of Stirling (the City) as per the *Planning and Development (Local Planning Schemes) Amendment Regulations 2020* gazetted on 3 April 2020 which introduced a new Part 10B to the Deemed Provisions in Schedule 2.

A Notice of Exemption ("Notice") dated 8 April 2020 was signed by the Minister for Planning and is required for the purpose of facilitating a response to, or recovery from, the emergency occasioned by the COVID-19 pandemic. The Notice requires proponents to notify the Local Government of a use that is commencing and/or if temporary works are being undertaken within 7 days of the use commencing and/or the works being undertaken. The City has given appropriate written notice to the tenant on the 2nd July 2020 that the 'Consulting Rooms' meets the conditions relevant to Clause.1.1 of the Notice and therefore qualifies for a temporary development approval.

This development application seeks to ensure that the 'Consulting Rooms' can continue to operate on a permanent basis from the subject site with two (2) practitioners and extended operational hours (following the expiry of the temporary development approval 90 days after the end of the State of Emergency Declaration).

Location and Site Particulars

The subject site is located within the suburb of Mount Lawley and is approximately 2.5 kilometres north east of the Perth central business district. To the rear of the subject site is Bird Lane where the customer car parking is accessed from. Access to Walcott Street is limited with only staff parking

AMENDMENT DEVELOPMENT APPLICATION TO DA14/0920 – INCREASE TO OPERATION HOURS
 AND NUMBER OF CONSULTANTS LOT 361 (NO. 3) ALVAN STREET, MOUNT LAWLEY

element.

being adjacent to Walcott Street. The rear car park accommodates six (6) car parking bays (for customers) and two (2) tandem bays are accessible from Walcott Street (for staff). Either side of the property are residential properties.

Refer to Figure 1 – Location Plan

The particulars of the relevant Certificates of Title are summarised in the table below.

Table 1 – Site Particulars

Lot	House No.	Diagram/Plan	Volume	Folio	Area	Landowners
157	No.8	2343	1194	194	567m ²	Linda Maree Pepall Barry John Smith

Refer to Appendix A – Certificates of Title

The surrounding area has a combination of both residential, local centre and business zoned properties. The properties on Walcott Street closer to the intersection with Guildford Road and also Beaufort Street are commercial in nature. The properties between the commercial areas on Walcott Street are generally residential in nature. The other side of Walcott Street is within the City of Vincent with a tertiary educational establishment and public open space opposite the subject site.

Refer to Figure 2 – Site Plan

Refer to Figure 3 – Aerial Plan

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential' pursuant to the City's Local Planning Scheme No. 3 (LPS3).

Refer to Figure 4 – MRS Zoning

Refer to Figure 5 – LPS3 Zoning

The site has an allocated residential density of R25 and has an additional use 1 (A1) of 'Consulting Rooms' applied to the site. The additional use conditions within LPS 3 are as follows:

1. *The Consulting Room being restricted to one (1) practitioner;*
2. *Retention of the existing dwelling;*
3. *The Consulting Room being restricted to three days per week, between the hours of 9am and 5pm; and*
4. *The rear car park shall be enclosed with a security fence, which shall be locked after business hours*

Clause 5.5.1 of the City's LPS 3 provides for the ability to vary a standard or requirement under the scheme, as follows:-

"...if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit."

The subject site is within a 'Special Control Area' within the City's LPS 3 which gives effect to a Heritage Area, also known as the Heritage Protection Area. The Special Control Area provisions of the LPS 3 require that new development is required to be in accordance with the Character Retention Guidelines for the area, however as no new works are proposed, assessment under these guidelines is not required.

Description and Background

A development application was made to the City in 2014 to increase the number of operational days from three (3) days to five (5) days. The application was approved by Council in June 2015 through a Section 31 reconsideration request from the State Administration Tribunal (SAT), after initially being refused by Council in August 2014 (and then appeal being lodged to the SAT).

AMENDMENT DEVELOPMENT APPLICATION TO DA14/0920 – INCREASE TO OPERATION HOURS
AND NUMBER OF CONSULTANTS LOT 361 (NO. 3) ALVAN STREET, MOUNT LAWLEY

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The land use is not proposed to change but rather additional flexibility is required to attract tenants to the building. This development application seeks to have two (2) medical consultants being able to operate from the building and trading hours from 7am to 7pm Monday to Friday and 7am to 12pm on Saturday.

See Appendix B – Floor and Site Plans

The City's report to Council in 2015 states the following which is of relevance to the current application:

As referred to previously, the compatibility of the use with its setting has been established by the scheme amendment that permits the Consulting Room in this location. The proposed additional days of operation does not alter whether the development is compatible with its setting or otherwise.

Additionally, the subject lot is located in close proximity to existing Local Centre and Business zones, as indicated on the Local Planning Scheme extract above. This further demonstrates the compatibility of the development with its setting.

Concern has been raised that the proposed development will have a detrimental impact on the amenity of the area. Noise associated with vehicles and parking problems are considered to be the most relevant matters related to amenity for this application and are issues which have been raised by nearby landowners. However, the on-site parking provision accords with the City's Parking Policy.

It is noted that the subject site is on Walcott Street, a road reserved under the Metropolitan Region Scheme as an 'Other Regional Road'. The property is one lot away from the adjoining non-residential precinct along Walcott Street, Guildford Road, and Railroad Parade. The increase in the days of operation from three to five days per week is therefore not expected to have undue impact upon the amenity of the surrounding residential properties with respect to traffic or noise.

The subject site is recently vacant and, since 2004 was previously occupied by a Dermatologist, Paediatrician and a Sports Medicine Specialist. It is important to note that whilst many prospective tenants have been interested in the property, all have been hesitant to commit to a lease due to the operational restrictions of the additional use and the development approval.

The below assessment outlines the suitability of the subject site for an additional health consultant and also increased trading hours – consistent with other consulting room locations which the subject site is competing with to attract tenants.

Assessment

Land Use and intensity

The definition of Consulting Rooms within the City's LPS 3 means "premises used by no more than two (2) health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care". With the proposed increase to the number of consultants still resulting in no more than two (2) consultants on site at any given time, the proposed amendments will still comply with the approved land use.

In terms of the compatibility with the Residential zoning of the property, this slight intensification will still be compatible with the objectives of the Residential zone, which are contained within the City's LPS3 as follows:

- a) "To provide for residential development at a range of densities with a variety of housing type and size, to meet the current and future needs of the community; and
- b) To provide for a range of non-residential uses, which are compatible with and complementary to residential development."

Consulting rooms are prevalent within residential areas and provide activity and surveillance within these residential areas during what would otherwise be dormitory periods of the day – ensuring a

AMENDMENT DEVELOPMENT APPLICATION TO DA14/0920 – INCREASE TO OPERATION HOURS
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element.

level of compatibility that many other land uses cannot within the residential zone. Consulting rooms provide important health services for the communities they are located within and are often found nearby or within residential areas so as to be convenient for the communities they serve.

The location is ideal for health consulting rooms given the rear car parking area and laneway access and proximity to Park Hospital, the Beaufort Street activity corridor and the Mount Lawley Train Station. The subject site is also located on a busier road (Walcott Street) and therefore the minor increase in additional traffic movements is away from the local roads as much as practical.

Furthermore, the area already experiences a higher proportion of visitor/non-residential traffic from Park Hospital and businesses on Alvan Street, making the area more transitional in nature through the accommodation of a mixture of compatible non-residential land uses. Therefore, the character of the area cannot be interpreted as purely residential in nature.

Throughout the inner metropolitan region, increases in density and activity are being encouraged along busier roads and nearby to train stations so as to place activity in areas of high accessibility and preserve the amenity of suburban streets. This portion of Walcott Street has a higher number of traffic movements, is within close proximity to Mount Lawley Train Station and only one (1) property away from an existing local centre to the south-east on Walcott Street. These factors will likely result in changes to the zoning in the future consistent with the above-mentioned trend, likely making consulting rooms either a discretionary or permitted land use.

As the demand for consulting rooms and other services will only increase as the population increases, new areas for consulting rooms and offices will need to be planned for within suburban locations. These new areas will need to be ideally located so as to not adversely impact the amenity of existing residential areas, and therefore, are more appropriate on busier roads such as Walcott Street in this circumstance. The subject site is therefore ideally positioned to accommodate consulting rooms to provide appropriate access to health care in highly accessible and ideal location for the community.

As mentioned in the City's 2015 report, the number of additional days does not alter whether the development is compatible with its setting or otherwise. The consulting rooms will retain the built form of a single house and will be closed during the evenings, Saturday afternoons, Sundays and public holidays – minimising adverse impact on the normal residential function/activity of the adjacent properties. The proposed increase in the business hours will provide greater flexibility to consulting room businesses which often need to provide additional appointments slightly outside of office hours (9am – 5pm) to make their services accessible to more community members. Therefore, we are requesting Monday to Friday operation from 7am to 7pm and then Saturday morning 7am to 12pm to facilitate this flexibility. The slight increase in hours of operations is able to comply with the applicable Noise Regulations and car parking can be accommodated on site in accordance with the City's technical requirements (as discussed later within this report).

In terms of the number of consultants, the main issue is not the land use but the intensity of the land use. The intensity is most easily measured in terms of traffic and noise generation. As mentioned before, the hours of operation will limit the noise and ensure that the development complies with the applicable noise regulations. In terms of traffic movement, as discussed in the later in this letter, the subject site benefits from frontage onto a district distributor road and has frontage onto a laneway which aids in ensuring that the development has sufficient capacity to accommodate the increased patronage from an additional consultant.

It is also important to note from a comparison point of view, a 'Home Business' land use permits two (2) staff members not occupiers of the household to operate from the site in question and that business may also have additional visitor traffic. A family day care does not require development approval and can care for up to six (6) children with outdoor play areas. These land uses can therefore be just as intense (if not more so) than a consulting room and are also in occupation at all times. Therefore, we believe that the proposal is consistent with the residential zone objectives and will maintain the anticipated level of residential amenity given the locational factors as mentioned above.

Access

The allocated car parking area has already been adequately paved and drained to the satisfaction of

AMENDMENT DEVELOPMENT APPLICATION TO DA14/0920 – INCREASE TO OPERATION HOURS
 AND NUMBER OF CONSULTANTS LOT 361 (NO. 3) ALVAN STREET, MOUNT LAWLEY

element.

Council. The parking area has been designed so that vehicles can return to the street in a forward gear. Access to Walcott Street is maintained for staff only due to the tandem car parking arrangement.

Parking

As per Table 1 of the City's Local Planning Policy 6.7 – Parking and Access (LPP 6.7), Consulting Rooms are required to provide 10 bays for two (2) consultants. However, Table 3 of LPP 6.7 permits reductions based on locational factors as listed below:

Table 2: Reductions to Car Parking

Reduction (%)	Performance Criteria	Assessment
10	The proposed development is within 800 metres of the rail station.	Within 650m walk from Mount Lawley Train Station
15	The proposed development is within 200 metres(a) of a stop on a high frequency bus route or a bus station.	Within 100 metres of stops on Guildford Road
10	The proposed development is within 400 metres of an existing public car parking area.	Within 350 metres of the public parking Railway Parade.

Note: Distances is calculated via constructed footpaths or along road reserves (where no footpaths exist) and not "as the crow flies".

The above reductions allow for seven (7) bays to be provided on the subject site (rounding up to the nearest whole number). With the provision of six (6) bays accessed from the rear and two (2) bays accessed from Walcott Street, there is appropriate car parking on site to accommodate visitors and staff accordingly.

Traffic

With appointments of generally 20-30 minutes for health consultants and the increase in operation hours proposed as part of this development application, this would allow for a maximum of 30 patients per day per consultant. However, this figure is much more likely to be lower given:

- necessary administration time throughout the day;
- consultants not generally working more than an 8-hour day and needing to take a break;
- not every appointment being booked through the day; and
- a number of persons using alternate means of transport.

Given the above, this is likely to translate to less vehicle movements per day per consultant than the maximum. Therefore, the proposed additional consultant is likely to generate an estimate of 25 additional traffic movements per day. This increase in traffic movements is within the capacities of the existing traffic network and therefore will have negligible impact on the movement of traffic on Walcott Street, Farnley Street, Clotilde Street or the rear laneway. This section of Walcott Street currently accommodates 17,107 vehicle movements on average during the weekdays (Main Roads data from 2018/19). Walcott Street being a District Distributor A classification is therefore capable of accommodating higher volumes of traffic and therefore the additional consultant and subsequent minor increase in traffic can be easily accommodated within the existing road network traffic volumes.

Bicycle parking

Bicycle parking is required to be provided at a rate of one (1) space per 400m² of gross floor area. This requires one (1) space is provided for bicycle parking. There is adequate space on site to accommodate bicycle parking as required.

Signage

Any new signage proposed will need to be based on the tenant requirements and therefore the subject of a separate application if signage is proposed to exceed the City's permitted signage specifications.

Waste

The size of the development is compatible with a residential scale of waste generation and therefore the existing bin storage and waste collection arrangements will be utilised.

AMENDMENT DEVELOPMENT APPLICATION TO DA14/0920 – INCREASE TO OPERATION HOURS
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Conclusion

The above assessment demonstrates that the proposed additional consultant and increased operation hours are compatible with the residential zone objectives and the locational characteristics of the area. The proposal will also provide the community improved access to health care in convenient location, whilst maintaining the residential amenity of the area. Furthermore, the amendments to the conditions of development approval (and the additional use conditions within LPS 3) are capable of approval under Clause 5.5.1 of the City's LPS 3 with the exercise of discretion.

We understand that community engagement will be undertaken as part of the City's consideration of the development application and therefore respectfully request notification of when this begins so that we may engage directly with some of the community members. Furthermore, we understand that the development application will be required to be determined by Council rather than under delegation (from previous correspondence received) and therefore respectfully request the item is put on the agenda for Council as soon as practicable to allow for timely determination of the development application (given the temporary approval in place will expire with the COVID-19 emergency legislation).

Should you require any further information or assistance, please do not hesitate to contact me on 9289 8300 or kate.bainbridge@elementwa.com.au

Yours sincerely

element



Kate Bainbridge
Senior Consultant – Planning



Our Ref: 20-546

16 March 2021

Chief Executive Officer
City of Stirling
25 Cedric Street
STIRLING WA 6021

Attention: .

Dear

RESPONSES TO SUBMISSIONS RECEIVED – DA20/2261 – NO. 8 WALCOTT STREET, MOUNT LAWLEY

Following receipt of your correspondence dated 9 March 2021, please see the below table with responses provided to the commentary contained within the four (4) objection submissions received. We also note that six (6) non-objection submissions were also received during the consultation period.

Submission concern	Response
Objections in relation to increased traffic, particularly along Bird lane.	<p>Bird Lane at the rear of the property allows access to the property's parking area. The road is curbed, bituminised and classified as a gazetted road. The property abuts the adjacent commercial area by all but one property on the eastern side.</p> <p>The Engineering Department of the City of Stirling has previously assessed the road's length, camber, slope, width, access and has stated that there would be no problem with traffic, safety, accessibility or interference with neighbouring properties.</p> <p>Bird Lane is short in distance and has only 6 properties street to street and a T-junction to Park Road. This means that there are three (3) available ingress and egress points – from Bird Lane onto Farnley Street, Park Road and Clotilde Street.</p> <p>The traffic impact on Bird Lane is limited mainly to the south-eastern end of the road during business hours and the prime access route to the car park does not cross the garage entrance or driveway of any neighbour. In addition, there is a 2m x 2m visual truncation for ease of ingress, egress and visibility.</p> <p>The proposed additional consultant is likely to generate only an additional 15-20 vehicle movements per day which is well within the daily vehicle movement capacities of the local road network.</p>
Objections in relation to the number of consultants proposed.	<p>Seventeen (17) years ago in 2004, the property was granted approval for residential additional use by both the City of Stirling and the Department of Infrastructure and Planning.</p> <p>Currently, the property has an additional use permitted under the City's Local Planning Scheme No. 3 (LPS3); however, it is currently limited to only one (1) consultant.</p> <p>This approval was obtained at the time when the landowner operated their</p>

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	<p>dermatology consultancy part time whilst also raising a family. The landowner has since had to relocate their practice to another premises in order to operate with two (2) consultants. The operation of a consultancy with permission for two (2) consultants has several benefits over operating with only one (1) consultant such as being able to share costs, training and support staff.</p> <p>The property has since had a number of sole medical leased operators, all of which have elected to relocate in order to operate with another consultant. The limitations of having only one (1) consultant being able to operate from the premises, at any given time, is therefore providing difficulties to attract another tenant. A temporary approval was able to be granted under the COVID19 planning exemptions, however this operator has since relocated to a premise in Floreat which has allowed two (2) consultants on a permanent basis.</p> <p>By being able to increase the number of consultants to operate from the premises, you are not necessarily guaranteeing two (2) consultants operating from the site at any given time as often health consultants will also operate from hospitals or other premises. Regardless, two (2) consultants is still a low intensity scale of business which is suitable adjacent to a residential zone. These businesses provide important health services to the community and activity/surveillance in dormitory suburbs during the day. Furthermore, being located on a major road (Walcott Street) preserves the quieter parts of the area.</p> <p>We note the concern in relation to the number of consultants may be in relation to car parking of patients on-street rather than on site. We can advise that patients will be instructed to park on site to reduce the impact of parking on the local road network. It should be noted that parking restrictions have been implemented in the area given the proximity to a nearby tertiary education institution and the Mount Lawley Train Station which further encourages persons to park on-site.</p> <p>The capacity for the premises to function with two (2) consultants (as well as operating on Saturday mornings) without significant impact on the surrounding neighbourhood amenity has already been demonstrated during 2020.</p> <p>Without the increase from one to two (2) consultants, the future viability of the medical Consulting Rooms is significantly compromised.</p>
<p>Objections in relation to the increase in operational hours.</p>	<p>The current permanent approval in place is for five (5) days per week for one (1) consultant. These limitations were acceptable at the time on the basis of the landowner's consultancy practice operating from the premises being able to comply with these limitations. As the landowner has since relocated their consultancy practice to another premises (to operate with another consultant), obtaining new tenants and then retaining these tenants has been difficult due to the occupancy limitations.</p> <p>The current restricted trading hours of 9.00 am to 5.00 pm on weekdays, is inconsistent with other medical premises located in the surrounding local Mount Lawley area and does not provide the community convenient access to health services. The proposed extension of trading hours on weekdays from 7am to 7pm and on Saturdays from 7am to 1pm is more consistent with other health practices in the locality. We believe that these hours will provide any future tenant the necessary flexibility to operate within these hours but not necessarily to the full extent of these hours proposed.</p> <p>Under the temporary planning exemptions under COVID19 legislation, additional consultants and hours of operation are available (where directly linked to the COVID19 response) and as such for certain periods of time during 2020, the consulting rooms have been able to operate with additional hours and with an additional consultant. However, given the COVID19 exemptions are not permanent, in order to retain a tenant on a more permanent basis, the landowners are seeking to make two (2) consultants and</p>

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	<p>extended hours permanently available.</p> <p>We note that during the times when there have been more than two (2) consultants operating from the premises under the temporary exemption in place during 2020, there have not been any associated complaints from nearby residents.</p> <p>The number of consultants and the hours of operation does not necessarily always relate to more noise and activity – this is more directly related to the nature of the business operating which can vary significantly from one health consultancy to another. As more and more consultants are running tele-health consults and also operate out of larger medical centres and hospitals, the number of patients they see within a consulting room practice is reduced.</p> <p>This application is to seek flexibility to obtain a consultant on a longer-term basis and therefore the specifics of visitor numbers and vehicle movements is unknown. However, even when considering the worst-case scenario, we believe that the intensity of the land use is comparative to other permitted uses within the residential zone (such as family childcare centres and home businesses) and will still permit neighbouring properties to have quiet enjoyment of the properties.</p>
Noise impacts.	<p>The subject site is located on Walcott Street and therefore like neighbouring properties, experiences a higher level of road noise. This means that traffic noise is an existing issue which cannot be solely attributed to this business. Furthermore, there are existing businesses nearby on Walcott Street along with increased pedestrian activity and traffic from the Mount Lawley train Station and TAFE.</p> <p>The noise from the passing traffic on Walcott Street is significantly greater than any noise likely to be generated by the additional activity of the property's car park.</p> <p>It is acknowledged that there are residential neighbours on either side of the property, and we appreciate their concerns. Specifically, we note that the additional patients proposed as part of the additional consultant would result in some minor increase in the frequency of noise from the patient movements, but not in the level of noise. The noise generated from the business will be well within Noise Regulation requirements given the main noise generators would be car doors opening and closing.</p> <p>To mitigate these issues, the property has tall healthy screening plants, a 1.8-meter-high fences with installed lattices to an additional height of 2 meters along the carpark and other neighbour's boundaries to alleviate noise impacts. In addition, there is no noisy machinery or equipment on site. The air-conditioning unit is located a considerable distance from the neighbours and is regularly serviced. Previous noise testing of the air conditioner has established that it operates well below acceptable limits.</p> <p>Furthermore, the operational hours of the consultant rooms ensures that any noise impact is limited to during business hours so that in the evening and weekends, the existing amenity of the residential properties is maintained.</p> <p>For the past 17 years, since its commencement as Consulting Rooms in 2004, there has not been a formal complaint received by any Authority relating to noise impacts from the property.</p>
Safety concerns in relation to the number of vehicles using Bird Lane.	<p>Bird Lane is fully sealed and drained and provides access to the existing car parking area to the rear of the building. The access from Bird Lane to the car parking area has visual truncations for sightlines at the point of entry/exit and there is also a gate to the rear of the business to provide security for the rear car parking area.</p> <p>Bird Lane is not designed to be used by pedestrians with all properties</p>

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	<p>adjacent to the laneway having direct access to a street – ensuring that pedestrian conflict is highly unlikely.</p> <p>The risk of conflict with other vehicles is also minimised as not all properties adjacent to the rear laneways have direct and frequent vehicle access points.</p> <p>Therefore, there are no significant or specific increased risks to safety or health arising from this application.</p>
--	---

Should you have any queries or require clarification on the above matter, please do not hesitate to contact the undersigned on 9289 8300.

Yours sincerely

element



Kate Bainbridge
Senior Consultant – Planning

































12.1/DS3 LOT 24, HOUSE NUMBER 4, FLUORITE WAY, CARINE - ADDITIONS TO SINGLE HOUSE**Report Information**

Location: Lot 24, House Number 4, Fluorite Way, Carine
Applicant: Marius Crisan
DA Reference: DA20/1576
Reporting Officer: Manager Development Services
Business Unit: Development Services
Ward: Hammersley
Suburb: Carine

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0421/008****Moved Councillor Boothman, seconded Councillor Proud**

That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for additions Lot 24, House Number 4, Fluorite Way, Carine be APPROVED subject to the following conditions:-

- a. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the development approval issued;**
- b. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve; and**
- c. Prior to occupation of the development, the existing two advanced trees on site must be retained. The trees must be protected during the demolition and construction phase of the development and thereafter maintained.**

The motion was put and declared CARRIED (14/0) by exception resolution.

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Committee Recommendation

That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for additions Lot 24, House Number 4, Fluorite Way, Carine be APPROVED subject to the following conditions:-

- a. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the development approval issued;
- b. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve; and
- c. Prior to occupation of the development, the existing two advanced trees on site must be retained. The trees must be protected during the demolition and construction phase of the development and thereafter maintained.

Officer's Recommendation

That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for additions Lot 24, House Number 4, Fluorite Way, Carine be APPROVED subject to the following conditions:-

- a. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the development approval issued;
- b. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve; and
- c. Prior to occupation of the development, the existing two advanced trees on site must be retained. The trees must be protected during the demolition and construction phase of the development and thereafter maintained.

Report Purpose

To consider a development application (DA20/1576 refers) for a third storey addition to a Single House at Lot 24, House Number 4, Fluorite Way, Carine. The development application requires consideration against the design principles of Clause 5.1.6 Building Height of the Residential Design Codes (R-Codes) as a 1.08m variation to building height is proposed. The application also seeks consideration against the policy objectives of Local Planning Policy 2.6 – Residential Building Heights.

Relevant Documents

Attachments

Attachment 1 - Plans [↓](#)

Attachment 2 - Policy and Legislative Implications [↓](#)

Attachment 3 - Site Photos [↓](#)

Attachment 4 - Applicant's Response to Matters Raised in Submissions [↓](#)

Available for viewing at meeting

Nil

Description of Development

Site Area: 339m²

Nearest Cross Street: Fluorite Way and Gemstone Boulevard



Background

A development application (DA20/1576 refers) for a third storey addition to a Single House was submitted to the City on 21 September 2020.

The property is located within the Carine Vision Local Structure Plan, which was adopted by the Western Australia Planning Commission on 27 November 2012. Under the Structure Plan, the subject site is designated 'Residential R30' with additional provisions under the Precinct C Detailed Area Plan.

The original lodged plans proposed a building height variation of 1.25m under Local Planning Policy 2.6 – Residential Building Heights and a variation to visual privacy under Clause 5.4.1 Visual Privacy of the Residential Design Codes Volume 1.

The proposal was advertised for public comment in accordance with the City's Planning Consultation Procedure. During the consultation period, the City received four objections.

On 24 February 2021, the applicant submitted amended plans to reduce the overall building height and removed any visual privacy variations previously advertised. The proposal now seeks Council discretion on a building height variation of 9.08m in lieu of 8m.

In line with Local Planning Policy 2.6 - Residential Building Heights, where an application does not comply with the acceptable development provisions of the policy, it is to be assessed under the objectives of the policy and the appropriate design principles of the Residential Design Codes.

Principal Statutory Provisions

Use Table

Zoning

MRS MRS: Urban

LPS3 LPS3: Development

Carine Vision Local Structure Plan

Use

Class Single House

Type Not applicable (Development zone)

Assessment

An assessment of the proposal which requires Council to exercise discretion is contained within Attachment 2.

Consultation/Communication Implications

The application was advertised for a period of 21 days to all adjoining owners and occupants in accordance with the City's Planning Consultation Procedure. At the conclusion of the advertising period, four submissions were received and are summarised in the table below.

Number of submissions to raise issue	Submission Details	Officers' Comment
4	Loss of visual privacy to adjoining properties.	The plans have been amended to comply with the 'Deemed-to-Comply' requirements of Clause 5.4.1 Visual Privacy.
4	Loss of views of significance.	Building height and views of significance is discussed later in this report.
3	Increase in odours and noise from the proposed upper floor terrace.	Use of the upper floor terrace by the occupants will be indiscernible from normal residential use. Any additional noise will be regulated by the <i>Environmental Protection (Noise) Regulations 1997</i> .
3	Loss of solar access and ventilation to adjoining properties.	Building height and solar access is discussed later in this report.
2	Inappropriate scaling of the development in regard to the Local Planning Framework	Building height and building bulk is discussed later in this report.
2	Excessive building bulk being imposed on adjoining properties.	Building height and building bulk is discussed later in this report.
2	Negative impact on streetscape	Building height is discussed later in this report.
1	Loss of property value.	Not considered a valid planning consideration.

Submissions Received	Within 100m of proposed site	Remainder of City	All Submissions
SUPPORT	0%	0%	0%
OBJECT	100%	0%	100%
OTHER (Not stated / no opinion / 'conditional')	0%	0%	0%

Applicant's Justification

Please refer to Attachment 4.

Comment

The proposal seeks to construct an additional storey to the existing two storey Single House which encompasses a master bedroom, ensuite and terraced area resulting in an overall maximum building height at 9.08m.

The application has been referred to Council to consider a 1.08m building height variation to the concealed roof design. The proposed concealed roof element has a wall height of 9.08m where 8m is permitted under Local Planning Policy 2.6 – Residential Building Heights. It is additionally noted that the Carine Vision Local Structure Plan and associated Local Development Plan is silent on three storey building heights. The application has also been subject to objections from adjoining landowners who have raised concerns with regard to loss of visual privacy, loss of views of significance and excessive building bulk.

The extent of the variation to building height requiring Council's consideration as viewed from Fluorite Way is highlighted in orange in Figure 1 and as viewed from House Number 6, Fluorite Way in Figure 2 below:-

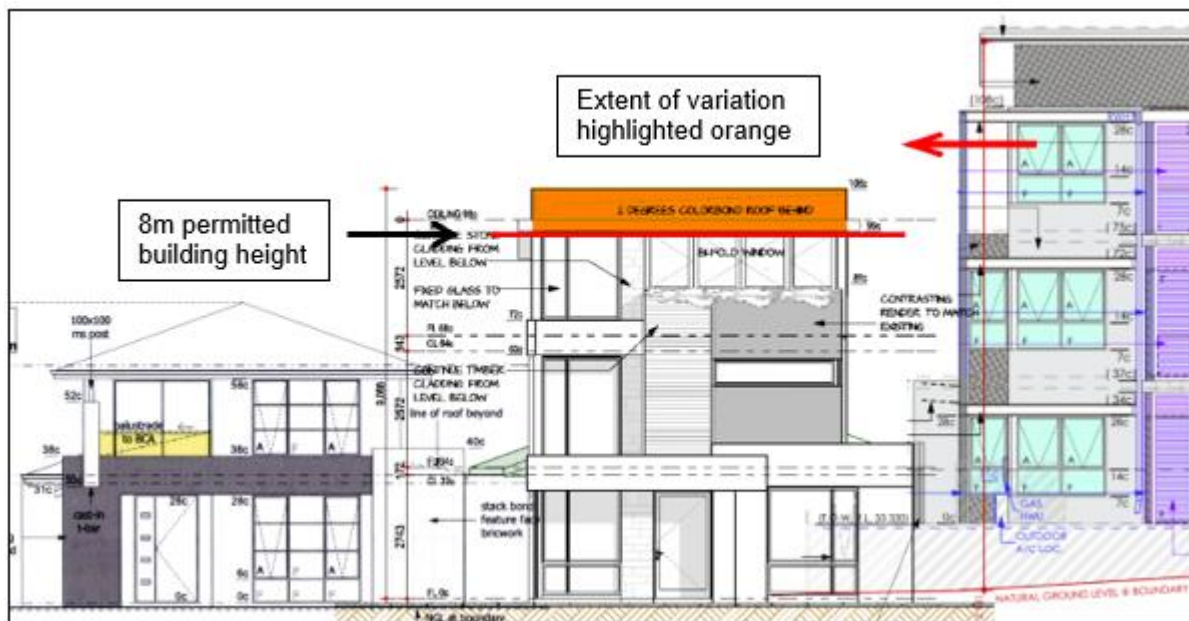


Figure 1 - Extent of Building Height Variation - Southern Elevation



Figure 2 - Extent of Building Height Variation - Western Elevation

The proposed third storey addition encompasses a terraced area fronting Fluorite Way with a building height of 8.40m and a Master Bedroom and Foyer area located to the rear which has a maximum height of 9.08m. The proposed third storey addition therefore proposes a building height variation ranging from 0.4m – 1.08m as permitted under Local Planning Policy 2.6 – Residential Building Heights.

The immediate vicinity of the subject site comprises recently established dwellings constructed within the last six years. The surrounding area is characterised by two storey single houses and apartment buildings ranging from three storeys to five storeys in height.

Fluorite Way is characterised predominately by two storey single houses with three storey multiple dwellings located at House Number 2, Fluorite Way. The existing dwelling is considered to contribute positively to the streetscape and is not considered out of character given the context of the locality.

House Number 4, Fluorite Way is abutted by an existing two storey dwelling to the west (House Number 6, Fluorite Way) and three storey multiple dwellings to the east (House Number 2, Fluorite Way). Given the close proximity of a taller and significantly bulkier building at House Number 2, Fluorite Way, the proposed height variation can be viewed as providing a transition in building height from three storeys at House Number 2, down to two storeys at House Number 6, Fluorite Way.

The transition in building height also respects the existing character of Fluorite Way which slopes down from east to west with existing dwellings generally sitting lower than their eastern neighbour. The multiple dwelling building at House Number 2, Fluorite Way also sits higher than the subject site due to retaining walls constructed as shown in Figure 3.



Figure 3 - Subject site (House Number 4) sits lower in the streetscape due to constructed retaining walls adjacent at House Number 2, Fluorite Way.

An assessment of the proposal has been undertaken and it is considered to meet the relevant design principles of the R-Codes and the objectives of the Local Planning Policy 2.6. (refer to Attachment 2).

Under Local Planning Policy 2.6, additions to existing Single Houses are measured from Finished Floor Level (FFL) with a maximum wall height of 8m permitted. The proposal seeks a total maximum wall height is 9.08m with a wall height of 8.40m proposed for the roof terrace.

During the consultation period, the City received four submissions of objection with concerns raised relating to building bulk, solar access and loss of views of significance.

The proposed addition is not considered to have a detrimental impact upon building bulk, solar access or views of significance on neighbouring properties. The existing second and third floors of the multiple dwellings located at House Number 2, Fluorite Way have several privacy screens to restrict the ability for occupants to look directly towards the subject site. The balcony and living areas of the multiple dwellings have major openings oriented to face the street facing south. The existing third floor of the multiple dwelling building also sits higher than the proposed roofline therefore having no impact on solar access or views for this floor.

The unscreened areas of the balconies will be wholly unaffected by the proposal which sits behind the primary street setback and only abuts the screened windows on the eastern side which have visual privacy screening and restricted direct views from these eastern windows. The third storey addition also provides 1.5m setbacks to the eastern and western boundaries and is compliant with the Detailed Area Plan requirements.

Given the above, it is unlikely any additional bulk attributed by the proposal will have any detrimental impact to the existing multiple dwellings located at House Number 2, Fluorite Way. It is considered that solar access and access to any views of significance will not be impacted by the proposed third storey addition.

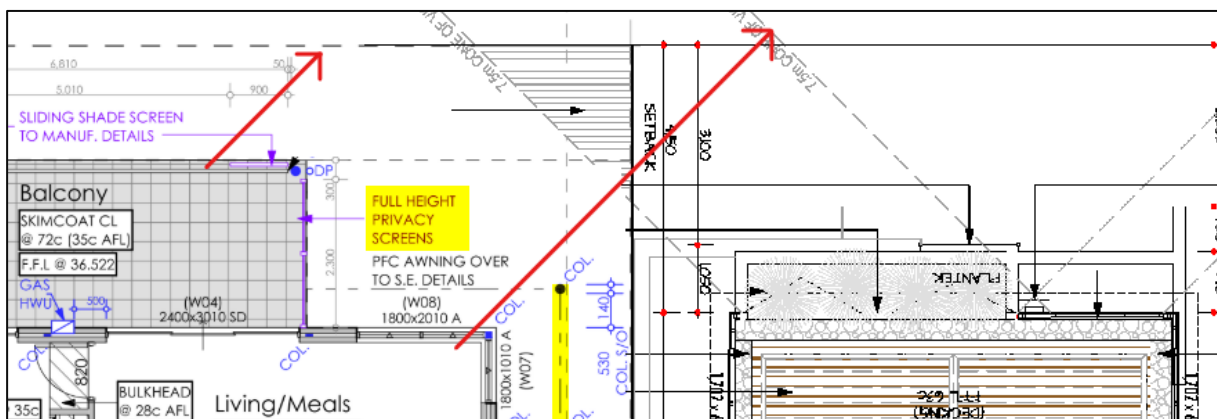


Figure 4 - View corridors will remain unobstructed from the second floor of House Number 2, Fluorite Way

The building bulk proposed is unlikely to have any detrimental impacts to the existing two storey dwelling to the west (House Number 6, Fluorite Way), as most of the building bulk will be above the existing roof line. The upper floor windows of the existing dwelling are non-major openings and do not provide for any direct views of the subject site.

The compliant side setback provided to the western boundary of the subject site will enable access to natural light and will not impact upon either House Number 2 or House Number 6 receiving direct sun due to the north south orientation of each site.

The third storey addition also complies with the 3m minimum and 4.5m maximum primary street setback, as the design effectively continues the façade of the existing dwelling upwards to retain consistency. The design also features a number of different materials including wooden cladding, contrasting render and stonework with additional glazing to break up the amount of visible building bulk.

The proposal is considered to meet the design principles of Clause 5.1.6 Building Height and also meets the objectives of Local Planning Policy 2.6 – Residential Building Heights.

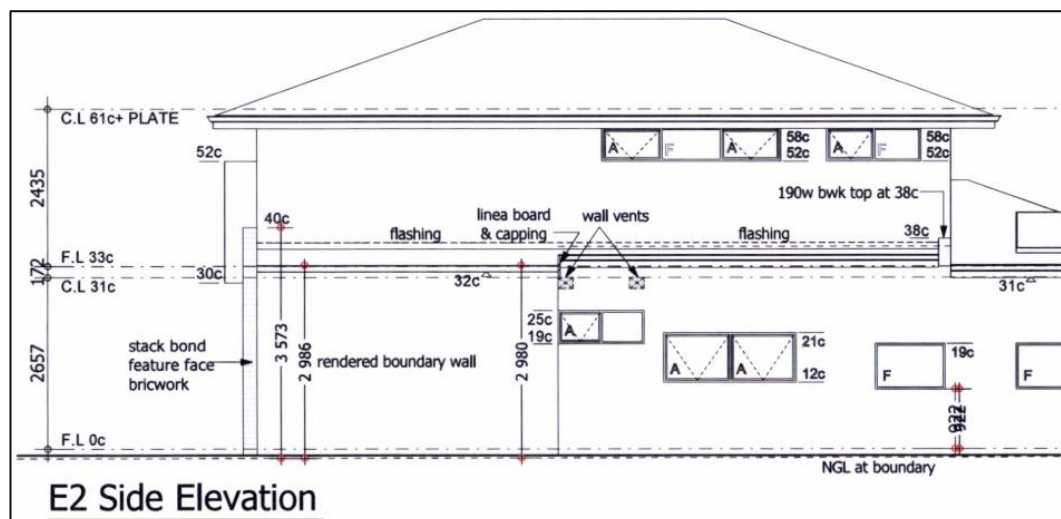


Figure 5 - Eastern elevation of House Number 6, Fluorite Way

Future changes to Planning Framework

Future changes to the Residential Design Codes which come into effect on 2 July 2021 will provide for an additional 1m increase to current permissible building heights.

This will enable proposed developments such as this application to have an overall height of 9m in lieu of the current 8m permitted under Local Planning Policy 2.6 – Building Heights. This change is as summarised in the table below.

Current Building Heights		Building Heights taking effect 2 nd July	
R-Codes	LPP 2.6	R-Codes	LPP 2.6
7m maximum (Table 3 - Top of external wall (concealed roof))	Additions may not exceed a building height by more than 1 metre of the R-Codes requirement (Clause 6.1e)	8m maximum (Table 3 - Maximum total building height, Gable, skillion and concealed)	Additions may not exceed a building height by more than 1 metre of the R-Codes requirement (Clause 6.1e)
Acceptable maximum = 8m		Acceptable maximum = 9m	

The maximum concealed roof wall height for additions will increase by 1m to a total of 9m on 2 July 2021, thus significantly reducing the variation sought as part of this proposal.

Policy and Legislative Implications

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

Please refer to Attachment 2 for all Policy and Legislative matters relevant to the application.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Amenity	The amenity of the locality will not decrease as a result of the development.

ECONOMIC	
Issue	Comment
Job creation	Redevelopment provides a basis for local employment during construction.

Conclusion

The proposal seeks to construct an additional storey to the existing Single House at Lot 24, House Number 4, Fluorite Way, Carine, resulting in an overall building height of 9.08m where 8m is currently permitted. It is considered the proposal satisfies the relevant design principles of the R-Codes and the objectives of the City's LPP2.6. The Single Houses in this estate are all new so the character will not likely change.

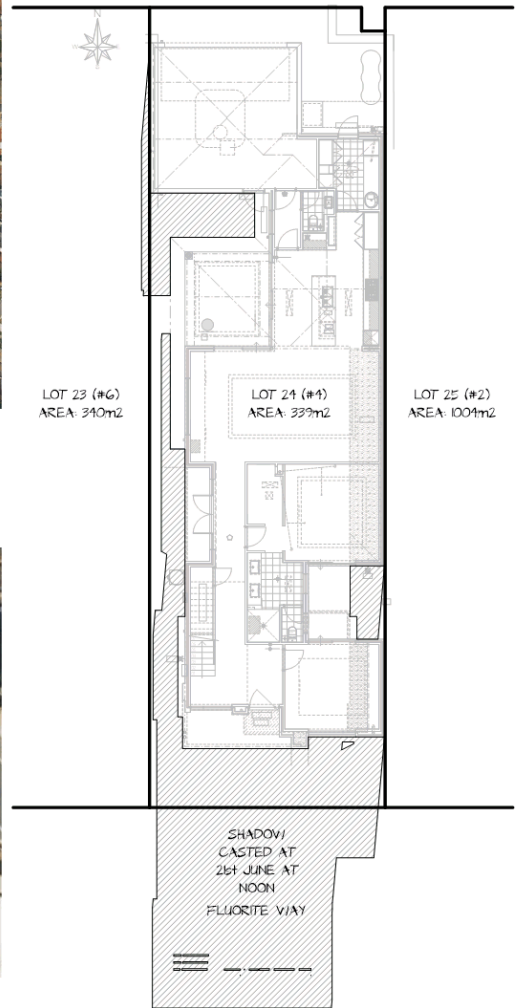
The objections received during the consultation period are noted and amended plans were provided which reduced the building height. The proposal will not impact unreasonably upon solar access or existing views of significance from neighbouring properties. The application is therefore recommended for approval subject to conditions.



01 LOCATION PLAN
SCALE: NTS



02 SITE PLAN - CONTEXT
SCALE: NTS



NOTES:
-NO OVERSHADOWING IMPACT ON NEIGHBORING PROPERTIES
-NO ALTERATIONS TO GROUND FLOOR SHOWN FOR REFERENCE ONLY
REFER TO ARCHIVE APPROVED PLANS FOR FURTHER DETAILS

03 SITE PLAN
SCALE: 1:200






04 STREETVIEW - CURRENT
SCALE: NTS



05 STREETVIEW - PROPOSED
SCALE: NTS

Revision History

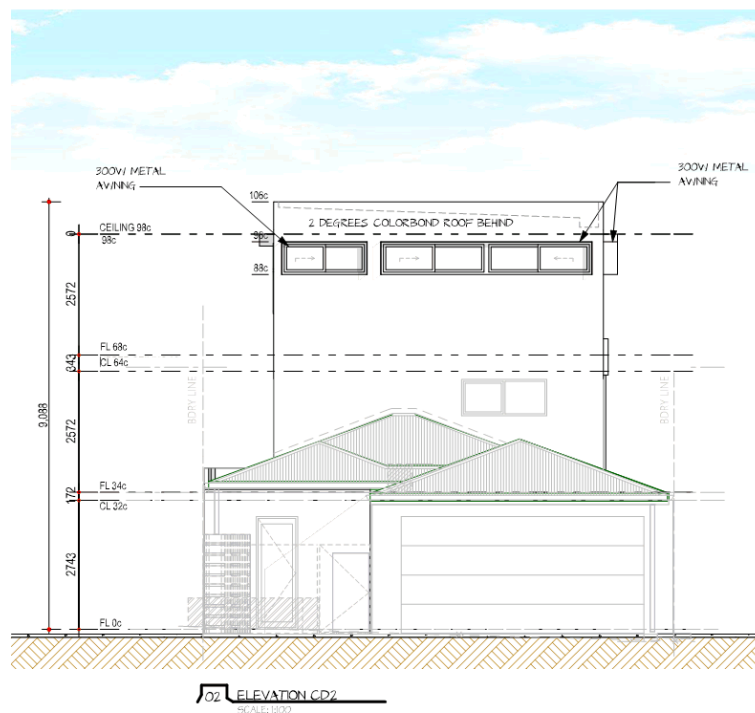
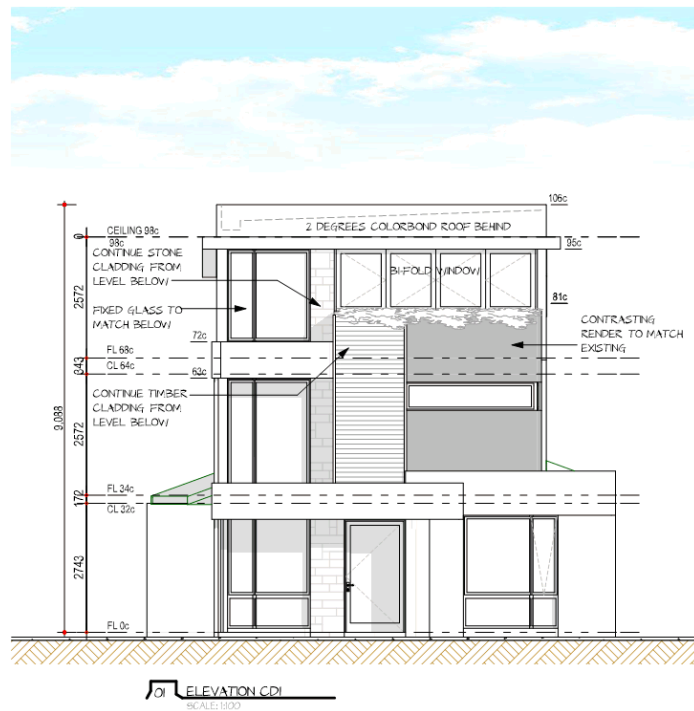
Rev #	Description	Date

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	DO NOT SCALE FROM THIS DRAWINGS. All dimensions to be checked prior to start the works ALL DIMENSIONS IN MILLIMETERS	Drawn	C.F.	Page #	1 of 07	
		Checked	J.Z.	Scale	1:200 in A3	
					<div>North</div> <div></div>	

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Revision History

Rev #	Description	Date

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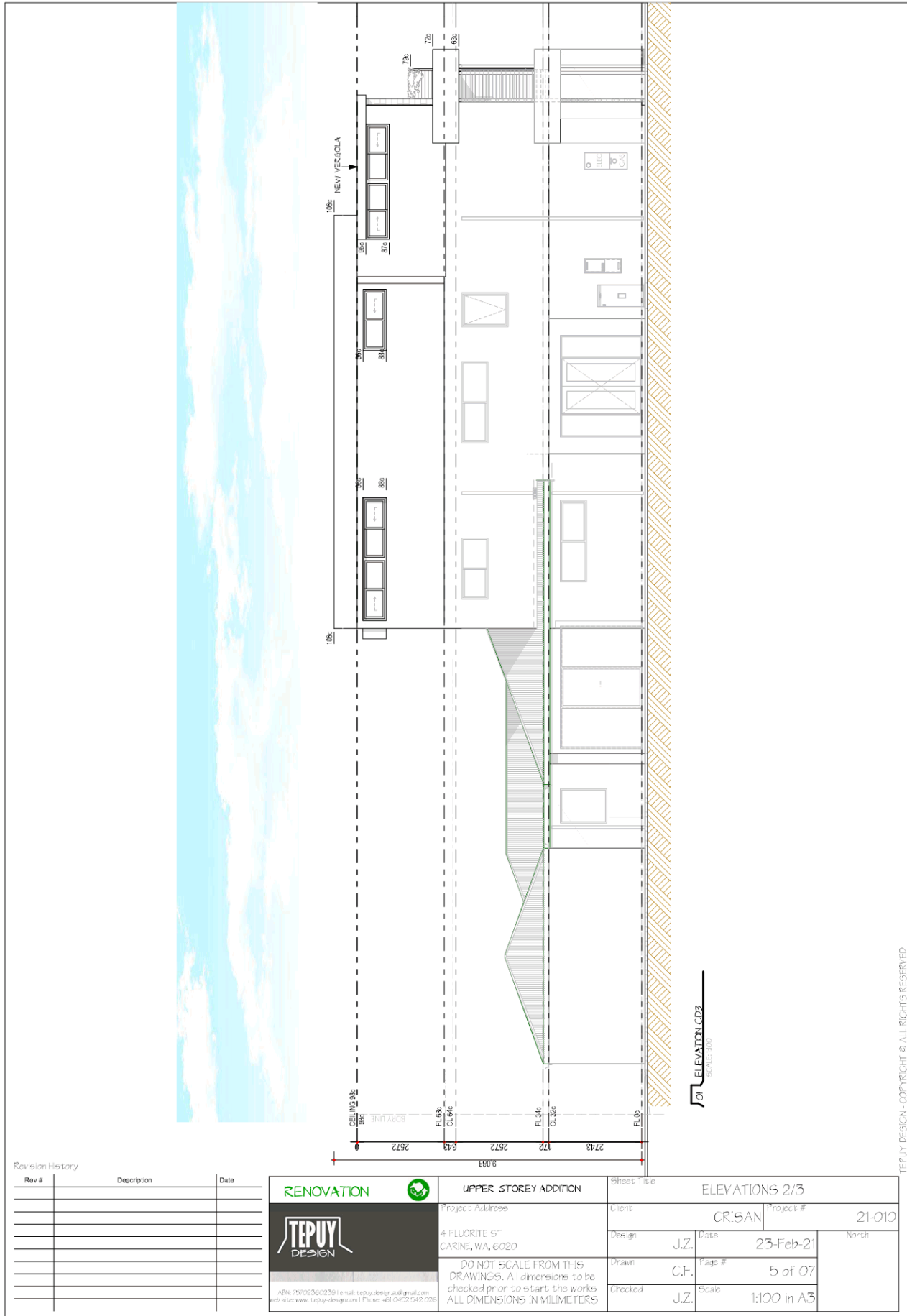
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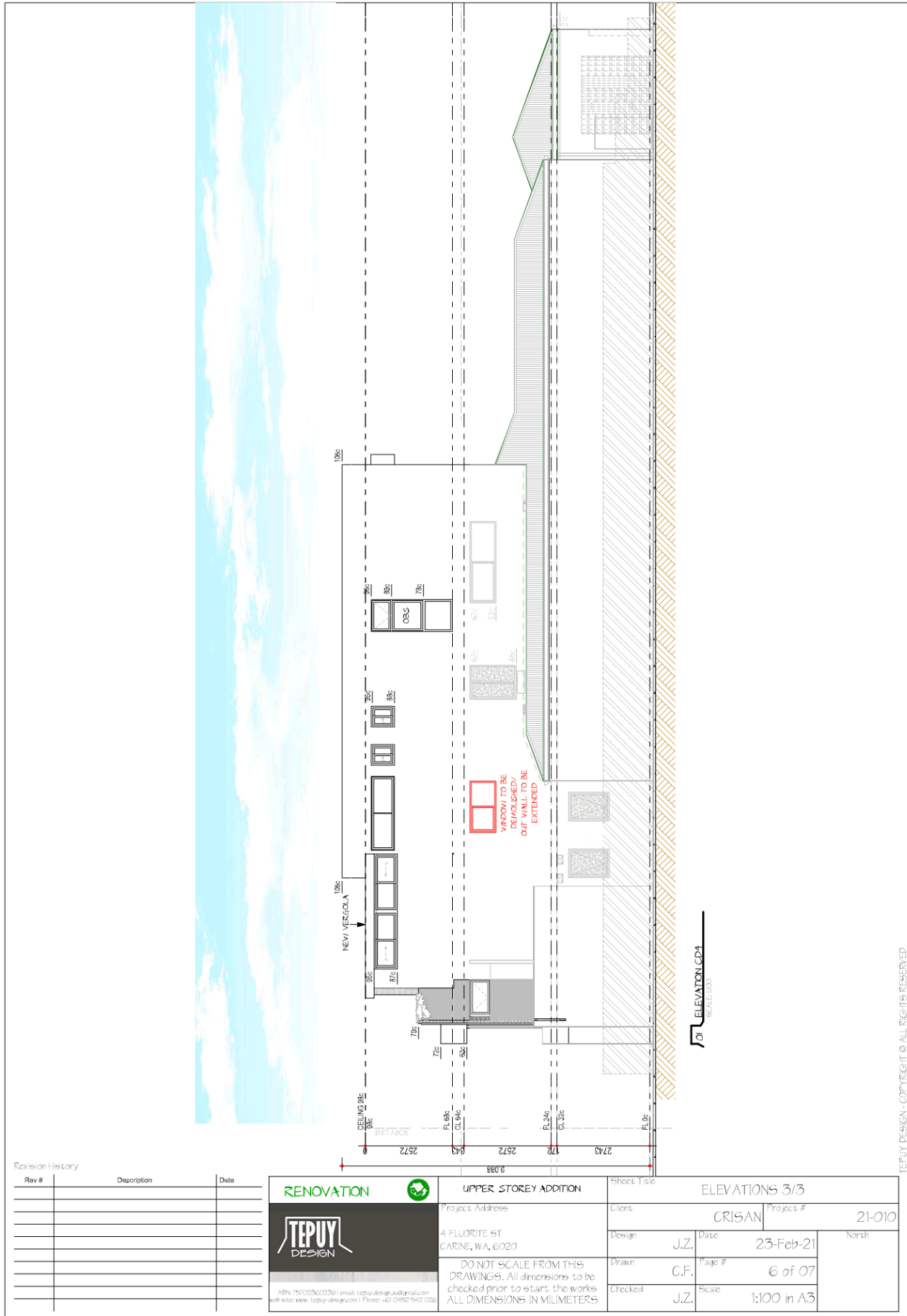
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CARINE, WA, 6020

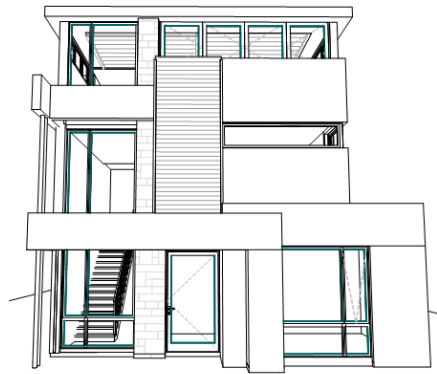
DO NOT SCALE FROM THIS DRAWINGS. All dimensions to be checked prior to start the works ALL DIMENSIONS IN MILLIMETERS

Sheet Title			
ELEVATIONS 1/3			
Client		Project #	
CRISAN		21-010	
Design	J.Z.	Date	23-Feb-21
Drawn	C.F.	Page #	4 of 07
Checked	J.Z.	Scale	1:100 in A3

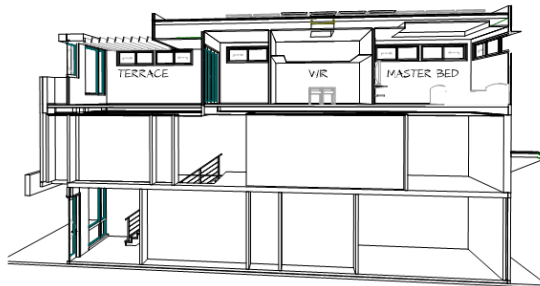
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01 3D VIEW - FRONT ELEVATION
SCALE: NTS
FOR ILLUSTRATION PURPOSES ONLY



02 3D SECTION 1
SCALE: NTS
FOR ILLUSTRATION PURPOSES ONLY



03 3D SECTION 2
SCALE: NTS
FOR ILLUSTRATION PURPOSES ONLY

Revision History

Rev #	Description	Date

RENOVATION <small>ABN: 751022360230 email: tepuydesignau@gmail.com web site: www.tepuy-design.com Phone: +61 (0)852 542 036</small>	UPPER STOREY ADDITION		Sheet Title 3D VIEWS	
	Project Address 4 FLUORITE ST CARINE, WA, 6020		Client CRISAN	Project # 21-010
	DO NOT SCALE FROM THIS DRAWINGS. All dimensions to be checked prior to start the works ALL DIMENSIONS IN MILLIMETERS		Design J.Z.	Date 23-Feb-21
			Drawn C.F.	Page # 7 of 07
			Checked J.Z.	Scale in A3

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Policy and Legislative Implications

The following policy and legislation were considered in assessing this application:

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Local Planning Scheme No.3 (LPS3);*
- *State Planning Policy 7.3 – Residential Design Codes, Volume 1 (R-Codes)*
- *Carine Vision Local Structure Plan*
- *Carine Vision - Precinct C (HN 322 Marmion Avenue Carine) Detailed Area Plan*
- *Local Planning Policy 2.6 – Residential Building Heights*
- *Local Planning Policy 6.11 – Trees and Development*

Legislation

Local Planning Scheme No. 3:

Following the gazettal of LPS 3 on 6 August 2010, the subject site was zoned 'Development'. The objectives of the Development zone are outlined below:

- a) *To provide for coordinated development through the application of a comprehensive structure plan to guide subdivision and development.*
- b) *To avoid the development of land for purposes likely to compromise its future development for purposes, or in a manner likely to detract from the amenity or integrity of the area.*

Objectives of the Zone:

The subject site is zoned 'Development' under Local Planning Scheme No. 3 (LPS 3). Accordingly, an assessment of the proposal against the objectives of the 'Development' zone is undertaken below.

Development Zone Objectives	Officers' Comment
<i>To provide for coordinated development through the application of a comprehensive structure plan to guide subdivision and development.</i>	The subject site has an adopted structure plan and local development plan containing the necessary development controls. The development has been assessed against the applicable provisions of the structure plan and local development plan (referred to as the detailed area plan for the purposes of this report).
<i>To avoid the development of land for purposes likely to compromise its future development for purposes, or in a manner likely to detract from the amenity or integrity of the area.</i>	The subject site, and almost all properties contained within the structure plan, have been fully developed. The proposal is for a third storey addition to an existing single house. The development has been assessed against the provisions of the Detailed Area Plan and the proposal will not detract from the amenity or integrity of the area.

Assessment

Local Planning Policy Assessment

Element		Satisfies Scheme/ Policy	OR	Variation Required	Comment
1	Local Planning Policy 2.6 - Residential Building Heights			✓	<p>LPP 2.6, Clause 5.2 requires additions to existing buildings to be measured from Finished Ground Floor Level.</p> <p>Concealed roof to be in accordance with R-Codes, Table 3, plus an additional 1m.</p> <p><u>Required:</u> 8m maximum</p> <p><u>Proposed:</u> 9.08m</p>
2	Local Planning Policy 6.11 – Trees and Development	✓			The development will retain the two advanced trees at the front of the property. A condition for the protection of these trees will be recommended.

R-Codes Part 5 Level 1 Assessment – Deemed-to-Comply Criteria

Design Element		'Deemed-to-Comply'	OR	'Design Principles' Assessment	Comment
5.1 Context					
5.1.1	Site Area	✓			Complies.
5.1.2	Streetscape	✓			Complies.
5.1.3	Lot boundary setback	✓			Complies. 1.5m side setbacks provided.
5.1.4	Open Space	✓			Complies.
5.1.6	Building Height			✓	<p>LPP 2.6, Clause 5.2 requires additions to existing buildings to be measured from Finished Ground Floor Level.</p> <p>Concealed roof in accordance with R-Codes, Table 3, plus an additional 1m.</p> <p><u>Required:</u> 8m maximum</p>

Design Element		'Deemed-to-Comply'	OR	'Design Principles' Assessment	Comment
					Proposed: 9.088m
5.2 Streetscape					
5.2.1	Setback of garages and carports	✓			Complies
5.2.2	Garage width	✓			Complies
5.2.3	Street surveillance	✓			Complies
5.2.4	Street walls and fences	✓			Complies
5.2.5	Sight lines	✓			Complies
5.2.6	Appearance of retained dwelling	✓			Complies
5.3 Site planning and design					
5.3.1	Outdoor living areas	✓			Complies
5.3.2	Landscaping	✓			Complies
5.3.3	Parking	✓			Complies
5.3.4	Design of car parking spaces	✓			Complies
5.3.5	Vehicular access	✓			Complies
5.3.7	Site works	✓			Complies
5.3.8	Retaining walls	✓			Complies
5.3.9	Stormwater management	✓			Complies.
5.4 Building Design					
5.4.1	Visual privacy	✓			Complies
5.4.2	Solar access for adjoining sites	✓			Complies
5.4.3	Outbuildings	✓			Complies
5.4.4	External fixtures	✓			Complies
5.4.5	Utilities and facilities	✓			Complies

R-Codes Part 5 Level 2 Assessment – Design Principles

Design Element	R-Codes Design Principles	Subclause	Satisfies Design Principles	Does Not Satisfy Design Principles
5.1 Context	5.1.6 Building height	<p><u>P6</u></p> <p><i>Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</i></p> <ul style="list-style-type: none"> <i>Adequate access to direct sun into buildings and appurtenant open spaces;</i> <i>Adequate daylight to major openings into habitable rooms.</i> <i>Access to views of significance.</i> 	✓	<p>Proposed concealed roof wall height of 9.08m in lieu of 8m required.</p> <p>The proposed addition is setback appropriately from the adjoining sites, with compliant setbacks to all adjoining sites. HN 6 Fluorite Way which abuts the subject sites western boundary features a mostly blank wall abutting the development.</p> <p>The overshadowing created by the third storey addition falls within the site or road reserve and therefore does not create any additional overshadowing to any abutting properties. Daylight to major openings and outdoor living areas are not impacted, with the overshadowing complaint with the deemed-to-comply requirements of Clause 5.4.2 of the R-Codes</p> <p>The proposed primary street setback of the third storey is compliant with the requirements of the Detailed Area Plan ensuring there will be no adverse impact on the prevailing streetscape along Fluorite Way.</p> <p>A variety of architectural features and openings on the front façade work to soften the visual impact in terms of building bulk on the streetscape and provide for an attractive setting.</p> <p>The addition is considered to be in keeping and consistent with the existing scale of dwellings within the streetscape. The existing streetscape is characterised by entirely two storey single houses with the exception of a three storey multiple dwelling building at HN 2 Fluorite Way which directly abuts the eastern boundary of the subject site.</p> <p>It is considered that the proposed third storey addition is in keeping</p>

Design Element	R-Codes Design Principles	Subclause	Satisfies Design Principles	Does Not Satisfy Design Principles
			with the established streetscape and will not appear dominant in the locality as the proposal will sit lower than the abutting multiple dwelling building. The proposed addition will provide for visual relief along Fluorite Way in helping to provide transition from the three storey multiple dwelling building at HN 2 Fluorite Way down to the existing two storey single house at HN 2 Fluorite Way.	

Local Planning Policy 2.6 – Building Height

The Policy objectives are addressed in the following table:

Objective	Officer's Comment
<i>To ensure that the height of buildings are consistent with the desired scale in a given locality; and</i>	<p>Proposed concealed roof wall height of 9.08m in lieu of 8m required.</p> <p>The immediate area surrounding the proposal is very new, with all the buildings being constructed within the last six years. The surrounding area is also relatively high density, with entirely double storey dwellings on narrow lots between 340m² and 400m² in size giving the streetscape a 'townhouse' appearance. The third storey addition is considered to contribute positively to the streetscape and is not considered out of character given the context of the locality.</p>
<i>To ensure that the height of a building does not overly impact on the streetscape or on neighbouring properties.</i>	<p>The existing dwellings along the streetscape contains elements of a 'townhouse' design, which this proposal is consistent with. As viewed from the street, the building height is considered to provide a 'transitional' step down from the multiple dwellings at HN 2 Fluorite Way to the existing two storey single houses starting at HN 6 Fluorite Way. It is noted that the dwelling will not be the same height as the multiple dwelling building, which sits higher and has a substantially bulkier façade with a greater wall height.</p> <p>It is noted that the single dwelling at HN 6 Fluorite Way abutting the subject sites western boundary contains only high-light windows (i.e. no major openings) facing the proposed third storey addition, therefore it is unlikely the occupants of this adjoining property will be negatively affected by the building bulk.</p> <p>At HN 2 Fluorite Way on the subject sites eastern side, there is an existing multiple dwelling building which sits approximately 1.5m higher than the subject site due to the amount of retaining and fill that was constructed between the two properties. The abutting units on the second and third floor within the multiple dwellings building do contain windows which face the development, however these windows include privacy screens to direct the views out towards the road reserve. The balconies also have privacy screens facing west, however any view corridors from these openings would not be impacted by the proposal as the proposed upper storey sits back behind the street setback line. It is further noted that windows on the</p>

	<p>second floor of the multiple dwellings building sit higher than the proposed roofline, therefore allowing the occupants to see over the concealed roof.</p> <p>Furthermore, the third storey additions directly abuts the a completely blank wall towards the rear of the multiple dwellings building at HN 2 Fluorite Way, or abuts the carports, which are considered a relatively insensitive part of the property. Given the above, it is considered the impact of the building height on the adjoining properties is minimal.</p>
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Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Part 9, Clause 67, Consideration of application by local government:

Council is to have due regard to the matters contained under Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* when exercising its discretion, with the following matters are considered most relevant to this application:

- a. *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- b. *The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Scheme) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- g. *Any local planning policy for the Scheme area;*
- f. *Any policy of the State;*
- m. *the compatibility of the development with its setting, including —*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *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;*
- n. *The amenity of the locality including the following:*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development.*
- y. *Any submissions received on the application.*

The proposal is also required to be considered against the relevant matters by the local government in accordance with Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The City's response to each consideration is outlined in the table below:

Matter	Officers' Comment
a) <i>The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	The use is existing and is permitted in the zone and meets the relevant objectives.
b) <i>The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Scheme) Regulations 2015 or</i>	<p>The proposal has been assessed in accordance with the LPS3 and relevant policy provisions.</p> <p>In terms of orderly and proper planning it is appropriate to consider the compatibility of the use with the setting and the impact on amenity.</p>

<i>any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	The submissions received during the consultation process have been considered, addressed through amended plans and are also discussed in this report.
<i>g) Any local planning policy for the Scheme area</i>	The proposal has been assessed against the provisions and objectives of LPP2.6 within this report.
<i>f) Any policy of the State;</i>	The proposal has been assessed against the provisions of the R-Codes. This report also discusses the proposal in relation to approved modifications to the R-Codes which are to be gazetted on 2 July 2021.
<i>m) the compatibility of the development with its setting, including:</i> <i>i. The compatibility of the development with its setting and;</i> <i>ii. 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 proposal is compatible with the existing form of housing developments in the locality and consistent with the established streetscape, given the context of this particular area and the nature of the eastern adjoining property. The dwelling design and overall building height has been considered and is discussed in this report.
<i>n) The amenity of the locality including the following</i> <i>i. environmental impacts of the development;</i> <i>ii. the character of the locality; and</i> <i>iii. social impacts of the development.</i>	The proposal is considered to complement the amenity of the locality by providing a high-quality built form that will add to the existing character of Fluorite Way. Furthermore, the proposal does not impact on the amenity of adjoining residential properties as discussed in the report.
<i>y) Any submissions received on the application.</i>	The application was advertised to surrounding landowners in accordance with the City's Planning Consultation Procedure. Submissions received during the consultation period have been considered and are discussed in this report.

































Planning Response to Matters Raised in Submissions Report

4 Fluorite Way, Carine

Perlustro Buildings

This report provides a response to the matters raised within the submissions received by Council on the proposed development.

Please note that following public notification and comments received from Council the plans of the proposed development will be modified to ensure compliance with State Planning Policy 7.3: R-Codes Volume 1, Clause 5.4.1 Visual Privacy, deemed to comply provisions.

1. Loss of visual privacy to adjoining properties.

The matter of visual privacy is controlled by State Planning Policy 7.3: R-Codes Volume 1, Clause 5.4.1 Visual Privacy. The plans of the proposed development will be modified to ensure compliance with the deemed to comply provisions of clause 5.4.1. Therefore there is not considered to be any substantial loss of visual privacy as a result of the proposed development on adjoining properties.

2. Loss of views of significance.

The matter of loss of views of significance is only relevant to extent of proposed building height variation, which is 9.258 metres in lieu of 8 metres, in accordance with the relevant applicable statutory planning provisions. State Planning Policy 7.3: R-Codes Volume 1, Clause 5.1.6 Building Height, design principle P6 states *'where appropriate maintain access to views of significance'*. The proposed development does not block any access to any views of significance to the west towards Star Swamp Reserve and the ocean, as none currently exist. The existing adjoining higher development to the west of the site does not have any unscreened west facing major habitable room openings or outdoor living areas which would be substantially impacted by the proposed building height of 9.258 metres in lieu of deemed to comply 8 metres. Therefore there is not considered to be any loss of views of significance as a result of the proposed development.

3. Increase in odours and noise from the proposed upper floor terrace.

The matter of odour and noise from the proposed development may be considered a relevant planning consideration pursuant to the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Clause 67 (2). The proposed development does not result in any change of use of the site, or any additional land use on the site. Legislation controlling residential odour and noise such as the *Environment Protection Act 1986*, is beyond the scope of the relevant statutory planning considerations for the proposed development. As no change of use of the site, or any additional land use on the site is proposed, the proposed development is not considered to result in additional odour and noise impacts beyond those which could already be generated on the site.

4. Loss of solar access and ventilation to adjoining properties.

The matter of solar access is controlled by State Planning Policy 7.3: R-Codes Volume 1, Clause 5.4.2 Solar Access for Adjoining Sites. The plans of the proposed development comply with the deemed to comply provisions of clause 5.4.2. Therefore there is not considered to be any substantial loss of solar access as a result of the proposed development on adjoining properties.

The matter of ventilation is a relevant planning consideration pursuant to State Planning Policy 7.3: R-Codes Volume 1, Clause 5.1.3 Lot boundary setback, design principle P3.1 which states *'Buildings set back from lot boundaries so as to provide adequate ventilation to the building*

and open spaces on the site and adjoining properties. No additional side lot boundary walls are proposed and a minimum 1.2 metre side lot boundary setback is proposed. Therefore there is not considered to be any substantial loss of ventilation to adjoining properties as result of the proposed development.

5. Inappropriate scaling of the development in regard to the Local Planning Framework

The matter of scaling and height is a relevant planning consideration for the proposed development within the applicable Local Planning Framework. Local Planning Policy 2.6 Residential Building Height (policy) states the following standards replace the deemed-to-comply standards specified under State Planning Policy 7.3: R-Codes Volume 1 Clause 5.1.6 Building height:

- *For Additions to Existing Dwellings - The proposed building height does not exceed the Acceptable Building Heights specified in Table 3 of the R-Codes (Volume 1) by more than 1.0m.*

Therefore a variation to the maximum external wall height (concealed roof) of 9.258 metres is proposed in lieu of deemed to comply 8 metres. It is important to note that category B at table 3 within State Planning Policy 7.3: R-Codes Volume 1, allows a top of pitched roof height of 9 metres. The policy allows for a further 1 metre building height than those specified in Table 3. Therefore a development could be approved in the immediate area with a maximum top of pitched roof height of 10 metres and be fully in accordance with the Local Planning Framework.

The policy at 8.0 states *'Should an application not comply with the provisions of Clause 6 of this Policy, it is to be assessed under the objectives of this Policy, the relevant Design Principles of State Planning Policy 7.0 Design of the Built Environment and the R-Codes.'*

The objectives of the policy are:

- *To ensure that the height of buildings are consistent with the desired scale in a given locality.*
- *To ensure that the height of a building does not overly impact on the streetscape or on neighbouring properties.*

The proposal is consistent with the above objectives as 3 story development has been referenced for the site within the Carine Vision Local Structure Plan and Carine Rise – Detailed Area Plan (Precinct C) for the site. The site is within an established area where significantly higher buildings already exist. The site directly abuts an existing 3.5 story apartment development to east.

The variations discussed within the previous planning justification report do not have any significant impact on the streetscape or neighboring properties. The front section of the proposed development on both sides has a maximum external wall height of 8.4 metres therefore reducing the visual impact of the remainder 9.258 metres wall height on neighbouring properties and the streetscape. The front elevation includes a number of openings facing the street and design features which will reduce the impact of visual bulk on the streetscape.

Relevant Design Principles of State Planning Policy 7.0 Design of the Built Environment
Context and Character

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

The proposal positively contributes to the identity of the area and will integrate into the landscape. The proposed built form responds to existing local building forms and patterns of development.

Built Form and Scale

Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

The proposed scale, massing and height of the development positively responds to adjoining building, the general pattern of heights reinforcing a coherent local identity. There are existing substantially higher and bulkier buildings in the area than that proposed. The proposed 3rd story has been referenced for the site in both the Carine Vision Local Structure Plan and Carine Rise – Detailed Area Plan (Precinct C) for the site

Amenity

Good design provides successful places that offer a variety of uses and activities while optimizing internal and external amenity for occupants, visitors and neighbors, providing environments that are comfortable, productive and healthy.

The proposed development mitigates negative impacts on surrounding buildings. The proposal complies with overshadowing, and overlooking provisions of the R-Codes. The proposed external materials will result in minimal glare and reflection impacts.

Safety

Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

Existing passive surveillance and pedestrian access points are maintained. The proposed street elevation provides additional passive surveillance.

Aesthetics

Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

The proposed built form contributes to the existing setting. Articulation is provided on the street elevation.

R-Codes 5.1.6 Building Height Objectives

P6 Building height that create no adverse impact on the amenity of the adjoining properties or the streetscape, including road reserves and public open space reserves, and where appropriate maintains:

- *adequate access to direct sun into building and appurtenant open spaces*
- *adequate daylight to major openings into habitable room*
- *access to view of significance*

The proposed additional building height creates no adverse impact on the amenity of adjoining properties or the streetscape. Substantially higher buildings already exist in the area including directly abutting the site to the east. The additional overshadowing impact is on a portion of the road reserve. The proposal complies with the overshadowing provisions of State Planning Policy 7.3: R-Codes Volume 1. Adequate daylight to major openings into habitable rooms is maintained by the proposed side setbacks. Appropriate light wells are

maintained. The proposed additional height will not have any impact on access to existing views of significance from the apartment development to the east.

Considering the above the proposed development is appropriate in regard to the Local Planning Framework.

6. Excessive building bulk being imposed on adjoining properties.

The matter of building bulk imposed on adjoining properties is a result of a combination proposed building heights, setbacks, wall lengths, and articulation of facades. The matter of building height has been discussed above.

The matter of setbacks is controlled by the Carine Rise – Detailed Area Plan (Precinct C). The proposed development includes a 2.503 metre setback from the primary street in lieu of a minimum of 3 metres required in the Detailed Area Plan. The 0.497 metre encroachment relates to an artistic feature wall which has a maximum height of 0.77 metres and width on the street frontage of 0.104 metres. This proposed design feature relates to a design feature on the existing portico, which in accordance with the detailed area plan may have a minimum primary street setback of 2.5 metres. The proposed primary street setback to the front wall is 3.1 metres, which is compliant with the provisions detailed area plan. The proposed street setback is consistent with the existing established streetscape. Pursuant to State Planning Policy 7.3: R-Codes Volume 1, Clause 5.1.3 Lot Boundary Setback, deemed to comply C3.1 iv. minor projections such as a chimney, other architectural feature or an eaves overhang may project up to 0.75 metres into a setback area.

The proposed development includes a 1.2 metre western setback in lieu of a minimum of 1.5 metres required in the Detailed Area Plan. The 0.3 metre encroachment relates to an awning which has a length of 3.63 metres and height of 0.95 metres. This awning will provide sun protection to the proposed western master bedroom window. The encroachment will have minimal impact on adjoining properties. Adequate sunlight and ventilation has been maintained. Pursuant to State Planning Policy 7.3: R-Codes Volume 1, Clause 5.1.3 Lot Boundary Setback, deemed to comply C3.1 iv. minor projections such as a chimney, other architectural feature or an eaves overhang may project up to 0.75 metres into a setback area.

The proposed wall lengths correlate with existing wall lengths on the site. The proposal does not include any wall length longer than that already existing on the site.

All proposed facades are articulated through the use of windows and other design features such as awnings and continued timber cladding from an existing lower level on the site, on the proposed street elevation.

7. Negative impact on streetscape

The matter of streetscape impact is a relevant planning consideration pursuant to State Planning Policy 7.3: R-Codes Volume 1, Clause 5.1.2 Street Setback, design principle P2.1 *Buildings setback from street boundaries an appropriate distance to ensure they: contribute to, and are consistent with, an established streetscape, and P2.2 Buildings mass and form that uses appropriate minor projections that do not detract from the character of the streetscape; and positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

The proposed street setback is greater than the existing street setback of development on the site. The existing street setback of development on the site is consistent with other buildings fronting Fluorite Way. The existing adjoining development to the east includes a higher wall with a lesser street setback to Fluorite Way than in the proposed development. The proposed street setback will contribute to an is consistent with the existing established streetscape.

The mass and form of the proposed street elevation, continues existing architectural and design features of the immediate area and existing development on the site including, continuation of timber cladding section from below, continuing stone feature from below, continue glazing from below and continuing contrasting render to match existing. There are other existing developments in the immediate area which include concealed roofs and upper floor outdoor living areas such as balconies facing Fluorite Way. The proposal does not detract from the character of the streetscape.

The matter of building height is relevant to the consideration of streetscape impact. The matter of building height has been discussed in depth above, within this report.

8. Loss of property value.

This is not a relevant planning consideration for this proposal.

Considering the above the proposed development at 4 Fluorite Way, Carine should be approved.

**12.1/CP1 LOCAL PLANNING SCHEME NO.3 - REVIEW OF LOCAL PLANNING
POLICY 6.4 CHILD DAY CARE CENTRES - OUTCOMES OF
ADVERTISING****Report Information**

Location: City Wide
Applicant: Not Applicable
Reporting Officer: City Planning Manager
Business Unit: City Planning
Ward: City Wide
Suburb: City Wide

Authority/Discretion**Definition**

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☒ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0421/009

Moved Councillor Boothman, seconded Councillor Proud

That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) an amended 'Local Planning Policy 6.4 – Child Care Premises', without modification, as shown in Attachment 1.

The motion was put and declared CARRIED (14/0) by exception resolution.

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Committee Recommendation

That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) an amended 'Local Planning Policy 6.4 – Child Care Premises', without modification, as shown in Attachment 1.

Officer's Recommendation

That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) an amended 'Local Planning Policy 6.4 – Child Care Premises', without modification, as shown in Attachment 1.

Report Purpose

To consider the outcomes of advertising of proposed amendments to Local Planning Policy 6.4 – Child Day Care Centres, and to obtain a Council resolution to proceed with adopting the amended Policy.

Relevant Documents

Attachments

Attachment 1 - Draft Local Planning Policy 6.4 - Child Care Premises (for adoption - proceed) [📄](#)

Attachment 2 - Schedule of Submissions [📄](#)

Available for viewing at meeting

Nil

Background

At its meeting held 11 February 2020, Council resolved (Council Resolution Number 0220/028) that a review of Local Planning Policy 6.4 - Child Day Care Centres be undertaken.

Following this review, at its meeting held 1 December 2020, Council considered the outcomes of the review and a recommended modified Local Planning Policy 6.4 – Child Day Care. At that meeting, Council resolved (Council Resolution Number 1220/004) as follows:-

“That Council PREPARES proposed amendments to ‘Local Planning Policy 6.4 - Child Day Care Centres’ (to be known as ‘Local Planning Policy 6.4 - Child Care Premises’), as shown in Attachment 4.”

This report considers the outcomes of advertising of the policy.

Consultation/Communication Implications

Advertising of the draft Local Planning Policy 6.4 – Child Day Care Premises commenced on 11 February 2021 and concluded on 4 March 2021.

Advertising was carried out in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City’s Planning Consultation Procedure.

An advertisement was placed in three local community newspapers, details were placed on the City’s website and notices placed in the City’s Administration Centre for the duration of the advertising period.

The City also wrote to nine community groups, and 10 government agencies and public authorities.

At the conclusion of the advertising period, the City received nine submissions – one individual submission and eight from government agencies and public authorities (ATCO Gas, Department of Education, Department of Fire and Emergency Services, Department of Health, Department of Planning, Lands and Heritage, Department of Transport, Department of Water and Environmental Regulation, Main Roads). This represents a response rate of 47%.

A summary of the number of submissions received is outlined in Table 1 below.

A detailed summary of submissions received, and the City’s officers response to these submissions is contained in Table 2 which is contained in Attachment 2.

TABLE 1 - SUBMISSIONS RECEIVED

SUBMISSIONS RECEIVED	ALL SUBMISSIONS
SUPPORT	0%
OBJECT	0%
CHANGES REQUESTED	55.6%
OTHER (Not stated / No opinion / No Objection)	44.4%

Comment

Local Planning Policy 6.4 – Child Day Care Centres has not been reviewed since 2010, and Council, at its meeting in December 2020 requested a review be undertaken to ensure that the policy was up to date.

The review determined that the majority of provisions contained in the policy remained relevant. However, in order to align the policy with the City's Local Planning Strategy, changes were recommended to promote Child Care Premises around activity centres and corridors. Changes were also made to the policy objectives to clearly identify the policy objectives.

In response to the issues raised during advertising of the proposed scheme amendment, the following comments are made.

Requests to reference statutory, legislative or other guidelines

A number of service providers requested that the draft policy be modified to reference legislation or other guidelines outside of the planning system.

These requests were not supported, as a planning policy is not an appropriate instrument to list all legislation that may be relevant to development in the City.

A request to modify the policy provisions to make it easier to allow this type of development in a Residential zone.

An objection to the policy provisions to align the draft policy with the City's Local Planning Strategy was received. This submission also requested a number of changes to the draft policy to make it easier for a Child Care Premises to be considered on land outside of activity centres and corridors.

These submissions have been considered, however no changes to the advertised policy are recommended as the policy should align with the Local Planning Strategy, and as Child Care Premises can be considered outside of activity centres and corridors.

Options

The following options are available to Council.

Option 1 – Proceed with the policy with modifications

The costs and benefits of this option are as follows:-

Costs

- Nil.

Benefits

- References to legislative requirements requested by State Government agencies and utility providers are detailed in the proposed policy.
- Responds to a request for policy re-wording to make it easier for Child Care Premises to establish outside of activity centres and corridors.

Option 1 is not supported as a local planning policy is not an appropriate tool to list all legislation that may be relevant to development in the City. Also, re-wording the proposed policy to make it easier to establish outside of activity centres and corridors is unnecessary, as the policy allows this to occur in appropriate circumstances.

Option 2 – Proceed with the policy without modifications

The costs and benefits of this option are as follows:-

Costs

- Does not respond to requests to reference statutory, legislative or other guidelines raised in the submissions.

Benefits

- Ensures the proposed policy aligns with the City's Local Planning Strategy.

Option 2 is supported as it will ensure that the location of Child Care Centres aligns with the City's strategic planning.

Option 3 – Not proceed with the policy

The costs and benefits of this option are as follows:-

Costs

- Child care developments will continue to be assessed against the current policy, which has not been updated since 2010.
- The location of Child Care Premises will not align with the City's Local Planning Strategy.

Benefits

- Nil.

Option 3 is not supported as the current policy does not address many of the issues that have arisen as a result of Child Care developments getting larger and more commercially orientated over time. Also, the current policy does not align with the City's Local Planning Strategy.

Policy and Legislative Implications

The Planning and Development (Local Planning Schemes) Regulations 2015 (amended 2020) outline the process for preparing (including amending) a local planning policy, and state that: -

- “(3) After the expiry of the period within which submissions may be made, the local government must -*
 - (a) review the proposed policy in the light of any submissions made; and*
 - (b) resolve to -*
 - (i) proceed with the policy without modification; or*
 - (ii) proceed with the policy with modification; or*
 - (iii) not to proceed with the policy.*
- (3A) The local government must not resolve under subclause (3) to proceed with the policy if —*
 - (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
 - (b) under the R-Codes, the Commission's approval is required for the policy; and*
 - (c) the Commission has not approved the policy.*
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.*
- (5) A policy has effect on publication of a notice under subclause (4).”*

The Planning and Development (Local Planning Schemes) Regulations 2015 (amended 2020) also outline the process for publishing notice of local planning policies: -

- “(3) For all documents, the local government must —*
 - (a) publish on the website of the local government —*
 - (i) the document; or*
 - (ii) a hyperlink to a webpage on which the document is published; and*
 - (b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.*
- (4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.*

- (5) *The local government must ensure that the document remains published under subclause (3)(a) and (if applicable) available for public inspection under subclause (3)(b) —*
- (a) *if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or*
 - (b) *if the document is published in compliance with a requirement to advertise for submissions under this Scheme — during the whole of the period within which submissions may be made; or*
 - (c) *if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.”*

In this instance, it is recommended that the policy proceeds without modifications.

The policy does not propose to amend or replace a deemed-to-comply provision of the R-Codes, and there is no requirement for the Western Australian Planning Commission's approval under the R-Codes.

If Council resolves to proceed with the policy, the City will publish notice of the policy in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015. This will involve publishing a copy of the updated policy on the City's website, and in the hardcopy files available for viewing at the City's Administration Centre building.

Financial Implications

The costs associated with adopting Local Planning Policy 6.4 – Child Care Premises are covered within the City Planning Business Unit budget.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Pollution	This policy facilitates the provision of Child Care Premises in proximity to activity centres and activity corridors, to ensure that Child Care Premises are located in areas that are convenient for local residents. This will encourage more walking and cycling trips, thus reducing pollution emissions from vehicles.

SOCIAL

Issue	Comment
Amenity	This policy contains provisions to ensure that the amenity of locality around Child Care Premises, particularly those located in Residential zones, is not adversely impacted by the operation of Child Care Premises.

ECONOMIC

Issue	Comment
Transport and infrastructure	This policy promotes the location of Child Care Premises in proximity to activity centres and activity corridors, in order to locate these developments near areas with existing transport facilities and infrastructure.

Conclusion

Local Planning Policy 6.4 – Child Day Care Centres has not been reviewed since 2010, and Council, at its meeting held 1 December 2020 requested a review be undertaken to ensure that the policy was up to date.

The review determined that the majority of provisions contained in the policy remained relevant. However, the policy was recommended to be updated to align it with the City's Local Planning Strategy to promote Child Care Premises around activity centres and corridors. Changes were also recommended to clearly identify the policy's objectives.

This report details the submissions received during the advertising of the modified policy.

The submissions received are noted, however no changes to the policy are needed, and it is recommended that Council proceeds with the policy, without modifications, as shown in Attachment 1.

**Policy Manual****6.4 CHILD CARE PREMISES****1.0 Citation**

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as 'Local Planning Policy 6.4 - Child Care Premises'.

2.0 Introduction

This Policy is intended to promote the provision of Child Care Premises in areas that are located close to activity centres and corridors to encourage the use of public transport and more walking, cycling and multi-trips. It also addresses any traffic and parking impacts of Child Care Premises on the amenity values of the immediate locality.

Where a Child Care Premises development does not meet the provisions of this Policy, the proposal will be assessed against the objectives of this Policy.

3.0 Objectives

- To promote the establishment of Child Care Premises in proximity to activity centres and along activity corridors;
- To avoid potential land use conflicts by ensuring the development of Child Care Premises integrates with its surrounding areas;
- To minimise the adverse impacts of the bulk and scale of Child Care Premises on neighbouring properties and the streetscape, and that buildings are consistent with the built form of an area, including future character;
- To locate noise-generating activities such as outdoor play areas, vehicle access ways, car parking areas and any plant and equipment away from noise-sensitive land uses (such as residential dwellings); and
- To minimise the impact of traffic associated with Child Care Premises on the function and safety of the local road network.

4.0 Applications Subject of this Policy

This Policy applies to all Child Care Premises developments.

Where this Policy is inconsistent with the provisions of a specific Local Planning Policy (e.g. Character Retention Guidelines), the provisions of this policy shall prevail.

Where this Policy is inconsistent with the provisions of a specific Local Development Plan, Activity Centre Plan or Structure Plan applying to a particular site, the provisions of that document shall prevail.

Note: All development may be subject, if applicable, to a design review process through the City's Design Review Panel.

**Policy Manual****5.0 Application Requirements**

In addition to the submission requirements set out in the [Development Applications – Submission Checklist and Matrix](#), the following information is specifically required to be submitted:

- Details describing the business, including:
 - the number and age ranges of children to be cared for;
 - the number of staff;
 - the hours of operation; and
 - any other relevant information.
- Proposals for new Child Care Premises developments are to provide either a Transport Impact Statement or Transport Impact Assessment, dependent on the number of children proposed (refer to the Transport Impact Assessment Guidelines published by the Western Australian Planning Commission).
- Proposals to increase the number of children within existing Child Care Premises by more than 10 additional children are to provide a Transport Impact Statement.
- A parking management plan is to be provided with all Child Care Premises applications (refer to Figure 1 in Appendix 1).
- An acoustic report prepared by a suitably qualified person must be submitted with the application for development approval.
- A noise management plan is also required where identified by the acoustic report.

6.0 Policy Statement**6.1 General Provisions**

- Child Care Premises should be located in or abutting non-residential zones, and specific provisions will apply for Child Care Premises that are located in a Residential zone;
- Street fencing should be visually permeable. Solid portions are to be a maximum of 1.2m, and will be assessed on their individual merit taking into account the need for noise mitigation and security;
- Child Care Premises on corner sites shall be designed to address the street with the least impact on surrounding residential properties. Assessment of these applications will place strong emphasis on the effect of the traffic and parking;
- Car parking is designed and landscaped to mitigate visual impacts when viewed from the street;
- The drop off and pick-up parking area provides safe and direct access from the car parking area to the primary entry point;
- Car parking bays should be easily accessed by customers, and the least visible or accessible bays should be allocated for staff use; and
- Crossover widths are to be a maximum of 6m.

**Policy Manual****6.2 Specific Provisions for Child Care Premises in the Residential Zone**

In assessing an application on a Residential-zoned site, the City shall have regard to the following:

6.2.1 Location CriteriaSuitable Locations in Residential zones

To minimise impact on residential areas, to allow improved servicing and to promote multi-function trips, Child Care Premises shall be located adjacent to non-residential uses, particularly activity centres, medical centres, schools and other educational facilities, and civic uses.

Child Care Premises proposed in a Residential-zoned area shall be:

- Located fronting a Corridor Class 1, Class 2 and Class 3 road as identified in the Local Planning Strategy (Refer to Figure 2 in Appendix 1); or
- Located within 100m of a Centre identified in the Local Planning Strategy (Refer to Figure 2 in Appendix 1).

Note: Refer to 'StirlingMaps' on the City's website for the exact permitted locations.

To prevent conflicts with residential amenity, traffic and parking access, Child Care Premises shall not be located in the following locations/type of sites:

- Sites on cul-de-sacs;
- Sites with sole vehicular access from an undedicated or predominantly residential right-of-way, or laneway;
- Sites under 1000m² in area; and
- Sites with a frontage less than 20m.

6.2.2 Building Height

- Building heights are to be in accordance with the provisions of 'Clause 6.1 Single Houses and Grouped Dwellings – Building Heights' in Local Planning Policy 2.6 Residential Building Heights.

6.2.3 Built Form and Design

- The built form and design will be assessed against the applicable development provisions for the residential density coding in respect of open space, setbacks, visual privacy and overshadowing. This will ensure development is compatible with the residential character of the area; and
- Child Care Premises developments should be consistent with the bulk and scale of developments as allowed by the maximum provisions permitted in the applicable document.

6.2.4 Parking

- The use of the verge for parking is not permitted.

**Policy Manual****6.2.5 Hours of Operation**

Unless otherwise approved by the local government, with due regard to impact on residential amenity, the hours of operation of Child Care Premises is restricted to between 7.00am to 6.30pm on weekdays and 8.00am to 6.00pm on weekends.

6.3 Variations

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy.

7.0 Relevant Documents**7.1 Vehicle Access and Parking**

- Vehicle access, car parking and bicycle parking shall be provided in accordance with:
 - Local Planning Policy 6.2 Bicycle Parking;
 - Local Planning Policy 6.7 Parking and Access;
 - Local Planning Policy 5.8 Stirling City Centre Parking;
 - Local Planning Policy 5.9 Mirrabooka Town Centre Parking;
 - Any relevant Local Development Plan.

7.2 Landscaping

- Landscaping shall be provided in accordance with:
 - Local Planning Policy 6.6 Landscaping;
 - Local Planning Policy 6.11 Trees and Development.

7.3 Waste Facilities

- Waste storage facilities and bins shall be provided in accordance with Local Planning Policy 6.3 Bin Storage Areas.

7.4 Advertising Signs

- Advertising signs shall be provided in accordance with Local Planning Policy 6.1 Advertising Signs.

7.5 Other documents

- Local Planning Scheme No.3 Scheme Text
- Local Planning Policy 2.6 Residential Building Heights
- Local Planning Policy 4.2 Mixed Use & Commercial Centre Design Guidelines
- State Planning Policy 7.3 Residential Design Codes

Planning and Development (Local Planning Schemes) Regulations 2015 – Clause 67, Part 9, Schedule 2

APPENDIX 1

XX Month Year

Name
 Address
 City/State/Postcode

Attention: City of Stirling Officer

RE: PROPOSED CHILD CARE PREMISES AT HOUSE NUMBER XX, XXXXX STREET,
 SUBURB - PARKING MANAGEMENT PLAN

INTRODUCTION

Company Name has been engaged by the applicant to prepare a Parking Management Plan (hereafter PMP) for the approved Child Care Premises (hereafter CCP) to be located at House Number XX, XXXXX Street in Suburb, City of Stirling (refer Figure 1).

Insert map

Figure 1: Location of the subject site

BACKGROUND

The development application for the proposed CCP was approved by Relevant Authority on XX Month Year. Condition XX of the approval limit the number of children to be catered for at the site to a total of XX to be looked after by a minimum of XX staff. The approved CCP development plans show a total of XX parking bays on site of which the ratio would most likely be XX staff and XX visitor bays.

The Transport Impact Statement/Assessment (TIS/TIA) prepared by Company Name for the proposed CCP included a parking assessment that demonstrated that XX visitor bays would be sufficient to meet the visitor/parent demand and cater for the needs of the facility.

CHILD CARE OPERATIONS

Based on the information provided to Company Name, the CCP operations will comprise XX permanent staff and XX non-permanent staff for operational reasons. As advised by the operator, the non-permanent staff duties would include the following events:

- List of duties performed by casual/ancillary staff.

PARKING MANAGEMENT PLAN MISSION

The objective of the Parking Management Plan (PMP) is to ensure efficient, effective and safe use of the car park and to provide effective management of the different types of car parking needs relating to employees and visitors/parents through the application of pavement markings, signage and communication/education.

MANAGEMENT PLAN

The parking associated with this development is to serve employees and visitors/parents of the CCP including occasional service/waste collection vehicles as needed.

The access to the car park is located so to ensure good view of the car park (on entry), vehicles on abutting roads (on exit) and pedestrian paths. The proposed crossover will be constructed in accordance with the City's 'Local Planning Policy 6.7 – Parking and Access'

Policy Manual

and as such would ensure ease of access and egress for site patrons. The proposed car park will be designed in accordance with the provisions of AS2890.1.

The development includes a total of **XX** parking bays out of which **XX** bays are proposed to be allocated to visitors and **XX** to CCP staff. All **XX** visitor bays are proposed to be located on the **northern/eastern/southern/western** side of the car park and away from the crossover to reduce the risk of any congestion at the car park entry, and to reduce any impact on **XXXX** Street traffic operations.

All staff and visitor bays in the car park will be pavement-marked to indicate specific use and avoid unnecessary confusion and internal congestion.

The CCP operator proposes that the premises be staffed with **XX** permanent staff and **XX** casual/ancillary staff. A total of **XX** bays are proposed to meet the parking requirement for all staff. However, as advised by the CCP operator not all staff will be present at the site at all times. The number of staff will fluctuate throughout the typical weekday in accordance with the children's attendance rate but is indicatively envisaged to occur as follows:

- 7am – 7:30am: **XX** staff rostered;
- 7:30am – 8:30am: **Estimated peak drop off period** – **XX** staff rostered;
- 8:30am – 10:00am: **XX** staff rostered;
- 10:00am – 3:00pm: CCP at full capacity – **XX** staff rostered (**XX** permanent staff + **XX** ancillary staff);
- 3:00pm – 4:30pm: **XX** staff rostered;
- 4:30pm – 5:30pm: **Estimated peak pick-up period** – **XX** staff rostered;
- 5:30pm – 6:30pm: **XX** staff rostered.

The CCP operator would implement/consider the following principles which would serve to alleviate the demand for staff parking at the subject site:

- *List any measures proposed to reduce staff car parking demand.*

A car park schedule is proposed to be kept to ensure efficient and accurate control of car park utilisation so that there is no unauthorised or random use of car parking bays.

COMMUNICATION & EDUCATION

The car park schedule will be planned, organised and implemented by the CCP director and assistant director. The car park schedule will be considered as part of staff scheduling and monitored by management and staff, to facilitate its orderly implementation. The usage and operation of the car park will be monitored on an ongoing basis.

It is proposed that all permanent and casual staff and visitors/parents be introduced to the PMP principles. This should be done at the time of children enrolment/staff hire by summarising the PMP and including a car park map and induction session.

The CCP management will monitor the operation of the car park and propose improvements and changes to the PMP if required.

Yours sincerely,

Name
Title

Figure 1: Parking Management Plan

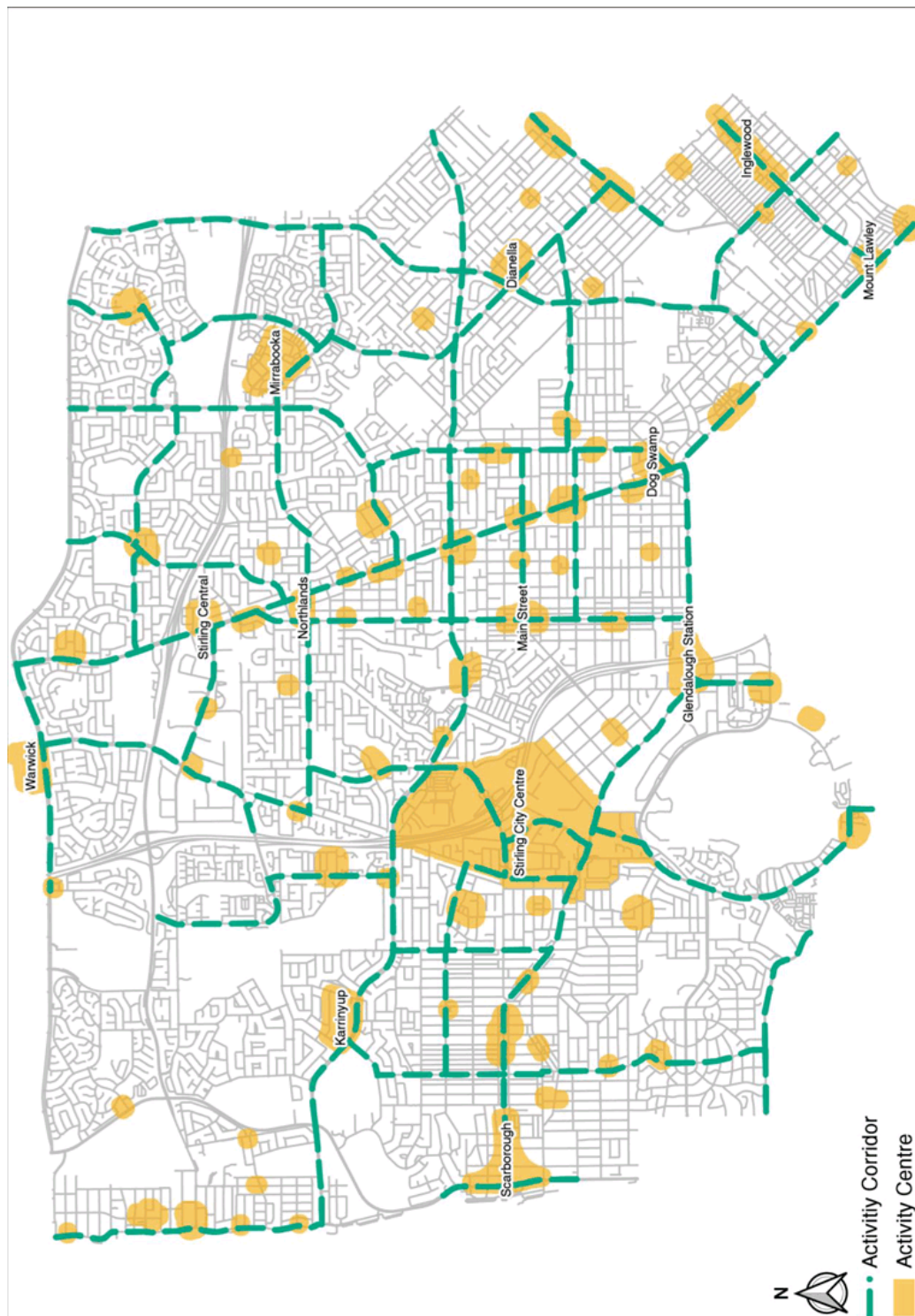


Figure 2: Location of Activity Corridors and Activity Centres

Note: Refer to 'StirlingMaps' on the City's website for the exact permitted locations.

**Policy Manual****OFFICE USE ONLY:****Local Planning Scheme No.3 - Local Planning Policy History:**

<u>Action</u>	<u>Council Date</u>	<u>Resolution No.</u>	<u>Effective Date</u>
Adopted	dd/mm/yyyy	xxxx/yyy	dd/mm/yyyy
Modified	-	-	-

TABLE 2 - SUMMARY OF ISSUES RAISED IN SUBMISSIONS

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
2	No objections.	Noted. No change.
2	No comments.	Noted. No change.
1	<p>Department of Fire and Emergency Services (DFES)</p> <p>Recommends a statement requiring the provision of a Bushfire Management Plan for bushfire prone areas be included in the Policy.</p>	<p>Noted. No Change.</p> <p>The DFES Guidelines for Planning in Bushfire Prone Areas state that land uses designed to accommodate children under 18 are a '<i>vulnerable land use</i>'.</p> <p>These guidelines require certain provisions of State Planning Policy 3.7 - Planning in Bushfire Prone Areas to be applied to '<i>vulnerable land uses</i>'.</p> <p>All development proposals must have due regard to all State Planning Policies, and this will be assessed at the development application stage.</p> <p>When proposing development, it is an applicant's responsibility to ensure compliance with all relevant legislative requirements.</p> <p>A local planning policy is not an appropriate tool to list all legislation that may be relevant to development in the City.</p> <p>For this reason, the recommended change is not required.</p>

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
1	Department of Education Requests Clause 6.1 General Provisions: Bullet Point 6 be modified to ' <i>ensure car parking bays are easily accessed by staff</i> '.	Noted. No change. The intention of the clause in the draft policy is to ensure that easily accessible car parking bays should be allocated for customer use, as these are high turnover bays. The recommended change is not supported as parking bays for staff are usually located in the same area as car parking for customers.
1	Department of Education Recommended that the Parking Management Plan in Appendix 1 be modified to include reference to encouraging the use of public transport, walking, cycling and multi-trips.	Noted. No change. A 'model' Parking Management Plan has been provided in the draft policy as a guide for applicants. This is to assist applicants rather than be a mandatory requirement. For this reason, and as the draft policy encourages the use of public transport, walking, cycling and multi-trips, no changes are required.

1	<p>Department of Health</p> <p>Object to the location of child care premises adjacent or within the accepted buffer distances to commercial land uses (including service stations), due to potential negative health impacts on children from emissions related to fuel operations.</p> <p>Recommends that the Policy be amended to refer to the Environmental Protection Authority's Environmental Assessment Guideline GS3 '<i>Guidance for the Assessment of Environmental Factors No.3 - Separation Distances between Industrial and Sensitive Land Uses</i>'.</p>	<p>Noted. No Change.</p> <p>The City's Local Planning Scheme No 3 controls land use permissibility in different zones of the City, and the City's Local Planning Scheme No 3 permits a Child Care Premises in non-residential zones.</p> <p>The Department of Health submission refers to the '<i>Guidance for the assessment of environmental factors</i>' document prepared by the Environmental Protection Authority as the reason for this objection. This document deals with separation distances between industrial and sensitive land uses, and classifies a Child Care Premises as a sensitive land use.</p> <p>The Department of Health submission also specifically relates to Child Care Premises in proximity to Service Station development.</p> <p>Despite the comments in the submission, these guidelines do not prevent a Child Care Premises being located next to a Service Station. Rather, the guidelines require, where there is less than a 50m buffer distance between these uses, a study to be prepared and approved to demonstrate the proposal will not result in unacceptable off-site impacts.</p> <p>When proposing development, it is an applicant's responsibility to ensure compliance with all legislative requirements, including the guidelines referred to.</p> <p>A local planning policy is not an appropriate tool to list all legislation that may be relevant to development in the City.</p>
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NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
		For this reason, no changes are recommended.
1	Objects to child care premises developments on sites located within the trigger distance of Atco Gas's high pressure network, and provided a list of conditions to be considered for new child care premises applications lodged with the City.	<p>Noted. No Change.</p> <p>When proposing development, it is an applicant's responsibility to ensure compliance with all legislative requirements.</p> <p>A local planning policy is not an appropriate tool to list all legislation that may be relevant to development in the City.</p> <p>For this reason, no changes are recommended.</p>
1	The stated aim of the policy is not considered to align with the characteristics of typical childcare facilities or the needs of users of such facilities, and changes are recommended.	<p>Noted. No Change.</p> <p>This comment relates to the draft policy requiring child care premises being located along activity centres and corridors.</p> <p>This approach is consistent with the City's Local Planning Strategy, which aligns future development with the City's strategic planning.</p> <p>For this reason, no change is recommended.</p>

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
1	<p>The policy contains stringent criteria with respect to childcare facilities in Residential zones.</p> <p>A change is recommended to replace 'shall be located' with 'are generally encouraged to be located.'</p>	<p>Noted. No Change.</p> <p>The draft policy states that '<i>...child care premises shall be located adjacent to non – residential uses</i>' to locate Child Care Premises in locations that align with the City's strategic planning.</p> <p>The "stringent criteria" referred to in the draft Policy are not mandatory provisions, as a Local planning Policy is a 'due-regard' document. The purpose of the policy is to guide the exercise of discretion when considering this type of development, which is an 'A' use in a Residential zone.</p> <p>A Child Care Premises can be considered in the Residential zone where the proposal can be demonstrated to meet the objectives of the proposed policy.</p> <p>For these reasons, no change to the proposed policy is recommended.</p>
1	<p>The use of 'Corridor Class' is an unnecessarily complicated and non-standard method of determining locations for childcare centres.</p>	<p>Noted. No Change.</p> <p>This comment relates to the draft policy requiring child care premises being located along activity centres and corridors.</p> <p>This approach is consistent with the City's Local Planning Strategy, which aligns future development with the City's strategic planning.</p> <p>For this reason, no change is recommended.</p>

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
1	<p>Requiring a childcare centre to be within 100m of a 'Centre' identified in the Local Planning Strategy could prevent the establishment of childcare centres in areas where there is a legitimate demand for the use.</p>	<p>Noted. No Change.</p> <p>The purpose of the policy is to guide the exercise of discretion when considering a Child Care Premises, which is an 'A' use in a Residential zone.</p> <p>A Child Care Premises can be considered in the Residential zone where the proposal can be demonstrated to meet the objectives of the proposed policy.</p> <p>For these reasons, no change to the proposed policy is recommended.</p>

13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2009

In accordance with Clause 4.2(4) of the City of Stirling Meeting Procedures Local Law 2009, the Chief Executive Officer may include on the agenda of a Council meeting; in an appropriate place within the order of business; any matter which must be decided, or which he considers is appropriate to be decided, by that meeting.

13.1 PROPOSED MEETING PROCEDURES LOCAL LAW 2021

Report Information

Location: Not Applicable
 Applicant: Not Applicable
 Reporting Officer: Manager Governance
 Business Unit: Governance
 Ward: Not Applicable
 Suburb: Not Applicable

Authority/Discretion

Definition

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☒ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0421/010

Moved Councillor Re, seconded Councillor Sargent

1. That the City gives NOTICE of the proposed Meeting Procedures Local Law 2021, as shown in Attachment 1, in accordance with the *Local Government Act 1995*.
2. That the Minister for Local Government be PROVIDED with a copy of the proposed Meeting Procedures Local Law 2021.
3. Following advertising, that public submissions be PRESENTED to a future Council meeting for consideration.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Recommendation

1. That the City gives NOTICE of the proposed Meeting Procedures Local Law 2021, as shown in Attachment 1, in accordance with the *Local Government Act 1995*.
2. That the Minister for Local Government be PROVIDED with a copy of the proposed Meeting Procedures Local Law 2021.
3. That public submissions be PRESENTED to a future Council meeting for consideration.

Report Purpose

To seek Council's approval to advertise the proposed Meeting Procedures Local Law 2021, and invite public submissions.

The purpose and effect of the proposed Local Law is included in section 1.3 of the proposed Local Law as follows:-

- “1. *These Meeting Procedures contain the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.*
2. *All meetings are to be conducted in accordance with the Act, the Regulations and these Meeting Procedures.*

3. *These Meeting Procedures are intended to result in -*
- (a) greater public access to the City's decision-making process;*
 - (b) better decision making by the Council and its committees;*
 - (c) the orderly conduct of meetings dealing with Council business;*
 - (d) better understanding of the process of conducting meetings; and*
 - (e) more efficient and effective use of time at meetings."*

Relevant Documents

Attachments

Attachment 1 - Proposed Meeting Procedures Local Law 2021 [↓](#)

Attachment 2 - Explanatory Memorandum - Proposed Meeting Procedures Local Law 2021
[↓](#)

Available for viewing at meeting

Nil

Background

The proceedings of City of Stirling Council and Committee meetings are governed by the *Local Government Act 1995* (the Act), the Local Government (Administration) Regulations 1996 and the City of Stirling Meeting Procedures Local Law 2009.

The Local Law regulates the day-to-day conduct of meetings. The matters that are effected by the Local Law include:-

- Public Question Time;
- Notices of Motion;
- Petitions;
- Deputations;
- Questions on Notice;
- Moving motions; and
- Conduct of debate.

Legislation is required to be reviewed from time to time to ensure it reflects current practice and anticipates future needs.

Comment

A review of the Meeting Procedures Local Law 2009 has been completed, guided by the following five themes:-

- *Allowing minor matters to be ruled by the Presiding Member;*
- *Allowing for Digital Democracy;*
- *Aligning Meeting Procedures with current practice;*
- *Improving grammar and language; and*
- *Simplifying.*

These themes encompass comprehensive proposed changes to the document, including simplifying the extension of meeting and Public Question Time length; the introduction of the live streaming of meetings; provision for ePetitions; and the provision for an Acknowledgement of Country at Council meetings. The document size has also been considerably reduced by removing matters already contained in the Act or Administration Regulations.

Significantly, the important contribution made by the public to Council decision making processes has been recognised by an addition to the content and intent provisions.

Other changes outside of the scope of the identified themes were also made. These include changes to the Notices of Motion and Public Question Time processes. The time for deputations is also proposed to be extended from 3 minutes to 4 minutes.

A proposed Local Law, encompassing changes guided by the five themes, and changes in consultation with Elected Members, is shown in Attachment 1.

Details of the amendments have been summarised in Attachment 2.

Consultation/Communication Implications

On 8 March 2021, a workshop was held with Elected Members to discuss the review of the Local Law. The feedback that was received during this session has been incorporated into the proposed Local Law. Prior to the workshop, Elected Members were provided with a webinar PowerPoint identifying proposed changes guided by the five themes.

If Council proceeds with the recommendation contained in this report, local public notice will be given summarising the draft Local Law, and submissions from members of the public may be made. Consultation will continue for six weeks. A copy of the draft Local Law will be provided to any person who requests it.

A 'Your Say' page will also be published on the City's website. Members of the public will be able to view the proposed Local Law on this page, and provide submissions.

The comments will be presented to Council for consideration at a future meeting.

Policy and Legislative Implications

Proposed Local laws are made in accordance with Section 3.12 of the *Local Government Act 1995*. To progress the proposed local law, the City is required to:-

- Give local public notice stating:-
 - a. It proposes to make the Meeting Procedures Local Law 2021;
 - b. A summary of its purpose and effect; and
 - c. Where and when a copy of the proposed local law can be inspected.
- As soon as the notice is given, provide the Minister for Local Government with a copy of the proposed local law.
- Provide a copy of the proposed local law to any person requesting it.

Local public notice is given in accordance with Section 1.7 of the *Local Government Act 1995*, and Clause 3A of the Local Government (Administration) Regulations 1996.

Financial Implications

Local public notice of the proposed Local Law will cost approximately \$1,000.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G1: Good governance

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Community engagement	Community members will have the opportunity to provide submissions to the City about the proposed Local Law. These comments will be presented to a future Council meeting for consideration.
Thriving democracy	The proposed changes to the local law will enable greater participation by the public in meeting processes.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

A review of the City of Stirling Meeting Procedures Local Law 2009 has been completed. Based on this review, and feedback from Elected Members, an updated Local Law is proposed (as shown in Attachment 1). If Council proceeds with the recommendation, it will be advertised, and members of the public can provide submissions to the City. The comments will be presented to a future Council meeting for consideration.

City of Stirling

MEETING PROCEDURES LOCAL LAW 2021

DRAFT

Local Government Act 1995

City of Stirling

Meeting Procedures Local Law 2021

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Local Government Act 1995

City of Stirling

Meeting Procedures Local Law 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Stirling resolved on [date] to make the following local law.

Part 1 - Preliminary**1.1 Citation**

- (1) This local law may be cited as the *City of Stirling Meeting Procedures Local Law 2021*.
- (2) This local law is referred to as “the” or “these” “Meeting Procedures.”

1.2 Commencement

This local law commences on 17 October 2021.

1.3 Application and intent

- (1) These Meeting Procedures contain the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the *Act*, the Regulations and these Meeting Procedures.
- (3) These Meeting Procedures are intended to result in -
 - (a) greater public access to the City’s decision-making process;
 - (b) better decision making by the Council and its committees;
 - (c) the orderly conduct of meetings dealing with Council business;
 - (d) better understanding of the process of conducting meetings; and
 - (e) more efficient and effective use of time at meetings.

1.4 Interpretation

In these Meeting Procedures, unless the context requires otherwise -

“**Act**” means the *Local Government Act 1995*;

“**broadcast**” has the meaning given in Section 36C of the *Evidence Act 1906*;

“**clause**” means a clause of these Meeting Procedures;

“**meeting**” means a meeting of the Council or of a committee, or an electors’ meeting, as the context requires;

“**member**” –

- (a) has the same meaning given to it in the *Act*; and
- (b) includes a person who is a member of a committee listed under Section 5.9 of the *Act*.

“**Minister**” means the Minister responsible for administering the *Act*;

“**minor amendment**”, in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

“**Presiding Member**” means –

- (a) in respect of the Council, the person presiding under Section 5.6 of the *Act*; and
- (b) in respect of a committee, the person presiding under Sections 5.12, 5.13 and 5.14 of the *Act*; and
- (c) in respect of an Electors’ Meeting the person presiding under Section 5.30 of the *Act*.

“**Regulations**” means the *Local Government (Administration) Regulations 1996*;

“**simple majority**” means more than 50% of the members present and voting;

“**substantive motion**” means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion.

1.5 Repeal

The *City of Stirling Meeting Procedures Local Law 2009* published in the *Government Gazette* on 16 April 2009, and the *City of Stirling Meeting Procedures Amendment Local Law 2012* published in the *Government Gazette* on 18 May 2012, are repealed.

Part 2 – Meetings of Council

2.1 Ordinary and special Council meetings

- (1) An ordinary meeting of the Council, held as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (2) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Convening Council meetings

- (1) Subject to subclause (2), the CEO is to give at least 72 hours' notice, for the purposes of Section 5.5 of the *Act*, in convening a special meeting of the Council.

- (2) Where, in the opinion of the Mayor or at least 1/3 of members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special meeting of the Council.

2.3 Calling committee meetings

A meeting of a committee is to be held -

- (a) if called for in a verbal or written request to the CEO by the Mayor or the Presiding Member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

Part 3 - Quorum

3.1 Where quorum not present prior to or during a meeting

If at any time prior to or during a meeting a quorum is not present -

- (a) the Presiding Member must delay or suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the delay or suspension period under subclause (a), the Presiding Member may either adjourn the meeting to some future time or date, or may extend the delay or suspension period for a further period up to 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of delay or suspension under subclause (b), the Presiding Member must adjourn the meeting to a later time on the same day or to another day.

3.2 Names to be recorded

At any meeting which is adjourned for want of a quorum, the names of the members then present must be recorded in the minutes.

Part 4 - Business of a meeting

4.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of Council other than that given in the notice of the meeting as the purpose of the meeting.

- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be given precedence at that meeting.
- (5) Where a committee meeting is adjourned to the next committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that -
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

4.2 Order of business

- (1) Unless otherwise decided, the order of business at any ordinary meeting of Council is to be as determined by the Presiding Member.
- (2) Unless otherwise decided, the order of business at any committee meeting is to be as determined by the Presiding Member.
- (3) Unless otherwise decided, the order of business at any special meeting of the Council is to be as determined by the Presiding Member.
- (4) Notwithstanding subclauses (1), (2) and (3), the CEO may include on the agenda of a Council or committee meeting, in an appropriate place within the order of business, any matter which the CEO considers is appropriate to be decided by that meeting.

4.3 Acknowledgement of Country

At every ordinary and special meeting of Council, the Presiding Member must ensure that there is an Acknowledgement of Country recognising the traditional owners of the land on which the meeting is being held, the Wadjak People of the Noongar Nation.

4.4 Announcements by the Presiding Member

Announcements by the Presiding Member or a person nominated by the Presiding Member must -

- (a) be limited to informing the meeting of official duties performed, or functions attended, by a member or employee, or of other matters of importance to the meeting, of which it has not previously been informed;
- (b) be as brief and concise as practicable; and
- (c) unless the meeting resolves otherwise, be completed within 10 minutes.

4.5 Notices of Motion

- (1) Unless the Act, Regulations or these Meeting Procedures otherwise provide, a member may move a motion at a Council meeting which must relate to the good governance of persons in the district, and of which notice has been given to the CEO under this clause.
- (2) A Notice of Motion under subclause (1) must -
 - (a) be in writing;
 - (b) be given at least 5 clear working days before the meeting at which the motion is moved;
 - (c) call for a further report to be submitted at an ordinary Council meeting no less than 15 clear working days after the meeting at which the motion is moved; and
 - (d) include a rationale as to how the Notice of Motion relates to the good governance of the district.
- (3) A Notice of Motion that does not comply with subclause (2)(c) may be approved by -
 - (a) the CEO in agreement with the Presiding Member in circumstances that have the same meaning as **“cases of extreme urgency or other special circumstances”** as defined in clause 4.6(1)(b); or
 - (b) Council in any circumstance.
- (4) The CEO -
 - (a) with the agreement of the Presiding Member, may rule a Notice of Motion out of order where it -
 - (i) is offensive or defamatory in nature;
 - (ii) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
 - (iii) is similar in intent or substance to a Notice of Motion or motion which has been previously raised or resolved;
 - (iv) relates to matters that are administrative or operational; or
 - (v) may breach these Meeting Procedures or any other law.
 - (b) may make minor corrections and amendments to the motion, without altering the intent or substance of the motion.
- (5) If a Notice of Motion is ruled out of order under subclause (4), the Mayor or CEO must provide the reason for its exclusion to the member who raised the motion as soon as practicable.

- (6) A member must not submit a Notice of Motion at a meeting dealing with a matter that is wholly or substantially outside of the member's Ward unless prior written agreement has been obtained from -
 - (a) one Ward member from the Ward to which the matter relates; and
 - (b) the remaining Ward member or the Presiding Member.
- (7) At the meeting at which the report required by the Notice of Motion is to be considered, the CEO may provide relevant material facts and circumstances including -
 - (a) strategic and risk implications;
 - (b) financial implications;
 - (c) sustainability implications; and
 - (d) policy and legal implications.
- (8) A Notice of Motion lapses unless -
 - (a) the member moves the motion and it is seconded;
 - (b) the member submits a written request to the Presiding Member prior to the meeting to defer consideration of the Notice of Motion to a specified later meeting and the Presiding Member consents to the deferral;
 - (c) the member who gave notice of it authorises another member in writing to move the Notice of Motion when called upon by the Presiding Member; or
 - (d) the Council or committee resolves to defer consideration of the motion to a later stage or date.
- (9) An amendment, to a motion of which notice has been given under this clause, must not be considered at a meeting unless -
 - (a) in the case of an amendment that is not a minor amendment, written notice of the amendment is received by the CEO no later than 12.00pm on the last working date preceding the day of the meeting at which the relevant motion is to be considered; or
 - (b) in the case of a minor amendment, the mover and seconder consent to the minor amendment.
- (10) The Presiding Member -
 - (a) may determine whether an amendment is a minor amendment; and
 - (b) must make that determination on the basis that a minor amendment is one which, in the Presiding Member's opinion, does not alter the basic intent of the primary motion.

4.6 New business of an urgent nature

- (1) In this clause, “**cases of extreme urgency or other special circumstances**” means matters -
 - (a) that have arisen after the preparation of the agenda that are of such importance and urgency that they cannot be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to -
 - (i) have a significant adverse effect (financially or otherwise) on the City or the community; or
 - (ii) result in a contravention of a written law.
- (2) In cases of extreme urgency or other special circumstances, the Presiding Member may rule to -
 - (a) raise a matter without notice; and
 - (b) enable Council to consider and decide on the matter.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting, the CEO is to give a verbal report to the meeting.
- (4) The minutes of the meeting must include -
 - (a) a summary of the verbal report and any recommendations of the CEO; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO.

4.7 Adoption by exception resolution

- (1) In this clause “**adoption by exception resolution**” means -
 - (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee recommendation, or if there is no committee recommendation, the employee recommendation, as the Council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee recommendation.
- (2) Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -
 - (a) in which a financial or proximity interest has been disclosed;
 - (b) on which a member wishes to make a statement; or

- (c) on which a member wishes to move a motion that is different to the recommendation.

4.8 Closure - time limits for Council or committee meetings

- (1) A meeting is to proceed for no longer than three hours after its commencement.
- (2) The Presiding Member may rule to extend a meeting three hours after its commencement.

Part 5 - Public participation

5.1 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) If a motion to close a meeting or part of a meeting to members of the public is carried -
 - (a) the Presiding Member is to direct everyone to leave the meeting except -
 - (i) members;
 - (ii) any City employee who is required to be in attendance or is specified in a resolution; and
 - (iii) any other person specified in a resolution.
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter or matters, the Council or the committee resolves to reopen the meeting.
- (3) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.
- (4) A resolution under this clause may be made without notice of the relevant motion.
- (5) Unless the Council or the committee resolves otherwise, once the meeting is reopened, and if any of members of the public return to the meeting, the Presiding Member must ensure that -
 - (a) any resolution of the Council or committee made while the meeting was closed is read out; and
 - (b) the vote of a member or members is recorded in the minutes.

5.2 Public Question Time

- (1) In this clause -

“question in advance” means a written question or questions submitted by members of the public to the City by 9:00am the day before the meeting; and

“question at the meeting” means all other questions submitted by members of the public prior to or at the meeting.

- (2) The Presiding Member is responsible for the conduct of Public Question Time.
- (3) A member of the public asking a question during Public Question Time must -
 - (a) first state their name and suburb;
 - (b) direct the question to the Presiding Member;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (4) Each member of the public who wishes to ask a question in advance is entitled to ask up to three questions before other members of the public will be invited to ask their questions.
- (5) Each member of the public who wishes to ask a question at the meeting is entitled to ask up to three questions before other members of the public will be invited to ask their questions.
- (6) Unless the Presiding Member rules otherwise, the priority order of Public Question Time is to be -
 - (a) a question in advance;
 - (b) a question at the meeting related to an agenda item;
 - (c) if time permits, a question at the meeting unrelated to an agenda item.
- (7) Nothing in these Meeting Procedures permits a person to ask both a question in advance and a question at the meeting unless the minimum time for public questions is not completed.
- (8) A question may be taken on notice for later response if -
 - (a) the Presiding Member or the CEO determines; or
 - (b) the question is unrelated to an agenda item.
- (9) When a question is taken on notice, the CEO must ensure that -
 - (a) a written response is provided to the person who asked the question; and
 - (b) a summary of the response is included in the minutes of the meeting or the agenda for the next meeting of the Council.

- (10) A question may be taken on notice if the person who gave prior written notice of it is not in attendance at the meeting.
- (11) Prior to the meeting a person may request that their question be read to the meeting by the Presiding Member or an employee.
- (12) A response to a question must -
 - (a) be brief and concise; and
 - (b) not be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the Presiding Member) the member may correct or clarify the matter.
- (13) The Presiding Member may decide that a question is not to be responded to where -
 - (a) the same or similar question was asked at a meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the Presiding Member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question -
 - (i) is offensive or defamatory in nature;
 - (ii) may compromise the integrity of the City;
 - (iii) may adversely reflect upon the City, members, City employees, stakeholders or relevant organisations;
 - (iv) requires a speculative answer;
 - (v) makes unsubstantiated claims or expression of opinions; or
 - (vi) may breach these Meeting Procedures or any other law.
- (14) The Presiding Member may rule to extend public question time.

5.3 Distinguished visitor

If a distinguished visitor is present at a meeting of the Council or a committee, the Presiding Member -

- (a) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; or
- (b) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.4 Deputations

- (1) A deputation may be made to a committee in accordance with this clause.
- (2) A person or group who wish to make a deputation to a committee must -
 - (a) apply in writing to the City on the form provided;
 - (b) state the agenda item that is to be the subject of the deputation; and
 - (c) state if the deputation is 'in favour' of, or 'opposed' to the report recommendation.
- (3) The CEO must refer to the Presiding Member a copy or summary of the application.
- (4) A deputation may be made for up to four minutes.
- (5) The Presiding Member may allow that period of four minutes to be shared between participants of the deputation and, in the absence of agreement, the Presiding Member must determine which participants are to address the committee and for how long within the total period of four minutes.
- (6) Any matter which is the subject of a deputation to the committee must not be decided by the committee until the deputation is completed.
- (7) Where a deputation is received by the committee, the participant must address the meeting through the Presiding Member.
- (8) The Presiding Member may change the order of business to bring forward any item of business that is the subject of a deputation at a committee meeting
- (9) Following a deputation, the Presiding Member may allow members to ask questions of the participant.
- (10) The Presiding Member may rule a question asked under subclause (9) out of order where it -
 - (a) is not relevant to the deputation or the report subject;
 - (b) is considered offensive or defamatory in nature;
 - (c) adversely reflects upon the City, members, City employees, stakeholders or relevant organisations;
 - (d) makes unsubstantiated claims or expressions of opinions
 - (e) requires a speculative answer; or
 - (f) may breach these Meeting Procedures or any other law.

5.5 Petitions

- (1) A petition may be submitted -
 - (a) online using the ePetition module on the City's website; or

- (b) in hard copy form.
- (2) A signatory to an ePetition submitted under subclause (1)(a) must -
 - (a) be made by an elector of the City;
 - (b) state their full name; and
 - (c) agree to the terms and conditions on the City's website.
- (3) A hard copy petition must -
 - (a) be addressed to the Mayor, a member or the CEO;
 - (b) be made by electors of the district;
 - (c) state the full request and a summary of the reasons for the petition on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (f) be respectful and temperate in its language; and
 - (g) comply with any form prescribed by the *Act* or any other written law.
- (4) A member must not table a petition dealing with a matter wholly or substantially outside of their Ward unless they have obtained the written agreement of -
 - (a) one Ward member from the Ward to which the matter relates; and
 - (b) the remaining Ward member or the Presiding Member.
- (5) On the presentation of a petition -
 - (a) the member is confined to reading a summary of the petition; and
 - (b) the only motion that is in order is that the petition be received and that it be referred to the CEO for the appropriate action.
- (6) At any meeting, the Council must not vote on any matter that is the subject of a petition presented to that meeting, unless -
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

5.6 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public in accordance with the Regulations must be -

- (a) identified in the agenda of a meeting under the item “Matters behind closed doors”; and
 - (b) marked “Confidential” in the agenda.
- (2) A member or an employee who has -
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out the member’s or employee’s duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information -
 - (a) at a closed meeting;
 - (b) in order to implement the decision of Council and subject to any conditions as Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.7 Recording of proceedings

- (1) Unless otherwise ruled by the Presiding Member -
 - (a) the CEO must ensure that an audio recording is taken of the proceedings of each meeting; and
 - (b) the CEO may also record and publish the proceedings of a meeting in any other way considered to be appropriate, including the audio or video broadcast of meetings.
- (2) Unless with the written authorisation of the Presiding Member, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.
- (3) The City is not liable to an action for defamation in relation to a matter published through or linked on its website as part of the broadcast, audio recording or video recording proceedings of a meeting.

5.8 Prevention of disturbance

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person must ensure that mobile telephones or electronic devices do not disrupt any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must -
 - (a) extend due courtesy and respect to the Council or committee and the processes under which it operates; and
 - (b) comply with any direction by the Presiding Member.
- (4) A person must not create a disturbance by interrupting or interfering with the orderly conduct of the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The Presiding Member may warn a person who fails to comply with this clause.
- (6) If -
 - (a) after being warned, the person again acts in a manner contrary to this clause, or to these Meeting Procedures; or
 - (b) a person refuses or fails to comply with a direction by the Presiding Member,the Presiding Member may expel the person from the meeting by ordering the person to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member, be removed from the meeting room and, if the Presiding Member rules, from the premises.

Part 6 - Questions by members**6.1 Questions on Notice**

- (1) A member who wishes to submit a Question on Notice at a meeting of the Council must give to the CEO written notice of the question at least five clear working days before the meeting.
- (2) With the agreement of the CEO, the Mayor may rule a Question on Notice out of order that -
 - (a) is considered offensive or defamatory in nature;
 - (b) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
 - (c) relates to matters that are administrative or operational;
 - (d) requires a speculative answer; or

- (e) may breach these Meeting Procedures or any other law.
- (3) A ruling made under subclause (2) may be overturned with the written agreement of a majority of members.
- (4) A Question on Notice that is not withdrawn or excluded under subclauses (1) or (2) must be included in the agenda of the meeting along with an answer from the CEO.
- (5) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the Presiding Member.

6.2 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a member may ask questions with the consent of the Presiding Member.
- (2) The Presiding Member may decide that a question is not to be responded to where -
 - (a) a response to the question has been previously provided; or
 - (b) it is in the form of a statement, provided that the Presiding Member has taken reasonable steps to assist the member to phrase the statement as a question.
- (3) The Presiding Member may rule a question out of order that -
 - (a) is considered offensive or defamatory in nature;
 - (b) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
 - (c) relates to matters that are administrative or operational;
 - (d) requires a speculative answer; or
 - (e) may breach these Meeting Procedures or any other law.

6.3 Restrictions on questions and answers

- (1) Questions asked by a member, and responses given must -
 - (a) be brief and concise;
 - (b) not be accompanied by expressions of opinion; and
 - (c) not be accompanied by any discussion or further question, except with the consent of the Presiding Member.
- (2) In answering any question, a member or an employee may qualify an answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend the original answer.

Part 7 - Conduct of members

7.1 Members to occupy own seats

- (1) At Council meetings, members must be seated in the order as determined by Council following each ordinary election.
- (2) At committee meetings, committee members must be seated in their designated positions.

7.2 Official titles to be used

A speaker, when speaking or referring to the Mayor or Deputy Mayor, or to a member employee, must use the title of that person's office.

7.3 Entering or leaving a meeting

- (1) A member must not enter or leave a meeting, or take or leave their seat, after the Presiding Member has put a motion to the meeting.
- (2) When permitted under subclause (1), a member may enter or leave a meeting by first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

- (1) A member who wishes to speak at a Council meeting -
 - (a) must indicate an intention to speak by raising their hand, or by any other method determined by the Presiding Member; and
 - (b) when invited by the Presiding Member to speak, and unless otherwise determined by the Council, must stand and address the meeting through the Presiding Member.
- (2) A member who is unable to stand may sit while speaking.

7.5 Priority of speaking

- (1) At a Council meeting, where two or more members indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is to be heard first.
- (2) At a committee meeting, the Presiding Member is first to invite committee members to speak followed, at the discretion of the Presiding Member, by other members and attendees.
- (3) A decision of the Presiding Member under this clause is not open to discussion or dissent.

7.6 The Presiding Member may take part in debate

- (1) Subject to compliance with procedures for the debate of motions contained in these Meeting Procedures, the Presiding Member may take part in a discussion of any matter before the meeting.

- (2) The Presiding Member must vacate the chair to move or second a motion in relation to any matter before the meeting.
- (3) In the absence of the Deputy Presiding Member another member elected by the meeting shall preside while the Presiding Member takes part in a discussion of which the Presiding Member has moved or seconded a motion.

7.7 Relevance

- (1) A member must restrict remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may –
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue doing so.
- (3) A member must comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

7.8 Duration of speeches

- (1) A member must not speak on any matter for more than five minutes without the consent of the Presiding Member which, if given, is to be given without discussion.
- (2) The Presiding Member may allow the member to speak for a further five minutes.
- (3) No member shall speak for more than 10 minutes without resolution of the Council by absolute majority.

7.9 Speaking twice

- (1) A member must not address the Council or a committee more than once on any motion or amendment except –
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order;
 - (c) to address a minor amendment to a substantive motion that has been adopted with the consent of the mover and the seconder; or
 - (d) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.10 No speaking after conclusion of debate

A member must not speak on any motion or amendment –

- (a) after the mover has replied; or

- (b) after the motion has been put.

7.11 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation; or
- (d) to move a procedural motion that the member be no longer heard.

7.12 No reopening of discussion

A member must not reopen a discussion on any Council or committee decision, including by raising a Notice of Motion for consideration at a future meeting, except to move that the decision be revoked or changed.

7.13 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed.
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member, employee or person;
 - (b) impute any motive to a member or employee; or
 - (c) use an expression that is offensive or objectionable.

7.14 Withdrawal of offensive language

A member who, in the opinion of the Presiding Member, has infringed clause 7.13 must withdraw a reflection, imputation or expression and, if required, make a satisfactory apology.

7.15 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Presiding Member an intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine observations to a succinct statement relating to the specific part of the speech at which the member may have been misunderstood.

7.16 No disturbance

A member must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, by conversing or by any other means.

Part 8 - Preserving order

8.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order and, whenever considered necessary, may call any member to order.
- (2) When the Presiding Member rises or speaks during a debate, any member then speaking, or indicating an intention to speak, is immediately to sit down and every member present must preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 7.6, but to preserve order.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of -
 - (a) any of these Meeting Procedures; or
 - (b) any other written law.
- (2) A point of order -
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.
- (3) A member who is addressing the Presiding Member must not be interrupted except on a point of order.
- (4) A member interrupted on a point of order must resume sitting until -
 - (a) the member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,and, if permitted, the member who has been interrupted may then proceed.

8.3 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order must not be the subject of debate or comment.
- (3) Unless a procedural motion of dissent is carried, the Presiding Member may rule that -
 - (a) any motion, amendment or other matter before the meeting that is out of order must not be considered further; and

- (b) if a statement or act by a member is out of order, the member makes an explanation, retraction or apology.

8.4 Continued breach of order

If a member -

- (a) persists in any conduct that the Presiding Member has ruled is out of order; or
- (b) fails or refuses to comply with a direction from the Presiding Member,

the Presiding Member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

8.5 Presiding Member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate must continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 9 - Debate of substantive motions

9.1 Substantive Motions to be stated and in writing

- (1) A member who wishes to move a substantive motion, or an amendment to a substantive motion -
 - (a) must state the substance of the motion before speaking to it; and
 - (b) must put the motion or amendment in writing if required to do so by the Presiding Member.
- (2) The written terms of the motion or amendment are to be recorded in the minutes.

9.2 Motions to be supported

A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

9.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Presiding Member may put the motion to the vote without debate.
- (3) If a member opposes a motion, the motion must be dealt with under this Part.

- (4) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

9.4 Only one substantive motion at a time

The Council or a committee must not -

- (a) accept a substantive motion while another substantive motion is being debated; and
- (b) consider more than one substantive motion at any time.

9.5 Complex motions

The Presiding Member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.6 Order of call in debate

The Presiding Member must call speakers to a substantive motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers against and for the motion; and
- (f) mover takes right of reply which closes debate.

9.7 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if the Presiding Member believes that sufficient discussion has taken place even though all members may not have spoken.

9.8 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.10 Amendments must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the substantive intent of the original motion.

9.11 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.12 Moving an amendment

A member may amend a motion by -

- (a) stating the amendment, and with the agreement of the mover and seconder of the original motion, the amendment becomes part of the substantive motion without the need to put the amendment in accordance with this Part; or
- (b) moving the amendment and having it considered and resolved in accordance with this Part.

9.13 Debate of amendment

In relation to a motion moved under clause 9.12(b) -

- (a) any member may participate in the debate of an amendment; and
- (b) following conclusion of debate of an amending motion, the amendment is to be put and decided by simple majority.

9.14 Effect of an amendment and debate on substantive motion

If an amendment to a motion is accepted then -

- (a) the motion as amended then becomes the substantive motion; and
- (b) any member may speak to the amended substantive motion and any further amendment may be moved.

9.15 Withdrawal of substantive motion and amendments

- (1) The Presiding Member may, without debate, accept the withdrawal of a substantive motion or amendment at the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no other opposition from any other member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of the reply may be exercised only -

- (a) where no amendment is moved to the substantive motion at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion at the conclusion of the discussion on the substantive motion and any amendments.
- (3) After the mover of the substantive motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply must be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, must immediately be put to the vote.

Part 10 - Procedural motions

10.1 Permissible procedural motions

- (1) In addition to the right to move an amendment to a substantive motion, a member may move any of the following procedural motions -
 - (a) that the meeting proceed to the next item of business;
 - (b) that the item be referred;
 - (c) that the meeting now adjourn;
 - (d) that the motion be now put;
 - (e) that the member be no longer heard;
 - (f) that the ruling of the Presiding Member be disagreed with; and
 - (g) that the meeting be closed to members of the public (see clause 5.1).
- (2) A procedural motion requires a seconder.
- (3) Prior to any procedural motion being put, the CEO may provide advice on any implications of the procedural motion.
- (4) The Presiding Member must put a procedural motion which is raised by asking if there is any dissent to the procedural motion.
- (5) If the Presiding Member rules there is no dissent then the procedural motion is carried.
- (6) If there is dissent to the procedural motion, the motion must immediately be put for decision by simple majority.

- (7) A ruling by the Presiding Member on a procedural motion -
- (a) must not be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting dissent from the ruling.

10.2 No debate

The mover of a motion stated in clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

10.5 Meeting to proceed to the next business

The motion “that the meeting proceed to the next item of business”, if carried has the effect that -

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the meeting moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

10.6 Item to be referred

Unless otherwise stated in the motion, a motion “that the item be referred” has the effect, if carried, of -

- (a) discontinuing debate of the item at the meeting; and
- (b) referring discussion of the item to the next meeting of the same type.

10.7 Meeting now adjourn

- (1) A member must not move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment, the Presiding Member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution under clause 4.7.

- (3) A motion “that the meeting now adjourn” -
 - (a) must state the time and date to which the meeting is adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the meeting determines otherwise.

10.8 Motion to be put

- (1) If the motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, the Presiding Member must offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the Presiding Member must put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if the speaker is the mover of the substantive motion.

10.10 Ruling of the Presiding Member be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 11 - Disclosure of interests

11.1 Separation of committee recommendations

Where, at a committee meeting, a member discloses a financial interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or the relevant part of the recommendation) from other recommendations of the committee.

Part 12 - Voting

12.1 Motion - when put

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Presiding Member -

- (a) must put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

12.2 Question – method of taking vote

In taking the vote on any motion, the Presiding Member -

- (a) must put the motion in the affirmative;
- (b) may, if necessary, put the motion in the negative;
- (c) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (d) must count and determine the votes of members in any way that enables a record to be taken of each member's vote; and
- (e) subject to this clause, must declare the result.

Part 13 - Minutes

13.1 Content of minutes

In addition to the matters required by the Regulations, the minutes of a meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision.

13.2 Confirmation of minutes

- (1) The CEO must publish -
 - (a) the unconfirmed minutes of each Council meeting - within 10 clear working days after the meeting; and
 - (b) the unconfirmed minutes of a committee meeting - within five clear working days after the meeting.
- (2) If a member is dissatisfied with the accuracy of the draft minutes, the member must provide to the CEO a written copy of the alternative wording to amend the draft minutes no later than three clear working days before the meeting where the minutes are to be confirmed.
- (3) At that meeting, the member who provided the alternative wording must, at the time for confirmation of minutes -
 - (a) state the item or items with which the member is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

Part 14 - Implementing decisions

14.1 Meaning of terms

In this Part -

"**authorisation**" means a licence, permit, approval or other means of authorising a person to do anything;

"**implement**", in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

"**valid notice of revocation motion**" means a notice of a motion to revoke or change a decision that -

- (a) complies with the requirements of the *Act*, Regulations and these Meeting Procedures and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

14.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee must not consider a motion to revoke or change a decision -
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 14.3 to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the City to the applicant; or
 - (c) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

14.3 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting must not be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.

- (3) A decision made at a meeting must not be implemented by the CEO or any other person -
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO must ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 15 - Suspension and non-application of Meeting Procedures

15.1 Suspension of Meeting Procedures

- (1) A member may, at any time, move that the operation of one or more of the clauses of these Meeting Procedures be suspended.
- (2) A member moving a motion under subclause (1) may identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) If the member moving the motion under subclause (1) does not identify the clause or clauses to be suspended, a motion under subclause (1) has the effect of suspending clauses 7.4(1)(b), 7.8, 7.9, and 9.6.
- (4) A motion under subclause (1) which is carried suspends the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

15.2 Where Meeting Procedures do not apply

- (1) In situations where -
 - (a) these Meeting Procedures have been suspended; or
 - (b) a matter is not regulated by the *Act*, the Regulations or these Meeting Procedures,the Presiding Member must rule on questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.11.

Part 16 - Committees

16.1 Establishment and appointment of committees

- (1) A Council resolution to establish a committee in accordance with the *Act* is to include -
 - (a) the terms of reference or functions of the committee;
 - (b) either -
 - (i) the names or titles of the members, City employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, City employees and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee in accordance with the *Act*.

16.2 Meeting Procedures to apply

These Meeting Procedures apply generally to committees except for clause 7.4, in respect of the requirement to stand when speaking.

16.3 Participation at committee meetings

- (1) In this clause a reference to a “person” is to a person who -
 - (a) is entitled to attend a committee meeting under sub-clause (2);
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) A person who is not a committee member or deputy of a committee member may attend a meeting as an observer but is to sit in an area set aside by the CEO for observers separated from the committee members.
- (3) A person may participate in the committee meeting with the consent of the Presiding Member including asking questions and speaking.
- (4) A person may address the committee for up to three minutes with the consent of the Presiding Member.
- (5) A person addressing the committee with the consent of the Presiding Member must cease that address immediately after being directed to do so by the Presiding Member.
- (6) A person must not move or second any motion, raise a point of order or vote.
- (7) A person must disclose any interests they may have in any item considered at a meeting as if they were member of a committee.

- (8) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (9) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

16.4 Questions without debate

- (1) Prior to a motion being moved, the Presiding Member may ask for questions without debate.
- (2) Any member, followed by any other persons, may ask a question without debate or discussion.

16.5 Committee to report

A committee -

- (a) is answerable to the Council;
- (b) must report on its activities when, and to the extent, required by the Council; and
- (c) must prepare and submit to the Council a report containing recommendations.

16.6 Presentation of committee reports

- (1) A committee recommendation to Council must be moved -
 - (a) by the person who presided at the meeting of the committee; or
 - (b) if the person who presided at the meeting of the committee is not a Council member or is absent – by a member of the committee who was present at the committee meeting and is also a Council member; or
 - (c) otherwise - by a Council member who is not a member of the committee.
- (2) Notwithstanding subclause (1), with the consent of both the Presiding Member of Council and the Presiding Member of the committee at which the committee recommendation was made, a member may move an alternative motion to that which was recommended by the committee.

16.7 Reports of committees - questions

Where a recommendation of a committee is submitted for adoption by the Council, any Council member may ask questions directly relating to the recommendation, through the Presiding Member, to the Presiding Member of the committee or to any member of the committee in attendance.

16.8 Permissible motions on committee recommendations

A recommendation made by a committee may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion; or
- (c) amended, and adopted as amended, by the Council.

Part 17 - Meeting of electors

17.1 Electors' meetings

In exercising discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Meeting Procedures.

17.2 Participation of non-electors

A person who is not an elector or ratepayer of the City must not take part in any discussion at an electors' meeting unless permitted by the Presiding Member.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of these Meeting Procedures commits an offence.

Penalty – as listed in the First Schedule or if not otherwise provided: \$5,000, and a daily penalty of \$500 if the offence continues.

Part 19 - Common Seal

19.1 Custody of the Common Seal

The CEO is to have charge of the common seal of the City and is responsible for the safe custody and proper use of it.

FIRST SCHEDULE - PENALTIES

Item No.	Clause No.	Nature of offence	Maximum penalty \$
1	5.6(2)	Disclosure of confidential information under clause 5.6(1) or;- disclosure of information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public to any person other than another member or an employee to the extent necessary for the purpose of carrying out the member's or employee's duties.	\$5000
2	5.8(3)	Failure to extend due courtesy and respect to the Council or committee and the processes under which it operates and to comply with any direction by the Presiding Member	\$1000
3	5.8(4)	Creating disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.	\$1000
4	7.13(2)	Reflecting adversely on the character or actions of another member or employee; imputing any motive to a member or employee; or using an expression that is offensive or objectionable.	\$1000
5	7.16	A member present at a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, by conversing or by any other means.	\$1000
6	8.1(2)	When the Presiding Member rises or speaks during a debate, any member then speaking, or indicating an intention to speak, is immediately to sit down and every member present must preserve strict silence so that the Presiding Member may be heard without interruption.	\$500

Dated [date]

The Common Seal of the City of Stirling)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
MARK IRWIN
MAYOR

.....
STUART JARDINE
CHIEF EXECUTIVE OFFICER

DRAFT

City of Stirling Meeting Procedures Local Law 2021

Explanatory Memorandum

Theme 1

Allowing minor matters to be ruled by Presiding Member to improve meeting efficiency (subject to Council resolving otherwise)

	Current Clause	New Clause	Rationale
1.	CI 5.7(12) Council or Committee may rule to extend Public Question Time.	CI 5.7(14) Presiding Member may rule to extend Public Question Time.	Remove need for repetitive resolutions to reduce meeting length.
2.	CI 4.8 Council or Committee to decide to continue a meeting for up to one hour at a time, three hours after the meeting's commencement.	CI 4.8 Presiding Member may rule to extend a meeting three hours after its commencement; no limitation on length of extension.	Remove need for resolution to improve efficiency. Allows PM the discretion to extend the meeting for longer than an hour at a time, if necessary.
3.	CI 4.2 Order of business to be as listed unless decided by Council or committee	CI 4.2 Presiding Member to determine order of business.	Allows PM to conveniently reorder business as required. Agenda of meeting to determine the matters to be discussed at the meeting.
4.	CI 4.6 Any urgent business to be discussed decided by the meeting.	CI 4.6 Any urgent business to be discussed is to be determined by the Presiding Member.	Allows PM to conveniently allow any urgent business without a resolution of the meeting.
5.	CI 7.9 Extension of member speaking time to be decided by resolution	CI 7.8 Presiding Member may rule to extend member speaking time once. A second extension requires absolute majority resolution.	Allows PM to conveniently extend member speaking time.

Theme 2
Allowing for Digital Democracy

	Current Clause	New Clause	Rationale
1.	CI 5.7(1) Requirement for person participating in Public Question Time to state full address.	CI 5.2(3) Requirement for person participating in Public Question Time to state suburb only.	Protects personal information of members of the public during the broadcast of meetings.
2.	N/A	CI 5.7(1)(a) Provision for the broadcast of meetings. Presiding Member may rule not to broadcast a meeting.	Provides for greater community engagement; greater accessibility to view Council meetings; greater understanding of Council and committee functions.
3.	N/A	CI 5.7(3) City not liable to an action for defamation in relation to a matter published through the City's website or by linking it as part of the broadcast of meeting proceedings.	City is protected against defamation where a link to a broadcast is placed on the City's website.
4.	CI 5.10 Provision for hard copy petitions.	CI 5.5(1) Provision for submission of hard copy petitions and ePetitions	Consistent with current practice; provision for greater number of valid petitions.

Theme 3

Aligning Meeting Procedures with current practice

	Current Clause	New Clause	Rationale
1.	N/A	Acknowledgement of Country to occur at Council meetings	Community expectation; Council's strong support of the Reconciliation Action Plan; in line with 2.2.1 of the City's adopted Reconciliation Action Plan.
2.	CI 4.4 Announcements by the Presiding Member	CI 4.4 Provision for someone other than the Presiding Member to make an announcement (if nominated by the PM).	Consistent with current practice.
3.	CI 5.9 A depute must provide details of the subject matter of the deputation so that the purpose of it is understood.	CI 5.4(2) A depute is required to state the item number they are intending to present on, and whether they are 'in favour' or 'opposed' to the report recommendation.	Consistent with current practice – details of deputation not required.
4.	N/A	CI 5.4(9)-(10) (9) Provision for the asking of questions by committee members and non-committee members following a deputation. (10) Provision for PM to rule a question out of order.	(9) Consistent with current practice. (10) Mechanism for PM to administer the conduct of questions.

5.	<p>CI 9.13</p> <p>An amendment to a substantive motion must be moved and seconded, and then voted on. If carried, the amendment forms part of the substantive motion.</p>	<p>CI 9.12</p> <p>Alternatively, a mover and seconder of a motion may agree to an amendment of the motion without the need to vote on the amendment. The amendment then forms part of the substantive motion.</p> <p>The option to move and second a motion, and then vote on it, is still retained if the mover and seconder do not agree to the amendment.</p>	<p>Consistent with current practice.</p>
6.	<p>CI 16.12</p> <p>The Presiding Member of the Committee is to move the Committee recommendation</p>	<p>CI 16.6</p> <p>With the consent of the Presiding Member of Council and the Presiding Member of the Committee, a member may move an alternative to the Committee recommendation.</p>	<p>Consistent with current practice of moving alternatives to the Committee recommendation.</p>

Theme 4**Improve Grammar and Language**

- Language updated to ensure consistency in wording, formatting and terminology.
- Normal, everyday language has replaced ambiguous language where possible.
- Grammar updated to improve readability.

Theme 5**Simplifying**

- Removal of definitions that are dealt with in the Act or Administration Regulations e.g. removal of definition of 'Mayor'.
- Removal of clauses where the subject matter is dealt with in the Act or the Administration Regulations e.g. removal of clauses dealing with calling a Council meeting or election of Presiding Member at committees.
- Removal of unnecessary references to the Act and Administration Regulations where possible.
- Removing the requirement to withdraw an item that require an Absolute Majority decision so that they may be dealt with 'en bloc'.
- Commencement date – these Procedures are intended to come into force the day after the 2021 LG elections to allow for the smooth transition from the current Meeting Procedures.

Other Significant Changes

	Current Clause	New Clause	Rationale
1.	N/A	CI 1.3(3)(a) Additional intention for meeting procedures – greater public access to the City's decision making process.	Provides greater guidance when interpreting the Meeting Procedures.
2.	4.6(1) Defines that a case of extreme urgency or other special circumstances is one which has arisen after the preparation of agenda; cannot be dealt with administratively; must be considered prior to the next meeting; and if not considered, will have an adverse effect on the City, or will likely break a law.	4.6(1) Updated definition to include a matter that will likely have a significant impact on the community.	The welfare of members of the public can be a consideration when determining whether a matter needs to be considered urgently.
3.	4.7(3)(c) An exception resolution cannot be used for a matter that has been the subject of a petition.	Delete Clause.	Deleting this clause allows matters the subject of a petition to be adopted by exception resolution. This improves meeting efficiency. An Elected Member is not prohibited from requesting that the item be discussed and voted on.
4.	CI 5.9 (4)(a)(b) Deputations are for a period of up to three minutes; the three minutes can be shared by two to three people, at the Presiding Member's discretion.	CI 5.4 (4)-(5) (4) Deputations are for a period of up to four minutes. (5) The number of participants who may share the four minutes is at the Presiding Member's discretion.	(4) Increased deputation time may allow the deputation to be more detailed. (5) Provides Presiding Member the discretion to more efficiently and fairly manage the deputation process between participants.

5.	N/A	<p>CI 5.5 (4)</p> <p>Members cannot table a petition about a matter wholly or substantially outside their own Ward unless written agreement from:-</p> <ul style="list-style-type: none"> • One of the Ward members to which the matter relates; and • the remaining Ward member or the Presiding Member. 	Ensures members have discussed a matter not related to their Ward with a member from that Ward to ensure they are aware of it.
6.	<p>CI 6.1 (1)-(2)</p> <p>(1) Questions on Notice to be submitted 'at least four clear working days' prior to a Council meeting.</p> <p>(2) Outlines reasons why a QON may be ruled out of order.</p>	<p>CI 6.1 (1)-(2)</p> <p>(1) Questions on Notice to be submitted 'at least five clear working days' prior to a Council meeting.</p> <p>(2) Refines reasons for QON to be ruled out of order.</p>	<p>(1) Ensures officers can research the questions with sufficient time for inclusion in the Agenda.</p> <p>(2) Provides clarity as to why a QON may be ruled out of order.</p>
7.	N/A	<p>CI 6.2 (2) (3)</p> <p>Outlines the process for Questions During Debate that are ruled out of order by the Presiding Member.</p>	Consistent with current practice and provides a mechanism for PM to administer the conduct of questions.
8.	<p>CI 10.6</p> <p>Procedural motion to refer an item.</p>	<p>CI 10.6</p> <p>Provision for a Short Form procedural motion. A motion to "refer" an item means to refer the item to the next meeting of the same type, unless otherwise stated in the motion e.g. CRC to CRC or Council to Council unless otherwise stated.</p>	Short form motion included to improve meeting efficiency and provide clarity as to what meeting the item will be next considered.

9.	<p>CI 15.1 (1)</p> <p>A member may move to suspend standing orders.</p>	<p>CI 15.1(3)</p> <p>Provision for short form procedural motion so that where the clauses to be suspended are not identified in the motion, only clauses 7.4(1)(b) (standing whilst talking), 7.8 (duration of speeches), 7.9 (speaking twice) and) 9.6 (order of call in debate) are suspended.</p>	<p>Provides clarity to the expected conduct of a meeting when the Meeting Procedures are suspended.</p>
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Public Question Time**Current clause (cl 5.7) -**

Members of the public can ask up to three questions; questions can be submitted prior to meeting; questions taken on notice to be provided in the Agenda of the next meeting.

New clause (cl 5.2) -

Two types of questions are proposed – ‘questions in advance’ and ‘questions at the meeting’. Questions in advance are defined as questions submitted prior to 9.00am the day before the meeting. Questions at the meeting are defined to be all other questions asked after 9.00am the day before the meeting.

A person submitting questions in advance and questions at the meeting can ask up to three questions. A person may not submit both questions in advance and questions at the meeting.

Questions taken on notice can be responded to either in the minutes of the meeting, or the Agenda of the next meeting as per the current practice.

Questions in advance will be given priority order in Public Question Time, followed by questions at the meeting related to an Agenda item and not related to an Agenda item. A question at the meeting that does not relate to an Agenda item may not be asked unless the minimum time for public questions has not been met (15 minutes), or the Presiding Member extends Public Question Time.

The instances where a question may be ruled out of order have been updated.

Rationale for change -

The new provisions encourage questions to be submitted well in advance of the meeting. Officers will have more time to prepare responses, as questions submitted in advance will be forwarded to officers soon after 9.00am the Monday before a meeting. These provisions are likely to result in fewer questions taken on notice.

In line with current practice, responses to questions taken on notice can be provided in the minutes of the meeting, or the Agenda of the next meeting.

The priority order has been updated to encourage questions that don't relate to an Agenda item to be asked in advance, or at a future meeting where the item is to be discussed by Council.

The instances where a question may be ruled out of order have been updated to provide consistency across other discretionary matters.

Notices of Motion (NOM)**Current clause (cl 4.5) -**

An Elected Member is required to give at least five days' notice of a motion. Officers are required to write a report for inclusion in the Agenda. Depending on the complexity of the motion, and the often short time frames, a further report is frequently required to deal with the matter in more detail.

Mayoral and CEO approval is required. If the NOM is not approved, the Mayor is to advise the CEO who is to notify all members of its non-approval.

New clause (cl 4.5) -

The five day timeframe to submit a NOM prior for a meeting will remain the same. The NOM must call for a further report to be presented to Council no less than 15 clear working days after the meeting. The report will be considered by Council as per the normal process. Where a matter is extremely urgent, or other special circumstances exist, as defined in clause 4.6(1)(b), the CEO and Presiding Member may approve that a report be presented on the matter at an earlier date, or some other action be taken. Matters that are extremely urgent or where other special circumstances apply are those that, if not dealt with at the meeting, are likely to have a significant adverse effect (financially or otherwise) on the City or community, or will result in the contravention of a written law. Alternatively, Council may approve a NOM that does not comply with the timeframe, or call for report request in any circumstance.

Either the Mayor or CEO can advise the member who submitted the NOM of its exclusion.

A member may not submit a NOM dealing with a matter that is wholly or substantially outside of their ward unless they have obtained the prior written agreement of:-

- A Ward Councillor to which the matter relates; and
- The remaining Ward Councillor or the Presiding Member.

The instances where a NOM may be ruled out of order have been updated to provide consistency across other discretionary matters that may be ruled upon by a Presiding Member.

Rationale for change -

A further report in response to a NOM will provide City Officers additional time to consider the request of the NOM; provide a report on the matter; and form a recommendation for consideration by Elected Members.

In the case of an Elected Member intending to raise a NOM that relates to a matter wholly or substantially outside of their Ward, obtaining the written agreement from the Presiding Member or a Ward member to which the matter relates ensures the relevant Ward members are informed of the NOM.

13.2 CITY OF STIRLING INTEGRITY STRATEGY AND INTEGRITY AND MISCONDUCT MANAGEMENT PRACTICE

This item was REFERRED to the Council meeting to be held 30 March 2021 at the Council meeting held 16 March 2021 to allow further information to be provided to Elected Members.

Additional information has been included at the end of the report.

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager Governance
Business Unit:	Governance
Ward:	Not Applicable
Suburb:	Not Applicable

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Moved Councillor Sandri, seconded Councillor Proud

1. That Council **ADOPTS** the amended City of Stirling Integrity Strategy.
2. That Council **RECEIVES** the City of Stirling Integrity and Misconduct Management Practice.

It was suggested that the words 'with the inclusion of a definition of confidentiality as contained in the relevant legislation' be **ADDED** after the word 'Strategy' in Recommendation 1.

With the agreement of the mover and seconder, the Recommendation was reworded as follows:-

Council Resolution

0421/011

Moved Councillor Sandri, seconded Councillor Proud

1. That Council **ADOPTS** the amended City of Stirling Integrity Strategy with the inclusion of a definition of confidentiality as contained in the relevant legislation.
2. That Council **RECEIVES** the City of Stirling Integrity and Misconduct Management Practice.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Recommendation

1. That Council **ADOPTS** the amended City of Stirling Integrity Strategy.
2. That Council **RECEIVES** the City of Stirling Integrity and Misconduct Management Practice.

Report Purpose

For Council to consider and adopt the amended City of Stirling Integrity Strategy and receive the City of Stirling Integrity and Misconduct Management Practice.

Relevant Documents

Attachments

Attachment 1 - City of Stirling Integrity Strategy (previously circulated to Elected Members)*

Attachment 2 - Integrity and Misconduct Management Practice (previously circulated to Elected Members)*

Attachment 3 - City of Stirling Misconduct Control Management Practice [↓](#)

Attachment 4 - City of Stirling Misconduct Investigations Management Practice [↓](#)

Attachment 5 - Cash Discrepancies Management Practice [↓](#)

Attachment 6 - City of Stirling Integrity Strategy (Amended 27 April 2021) [↓](#)

Attachment 7 - Integrity and Misconduct Management Practice (Amended 27 April 2021) [↓](#)

Available for viewing at meeting

Nil

** (Please note that Attachments 1 and 2 can be viewed on the City's website as part of Item 12.1/CGI in the Council Minutes of 16 March 2021.)*

Background

At its meeting held 25 February 2020, Council resolved (Council Resolution Number 0220/049) as follows:-

- "1. That Council ADOPTS the amended City of Stirling Integrity Strategy with the following amendment:-*
 - a. On page 1, under the heading titled 'Review', insert the following new paragraph at the end of the section:-*

"The City is to present to the Audit Committee once each year a report including an update on the City's Integrity Strategy, the Snapshot Tool and Action Plan."
- 2. That a comprehensive review be UNDERTAKEN of the City's Misconduct Control Management Practice and the City's Misconduct Investigations Management practice to ensure:-*
 - a. That the process for reporting and being kept informed are clear; and*
 - b. That all employees are encouraged to participate in education and training initiatives by December 2020.*
- 3. That the review of the City's Misconduct Control Management Practice and the City's Misconduct Investigations Management Practice be LISTED on the Management Action Plan for Audit Committee review."*

Comment

The City has adopted the WA Government Integrity Strategy (Appendix 1 in Attachment 1) in developing the City of Stirling Integrity Strategy (Integrity Strategy). The City used the Integrity Snapshot Tool to assess its approach to integrity and identify areas of improvement.

The City has progressed with the roll out of various initiatives to embed and improve integrity since the implementation of the Integrity Strategy.

The City of Stirling was featured in the Public Sector Commission's Integrity Bulletin, highlighting the City's commitment in embedding the Integrity Strategy.

On 9 December 2020, in line with the International Anti-Corruption Day, and following from the '*Tempted*' theme in 2019, the City extended the campaign under the title '*Small Temptations*'. The campaign addressed the small temptations that public officers encounter at work that may be misconduct. All employees were invited to a Good Governance Forum titled '*Mistake or Misconduct? When a blunder is more than just a teachable moment*'. A campaign postcard and a 'small temptation' were distributed to 600 City employees and sent to the Public Sector Commissioner and the Crime and Corruption Commissioner.

A comprehensive review has been conducted of the City of Stirling Misconduct Control, Misconduct Investigation and Cash Discrepancies Management Practices. The Misconduct Control and Misconduct Investigations Management Practices have been amalgamated and aligned with the City of Stirling Integrity Strategy and renamed the Integrity and Misconduct Management Practice (IMMP).

The process for the reporting of misconduct is detailed in the IMMP, including the auditing of reports by the Service Lead Compliance, Risk and Information Management to minimise the risk of suppression of any misconduct reports.

The elements in the Cash Discrepancies Management Practice will be incorporated and captured within the City's procedures.

The implementation of a central database for recording reports will be further investigated upon the endorsement of the IMMP.

The Local Government (Administration) Amendment Regulations 2021, Local Government (Model Code of Conduct) Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 were gazetted on 2 February 2021. The City will assess the amendments and review its Code of Conduct accordingly to comply with the amended Regulations.

The City has a clearly defined behaviour, with specific behaviours relating to integrity required to be addressed in each Performance Review. As a result, the action on introducing a Key Performance Indicator is unnecessary.

Timing of the review of the City's operational risk register has been delayed to align with the City's Strategic Planning Process and review of Business Unit Service Plans.

The Integrity Strategy Action Plan has been updated to inform the area of focus and actions to be taken to strengthen and embed a positive culture and lift capabilities to mitigate misconduct.

Consultation/Communication Implications

Consultations were held with the Executive Team, Business Unit Managers and the Corporate Risk Management Group.

The Integrity Strategy and Integrity and Misconduct Management Practice were endorsed by the Executive Team at its meeting held 27 January 2021.

Policy and Legislative Implications

The review of all City policies and management practices is undertaken bi-annually.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G1: Good governance

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Nil.	

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

The Integrity Strategy demonstrates the City's commitment to embed and improve integrity, and to ensure appropriate and effective systems and processes are established to meet the City's expectations to mitigate misconduct.

Additional Information – 27 April 2021

Initial feedback was received from an Elected Member on the draft Strategy and Management Practice at a meeting held 24 March 2021.

Further feedback was sought from Elected Members on the amended documents through a memo on 29 March 2021. Elected Members suggested insightful and positive changes that will improve both the Strategy and Management Practice.

Amendments to the documents are as follows:-

City of Stirling Integrity Strategy

- Preliminary introduction under Commitment to Integrity, expanded to include that *“...City’s approach to ensuring that it not only acts with integrity, honesty and transparency; but is seen doing so by making reasoned decisions without bias by following fair and objective processes”*.
- Numbering of all bullet points in the document.
- Paragraph 4: Reporting of Misconduct:-
 - Point 1: Inclusion of misconduct investigations being conducted confidentially.
 - Point 2: To reinstate reference to notifying the Chief Executive Officer via email.
 - Point 3: Inclusion of the following statement relating to employees making appropriate disclosures are protected from reprisal when reporting misconduct - *“as the City will endeavour to do regardless of whether reported under the PID Act or not”*.
- Paragraph 5: Dealing with Misconduct:-
 - Point 5: Inclusion of *“protect the complainant from reprisal.”*
 - Insertion of an extra point – *“Ensure vexatious claims are not enforced.”*
 - Reference to the term “Diagram” updated to “Flowchart.”
- Flowchart 1: Misconduct Investigations Process:-
 - Inclusion of Public Interest Disclosure within sources of “Receipt of alleged misconduct complaint.”
 - Inclusion of contractors under description of external parties.
 - Inclusion of the Mayor/Deputy Mayor under Initial Assessment and Serious breach referred to the Department.

Integrity and Misconduct Management Practice

- Reference to Worksafe included under “Report to external agencies.”



Misconduct Control Management Practice

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Human Resources
Responsible Officer	Manager Human Resources
Affected Business Unit/s	All

Objective

The objective of the Misconduct Control Management Practice is to reinforce the City of Stirling's (the City) zero-tolerance to Misconduct and its commitment to maintaining an organisational culture which will ensure that effective misconduct control is an integral part of all City activities.

Scope

This management practice applies to all City employees, volunteers, contractors and suppliers' working for the City as misconduct control is the responsibility of everyone employed by or associated with the City.

Management practice

Principles

- The City operates in an environment in which ethical conduct is expected, encouraged and supported, and the City has zero tolerance for any aspect of misconduct.
- Officers of the City are placed in a position of trust and are required to maintain and enhance public confidence and integrity of the City in all aspects of their role.
- All employees are accountable for, and have a role to play in, misconduct control. The City encourages all employees to report suspected misconduct which will allow the City to investigate thoroughly and take appropriate action to minimise and/or eliminate the misconduct
- The City will investigate and manage all reported cases of misconduct in accordance with the City's Employee Discipline Management Practice and in line with applicable legislative requirements.
- The City will ensure that it has effective operational controls and procedures/management practices in place to prevent, detect, report and investigate incidents of misconduct in accordance with the Australian Standard 8001-2008 Fraud and Corruption Control, as detailed in the City's Misconduct Control Plan (available on the Misconduct Awareness Sharepoint) and ensure that employees are trained in and aware of their ethical and legal responsibilities.

Definitions

Misconduct

The term "misconduct" has a particular and specific meaning as defined in the *Corruption Crime and Misconduct Act 2003* (CCM Act) and it is that meaning which the Commission must apply.

4. Term used: misconduct

Misconduct occurs if—

(a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or

(b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or

(c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or

(d) a public officer engages in conduct that—

(i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or

(ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or

(iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or

(iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person, and constitutes or could constitute —

[(v) deleted]

(vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the Public Sector Management Act 1994 (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

Relevant policies/documents

Misconduct Control Plan
 Misconduct Investigations Management Practice
 Employee Discipline Management Practice
 Code of Conduct

Legislation/local law requirements

Corruption, Crime and Misconduct 2003

Office use only			
Relevant delegations	Not Applicable		
Initial Executive endorsement	Date	6 August 2012	Author Manager Human Resources
Last reviewed	Date	2 June 2020	Officer Coordinator Employee Relations
Next review due	Date	2021	



Misconduct Investigations Management Practice

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Human Resources
Responsible Officer	Manager Human Resources
Affected Business Unit/s	All

Objective

The objective of this management practice is to set out the processes to be followed when suspected acts of misconduct are investigated at the City of Stirling (the City) and ensure consistency is applied when dealing with misconduct.

Scope

This management practice applies to all complaints or allegations of misconduct by City employees, volunteers, contractors, and suppliers.

Management practice

Reporting misconduct within the City:

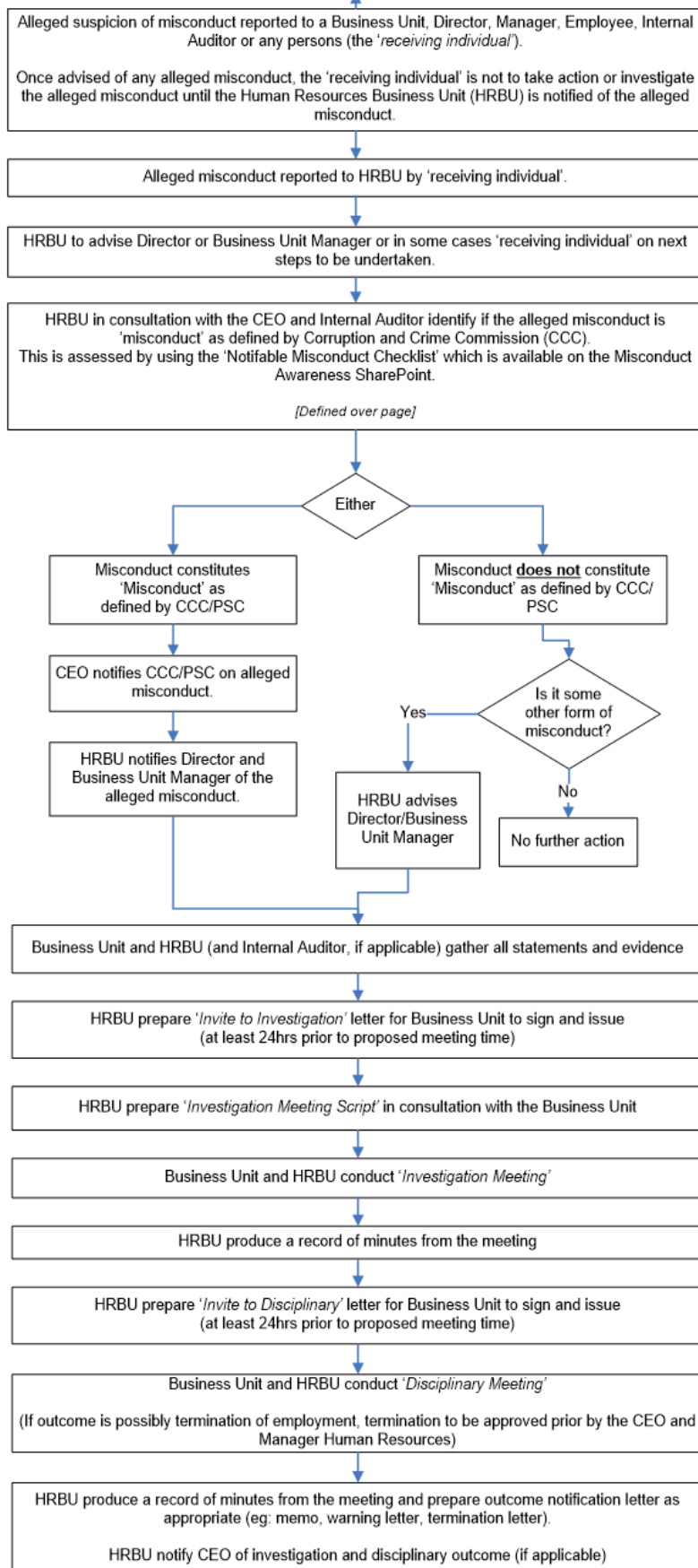
Employees are encouraged to report any instances they are aware of involving misconduct. There are several options for reporting incidents of misconduct:

- Report to the relevant Director or Business Unit Manager.
- Notify the Internal Auditor – Contact the Internal Auditor on 9205 8506 or email at auditor@stirling.wa.gov.au.
- Make a Public Interest Disclosure (PID) – a PID is made when a person discloses to a proper authority information that tends to show past, present or proposed future improper conduct by a public body in the exercise of public functions. The City's PID officer is:
 - Coordinator Learning and Development – Ursula Wright – 9205 8959
- Call the Misconduct Hotline on 9205 8990 – an anonymous complaint may be made to the 'Hotline', or the caller may leave contact details in which case the caller will be advised of the outcome of the investigation, subject to the requirements of the Corruption and Crime Commission, Public Sector Commission and any other relevant investigatory body. The identity of the caller will remain confidential.
- Notify the Chief Executive Officer (CEO) in writing – you may write confidentially to the Chief Executive Officer and post your letter (marked 'private and confidential' and addressed directly to the Chief Executive Officer) to 25 Cedric Street, Stirling.
- Report to external agencies – depending on its nature complaints may be made to external agencies such as the Ombudsman, Corruption and Crime Commission, Public Sector Commission, and the Department of Local Government and Communities.

Identifying misconduct as defined by Corruption and Crime Commission (CCC) / Public Sector Commission (PSC):

- From 1 July 2015, the *Corruption, Crime and Misconduct Act 2003* (CCM Act) made the PSC responsible for the oversight of minor misconduct of public officers. The CCC retains responsibility for the oversight of serious misconduct and corruption. From 1 July 2015, the City must notify the PSC of all reasonable suspicions of minor misconduct and the CCC of all reasonable suspicions of serious misconduct.
- In consultation with the CEO and Internal Auditor, the Manager Human Resources will identify whether the suspicion of misconduct constitutes serious or minor misconduct as defined by the CCM Act.
- If the suspicion of misconduct is reasonably defined as misconduct by the CCC/PSC, the CEO will notify the CCC/PSC of the alleged misconduct and the CCC/PSC may decide at this stage to conduct their own investigation into the alleged misconduct.
- If the suspicion of misconduct does not fall with the definition of misconduct as defined by CCC/PSC, the Manager Human Resources will review and determine whether the suspicion is another form of misconduct. If this is the case, the Employee Relations team in line with the Business Unit Manager will conduct a formal investigation in accordance with the City's Employee Discipline Management Practice.

GUIDE TO BE UNDERTAKEN IN REPORTING ANY ALLEGED MISCONDUCT INVOLVING AN EMPLOYEE



Investigating alleged misconduct within the City:

- The majority of allegations regarding misconduct will be investigated by Human Resources together with the relevant Business Unit and/or Internal Auditor, if applicable. In certain circumstances, external investigators may be used where appropriate.
- The City's investigations into misconduct may run parallel to a CCC/PSC investigation where applicable.
- The City will follow the Employee Discipline Management Practice with regards to conducting investigations and/or disciplinary matters involving City employees.
- If the complainant making the allegation raises the allegation as a public interest disclosure, the Public Interest Disclosure Management Practice will be referred to and the PID guidelines as set by the Public Sector Commission will be followed. The City's Employee Discipline Management Practice may also be followed.

Reporting and recommendations:

- Reports on any investigation into misconduct will be prepared by Human Resources after gathering the applicable evidence and statements. Reports generated from an investigation may include:
 - An assessment as to whether the subject of the allegation has a prima facie case to answer;
 - A recommendation as to whether or not the matter needs to be referred to an external agency (other than the reporting requirements to the CCC/PSC above) and if so what action the City must take;
 - Recommendations as to improvement in controls and processes that need to be implemented.
- Human Resources may forward reporting and any recommendations to the CEO, Director or Business Unit Manager where appropriate.
- If a recommendation is to proceed with further investigation, the process outlined in the Employee Discipline Management Practice will be followed.

Responsibility of employee making allegation:

- It is important that the employee raising an allegation (the complainant) keeps the information confidential.
- The complainant will be informed and kept up to date on the investigative process, however the outcome of the City's investigation and any actions taken with regards to City employees will remain confidential between the parties involved. Complainants need to be aware of their rights and responsibilities when making a Public Interest Disclosure and should refer to the Public Interest Disclosure Management Practice for further information.
- Complainants who make malicious or vexatious allegations outside of a Public Interest Disclosure, may also be subject to the City's Employee Discipline process as outlined in the Employee Discipline Management Practice.

Definitions**Public interest disclosure:**

A disclosure to a proper authority about information that tends to show past, present or proposed future improper conduct by a public body in the exercise of public functions. In order to be a disclosure to which the Public Interest Disclosure Act 2003 applies, a disclosure must be made by a discloser who believes on reasonable grounds:

- *that the information is or may be true;*
- *a disclosure is of public interest information; and*
- *the disclosure is made to the appropriate proper authority.*

Misconduct:

Misconduct means misconduct as defined in section 4 of the Corruption Crime and Misconduct Act 2003. It can involve activities such as improper handling of conflicts of interest, abuse of position, unauthorised access to or disclosure of confidential information, biased or preferential employment practices, allegations involving improper practices concerning contracts and tendering and misappropriation of public funds or property.

Misconduct (as defined by Corruption, Crime and Misconduct Act 2003):*4. Term used: misconduct*

Misconduct occurs if—

(a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or

(b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or

(c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or

(d) a public officer engages in conduct that—

(i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or

(ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or

(iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or

(iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person, and constitutes or could constitute —

[(v) deleted]

(vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the Public Sector Management Act 1994 (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

Relevant policies/documents

Misconduct Control Management Practice
Public Interest Disclosure Management Practice
Employee Discipline Management Practice
Notifiable Misconduct Checklist
Code of Conduct

Legislation/local law requirements

Public Interest Disclosure Act 2003
Corruption, Crime and Misconduct Act 2003

Office use only			
Relevant delegations	Not Applicable		
Initial Executive endorsement	Date	6 August 2012	Author Manager Human Resources
Last reviewed	Date	2 June 2020	Officer Manager Human Resources
Next review due	Date	2021	



Cash Discrepancies Management Practice

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance Services
Responsible Officer	Manager Finance
Affected Business Unit/s	All Business Units that have Cash Handling Responsibilities

Objective

This management practice determines efficiency and accountability in the handling of cash and cheques belonging to the City of Stirling.

Scope

The management practice covers the receipting of monies and the payment of monies by cash.

Only employees who are trained in cash handling procedures shall be assigned to handle cash and cheques.

The management practice shall apply to:

- Discrepancies less than \$50.00 are to be dealt with by the responsible officer or Supervisor;
- Discrepancies \$50.00 or more are to be reported to the Business Unit Manager for further assessment;
- Employees duties that include the responsibility for collection and disbursement of cash and cheques;
- All instances where the handling of cash and cheques are delegated to appointed employees whether of a temporary or permanent nature;
- Under-collection of monies or over-payment of monies to other employees or members of the public; and
- Unidentified surplus cash.

Management practice

Discrepancies

Within a twelve month period

First Discrepancy

- Immediate supervisor to interview employee to ascertain the reason for the discrepancy and prepare a report for the Manager Finance.
- Provide assurance that procedures for accepting cash receipts or cash payments are being followed.

- (iii) Under receipting or overpayment is reimbursed from the City's accounts in the employee's business unit cost centre.

Second Discrepancy

- (i) Supervisor and business unit manager to meet with employee to ascertain the reason for the discrepancy and prepare a report for the Manager Finance.
- (ii) Review current procedure for cash receipting and cash payment and revise/improve any area of concern.
- (iii) Employee is issued with a letter of caution from the manager who will receive a report on the employee's performance by the supervisor, within three months of the discrepancy.
- (iv) The amount is reimbursed from the City's accounts in the employee's business unit cost centre.

Third Discrepancy

- (i) Subject to acceptable reason(s) for the discrepancy, the employee shall be referred to the Director Corporate Services who shall decide whether or not the employee should be removed from cash/cheque handling duties.
- (ii) If the employee is considered not suitable, recommendations shall be made to the Director Corporate Services for the employee to be assigned to other duties.
- (iii) If the employee is allowed to continue with cash handling duties, a final warning will be issued to the employee by their business unit manager advising that any further incidents will result in their transfer away from a cash-handling role.
- (iv) The amount is reimbursed from the City's accounts in the employee's business unit cost centre.

The above is 'subject' that each discrepancy:

- is under \$500;
- has honestly and unintentionally occurred; and
- that the employee does not obtain financial benefit from the discrepancy.

Any discrepancy in excess of \$500.00 or incidence of suspected fraud will be subject to a police report and a report to Council for a decision as to the retention of the employee's services.

Employees who have been stood down on the grounds of suspected dishonesty in the handling of cash and cheques shall not return to a position involving handling of cash and cheques, regardless of the length of time that the employee has been stood down for.

Surplus Cash

Where cash balances are greater than accounting records would indicate, the surplus cash must be receipted into the Unclaimed Monies Trust Fund account.

As much information as is available to assist in identifying the owner must be recorded on the receipt.

Definitions

Nil

Relevant policies/documents

Misconduct Control Management Practice
 Misconduct Investigations Management Practice

Legislation/local law requirements

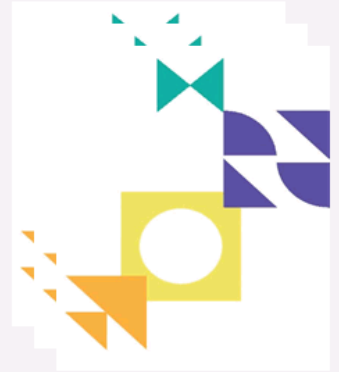
Section 6.15 of the *Local Government Act 1995*

Office use only			
Relevant delegations	Not Applicable		
Initial Executive endorsement	Date	22 June 2007	Author Manager Finance
Last reviewed	Date	2 June 2020	Officer Manager Finance
Next review due	Date	2021	



City of Stirling

Integrity Strategy



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Commitment to Integrity

The City of Stirling ('City') understands that earning and maintaining community trust is essential for the good governance of our community. The City adopts a zero-tolerance attitude towards fraud, misconduct and corruption. The City's Code of Conduct guides Elected Members and employees to determine the appropriate and acceptable ethical standards of behaviour in various circumstances.

This strategy outlines the City's approach to ensuring it not only acts with integrity, honesty and transparency; but is seen doing so by making reasoned decisions without bias by following fair and objective processes. This strategy applies to all employees and elected members at the City.

The City recognises the work of the WA Government in developing and implementing the Integrity Strategy for WA Public Authorities 2020-2023.

The City has adopted the WA Government Integrity Strategy (Appendix 1) in developing the City of Stirling Integrity Strategy, utilizing-utilising the Integrity Snapshot Tool to assess its approach to integrity and identify areas of improvement (Appendix 2: The City's Integrity Snapshot and Appendix 3: Integrity Action Plan).

Objectives

The main objectives of the Integrity Strategy are to:

1. Model and embody a culture of integrity.
2. Be accountable for integrity.
3. Learn and develop integrity knowledge and skills.
4. Plan and act to continually improve integrity.

Review

The City's Integrity Strategy will be reviewed as follows:

1. A minor review in 2022 at the midpoint of the Integrity Strategy for WA Public Authorities 2020-2023;
2. A major review following the release of the follow up to the Integrity Strategy for WA Public Authorities 2020 -2023; and
3. The City is to will present to the Audit Committee once each year a report including an update on the City's Integrity Strategy, the Snapshot Tool and the Action Plan at the last Audit Committee meeting annually.

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City of Stirling Integrity Strategy



Roles and Responsibilities

Every employee and elected member is responsible for integrity and has a role to play. The table below details the specific roles and responsibilities.

Roles	Responsibilities
Council	<ol style="list-style-type: none"> 1. Adopt and review the City's Integrity Strategy. 2. Approve the City's Code of Conduct. 3. Designate a senior employee as complaints officer in accordance with section 5.120 of the <i>Local Government Act 1995</i> (currently the Manager of Governance). 4. Receive reports from the Audit Committee in relation to integrity risks, audit activities and other integrity controls.
Audit Committee	<ol style="list-style-type: none"> 1. Advise Council on all matters relating to the City's strategic integrity risks. 2. Receive and review regular reports on integrity risk performances. 3. Receive and review internal audits including risks associated with integrity risks. 4. Oversee the implementation of the City's Integrity Strategy.
Elected Members	<ol style="list-style-type: none"> 1. Model leadership and conduct that align with the City's commitment to integrity.
Chief Executive Officer	<ol style="list-style-type: none"> 1. Provide leadership in the prevention, detection and response to misconduct. 2. Notify the Corruption and Crime Commission (for major misconduct) or the Public Sector Commission (for minor misconduct) of any suspected incidences of misconduct as required by section 28 of the <i>Corruption and Crime Commission Act 2003</i>. 3. Ensure the City complies with the <i>Public Interest Disclosure Act 2003</i>. 4. Ensure the City complies with Division 9 of the <i>Local Government Act 1995</i>. 5. Provide report and advice to the Audit Committee and Council on integrity matters. 6. Drive a culture of integrity through the active demonstration of City values and by communicating the importance of meeting integrity standards.
Corporate Risk Management Group	<ol style="list-style-type: none"> 1. Review relevant policies, management practices and procedures. 2. Receive and consider reports on operational integrity risks.
Directors	<ol style="list-style-type: none"> 1. Demonstrate commitment to integrity through the active demonstration of City values and by building an accountable workplace culture. 2. Reinforce the requirement for integrity by employees and ensure that there are mechanisms in place to:

City of Stirling Integrity Strategy



Roles	Responsibilities
	<ul style="list-style-type: none"> Identify and assess integrity risks. Pro-actively identify and communication of business unit specific risks. Promote employee awareness of integrity. Ensure that reports of misconduct are dealt with appropriately. Actively participate in integrity reporting at Leadership meetings.
Governance Business Unit	<ol style="list-style-type: none"> Oversee the development and review of the Integrity Strategy. Manage strategic and operational risk registers that include integrity risks. Promote a culture of integrity through collaboration, training and other activities. Conduct activities that promote integrity awareness such as International Corruption Day. Act as the City's Complaints Officer and Public Interest Disclosure Officer. Manage the investigation of all reports of misconduct relating to Elected Members.
Human Resources Business Unit	<ol style="list-style-type: none"> Ensure appropriate training on Code of Conduct. Manage the investigation of all reports of misconduct relating to employees. Ensure confidentiality is maintained in all investigations and any findings that are made. Ensure that appropriate disciplinary action is taken when there is evidence of misconduct in accordance with the City's policies and procedures. Ensure that appropriate pre-employment screening is carried out for new employees and existing employees who are promoted to positions of trust.
Internal Audit	<ol style="list-style-type: none"> Plan and conduct audits that address integrity risks. Receive reports of alleged misconduct. Report in writing any suspected fraudulent activities or corrupt practices identified during an internal audit function to the Chief Executive Officer and possible investigation or referral to the appropriate external agency. Monitor and report on the status of implementation of management actions to address audit findings.
Business Unit Managers/ Coordinators/ Supervisors/ Team Leaders	<ol style="list-style-type: none"> Demonstrate commitment to integrity through the active demonstration of City values and by building an accountable workplace culture. Commit to follow a robust and unbiased recruitment and selection process and only to recruit and engage individuals who are closely aligned with our City values. Report any suspected act of misconduct in accordance with the City's misconduct reporting process.

City of Stirling Integrity Strategy



Roles	Responsibilities
	4. Ensure specific behaviours relating to integrity is are addressed in the annual performance review 5. Ensure that all employees complete the Code of Conduct training annually. 6. Ensure that all employees are aware of the City's policies and procedures and understand their responsibilities. 7. Implement controls to minimize minimise acts of misconduct and integrate integrity risk management into all aspects of the Business Unit's functions.
All Employees	1. Ensure an awareness and understanding of City Integrity Strategy and the employee's role within this framework. 2. Abide by the Integrity Strategy and any misconduct controls. 3. Actively support and contribute towards integrity risk management initiatives. 4. Report any instances of misconduct through the City's reporting processes. 5. Ensure awareness, understanding and support of all City policies, management practices and procedures.

Reporting of Misconduct

All employees have a duty to report suspected misconduct. The City has developed processes to facilitate reporting of misconduct.

The City's internal reporting system can be summarised as follows:

1. **Notify your supervisor** – Employees should report any suspected misconduct to their supervisor, coordinator, team leader, manager or director. All reports of misconduct are investigated accordingly ~~and conducted confidentially~~.
2. **Notify the Chief Executive Officer** – Notifications of the alleged misconduct may be made to the Chief Executive Officer via email or in writing and posted to the City of Stirling Main Administration Centre, 25 Cedric Street, Stirling. The correspondence may be marked 'PRIVATE and CONFIDENTIAL' and addressed directly to the Chief Executive Officer. The confidential correspondence is referred unopened to the Chief Executive Officer.
3. **Make a Public Interest Disclosure to the Public Interest Disclosure (PID) Officer** - The City's PID Officer's ~~are~~ **is** the Manager Governance, ~~Internal Auditor and Service Lead HR Operations (TBC)~~. A Public Interest Disclosure must be made in writing. ~~The Public Interest Disclosure Act 2003 offers the Employees making appropriate disclosures are protected protection~~ from reprisal when reporting misconduct ~~as the City will endeavour to do regardless of whether reported under the PID Act or not, provided the disclosure is made in accordance with the Act.~~
4. **Notify the Internal Auditor** on 08 9205 8506 or via email at auditor@stirling.wa.gov.au.

City of Stirling Integrity Strategy



5. **Call-Phone the Misconduct Hotline on 08 9205 8990** – an anonymous complaint may be made to the 'Hotline.' The caller may leave their contact details, in which case the caller will be advised of the outcome of the investigation, subject to the requirements of the Public Sector Commission or Corruption and Crime Commission and any other relevant investigatory body. The identity of the caller will remain confidential.
6. **Report to external agencies** – Depending on the nature of the alleged misconduct, the matter may be reported to external agencies such as the Ombudsman, Public Sector Commission, Corruption and Crime Commission and the Department of Local Government, Sport and Cultural Industries.

Dealing with Misconduct

The ~~City's City of Stirling Misconduct Investigations Integrity and Misconduct~~ Management Practice outlines the processes that will be followed when conducting investigations into allegations received that involve alleged misconduct.

The City's investigation process will, unless otherwise required by law:

1. Be fit for purpose based on the nature of the allegations;
2. Follow relevant legislation and internal procedures;
3. Use internal, independent or external investigators as required;
4. Use preliminary, substantive and follow up investigations as required;
5. Be conducted confidentially and protect the complainant from reprisal;
6. Report to external agencies and following their directions as required;
7. Provide natural justice and meet procedural fairness requirements;
8. Keep the complainant informed as appropriate at relevant stages of the investigation process; and
- 4-9. Ensure vexatious complaints are identified and dismissed in accordance with the process.

In accordance with the requirements in the Management Practice, ~~the following broad process is followed:~~ Flowchart 1 depicts the City's Misconduct Investigation Process:

1. ~~**Initial Assessment** – Determine if an investigation is required and by whom:~~
 - ~~• Alleged misconduct by employee – Refer to the City's Grievance Management Practice and Procedures.~~
 - ~~• Alleged misconduct by Elected Member – Refer to Manager Governance.~~
 - ~~• No evidence of misconduct – Investigation not required.~~
 - ~~• Notify the Public Sector Commission or the Corruption and Crime Commission as required.~~
 - ~~• Investigate as required.~~

City of Stirling Integrity Strategy

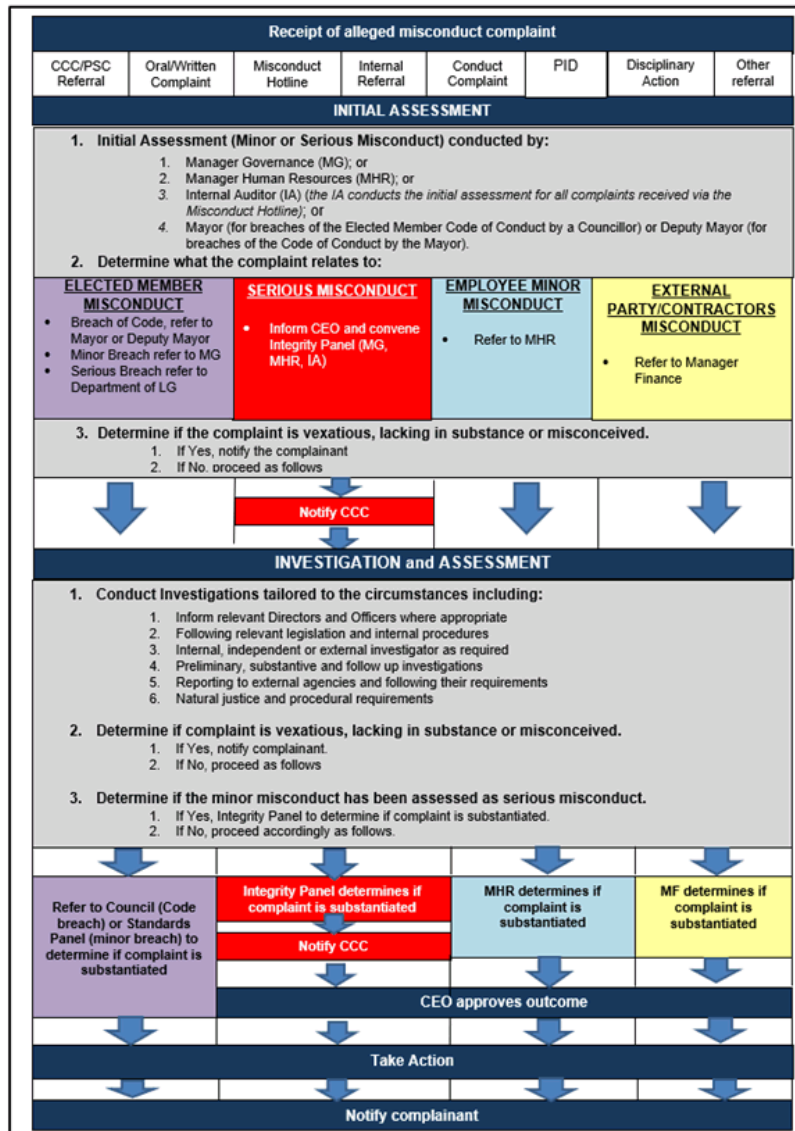



2. **Investigation** — Conduct an investigation to determine if misconduct has occurred:
- Under the direction of the Public Sector Commission or the Corruption and Crime Commission if they have been notified.
 - Minor alleged misconduct — Investigation is conducted internally. Investigation may be conducted by an external investigator if required.
 - Major alleged misconduct — Investigation is conducted by an external investigator.
3. **Reporting and Action** — Respond to the outcome of the investigation including any actions required:
- Under the direction of the Public Sector Commission or the Corruption and Crime Commission if they have been notified.
 - Respond to any investigation recommendations made through appropriate processes.

City of Stirling Integrity Strategy



Diagram-Flowchart 1: Misconduct Investigation Process



City of Stirling Integrity Strategy 

Appendix 1

Integrity Strategy for WA Public Authorities 2020-2023



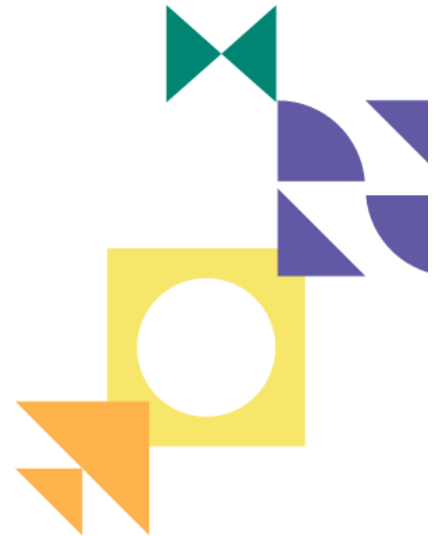
Public Sector
Commission

*We're working for
Western Australia.*

Integrity Strategy



FOR WA PUBLIC
AUTHORITIES
2020-2023





Public Sector Commission
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W: publicsector.wa.gov.au

This publication can be copied in whole or part with due acknowledgement.

It is on wa.gov.au.

Copies are available in alternative formats on request.

PSC1960067

From the Commissioner



Integrity is a non-negotiable to assure Western Australians that public authorities act in the interest of the community each and every day through the decisions we make and the actions we take.

Operating with integrity means using our powers responsibly for the purpose and in the manner for which they were intended. It means acting with honesty and transparency; and making reasoned decisions without bias by following fair and objective processes.

It also means preventing and addressing improper conduct, disclosing facts without hiding or distorting them, and not allowing decisions or actions to be influenced by personal or private interests.

Earning and maintaining community trust is essential for us to deliver the services that families, individuals, businesses and industry need for them to prosper – and for the State to grow.

We know that any breach of that trust has wide implications. The impact on our work and reputation affects us all. We also know that integrity goes beyond just legislative compliance – it is about doing the right thing because it is the right thing to do.

Two things are critical for us to understand to see improvement – first, integrity does not happen by chance; and second, we are all responsible for protecting the integrity of public authorities.

That is why a clear and focused approach to integrity must be at the core of our work. When integrity is a common frame of reference, it becomes a unifying force across different functions, different services and different employee groups.

Improved integrity helps minimise the incidence and impact of misconduct, including fraud and corruption. It also brings benefits in relation to performance, productivity and employee engagement.

To ensure our work translates into exceptional public value and high community trust, I expect every public authority – and those within – to commit to implementing this strategy.

Sharyn O'Neill

PUBLIC SECTOR COMMISSIONER

Commitment to improve integrity

Improved integrity requires sustained effort which is why all public authorities are expected to commit to implementing this strategy and taking action.

Integrity has to be embedded in all aspects of our work – in governance and administration; systems and controls; culture and attitude; and accountabilities and responses.

Every day. By everyone.

All public authorities and individuals must take an interest in promoting integrity and preventing misconduct and corruption.

While the Commission has a significant role to play, the primary responsibility for preventing misconduct and corruption – and operating with integrity – lies with leaders and individuals in public authorities.

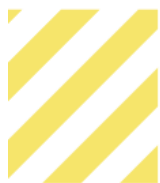
In this strategy, 'public authorities' refer to WA public sector bodies (including government boards and committees), local governments, public universities and government trading enterprises.

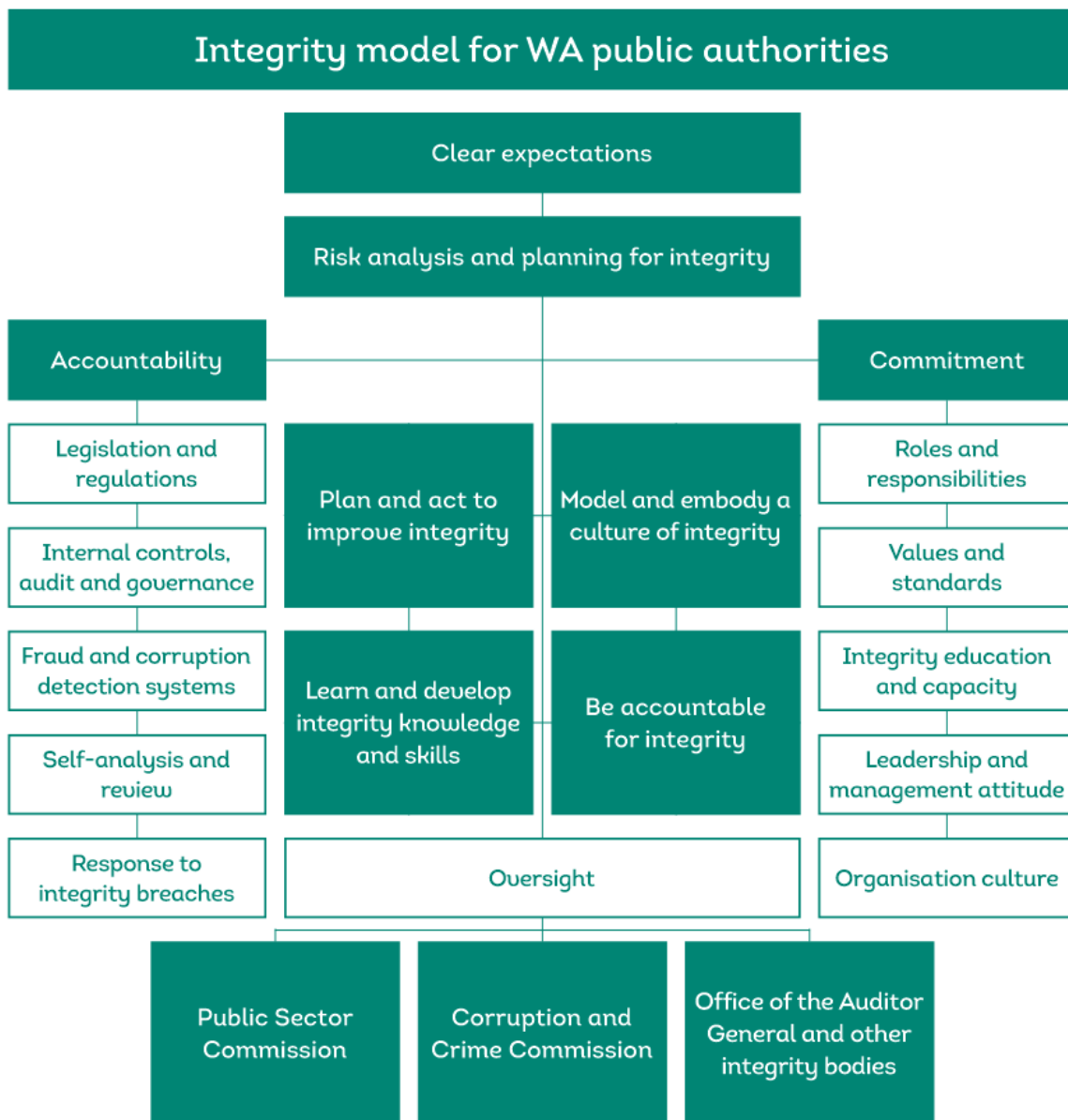
Those appointed to, employed in and contracted to public authorities are all covered by this strategy.

Public authorities should see this strategy as an opportunity to demonstrate to the community that they are serious about integrity.

While there are no additional compliance obligations for public authorities arising from this strategy, changes may be made to the compliance framework to ensure it is contemporary and fit-for-purpose.

Over the life of the strategy, the Commission and its integrity partners will continue to ask leaders to report if and how integrity is improving. This may be through surveys, audits or reviews. Leaders of public authorities should consider how they monitor and evaluate integrity as a priority.





Key actions to achieve our goals

There are many well-documented dimensions needed to ensure strong integrity in public authorities.

This strategy focuses on four key improvement areas with actions and controls to promote integrity and help prevent misconduct and corruption.

Under each of the key improvement areas are actions for the Commission to implement and provide leadership and support to public authorities.

There is also a cohesive suite of practical and achievable actions for public authorities to put in place, and for individuals – those appointed to, employed by and contracted to public authorities – to do.

This three tiered approach across the four improvement areas reflects the responsibilities that every aspect of the government sector has in relation to integrity. Actions at any one tier – or actions in only one area – are not enough. The strength is in the three tiers working together across the four improvement areas.

As public authorities have differing needs and contexts, they should adopt those actions appropriate for their circumstances in a way best suited to their needs.

The strategy also provides a common language for how we talk about integrity across public authorities.

This integrity strategy has four key areas for improvement.

01

PLAN AND ACT TO IMPROVE INTEGRITY

Effective governance systems and frameworks are established.

02

MODEL AND EMBODY A CULTURE OF INTEGRITY

A culture of integrity exists and is reinforced and communicated by leaders.

03

LEARN AND DEVELOP INTEGRITY KNOWLEDGE AND SKILLS

Individual and authority integrity knowledge, skills and competence are grown.

04

BE ACCOUNTABLE FOR INTEGRITY

Prevention, detection and response to integrity matters are everyone's personal and professional responsibilities.

01

Plan and act to improve integrity

Effective governance systems and frameworks are established.

Actions for the Commission

1.1 PUBLISH FRAMEWORK

Publish an integrity framework which includes instruments, processes, conditions, systems and control requirements that public authorities should have in place to support integrity; and detect, respond to and prevent misconduct, including fraud and corruption.

1.2 ENCOURAGE SELF-ASSESSMENT

Develop a self-assessment tool for public authorities to assess the maturity of their integrity framework to assist in improvement planning.

1.3 USE DATA TO DRIVE CHANGE

Use data collected from public authorities to create an online dashboard with analytics for public authorities to use in planning, including to benchmark their integrity environment against like public authorities.

1.4 PROVIDE PLANNING GUIDANCE

Make exemplar misconduct prevention plans available for use by public authorities.

1.5 INVESTIGATE DETECTION SYSTEMS

Examine detection approaches that identify irregularities and provide early warning including, software to monitor and evaluate data; systems to share intelligence, and a central register of individuals subject to adverse findings to assist with pre-employment screening.

1.6 LINK TO AUDIT AND RISK

Assist public authorities to assess governance controls which help identify, monitor and report on integrity matters.



01 – PLAN AND ACT TO IMPROVE INTEGRITY



Actions for public authorities

- 1.1 IMPROVE INTEGRITY FRAMEWORK
Align approach to the integrity framework (as a minimum).
- 1.2 CONTINUE TO IMPROVE
Use the integrity framework maturity self-assessment tool to assist in improvement planning.
- 1.3 USE DATA TO DRIVE CHANGE
Use tools such as the online data dashboard to benchmark against like public authorities, and use data to assist planning.
- 1.4 REASSESS APPROACH
Review regularly approaches to prevention and develop initiatives for improving integrity.
- 1.5 EVALUATE DETECTION SYSTEMS
Evaluate current systems, including pre-employment checks, and data to inform detection and prevention of irregularities and corrupt practice.
- 1.6 AUDIT AND RISK CONTROLS
Ensure audit and risk controls are in place and aligned to identify integrity vulnerabilities and risks.

Actions for individuals

- 1.1 UNDERSTAND AND ACT
Ensure you understand your public authority's code of conduct, policies and procedures; and act accordingly.
- 1.2 IDENTIFY RISKS AND OPPORTUNITIES
Alert managers/supervisors of any gaps in your public authority's code of conduct, policies and procedures that may provide opportunities for misconduct.
- 1.3 BE ACCOUNTABLE
Take responsibility for the decisions you make and the actions you take to ensure they are in the public interest.



02

Model and embody a culture of integrity

A culture of integrity
exists and is reinforced
and communicated
by leaders.

Actions for the Commission

- | | |
|---|---|
| <p>2.1 PRIORITISE INTEGRITY
Promote and prioritise integrity as a key value across public authorities.</p> <p>2.2 ENSURE A CONTEMPORARY APPROACH
Review integrity instruments and products to support contemporary approaches to integrity and guide conduct in public authorities.</p> <p>2.3 LISTEN AND RESPOND
Develop resources to assist public authorities to seek and act on staff perceptions about their public authority's integrity culture.</p> <p>2.4 GIVE FEEDBACK
Build skills of leaders to set behaviour expectations for their staff, give feedback, manage conduct and have difficult conversations.</p> | <p>2.5 SET CLEAR EXPECTATIONS
Support public authorities to set clear behaviour expectations through codes of conduct, recruitment and performance processes.</p> <p>2.6 PROMOTE A SPEAK UP CULTURE
Share good practice in managing reporting to facilitate positive outcomes for those who speak up.</p> <p>2.7 PROMOTE AN INTEGRITY MINDSET
Conduct campaigns to promote an integrity mindset such as "All in a day's work" related to gifts and benefits.</p> |
|---|---|



02 – MODEL AND EMBODY A CULTURE OF INTEGRITY

Actions for public authorities

- 2.1 **PRIORITISE INTEGRITY**
Review corporate values to ensure integrity is included and promote these values internally and externally.
- 2.2 **DEVELOP TOGETHER**
Involve staff in reviewing ethical codes, values, integrity policies and procedures so shared understanding is achieved.
- 2.3 **EVALUATE AND BUILD**
Use Commission and other high quality resources to evaluate and build an integrity culture.
- 2.4 **BUILD CAPABILITY**
Support leaders to promote a high integrity culture through professional learning, setting expectations for behaviour and building skills in having difficult conversations about conduct.
- 2.5 **SET CLEAR EXPECTATIONS**
Recruit for values alignment and ensure behaviour expectations are clear in codes of conduct and staff performance agreements.
- 2.6 **EMBED PRACTICE**
Embed good practices and mechanisms to encourage and support staff who speak up.
- 2.7 **ADOPT THE MINDSET**
Use campaign materials to ensure staff are conscious of misconduct risk areas and how they should respond.

Actions for individuals

- 2.1 **MODEL VALUES**
Ensure your daily behaviours, actions and decisions demonstrate your public authority's values.
- 2.2 **CONTRIBUTE TO CULTURAL HEALTH**
Respectfully challenge conduct that is not in accordance with your public authority's values and code of conduct.
- 2.3 **TAKE ACTION EARLY TO ADDRESS MATTERS**
Speak up to ensure conduct that does not align with your public authority's values is addressed early and, where possible, take action to avoid escalation or repetition.



03

Learn and develop integrity knowledge and skills

Individual and authority integrity knowledge, skills and competence are grown.

Actions for the Commission

3.1 SHARE AND COLLABORATE

Establish an integrity practitioners' group to collaborate on strategic approaches to detecting and preventing misconduct, and promoting integrity.

3.2 BE A FUNCTIONAL AREA LEADER

Provide practical advice and information to public authorities, including forums and community of practice sessions on integrity matters.

3.3 OFFER ONLINE TRAINING

Introduce online integrity learning modules for use by public authorities.

3.4 INDUCT NEW STAFF

Work with other integrity agencies to develop an online integrity induction program for public authorities to use with their staff.

3.5 SHARE INFORMATION

Publish insights from data and the work of integrity partners to inform public authorities about current and emerging integrity risks and strategies.

3.6 SHARE RESOURCES

Establish an integrity section on wa.gov.au with accessible, practical and up-to-date information and resources.



03 – LEARN AND DEVELOP INTEGRITY KNOWLEDGE AND SKILLS

Actions for public authorities

- 3.1 PARTICIPATE ACTIVELY
Participate in integrity promotion and misconduct prevention initiatives and share learnings with staff.
- 3.2 INDUCT AND TRAIN STAFF
Deliver integrity training to new staff early in their employment and implement regular integrity training for all staff.
- 3.3 EDUCATE FOR PREVENTION
Inform staff about misconduct and their role in reporting and preventing it.
- 3.4 IMPROVE CONTINUOUSLY
Be proactive in looking for integrity improvements and learning by completing the Integrity Snapshot tool.
- 3.5 CAPABILITY GAPS
Evaluate the capability of key integrity staff, and identify knowledge and skill gaps that require further training or development.
- 3.6 USE INSIGHTS
Learn from Commission and other integrity agency insights; and use them to review and reassess the approach to integrity risks, areas of vulnerability and prevention.
- 3.7 ADOPT CONTEMPORARY PRACTICE
Keep up to date by referring to the integrity section on wa.gov.au when developing and reviewing integrity policies and systems.

Actions for individuals

- 3.1 PARTICIPATE ACTIVELY
Participate actively in integrity learning opportunities provided by your public authority.
- 3.2 SUPPORT NEW STAFF
Inform new colleagues about your public authority's code of conduct, policies and procedures associated with their work.
- 3.3 INFORM YOURSELF
Seek information about, and advice on, situations where integrity matters arise.



04

Be accountable for integrity

Prevention, detection and response to integrity matters are everyone's personal and professional responsibilities.

Actions for the Commission

4.1 CLARIFY ACCOUNTABILITY

Ensure public authority leaders understand their responsibilities for preventing, detecting and responding to integrity matters; and take proactive action.

4.2 PROVIDE AUTHORITY

Investigate models of misconduct management that enable more local decision making while maintaining appropriate oversight.

4.3 IMPROVE ONLINE REPORTING

Redevelop existing online misconduct reporting tools to improve the quality and types of notifications and reports made.

4.4 REVIEW FOR PERFORMANCE

Conduct specific and thematic reviews, and use information from capability reviews to identify areas of good practice and those requiring improvement.

4.5 COLLABORATE FOR IMPROVEMENT

Partner with external experts to participate in research and projects that identify contemporary approaches, including behavioural insights and technology to enhance detection and prevent misconduct and corruption.

4.6 LEVERAGE EXPERTISE

Pursue methods that enable greater shared use of expertise and trained investigators across public authorities.



04 – BE ACCOUNTABLE FOR INTEGRITY

Actions for public authorities

- 4.1 **REPORT MISCONDUCT ONLINE**
Use Commission and Corruption and Crime Commission online reporting tools to notify of misconduct in a timely manner.
- 4.2 **OVERSEE INTEGRITY**
Have leadership teams lead, own and oversee processes for identifying, detecting, managing and preventing misconduct.
- 4.3 **REVIEW FOR LEARNING**
Use learnings from Commission reviews to evaluate current practices and make changes.
- 4.4 **RESPOND TO RISKS**
Understand that specific risks change over time and take steps to ensure these are responded to and addressed.
- 4.5 **TAKE ACTION**
Put processes in place to support staff and community reporting, and empower leaders to act on reports of misconduct.
- 4.6 **BE ACCOUNTABLE**
Ensure integrity is a standing agenda item at leadership meetings to provide a forum to interrogate data, and identify and respond to emerging trends.

Actions for individuals

- 4.1 **REPORT ISSUES**
Assist your authority to detect misconduct by reporting suspected misconduct either through internal or external reporting processes.
- 4.2 **LEAD AT ALL LEVELS**
Contribute to creating an environment where everyone is comfortable with and confident to report any suspicions of misconduct.
- 4.3 **RESPONSIBLE TEAMS**
Take responsibility for operating with integrity in your team and encourage others to do the same.



Measures of success



To know how we are progressing towards building and sustaining a high integrity culture across public authorities, we need ongoing evaluation of our success. The ultimate success is stamping out misconduct, including fraud and corruption.

COMMISSION SIGNS OF SUCCESS

- ▶ Approaches to integrity are maturing across public authorities over time, as demonstrated by reviews conducted by the Commission.
- ▶ Public authority leaders acknowledge the value of assistance provided by the Commission and seek to collaborate with the Commission on integrity matters.
- ▶ In surveys conducted by the Commission, staff report perceptions that public authorities and leaders operate in a high integrity culture.
- ▶ There is increased usage of the Commission's products and tools, including online learning modules.
- ▶ Commission forums/sessions are well attended and evaluations indicate knowledge has increased as a result of attendance.
- ▶ Amendments to online reporting tools assist reporting and notification processes, and the quality of reports to the Commission improves over time.


Monitoring signs of success are commenced from the start of this strategy and reviewed each year. Progress against these measures will be reported periodically over the next four years.

PUBLIC AUTHORITY SIGNS OF SUCCESS

- ▶ Public authority has implemented or exceeded the requirements of the integrity framework.
- ▶ Commission evaluation and benchmarking tools indicate the public authority is well positioned in regards to governance, culture, education and accountability.
- ▶ Survey data shows high staff perception of integrity in the public authority.
- ▶ Survey data shows staff have a good understanding of policies, procedures and ethical codes.
- ▶ Training and information sessions related to integrity are well attended.
- ▶ Time taken to resolve integrity matters is reasonable and results in improvements where necessary.
- ▶ Evaluations of reports to integrity bodies indicates reports are timely.
- ▶ Responses to integrity matters and results of reviews and audits are considered and implemented.

Consider what other internal measures may indicate integrity is improving. Evaluations should be shared with staff.



City of Stirling Integrity Strategy 

Appendix 2

City of Stirling Integrity Snapshot



Public Sector
Commission

*We're working for
Western Australia.*

Integrity Snapshot Tool



FOR WA PUBLIC
AUTHORITIES



Integrity Snapshot Tool

The snapshot tool supports the [Integrity Strategy](#) for WA Public Authorities 2020-23. It gives public authorities a clear view of what they have in place to support integrity, and can help them identify areas for development or more focus that should feature in their planning. The snapshot tool is not meant to be an exhaustive list of things to consider and should be used by public authorities in a manner that best suits their contexts. It is not intended to replace more detailed or specific risk management activities.

The tool can:

- help public authorities evaluate their approaches to promoting integrity and reducing misconduct risks
- identify any gaps in the current approaches to integrity by public authorities that could be actioned.

How to use the snapshot tool

As this is a self-assessment tool, public authorities can benefit by using it to review the status of their approach to integrity and make decisions about where further or additional work is needed.

Public authorities are encouraged to update their assessments as they progress with actioning items. In this way they capture their assessments on an ongoing basis. It is acknowledged that each public authority has a different risk profile and operating context, and is at varying points of progress in managing integrity risks.


Assessment guide	
Activity	Description
In place	Suggested activity has been addressed or is subject to review.
In progress	Steps are in place to address suggested activity.
Not in place	Steps may be required to address suggested activity.


PSC1956726


01 Model and embody a culture of integrity


A culture of integrity exists, and is reinforced and communicated by leaders.


	In place	In progress	Not in place	Proposed actions and comments
Assess if your authority:				
has values that include integrity integrated into all aspects of its business (e.g. in policies, processes and systems)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The City's values are as follows:</p> <p>The City is committed to serve its diverse community through delivering efficient, responsive and sustainable service through the adoption and document integration of the following values:</p> <ul style="list-style-type: none"> • Integrity Agile • Community Participation • Approachable • Accountability Inclusive • Respect Innovative • Environment Inspiring • Diversity Respectful • Transparent <p>The City's values drive its Code of Conduct and organisational culture approach.</p>


City of Stirling Integrity Strategy 				
	In place	In progress	Not in place	Proposed actions and comments
promotes integrity in and outside the authority (e.g. website, publications, staff newsletters, division meetings, annual reports and everyday practices)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The City's commitment to mitigating misconduct or wrong doing is promoted Monthly Team brief, Anti-Corruption Activation Day, Tool Box sessions, Good Governance Forum and through Human Resources <u>organisational</u> policies, management practices and Business Unit procedures. <u>Information on the City's Conduct and ethics is published on the City of Stirling website.</u>
has leaders who role model integrity and demonstrate zero tolerance for breaches of ethical codes and misconduct	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The City's leaders continue to build <u>the organisational</u> cultures by: <ul style="list-style-type: none"> • Having robust policies, management practices and procedures. • Ensuring regular training and educational awareness programmes are implemented. • <u>Help Ensuring employees with a clear understanding understand what is and isn't an</u>

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				<p>ethioethical behaviour, not to behave unethically.</p> <ul style="list-style-type: none"> Regular reminders of misconduct reporting requirements and procedures. The City has a clearly defined behaviour. Specific behaviours relating to Integrity are required to be addressed in each Performance Review.
				<p>ACTION: The City will consider introducing a Key Performance Indicator and clearer defined behaviour example against the most relevant value.</p>
has a consultation mechanism to engage with and involve staff when reviewing integrity policies, procedures and information to gain shared commitment and understanding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All principal documents including code of conduct, policies, management practices, and misconduct control plans and frameworks are reviewed across the organisation in keeping with legislation or Council's decision. The frequent-regular review of the Human Resource Management Practices allows-ensures the City to</p>

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				hasve values-driven people practices in place. All key documents are provided in draft to Executives, Business Unit Managers and Elected Member for comment before consideration and final adoption.
has human resource policies and practices that reflect a commitment to recruiting staff who demonstrate a strong alignment to its values	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The City of Stirling Recruitment and Selection Management Practice establishes the minimum standards of merit, equity and probity that must be applied when filling a vacancy. All employees involved in the recruitment and selection process are expected to practice the principles of equal opportunity and anti-discrimination, consistent with the City's Equal Employment Opportunity Policy, and the City's values and Code of Conduct.
ensures recruitment materials include information on values and conduct expectations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each position description includes the expected corporate responsibilities and values. A copy of the City of Stirling Code of

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				Conduct is provided to all new appointed -employees. There is a strong focus on both technical and behavioural competency assessment during the interview process to ensure values alignment.
conducts integrity checking, including qualification and employment history checks, as a normal part of selection and recruitment practices, particularly for positions of trust (e.g. integrity officers, finance and procurement staff)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The City's Recruitment processes include pre-employment screening with appointments conditional on an accredited National Criminal History Check being undertaken in accordance with the City of Stirling Criminal Records Screening Procedure.</p> <p>All due diligence is assessed and completed prior to the commencement of employment with the City. All Human Resources Management Practices and procedures outline the importance of all conditions of employment to be upheld by the employee, including but not limited to those individuals already employed.</p>
uses staff performance processes to discuss and reinforce its values and conduct expectations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The employee Annual Performance Review forms part of the process for management to consider

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				<p>initiatives and reinforce the City's values and conduct expectations.</p> <p>Specific behaviours relating to Integrity are required to be addressed in each Performance Review.</p> <p>There is an expectation of employees being technically competent to perform at a required level in their substantive role, whilst demonstrating and living City values. The emphasis of the City's annual performance management process is on having ongoing conversations and providing regular feedback. All City-Managers have access to support, such as Human Resources and leadership coaching, where identified and required.</p>
measures staff confidence and attitudes about its integrity, including confidence in speaking up about misconduct and integrity matters (e.g. through staff perception surveys) and identifies steps to address any findings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As part of the City's ongoing commitment to improving the workplace culture, employees are encouraged to participate in the Culture audit and bi-annual Employee Engagement Pulse</p>

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				Survey which includes assessing the City's values.
				The Culture audit is extensive and provides insights to employee confidence and also identifies areas for focus to address gaps.
has staff formally acknowledge that they have read its code of conduct at appointment/induction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The City of Stirling Code of Conduct is a mandatory e-Learning module for all employees to complete annually .
encourages staff to report misconduct (e.g. in policies, codes of conduct, staff communication)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Employees are at all times to act honestly and with integrity and to safeguard public resources for which they are responsible. The City will not tolerate any act of misconduct and any case will be thoroughly investigated. Reporting alleged misconduct on the "Hotline" or in person will be kept strictly confidential.
				The City's International Anti-Corruption Day activities, Team Brief and e Corporate orientation encourage misconduct reporting.


City of Stirling Integrity Strategy 


	In place	In progress	Not in place	Proposed actions and comments
makes information available about public interest disclosure processes and other reporting mechanisms to staff and stakeholders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Public Interest Disclosure Management Practice and Procedures and the Guide to Managing Misconduct are available on the City's intranet site.
has reporting policies or codes in place that includes a statement that reprisal action is not tolerated against those who speak up about misconduct and integrity matters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>The City's</u> Public Interest Disclosure Management Practice states that protection is provided for any person that makes a disclosure.

02 Be accountable for integrity

Prevention, detection and response to integrity matters are everyone's personal and professional responsibilities.

	In place	In progress	Not in place	Proposed actions and comments
Assess if your authority:				
has a clear and documented process to assess potential misconduct that guides decision making about when to notify the Public Sector Commission and Corruption and Crime Commission of minor misconduct and serious misconduct (respectively), using their online reporting tools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Investigations of alleged misconduct are <u>clearly outlined within and</u> undertaken in accordance with <u>Investigations</u>

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				<u>the City's Integrity and Misconduct Management Practice.</u>
articulates the roles and responsibilities of the leadership team in overseeing integrity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The roles and responsibilities are determined in the <i>Local Government Act 1995</i> and the City of Stirling Integrity Strategy.
has a documented and active process to review and learn from internal and external reports, including focusing on individual conduct as well as system, cultural and capability weaknesses that may have provided the opportunity for misconduct to occur	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reports and recommendations on any gaps in processes are referred to the Executive Team for action. The City actively learns from the Corruption and Crime Commission, Public Sector Commission, Auditor-General and Department of Local Government reports on activities in other agencies.
monitors, reviews and addresses its approach to changing and emerging risks (e.g. due to restructure, introduction of technology and legislative change) and ensures: <ul style="list-style-type: none"> a new integrity risk assessment is completed its risk register is updated internal policies, processes and systems are updated to reflect the new operating context 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The City of Stirling Information Security Framework provides the guidelines to protect confidentiality and integrity of information systems.</p> <p>Regular review of the City of Stirling Corporate-Strategic Risk Register assists with mitigating the level of risk or gaps in systems and processes.</p>

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				This review process will continue to evolve as the City reviews its Risk Management Framework.
collected data is analysed and reported to the leadership team (e.g. reports of integrity breaches, complaints, grievances, staff survey results, training records, conflicts of interest, gifts and benefits register)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The City collects data some of which is reported to the leadership team, for example staff-employee survey results.</p> <p>ACTION: To consider developing a reporting process for integrity issues following completion of the operational risk register review.</p>
has integrity as a standing agenda item for its leadership team to provide a forum to interrogate data, and identify and respond to emerging trends (e.g. data about breaches of Code of Conduct or policy, allegations of misconduct, complaints received, and recommendations from self-assessments and audits)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Recommendations and business improvement opportunities from self-assessments and audits performed are reported to the Executive Team, relevant Business Unit Managers and Corporate Risk Management Group for action.</p> <p>ACTION:</p>


City of Stirling Integrity Strategy 


In place	In progress	Not in place	Proposed actions and comments
			To consider integrity as a standing agenda item following development of a reporting process.

03 Learn and develop integrity knowledge and skills


Individual and authority integrity knowledge, skills and competence are grown.


	In place	In progress	Not in place	Proposed actions and comments
Assess if your authority:				
ensures integrity training programs are up to date (e.g. reflects its code, legislative and policy requirements)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Code of Conduct e-Learning module is conducted annually for all employees. In addition, employees are provided with the opportunity to attend external seminars, conferences, Good Governance Forums and forums to upskill and improve knowledge.
maintains records of staff who attend induction and integrity training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	"MyDevelopment" Mylearning management system (LMS)" tool maintains a record of employees that have completed the online

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				part of the induction orientation, which includes the e-learning code of conduct course. It is anticipated that all component of orientation will be captured in "My Development" towards the end of 2020.
follows up with staff where necessary to ensure learnings from integrity training are embedded	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Overview —An overview of the training session is provided to the supervisor and/or Business Unit Manager by the employee and where possible, embedded into the Business Unit's processes.
has a process for communicating with staff about integrity matters including updating them about changes to policies, processes and systems (e.g. through newsletters, emails, meetings)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	New, amended or revoked policies, management practices or procedures are communicated to employees via the City's intranet site and Business Unit team meetings. Integrity issues are also communicated through Good Governance Forums, Team Brief, the City's intranet site, Leadership Meetings and International Anti-Corruption Day promotions.


				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
has a formal induction process in place for all new staff and contractors that includes a clear focus on integrity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The City's Code of Conduct is included in each new starter welcome pack.</p> <p>All employees, regardless of position or employment status, participate in an employee orientation programme during their first three months of employment. Managers are responsible for completing the Business Unit Orientation Checklist (including e-Learning components) during the employee's probation period. Completion is monitored by Human Resources. Agency temporary employees, regardless of position or employment status also participate in an employee orientation/ induction programme.</p> <p>The City of Stirling Statement of Business Ethics is provided to all contractors through the City's Tender and Quotation document.</p>
<p>delivers Accountable and Ethical Decision Making (AEDM) training (or equivalent) and refresher training to staff that:</p> <ul style="list-style-type: none"> is aligned to its Code of Conduct 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
evaluates staff awareness of its integrity requirements (e.g. through staff perception surveys) and acts on any knowledge deficits	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The employee engagement or audit culture survey does not evaluate staff <u>employee</u> awareness on integrity requirements.</p> <p>ACTION: Consider the incorporating <u>staff employee</u> awareness of integrity requirements into <u>employee</u> existing survey <u>(i.e. on boarding survey)</u>.</p>
encourages, supports and provides a mechanism for staff to seek advice on integrity matters when they are unsure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Employees are encouraged to consult with their Business Unit Managers, supervisor, Governance or Human Resources if they are unsure about integrity matters.</p>
makes staff aware of the process of identifying integrity risks and contributing to the risk register	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>ACTION: Comprehensive review of the City's Operational Risk Register to include integrity risk will be conducted in 2020 along with the City of Stirling Integrity Strategy.</p>

City of Stirling Integrity Strategy 


	In place	In progress	Not in place	Proposed actions and comments
				This action will be undertaken as part of the City of Stirling Operational Risk Register review.
ensures staff who respond to and investigate integrity matters are suitably skilled (e.g. have Certificate IV in Government Investigations or higher qualification and/or relevant experience)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Investigation of alleged or suspected misconduct is conducted by following the relevant Management Practice and Procedure with support and guidance from Human Resources, Governance, independent investigators and Internal Auditor. All of these staff employees have relevant qualifications or experience.
exercises due diligence when engaging contractors to deal with integrity matters to ensure they have the necessary qualifications, skills and/or experience (e.g. through reference and qualification checks)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Probity check is undertaken as part of the appointment criteria.
seeks opportunities for further learning about integrity matters by identifying key staff to attend events and forums provided by the Commission and other bodies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Employees are encouraged to attend or broaden their knowledge at integrity training sessions and relevant conferences. Recent Examples include: <ul style="list-style-type: none"> 2020 Integrity and Ethics Conference 2019 APSACC Conference


				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				<ul style="list-style-type: none"> 2019 Risk Management in Government Congress 2019 CCC Law Week Seminar
establishes networks with other integrity practitioners	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>The</u> City strongly supports advocacy with the public sector including Public Sector Commission, Department of Local Government and Professional Associations.


04 Plan and act to continually improve integrity

Effective governance systems and frameworks are established.

	In place	In progress	Not in place	Proposed actions and comments
Assess if your authority:				
has developed and implemented a Code of Conduct that sets out its standards of conduct and integrity, and incorporates code requirements into policies and procedures to reinforce conduct expectations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The City of Stirling Code of Conduct has been adopted to be observed by elected members, employees and the City's consultants and contractors.


				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
<i>For public sector agencies, the Code of Conduct should reflect Commissioner's Instruction No. 7: Code of Ethics, and comply with Commissioner's Instruction No.8: Codes of Conduct and Integrity Training.</i>				ACTION: The City will review its Code of Conduct.
has identified its integrity risks considering its work and operating context, and records those risks (e.g. in a risk register, fraud and corruption control plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The City has identified misconduct risk as one of its 18 Strategic Risks. This risk has been assessed and a risk appetite set along with Key Risk Indicators. ACTION: Comprehensive review of the City's Operational Risk Register to include integrity risk will be conducted in 2020 2020 along with the City of Stirling Integrity Strategy.
enacts controls to address identified risks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Controls in place have been identified at the strategic level for the City's strategic risk relating to misconduct. ACTION: Following completion of the operational risk review identified above, further controls identified will be documented.


				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
identifies and links policies that relate to risks to ensure they have consistent principles and objectives, and are clear and easy to follow (e.g. fraud and corruption, use of public resources, record keeping and use of information, conflicts of interest, gifts and benefits)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The following documents have been used in the development of an effective governance framework:</p> <ul style="list-style-type: none"> • Code of Conduct • Conflict of Interests • Gifts, Benefits and Hospitality Policy • City of Stirling Integrity Strategy • Misconduct Investigations Management Practice • Integrity and Misconduct Management Practice • Misconduct Brochure • Procurement Policy • Purchasing and Tender Management Practice • Public Interest Disclosure Management Practice • Information Security Management Practice and Framework • Risk Management Policy and Framework


City of Stirling Integrity Strategy 				
	In place	In progress	Not in place	Proposed actions and comments
				The City is committed to a culture of integrity characterised by ethical behaviour and decision-making.
has an organisation structure that provides clear lines of accountability and responsibility for integrity and misconduct functions (including the role of leaders and managers)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The role and responsibilities of the Elected Members, and employees are clearly set out in the <i>Local Government Act 1995</i> , City of Stirling Code of Conduct and the City of Stirling Integrity Strategy. Position Descriptions provide further details on accountabilities and responsibilities for leaders and managers.
has documented delegation schedules in place that align to organisation structure and legislative obligations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delegation of authority entrust certain types of decisions, functions and duties to the Chief Executive Officer, employees or committees to be discharged. The City's Delegated Authority Register contains details of all delegations to committees, the Chief Executive Officer and employees made under the <i>Local Government Act 1995</i> and other relevant legislation.

City of Stirling Integrity Strategy 

	In place	In progress	Not in place	Proposed actions and comments
reviews delegation schedules regularly to ensure they remain current and operate with appropriate levels of authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A review of the City's delegations of authority is required to be reviewed conducted annually.
has a position, team or committee with documented responsibility to consider findings and recommendations from integrity audits, assessments, reviews and investigations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Audit Committee oversees and makes recommendations to Council on internal and external audit matters, corporate governance and risk management.
assigns accountability and responsibility for monitoring and overseeing risks and controls (e.g. in authority's structure, job descriptions)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Risk Management Framework provides the mechanism for each Business Unit to monitor and ensure controls are in place to mitigate the risks.</p> <p>The Corporate Risk Management Group oversees risk management and provides guidance to the Executive Team on risk management matters.</p> <p>Reporting on risk through to the Audit Committee occurs quarterly.</p>
has an internal audit committee with an independent chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Audit Committee meets quarterly. The Audit Committee has an independent member. The Audit

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
				Committee determined that a Councillor is the presiding member.
uses tools and templates provided by the Commission or other sources to support its approach to managing integrity risks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The elements set out in the City's Integrity Strategy are closely aligned with the Public Sector Commission's Integrity Strategy for Public Authorities 2020-2023.
has a process to review regularly its integrity risk profile to ensure it is responsive to emerging risks and recommendations made by integrity bodies (e.g. policy and practice review, process improvements)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A comprehensive review is conducted of all integrity risks annually or earlier if circumstances arise.
evaluates and refines any processes, systems and controls that are in place or may be introduced to inform its detection and prevention of irregularities and corrupt practice (e.g. detection software, data analytics)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The internal audit plan is risk based including coverage of fraud and misconduct. In addition, the Internal Auditor conducts a financial management review and a risk, compliance and controls review every three years in accordance with legislative requirements.
conducts regular assessments of business areas and functions that are, or may be, vulnerable to integrity risks (e.g. procurement and contracting; use of and access to confidential information; recruitment)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance audits of statutory and operations are conducted by the Internal Auditor in accordance with the City's Strategic Audit Plan.

				City of Stirling Integrity Strategy 
	In place	In progress	Not in place	Proposed actions and comments
connects and collaborates with other authorities to seek or share expertise and advice on integrity matters (e.g. conducting investigations, policy development and process improvements)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The City maintains strong links and regular communication with the Public Sector Commission, Corruption and Crime Commission, Auditor-General and Department of Local Government.</p> <p>The City is an active participant in the WA Local Government Authority and LG Professionals WA which foster collaboration at both officer and elected member levels.</p>

City of Stirling Integrity Strategy 

Appendix 3

City of Stirling Integrity Action Plan

01 Model and embody a culture of integrity

A culture of integrity exists, and is reinforced and communicated by leaders.

#	Action Plan	Due Date	Responsibility
1.	The City will consider introducing a Key Performance Indicator and clearer defined behaviour example against the most relevant value.	January 2021 June 2021	Manager Human Resources
2.	Consider incorporating staff-employee awareness of integrity requirements into existing survey (i.e. on boarding survey).	January 2021 June/August 2021	Manager Human Resources

02 Be accountable for integrity

Prevention, detection and response to integrity matters are everyone's personal and professional responsibilities.

#	Action Plan	Due Date	Responsibility
1.	To consider developing a reporting process for integrity issues following completion of the operational risk register review.	March-June 2021	Manager Governance
2.	To consider integrity as a standing agenda item following development of a reporting process.	May-August 2021	All Business Unit Managers

03 Learn and develop integrity knowledge and skills

Individual and authority integrity knowledge, skills and competence are grown.

#	Action Plan	Due Date	Responsibility
1.	The content and structure of the refresher training will be considered following the review of the Code of Conduct.	December 2020 <u>December 2021</u>	Manager Human Resources
2.	Identify positions/service areas that are at risk and provide additional training. The provision of training for high risk roles will be considered following the review of the Code of Conduct.	March 2021 <u>December 2021</u>	All Business Unit Managers Manager Governance/ Manager Human Resources

04 Plan and act to continually improve integrity

Effective governance systems and frameworks are established

#	Action Plan	Due Date	Responsibility
1.	The City will review its Code of Conduct.	June 2020 <u>May 2021</u>	Manager Human Resources Manager Governance
2.	Comprehensive review of the City's Operational Risk Register to include integrity risk will be conducted in 2020 along with the City of Stirling Integrity Strategy.	November 2020 <u>June 2021</u>	Manager Governance
3.	Following completion of the operational risk review identified above, further controls identified will be documented.	November 2020 <u>August 2021</u>	All Business Unit Managers



Integrity and Misconduct Management Practice

Responsible Directorate	Office of CEO
Responsible Business Unit/s	Governance
Responsible Officer	Manager Governance
Affected Business Unit/s	All

Objective and Intent

To convey the City of Stirling's ("the City") commitment to a zero-tolerance approach and response to misconduct.

Scope

The management of misconduct is a collective responsibility of all persons engaged or closely associated with the City in any capacity.

This management practice applies to:

- Elected members;
- Committee members;
- All employees;
- All volunteers;
- Any external party involved in providing goods and services to the City such as contractors, consultants and outsourced service providers.

Management practice

Implementation

The City has adopted an Integrity Strategy that is aligned to the Public Sector Commission Integrity Strategy for Public Authorities 2020-2023.

This management practice aligns with the City of Stirling Code of Conduct, governance and risk management framework to prevent, detect and respond to potential or actual misconduct.

Response Strategies

All suspected occurrences of misconduct will be assessed. Unless they are vexatious, misconceived or lacking in substance, complaints will be investigated and where necessary, appropriate reporting and notification process followed.

Duty to Notify

The Chief Executive Officer is required under the *Corruption, Crime and Misconduct Act 2003* ("CCM Act") to notify the Corruption and Crime Commission (CCC) or the Public Sector Commission (PSC) in writing of any matter that they suspect, on reasonable evidence, constitutes either serious or minor misconduct by a public officer.

Reporting Serious or Minor Misconduct

A public officer or any other person may report to the PSC or CCC any matter which that person suspects on reasonable evidence, concerns or may concern serious or minor misconduct that:

- a) has or may have occurred; or
- b) is or may be occurring; or
- c) is or may be about to occur; or
- d) is likely to occur.

The City's internal reporting system can be summarised as follows:

1. **Notify your supervisor** – Employees should report any suspected misconduct to their supervisor, coordinator, team leader, manager or director. All reports of misconduct are investigated accordingly and conducted confidentially.
2. **Notify the Chief Executive Officer** – Notifications of the alleged misconduct may be made to the Chief Executive Officer via email or in writing and posted to the City of Stirling Main Administration Centre, 25 Cedric Street, Stirling. The correspondence may be marked 'PRIVATE and CONFIDENTIAL' and addressed directly to the Chief Executive Officer. The confidential correspondence is referred unopened to the Chief Executive Officer.
3. **Make a Public Interest Disclosure to the Public Interest Disclosure (PID) Officer** - The City's PID Officers are the Manager Governance, Internal Auditor and the Service Lead HR Operations. A Public Interest Disclosure must be made in writing. Employees making appropriate disclosures are protected from reprisal when reporting misconduct as the City will endeavour to do regardless of whether reported under the *PID Act* or not.
4. **Notify the Internal Auditor** on 08 9205 8506 or via email at auditor@stirling.wa.gov.au.
5. **Phone the Misconduct Hotline on 08 9205 8990** – an anonymous complaint may be made to the 'Hotline.' The caller may leave their contact details, in which case the caller will be advised of the outcome of the investigation, subject to the requirements of the Public Sector Commission or Corruption and Crime Commission and any other relevant investigatory body. The identity of the caller will remain confidential.
6. **Report to external agencies** – Depending on the nature of the alleged misconduct, the matter may be reported to external agencies such as the Ombudsman, Public Sector Commission, Corruption and Crime Commission, the Department of Local Government, Sport and Cultural Industries or WorkSafe.

Misconduct Investigation

The City's investigation process will, unless otherwise required by law:

- Be fit for purpose based on the nature of the allegations;
- Follow relevant legislation and internal procedures;

- Use internal, independent or external investigators as required;
- Use preliminary, substantive and follow up investigations as required;
- Be conducted confidentially and protect the complainant from reprisal;
- Reporting to external agencies and following their directions as required;
- Provide natural justice and meet procedural fairness requirements;
- Keep the complainant informed as appropriate at relevant stages of the investigation process;
- and
- Ensure vexatious complaints are identified and dismissed in accordance with the process.

Disciplinary and Recovery Action

On all occasions, the City will respond to instances of misconduct in accordance with its disciplinary processes.

The City may seek to recover any losses it may have suffered through misconduct.

In the case of an employee, misconduct may result in disciplinary action up to and including termination of employment.

In the case of an Elected Member, misconduct may result in a conduct complaint for determination by the Mayor or the Standards Panel.

Dispute Resolution

All disputes are in the first instance to be referred to:

- In the case of an employee; the Chief Executive Officer;
- the Mayor, the Chief Executive Officer; or
- In the case of the CEO or an Elected Member, the Mayor.

If the matter is unresolved, the complainant has the option to refer the matter to the PSC, CCC, Ombudsman or Department of Local Government, Sport and Cultural Industries.

Roles and Responsibilities

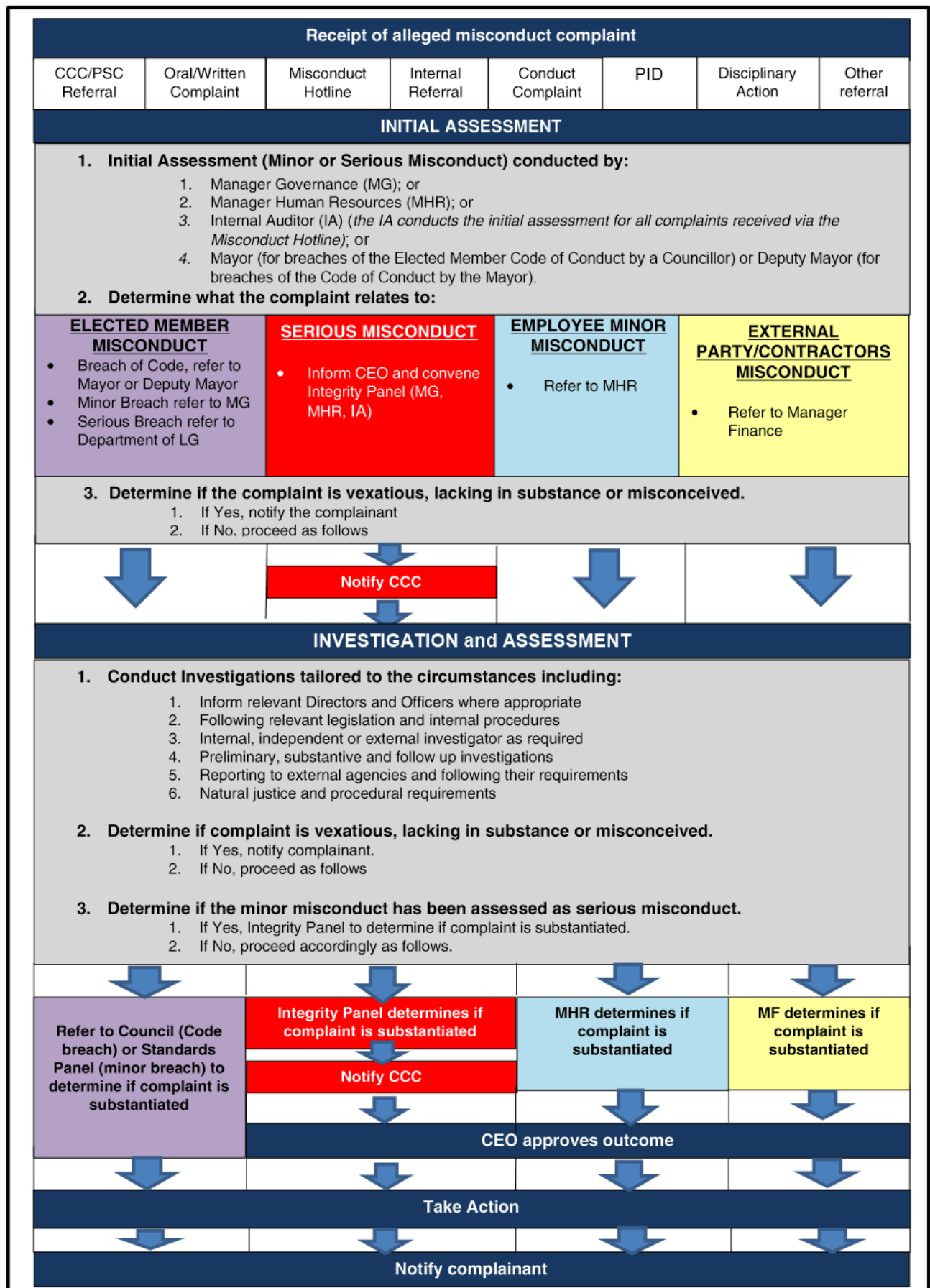
The roles and responsibilities of the Mayor, Deputy Mayor, Chief Executive Officer, Manager Governance, Manager Human Resources, Manager Finance and Internal Auditor are detailed in Flowchart 1: Misconduct Investigations Process.

The Service Lead – Compliance, Risk and Information Management will audit reports made on a quarterly basis to minimise the risk of suppression of any misconduct reports.

Reporting to Audit Committee

An annual report is presented to the Audit Committee on the City's integrity and misconduct risk performances. This will include:

- Summary information on reports made to the City;
- Trends;
- Changes in misconduct risks;
- Actions taken in relation to integrity and misconduct risk.



Flowchart 1: Misconduct Investigation Process

Definitions

Serious misconduct occurs when:

- a) a public officer corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or another person or to cause a detriment to any person; or
- c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by two or more years imprisonment. (*CCM Act*).

Minor misconduct occurs if a public officer engages in conduct that:

- a) adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
- b) involves the performance of functions in a manner that is not honest or impartial; or
- c) involves a breach of the trust placed in the public officer; or
- d) involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; and
- e) constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a persons office or employment. (*CCM Act*)

Relevant policies/documents

Procurement Policy
 Public Interest Disclosure Policy
 Employee Discipline Management Practice
 City of Stirling Elected Members, Committee Members and Candidates Code of Conduct
 City of Stirling Employee Code of Conduct
 City of Stirling Integrity Strategy
 City of Stirling Statement of Business Ethics

Legislation/local law requirements

Public Interest Disclosure Act 2003
Corruption, Crime and Misconduct Act 2003

Office use only			
Relevant delegations	Not Applicable.		
Initial Executive endorsement	Date		Author
Last reviewed	Date		Officer
Next review due	Date		

13.3 EMERGENCY RELIEF DONATION - TROPICAL CYCLONE SEROJA APPEAL 2021

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Manager Governance
Business Unit: Governance
Ward: Not applicable
Suburb: Not applicable

Authority/Discretion

Definition

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☒ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0421/012

Moved Councillor Re, seconded Councillor Farrelly

That Council APPROVES a \$10,000 donation towards the Lord Mayor's Distress Relief Fund for the Tropical Cyclone Seroja Appeal 2021 and AUTHORISES expenditure of an additional \$5,000 of unbudgeted funds for this purpose.

The motion was put and declared CARRIED (14/0) by an absolute majority.

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Recommendation

That Council APPROVES a \$5,000 donation towards the Lord Mayor's Distress Relief Fund for the Tropical Cyclone Seroja Appeal 2021.

Report Purpose

To seek approval for a \$5,000 donation to be made to the Lord Mayor's Distress Relief Fund as a result of Tropical Cyclone Seroja.

Relevant Documents

Attachments

Nil.

Available for viewing at the meeting

Nil.

Background

On 13 April 2021, a Lord Mayor's Distress Relief Fund (LMDRF) was announced following the destruction caused by Tropical Cyclone Seroja. Tropical Cyclone Seroja impacted Western Australia's mid-west affecting up to 70% of homes and businesses.

The LMDRF was established in 1961 in conjunction with the State Government. Its purpose is to provide financial assistance to individuals for the alleviation of distress, suffering and personal hardships caused by disaster or emergency within Western Australia. Financial assistance can also be provided for scenarios which the LMDRF Board considers are warranted.

Comment

The destruction caused by Tropical Cyclone Seroja has significantly impacted communities across Western Australia's mid-west which left more than 20,000 residents without power for days, and many homeless. Property damage is extensive. Businesses and livelihoods have been significantly affected.

In accordance with the City's Disaster Appeals Policy, the City of Stirling seeks Council's consideration of a \$5,000 donation to the LMDRF.

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

The Disaster Appeals Policy advises the following:-

“2. Financial Support

- a) *Financial support shall be limited to a maximum of \$10,000 to any one disaster or other significant emergency appeal.*
- b) *In the event of more than one organisation/relief agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- c) *Financial support will only be made to the approved relief organisation and cash donations will not be made directly to individuals.”*

Financial Implications

A balance of \$5,000 is available for Elected Members to make emergency relief donations.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G1: Good governance

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Community services	A donation will support those affected by Tropical Cyclone Seroja.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

That a donation of \$5,000 to the LMDRF be supported for the impacts caused by Tropical Cyclone Seroja.

13.4 SUPERANNUATION FOR ELECTED MEMBERS

Report Information

Location: Not Applicable
 Applicant: Not Applicable
 Reporting Officer: Manager Governance
 Business Unit: Governance
 Ward: City Wide
 Suburb: City Wide

Authority/Discretion

Definition

- ☒ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0421/013

Moved Councillor Lagan, seconded Councillor Re

That the Mayor WRITES to the Minister for Local Government and the Western Australian Local Government Association requesting a discussion paper exploring the provision of superannuation for Elected Members.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.
Against: Nil.

Recommendation

That the Mayor WRITES to the Minister for Local Government and the Western Australian Local Government Association requesting a discussion paper exploring the provision of superannuation for Elected Members.

Report Purpose

To consider Council's options in relation to the provision of superannuation for Elected Members and the merits of advocating for change to legislation governing the provision of superannuation for Elected Members.

Relevant Documents

Attachments

Nil.

Available for viewing at the meeting

Nil.

Background

At its meeting held 30 March 2021, Council resolved (Council Resolution Number 0321/001) as follows:-

"That a report be PRESENTED to Council outlining possible options for the provision of the payment of superannuation for the Mayor and Elected Members and that the report update recent superannuation provisions as per other Councils within Australia."

Superannuation is currently not provided for Elected Members at the City of Stirling, or at any other local government in Western Australia. There are options as to whether superannuation is provided to Elected Members, however there are significant implications for Elected Members in relation to these options.

Council may wish to advocate for legislative change to facilitate the provision of superannuation to Elected Members.

Comment

The current practice for Elected Members at the City of Stirling is the same as that for other local governments in Western Australia. Elected Members are paid their allowance in full and Pay As You Go ('PAYG') taxation is not withheld. Superannuation is not paid to Elected Members.

Superannuation

The superannuation guarantee scheme requires employers to provide a minimum level of superannuation support for each of their employees.

The Commonwealth *Superannuation Guarantee (Administration) Act* ('SGAA') specifically excludes a person who holds office as a member of a local government council from the definition of employee for these purposes. As a result, an Elected Member is not an employee of the local government and the local government is not required to make superannuation guarantee contributions on their behalf.

However, under the SGAA, if Council unanimously resolves that it is to be treated as an 'eligible local governing body', an Elected Member would then fall within the definition of employee for these purposes. As a consequence of any such resolution, a local government would be required to make superannuation guarantee contributions at the required minimum percentage on behalf of the Elected Member in addition to their fees.

Eligible Local Governing Body

Superannuation is not the only implication of a Council resolving to be treated as an 'eligible local governing body'. There are substantial other implications. Firstly, PAYG tax would be required to be withheld from payments made to Elected Members for remission to the Australian Taxation Office. Payment summaries would also be provided. Secondly, the Fringe Benefit Tax ('FBT') rules would apply to all benefits provided to Elected Members.

Calculations of the value of benefits provided would be required; these would need to be reported on FBT returns and FBT would need to be paid. There may be other implications of resolving to become an Eligible Governing Body. Before doing so, it would be prudent to obtain external advice.

Department of Local Government

The City wrote to the Department of Local Government in relation to superannuation for Elected Members in 2019. The Department wrote back to the City recognising that superannuation is currently not paid to Elected Members in Western Australia. The Department identified additional potential options. The Australian Taxation Office has made a ruling on the situation where a local government enters into an agreement with an Elected Member to sacrifice part of their annual fees as superannuation. The ruling states that *"amounts paid by a local government council in the form of contributions to a complying superannuation fund ... do not represent assessable income of the councillor."*

The Department also highlighted at that time that the Victorian Government's Councillor Remuneration Review Panel has taken that decision into account in recommending that a superannuation contribution be included in councillor remuneration.

Other jurisdictions

City officers contacted the Local Government Associations in other Australian jurisdictions to determine the current situation in relation to superannuation. Feedback provided is summarised as follows: -

Superannuation not paid.

Tasmania, South Australia, Northern Territory

Superannuation paid

Victoria - Mayoral and Councillor allowances include an additional payment which is the equivalent of the superannuation guarantee. It is paid in cash and there is no requirement that this payment is made to an eligible superannuation fund.

Superannuation at Council's discretion

Queensland – Councils may resolve to pay superannuation contributions. It is estimated that approximately half of the 76 local governments in Queensland make such contributions.

New South Wales

In March 2020, the NSW Office of Local Government issued a Discussion Paper on Councillor Superannuation. As a result of that discussion paper, a bill has recently been introduced into NSW Parliament to legislate for superannuation for Councillors. That bill, if adopted, would allow Councils the option to resolve to make superannuation payments to Elected Members from July 2022.

That discussion paper analysed the arguments in favour of paying superannuation to Elected Members. These included: -

- It will ensure that Mayors and Councillors are adequately remunerated for the performance of their duties;
- It will address a historic anomaly that has seen Mayors and Councillors denied the benefit of superannuation guarantee payments enjoyed by the broader workforce; and
- It is hoped it will encourage more women to stand as candidates for election to councils.

The discussion paper examined each of the above arguments in detail including analysis in favour of and against each argument.

Elected Members are in an almost unique situation of receiving payment for their service to the community, but not being entitled to superannuation payments. This is unlike most others including employees and State and Federal politicians.

This failure to provide superannuation payments can only act to discourage members of the community to contribute their energy, time, skills and experience to the position of Elected Member.

Elected Members should not be required to sacrifice their fees to contribute to their superannuation.

For this reason, there is significant merit in the City advocating for legislative change. This would bring Western Australia in line with other jurisdictions, such as New South Wales, Victoria and Queensland in allowing payment of superannuation to Elected Members.

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

The payment of superannuation is governed by State and Commonwealth legislation as detailed in this report.

Financial Implications

The current minimum superannuation guarantee contribution is 9.5%. At that rate, it is estimated that paying Elected Members superannuation in addition to current fees would cost the City approximately \$60,000 per annum.

From 1 July, the minimum superannuation guarantee contribution is set to increase to 10% and further increase over coming years to 12%.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G1: Good governance

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Nil.	

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

This report has examined the current situation in relation to payment of superannuation to Elected Members, both in Western Australia and other jurisdictions.

There is merit in Elected Members being paid superannuation in addition to their annual fees and for this reason the City supports advocating for a change to legislation. Similar to the work recently completed in New South Wales, the most appropriate lobbying approach is to the Minister for Local Government and the Western Australian Local Government Association to release a discussion paper on the issue.

13.5 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Manager Governance
Business Unit: Governance
Ward: Not Applicable
Suburb: Not Applicable

Authority/Discretion

Definition

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☒ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution**0421/014****Moved Councillor Re, seconded Councillor Farrelly**

1. That Council **APPROVES** the resumption of interstate travel by Elected Members in the following circumstances:-
 - a. At the time of approval of the travel, the destination must be rated 'very low risk' by the WA Government;
 - b. At the time the travel is commenced, the destination must be rated 'very low risk' by the WA Government; and
 - c. The accommodation must not be booked in a facility that is also being used to quarantine international travellers.
2. That Council **APPROVES** necessary changes to the Elected Members and Chief Executive Officer Attendance at Events Policy and Elected Member Professional Development Policy to reflect the above resumption of interstate travel and the conditions.
3. That Council **AMENDS** the Elected Member Professional Development Policy part 4 to allow the Mayor to approve the attendance of three or more Elected Members at the Australian Local Government Association National General Assembly for this and future years.

The motion was put and declared CARRIED (14/0) by an absolute majority.

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Recommendation

1. That Council **APPROVES** the resumption of interstate travel by Elected Members in the following circumstances:-
 - a. At the time of approval of the travel, the destination must be rated 'very low risk' by the WA Government;
 - b. At the time the travel is commenced, the destination must be rated 'very low risk' by the WA Government; and
 - c. The accommodation must not be booked in a facility that is also being used to quarantine international travellers.
2. That Council **APPROVES** necessary changes to the Elected Members and Chief Executive Officer Attendance at Events Policy and Elected Member Professional Development Policy to reflect the above resumption of interstate travel and the conditions.

3. That Council AMENDS the Elected Member Professional Development Policy part 4 to allow the Mayor to approve the attendance of three or more Elected Members at the Australian Local Government Association National General Assembly for this and future years.

NB: ABSOLUTE MAJORITY VOTE REQUIRED

Report Purpose

To provide advice on the resumption of interstate travel for Elected Members and to consider attendance at the Australian Local Government Association National General Assembly by Elected Members.

Relevant Documents

Attachments

Nil.

Available for viewing at the meeting

Nil.

Background

At the onset of COVID-19, the City reviewed all its policies and management practices to ensure they were appropriate in response to COVID-19.

At its meeting held 26 May 2020, Council resolved (Council Resolution Number 05250/027) as follows:-

“Council AGREES the policy conditions revert back to the original format at the conclusion of both the State of Emergency and the Public Health Emergency unless:-

- a. the Chief Executive Officer determines a policy should revert sooner due to a relaxation of restrictions relating to that policy before the conclusion of both the State of Emergency and the Public Health Emergency; or*
- b. Council determines otherwise.”*

On 13 July 2020, the Acting Chief Executive Officer approved policy amendments due to Western Australia’s easing of COVID-19 restrictions.

The approval included the following amendments to the following policies:-

1. Elected Members and Chief Executive Officer Attendance at Events Policy

Reverts to the original format but interstate and international events will remain suspended.

2. Elected Member Professional Development Policy

Reverts to original format but interstate and international conferences and training will remain suspended.

Elected Members have not travelled for business purposes outside of Western Australia since the onset of the City's response to COVID-19. At the Executive Team Meeting held 20 April 2021, the Executive Team approved resumption of travel interstate by the CEO in limited and strictly controlled circumstances.

Community transmission of COVID-19 in Australia has recently reduced significantly. Now is an appropriate time to review the current controls on travel for Elected Members for business purposes. This will enable Elected Members to consider travelling to the Australian Local Government Association National General Assembly.

Comment

Resumption of Travel

The risks and additional costs of international travel are currently substantial and prohibitive. Currently, it is not appropriate to consider a resumption of international travel for business purposes.

The Western Australian (WA) Government rates each Australian State and Territory based on its level of risk for COVID-19 and, in particular, community transmission. These ratings guide border controls for returning travellers as well as indicating the risk of being exposed to COVID-19 through community transmission.

At the time of writing this report, all States and Territories are rated 'very low risk'. 'Very low risk' is the lowest risk rating used by the WA Government and indicates no evidence of community transmission for at least 14 days. This means that the risk of being exposed to community transmission in other States and Territories is equivalent to the risk of exposure in Western Australia.

There remains a risk of community transmission re-emerging due to transmission from international arrivals exposing workers in quarantine facilities, and exposure through medical professionals. Specifically, in the north of Australia, there is a risk from illegal border crossings into Australia by COVID-19 cases from Papua New Guinea. However, the likelihood of an Elected Member being exposed to community transmission from travel within Australia is extremely low.

States and Territories have greatly improved their response to instances of COVID-19 community transmission. Cases have been effectively controlled through selective lockdowns, improved contact tracing and mandatory quarantining of close contacts. As a result, the most significant risk to Elected Member travel is the risk that there will be a change in border status whilst the Elected Member is away. The financial consequences of such an event are outlined within the Financial Implications section of this report.

Given that the likelihood of exposure to COVID-19 in other States and Territories is equivalent to that in Western Australia, on balance it is considered appropriate to allow for the resumption of Elected Member travel with significant controls. These include travel interstate to be subject to the following restrictions:-

- At the time of approval of the travel, the destination of the travel must be rated 'very low risk' by the WA Government.
- At the time travel is commenced, the destination of travel must be rated 'very low risk' by the WA Government. If the risk rating is higher, the travel would be cancelled.

- Accommodation must not to be booked in a facility that is also being used to quarantine international travellers.

Australian Local Government Association National General Assembly

Convened annually by the Australian Local Government Association, the National General Assembly of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year. The National General Assembly is being held in Canberra from 20 June to 23 June 2021.

This event provides an opportunity to engage directly with the Federal Government, to develop national policy, and to influence the future direction of local governments and their communities.

The Mayor and Chief Executive Officer have both been invited to attend the National General Assembly and wish to accept the invitation. There have been expressions of interest from additional Elected Members who would like to attend the National General Assembly. There may be other Elected Members who wish to attend.

The Elected Member Professional Development Policy part 4 requires Council to approve the attendance of three or more Elected Members at an interstate conference. It is recommended that this policy be amended to allow the Mayor to approve the attendance of more than three Elected Members at the Australian Local Government Association National General Assembly, for this and future years.

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

If Council resolves to change the current restrictions on travel, the City will make appropriate amendments to the COVID-19 notations on the City's Elected Members and Chief Executive Officer Attendance at Events Policy and Elected Member Professional Development Policy. There is also a change recommended to the Elected Member Professional Development Policy part 4 to allow the Mayor to approve the attendance of more than three Elected Members at the Australian Local Government Association National General Assembly.

Financial Implications

The City maintains a travel insurance policy which covers Elected Members for the risks associated with business travel.

The City's insurer has advised that the City's policy will not cover some costs associated with COVID-19 if they are incurred whilst on business travel.

If a person contracts the virus which results in sickness during the travel, the policy would cover medical costs and limited other losses.

The policy excludes cover for the known risks of COVID-19 including costs associated with inability to travel, cancellation and other losses. Quarantine costs or losses following the travel are also unlikely to be covered by the policy.

If an Elected Member was subject to any of the following costs or losses, the City may not be able to claim them from its insurer:-

- Costs from cancellation of travel;
- Costs of accommodation and sustenance outside of Western Australia if the Elected Member was unable to return due to the reinstatement of Western Australia's hard border;
- Costs associated with quarantining within Western Australia if the Elected Member was required to self-quarantine or hotel quarantine on returning to Western Australia.

The City has not budgeted for these costs if they arise. This is the reason for some of the controls which have been suggested.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G1: Good governance

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Community engagement	Attendance at the Australian Local Government Association National General Assembly provides an opportunity to engage directly with the Federal Government, to develop national policy and to influence the future direction of local governments and their communities.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

Community transmission of COVID-19 in Australia has recently reduced significantly. It is appropriate to review the current suspension on travel for Elected Members for business purposes.

This will enable Elected Members to consider travelling to the Australian Local Government Association National General Assembly.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.2 NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - CROSSWALKS ON WEST COAST DRIVE

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council Meeting held 30 March 2021:-

“That the City INSTALLS crosswalks at the West Coast Drive intersections of Bennion Street, Trigg and North Beach Road, North Beach.”

Background Information/Reason for Motion (provided by Councillor Felicity Farrelly)

Nil.

Report Information

Location: West Coast Drive
 Applicant: Not Applicable
 Reporting Officer: Manager Engineering Services
 Business Unit: Engineering Services
 Ward: Coastal
 Suburb: Watermans Bay, North Beach and Trigg

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0421/015

Moved Councillor Farrelly, seconded Councillor Proud

That the City WRITES to Main Roads WA to request the provision of formalised pedestrian crossings at suitable locations along West Coast Drive in Watermans Bay, North Beach and Trigg.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Reason for Alternative Recommendation

The installation of formalised pedestrian crossings on all public roads in the state requires approval from Main Roads WA.

Notice of Motion Recommendation

That the City INSTALLS crosswalks at the West Coast Drive intersections of Bennion Street, Trigg and North Beach Road, North Beach.

(Suggested Alternative Recommendation – refer to Conclusion)

Report Purpose

To respond to the Notice of Motion submitted by Councillor Felicity Farrelly.

Relevant Documents

Attachments

Attachment 1 - Location Plan of Proposed Pedestrian Crossings [↓](#)

Attachment 2 - Results of Pedestrian Volume Surveys [↓](#)

Attachment 3 - Results of Traffic Volume Surveys [↓](#)

Available for viewing at meeting

Nil

Background

The City has been requested to consider the installation of formalised pedestrian crossings at various locations along West Coast Drive to improve safety and accessibility for pedestrians. Formalised pedestrian crossings may be either signalised (known as pelican crossings) or unsignalised (known as zebra crossings). It is considered that unsignalised crossings would be the most appropriate type of crossing for West Coast Drive.

While local governments can investigate the feasibility of formalised crossings, their approval falls within the jurisdiction of Main Roads Western Australia (MRWA). According to MRWA's guidelines titled '*Planning and Design for Pedestrians*', a zebra crossing may be considered if, in two separate hours on an average weekday:-

1. The number of pedestrians crossing in close proximity of the site (generally within 30m) exceeds 60 per hour;
2. The number of vehicles exceeds 600 per hour (total both directions); and
3. The product of the number of pedestrians crossing and vehicles passing the site exceeds 90,000 in the same hour.

Comment

Criterion 1 – Pedestrian Volumes

The City undertook video surveys at four high profile locations along West Coast Drive to quantify the number of pedestrians crossing the road. Those locations are shown in Attachment 1 and are described as follows:-

- Adjacent to the intersection with Elsie Street, Watermans Bay (near Little Bay Café);
- Adjacent to the intersection with North Beach Road, North Beach (near North Beach Shopping Centre);
- Adjacent to the intersection with Lynn Street, Trigg (near Mettams Pool); and
- Adjacent to the intersection with Bennion Street, Trigg (near Yelo Café).

The surveys were undertaken between 7.00am and 6.00pm on a typical weekday (Wednesday) and weekend (Saturday) in January 2021. Surveys were undertaken both north and south of the intersections to determine the most suitable location for a crossing.

The full results of the surveys are provided in Attachment 2 and are summarised in the table below.

Location along West Coast Drive	Pedestrian Volumes (pedestrians per hour)			
	Weekday		Weekend	
	Peak Hour	2 nd Peak Hour	Peak Hour	2 nd Peak Hour
Watermans Bay (South of Elsie Street)	122	121	171	152
North Beach (North of North Beach Road)	63	60	237	210
Trigg (South of Lynn Street)	35	33	101	90
Trigg (North of Bennion Street)	85	73	169	135

The data showed that three of the four locations satisfied the criterion on a weekday, and all four locations satisfied the criterion on the weekend.

Criterion 2 – Vehicle Volumes

The most recent traffic count surveys for three sections along West Coast Drive are provided in Attachment 3 and are summarised in the table below.

Location along West Coast Drive	Traffic Volumes (vehicles per hour)			
	Mon-Fri		Mon-Sun	
	AM Peak	PM Peak	AM Peak	PM Peak
Watermans Bay	1,555	1,445	1,453	1,351
North Beach	1,523	1,531	1,319	1,512
Trigg	1,201	1,332	1,216	1,359

The data shows that all four locations satisfied the criterion for both a weekday and weekend.

Criterion 3 – Product of Vehicles and Pedestrians

In relation to the product of pedestrians crossing and vehicles passing the site, the data in Attachment 3 shows that this criterion is satisfied on the weekends for all four sites, but only for Watermans Bay on the weekday.

Recommendation

A review of available data indicates that there is reasonable justification for the formalisation of pedestrian crossings along West Coast Drive, particularly when the pedestrian volumes on the weekend are taken into consideration. The City would therefore recommend submitting a formal application to MRWA for their consideration and approval.

Subject to approval from MRWA, the City may also need to consider whether the pedestrian crossings should be accompanied by raised plateaus or simply be flush with the road surface. Raised pedestrian crossings have the advantage of reducing travel speeds at the critical conflict point between vehicles and pedestrians, which increases compliance and reduces the risk of a collision with a pedestrian. However, raised crossings can have an impact on amenity if they are installed adjacent to residential properties. The two proposed locations in Trigg are located abutting residential properties. The benefits of raised crossings are considered to outweigh the amenity impacts, and it is therefore recommended to have raised crossings at all four locations.

Consultation/Communication Implications

There has been no direct consultation with the community regarding this proposal. However, the City has previously received similar requests for improved pedestrian facilities along this road, and it is not expected that there would be any objections from the community.

Policy and Legislative Implications

The approval of signage and pavement markings on all public roads in the state is the responsibility of MRWA. As such, any request for formalised pedestrian crossings needs to be submitted to MRWA with supporting documentation for their consideration.

Financial Implications

The installation of formalised pedestrian crossings at the four proposed locations would require civil works to widen the existing median openings, and additional costs would be incurred if the crossings are accompanied by raised plateaus. Each location may also require street lighting upgrades to ensure the lux levels satisfy the appropriate standards. The combination of civil and lighting upgrades could be in the order of \$25,000 per location.

There are currently no funds allocated to this project, and if the implementation of formalised pedestrian crossings is approved by MRWA, the works may need to be included in the next available budget process.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Health, wellbeing and safety	The provision of formalised pedestrian crossings would improve the safety for pedestrians crossing the road to access businesses, the beach precinct and public transport connections on both sides of the road.

ECONOMIC	
Issue	Comment
Transport and infrastructure	The provision of formalised pedestrian crossings would improve the safety and accessibility for pedestrians along this road.

Conclusion

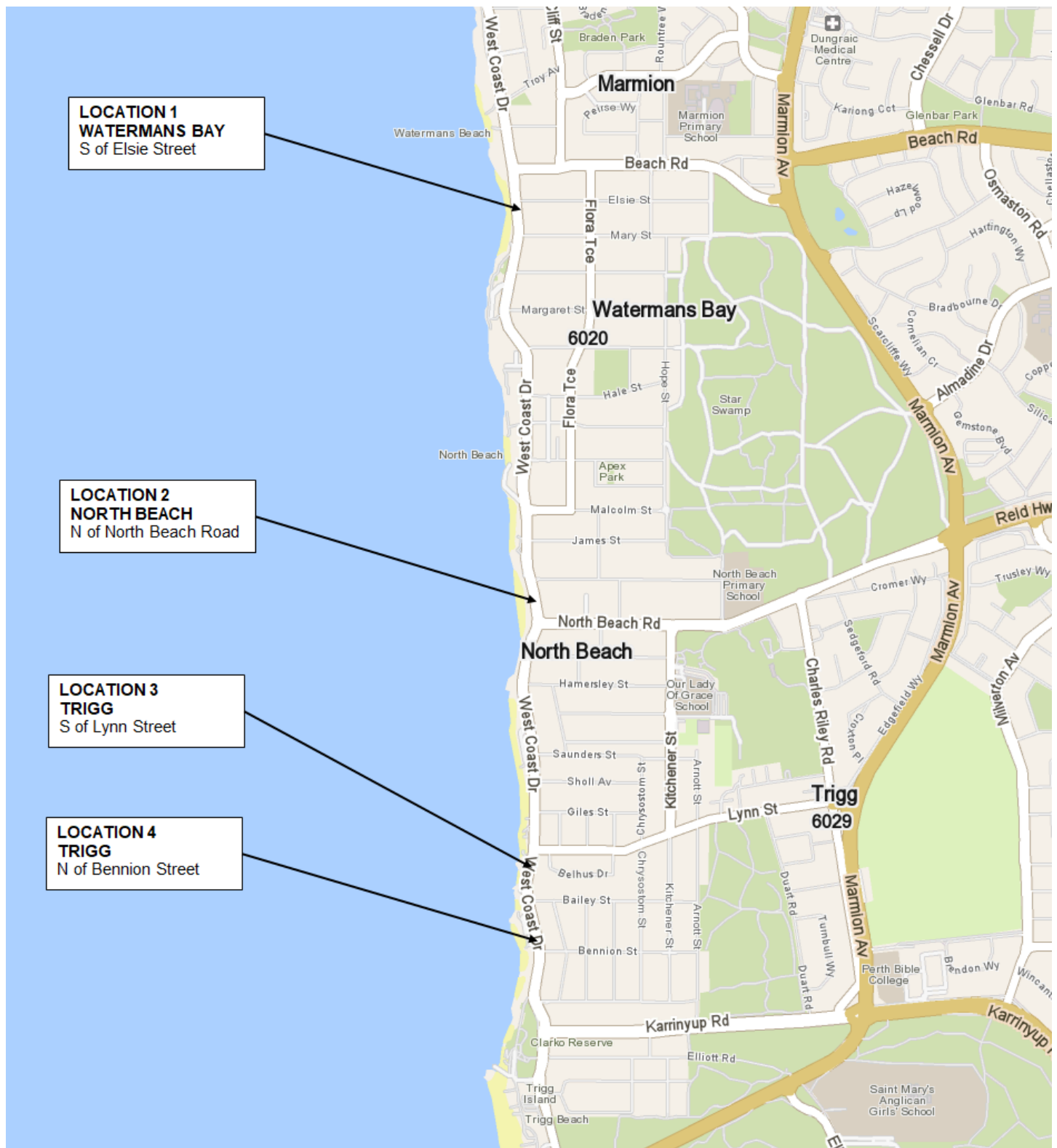
A review of available data indicates that there is reasonable justification for the formalisation of pedestrian crossings at a number of appropriate locations along West Coast Drive. Given that MRWA is the responsible agency for all signage and line marking, a request should be submitted to them for consideration of approval.

Suggested Alternative Recommendation

That the City WRITES to Main Roads WA to request the provision of formalised pedestrian crossings at suitable locations along West Coast Drive in Watermans Bay, North Beach and Trigg.

Reason for Alternative Recommendation

The installation of formalised pedestrian crossings on all public roads in the state requires approval from Main Roads WA.



PEDESTRIAN VOLUMES CROSSING WEST COAST DRIVE
Source: COS Pedestrian Video Surveys

Dates: Wednesday 20 January 2021 and Saturday 23 January 2021

Hour	Watermans Bay (near Little Bay Café)				North Beach (near Shopping Centre)			
	N of Elsie		S of Elsie		N of North Beach		S of North Beach	
	Wed	Sat	Wed	Sat	Wed	Sat	Wed	Sat
07:00	20	26	121	113	60	210	35	109
08:00	8	47	83	152	63	237	14	91
09:00	9	25	115	171	60	116	24	45
10:00	15	18	122	91	59	73	24	52
11:00	9	24	72	113	27	56	8	36
12:00	16	8	63	56	21	42	9	12
13:00	11	11	57	68	23	26	11	16
14:00	8	18	48	53	26	42	19	5
15:00	7	3	28	31	24	27	12	10
16:00	17	11	19	16	45	32	11	14
17:00	17	14	3	22	20	44	16	33
Total	137	205	731	886	428	905	183	423

Hour	Trigg (near Mettams Pool)				Trigg (near Yelo Café)			
	N of Lynn		S of Lynn		N of Bennion		S of Bennion	
	Wed	Sat	Wed	Sat	Wed	Sat	Wed	Sat
07:00	27	79	30	101	85	169	32	74
08:00	35	79	33	90	73	135	34	80
09:00	27	70	29	62	46	113	24	56
10:00	41	53	35	49	67	93	28	81
11:00	30	19	27	27	53	82	20	38
12:00	33	31	20	8	38	53	32	32
13:00	19	6	7	6	44	17	19	14
14:00	17	12	5	2	22	27	5	20
15:00	11	9	4	6	21	26	6	12
16:00	14	21	11	2	19	22	14	17
17:00	26	13	8	12	9	13	0	5
Total	280	392	209	365	477	750	214	429

Note: Highlighted cells represent times when the criterion of 60 pedestrians per hour is exceeded.

TRAFFIC VOLUMES ALONG WEST COAST DRIVE

Source: Main Roads WA

Hour	Watermans Bay		North Beach		Trigg	
	S of Beach		N of North Beach		N of Karringup	
	Mon-Fri	Mon-Sun	Mon-Fri	Mon-Sun	Mon-Fri	Mon-Sun
00:00	29	27	20	30	24	34
01:00	13	12	10	19	14	19
02:00	6	6	7	9	8	10
03:00	9	8	12	14	9	10
04:00	15	14	19	22	18	17
05:00	205	191	139	110	118	97
06:00	716	670	606	492	513	431
07:00	1,310	1,224	1,259	1,022	1,135	926
08:00	1,555	1,453	1,523	1,319	1,201	1,086
09:00	1,161	1,087	1,028	1,082	900	987
10:00	1,142	1,067	1,021	1,193	910	1,087
11:00	1,209	1,130	1,127	1,300	1,020	1,216
12:00	1,195	1,114	1,125	1,307	1,035	1,207
13:00	1,047	978	1,134	1,306	1,023	1,207
14:00	1,144	1,071	1,310	1,415	1,164	1,300
15:00	1,445	1,351	1,496	1,512	1,300	1,359
16:00	1,432	1,343	1,517	1,466	1,332	1,315
17:00	1,436	1,343	1,531	1,482	1,314	1,260
18:00	1,050	982	931	893	780	756
19:00	457	426	468	476	354	369
20:00	295	275	302	311	265	271
21:00	194	181	261	247	221	210
22:00	96	89	151	167	145	151
23:00	35	33	92	104	84	98
Total	17,196	16,075	17,089	17,298	14,887	15,423

Note: Highlighted cells represent times when the criterion of 600 vehicles per hour is exceeded.

PRODUCT OF VEHICLES AND PEDESTRIANS

(Calculated by multiplication of pedestrian crossing volumes and the closest available traffic volume)

Hour	Watermans Bay		North Beach		Trigg		Trigg	
	S of Elsie St		N of North Beach Rd		S of Lynn St		N of Bennion St	
	Wed	Sat	Wed	Sat	Wed	Sat	Wed	Sat
07:00	158,510	138,312	75,540	214,620	34,050	93,526	96,475	156,494
08:00	129,065	220,856	95,949	312,603	39,633	97,740	87,673	146,610
09:00	133,515	185,877	61,680	125,512	26,100	61,194	41,400	111,531
10:00	139,324	97,097	60,239	87,089	31,850	53,263	60,970	101,091
11:00	87,048	127,690	30,429	72,800	27,540	32,832	54,060	99,712
12:00	75,285	62,384	23,625	54,894	20,700	9,656	39,330	63,971
13:00	59,679	66,504	26,082	33,956	7,161	7,242	45,012	20,519
14:00	54,912	56,763	34,060	59,430	5,820	2,600	25,608	35,100
15:00	40,460	41,881	35,904	40,824	5,200	8,154	27,300	35,334
16:00	27,208	21,488	68,265	46,912	14,652	2,630	25,308	28,930
17:00	4,308	29,546	30,620	65,208	10,512	15,120	11,826	16,380

Note: Highlighted cells represent times when the criterion of 90,000 is exceeded.

15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**15.1 NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - WALKING AND CYCLING PATH SAFETY BETWEEN SCARBOROUGH BEACH AND TRIGG**

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council meeting held 27 April 2021.

Notice of Motion Recommendation

“That the City INVESTIGATES the safety of the walking/cycling path between Scarborough Beach and Trigg along West Coast Highway and reviews alternative options for the separation of slow cycling, walking and speed cycling, including the option of an environmentally friendly coastal boardwalk (alongside the adjacent path to the west).”

Reason for Motion

There is a perception of being unsafe walking alongside the road especially as the path travels down to the underpass at Trigg south beach. West Coast Highway has become a key road in the area with high levels of walking traffic and recreational bikes using the one pathway. It is especially busy at weekends.

With the continuing popularity of recreational e bike, e scooters and e skateboards, pedestrian traffic is at risk of being hit and the above bike/skate/scooter recreational users are not safe.

15.2 NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - CONGESTION IN SCARBOROUGH REDEVELOPMENT AREA

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council meeting held 27 April 2021.

Notice of Motion Recommendation

“That the City INVESTIGATES ways to remediate the congestion in streets in the redevelopment area in Scarborough. That this includes on-street indent parking as a pilot project in secondary streets whilst retaining trees on verges.”

Reason for Motion

Street parking density and congestion has increasingly risen since the emergence of high rise buildings in the Masterplan area. The lack of off street ‘indent’ parking is causing safety concerns for pedestrians and motorists.

15.3 NOTICE OF MOTION - COUNCILLOR ELIZABETH RE - CAPTURING CITY OF STIRLING LOCAL HISTORY

Councillor Elizabeth Re submitted the following Notice of Motion at the Council meeting held 27 April 2021.

Notice of Motion Recommendation

“As part of the City of Stirling commitment to history and our respect and value of the intellectual property of our seniors, the 2021/ 2022 budget CONSIDERS a minimum funding of \$21,000 to allow for organisations such as the “Listening Post” to record a story from a retirement centre / autumn club / seniors club etc in each of the City of Stirling wards to verbally capture the history of their local area.”

Reason for Motion

As population age within the City of Stirling increases, the opportunity to capture the stories of yesteryear, such as the fun of dancing and romancing at the snake pit in Scarborough and the Last Tram ride in 1958 along Beaufort Street and within the City etc, it would be good, and in alignment with the City of Stirling’s heritage values, to record stories from each of the areas in the City. Categorising via Wards would make it easier to collate the different memories of the variety of localities within the City.

Also as this is a milestone year for the City of Stirling, it would further consolidate Council’s view on preserving and showcasing the heritage of our city and the past Shire of Perth Roads Board. Although there are many stories to be told, undertaking a small snap shot would be beneficial in assessing the program going forward.

15.4 NOTICE OF MOTION - COUNCILLOR SUZANNE MIGDALE - LOCAL GOVERNMENT REPRESENTATION ON MOUNT LAWLEY SENIOR HIGH SCHOOL AND WAAPA WORKING GROUP

Councillor Suzanne Migdale submitted the following Notice of Motion at the Council meeting held 27 April 2021.

Notice of Motion Recommendation

“That the Mayor WRITES to the Chairman of the Mount Lawley Senior High School/WAAPA working group to request representation by local government ward councillors in this group.”

15.5 NOTICE OF MOTION - COUNCILLOR JOE FERRANTE - ELECTORAL ADVERTISING MATERIAL

Councillor Joe Ferrante submitted the following Notice of Motion at the Council meeting held 27 April 2021.

Notice of Motion Recommendation

1. *“That the Mayor WRITES to the Minister for Electoral Affairs - The Hon Stephen Dawson to amend the Electoral Act, prior to the next State Election or bi-election, that prevents No Electoral Advertising material to be placed on any infrastructure or vegetation 24 hours prior to Election Day. This includes advertising billboards, posters and all promotional materials within 200m of any polling location, with the exception of “How to Vote Cards” and one poster of the candidate.*
2. *That Council SUPPORTS Recommendation 1 being applied to any City of Stirling managed building which is currently used as a polling location by the Western Australian Electoral Commission, effective 1 January 2022.*
3. *That Council AMENDS its current signage and election policy reflecting Recommendation 1.”*

Reason for Motion

City assets are continuously damaged from promotional material that has been stuck or taped, or plastic tie clips used to support signage. The promotional material is then lodged into residents' bins which becomes a waste cost to ratepayers, and ultimately not recycled which is in contradiction of our Waste Policy and Environmental Policy.

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Councillor Suzanne Migdale left the meeting at 8.18pm during consideration of Item 16.1.

16.1 QUESTIONS ON NOTICE - COUNCILLOR ELIZABETH RE

Councillor Elizabeth Re submitted the following questions prior to the Council meeting held 27 April 2021:-

- Q1. *“Please provide an updated plan showing the alignment of the Nookkenburra Stream (Osborne Park branch drain) to the proposed Stevenson Avenue from Cedric Street to Scarborough Beach Road, Innaloo.”*
- A1. As part of the Stephenson Avenue Extension Phase 1 project, the existing Nookkenburra Stream will only be realigned to connect to the two new culverts at the Oswald Street and Howe Street road connections between Ellen Stirling Boulevard and the Stephenson Avenue Extension. The culvert locations (delivered as part of the Stephenson Avenue Extension) have been designed to optimise the land assembly to be consistent with the overall objectives of the Stirling City Centre. The ultimate design of the Nookkenburra Stream has not been determined yet; however, it is being discussed at a Working Group level with the State Government. Please refer to the below plan for further clarity on the proposed realignment of the drain for Phase 1.
- Q2. *“Please provide the environmental management plan of the Nookkenburra Stream (Osborne Park branch drain) to address the change in the drain topography which may prohibit animals such as turtles from accessing the water body, from Cedric Street to Jon Sanders Drive, Innaloo.”*
- A2. As the ultimate design and configuration of the Nookkenburra Stream has not been decided upon, no further environmental plans have been prepared. That work will be necessary once further work on the Nookkenburra Stream has been completed.



17. NEW BUSINESS OF AN URGENT NATURE

Nil.

18. MATTERS BEHIND CLOSED DOORS**Council Resolution****0421/016****Moved Councillor Sargent, seconded Councillor Ferrante**

That Item 12.1/9.1 - Strategic Direction: Balcatta and Item 12.1/9.2 - Property Strategy: Management and Financial Report March 2021 be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(e(ii)) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:-

- (e) a matter that if disclosed, would reveal -**
 - (ii) information that has a commercial value to a person**

The motion was put and declared CARRIED (13/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

At 8.21pm the meeting was closed to the public, and all employees who were not required left the meeting prior to consideration of Item 12.1/9.1.

12.1/9.1 STRATEGIC DIRECTION: BALCATT A**Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2)(e(ii)) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:-

- (e) *a matter that if disclosed, would reveal -*
 - (ii) *information that has a commercial value to a person*

Report Information

Location: Balcatta
Applicant: Not Applicable
Reporting Officer: Director Infrastructure
Business Unit: Property Services
Ward: Hamersley
Suburb: Balcatta

Authority/Discretion**Definition**

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☒ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution**0421/017****Moved Councillor Boothman, seconded Councillor Proud****That Council PROCEEDS with the confidential recommendation for the property located in Balcatta as outlined in the conclusion of the report.****The motion was put and declared CARRIED (12/1) by an absolute majority.****For:** Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Perkov, Proud, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.**Against:** Councillor Re.

**12.1/9.2 PROPERTY STRATEGY: MANAGEMENT AND FINANCIAL REPORT
MARCH 2021****Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2)(e(ii)) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:-

- (e) *a matter that if disclosed, would reveal -*
- (ii) *information that has a commercial value to a person*

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Director Infrastructure
Business Unit: Property Services
Ward: Not Applicable
Suburb: Not Applicable

Authority/Discretion**Definition**

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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- ☒ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Moved Councillor Boothman, seconded Councillor Proud

1. That Council RECEIVES the Property Strategy Management and Financial Report for the period ending 31 March 2021 as detailed in Attachment 1.
2. That Council RECEIVES the Property Strategy Progress Report for April 2021 as detailed in Attachment 2.

Council Resolution

0421/018

Moved Councillor Sandri, seconded Councillor Lagan

That Item 12.1/9.2 - Property Strategy: Management and Financial Report March 2021 be REFERRED to the Council meeting to be held 11 May 2021 to allow further information to be provided to Elected Members.

The motion was put and declared CARRIED (13/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

Councillor Suzanne Migdale returned to the meeting at 8.27pm following consideration of Item 12.1/9.2.

Council Resolution

0421/019

Moved Councillor Proud, seconded Councillor Re

That the Meeting be REOPENED to the public.

The motion was put and declared CARRIED (14/0).

For: Councillors Boothman, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Spagnolo, Thornton and Mayor Irwin.

Against: Nil.

At 8.27pm, the meeting was reopened to the public. As no members of the public returned to the meeting, the resolutions passed behind closed doors were not read out by the Presiding Member.

19. CLOSURE

The Presiding Member declared the meeting closed at 8.28pm.

These minutes were confirmed as a true and correct record of proceedings on:-

...../...../ 2021

SIGNED:-

Councillor Name:

PRESIDING MEMBER