

# MINUTES

## Ordinary Council Meeting

26 August 2014

### To: The Mayor and Councillors

Minutes of the Ordinary Council Meeting of the City of South Perth Council held on Tuesday 26 August 2014.



CLIFF FREWING  
CHIEF EXECUTIVE OFFICER

29 August 2014

# Our Guiding Values

## **Trust**

Honesty and integrity

## **Respect**

Acceptance and tolerance

## **Understanding**

Caring and empathy

## **Teamwork**

Leadership and commitment

## Disclaimer

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

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

## Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two crs, presided over by a popularly elected mayor. Cr profiles provide contact details for each elected member.

[www.southperth.wa.gov.au/Our-Council/](http://www.southperth.wa.gov.au/Our-Council/)

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# Ordinary Council Meeting Minutes

Minutes of the Ordinary Council Meeting held in the Council Chamber, Sandgate Street, South Perth, Tuesday 26 August 2014 at 7.00 pm.

## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Presiding member opened the meeting at 7.00 pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar / Bibbulmun people and that we honour them as the traditional custodians of this land.

There were no visitors to announce.

## **2. DISCLAIMER**

The Presiding Member read aloud the City's Disclaimer.

## **3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

### **3.1 STATUS OF THE SOUTH PERTH FORESHORE STRATEGY AND MANAGEMENT PLAN**

The Presiding Member read aloud a statement relating to the Status of the South Perth Foreshore Strategy and Management Plan. The statement can be found at **Appendix One**.

### **3.2 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES**

The Presiding Member advised that the Mayor and Council Representatives' Activities Report for the month of July 2014 are attached to the back of the Agenda.

### **3.3 PUBLIC QUESTION TIME FORMS**

The Presiding Member advised the public gallery that Public Question Time forms are available in the foyer and on the City's website for anyone wanting to submit a written question. The Presiding Member referred to Clause 6.7 of the Standing Orders Local Law 'Procedures for Question Time' and stated that it is preferable that questions are received in advance of the council meetings in order for the Administration to have time to prepare responses.

### **3.4 AUDIO RECORDING OF COUNCIL MEETING**

The Presiding Member requested that all electronic devices be turned off or on to silent. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member" and stated that as the Presiding Member she gives permission for the Administration to record proceedings of the Council meeting.

### 3.5 PASSING OF FORMER COUNCILLOR REG WILLIS

The Presiding Member announced the passing of former City of South Perth Councillor, Cr R B (Reg) Willis. Cr Willis was elected to Council in 1991 and served one term. The City will be placing a notice in the newspaper and organising for flowers to be sent to his family with our condolences.

## 4. ATTENDANCE

Mayor Doherty (Presiding Member)

### Councillors

G Cridland	Como Ward
V Lawrance, JP	Como Ward
C Cala	Manning Ward
S Hawkins-Zeeb	Manning Ward
M Huston	Mill Point Ward (arrived at 7.08 pm)
F Reid	Moresby Ward
K Trent, OAM, RFD, JP	Moresby Ward

### Officers

Mr C Frewing	Chief Executive Officer
Ms V Lummer	Director Development and Community Services
Mr M Kent	Director Financial and Information Services
Mr M Taylor	Acting Director Infrastructure Services
Ms A Albrecht	Acting Manager Governance and Administration
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr R Woodman-Povey	Corporate Projects Officer (outgoing)
Mr D Wilde	Corporate Projects Officer (incoming)
Ms S Kent	Governance Officer / Minute Secretary

### Gallery

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

### 4.1 APOLOGIES

Cr C Irons.

### 4.2 APPROVED LEAVE OF ABSENCE

Nil.

## 5. DECLARATIONS OF INTEREST

Nil.

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the July 2014 Ordinary Council Meeting no questions were taken on notice.

## 6.2 PUBLIC QUESTION TIME: 26 AUGUST 2014

The Presiding Member stated that public question time is operated in accordance with *Government Act* regulations and Standing Orders Local Law. She said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first. Those that have submitted written questions will be invited forward to read out their questions one at a time.

The Presiding Member then opened Public Question Time at 7.06 pm

Written questions were received prior to the meeting from:

- Ms Marcia Manolas of 193 Mill Point Road, South Perth
- Mr Paul Lougheed of 289 Mill Point Road, South Perth
- Mr Geoff Defrenne of 24 Kennard Street, Kensington

At 7.25 pm, during Mr Paul Lougheed's questions, the Presiding Member put a motion that Public Question Time be extended by 5 minutes to accommodate further questions.

### MOTION AND COUNCIL DECISION

**Moved:** Cr M Huston

**Seconded:** Cr C Cala

That the Public Question Time be extended by 5 minutes.

**CARRIED (8/0)**

The Presiding Member closed Public Question Time at 7.34 pm.

A table of questions received and answers provided can be found at **Appendix Two**.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting

Held: 22 July 2014

### RECOMMENDATION AND COUNCIL DECISION

**Moved:** Cr M Huston

**Seconded:** Cr S Hawkins-Zeeb

That the Minutes of the Ordinary Council Meeting held 22 July 2014 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**



## 7.2 BRIEFINGS

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

### 7.2.1 Joint City of South Perth & City of Melville - Canning Bridge Project

Held: 11 August 2014

### 7.2.2 South Perth Foreshore Strategy and Management Plan

Held: 12 August 2014

### 7.2.3 Council Agenda

Held: 19 August 2014

#### RECOMMENDATION AND COUNCIL DECISION

**Moved:** Cr K Trent

**Seconded:** Cr M Huston

That the Notes under Items / Attachments 7.2.1, 7.2.2 and 7.2.3 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

Nil.

### 8.2 PRESENTATIONS

Nil.

### 8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing of 19 August 2014.

### 8.4 COUNCIL DELEGATES REPORTS

#### 8.4.1 Special Rivers Regional Council Meeting (RRC)

Held: 17 July 2014

#### RECOMMENDATION AND COUNCIL DECISION

**Moved:** Cr C Cala

**Seconded:** Cr K Trent

That the Notes under Item / Attachment 8.4.1 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

## 8.5 CONFERENCE DELEGATES REPORTS

### 8.5.1 Local Government Chief Officers Group (LGCOG) Conference Held: 16-18 July 2014

#### RECOMMENDATION AND COUNCIL DECISION

**Moved:** Cr K Trent  
**Seconded:** Cr M Huston

That the Notes under Item / Attachment 8.5.1 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for debate that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together.

The Presiding Member then sought confirmation from the Chief Executive Officer that all other report items were discussed at the Agenda Briefing held on 19 August 2014. The Chief Executive Officer confirmed that this was correct.

#### ITEMS WITHDRAWN FOR DISCUSSION

The following Item was withdrawn for discussion:

10.0.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgumbe Street, Wooltana Street and Clydesdale Street, Como.

#### EN BLOC MOTION AND COUNCIL DECISION

**Moved:** Cr F Reid  
**Seconded:** Cr S Hawkins-Zeeb

That with the exception of the following withdrawn Item:

10.0.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgumbe Street, Wooltana Street and Clydesdale Street, Como.

the Officer Recommendations in relation to Agenda Items 10.0.2, 10.3.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5 and 10.6.6 be carried en bloc.

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

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgcumbe Street, Wooltana Street and Clydesdale Street, Como.

Location: City of South Perth  
Applicant: Mr Robin J Orton  
File Reference: ROW 124  
Date: 30 July 2014  
Author: Trinh Nguyen, Planning Officer  
Reporting Officer: Vicki Lummer, Director, Development & Community Services

#### Summary

At the June 2014 Council meeting, the following resolution was adopted:

*“That...*

- (a) the officer recommendation not be adopted;*
- (b) Council favours the name “Flannel Lane” for Right-of-Way No. 124;*
- (c) all owners of properties abutting Right-of-Way No. 124 be invited to comment on the name favoured by the Council; and*
- (d) consideration of this matter be deferred to the August Council meeting pending receipt of a further officer’s report on the property owners’ response to the proposed name.”*

In response to this resolution, City officers present the following report for consideration of the Council.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

**Moved:** Cr V Lawrance

**Seconded:** Cr C Cala

That....

- (a) the Council recommends to the Geographic Names Committee that Right-of-Way No. 124 (situated within the block bounded by Manning Road, Edgcumbe Street, Wooltana Street and Clydesdale Street) be named ‘Gum Lane’;
- (b) When the Geographic Names Committee has made its decision, the owners of all properties abutting the right-of-way be advised of the approved name.

**CARRIED 6/2**

#### Background

This report includes:

**Attachment 10.0.1(a)** Extract from Minutes of June 2014 Council Meeting (Agenda Item 10.3.1)

**Attachment 10.0.1(b)** Applicant’s comments

**Attachment 10.0.1(c)** Extract from Minutes of October 2010 Council Meeting (Agenda Item 10.0.2)

#### Comment

On 1 July 2014 letters were sent to the three original property owners advising them of the Council’s June 2014 decision. As per the resolution, letters were sent inviting all

**10.0.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgcumbe Street, Wooltana Street and Clydesdale Street, Como.**

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owners of properties abutting right-of-way 124 to comment on the name favoured by Council (see **Attachment 10.0.1(a)**).

**Consultation**

Council's proposed name, "Flannel Lane", was advertised to the owners and occupiers of the properties abutting the right-of-way allowing 21 days for a response. They were asked whether they supported "Flannel" as the name for ROW No. 124. If they did not favour "Flannel", one (1) preferred name was to be selected from the following list:

- (a) 'Nivea';
- (b) 'Gum';
- (c) 'Fuchsia';
- (d) 'Boree'; or
- (e) 'Pratia'

7 submissions were received during this time and these are summarised as follows:

Submitter 1	Owner	Do not agree with 'Flannel', our preference is 'Fuchsia'.
Submitter 2	Owner	We would prefer that ROW 124 be named 'Fuchsia', not 'Flannel'.
Submitter 3	Owner	We prefer 'Nivea' Lane.
Submitter 4	Owner	Oppose 'Flannel'; favour 'Gum' or 'Nivea'.
Submitter 5	Owner	Don't mind 'Flannel' or perhaps 'Fuchsia'. We like 'Hovea'.
Submitter 6	Owner	Do not agree with 'Flannel' as to us this denotes a shirt or wash cloth. We prefer 'Gum'.
Submitter 7	Owner	Preferred not to put comments in writing. 'Flannel' OK with us.

Additionally, the City received one late submission which was not in favour of 'Flannel'. The owner preferred 'Pratia' or 'Nivea'. These comments have been noted. The owners at Nos. 38A, 38B and 38C Manning Road, who provided comments for the June 2014 report (see see **Attachment 10.0.1(a)**) have provided the following additional comments, summarised as follows:

Submitter 1 (applicant)	See <b>Attachment 10.0.1(b)</b>
Submitter 2	We do not support 'Flannel'
Submitter 3	No further comments

There were 30 notices sent in total. The City received responses from 36% (11) of the 30 property owners. This break down is as follows:

- 8 against 'Flannel';
- 2 for 'Flannel';
- 3 for 'Fuchsia';
- 5 for 'Gum';
- 1 for 'Pratia'; and
- 3 for 'Nivea'

The majority preference is for 'Gum' Lane. As 19 of the 30 property owners have not provided the City with a response regarding the proposed naming of right-of-way No. 124, it is assumed there is no objection to 'Gum'.

With regard to comments provided by the applicant (refer **Attachment 10.0.1(b)**), the names provided for selection were previously supported by the Geographic Names Committee (see **Attachment 10.0.1(c)**). Council resolved that:

*"(b) on all future occasions when a new name is required for a public road or right-of-way, the Council will select a name from the adopted lists referred to in part (a) above, for recommendation to the Geographic Names Committee;"*

### **10.0.1 Proposed Naming of Right-of-Way No. 124 situated within the block bounded Manning Road, Edgcombe Street, Wooltana Street and Clydesdale Street, Como.**

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It is important to note the the Geographic Names Committee is the approval body for the naming of any public road or right-of-way. The abovementioned report explains that the advice received from the Geographic Names Committee is preliminary only, and that final approval of any of the names listed is not guaranteed.

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

Council does not have a policy to guide decisions as to whether or not naming of particular right-of-ways will be supported, but does have a list of preferred names, as discussed above.

The Geographic Names Committee policy titled "Policy and Standards for Geographical Naming in Western Australia (2013)" provides the following guidance for the naming of rights-of-way:

*"The increase in urban density in new developments and urban redevelopment has resulted in many narrow short lanes and rights-of-way requiring names. Laneways shall be named if a name is required for addressing purposes or has been created as a public road by survey. The naming of such roads is supported with a preference for use of the road type LANE and short names consisting of no more than six letters."*

#### **Financial Implications**

Should Council resolve to name ROW 124, Engineering Infrastructure Services advises the City will pay for the sign and installation irrespective of cost (not more than \$250 each).

#### **Strategic Implications**

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management "Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan".

#### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

#### **Conclusion**

Considering the comments received during the neighbour consultation period, City officers recommend right-of-way No. 124 be named 'Gum' Lane. Further consultation with the Geographic Names Committee will be carried out when Council has decided on the preferred name for ROW 124.

## 10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington

Location: Lot 80 (No. 36) Banksia Terrace, Kensington  
 Ward: Moresby  
 Applicant: J E N Lo Ting Lan  
 Lodgement Date: 21 October 2013  
 Date: 8 August 2014  
 Author: Allering & Associates (engaged consultants)  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

### Summary

The City received an application for planning approval for four multiple dwellings at Lot 80 (No. 36 Banksia Terrace, Kensington) in October 2013. The application was recommended by officers for approval, however was refused by Council at the April 2014 Council meeting. A full copy of the officer's report and Council's reasons for refusal are detailed in the minutes of the April 2014 meeting.

On 30 April 2014, the applicant lodged an application for review of Council's determination with the State Administrative Tribunal (SAT). The original proposal has been modified following mediation sessions, and as such, SAT issued an order on 27 June 2014, to enable Council to reconsider the matter under s31 of the SAT Act.

### OFFICER RECOMMENDATION AND COUNCIL DECISION

That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for four multiple dwellings on Lot 80 (No. 36) Banksia Terrace, Kensington **be approved** subject to:

#### (a) Standard Conditions

340A	Parapet walls - Finish from street	456	Dividing fences - Timing
340B	Parapet walls - Finish from neighbour	416	Street tree - Not to be removed
427	Colours & materials - Details	470	Retaining walls - If required
210	Screening - Permanent	471	Retaining walls - Timing
390	Crossover - Standards	625	Sightlines for drivers
393	Verge & kerbing works	377	Screening - Clothes drying
445	Stormwater infrastructure	550	Plumbing hidden
352	Car bays - Marked & visible	560	Rubbish storage screened
353	Visitor bays - Marked & visible	650	Inspection (final) required
354	Car bays - Maintained	660	Expiry of approval
455	Dividing fences - Standards		

#### (b) Specific Conditions

- (i) In accordance with Clause 6.4.6 of the R-Codes external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.

#### (c) Standard Advice Notes

700A	Building permit required	766	Landscaping - General standards
708	Boundary wall – Neighbours preference	725	Fences note - Comply with that Act
790	Minor variations - Seek approval	795B	Appeal rights - Council decision
709	Fencing		

**10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington**

**(d) Specific Advice Notes**

The applicant is advised to liaise with the City’s Engineering Infrastructure Services and to ensure satisfaction of all the relevant requirements, including crossover design and disposal of stormwater onsite.

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

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R80
<b>Lot area</b>	513 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	Permissible land uses, as listed in Table I of TPS6
<b>Plot ratio limit</b>	1.0

This report includes the following attachments:

- Attachment 10.0.2(a)** Site photographs.
- Attachment 10.0.2(b)** Street montage.
- Attachment 10.0.2(c)** Engineering Infrastructure memo.
- Attachment 10.0.2(d)** Further information and amended plans from Applicant (**confidential**)

The location of the development site is shown below:



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

## 10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington

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### 1. **Applications previously considered by Council**

*This power of delegation does not extend to applications for planning approval previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage or as a previous application for planning approval.*

### 2. **Amenity impact**

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

## **Comment**

### (a) **Background**

On 21 October 2013, the City received an application for four multiple dwellings in a three storey building on Lot 80 (No. 36) Banksia Terrace, Kensington (the development site). The application was recommended by officers for approval, however was refused by Council at the April 2014 Council meeting. A full copy of the officer's report and Council's reasons for refusal are detailed in the minutes of the April 2014 meeting.

On 30 April 2014, the applicant lodged an application for review of Council's determination with the State Administrative Tribunal (SAT). As per the provisions of Council Policy P677 "State Administrative Tribunal", the City engaged a planning consultant to assist in defending Council's decision. An elected member attended the directions hearing and subsequent mediations sessions, along with the planning consultant. On the basis of that mediation Council has been invited to consider the amended drawings, contained in **Confidential Attachment 10.0.2(d)**, and as such, the SAT issued an order on 27 June 2014 under s31 of the SAT Act to enable Council to reconsider the matter.

The amended drawings propose the following changes to those considered by Council at the April 2014 meeting:

- (a) Revised building layout reducing the number of storeys reduced from three to two, with 2 dwellings on each storey as well as a roof deck;
- (b) The building appearance has been revised to include a gabled roof pitch at the front of the building to reflect the Banksia Terrace streetscape and in response to the design principles of the Kensington Precinct Policy;
- (c) Reduced total floor area from 519m<sup>2</sup> to 450m<sup>2</sup>;
- (d) Reduced overall building height from 10.29m to 8.80m to the top of stairwell;
- (e) The street setback of the ground floor is reduced from 4.44m to 4.0m;
- (f) The street setback of the balconies is increased from 3.44m to 3.8m;
- (g) North-west boundary wall increased in length from 22.94m with an average height of 2.6m to a total length of 29.79m with an average height of 6.45m;
- (h) Proposed south-east boundary wall of 5.7m in length with an average height of 2.7m;
- (i) Total open space increased from 35% to 52% (inclusive of roof deck);
- (j) Building design updated to address visual privacy impacts; and
- (k) Overshadowing impacts reduced from 41.5% to 29%.



**10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington**

A comparative assessment outlining the key amendments to the proposal is included in **Table 1** below.

It is recommend that the proposed application be approved with conditions on the basis that they substantially address the Council’s concerns and the amended plans provide a form of development that is both capable and appropriate for approval.

**Table 1 - Comparative Assessment**

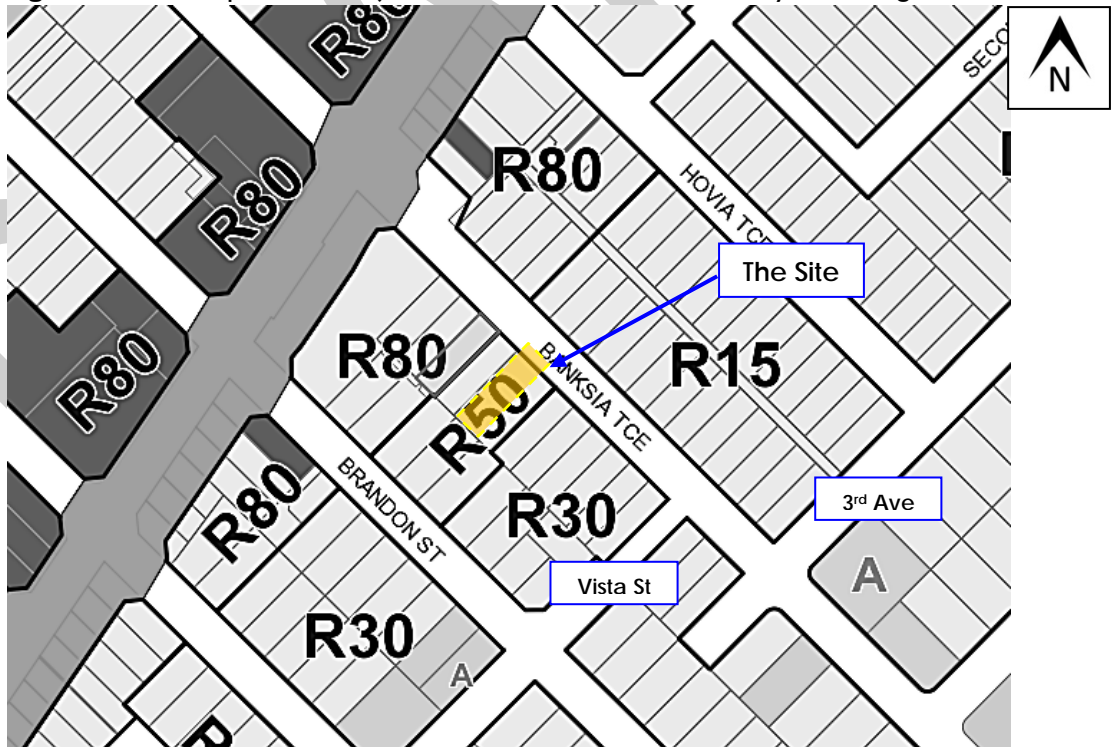
<b>Design Element</b>	<b>Refused Proposal</b>	<b>Revised Proposal (30/6/14)</b>	<b>Deemed to Comply</b>	<b>Comment</b>
<b>No. of storeys</b>	3	2 plus stairwell and roof deck	-	Complies
<b>Building height</b>	10.29m	8.8m (including stairwell)	10.5m	Complies
<b>Boundary setbacks (north west side)</b>	Ground 1.2m to 3.3m First 1.5m & 2.0m Second 1.5m & 2.0m	Ground 1.0m & 1.5m First 1.5m & 1.9m	3.0m	Variation – Discussed within report.
<b>Boundary setbacks (south east side)</b>	Ground 1.0m & 1.5m First 3.0 to 4.14m Second 3.0 to 4.14m	Ground 1.2m First 2.1m	3.0m	Variation – Discussed within report.
<b>Boundary setbacks (south west rear)</b>	Ground 1.2m First 4.29m Second 4.29m	Ground 1.2m First 3.0m	3.0m	Variation – Discussed within report.
<b>Boundary walls (north west)</b>	22.94m (total length) 2.6m (av. height)	27.97m (total length) 6.45m (av. height)	Policy 350.2	Variation – Discussed within report.
<b>Boundary walls (south east)</b>	-	5.7m (length) 2.7m (height)	Policy 350.2	Variation – Discussed within report.
<b>Open space</b>	35%	52% (including 51.22m <sup>2</sup> roof deck)	Not applicable.	To be considered against amenity impacts
<b>Visual privacy</b>	Screening treatment proposed for habitable room windows	Overlooking possible from roof deck	R-Codes 6.4.1 Policy 350.8	Variation – Discussed within report.
<b>Overshadowing</b>	41.5%	29%	50%	Complies

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Figure 1 below is an aerial view which depicts the subject site and surrounds:



Figure 2 below depicts the subject site and the surrounds density R-Coding:



(b) Streetscape compatibility

Council is required to take Clause 7.5(n) of TPS6 into consideration when undertaking its assessment. Clause 7.5(n) states:

*“The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.”*

The following paragraphs expand upon the items listed in Clause 7.5(n) above. In general it is considered the proposed building, as amended, does take into account the existing streetscape, and as such, is recommended for approval.

(i) Description of existing streetscape

Banksia Terrace along both street frontages is characterised by single storey and double storey dwellings and double storey group dwellings, with a split two and three storey 20 unit multiple dwelling building located at the corner of Canning Highway and Banksia Terrace.

The double storey group dwelling development is located approximately 12.0 metres south-east of the development site on the same side of Banksia Terrace. The group dwelling setbacks to the ground and upper floors are approximately 4.0 metres to the street alignment. The two and three storey multiple dwellings are also located on the same side of the street and are approximately 25.0 metres north-west of the development site. The multiple dwelling setbacks to the upper floors are approximately 4.5 metres to the balconies and 6.0 metres to the building facade. A street montage can be seen at **Attachment 10.0.2(b)**.

The colours and materials utilised on the surrounding buildings are generally consistent, ranging from brick and tile with light to medium coloured painted walls and dark brick used for the multiple dwelling. It is also relevant to contemplate the likely future streetscape that arises from the current residential densities that apply to the site and surrounding properties. These are discussed in further detail in this report.

(ii) Building height - Scale

The subject site has an assigned building height limit of 10.5 metres and the proposed building height is 8.8 metres to the top of the stairwell which minimises the bulk impact of the development on the streetscape. Additionally it is noted that the site is bounded by R80 density coding to the north-west, rear and directly opposite the street, with an R50 density coding directly to the south-east of the site.

In response to the transitional density coding of R80 to R50 between the development site and the neighbouring property to the south-east, the overall scale of the development has been significantly reduced as a result of the removal of the third storey and its replacement with the roof deck and stairwell. This significantly reduces impacts associated with bulk and scale both from the streetscape as well as from surrounding properties.

Consequently this aspect is considered compatible and is supported.

## 10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington

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(iii) Form and shape, rhythm, colour and construction material, orientation, architectural details

As indicated in Point (i) above, the existing streetscape consists of mix dwelling types, and a light to medium range of construction materials, colours, and architectural details.

The applicant has previously indicated that the proposal uses a range of materials which are sympathetic to the surroundings, as well as colours which have been selected by using natural colours heavily influenced by surrounding natural and built palette.

The dwellings have been designed to take advantage of northern sunlight, as encouraged by Council's Sustainable Design Policy.

In respect of form and shape, rhythm, colour and construction material, orientation, architectural details, the proposed development, as amended, is considered to be compatible with the streetscape having regard to the density codings applicable to account for the likely future streetscape.

(iv) Setbacks from street

Setbacks from the street are considered an important way to minimise the bulk impact of a building on the street. In this regard, while Table 4 of the *Residential Design Codes* indicates that multiple dwellings on an R80 coded site can have a minimum street setback of 2.0 metres, Clause 7.5(n) requires the City to consider whether larger setbacks are required to achieve compatibility with the streetscape.

As identified in point (i) above, it is observed that existing street setbacks within the focus area consist of a grouped dwelling to the south-east of the development site with an upper floor setback at approximately 4.0 metres and a three storey multiple dwelling at the corner of Canning Highway and Banksia Terrace with a setback of approximately 4.5 metres to the first and second floor balconies and a building setback of approximately 6.0 metres. The multiple dwelling transitions from three storeys to two storeys to the south-east along Banksia Terrace to follow the fall of the site. The two storey built form of the multiple dwellings then separated from the dwellings to the south-east by a driveway which lessens the bulk impact on the streetscape and adjoining lot.

The proposed development includes a ground floor setback of 4.0 metres with a cantilevered balcony on the first floor, set back 3.8 metres from the street. The formal living area is set back approximately 6.8 metres from the street.

The proposed front setbacks are seen as being located approximately mid-way between the 2.0 metre setback allowable under Table 4 of the R-Codes and the 7.5 metre setback of the adjoining dwellings. The applicant has indicated that setbacks and roof form will assist in reducing the bulk of the building as viewed from the street, while taking into account the possibility of the adjacent sites being redeveloped at a later date.

The proposed setbacks and roof form are compatible with the streetscape and addresses the existing street setbacks of neighbouring dwellings having regard also with the applicable Residential Density Code.

(v) Landscaping visible from the street

The surrounding dwellings generally have large areas of landscaping within the front setback areas due to the large front setbacks. As the proposed development must accommodate a visitor's parking bay within the front setback area, this minimises the available area for landscaping purposes. The applicant previously provided the following response to address landscaping:

*“As this plan requires planning consent, a landscape plan has been supplied with this application. The landscape plan has been designed to complement the aesthetic of the structure, softening the impact of the development in the interim period of the area's transitional development period. The plant selection has been made keeping in mind “Sustainable Design” Policy P350.1.*

*Unfortunately the only tree taller than three metres, located within the confines of the lot, could not be retained due to its unfortunate centrally located position. In contrast to this, the very mature peppermint tree located centrally to the 12.2 metre verge has been retained and given unencumbered access to continue to grow by being given a substantial clearance by the crossover. A significant amount of planting will compensate for the removal of the mature tree in the backyard.”*

The applicant has proposed landscaping with vegetation, hard landscaped areas and architectural features, which will contribute to the overall building aesthetic. The landscaping treatment proposed as part of the modified proposal remains unchanged. It is considered that the proposed landscaping will make a positive impact on the streetscape and can therefore be supported.

Overall, the reduction in the height of the development when viewed from the streetscape is a significant and positive improvement for its presentation recognising the transitional location that it has next to existing R50 medium density single residential development. A roof deck with stairwell has been maintained centrally within the footprint of the development but this would be perceived in context with the two storey development at the front of the development. Overall the development results in a significant softening of the appearance of built form when viewed from the street which is considered both reasonable and appropriate in its revised streetscape presentation. In that regard it is considered that the amended proposal comprehensively addresses the streetscape issue from a planning perspective and is supported with conditions.

(c) **Wall setbacks**

The deemed-to-comply criteria of Clause 6.1.4 of the R-Codes indicate walls on lots less than 14.0 metres wide should be setback 3.0 metres from the side and rear boundaries. If the walls do not meet these minimum setbacks, applicants are required to demonstrate that they meet the relevant design principles. In this instance, variations are proposed to the ground floor and first floor walls on the side and rear boundaries. It is considered the proposed variations may be supported based on the following discussion:

**10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington**

Side (North-western)

The proposed building setbacks from the north-western boundary vary from 1.0 metre to 1.5 metres at ground floor level and from 1.5 metres to 1.9 metres at first floor level.

In response to the Design Principles of P4.1 Clause 6.1.4 of the R-Codes relating to lot boundary setbacks, the applicant offers the following justification in support of their application:

<b>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</b>	<i>Applicant's Justification:</i>
<b>ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them</b>	<i>Natural light and ventilation are both demonstrated by the orientation of the proposal that the variations proposed will not impact sunlight and ventilation.</i>
<b>moderate the visual impact of building bulk on a neighbouring property;</b>	<i>The adjoining dwelling does not address this variation with any significance as it is set quite far forward on the lot. The area of most concern has been demonstrated to be a service area of the adjoining property. The proposal is 3.5m lower than the scheme provides for.</i>
<b>ensure access to daylight and direct sun for adjoining properties</b>	<i>Natural light and ventilation are both demonstrated by the orientation of the proposal that the variations proposed will not impact sunlight and ventilation.</i>
<b>assist with the protection of privacy between adjoining properties.</b>	<i>The wall proposes no major openings to habitable rooms nor does it increase the site set levels which will maintain the privacy of the adjoining land owner.</i>
<b>Other</b>	<i>The proposal has included significant landscaping to further reduce and impact of building bulk. Whilst these variations appear numerous, they must be assessed in the context of the proposal being only two storeys (7m high), compared to the Scheme's provisions for 10.5m.</i>

The variations are considered to be acceptable in the context of the R80 development site. The revised proposal was referred to affected neighbours surrounding the development site with no objections being received as to the proposed variations.

With respect to the neighbouring property at No. 34 Banksia Terrace to the north-west of the development site, the dwelling contains three major openings to habitable rooms orientated toward the development site. In relation to the outlook and visual bulk impacts from these major openings, a review of the plans on record for this dwelling indicates that two of the windows are treated with obscure glazing which will act to moderate any visual impact of the proposed development on this neighbouring dwelling. All windows are located a sufficient

**10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington**

distance from the boundary to achieve adequate daylight and ventilation and any impacts associated with the proposed development would therefore be acceptable when considered against the Design Principles.

The outdoor living area is located to the west and north-west of the dwelling on the adjoining property at No. 34 Banksia Terrace. There is a small 4.9 metre interface with the rear of the development site between the shed and the dwelling on this neighbouring property however the primary outdoor living area is orientated away from the development site. It is acknowledged that the impacts of the wall setback variations primarily relate to the visual appearance of bulk and scale of the overall development, with no impacts arising with respect to overshadowing or loss of access to natural light in the context of the R-Codes. Therefore, by virtue of the outcomes of the revised plans which have addressed height, bulk and scale impacts as a result of an overall reduction in building height and floor area, the amenity impacts on the outdoor living area and habitable room windows of the dwelling at No. 34 Banksia Terrace have been significantly reduced from the refused plans and do not result in any undue or adverse impacts on the adjoining existing dwelling noting the redevelopment capabilities of the adjoining site at R80. The proposed setback variations along the north-western side of the lot are considered to meet the relevant design principles, and as such are supported.

Side (South-eastern)

The proposed building setbacks from the south-eastern boundary are 1.2 metres at ground floor level and vary from 2.1 metres to 3.0 metres at first floor level.

In response to the Design Principles of P4.1 Clause 6.1.4 of the R-Codes relating to lot boundary setbacks, the applicant offers the following justification in support of their application:

<b>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</b>	<i>Applicant's Justification:</i>
<b>ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them</b>	<i>The variations do not include an eave which would compliantly extend an additional 750mm into the 3m setback. Ventilation is not impacted as all prevailing windows arrive in directions other than what the proposal could impact.</i>
<b>moderate the visual impact of building bulk on a neighbouring property;</b>	<i>The proposal could have included a building height of 10.5m however it is restrained in limiting the building height to 3.5m less than this excluding the stairwell access.</i>
<b>ensure access to daylight and direct sun for adjoining properties</b>	<i>The proposal has significantly reduced the amount of overshadowing of the adjoining site. Whereas overshadowing could compliantly be 50%, the proposal is only 29%.</i>
<b>assist with the protection of privacy between adjoining properties.</b>	<i>The proposal has ensured there are no instances of overlooking facing either site.</i>

**10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington**

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<b>Other</b>	<p><i>The proposal has included significant landscaping to further reduce and impact of building bulk.</i></p> <p><i>Whilst these variation appear numerous, they must be assessed in the context of the proposal being only two storeys (7m high), compared to the Scheme's provisions for 10.5m.</i></p>
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There is one major opening located on the north-west elevation of the neighbouring dwelling to the south-east of the development site at No. 38 Banksia Terrace. Although the proposed development will result in overshadowing of this major opening, the total overshadowing of this neighbouring property is 29% of the total site area which is under the maximum 50% as permitted by Clause 6.4.2 C2.1 of the R-Codes.

Additionally, the following is noted:

- the walls on the development site have been articulated with varying setbacks of between 1.2 metres and 3.0 metres; and
- all major openings along this elevation are treated either with screening or opaque glazing, thereby eliminating any visual privacy concerns for the adjoining lot.

The proposed setback variations along the south-eastern side of the lot are considered to meet the relevant design principles, and as such are supported.

Rear (South-western)

The revised proposal also seeks a variation to the south-western boundary setback with a proposed 1.2 metre setback from the ensuite and Bedroom 2 of Unit 2 which has a wall height of 3.27 metres.

The refused proposal also included a 1.2 metre ground floor setback from the dining area to the south-western boundary. While no response to this variation was included in the April 2014 Council meeting minutes, the variation is considered to meet the relevant design principles of Clause 6.1.4 P4.1 of the R-Codes for the following reasons:

- the non-compliant wall setback is partially screened by a 1.8 metre high brick retaining wall which forms the south-western boundary of the development site;
- the wall is located adjacent to neighbouring alfresco and balcony areas of the neighbouring dwellings at No. 38 Brandon Street and therefore adequate separation will be achieved between the existing and proposed built form;
- The proposed development results in 5% overshadowing of the open space to the neighbouring dwellings at No. 38 Brandon Street; and
- the setback variation is along the common boundary of the adjoining lot which also has a density coding of R80.

On this basis, the proposed variation will ensure that daylight and direct sun will be maintained to adjacent properties while ensuring that visual bulk impacts are managed by the presence of the brick boundary wall as well as the setbacks and articulation of the first floor on the south-western facade.



**(d) Boundary wall**


North-western boundary wall

Under Clause 6 of Policy P350.2, the maximum permissible boundary wall height for a wall situated adjacent to an outdoor living area on an adjoining lot is 2.7 metres from the finished ground level of that lot.


The proposed north-western boundary wall height varies in height between approximately 3.2 metres, 3.5 metres and 6.9 metres. All boundary walls on the north-western elevation therefore represent a variation to the 2.7 metre permitted height.

At ground floor level, the total combined length of the boundary wall is 27.97 metres and 18.48 metres at first floor level.

The applicant has provided further justification in support of their application in response to the proposed boundary wall height variation and to address the amenity factors under Clause 5 of Policy P350.2:

<p><b>(a) A proposed boundary wall will not be approved where the City considers that such wall would adversely affect the amenity of an adjoining property or the streetscape in relation to the following amenity factors:</b></p>	
<p><b>(i) streetscape character;</b></p>	<p><i>The on boundary wall is progressively recessed in both height and initial setback to minimise the ability to visually appreciate the on boundary wall. The ability to appreciate the on boundary wall will be extremely limited if visible at all due to the adjoining vegetation within the immediate adjoining dwelling’s front setback.</i></p>  <p><i>Figure 10 Boundary between 34 &amp; 36 Banksia Terrace</i></p>

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<p><b>(ii) outlook from:</b></p>	
<p><b>(A) the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</b></p>	<p>Figure 9 and 10 illustrate show the ground floor on boundary wall is essentially in line with the front verandah which is further buffering by considerable vegetation approximately 4m and 3m deep.</p>
<p><b>(B) any habitable room window of an adjoining dwelling;</b></p>	<p>The architect/owner has been unable to ascertain from approaching the neighbour whether the 4 openings identified are to habitable rooms. Regardless, the adjoining openings have been respected by the design as illustrated in figure 9.</p>
<p><b>(iii) visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</b></p>	<p>The on boundary wall does face and area of open space, however this area has been clearly demonstrated to not be used for outdoor living purposes.</p> <p>The series of figures 1-7 demonstrate without doubt over a extend period that the space to the rear of the lot is used as a service area. A hills-hoist clothes line is shown to be consistently used in this area in addition the space housing an Outbuilding and a 2 level cubby house set 4m from the boundary in question.</p> <p>Regardless of this, the area further away from the service area will still be able to appreciate the wall to an extent. For this reason the bulk of the wall has been reduced by specifying a ‘Scyon’ cladding.</p>
<p><b>(iv) amount of overshadowing of a habitable room window, or an outdoor living area, on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the portion of the proposed dwelling which conforms to the R-Codes Acceptable Development setback will overshadow this window or outdoor living area to an equivalent or greater extent than would the proposed boundary wall.</b></p>	<p>The proposal demonstrates nil overshadowing to the boundary being discussed.</p>  <p>Figure 11 No overshadowing to the north western adjoining lot.</p>

#### **10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington**

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As a result of the removal of the third storey and the reconfiguration of the building layout, the amended drawings seek to increase the overall height of the north-west boundary wall. The proposed boundary wall adjoins the neighbouring property at No. 34 Banksia Terrace located directly north-west of the development site which currently contains a single storey dwelling. Due to the location and orientation of the neighbouring site, there are no impacts with respect to overshadowing or loss of access to natural light in the context of the R-Codes.

The impacts of the proposed boundary wall in relation to the neighbouring property primarily relate to the building height, bulk and scale of the overall development. However, in the context of circumstances were that impact to occur on a low density single residential zoned lot, such impacts may be deemed to be significant, undue and would not be respectful of the zoning and future intended use and development of the land. In this instance, the extent of the impact arising from bulk and scale has been reduced considerably with the removal of the third storey. These considerations must however be tempered against the fact that with a zoning of Residential R80 for the north-western site, this must reasonably be contemplated as a development site that of itself would have significant redevelopment potential available to it. Consequently the north-western interface and likely future development expectation will, in the long term, be likely between two complementary residential R80 developments.

Notwithstanding these residential density provisions, the building bulk and scale, as perceived from No. 34 Banksia Terrace, are considered acceptable in light of the revised plans for a number of reasons including the nature of the interface between the two dwellings and the specific treatments proposed in this development. Firstly, two of the three habitable room windows on the south-eastern side of this neighbouring dwelling are treated with obscure glazing. This means that there is only one window with a direct outlook to the development site. Sufficient setbacks exist between the neighbouring dwelling and the proposed boundary wall to ensure all windows receive sufficient light access and ventilation and therefore these habitable room windows still maintain an acceptable level of amenity. Secondly, the outdoor living area to the rear of No. 34 Banksia Terrace has an interface to the development site of 4.9 metres between the dwelling and the rear shed. This portion of the outdoor habitable space is considered to be secondary to the primary outdoor living area located to the north-west of the dwelling which is afforded direct access from habitable rooms and winter sunlight orientation. The visual impact of the wall and building bulk on the primary outdoor living area of the neighbouring dwelling is not considered to unreasonably affect the amenity of this property due to the orientation of this adjacent outdoor living area. Finally, no objection was received from the owner of No. 34 Banksia Terrace as a result of consultation which occurred seeking comment on the revised plans.

On that basis and notwithstanding the variations sought by the Applicant along the north-western boundary, it is considered that the variations sought in relation to the north-western neighbour are considered to be capable for approval on the basis that it will adjoin a future development site, and the nature of the location of building bulk in relation to the existing dwelling will not have undue or adverse effects.

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### South-eastern boundary wall

A boundary wall is also proposed to be constructed on the south-eastern boundary adjacent to the kitchen of Unit 2. The proposed boundary wall is set back 22.9 metres from the front setback with a length of 5.6 metres and height of 2.7 metres. The wall is adjacent to the outdoor living area of the adjoining property at No. 38 Banksia Terrace.

Under Clause 8 of Policy P350.2, Council has the ability to approve walls built to both side boundaries if the proposal meets the following criteria:

- (b) *where the development site is wider than 12.0 metres, in the interest of maintaining streetscape compatibility, and avoiding the visual impact of unrelieved building bulk, walls will only be permitted to abut both side boundaries where one of the boundary walls is set back at least 6.0 metres further from the street alignment than the other boundary wall.*

The applicant has provided the following response to Policy 350.2 in support of their application:

*“The proposal meets this criteria as the on boundary wall is setback 16.9m more than the proposed on boundary wall to the north western boundary.”*

In this instance, it is considered that the proposal complies with Council policy, and is therefore supported.

### **(e) Visual Privacy**

Under Clause 6.4.1 CI.1 of the R-Codes the proposed roof deck represents an unenclosed outdoor active habitable space and requires a 6 metre setback from the property lot boundary.

The roof deck is screened along the south-eastern elevation with 1.6 metre high opaque privacy glass. The north-east (front) and portion of the north-west (side) elevations are not screened and allow direct and oblique views into neighbouring properties as follows:

Cone of Vision:	Affected Property:	Impact:	Comment:
From the eastern corner of roof deck.	No. 38 Banksia Terrace	Oblique views into the front setback of the neighbouring dwelling.	Complies.
From the north-western side of the roof deck.	No. 34 Banksia Terrace	Oblique and direct views across the roof of the neighbouring dwelling.	Acceptable. Views from the roof deck in a north-western direction within the cone of vision overlook the roof of the neighbouring dwelling. The setback of the roof deck from the north-western boundary prevents direct views into habitable room windows of the neighbouring dwelling. As the setting back of the roof deck

from the side boundary prevents direct views to habitable areas of the neighbouring dwelling, the proposal is considered to meet the Design Principles of Clause 6.4.1 PI.2 of the R-Codes relating to visual privacy.

**(f) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

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

- (a) *Maintain the City's predominantly residential character and amenity.*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character.*
- (f) *Safeguard and enhance the amenity of residential areas, and ensure that new development is in harmony with the character and scale of existing residential development.*

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

**(g) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act.*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

## 10.0.2 Proposed Four (4) Multiple Dwellings within a Two (2) Storey Building – Lot 80 (No. 36) Banksia Terrace, Kensington

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

### Consultation

#### (a) Design Advisory Consultants' Comments

The revised drawings were not presented to the DAC for comment prior to this report being prepared. The DAC was supportive of the previous design and, due to the reduced streetscape impact of the proposed design, it was not considered necessary to seek their comments on this occasion.

#### (b) Neighbour consultation

Additional neighbour consultation was undertaken for the updated proposal which included notification of the four affected neighbours surrounding the development site. Neighbours were given 14 days to respond to the updated proposal and at the conclusion of the neighbour consultation period one submission was received from the owner of No. 38 Banksia Terrace seeking additional information as to the proposed amended drawings. In summary, the submission outlined discussions that had previously occurred between the Applicant and the neighbour in relation to visual privacy and overlooking from habitable room windows and balconies on the south-east elevation of the proposed development and overshadowing impacts. In relation to the neighbouring property at No. 38 Banksia Terrace, both visual privacy and overshadowing have been addressed at part of the amended plans. The submission also indicated that the change in overall building height from three-storeys to two-storeys was not included as part of the neighbour consultation information. Officers subsequently responded to the neighbour to explain that as the amended building height of 8.8 metres is compliant with the 10.5 metre Building Height Limit applicable to the development site, the amended building height does not require neighbour consultation under Policy 301. No additional comments were received from the owners of No. 38 Banksia Terrace following this submission.

#### (c) Internal administration

The Manager, Engineering Infrastructure was invited to comment on the refused proposal. This section raised no objections and was generally supportive of the refused proposal subject to the inclusion of standard conditions relating to crossovers and stormwater drainage, as referred to in **Attachment 10.0.2(c)**. No additional comment was sought from Engineering Infrastructure in relation to the amended drawings.

### Policy and Legislative Implications

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

### Financial Implications

This determination has a no financial implications.

### Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms:

***Accommodate the needs of a diverse and growing population.***

### **Sustainability Implications**

The proposed development has generally been designed having regard to the provisions of Council's Sustainable Design Policy. The applicant has provided balconies on both first floor dwellings to maximise access to northern winter sun. The proposal also makes significant effort to capture as much natural light as possible. A significant amount of operable windows have been located on the south-western boundary to take advantage of cooling summer breezes. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### **Discussion**

The revised plans reduce the overall height and appearance of the proposed development from a three storey building to a two storey building with roof deck and stairwell. This represents a significant reduction in bulk and scale of the overall development. The revised scale of the proposed development is considered to achieve a greater compatibility with the surrounding development while also recognising the transitional density coding of the site which anticipates higher future residential density than what currently exists in the immediate locality.

Although the boundary wall heights have increased on north-west and south-east boundaries, no objections have been received in response to this revised design. In any event when assessed against the Design Principles of the relevant R-Codes provisions it is considered acceptable as it is consistent with a form of development reasonably expected on an R80 development site and will not have any undue or adverse impacts on neighbouring properties.

The most significant wall occurs along the north-west elevation. Notwithstanding that the adjoining site is also identified as a likely redevelopment site given its R80 coding, even when assessed on the current layout of the existing dwelling, the proposed development is considered both acceptable and appropriate for approval because:

- The primary outdoor living area of the adjoining dwelling is located to the north-west, away from the proposed wall.
- To the extent that there is a small boundary wall interface with the secondary outdoor living area, there are no overshadowing impacts that will affect the property based on the winter solstice.

The reduction in the height of the development when viewed from the streetscape is a significant and positive improvement for its presentation recognising the transitional location of the development site adjacent to existing R50 medium density single residential development. The building now comprises a two storey multiple dwelling development comprising four dwellings and a roof deck and stairwell located centrally within the building footprint. The development would therefore be perceived in context with the two storey development at the front of the development and overall the development results in a significant softening of the appearance of built form when viewed from the street which is considered both reasonable and appropriate in its revised streetscape presentation. In that regard it is considered that the amended proposal comprehensively addresses the streetscape issue from a planning perspective.

### **Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and Council policy objectives and provisions as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

**10.1 STRATEGIC DIRECTION 1: COMMUNITY**

Nil

**10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**

Nil



## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15) Duckett Drive, Manning.

Location: Lot 777 (No. 15) Duckett Drive, Manning  
 Applicant: Ms H Koshin  
 Lodgement Date: 11 March 2014  
 Date: 8 August 2014  
 Author: Cameron Howell, Acting Senior Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development and Community Services

#### Summary

To consider an application for planning approval for a family day care on Lot 777 (No. 15) Duckett Drive, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use	TPS6 clause 3.3

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a family day care addition to single house on Lot 777 (No. 15) Duckett Drive, Manning, **be approved** subject to:

##### (a) Standard Conditions

661	expiry of approval
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##### (b) Specific Conditions

- (i) The maximum number of children approved to attend the Family Day Care is 5 children per day.
- (ii) The hours of operation are limited to the following: Monday to Friday- 6:00am to 6:00pm

##### (c) Standard Advice Notes

790	minor variations- seek approval	795B	appeal rights- council decision approval
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##### (d) Specific Advice Notes

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health section to ensure satisfaction of all of the relevant requirements.

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

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

**10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15)  
Duckett Drive, Manning.**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	514 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Plans of the proposal
- **Attachment 10.3.1(b)** Applicant's supporting report

The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**1. Specified uses**

- (g) *Non-residential "DC" uses within the Residential zone, except Family Day Care where the City does not receive objections during consultation;*

**6. Amenity impact**

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

**7. Neighbour comments**

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

### 10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15) Duckett Drive, Manning.

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#### Comment

##### (a) Background

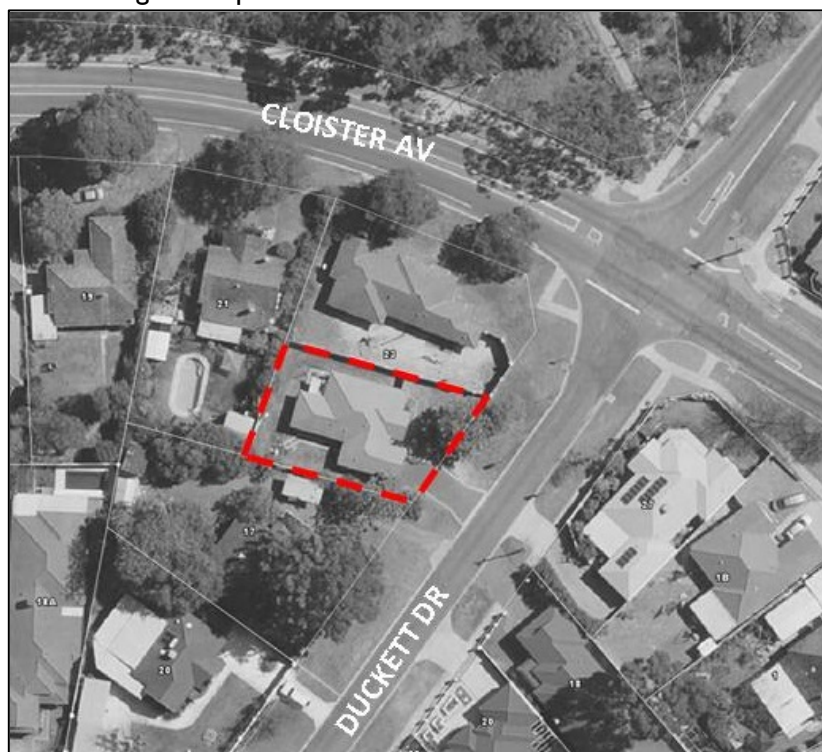
In March 2014, the City received an application for a family day care in an existing single-storey Single House on Lot 777 (No. 15) Duckett Drive, Manning (the **Site**). The applicant subsequently provided additional information on the proposal.

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

The existing development on the Site currently features the land use of 'Single House', as depicted in the plans at **Confidential Attachment 10.3.1(a)**.

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

The Site has a frontage to Duckett Drive to the east and is located adjacent to Single Houses to the north, west and south. Single Houses are also located opposite the site. The aerial photograph as seen in **Figure I** below, shows surrounding development:



##### (d) Description of the Proposal

The proposal involves the addition of a family day care to the existing residence on the Site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)** and the applicant's supporting report at **Attachment 10.3.1(b)**.

The family day care is proposed to care for up to five children between 6:00am and 6:00pm from Monday to Friday.

The proposal is observed to comply with the Scheme and relevant Council policies, with significant matters in relation to the assessment, all discussed below.

**10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15)  
Duckett Drive, Manning.**

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**(e) Land Use**

The proposed land use of Family Day Care is classified as a 'DC' (Discretionary with Consultation land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the Site adjoins residential land uses and is located near the Manning Primary School and the Manning Pre-School.

The proposed land use is considered to be compatible with the surrounding residential properties and nearby educational establishments. Therefore, the proposed development is observed to comply with Table 1 of TPS6.

**(f) Landscaping**

The required minimum landscaping area is 205.6m<sup>2</sup> (40 percent), and the proposed landscaping area is approximately 327m<sup>2</sup> (64 percent), therefore the proposed development complies with the landscaping requirements of Table 3 of TPS6.

**(g) Car Parking**

The required number of car bays is nil beyond normal residential parking provision. The Single House requires 2 bays, which are provided under an existing carport and existing hard stand. There is sufficient room for at least one vehicle to park on the driveway or crossover for parents dropping off and picking up their children.

The proposed development complies with the car parking requirement in Table 6 of TPS6.

**(h) Vehicle Movements**

Vehicle movements into and out of the site and the crossover are not observed to pose any significant vehicle access or traffic issues. The City's Engineering Infrastructure department has advised that the availability to street parking is limited, as a result of the narrow road pavement and parking restrictions near the intersection of Cloister Avenue and Duckett Drive.

The applicant has indicated that the anticipated traffic volumes and parking requirements from the proposal will be low, as the children attended the family day care will be from two families.

As a result of the low number of vehicle movements, the short duration of parking and the availability of parking on site, on the crossover and potentially the road pavement or verge, in relation to car parking and vehicle movements, the proposed development is considered to comply with the TPS6 requirements.

**(i) External Playing Spaces**

The development provides the minimum external playing space required by Table 4 of TPS6 (40m<sup>2</sup> with a minimum dimension of 6m), with two compliant spaces available at the rear of the site.

Council Policy P307 'Family Day Care and Child Day Care Centres' requires the external playing space to be fully fenced, used exclusively for the dwelling and to be arranged so as to minimise noise penetration on neighbouring dwellings. The fencing and exclusive use requirements are observed to be met.

### 10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15) Duckett Drive, Manning.

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In relation to noise, the dwellings on the adjoining dwellings are observed to be set away from the proposed external playing spaces.

Therefore, the proposed development complies with Table 4 of TPS6 and clause 1a of Council Policy P307.

**(j) Internal Playing Spaces**  
Council Policy P307 'Family Day Care and Child Day Care Centres' requires the internal playing spaces to be arranged so as to minimise noise penetration on neighbouring dwellings. The existing dwelling has a Living room and a Dining room at the rear of the building, which are observed to be most suitable areas for the internal playing space. This area and the major openings of these rooms are located away from the neighbouring buildings through large setbacks on the development site and/or the adjoining properties. Therefore, the proposed development is considered to comply with clause 2 of Council Policy P307.

**(k) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**  
In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*

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

**(l) Other Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) *any planning Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (p) *any social issues that have an effect on the amenity of the locality;*

**10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15)  
Duckett Drive, Manning.**

- (s) whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;
- (t) 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;
- (v) 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;
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and
- (x) any other planning considerations which the Council considers relevant.

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

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners at No 20 Craigie Crescent, Nos 12, 17, 18 and 20 Duckett Drive, Nos 19, 21 and 27 Cloister Avenue and the Manning Primary School were invited to inspect the plans and to submit comments during a minimum 14-day period. The adjoining residence at 23 Duckett Drive has the same landowner as this site.

During the advertising period, a total of 9 consultation notices were sent and 3 submissions were received, all against the proposal. The comments of the submitters, together with officer responses are summarised below.

<b>Submitters' Comments</b>	<b>Applicant's Responses</b>	<b>Officer's Responses</b>
It will be difficult to provide a safe delivery of children to / from the site, as a result of the existing traffic and parking from nearby schools / kindergartens and the narrow width of Duckett Drive.	My property has a front yard large enough for 6 vehicles. The children registered to use my family day care are family members' children and I have never had any traffic problem before. As the children are from two families, I don't see the need to object to my application on this point.	The traffic volumes associated with the proposed are observed to be low. Car parking is available on site. The risk to child safety in this regard is considered to be low in this instance. The comment is <b>NOTED</b> .
The additional parking of vehicles on the street could block driver sightlines when exiting the driveways of nearby properties.	My property has enough parking at the front, and there is no need to use the roadside for additional parking. My family members have never used the side road before for parking and my property	Any street parking associated with the proposal will be only for a short period of time each day. The risk to vehicle safety in this regard is considered to be low in this instance. The comment is <b>NOTED</b> .

**10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15)  
Duckett Drive, Manning.**

	has more space for parking for the 2 family relatives that want to use the family day care service.	
There appears to be no secure fencing arrangements around the house.	I considered the need for extra fencing arrangements but after consulting with the Department of Education and Care Regulatory Unit for fencing requirements for family day care, my property seemed OK. The requirement is for the indoor areas and the back yard to be inaccessible to the front yard. The property's back yard is locked from the front yard. I also want to advise the Council that I am happy to put the net along line the fence to reduce noise exposure if required by Council.	Sufficient fencing is provided on site. The comment is <b>NOTED</b> .
The operation of a business is incompatible with the intention of public housing.	This statement is totally wrong. Last year the Minister for Housing changed the policy and the Department now considers each applicant separately. The Department of Housing asked me to obtain Council approval in order for their property to be used for business.	The ownership of the property by the Department of Housing is not relevant to this application, as the permissible land uses are the same as for privately owned residences. The comment is <b>NOT UPHELD</b> .
The children could provoke dog barking on an adjoining property.	The adjoining property is owned by a senior couple who have a dog. I spoke to the couple and they confused me with the previous tenants who had 6 children but for the last 2 years I have been the new tenant in this property and I don't have any children of my own. They told me that the previous tenant's children used to provoke the dog and used to through items over the fence. I advised	The comment is <b>NOTED</b> .

**10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15)  
Duckett Drive, Manning.**

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	the couple that I am happy to put a net line along the fence if the Council is happy to give me the approval, so during the 1-2 hours the children are playing in the back yard nothing will go to the fence to provoke the dog. I also spoke with the 2 other neighbours on both sides of the property and they don't mind the kids or the dog.	
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**(b) Engineering Infrastructure comments**

The Engineering Infrastructure section of the City's administration was invited to provide comment on the availability of street parking on Duckett Drive.

This section advises that the pavement width is 5.6 metres wide in front of the site, with the available kerb space in front of the site being about 11 metres. A vehicle parked wholly on the street would occupy approximately 1.9 metres of the pavement width, leaving 3.7 metres for overtaking vehicles. The Road Traffic Code and the Parking Local Law require a minimum 3.0 metres clearance for parked vehicles from an obstruction including a kerb, effectively preventing street parking on both sides of the pavement. As a vehicle may park on the opposite side of the street to the site, there is no guarantee that street parking will be available.

The restricted parking zone adjacent to the Duckett Drive and Cloister Avenue intersection may be extended in front of the site in the future, particularly if a central 'splitter island' near the stop line was installed on the southern side of the intersection on Duckett Drive.

The Engineering Infrastructure section's preference is for set down / pick up from the driveway, though street set down / pick up is a less desirable but acceptable alternative.

**(c) Environmental Health Services comments**

Comments were invited from Environmental Health Services section of the City's administration.

The Environmental Health section provided comments with respect to ventilation, noise and food. The following comments have been provided in relation to this proposal:

Ventilation

The proposal will require compliance with City of South Perth Health Local Laws 2002, in particular - Division 2 - Ventilation of Houses



### 10.3.1 Proposed Family Day Care Addition to Single House. Lot 777 (No. 15) Duckett Drive, Manning.

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#### Noise - General

Consideration needs to be given in all internal and external play areas to ensure compliance with the Environmental Protection (Noise) Regulations 1997 in relation to surrounding properties. Please note that children should not play outside until 7:00am.

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

#### Food Act 2008 Registration/ Notification

The proposed Family Day Care will need to be registered with the City of South Perth.

Accordingly, important notes are recommended to respond to the comments above.

#### **(d) External Agencies**

As the landowner, the Department of Housing has provided its consent to the applicant to submit this application.

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

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

#### **Financial Implications**

This determination may have financial implications, if the application is subject to an appeal to the State Administrative Tribunal.

#### **Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 2013-2023 which is expressed in the following terms:

***Accommodate the needs of a diverse and growing population.***

#### **Sustainability Implications**

Being a non-residential development, it is considered that the proposal enhances sustainability by providing local business and employment opportunities.

#### **Conclusion**

It is considered that the proposal meets all of the relevant Scheme and Council Policy objectives and provisions. Accordingly, it is considered that the application should be conditionally approved.

**10.4 STRATEGIC DIRECTION 4: PLACES**

Nil

**10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND  
TRANSPORT**

Nil

## 10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

### 10.6.1 Monthly Financial Management Accounts - July 2014

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 13 August 2014  
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

#### Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

That ....

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (c) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (d) the Schedule of Movements between the Adopted & Amended Budget **Attachment 10.6.1(6)(A) & (B)** not be presented for July as there have been no amendments to the adopted 2014/2015 Budget;
- (e) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

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

#### Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report reflects the structure of the budget information provided to Council and published in the Annual Management Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control - reflecting the City's actual financial performance against budget targets.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5%

### **10.6.1 Monthly Financial Management Accounts - July 2014**

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of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns.

This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. From that date on, this schedule reflects a reconciliation of movements between the 2014/2015 Adopted Budget and the 2014/2015 Amended Budget including the introduction of the unexpended capital items carried forward from 2013/2014.

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting this statement on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

#### **Comment**

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) & 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6) (A) & (B)** (not presented for July)
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 July 2014 is \$38.04M which represents some 100% of the \$37.90M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement and meter parking revenues are on budget. Interest revenues are 4% below budget expectations although this largely relates to less than budgeted Reserve Fund interest. This will situation will reverse in the next couple of months as the proceeds from the sale of the Civic Triangle land are received and invested.

## 10.6.1 Monthly Financial Management Accounts - July 2014

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Rate revenue from the initial rates strike is some \$75,000 (0.2%) higher than was modelled for budget purposes after the very late receipt of revised GRVs for some larger properties. These values were received in the period between adoption of the budget and the issue of rates notices.

Planning revenues are 14% ahead of budget target whilst building fees are some 11% below budget expectations. Collier Park Village revenues are modestly higher due to the timing of recoups for utilities. Food licensing revenues are 5% ahead of budget - largely in relation to a greater than anticipated number of food licenses.

City Environment contributions revenue for casual ground hire and the (unbudgeted) contribution towards resurfacing of hard courts at Hensman Tennis Club resulted in a 196% YTD favourable variance. This revenue and the related expenditure items will be addressed in the Q1 Budget Review. Other than this item and a 1% favourable timing difference on rubbish service charges, Infrastructure Services revenue overall is close to budget for the year to date.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 31 July 2014 is \$3.24M which represents 95% of the year to date budget of \$3.41M. Operating Expenditure is 2% under budget in the Administration area, on budget for the golf course and 9% under in the Infrastructure Services area.

Variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and are not considered significant after only one month of the year. There is an unfavourable variance on Rangers parking meter and vehicle maintenance relating to repairing damaged equipment and a favourable timing difference in Financial Services relating to bank fees and allocations outwards.

There were also several offsetting variances in relation to library purchases and staff costs. There was a favourable variance in relation to staff costs and consultants in the Building Services area. Community Culture & Recreation had a number of offsetting variances but they are not considered significant at this time. Collier Park Village has an 8% unfavourable variance after incurring higher than expected costs for insurances, gardens & grounds maintenance, security and sanitation. Preventative Services in the Health program area reflects a significant timing variance for food sampling analysis - which will reverse out in August.

In the Infrastructure Services operations area, parks maintenance is some 17% below budget although this largely relates to a timing difference as maintenance programs for the year are developed and implemented. There is also a favourable timing variance in plant nursery operations and overheads - both of which are expected to reverse out in future months.

Maintenance activities for roads, paths and drains reflect a 15% favourable variance at month end but this is also considered to be a timing difference as maintenance programs are finalised and implemented.

Plant charge recovery is also impacted by the process of having to develop and finalise the maintenance programs after budget adoption but will be monitored regularly as the maintenance works occur in earnest in future months.

### **10.6.1 Monthly Financial Management Accounts - July 2014**

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As would be expected in any entity operating in today's economic climate, there are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 7.0% under the budget allocation for the 214.8 FTE positions approved by Council in the budget process. Factors impacting this include vacant positions in the process of being filled, staff on leave and timing differences on receipt of agency staff invoices.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$0.14M at 31 July - 17% over the year to date budget of \$0.12M. This difference relates to the re-leasing of a unit at the CPV and is not significant.

Capital Expenditure at 31 July is \$0.22M representing 169% of the year to date budget but this is not significant as almost all capital projects in the program are scheduled to occur from August onwards. The table reflecting capital expenditure progress versus the year to date budget by directorate will be presented from September onwards once the final Carry Forward Works are confirmed (after completion of the annual financial statements).

#### **Consultation**

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

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

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

#### **Financial Implications**

The attachments to the financial reports compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of variances which in turn promotes dynamic and prudent financial management.

#### **Strategic Implications**

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

#### **Sustainability Implications**

Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

## 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2014

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 12 Aug 2014  
Authors: Michael J Kent and Deborah M Gray  
Reporting Officer: Michael J Kent, Director Financial and Information Services

### Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

### OFFICER RECOMMENDATION AND COUNCIL DECISION

That Council receives the 31 July 2014 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**

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

### Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

## 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2014

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Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

### Comment

#### (a) Cash Holdings

Total funds at month end of \$43.6M (\$44.6M last month) compare favourably to \$41.9M at the equivalent stage of last year. Reserve funds are \$0.1M lower overall than the level they were at the same time last year - reflecting \$0.9M higher holdings of cash backed reserves to support refundable monies at the CPV but \$2.1M less for the CPH as departing residents had their accommodation bonds refunded. The Asset Enhancement Reserve is \$2.6M higher mainly through the receipt of part of the Ray St land disposal proceeds. The Sustainable Infrastructure Reserve is \$0.2M higher whilst the Waste Management Reserve is \$1.3M lower after a budgeted transfer back to the Municipal Fund. The Future Building Reserve is \$0.1M higher and the Future Municipal Works Reserve is \$0.5M lower. The River Wall Reserve is \$0.3M higher. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is \$0.4M lower (fully depleted) after funding the 2014 operating deficit.

Municipal funds are some \$1.7M higher due to excellent rates collections last year and delayed cash outflows for some major capital works.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$6.04M (compared to \$7.58M last month). It was \$4.30M at the equivalent time in the 2013/2014 year. This balance will increase significantly in August and September as Rates collections begin to flow in. **Attachment 10.6.2(1)**.

#### (b) Investments

Total investment in money market instruments at month end was \$42.3M compared to \$41.1M at the same time last year. This is due to higher levels of cash investments relating to municipal funds (\$1.7M increase). Cash backed reserves are \$0.1M lower.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment. Analysis of the composition of the investment portfolio shows that all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no investments in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Department of Local Government Operational Guidelines for investments.

All investments currently have a term to maturity of less than one year - which is considered prudent both to facilitate effective cash management and to respond in the event of future positive changes in rates.



## 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2014

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Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are required to be within the 25% maximum limit prescribed in Policy P603. At 31 July, the portfolio was within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$0.12M. This compares to \$0.13M at the same time last year. Prevailing interest rates are significantly lower and appear likely to continue at current low levels.

Investment performance will be closely monitored given recent interest rate cuts to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we will re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 3.47% with the anticipated weighted average yield on investments yet to mature now also sitting at 3.47%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.25% since the August 2013 Reserve Bank decision on interest rates.

### (c) Major Debtor Classifications

Effective management of accounts receivable to convert debts to cash is also an important part of business management. Details of each major debtor's category classification (rates, general debtors & underground power) are provided below.

#### (i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of July 2014 (before the due date for the first instalment) represent 7.5% of rates levied compared to 7.7% at the same stage of the previous year.

Rates notices were issued only 2 weeks before month end, so a clearer impression of the 2014/2015 collection profile will not start to emerge until after the first instalment due date on 20 August.

The City will strive to maintain its positive rates collection profile with the objective of meeting or bettering industry benchmarks. The City is aiming to again achieve a good acceptance of our rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies should provide strong encouragement for ratepayers to meet their rates obligations in a timely manner.

## 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2014

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### (ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.4M at month end (\$1.2M last year). GST Receivable is \$0.2M higher than the balance at the same time last year whilst Sundry Debtors are slightly lower. Most other Debtor categories are at similar levels to the previous year. It is anticipated that there may be further small year-end adjustments made to Receivables before the financial accounts are completed, but it is still expected that the final balance will be very close to that from the previous year.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

### (iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.37M was collected by 31 July with approximately 99.6% of those in the affected area having now paid in full. The remaining 19 property owners all have now made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to recognise that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Since the initial \$4.59M billing for the Stage 5 UGP Project, some \$4.38M (or 95.5% of the amount levied) has already been collected with 83.1% of property owners opting to settle in full and a further 16.5% paying by instalments so far. The remainder (0.4%) have yet to make satisfactory payment arrangements or have defaulted on the arrangements and collection actions are continuing.

### Consultation

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

### Policy and Legislative Implications

The cash management initiatives which are the subject of this report are consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report - as is the DOLG Operational Guideline 19.

### Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability of debts.

## **10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2014**

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### **Strategic Implications**

This matter relates to Strategic Direction 6 “Governance, Advocacy and Corporate Management” identified within Council’s Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

### **Sustainability Implications**

This report addresses the ‘financial’ dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

### 10.6.3 Listing of Payments

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 06 August 2014  
Authors: Michael J Kent and Deborah M Gray  
Reporting Officer: Michael J Kent, Director Financial and Information Services

#### Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 July 2014 and 31 July 2014 is presented to Council for information.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

That the Listing of Payments for the month of July 2014 as detailed in **Attachment 10.6.3**, be received.

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

#### Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

#### Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation cannot be individually debated or withdrawn.

### 10.6.3 Listing of Payments

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Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

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

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

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

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

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

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

#### **Consultation**

This financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

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

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

#### **Financial Implications**

This report presents details of payment of authorised amounts within existing budget provisions.

#### **Strategic Implications**

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

#### **Sustainability Implications**

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

## 10.6.4 WA Treasury Corporation - Local Government Master Lending Agreement

Location: City of South Perth  
 Applicant: Council  
 File Ref: FM/301  
 Date: 08 August 2014  
 Authors: Michael J Kent  
 Reporting Officer: Michael J Kent, Director Financial and Information Services

### Summary

The newly created draft Master Lending Agreement between the City of South Perth and WA Treasury is presented for ratification by Council.

### OFFICER RECOMMENDATION AND COUNCIL DECISION

That the City of South Perth:

- (a) enters into a Master Lending Agreement with WA Treasury Corporation as per the agreement tabled at this meeting; **Confidential Attachment 10.6.4**
- (b) approves the affixation of the common seal of the City of South Perth to the said Master Lending Agreement in the presence of the Mayor & Chief Executive Officer each of whom will sign the document to attest to the affixation of the common seal thereto;
- (c) recognises and authorises the Chief Executive Officer (or his authorised designated officer) from time to time to sign schedule documents under the Master Lending Agreements or to give thereunder instructions on behalf of the City of South Perth.

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

### Background

The City has in place a number of individual loan agreements with WA Treasury relating to the pre-existing 5 City loans, 1 Golf Course loan and a further 5 current self-supporting loans. All of these borrowings have been undertaken in strict accordance with statutory obligations and are current and up to date in all respects. Borrowings are secured against the future rate revenues of the City.

Current borrowings are summarised in the following schedule:

Loan No	Purpose of Borrowings	Term Years	Interest Rate	Maturity Date	Balance at 30 Jun 2014
<b>City Loans</b>					
222	Infrastructure works	10	5.48%	Jun 2015	189,489
223	Infrastructure works	10	6.32%	Jun 2019	1,730,800
225A	Infrastructure works	10	5.48%	Jun 2021	1,510,070
225B	Infrastructure works	10	4.02%	Jun 2021	808,343
226	UGP Instalment Option	3	4.23%	Dec 2014	351,172
<b>Golf Course Loans</b>					
227	CPGC Island 9 Upgrade	15	4.97%	Sep 2026	4,130,082

#### 10.6.4 WA Treasury Corporation - Local Government Master Lending Agreement

Loan No	Purpose of Borrowings	Term Years	Interest Rate	Maturity Date	Balance at 30 Jun 2014
Self-Supporting Loans (all repayments serviced by beneficiary Club / organisation)					
218	Manning Tennis Club	15	6.59%	Nov 2015	12,056
220	Old Mill Theatre	17	6.28%	Nov 2021	34,880
224	South Perth Hospital	10	6.15%	Feb 2020	1,450,179
228	South Perth Bowling Club	15	4.65%	Feb 2028	77,177
229	South Perth Bowling Club	15	4.22%	Feb 2028	469,748

Note that a further \$100,000 self-supporting loan for South Perth Bowling Club was approved in the 2014/2015 Budget.

WA Treasury Corporation (WATC) has developed the Local Government Master Lending Agreement (LGMLA) to improve lending processes and incorporate legislative changes brought about by the Personal Property Security Act 2009 (PPSA). The move to the new LGMLA facilitates a streamlined process for lending to local government clients. This was a suggested outcome from the WATC client survey.

The LGMLA incorporates all future and existing loans together under the one agreement - removing the need for individual loan agreements to be executed under seal each time a loan is raised through WATC. This brings efficiencies to the City as it facilitates the advance of funding immediately upon acceptance of a firm quote for lending from WATC - notwithstanding that all borrowings must still be approved by Council and conducted in accordance with S6.20 of the Local Government Act.

The LGMLA will also provide a centralised point of reference for all outstanding loans between the City and WATC - which may assist in transition of these liabilities should this be required as an outcome of any future Local Government Reform.

The LGMLA is required to be executed under seal and will stand as an open ended agreement. The advancement of funds subsequent to a loan application will still be subject to WATC's credit approval policy at the time of the application and will be tied back to the LGMLA via the acceptance of the firm quote issued by WATC by an authorised signatory as advised by the Local Government.

WATC has advised that should a Local Government approach WATC for funding, it will require the LGMLA to be executed before it will in a position to advance any loans required in 2014/2015.

#### **Comment**

The City of South Perth had sought clarification on the reasons for being required to approach Council for the authorisation to enter into and execute the LGMLA given that the existing loans have all previously been approved by Council, were the subject of individual loan agreements executed under seal and the funds previously advanced and applied to their intended purpose.

WATC have responded that all previous loan documentation has been superseded and it will be necessary to ensure that all transactions under the MLA are completed in accordance with the terms and conditions of that agreement - given the LGMLA will stand in perpetuity. This outcome can be achieved by tabling the Execution version of the agreement.

#### **10.6.4 WA Treasury Corporation - Local Government Master Lending Agreement**

In summary, this process is simply a 'compliance' requirement. It does not in any way impact on the existing loans, lending rates, loan terms or any other pre-existing terms and conditions.

##### **Consultation**

As the action required in this report is a statutory compliance requirement there has been no consultation required other than that between WATC and the City administration.

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

The action required by this report is consistent with relevant legislative requirements.

##### **Financial Implications**

The action required of the City in response to this report has no financial impact. It merely requires a single administrative action to be taken.

##### **Strategic Implications**

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

##### **Sustainability Implications**

Responsible loan borrowings are used as part of the City's sustainable Long Term Financial Funding Model.



## 10.6.5 Corporate Plan 2013-2017 Annual Review

Location: City of South Perth  
Applicant: Council  
Date: 21 July 2014  
Author: Ricky Woodman-Povey  
Reporting Officer: Phil McQue, Manager Governance and Administration

### Summary

It is a requirement of the *Local Government (Administration) Regulations 1996* that the Corporate Plan be reviewed on an annual basis with modifications to be submitted to Council for adoption.

### OFFICER RECOMMENDATION AND COUNCIL DECISION

That Council adopt the modifications to the Corporate Plan 2013-2017.

*\*Absolute Majority Required*

**CARRIED EN BLOC BY REQUIRED ABSOLUTE MAJORITY (8/0)**

### Background

The City has developed an integrated planning and reporting framework that will allow us to sustainably and strategically meet the needs of our community. The objective of this framework is to have a stronger focus on place shaping and wellbeing with an increased level of community engagement.

The Corporate Plan 2013/2017 is the City of South Perth's 4 year project and service delivery plan. Adopted by the Council in March 2013, it is aligned to the City's Strategic Plan 2013-2023 translating the strategic direction operational level.

### Comment

Following is a list of proposed modifications to the initiatives contained in the Corporate Plan 2013-2017. The changes have been grouped according to action.

### Delete from Corporate Plan

The following projects were finalised in 2013-2014 and are proposed to be removed:

Strategic Initiative	Action	Modification	Comment
1.4.2 Bill Grayden Pavilion	Finalise the upgrade of the Bill Grayden Pavilion	Delete	The upgrade has been completed.
5.4.2 Perth Waterfront Development	Advocate for proper and coordinated planning in relation to the Perth Waterfront development	Delete	The City has been monitoring the progress of works on the Perth Waterfront Development Project. The SPF 2013 & Beyond Strategy and Management Plan has identified strategies for the coordinated development at the Mends Street Precinct.

## 10.6.5 Corporate Plan 2013-2017 Annual Review

6.4.3 Electronic Development Application System	Investigate an electronic approvals system for building permits and planning applications	Delete	Investigation has been completed. The City has implemented Trapeze software, but will not proceed with electronic lodgement of applications until finalisation of local government amalgamations.
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### **Extension of timeframe**

The following strategic initiatives are proposed to be extended:

Strategic Initiative	Action	Modification	Comment
1.1.6 Animal Care Facility	Undertake an upgrade of the Dog Pound into a new Animal Care Facility	Extend to 2014/15	This initiative will be completed in October 2014.
1.4.4 Regional Waste Management Strategy	Contribute to the development of a Regional Waste Management Strategy	Extend to 2014/15	This initiative will be completed in 2014/2015.
2.2.4 Locate all drainage outfall systems to River requiring pollutant traps and develop implementation strategy	Design assessment completed by March for possible consideration in future budget	Extend to 2014/15	This initiative will be completed in 2014/2015.
2.5.1 Sir James Mitchell Park	Develop the Sir James Mitchell Park Foreshore Vision and Master Plan	Extend to 2014/15	This initiative will be completed in 2014/2015.
3.2.1 Waterford Triangle Scheme Amendment	Progress the Waterford Triangle Scheme Amendment	Extend to 2015/16	The funding for this initiative has been extended to 2015/2016.
4.1.3 Manning Hub Reserve 24331	Acquire, subdivide and dispose of portion of Reserve 24331	Extend to 2014/15	This initiative will be completed in 2014/2015.
6.1.4 State of Sustainability Report	Develop a State of Sustainability Report	Extend to 2014/15	This initiative will be completed in 2014/2015.
6.5.2 Local Government Reform	Respond to the State Government Local Government Reform process	Extend to Ongoing	

**Other**

A change is proposed at the strategic objective level as below:

Strategic Objective	Strategic Initiative	Modification
3.1 Develop a Local Planning Strategy to meet current and future community needs, cognisant of the local amenity.	3.1.1 Local Planning Strategy	Add the words, "Together with our possible amalgamation partners," to the beginning of strategic objective 3.1

A change has been made to the name of the initiative and informing strategy for the initiative below:

Strategic Initiative	Informing Strategy	Modification
5.1.1 Canning Bridge Precinct Vision	Canning Bridge Precinct Vision	Amend the name of the initiative to "5.1.1 Canning Bridge Activity Centre Structure Plan". Amend the informing strategy to "Canning Bridge Activity Centre Structure Plan and Town Planning Scheme No.6"

**Consultation**

The Corporate Plan 2013-2017 review was undertaken in July 2014. The review invited responsible officers to provide comments and suggestions for modifications to their respective initiatives.

The first version of the Corporate Plan 2013-2017 was developed based on the outcomes of the extensive community consultation undertaken in 2012, which formed the basis for the Strategic Community Plan 2013-2023. There were 529 submissions received during the consultation period as well as a stakeholder forum being held in November 2012, with all submissions considered by Council in December 2012.

**Policy and Legislative Implications**

The requirements of the review of the Corporate Plan are set out in section 19DA. (4)–(7) of the *Local Government (Administration) Regulations 1996*:

- 19DA. Planning for the future: corporate business plans — s. 5.56**
- (4) A local government is to review the current corporate business plan for its district every year.
  - (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
  - (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
  - (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

The principles of the Integrated Planning and Reporting Framework align closely with the principles of the Australian Business Excellence Framework, which is outlined in [Policy P691 Australian Business Excellence Framework](#).

### **Financial Implications**

The proposals to extend or change the expected delivery dates for strategic initiatives in the Corporate Plan 2013-2017 was informed by the Annual Budget 2014-2015 process. In developing the budget, the City gave due consideration to submissions made in relation to the Community Visioning Process, previous Strategic Financial Plans, Council Member and community feedback received by the City through various forums and consultation exercises throughout the year and, in particular, the prevailing economic climate.

### **Strategic Implications**

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

### **Sustainability Implications**

The Integrated Planning and Reporting Framework is aligned to the City’s [Sustainability Strategy 2012–2015](#). A Sustainability Framework was developed as part of the project brief to develop the City’s sustainability instruments. This Framework was designed to support the City in its efforts to develop not only the principles and processes of sustainability, but to assist in developing the structure and methodology for being sustainable.

The Sustainability Framework provides a continuous improvement process that aligns with the Business Excellence Framework and *ISO 9001 Quality Management Systems*.

The Integrated Planning and Reporting Framework is consistent with the Local Government Sustainability Framework guides published by the Local Government and Planning Ministers’ Council.

### 10.6.6 Planning policy P350.01 Environmentally Sustainable Building Design – final adoption following advertising for public comment

Location: City of South Perth  
Date: 11 August 2014  
Author: Mark Carolane, Senior Strategic Projects Planner  
Reporting Officer: Vicki Lummer, Director, Development and Community Services

#### Summary

At its 24 June 2014 meeting, the Council endorsed draft planning policy P350.01 Environmentally Sustainable Building Design for advertising for public comment. The required period of advertising is now complete and no submissions were received.

Planning policy P350.01 (**Attachment 10.6.6(a)**) requires developers of buildings with a gross floor area of more than 1,000m<sup>2</sup> to achieve at least a four star rating under the relevant Green Star rating tool, or equivalent. The policy will replace the existing policy P350.01 and will ensure that the City remains a leader in promoting and facilitating high quality environmentally sustainable development.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION

That Council adopt planning policy P350.01 Environmentally Sustainable Building Design (**Attachment 10.6.6(a)**), in accordance with Town Planning Scheme No. 6 (TPS No. 6) Clause 9.6(2), as follows:

- (a) *The Council shall review the draft planning policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy.*
- (b) *Following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.*

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

This report includes the following attachment:

- **Attachment 10.6.6(a):** Planning Policy P350.01 Environmentally Sustainable Building Design

#### Background

The City of South Perth Corporate Plan 2013-2017 requires the review and expansion of the Sustainable Design Policy (strategic initiative 3.3.4). The existing planning policy P350.01 provides detailed rationale for why the City should encourage residents to reduce the amount of resources consumed in building and operating their homes. However, no specific development approval conditions are required by the policy and in practice the policy is not often used by planning officers assessing development applications.

The review of the City's sustainable design planning policy (P350.01) was presented to Council in June 2014, including a proposed updated approach to planning policy for environmentally sustainable design. The updated approach includes:

- information for applicants and developers on sustainable design principles for residential developments made available on the City's website;
- information for applicants and developers on acid sulfate soils; and
- a new planning policy P350.01 to set minimum standards of environmentally sustainable design for developments with more than 1,000m<sup>2</sup> gross floor area.

## 10.6.6 Planning policy P350.01 Environmentally Sustainable Building Design – final adoption following advertising for public comment

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### Comment

The new planning policy at **Attachment 10.6.6(a)** applies to most developments with a gross floor area of more than 1,000m<sup>2</sup> and requires achievement of at least a four star Green Star rating, or equivalent. Green Star is one of a number of rating tools available to measure the environmental performance of buildings. It is a holistic rating tool that assesses the total environmental impacts of a building. It provides best practice benchmarks on the design, construction and fitout of buildings and is widely accepted throughout the Australian property and construction industry.

In addition to reducing environmental impact, Green Star rated buildings can be high value properties for both owners and tenants. There is a growing body of evidence showing that Green Star rated buildings outperform non-rated buildings in areas including sale price, rental rates and tenant retention and satisfaction. Promotion of Green Star allows the City to leverage the Green Star brand to promote the City's sustainability program.

The new policy P350.01 allows flexibility where Council is satisfied that a more appropriate rating tool than Green Star exists and will be applied to achieve equivalent or greater performance standards than required by Green Star.

### Consultation

The advertising required by TPS No. 6 Clause 9.6(2) and Council Policy P301 'Consultation for Planning Proposals' was undertaken in the manner resolved at the 24 June 2014 Council meeting, as follows:

- Southern Gazette newspaper notice in two issues: 15 and 22 July 2014; and
- Notices and draft policy documents displayed in the Civic Centre customer foyer, in the City's Libraries and on the City's web site ('Out for Comment').

Submissions were accepted until close of business on Friday 8 August (24 days). No submissions were received.

### Policy and Legislative Implications

Planning policy P350.01 (**Attachment 10.6.6(a)**) has been prepared and advertised for public comment in accordance with TPS No. 6 Clause 9.6(2).

### Financial Implications

Achieving Green Star ratings can increase the cost of development. However, there is evidence to show that Green Star rated buildings outperform non-rated buildings in areas including sale price, rental rates and tenant retention and satisfaction.

The proposed new P350.01 (**Attachment 10.6.6(a)**) introduces a minimum standard to improve environmental performance while allowing flexibility for developers to meet the requirement in a cost-effective way.

### Strategic Implications

This report is consistent with the [Strategic Plan 2013–2023](#):

- Direction 2 – Environment “*Enhance and develop public open spaces and manage impacts on the City's built and natural environment*”
- Direction 3 – Housing and Land Uses “*Accommodate the needs of a diverse and growing population*”
- Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

### Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

## **10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE**

Nil

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

### Councillor Lawrance

I hereby request a Leave of Absence for the period 14–24 October 2014 inclusive.

### Councillor Cridland

I hereby request a Leave of Absence for the period 1–20 September 2014 inclusive.

### RECOMMENDATION AND COUNCIL DECISION

**Moved:** Cr M Huston

**Seconded:** Cr K Trent

That the applications for Leave of Absence submitted by Councillor V Lawrance and Councillor G Cridland be approved.

**CARRIED (8/0)**

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

Nil.

## 13. QUESTIONS FROM MEMBERS

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

At the July 2014 Ordinary Council Meeting there were no questions taken on notice.

### 13.2 QUESTIONS FROM MEMBERS

A table of questions and answers provided can be found at **Appendix Three**.

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

The Presiding Member reported to Members that she would like to introduce an item of 'New Business of an Urgent Nature' considered to be of an urgent nature in relation to the election of a secondary deputy delegate to the WALGA South East Metropolitan Zone Committee.

### COUNCIL DECISION – NEW BUSINESS OF AN URGENT NATURE ITEM 14

**Moved:** Cr F Reid

**Seconded:** Cr C Cala

That Council accept the item of New Business.

**CARRIED (8/0)**



## **14.1 WALGA South East Metropolitan Zone Committee: Mayor S Doherty**

### **MOTION AND COUNCIL DECISION**

**Moved:** Mayor S Doherty  
**Seconded:** Cr F Reid

That Council nominate a second deputy delegate to the WALGA South East Metropolitan Zone Committee for the period ending October 2015.

Cr S Hawkins-Zeeb nominated Mayor Doherty for the deputy delegate position. This nomination was seconded by Cr C Cala. No other nominations were received.

Mayor S Doherty was duly elected as a second deputy to the WALGA South East Metropolitan Zone Committee.

**CARRIED (8/0)**

#### Reasons for the Motion

At the Special Council Meeting of 22 October 2013 (Item 7.3 refers) Council elected two delegates (Councillor Fiona Reid and Councillor Sharron Hawkins-Zeeb) and one deputy delegate (Councillor Colin Cala) to the WALGA South East Metropolitan Zone Committee.

Council is entitled to elect two deputy delegates.

Presently, should both the delegates or the deputy delegate be unable to attend, another elected member is sought to fill in temporarily as deputy delegate.

It is proposed, for consistent representation, that a second deputy delegate be nominated to be called upon to represent the Council in the above circumstance.

The meetings are held every two months on a Wednesday evening. The next scheduled meeting is Wednesday 27 August 2014.

No additional fees or allowances are paid to representatives of this Committee.

## **15. MEETING CLOSED TO PUBLIC**

In accordance with section 5.23(2) of the Local Government Act 1995 the Chief Executive Officer may advise of matters for discussion on the Agenda for which the meeting may be closed to the public.

### **15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

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

Nil.

## **16. CLOSURE**

The Presiding Member closed the meeting at 7.58 pm and thanked everyone for their attendance.

## DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting of 23 September 2014  
by Presiding Member, Mayor S Doherty.

Signed: \_\_\_\_\_

## VOTING

26/08/2014 7:25:10 PM

### **Item 6.2 – Extension of 5 minutes to public question time**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:35:02 PM

### **Item 7.1**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:36:02 PM

### **Item 7.2**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:37:00 PM

### **Item 8.4**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:37:41 PM

### **Item 8.5**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:39:39 PM

**Item 9**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:42:36 PM

**Item 10.0.1**

Motion Passed 6/2

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Fiona Reid

No: Cr Sharron Hawkins Zeeb, Cr Kevin Trent

Absent: Cr Cheryle Irons

26/08/2014 7:43:47 PM

**Item 11**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:54:10 PM

**Item 14**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

26/08/2014 7:58:25 PM

**Item 14.1**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Cheryle Irons

## APPENDIX ONE

### **SOUTH PERTH FORESHORE STRATEGY AND MANAGEMENT PLAN – MAYOR’S STATEMENT**

At the September council meeting the South Perth Foreshore Strategy and Management Plan (The SPF Plan) will be presented for adoption.

The Plan will be made available on the City’s website from Friday 5 September and sent out via the Peninsula Snapshot. The Peninsula Snapshot email database includes residents who indicated they wanted future information about the project when responding to the survey, and others who have been added to our list since then.

At the 26 November 2013 meeting, Council considered the results of community consultation and stakeholder engagement received, and resolved then to approve the development of the SPF Plan, provided a number of points were addressed. All of these points have been incorporated into this final document.

The SPF Strategy and Management Plan (The SPF Plan) is a document to strategically and holistically guide the South Perth foreshore into the future. As responsible custodians of the foreshore, the City must plan to ensure the foreshore continues to be sustainably managed.

This plan includes the improvement of public infrastructure, recreation and tourism experiences, and environmental values. The Plan prioritises the ten nodes of the foreshore, and lists strategies for the future of this significant regional reserve.

This will enable the development of foreshore spaces that are accessible; activated, inclusive and well-connected. The plan will ensure the foreshore provides a range of recreational and social opportunities, and enhances the natural and cultural environment of the City.

As I said in August of last year, the implementation strategy will be long-term – that means over years, not months – and the city will keep the community informed along the way.

The purpose of the plan is to provide clear direction for foreshore improvements for decades to come, and the City will ensure that Council, the community and other stakeholders remain involved throughout the planning and implementation processes. As the project will be implemented there will be many opportunities for further participation.

Thanks to all those who have participated in this robust process and we look forward to working together with you further in the implementation of this plan.

## APPENDIX TWO

### 3.2 PUBLIC QUESTION TIME: 26 AUGUST 2014

1. Mrs Marcia Manolas of 193 Mill Point Road, South Perth Received 25 August 2014	Response provided by: Mr Cliff Frewing, CEO
[Preamble] The status of the South Perth Foreshore Strategy and Management Plan will be presented to Council for adoption at the September 2014 meeting and Council has requested the document be made available on the City's website from Friday 5 September 2014 for community and stakeholder information.	
1. (a) Will revision to all Policy documents relating to Sir James Mitchell Park be brought before Council for review at the same time or prior to the South Perth Foreshore Strategy and Management Plan being adopted for the Park?	Any adopted Policy of Council that is affected by the South Perth Foreshore Management Plan will be reviewed once the South Perth Foreshore Management Plan has been adopted by Council.
(b) Will Policy document revisions be reviewed and passed prior to the South Perth Foreshore Strategy and Management Plan being adopted?	Marcia considered this question answered as per 1. above.
c) What period of time will be given to the public to preview the revised document changes?	It is planned to release the Plan on 5 September 2014.
2. (a) Are Councillors and the Mayor aware the resumed land vested in the city of South Perth by the Lieutenant Governor Sir James Mitchell for the purpose of "Swan River Foreshore Recreation" 1934 and 1940 has not been defined in any maps or diagram by the city of South Perth to show lot numbers and purpose of use?	Elected members have access to the draft Plan and would be aware of its contents.
(b) Where has Administration defined maps or tables showing the areas of land comprising the resumed land of Sir James Mitchell Park?	All land titles have been reviewed, and information compiled. Refer Appendix 08 Map & Tables of Land Details and Ownership, with details in a map and tables.
3. a) Can Councillors be held responsible, either collectively or individually, for the adoption of any future Management Plan for the resumed vested land of Sir James Mitchell Park, if Councillors have not complied with the relevant Acts?	It is believed that the contents of the South Perth Foreshore Management Plan are consistent with the requirements of current legislation and therefore the issue of liability does not arise.
4. Are Councillors aware the resumed land for the purpose use of Swan River and Foreshore Recreation comprising Sir James Mitchell Park and vested in the City of South Perth is currently under consideration by the Heritage Council of W.A. for a higher classification because of its important significance to the development of Perth City?	Yes.

<b>2. Mr Paul Lougheed of 289 Mill Point Road, South Perth Received 26 August 2014</b>	<b>Response provided by: Mark Taylor, Acting Director Infrastructure Services</b>
<p>[Preamble] I reported a safety issue with the Council regarding an old crossover on Mill Point Road (287) - my house is on Roseberry Avenue. A Council Officer came out and told me they would fix it within a month – that’s four months ago. I wrote a registered letter to Acting CEO Vicki Lummer and this week the problem has been fixed - apparently at my cost of \$766.80.</p>	
<p>1. Why am I getting charged for a safety issue on Council land?</p>	<p>This question will be taken on notice and a written answer provided.</p>
<p>[Preamble] N/A</p>	
<p>2. Why is there only one tree planted on the Council verge between Mill Point Road and King Edward Street and Mill Point Road and Coode Street? A row of trees planted on both sides would enhance the area.</p>	<p>The City has a Street Tree Management Plan which they use to undertaken tree planting and is being progressively rolled out. The City does not plant trees in areas where there is a strong chance that the trees may not survive.</p>
<p>[Preamble] For the last six months there has been an ongoing problem with a dead tree outside of my property. The Council seem to be holding me responsible and it seems like I have been singled out by the Council.</p>	
<p>3. What is going to happen to remove the tree?</p>	<p>The City’s Street Management Plan is clear on the subject of unlawful damage with street trees and the action the City is to take. The City wrote to you along with other residents explain that an investigation is being carried out. As part of the investigation there was notification that something had happened. It is clear what you need to do, as explained in the letters sent to you that you explain your side of the story (deadline to respond is 29 August 2014).</p>
<p>4. What is the City doing about the trees in York Street that were unlawfully cut down?</p>	<p>The City takes all unlawful destruction of trees very seriously. The City has a database of all street trees. If trees are removed unlawfully the City will investigate and take action where necessary. In this particular case there were requests for residents to come forward and provide evidence – nobody came forward so there is not much the City can do.</p>

<b>3. Mr Geoff Defrenne of 24 Kennard Street, Kensington Received 26 August 2014</b>	<b>Response provided by: Mr Cliff Frewing, CEO</b>
<p>[Preamble] Rates - I note with interest the table about cents in the dollars for council rates in the last issue of the Peninsular.</p>	
<p>1. In the next issue of the Peninsula, will the council publish the gross rates and gross rubbish charge collected over a similar period?</p>	<p>There are no plans to publish this information in the next issue of the Peninsular.</p>
<p>2. To assist those less capable of maths can you also put in the percentage change?</p>	<p>Refer 1. above.</p>
<p>[Preamble] Civic Triangle - I note with interest the reported sale of the Civic Triangle for the reported figure of \$27 million. It was also reported that the developer intends to build a 30 storey building on the site.</p>	
<p>3. When is the anticipated settlement date for the property?</p>	<p>10 September 2014.</p>
<p>[Preamble] I note the Town Planning Scheme stipulates the building height of 36 metres and 14 for this site.</p>	
<p>4. Is it possible to build a 30 story building with a height limit of 14 metres?</p>	<p>The scheme provides for a variation in height of buildings within the area where the two buildings referred to are located.</p>
<p>5. Is it possible to build a 30 story building with a height limit of 36 metres?</p>	
<b>4. Ms Sarah Schladow of 3/20 Garden Street, South Perth Received 26 August 2014</b>	<b>Response provided by: Mark Taylor, Acting Director Infrastructure Services</b>
<p>[Preamble] Mark Taylor has indicated that the final document for the South Perth Foreshore Strategy and Management Plan (with all of the amendments requested by Council last November) is to be presented to council for adoption at the September Council meeting. However, this document will only be available for public perusal on Council website from 5 September. Given the importance of this policy, and the level of community interest (eg petition of &gt;7,000) about how the foreshore - including Sir James Mitchell Park - is to be managed/protected for future generations</p>	
<p>1. Is there a reason why this significant document cannot be made available online for 6-8 weeks: to allow all community/stakeholders adequate opportunity to peruse it; and to allow any queries to be put to – and addressed by – Council before adoption?</p>	<p>The process undertaken now is not a community consultation process, it is an information process. At the Briefing on 12 August 2014 it was the agreed position of Councillors present - that it would go out to the public on 5 September 2014.</p>
<p>2. Completion/presentation of the document has deserved long consideration (with several postponements), so surely a longer public availability period before final presentation/adoption is also deserved?</p>	<p>As per 1. above.</p>



## APPENDIX THREE

### 13.2 QUESTIONS FROM MEMBERS: 26 AUGUST 2014

#### Questions from Councillor M Huston

##### Mr Lougheed

1. Did Mr Lougheed initially write to the City to ask that the tree be replaced or did Officer's notice the damage?
2. What is the City's own view that the corner (the site of the tree) interferes with the site line of traffic?
3. Will the City be reinstating the tree?

*Note: Cr Huston also requested that he be included in all correspondence to Mr Lougheed regarding the crossover matter.*

#### Response provided by Mr Mark Taylor, Acting Director Infrastructure Services

1. How the issue came about is uncertain and the question will be taken on notice and an answer provided.
2. With the subdivision of the block and a crossover being put next to the tree, if the tree was removed the City will not be replacing a tree in that same position.
3. The tree is a structural hazard so the city will be removing it in due course – however, whilst the investigation is being undertaken the tree will remain.

#### Questions from Councillor F Reid

##### Councils for Democracy

1. Can the Minutes/notes from the 11 July and 25 July 2014 meetings be provided by way of inclusion in the Ordinary Council Meetings?
2. Who can attend these meetings (in either an official capacity or as an observer)? Is it open to Councillors to attend.

##### Mayor's Activity Report – July 2014

3. Cr Huston's and Cr Reid's attendance at the 16 July 2014 River Catchment Group was not noted. Can this please be amended?

##### Local Government Reform – Court Proceedings

4. When will Council be updated on the Proceedings of 20 July 2014?
5. Has there been a report produced by the Lawyers in response to the Chief Justice request.

### Response provided by Mr Cliff Frewing, CEO

1. Yes these can be included in the Councillor's Bulletin (*note: the Presiding Member advised that the key points of these meetings are usually included in the Councillor's Bulletin – Cr Reid advised that they were not in the last Bulletin*).
2. The Councils' for Democracy group is an informal association of those disaffected local governments from the local government reform program. It is typically represented by the Mayor and CEO (or their nominees if they are not able to attend). There does not seem to be rules governing attendance that we know of and if another elected member wishes to attend this should not be a problem (*note: the Presiding Member advised she would like to first confirm with the group as to the rules governing attendance as at present there are no other elected members attending these meetings from other local governments*).
3. This can be corrected (*note: the Presiding Member advised that it is her preference to have such omissions corrected before the report comes to Council and advised the onus is on the Councillors to ensure all details relating to events attended are reflected in the Activity Report presented to Council each month*).
4. This was simply a Directions Hearing and at that meeting it was announced that the Primary Hearing will be held on 5 September 2014 at 1.15 pm. Most certainly we will be present and there will be an update following that Hearing.
5. Not that we know of.

### Question from Councillor V Lawrance

1. Previously Councillors were given a copy of the Public Questions submitted at the Ordinary Council Meetings. Can we please reinstate this?

### Response provided by Mr Cliff Frewing, CEO

1. Yes this can be reinstated (*note: this was an administrative oversight*).

### Questions from Councillor K Trent

#### List of Deputations

1. Previously Councillors were given a list of the Deputations at the Agenda Briefings. Can we please reinstate this?

#### Councils for Democracy

2. It would be helpful to the delegates of the WALGA Zone meetings to be aware of what was happening at these meetings as the delegates will be making decisions which will be covered at the Councils for Democracy meetings. Can we please be kept informed?

### Response provided by Cliff Frewing, CEO

1. Yes this can be reinstated (*note: this was an administrative oversight*).
2. Yes, we will take this request on board.

