

# MINUTES

## Ordinary Council Meeting

9 December 2014

The Mayor and Councillors

Herewithin the Minutes of the Ordinary Council Meeting of the City of South Perth Council held on Tuesday 9 December 2014 in the Council Chamber, Sandgate Street, South Perth.



CLIFF FREWING  
CHIEF EXECUTIVE OFFICER

12 December 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**

Ordinary Council Meetings are held at 7.00 pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. The December meeting is brought forward to accommodate the holiday season. 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 councillors, presided over by a popularly elected mayor. Councillor 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 of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth Tuesday 9 December 2014.

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

The Presiding Member opened the meeting at 7.03 pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Billulmun people and that we honour them as the traditional custodians of the land.

## **2. DISCLAIMER**

The Presiding Member read aloud the City's Disclaimer.

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

### **3.1 AUDIO RECORDING OF THE COUNCIL MEETING**

The Presiding Member advised that the meeting will be audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.16 of the Standing Orders Local Law 2007.

### **3.2 PUBLIC QUESTION TIME - FORMS**

The Presiding Member advised that Public Question Time Forms are available in the Civic Centre foyer and on Council's website for members of the public wanting to submit a written question. In accordance with Clause 6.7 of the Standing Orders Local Law, 'Procedures for Question Time', the Presiding Member requested that questions be received in advance of the Council Meetings in order for the Administration to have the opportunity to prepare responses.

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

The Presiding Member advised that the Mayor's Activities Report for November 2014 can be found at Appendix One of the Agenda.

### **3.4 BRINGING ITEM FORWARD**

#### **10.6.1 COUNCILLOR LAWRENCE – ATTENDANCE AT DECEMBER 2014 MEETING**

At this point the Presiding Member brought forward *Item 10.6.1 – Councillor Lawrence – Attendance at December 2014 meeting* to consider Cr Lawrence's request for her to attend the December 2014 Council Meeting via telephone / video conference (Skype) from the UK.

*Note: The Local Government Act provides that a councillor who is not physically present at a meeting is able to attend the meeting via telephone or other means of instantaneous contact, subject to them being in excess of 150km of the Chamber and being given approval by the Council by absolute majority.*

## 10.6.1 Councillor Lawrance - Attendance at December 2014 Meeting

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
Date:	9 December 2014
Author / Reporting Officer:	Phil McQue, Manager Governance and Administration
Strategic Direction:	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
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

### Summary

This report considers Councillor Lawrance request for her to attend the December 2014 Council Meeting via telephone / video conferencing.

### Officer Recommendation and COUNCIL DECISION

**Moved:** Cr Huston

**Seconded:** Cr Trent

That the Council approve Councillor Lawrance's request to attend the December 2014 Council Meeting via telephone / video conferencing.

*Absolute Majority required if approval is to be given*

**CARRIED (8/0)**

*\*Note: by consent of the Mover and Seconder the word 'consider' was amended to 'approve'.*

### Background

Councillor Lawrance is unable to physically attend the December 2014 Council Meeting and has requested that the Council consider approving her attending the Meeting via telephone / video conferencing.

### Comment

The *Local Government Act 1995* provides that a Councillor who is not physically present at a meeting is able to attend the meeting via telephone or other means of instantaneous contact, subject to them being in excess of 150km of the Chamber and being given approval by the Council (absolute majority required).

It must be noted that the City's experience with similar situations in a meeting environment is that it is not conducive to a smooth and seamless meeting, with technical difficulties sometimes experienced due to the nature of the technology and communications.

### Consultation

There has been consultation with the City's Information Technology Unit in respect to the City being able to provide a video conferencing link for the meeting.



## Policy and Legislative Implications

### 5.25. Regulations about council and committee meetings and Committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
  - (a) the holding of council or committee meetings by telephone, video conference or other electronic means;
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and

### 14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
  - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
  - (b) the person is in a suitable place; and
  - (c) the council has approved\* of the arrangement.
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (4) In this regulation — suitable place means a place that the council has approved\* as a suitable place for the purpose of this regulation and that is located —
  - (a) in a townsite or other residential area; and
  - (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

\* Absolute majority required.

## Financial Implications

There are minimal financial technology implications associated with this Councillor request.

## Sustainability Implications

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

## Attachments

Nil

*Note: at 7.09 pm several Skype connections to Cr Lawrance were attempted but failed. Several further attempts were made during the course of the meeting. Whilst mobile contact with Cr Lawrance was made to determine the problem the meeting continued.*

## 4. ATTENDANCE

Mayor Doherty (Presiding Member)

### Councillors

Cr C Cala	Manning Ward
Cr S Hawkins-Zeeb	Manning Ward
Cr G Cridland	Como Ward (arrived at 7.05 pm)
Cr M Huston	Mill Point Ward
Cr C Irons	Mill Point Ward
Cr K Trent, OAM, RFD, JP	Moresby Ward
Cr F Reid	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 Taylor	Acting Director Infrastructure Services
Mr P McQue	Manager Governance and Administration
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager of Development Services
Ms A Albrecht	Executive Officer
Ms C Jones	Graphic Design Officer
Ms S Kent	Governance Officer

### Gallery

There were approximately 11 members of the public and 0 members of the press present.

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

Cr V Lawrance JP    Como Ward

## 5. DECLARATIONS OF INTEREST

*Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.*

No Interests were declared.

## 6. PUBLIC QUESTION TIME

Public Question Time is operated in accordance with the Local Government Act Regulations.

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

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

## 6.2 PUBLIC QUESTION TIME – 9 DECEMBER 2014

The Presiding Member stated that public question time is operated in accordance with Local Government Act regulations. Questions are to be in writing and questions received prior to this meeting would be answered tonight, if possible, or alternatively may be taken on notice. Questions received in advance of the meeting would be dealt with first.

The Presiding Member then opened Public Question Time at 7.12 pm.

Questions were heard from Geoff Defrenne of 24 Kennard Street, Kensington and Cecilia Brooke of 8/20 Garden Street, South Perth.

Questions raised and the answers provided can be found at **Appendix One**. No questions were taken on notice.

*Note: Written questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the Public Gallery.*

There being no further questions the Presiding Member closed Public Question Time at 7.21 pm.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting – 25 November 2014

The November 2014 Ordinary Council Meeting was held 25 November 2014 in the City of South Perth Council Chamber.

#### Attachments

##### 7.1.1(a) Minutes – Ordinary Council Meeting – 25 November 2014

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Trent

**Seconded:** Councillor Reid

That the Minutes of the Ordinary Council Meeting held 25 November 2014 be confirmed a true and accurate 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 Agenda Briefing – Held 18 November 2014

Officers of the City presented background information and answered questions on draft reports identified for the 25 November 2014 Ordinary Council Meeting at the Agenda Briefing held 18 November 2014.

#### Attachments

##### 7.2.1(a) Agenda Briefing Notes – 18 November 2014

### **7.2.2 Concept Briefing: Aged Persons Service Review Held 3 November 2014**

Officers of the City presented background information and answered questions on the Aged Persons Service Review at the Concept Briefing held 3 November 2014.

#### **Attachments**

**7.2.2(a)** Concept Briefing Notes: Aged Persons Service Review

### **7.2.3 Concept Briefing: Land Asset Management Plan Held 3 November 2014**

Officers of the City presented background information and answered questions on the Land Asset Management Plan at the Concept Briefing held 3 November 2014.

#### **Attachments**

**7.2.3(a)** Concept Briefing Notes: Land Asset Management Plan

### **7.2.4 Concept Briefing: Kwinana Freeway (Como) Foreshore Management Plan Held 1 December 2014**

Officers of the City presented background information and answered questions on the Kwinana Freeway (Como) Foreshore Management Plan at the Concept Briefing held 1 December 2014.

#### **Attachments**

**7.2.4(a)** Concept Briefing Notes: Kwinana Freeway (Como) Foreshore Management Plan

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Huston

**Seconded:** Councillor Trent

That the Notes of the Briefings at Attachments 7.2.1(a) to 7.2.4 (a) be received.

**CARRIED (8/0)**

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

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

Nil.

### **8.2 PRESENTATIONS**

*Occasions where awards/gifts may be accepted by Council on behalf of the Community.*

Nil.

### **8.3 DEPUTATIONS**

Deputations were heard at the Agenda Briefing of 2 December 2014.

## 8.4 COUNCIL DELEGATE REPORTS

### 8.4.1 Perth Airport Municipalities Group – 11 September 2014

A report from Cr C Irons and Mr C Frewing, CEO, summarising the Perth Airport Municipalities Group Meeting held 11 September 2014.

#### Attachments

8.4.1(a) Council Delegate Report – PAMG - 11 September 2014

### 8.4.2 Rivers Regional Council Ordinary General Meeting – 16 October 2014

A report from Cr K Trent and Cr C Cala, summarising the Rivers Regional Council Ordinary General Meeting held 16 October 2014.

#### Attachments

8.4.2(a) Council Delegate Report – RRC - 16 October 2014

### 8.4.3 Rivers Regional Council Ordinary General Meeting – 21 August 2014

A report from Cr K Trent and Cr C Cala, summarising the Rivers Regional Council Ordinary General Meeting held 21 August 2014.

#### Attachments

8.4.3(a) Council Delegate Report – RRC – 21 August 2014

#### Officer Recommendation

**Moved:** Councillor Cala  
**Seconded:** Councillor Hawkins-Zeeb

That the Council Delegate Reports at Attachments 8.4.1(a) – 8.4.3(a) be received.

**CARRIED (8/0)**

## 8.5 CONFERENCE DELEGATE REPORTS

Nil.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items Identified to be withdrawn for discussion that the remaining Reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer, Mr Cliff Frewing, that all of the Report Items were discussed at the Agenda Briefing held on 2 December 2014. The Chief Executive Officer confirmed that this was correct with the exception of Items 10.6.1, 10.6.2 and 15.1.2, which were new Items and highlighted that Item 10.0.1 was available at the Agenda Briefing but new information had been made available since. The new reports and the new information for existing Reports were circulated to Elected Members prior to the meeting. These Items were automatically withdrawn for discussion.

## ITEMS WITHDRAWN FOR DISCUSSION

The following Items were withdrawn from discussion:

- Item 10.0.1 WA Electoral Commissioner – Conduction of Poll
- Item 10.3.4 Amendment 48 – Car Bay Sizes
- Item 10.4.2 Manning Community Facility
- Item 10.4.4 Land Asset Assessment Plan
- Item 10.6.1 Councillor Lawrance – Attendance at December 2014 Meeting (*withdrawn earlier in the meeting at Item 3.4*)
- Item 10.6.2 Advantages / Disadvantages of Amalgamation – Information for Residents

## EN BLOC MOTION

That with the exception of Withdrawn Items 10.0.1, 10.3.4, 10.4.2, 10.4.4, 10.6.1 and 10.6.2, the Officer Recommendations in relation to Agenda Items:

- Item 10.2.1 Kwinana Freeway Foreshore Management Plan
- Item 10.3.1 Proposed Additions to Single House Lot 23 No. 47 River Way, Salter Point
- Item 10.3.2 SAT Reconsideration – 6 Jubilee Street
- Item 10.3.3 Proposed Child Day Care Centre, Ley Street
- Item 10.4.1 Tender 12/2014 – PM Services for Manning Hub
- Item 10.4.3 Tender 16/2014 – Mends Street

be carried en bloc.

## COUNCIL DECISION

**Moved:** Councillor Cala

**Seconded:** Councillor Hawkins-Zeeb

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

- Item 10.2.1 Kwinana Freeway Foreshore Management Plan
- Item 10.3.1 Proposed Additions to Single House Lot 23 No. 47 River Way, Salter Point
- Item 10.3.2 SAT Reconsideration – 6 Jubilee Street
- Item 10.3.3 Proposed Child Day Care Centre, Ley Street
- Item 10.4.1 Tender 12/2014 – PM Services for Manning Hub
- Item 10.4.3 Tender 16/2014 – Mends Street

**CARRIED (8/0)**

## 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

### 10.0.1 WA ELECTORAL COMMISSIONER – CONDUCTION OF POLL

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-14-72438
Date:	9 December 2014
Author / Reporting Officer:	Amanda Albrecht, Executive Officer
Strategic Direction:	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
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

#### Summary

This report seeks Councils agreement to declare the WA Electoral Commissioner as responsible for the conduct of the poll on the amalgamation between the City of South Perth and the Town of Victoria Park. This poll has been requested by the electors of the City of South Perth under the Local Government Act 1995.

#### Officer Recommendation

**Moved:** Councillor Reid  
**Seconded:** Councillor Trent

That Council

- a) declares (in accordance with clause 9(1)(b)(ii) of Schedule 2.1 of the Local Government Act 1995) the WA Electoral Commissioner as responsible for the conduct of the poll of the amalgamation between the City of South Perth and the Town of Victoria Park, on behalf of the City of South Perth; and
- b) agrees (in accordance with section 4.61(2) of the Local Government Act 1995) that the poll be conducted by postal vote; and
- c) agrees to the payment of costs for the poll, estimated to be \$58,000.

*Absolute Majority Required*

**CARRIED (8/0)**

#### Background

Following the Minister for Local Government and Communities' (the Minister) announcement on 22 October 2014 that he intends to accept the recommendation from the Local Government Advisory Board (LGAB) that the City of South Perth and the Town of Victoria Park be amalgamated by 1 July 2015, the LGAB gave notice to affected local governments, affected electors and other electors of districts directly affected by the recommendation. This notice advised of the right to request that the recommendation to amalgamate be put to a poll of electors, and the process for doing so. The closing date for this request was Friday 5 December 2014, at 4pm.

The Minister advised the City of South Perth on Monday 8 December 2014 that he has received a valid petition asking for the recommendation to be put to a poll, and that a poll will be held 7 February 2014 (**Attachment 10.0.1 (a)** refers). The Minister must reject the recommendation put forward by the LGAB if, as a result of the poll, 50 percent of

electors vote, and if the majority of those electors that vote, vote against the recommendation.

At a Special Council Meeting on Local Government Reform held 4 November 2014, Council considered a report (Item 7.6.6 refers) on the process for conducting a poll and resolved as follows:

*That Council*

- (a) *agrees, in principle, that if a poll on the recommended amalgamation is triggered for the City of South Perth under Clause 8, Schedule 2.1 of the Local Government Act 1995, it should be conducted as a postal vote; and*
- (b) *authorises the Chief Executive Officer to write to the Electoral Commissioner (post 5 December 2014) seeking written agreement that the Electoral Commissioner (or person approved by the Electoral Commissioner) be responsible for the conduct of the poll, and return of the results to the Minister; and*
- (c) *notes that the Council will be required to formally declare the Electoral Commissioner as responsible for the conduct of the poll once it has obtained written agreement from the Electoral Commissioner; and*
- (d) *notes that the Council will also need to formally decide on the method of conducting the poll once it has obtained written agreement from the Electoral Commissioner.*

*CARRIED (8/0)*

On receipt of the advice from the Minister, the Chief Executive Officer wrote to the WA Electoral Commissioner seeking written agreement that the Electoral Commissioner (or person approved by the Electoral Commissioner) be responsible for the conduct of the poll, and return the results to the Minister. The WA Electoral Commissioner has now provided his written agreement to conduct a postal vote on behalf of the City of South Perth, at an estimated cost of \$58,000.

## **Comment**

### ***Declaring the WA Electoral Commissioner as responsible for the poll***

Under schedule 2.1, clause 9(2) of the Local Government Act 1995 (the Act) the Council must formally declare (by absolute majority) the WA Electoral Commissioner as responsible for the conduct of the poll. This resolution can only be made following written agreement of the WA Electoral Commission to conduct the poll – this agreement has now been received (**Attachment 10.0.1(b)**).

The Council has until 19 December 2014 to agree that the WA Electoral Commissioner conduct the poll on behalf of the City. After this date, the Council also cannot rescind its decision.

### ***Method of conducting the poll***

As with any election conducted under Part 4 of the Act, the poll may be conducted either by postal vote or by voting in person (section 4.61(1) refers). The WA Electoral Commission has offered to carry out a postal vote on the City's behalf.

Whilst the Council agreed in principle in November 2014 that the poll should be conducted as a postal vote, this decision has no effect unless it is made after a declaration is made that the Electoral Commissioner is to be responsible for the conduct of the poll (section 4.61(2) refers). Now that the Council has received written agreement from the WA Electoral Commissioner to conduct the poll, the Council must resolve by absolute majority if it wishes for a postal vote to be conducted.



Officers recommend a postal vote as this is likely to result in a greater response rate from the community.

### **Timeline**

The WA Electoral Commission has advised of the following key dates in relation to the poll (**Attachment 10.0.1(c)** refers):

<b>Milestone</b>	<b>Date</b>
Last day for Council to agree that the Electoral Commissioner	19 December 2014
Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the poll	19 December 2014
CEO to give State-wide public notice of the time and date of close of enrolments	20 December 2014 – 27 December 2014 (20th preferred date)
Close roll 5.00pm	5 January 2014
Last day for CEO to prepare an owner & occupier roll for the poll. Last day for Electoral Commissioner to prepare residents roll.	7 January 2014
Lodgement of election packages with Australia Post	14 January 2014
Last day for the Returning Officer to give State-wide public notice of the election	19 January 2014 (14 <sup>th</sup> preferred date)
Polling Day	7 February 2014
Referendum result advertised	11 February 2014
Report to Minister on the election result	21 February 2014
Any invalidity complaint is to be made to the Court of Disputed Returns	7 March 2014
Governor's Orders issued	March 2014

### **Consultation**

City officers have received advice from the WA Electoral Commission in the preparation of this report.

As resolved by Council at the Special Council Meeting on Local Government Reform held 4 November 2014, information has been prepared for the residents of South Perth on advantages and disadvantages of amalgamation, although with information on the poll, background of the Reform Program, and a proposed map of the City of South Park. This information will be included in the January Peninsula, advertised in the Southern Gazette in January and included in the email newsletter.

### **Policy and Legislative Implications**

Part 4 and Schedule 2.1 of the Act are relevant to the contents of this report. The Council must resolve by absolute majority to appoint the WA Electoral Commissioner to conduct the poll, and for the poll to be conducted by postal vote.

### **Financial Implications**

The WA Electoral Commission has provided an estimate of \$58,000 in its letter to the City of South Perth.

### **Strategic Implications**

This report is consistent with the [Strategic 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](#)

### **Attachments**

- 10.0.1 (a):** Letter from the Minister - Poll - 8 December 2014
- 10.0.1 (b):** Letter from the WAEC - Poll - 8 December 2014
- 10.0.1 (c):** Metro Amalgamations Postal Referendum Timeline issued by the WAEC

## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

Nil.

## 10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

### 10.2.1 KWINANA FREEWAY FORESHORE MANAGEMENT PLAN

Location:	Western Foreshore of the City
Ward:	Como Ward, Manning Ward, Mill Point Ward
Applicant:	The City and Main Roads WA
File Ref:	D-14-69464
Date:	2 December 2014
Author / Reporting Officer:	Geoff Colgan, Acting Manager City Environment
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

#### Summary

The Kwinana Freeway Foreshore Management Plan (KFFMP) has been completed to replace the outdated Western Foreshore Management Plan (1993). The new plan covers management of the foreshore from the Narrows Bridge to the Mount Henry Bridge (Kwinana Freeway Foreshore).

The purpose of the KFFMP is to outline the values of the foreshore, set long term goals to address the issues that the foreshore will be facing in the future, identify and prioritise projects and works to be undertaken to meet the goals. It also includes the City's adaptation response to anticipated climate change impacts on this foreshore.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cala

**Seconded:** Councillor Hawkins-Zeeb

That Council adopt the Kwinana Freeway Foreshore Management Plan.

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

#### Background

Prior to the construction of the Kwinana Freeway, the western foreshore of the City (Narrows Bridge to Mount Henry Bridge) was a relatively stable shoreline of significant environmental and recreational importance.

Construction of the Kwinana Freeway during the 1950's and 1970's involved the dredging of nearby riverbed to the west and depositing of a large amount of dredge spoil and other infill along the western foreshore and effectively isolated this area from nearby suburbs. The infill has affected shoreline dynamics and asset protection along the Kwinana Freeway and has become a major ongoing concern. In order to protect the Kwinana Freeway Foreshore (KFF) from erosion, construction of shore stabilisation structures such as groynes, revetments and seawalls has taken place over a number of years.

Most of the western foreshore has been heavily modified, in-filled and revegetated due to the construction of the Kwinana Freeway. Subsequent revegetation has met with mixed success and many plant species introduced have been found to be unsuitable for the harsh riverside conditions, resulting in much of it being a semi-barren landscape. Nonetheless the area is still valued for its cultural importance, river vistas and recreational opportunities and enjoyed by walkers, cyclists, Kwinana Freeway users and local residents.

In 1993 the City of South Perth (City) adopted a management plan for the Western Foreshore in response to recommendations of the State Government's Swan River Management Strategy (1988). This plan has been a good guiding document however it no longer reflects the key stakeholders' current and future needs in the area of foreshore asset management, climate change adaptation, social and cultural needs and biodiversity conservation.

### **Comment**

The City commenced meeting irregularly with MRWA in early 2010 to discuss western foreshore issues. This led to the formation of the Kwinana Freeway Foreshore Group (KFFG) which was later expanded to include representation from the Swan River Trust (Trust) and the Department for Environment and Conservation (DEC), now Department of Parks and Wildlife (DPaW). The KFFG is now meeting on a monthly basis to coordinate resources and programs to study and improve the management and maintenance of the Western Foreshore, now known as the Kwinana Freeway Foreshore (KFF).

A key deliverable of the KFFG has been the development of a Memorandum of Understanding (MOU) on asset maintenance responsibility and ownership along the KFF. This has provided clarity around asset management responsibility and has resulted in MRWA allocating significant funding to foreshore works in recent years. In addition, the KFFG has commissioned a number of studies and assessments to determine the condition of the assets, such as walls, drainage structures and other specifics of the KFF. In addition, MRWA has been working with DPaW to identify and attempt to mitigate significant erosion occurring within Milyu Nature Reserve.

The KFFG has identified anticipated existing and potential climate change impacts as a significant threat to KFF infrastructure and other values and has expressed its commitment to protect and enhance the area.

All of these studies have provided the background information the KFFG has required to be in a position to review the Western Foreshore Management Plan. In 2013 the KFFG engaged consultants to undertake the task of developing a Kwinana Freeway Foreshore Management Plan (KFFMP). The purpose of the KFFMP is to provide guidance for the social, cultural, environmental and physical elements of the foreshore over the next 20 to 30 years.

The KFFMP has been developed to meet the following objectives:

- Establishes consistency with the Swan River Trust Guidelines for Developing Foreshore Management Plans in the Swan Canning River Park (February, 2012) and the Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan 1999-2009;
- Provides adequate interpretation of available sea level rise data and integrate current sea level rise modelling data into the report to reflect various sea level rise scenarios in order to offer appropriate climate change adaptation options;
- Assesses available sea level rise data (modelling) for the Swan and Canning Rivers system and identify gaps in data. Provides recommendations to the KFFG on proposed strategies to alleviate any gaps;

- Considers the City of South Perth's climate change risk assessment report;
- Outlines management options for erosion control and the impacts of climate change with a focus on KFF asset and infrastructure protection (e.g. Kwinana Freeway and the PSP) based on various sea level rise scenarios (e.g. low, medium and high);
- Provides recommendations for stormwater drainage asset management including functionality, and response to predicted sea level rise;
- Establishes foreshore restoration priority areas based on available mapping data;
- Offers specific landscape/rehabilitation treatments for the different sections of foreshore and remnant vegetation, in particular;
- Integrates the recommendations of the City's Foreshore Management Master plan - Section 18 Notice;
- Integrates the recommendations of the Management Plan for the Protection of Trans-equatorial Migratory Wader Birds adjacent to the Personal Watercraft Freestyle Area, South Perth in the revised management plan;
- Considers future projects such as the Canning Bridge development proposal;
- Makes recommendations for the ongoing management of newly included study areas such as Cloisters and Edgewater Reserves, Infill and Mount Henry Spit;
- Identify gaps for future foreshore management taking into consideration anticipated climate change impacts; and
- Addresses the key stakeholders' current and future issues related to foreshore erosion, conservation, recreation and infrastructure protection.

The KFFMP has now been completed. A total of 112 recommendations are made in the report. The key recommendations of the KFFMP are as follows:

- Maintain outcomes from the 1993 Management Plan, particularly the Kwinana Freeway Management Group and the maintenance of a Section 18 Aboriginal Heritage Approval for the City's foreshore to promote ease of implementation of projects, quick responses to issues and long term project planning;
- The City, MRWA and DPaW should liaise with the Trust to determine the feasibility of a undertaking a major beach nourishment project along the KFF as per the Trust's report "Feasibility Study of Options for Beach Renourishment Swan and Canning Rivers". This beach nourishment project would act to minimise future maintenance costs of, improve the service life of and reduce capital improvement requirements to existing structures along the KFF as well as reduce the need for additional structural solutions along the foreshore;
- Investigate the drainage network and undertake capital upgrades of the outlets in order to reduce siltation of the pipe network and reduce marine backflow up the network, particularly the areas shown to flood on the eastern side of the Kwinana Freeway;

#### 10.2.1 Kwinana Freeway Foreshore Management Plan

- Investigate the installation of a slip form concrete barrier in several spots to reduce inundation of the Kwinana Freeway in extreme weather events and maintain emergency vehicle access. This will be sufficient along lower areas of the Kwinana Freeway to reduce inundation of the Kwinana Freeway in a 100 year ARI event;
- Undertake a capital program to increase crest height of structures where wave overtopping and spray onto the freeway is of concern;
- Formalise an alternative PSP route along the foreshore from Mt Henry Bridge to the Narrows, particularly the underpass sections at Canning Bridge which are the lowest sections of the PSP. This could investigate the provision of a commuting bike lane along The Esplanade in Mount Pleasant or establishing a PSP along the eastern side of the Kwinana Freeway;
- Undertake revegetation works to improve the durability of the existing remnant vegetation areas of the Spit and Cloisters;
- Continue revegetation works at Milyu to improve the durability of the vegetation against increases in mean sea level;
- Prioritise species that are tolerant to inundation for replanting of the KFF area;
- Identify other areas that would be suitable for the establishment of natural vegetation areas to offset future losses associated with increasing mean sea level rise in the coming 100 years;
- Investigate opportunities to shift the Sea Scout Hall at the end of the service life of the current building. There are opportunities to incorporate a new Sea Scouts building into the Canning Bridge Development or a new facility relocated to the Jet Ski car Park area where vehicle access may be easier;
- DPaW to continue shoreline monitoring along Milyu to provide a quantifiable dataset of shoreline movements;
- MRWA to establish an expected “level of service” for the Kwinana Freeway in order to provide a set of criteria to dictate design modifications to reduce overtopping and inundation;
- Plan for more frequent inundation of the PSP. Utilise the PSP as a scour protection apron for the Kwinana Freeway. The western edge of the PSP may require strengthening (deeper front footing) in the future to reduce the scouring effects of wave rundown.

The KFFMP is a very important document that will guide the various agencies approach to managing the KFF into the future and is therefore recommended to Council for adoption.

#### **Consultation**

The KFFMP was the subject of a detailed briefing session to the Executive Team of MRWA on 26 August 2014 and to the City’s Executive Management Team on 21 October 2014.

The KFFMP was the subject of a Concept Briefing to Council on 1 December 2014.

Because the KFFMP is primarily a technical document, there has only been stakeholder engagement undertaken during its development. Specific actions within the KFFMP will be the subject of community engagement when they are being considered for implementation.

It is important the wider community are made aware of issues raised in the KFFMP, particularly the proposed responses to erosion and future sea level rise. It is therefore proposed to publicise the KFFMP for community information on the various media resources utilised by the City following its adoption by Council.

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

The KFFMP will be the principal management document for the KFF for the City, MRWA, DPaW and the Trust for the next 20 to 30 years.

It is proposed to present the KFFMP to the Swan River Trust for consideration and adoption following its adoption by Council and MRWA.

#### **Financial Implications**

Development of the KFFMP has been jointly funded by the City and MRWA.

Future budgets of the City, MRWA and the Trust will need to contain appropriate funding to ensure the outcomes of this document are met. Projects will be identified by the key stakeholders to be put forward for consideration by their respective agencies.

It is very important for the City to engage with state agencies such as MRWA, the Trust and DPaW to ensure they continue to meet their financial commitments in managing the KFF and its infrastructure. A KFFMP, endorsed by these agencies will greatly assist this task.

#### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). A key component of the KFFMP is its adaption response to potential climate change effects such as sea level rise.

#### **Attachments**

10.2.1(a) Kwinana Freeway Foreshore Management Plan

## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 PROPOSED ADDITIONS TO SINGLE HOUSE. LOT 23 NO. 47 RIVER WAY, SALTER POINT.

Location:	Lot 23 (No. 47) River Way, Salter Point
Ward:	Manning Ward
Applicant:	Mr B Wessels
File Ref:	D-14-68063
Lodgement Date:	5 March 2014
Date:	2 December 2014
Author:	Cameron Howell, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cala

**Seconded:** Councillor Hawkins-Zeeb

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 proposed additions to Single House on Lot 23 No. 47 River Way, Salter Point **be approved** subject to:

#### (a) Standard Conditions

210	screening- permanent	471	retaining walls- timing
358	crossover- gradient (letter required)	455	front fences- standards
340A	parapet walls- finish from street	456	dividing fences- timing
390	crossover- standards	625	sightlines for drivers
393	verge & kerbing works	377	screening- clothes drying
354	car bays- maintained	445	stormwater infrastructure
470	retaining walls- if required	660	expiry of approval

#### (b) Specific Conditions

- (i) Revised drawings shall be submitted prior to the submission of a Building Permit, and such drawings shall incorporate the following:
  - (a) The western wall of the Garage shall be provided with greater visual relief to minimise building bulk impacts upon the street, such as additional windows or varied wall finishes, to the satisfaction of the City;
  - (b) The two visitor car parking bays required by Council Policy P306 shall be marked on the plans.
- (ii) The external materials and colour finish of the proposed walls of the Garage additions shall match with those of the existing building. Details of the proposed colour finishes and materials shall be provided with the working drawings, prior to the issuing of a building permit.
- (iii) The pedestrian pathway adjacent to the northern boundary of the site, located within the front setback area, shall be visually distinguishable from the vehicular component of the driveway and car parking area.



**(c) Standard Advice Notes**

700A	building licence required	790	minor variations- seek approval
705	revised drawings required	795B	appeal rights- council decision
706	applicant to resolve issues		

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

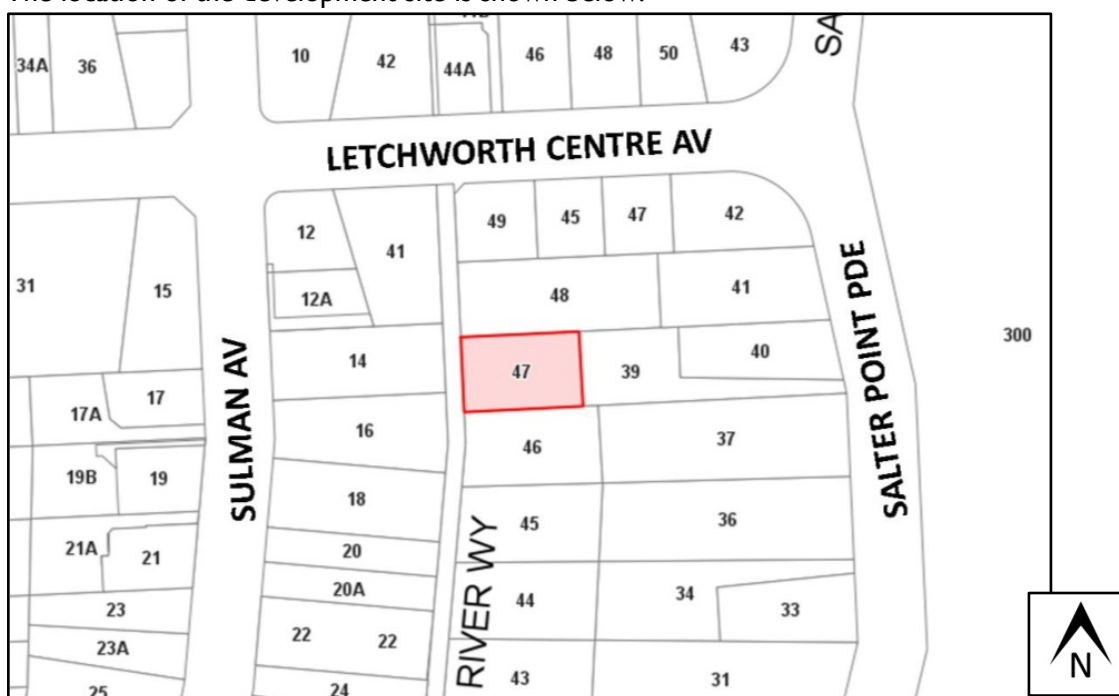
**CARRIED EN BLOC (8/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	751 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling
<b>Plot ratio limit</b>	Not applicable (minimum 50% open space)

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:

**3. The exercise of a discretionary power**

- (b) Applications on lots with a building height limit of 7.0 metres; having a boundary to River Way; and where the proposed building height exceeds 3.0 metres
- (c) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.

**6. Amenity impact**

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

### Comment

#### (a) Background

In March 2014, the City received an application for proposed Garage additions and modified finished ground levels to an existing two-storey Single House on Lot 23 No. 47 River Way, Salter Point (the **Site**). The City received amended plans in August 2014.

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

The subject site is located at Lot 23 No. 47 River Way, Salter Point. The existing development on the Site currently features land use of 'Single House'.

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

The Site has a frontage to River Way to the east, located adjacent to Single Houses or Grouped Grouped Dwellings to the north, east and south and opposite to Single Houses to the west, as seen in **Figure 1** below:



#### (d) Description of the Proposal

The proposal involves the demolition of the existing carport and the construction of garage within the front setback area of the Site, as well as modifications to the existing ground levels and the front and rear of the site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.1(b)**.

#### (e) Compliant / Non-Compliant Elements

The proposal generally complies with the Scheme, the R-Codes and relevant Council policies.

The following elements of the proposal are observed to be compliant with the City's planning requirements:

- Land Use – 'P' Permitted (TPS6 cl. 3.3 and Table 1);
- Open Space (R-Codes cl. 5.1.4 C4);
- Building Height (TPS6 cl. 6.1A);
- Street Surveillance (R-Codes cl. 5.2.3 C3.1/3.2);
- Outdoor Living Area (R-Codes cl. 5.3.1 C1.1);
- Car Parking Bays (TPS6 cl. 6.3(8), R-Codes 5.3.3 C3.1 and Council Policy P306 cl. 3);
- Minimum Levels (TPS6 cl. 6.9);
- Maximum Levels (TPS6 cl. 6.10(3)/(a)/(b));
- Stormwater Management (TPS6 cl. 6.8(2) and R-Codes cl. 5.3.9 C9);

10.3.1 Proposed Additions to Single House Lot 23 No. 47 River Way, Salter Point

- Visual Privacy (R-Codes cl. 5.4.1 C1.1/1.2);
- Solar Access for Adjoining Sites (R-Codes cl. 5.4.2 C2.1/2.2);
- Essential Facilities (R-Codes cl. 5.4.5 C5.3);
- Trees on the Development Site (Council Policy P350.05); and
- Significant Views (Council Policy P350.09).

These elements are not discussed further in this report. Standard conditions and/or advice notes are recommended.

The remaining non-complying aspects, with other significant matters, are all discussed below.

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* the *Residential Design Codes of WA 2013 (R-Codes)* and/or Council Policy requirements:

- (i) Minimum street boundary setbacks (Council Policy P306 and P350.02); and
- (ii) Building design (Council Policy P350.03).

Council is being asked to exercise discretion in relation to these non-compliant aspects of the proposed development.

**(f) Specific Street Setback- western wall of the Garage**

The permissible minimum specific street setback (River Way) is 4.5 metres for a Garage, and the proposed Garage setback is 1.0 metre; therefore, the proposed development does not comply with clause 2 of Council Policy P306 'Development of Properties Abutting River Way'.

The street setback of the existing dwelling remains unchanged.

Council discretion- R-Codes cl. 5.2.1 PI

As the Council Policy is limited to replacing the Deemed-to-Comply requirements of the R-Codes, the Council has discretionary power under clause 5.2.1 PI of R-Codes to approve the proposed street setback, if Council is satisfied that all requirements of that clause have been met.

**PI** *The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.*

The proposed garage is observed not affect vehicle sight lines or street surveillance from the dwelling and therefore meets these elements of the Design Principle provisions.

In relation to the streetscape impact, if the R-Codes provisions were applied, a Garage parallel to the street could be built with a 3.0 metres setback, subject to including openings (windows) facing the street. Council Policy P350.03 also requires landscaping in front of a parallel Garage.

The positioning of the existing dwelling and the location of west facing ground floor habitable room windows constrains the available locations on site for parking structures. The proposed garage is positioned in a similar location as the existing carport that is to be removed.

As the proposed development is a minor addition to an existing development, positioned in a similar location to the existing carport, is partly built below street level and there are existing parking structures on River Way with similar street setbacks, the City considers that in this instance, the proposed setback is compliant with the Design Principles streetscape element. To mitigate the visual impact of the wall closest to the street, the City is recommending that additional design measures be incorporated, such as additional windows, to reduce the building bulk impact from the street.

In this instance, it is recommended that the proposed setback be approved, as it is considered that the proposal complies with the discretionary clause.

**(g) Boundary Wall- southern wall of the Garage**

Under Council Policy P350.02, the permitted setback for boundary walls is 6.0 metres, and the proposed wall setback is 1.0 metre from the front boundary. Therefore, the proposed development does not comply with this element of the Council Policy.

Finally, the wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the Council Policy:

- The provision of a boundary wall close to the street boundary does not reflect the dominant character of the existing streetscape, though the opposite side of the street consists of many high solid walls and there are some structures built close to the street boundary on other River Way properties. The street setback of the Garage is seen to meet the discretionary provisions of the R-Codes;
- The proposed boundary wall is located forward of the affected adjoining dwelling;
- The boundary wall is partially visible from a front window, located below street level, of the affected adjoining dwelling. The building bulk impact to this window is considered to be minor;
- No overshadowing of adjoining habitable room windows or outdoor living areas;
- Not located adjacent to an outdoor living area; and
- No comments from the affected neighbour.

Positioning the Garage wall off the lot boundary would likely result in the structure being built higher, to maintain the proposed driveway gradient, as a steeper gradient may pose greater access difficulties. This change would likely pose a greater streetscape impact than the proposed structure.

In this instance, it is considered that the proposal complies with the amenity factors and objectives of the Council Policy, and is therefore supported by the City. As the boundary wall will be visible from the street, a condition is recommended to demonstrate requiring this finish to match the rest of the garage.

**(h) Visually Permeable Fencing**

Fencing in the front setback area of a residential development is required to be a minimum 80 percent open (visually permeable) at heights greater than 1.2 metres, and the proposed fence is noted as semi-permeable. Therefore, to comply, the City is recommending the standard visual permeable fencing condition, for the proposed development comply with the street fencing element of the R-Codes and Council Policy P350.07.

**(i) Vehicle Access**

The permissible maximum driveway width is 6.0 metres and the retained existing driveway width is 8.2 metres; therefore, the proposed development does not comply with clause 5.3.5 C5.2 of the R-Codes. Council has discretionary power under clause 5.3.5 P5 of R-Codes to approve the proposed driveway width, if Council is satisfied that all requirements of that clause have been met.

**P5** *Vehicular access provided for each development site to provide:*

- *vehicle access safety;*
- *reduced impact of access points on the streetscape;*
- *legible access;*
- *pedestrian safety;*
- *minimal crossovers; and*
- *high quality landscaping features.*

In this instance, it is recommended that the proposed retention of the driveway width be approved, as it enables resident access to the Garage if the required visitor spaces are being occupied. The driveway is observed not to pose any significant access, safety or streetscape impact. The City's Engineering Infrastructure department has not raised any particular concerns with the retention of the whole of the existing driveway and crossover.

A condition is recommended requiring the pedestrian component of the paved area adjacent to the northern lot boundary to be visually distinguishable from the vehicular component, to provide the minimum 0.5 metres side boundary driveway setback and to minimise conflicts between pedestrians and vehicles on site.

A condition is also recommended in relation to the steep driveway gradient, requiring the landowner to submit a letter acknowledging responsibility for any access difficulties, in accordance with Council Policy P350.03 cl. 7(b)(i).

**(j) Building Design**

Council Policy P350.03 'Car Parking Access, Siting and Design' requires garages within the front setback area of the site to match the design, material and colour of the dwelling. The existing dwelling has rendered walls and a tile roof in a typical hip roof form. The plans show the Garage with a face brick finish and a partially concealed skillion roof constructed from metal sheeting.

The standard 'additions to match existing' condition will adequately address the wall finishes. However, the application of this condition would require the roofing to be redesigned, to match the dwelling. Alternatively, the owner would need to submit a separate application later to modify the existing dwelling to be more compatible with the proposed development. A note on the site plan indicates that exterior aesthetics changes to the existing dwelling will be undertaken to match the proposed garage as part of a subsequent proposal.

The Council has discretionary power under clause 9.6(6) of TPS6 to approve the proposed garage design, if Council has due regard to the provisions and objectives of the planning policy.

Objective (a) in clause 2 of Council Policy P350.03 is relevant to building design.

*(a) To provide for parking and associated structures in a manner which contributes positively to the streetscape, is compatible with dwelling design and materials.*

The skillion roof element is visible from the street footpath adjacent to the site when facing south and on the development site. The design of the proposed garage walls and the positioning buildings and solid fences on other sites should mostly conceal the skillion roof from passing traffic (permitted in a northbound direction only) and the dwellings on adjoining properties.



Noting that the garage design is mostly concealed from viewed, is replacing a flat roof metal carport structure and the existing dwelling may later to modified to become more compatible with the current proposal, the proposed development is considered to satisfactorily address the relevant objective of the Council Policy.

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

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

**(l) 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;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other Policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (f) *any planning Council 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;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development Site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development Site and adjoining lots;*
- (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;*

10.3.1 Proposed Additions to Single House Lot 23 No. 47 River Way, Salter Point

- (q) *the topographic nature or geographic location of the land;*
- (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;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (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 standard consultation method, individual property owners and occupiers at No 46 River Way were invited to inspect the plans and to submit comments during a minimum 14-day period, with notification notices sent of all other owners of adjoining properties.

During the advertising period, a total of 1 (one) consultation notice and 2 (two) information notices were sent, with 1 (one) submission received, generally in favour of the proposal. The comments of the submitter, together with officer responses are summarised below.

<b>Submitters’ Comments</b>	<b>Officer’s Responses</b>
No objection to the plans.	The comment is <b>NOTED</b> .
Requests that during construction, the builder takes due diligence and care when working adjacent to the development site’s northern boundary, to either install soil stabilizers or to work from detailed engineering plans, to prevent damage to the fence and the steps on the northern adjoining property.	The neighbour’s comments have been conveyed to the applicant for their information and action. The City’s recommendation includes the standard condition in relation to excavation and fill. The comment is <b>NOTED</b> .

**(b) Engineering Infrastructure Services Comments**

The City’s Engineering Infrastructure Services department was invited to provide comments on the proposal. This department provided comments in relation to stormwater drainage, driveway visual sightlines, crossover design and verge levels. No particular concerns have been raised, though separate stormwater drainage and crossover application will need to be submitted by the developer.

**(c) External Agencies**

No comments from external agencies were required for this proposal.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has 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 additions are observed to pose no significant sustainability implications to the existing dwelling or adjoining properties.

### **Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

### **Attachments**

**10.3.1 (a):** *Confidential* Plans of the Proposal - 47 River Way, Salter Point - 11.2014.108.1

**10.3.1 (b):** Site Photographs - 47 River Way, Salter Point - 11.2014.108.1



### 10.3.2 SAT RECONSIDERATION - TWO SINGLE HOUSES (FOUR STOREY) - 6 JUBILEE STREET, SOUTH PERTH.

Location: Jubilee Street, South Perth  
Ward: Mill Point Ward  
Applicant: TPG Town Planning, Heritage and Design  
File Ref: D-14-67549  
Lodgement Date: 14 November 2014  
Date: 2 December 2014  
Author: Amanda Butterworth, Allering & Associates Planning Consultant (representing the Council in SAT proceedings)  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

At the meeting held in May 2014, Council resolved to refuse an application for planning approval for two single houses (four-storey) on Lot 2 (No. 6) Jubilee Street, South Perth. In June 2014, the applicant lodged an application with the State Administrative Tribunal (SAT) for a review of the Council's decision and a mediation session was held in July. Following mediation SAT issued an order for revised drawings to be lodged with the City and for the revised drawings to be considered at the September Council meeting. The revised plans were considered by Council and were refused by Council primarily on the basis that the changes did not sufficiently address the Council's concerns. A subsequent mediation was held that was attended by Councillors, Allering & Associates, representing the Council and staff. The revised application has been partially modified to address Council's concerns and additional detail is also provided by the Applicant in support of the application, in response to what was discussed at the mediation.

In considering the revised plans, Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Maximum ground / floor levels	TPS6 Clause 6.10
Boundary walls	Council Policy P350.2 Clause 5
Building setbacks	R-Codes Design Principles 5.1.3 P3.1
Visual privacy	R-Codes Element 5.4.1 P1

The applicant has made minor modifications to the proposed drawings as well as providing further information in support of the proposal. As detailed in the report below, the revised drawings are considered capable of support and as such the consultant recommends conditional approval.

In the event that the Council refuse the application, the matter is listed for a final hearing.

#### Officer Recommendation

**Moved:** Councillor Cala

**Seconded:** Councillor Hawkins-Zeeb

That pursuant to the State Administrative Tribunal Act that the Council reconsider its decision and that pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this revised application for planning approval for two (four-storey) Single Houses on Lot 2 (No. 6) Jubilee Street, South Perth as shown on the plans dated 30 October 2014 **be approved** subject to:

**(a) Standard Conditions**

427	colours & materials- details	470	retaining walls- if required
210	screening- permanent	471	retaining walls- timing
377	screening- clothes drying	455	dividing fences- standards
340A	parapet walls- finish from street	456	dividing fences- timing
510	private tree	550	plumbing hidden
507	street tree- protect & retain	445	stormwater infrastructure
390	crossover- standards	660	expiry of approval
410	crossover- affects infrastructure		
393	verge & kerbing works		
625	sightlines for drivers		

**(b) Specific Conditions**

- (i) The exterior of the existing house is to be photographically recorded to the satisfaction of the City, prior to demolition. The applicant is to provide the City with an electronic copy of the photographic record.
- (ii) A plaque is to be erected on the Jubilee Street boundary of the site, recording the history of this land in relation to the City's early development, including reference to the early landowners, the Douglas family, who operated a dairy farm on the site, and to the fact that Douglas Avenue was named in honour of a member of that family. The text of the plaque will be provided by the City prior to the issuing of a building licence. The plaque is to be installed to the City's satisfaction, prior to completion of the development.
- (iii) All visual privacy screening including the louvers shall have a maximum 50mm visual gap and a maximum 25 percent visual permeability. The louvers shall have a physical and permanent limitation on opening to ensure that the level of visual permeability does not exceed the standard specified in this condition.

**(c) Standard Advice Notes**

700A	building licence required	709	masonry fences require BA
725	fences note- comply with that Act	790	minor variations- seek approval
		795B	appeal rights- council decision

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure Services to ensure all its requirements relating to crossings and stormwater disposal have been met. In particular the subject site is located in the Hurlingham Drainage Precinct where soak well discharge is not an option. A copy of the Memorandum from Engineering Infrastructure is attached for your information.
- (ii) With regard to specific condition b(i) the applicant should liaise with the City's Heritage Officer to ensure the photographs taken for the photographic record are appropriate.

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

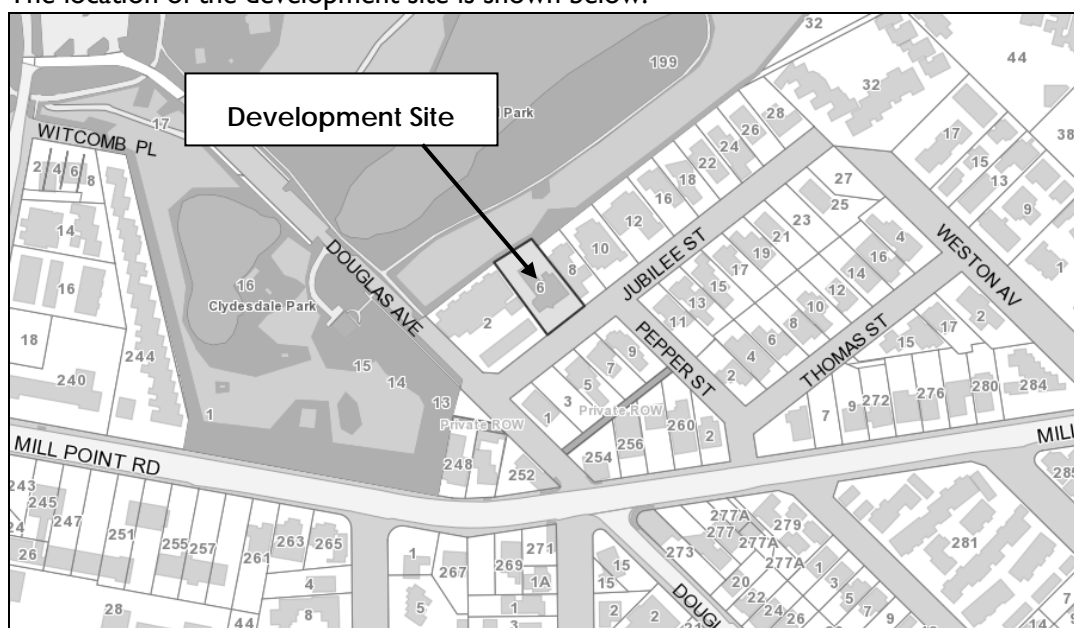
**CARRIED EN BLOC (8/0)**

## Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R40
<b>Lot area</b>	1,237 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	Five single houses or grouped dwellings
<b>Plot ratio limit</b>	Not applicable for single houses and grouped dwellings

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:

### 2. Major developments

(b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

### 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 landowner or occupier before determining the application.

## Comment

### (a) Background

In December 2013, the City received an application for two single houses in a four-storey building on Lot 2 (No. 6) Jubilee Street, South Perth (the subject site). At the meeting held in May 2014, Council resolved to refuse the application, for a number of reasons including visual privacy concerns, the impact of the proposed boundary walls and the impact of the proposed floor levels. In June the applicant lodged an application with the State Administrative Tribunal (SAT) for a review of the Council's decision and a mediation session between City officers, the landowners and the applicants was held in July. Following mediation SAT issued an order for revised drawings to be lodged with the City and for the revised drawings to be considered at the September Council meeting.

The revised drawings incorporated the following modifications:

- Finished Floor Level for the ground floor of the two dwellings reduced from 4.5 AHD to 4.33 AHD.
- Finished Deck Level for the two dwellings reduced from 4.41 AHD to 4.3 AHD.
- Overall height of south west boundary wall (Carter Residence – Living Room) reduced by 500mm.
- Drawings updated to show visual privacy issues have been dealt with.

Those revised drawings were considered by Council in September 2014 and the Council resolved to refuse the application for the following reasons:

- The mediated changes are minor
- The reason for refusal and the May 2014 meeting still stands, particularly in relation to the south-eastern setbacks, site boundary walls, floor level and finished deck level.

A further mediation session was held which was attended by Councillors and Allering & Associates (independent planning consultant representing the Respondent). Following mediation SAT issued an order for revised drawings to be lodged with the City and for the revised drawings to be considered at the December Council meeting (refer **Confidential Attachment 10.3.2(a)**).

The drawings have been revised such that the living room walls to both dwellings have a 1.0 metre setback to the outer boundaries, where previously there was boundary wall to both boundaries. The central boundary wall between both dwellings remains unchanged. Additional perspectives have also been provided to demonstrate the parkscape as seen from Sir James Mitchell Park whereby the development does not involve boundary walls to both sides of both dwellings when viewed from the park. The perspectives also assist to demonstrate the relationship of the existing levels of the adjacent properties and the proposed levels of the rear of the property (facing Sir James Mitchell Park) (refer **Attachment 10.3.2(c)**).

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

The site has a frontage to Jubilee Street to the south and to Sir James Mitchell Park to the north. To the east and west of the development site are single houses and grouped dwellings some of which rise to three storeys, as seen below, and the streetscape montage provided by the applicant, contained in **Attachment 10.3.2(c)**:



**(c) Description of the proposal**

The proposal involves the demolition of the existing development and the construction of two single houses (four-storey) on the subject site, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Land use – ‘Single House’ is a ‘P’ (Permitted) land use on the subject site zoned ‘Residential’ (Table 1 of TPS6);
- Building height limit (TPS6 Clause 6.1A);
- Street setback and setback of garage (R-Codes Clause 5.1.2 and 5.2.1, Clause 7.5(n) of TPS6);
- Open space (R-Codes Clause 5.1.4);
- Garage width (R-Codes Clause 5.2.2);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 5.2.3, 5.2.4 and 5.2.5, and Council Policy P350.7 ‘Fencing and Retaining Walls’);
- Outdoor living area (R-Codes Clause 5.3.1);
- Parking and vehicle access (R-Codes Clause 5.3.3, 5.3.4 and 5.3.4, TPS6 Clause 6.3(8) and Schedule 5, and Council Policy P350.3 ‘Car Parking Access, Siting and Design’);
- Solar access for adjoining sites (R-Codes Clause 5.4.2); and
- Significant views (Council Policy P350.9 ‘Significant Views’).
- Side setbacks (R-Codes Clause 5.1.3).

The following aspects of the development were discussed in detail in the original report (May 2014) and are discussed further below:

- Boundary walls;
- Boundary setbacks
- Visual privacy (R-Codes Clause 5.4.1 and Council Policy P350.8 ‘Visual Privacy’); and
- Maximum ground and floor levels (TPS6 Clause 6.10).

**(e) Boundary walls**

Two boundary walls are proposed as a part of the development (originally 4 boundary walls) depicted in the plans of the proposal, referred to as **Confidential Attachment 10.3.2(a)**. For reasons detailed in the original report to Council (May 2014) the central and north eastern boundary walls were generally considered acceptable. The south western wall and north eastern wall (to the living rooms for each dwelling) are now setback 1m from the boundary.

The proposed boundary wall to the garage, store and drying court of both dwellings have remain unchanged. The following paragraphs will discuss the south eastern and north eastern walls individually having regard to Council Policy P350.2 ‘Residential Boundary Walls’. Under the provisions of P350.2 a boundary wall should not be approved unless City officers have considered the relevant amenity factors contained in Clause 5. Following receipt of further information from the applicant the boundary walls are considered acceptable and capable of support.

Garage to drying court boundary wall (Southern boundary)

This wall is approximately 14 metres long with an average height of 3.0 metres. As depicted on the overall site plan contained in **Confidential Attachment 10.3.2(a)**, a 2.5 metre portion of the boundary wall is next to the carport on the adjoining site.



In the initial (May 2014) council report, the boundary wall was not supported due to the impact on the outdoor living area of the adjoining property. The aerial photograph provided by the applicant as part of their supporting letter, indicates the main outdoor living area is located away from the proposed boundary wall, and a large shrub located next to the proposed boundary wall will obscure this from view. The site inspection conducted as part of the mediation session, confirms the additional information provided by the applicant is correct and this shrub has dense foliage from the ground to a height of approximately 3.0 metres. Given that the boundary wall will be obscured from view of the outdoor living area on the adjoining property it is considered the boundary wall meets the amenity factors contained in Clause 5 of P350.2 and can be supported.

With regard to the proposed wall height, Clause 6 of P350.2 indicates boundary walls next to outdoor living areas should have a maximum height of 2.7 metres. In this instance given the proposed wall will be obscured by the existing vegetation and is approximately 4 metres to the closest part of the active habitable outdoor living area, the additional 300mm height will not make a significant impact on the amenity of the adjoining neighbour.

If the abutting neighbour chooses to redevelop their site in the future then this would present as an opportunity to have an abutting boundary wall in the same location.

The proposed boundary wall is considered consistent with the objectives of P350.2 and may be supported.

Garage boundary wall (north-eastern boundary)

This wall is approximately 6.5 metres long with an average height of 3.0 metres. As depicted on the overall site plan contained in **Confidential Attachment 10.3.2(a)**, a 5 metre portion of the boundary wall is next to the garage boundary wall on the adjoining site. The abutting neighbour attended the most recent SAT mediation where they advised that they had no objection to this boundary wall as it abuts an existing boundary wall and is not located adjacent to any major openings to habitable rooms and therefore will not adversely affect the neighbours due to bulk and scale, access to sunlight or ventilation.

The proposed boundary walls are considered acceptable having regard to P350.2 and as such approval is recommended.

**(f) Lot boundary setbacks.**

The plans considered by Council in September 2014 also proposed boundary walls to the living rooms of both dwellings. At the SAT mediation these boundary walls were identified as a concern as the development extended boundary to boundary for both dwellings and this was considered to adversely affect the parkscape from Sir James Mitchell Park, whereby other dwellings in the locality had space around the buildings when viewed from the park. The applicant has revised the plans to address Council's concern and provided a 1m setback in lieu of the 1.1m required under the deemed to comply provisions of the Residential Design Codes. A full version of the applicant's supporting letter is contained in **Attachment 10.3.2(b)**.

The reduced setback from 1.1m down to 1m on the northern side boundary is considered to meet the design principles of the Residential Design Codes in that:

- The setback of 1m reduces the impact on building bulk to the property to the north in that the neighbouring property only has one major opening to a dining room on that side elevation abutting the development (with the majority of windows being on the rear elevation looking towards the park with views of the river and City). The reduced setback of 0.1m (from 1.1m to 1m) would not be clearly discernible from the neighbouring property as the proposed wall has the same rear setback as the neighbouring property.
- As the proposed wall is located to the north of the neighbour it will not affect access to direct sun and as the wall does not contain any openings, it will minimise the extent of overlooking and not affect the privacy of the neighbour. With a setback of 1m the proposed wall will not create any adverse impacts in terms of ventilation.

In relation to the setback to the southern side boundary, the applicant owns that property as well so there is no objection. There is no impact on building bulk as it is adjacent to a side elevation of the neighbouring property, it will not affect the privacy of the neighbouring property and will not affect direct sun or ventilation to the adjacent building and open space.

Accordingly the minor setback variation from 1.1m to 1m to the living room walls on both side elevations is considered acceptable and as such approval is recommended.

**(g) Finished ground and floor levels - Maximum**

Clause 6.10(1) of TPS6 generally aims to achieve equal cut and fill on a site to ensure that the subsequent building does not have a negative impact on the adjoining neighbours or the streetscape. In this instance, equal cut and fill would result in a finished floor level of 4.0 metres AHD for the ground level of each dwelling. This level proposed is 4.33 metres AHD (unchanged since previous consideration by Council). The garages of both dwellings have a finished level of 4.26 and due to the proposed design these form prominent aspects of the elevation.

The proposed levels were previously considered to have a negative impact on the adjoining dwellings, to the south west, however as a result of the changes, this is no longer considered to be the case. The main bulk impact of the dwelling will be from its height, which complies with the 10.5 metre building height limit assigned to the site. The secondary bulk impact is from the setback of the building from the boundary and these generally meet with the 'Deemed to Comply' provisions of the R-Codes. Finally the boundary walls, have an impact on bulk however as discussed above this is considered acceptable.

Officers previously (May 2014) considered the proposed levels would have a negative impact on the Jubilee Street streetscape however the revised ground floor level is approximately midway between the ground floor levels of the buildings at 2 Jubilee Street and the single house at 8 Jubilee Street. This results in a more balanced streetscape. Additionally, as shown on the photomontage taken from the park, the proposed floor level is similar to that of 8 and 10 Jubilee Street, resulting in a balanced elevation from this side. The Applicant has provided a perspective which assists to show that the levels are reflective of the levels of the 2 properties to the east. The proposed finished floor levels are considered to be consistent with Clause 6.10(1) of TPS6, and are supported.

Clause 6.10(3) of TPS6 generally aims to achieve equal cut and fill for areas beyond the external walls of the dwelling. In this instance, equal cut and fill would result in a finished floor level of 3.5metres AHD for the rear deck area of each dwelling. The applicant proposes a finished level from 4.4 to 4.3 metres AHD (unchanged from that previously considered by Council in September 2014). In addition the applicant has provided a montage of dwellings from the Sir James Mitchell Park side to show how the proposed development will be viewed from the closest footpath.

The Applicant's montage demonstrates that when viewed from the pedestrian perspective, the main feature is the boundary fencing, which is at a fairly consistent height with a consistent form. The proposed dwelling and its associated fencing continues this theme. The finished level of the deck is not out of context and as such does not contribute to bulk. As will be discussed below, visual privacy issues have been addressed and this issue no longer forms a reason for refusal.

The proposed levels are assessed as being consistent with the performance criteria contained in Clause 7.5(n) of TPS6 and as such are recommended for approval.

**(g) Visual privacy setbacks**

One of the reasons for refusal outlined in the May 2014 report was related to visual privacy concerns. The applicant had not provided sufficient detail to demonstrate there would not be direct overlooking of the existing dwellings to the south east. In addition, it was clear there would be overlooking between the two dwellings proposed on the same lot.

The revised drawings (see elevation 2 of **Confidential Attachment 10.3.2(a)**) clearly demonstrate that there will not be any direct overlooking of the adjoining dwellings to the south east.

While overlooking between the two proposed dwellings remains, this is considered acceptable for the following reasons:

- The proposed dwellings are separated from Sir James Mitchell Park by a visually permeable pool fence, meaning the sensitive areas including pool and alfresco area are visible from the public realm.
- As shown in the photomontage provided by the applicant, the majority of dwellings on Jubilee Street are oriented to take advantage of park and City views and as such have large balconies which do not incorporate screening. This allows views of the rear yards, including swimming pools, of the adjoining properties.
- The explanatory guidelines which accompany the R-Codes indicate that there is a reduced need to protect privacy where locations are visible from the street or from public places, as screening is largely ineffective and could be counterproductive.

As outlined above, the proposal meets with the deemed-to-comply standards or design principles of Clause 5.4.1 'Visual Privacy' of the R-Codes and as such is recommended for approval.



**(h) 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 these clause and is supported by City officers.

**(i) 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.*
- (k) *The potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building.*
- (l) *The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site.*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots.*
- (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.*
- (x) *Any other planning considerations which Council considers relevant.*

The proposed development is considered satisfactory in relation to these matters, and as such City officers recommend conditional approval.

### **Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in February 2014. The proposal was favourably received by the Consultants. Given that only minor modifications have been made to the drawings it was not considered necessary to present these to the DAC for comment.

#### **(b) Neighbour Consultation**

As indicated in the May Report, neighbour consultation was undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. A total of 9 objections were received at that time and a detailed analysis of these objections was undertaken by City officers.

Under the provisions of P301, further consultation is not required when a revised application is lodged within 12 months of the previous determination and the application does not depart further from the R-Codes, TPS No.6 or Council policies. As detailed above, the drawings have been modified slightly to bring them closer to compliance with the relevant development controls and as such further consultation is not required.

The north eastern neighbour attended the mediation and the plans have now been modified to replace the boundary wall to the living area with a setback of 1m. The setback to the south western neighbour to the living has also increased from a boundary wall to 1m setback. However the boundary wall to the south eastern property remains unchanged.

Each of the original submitters has been sent a letter, detailing the modifications and confirming the application will be presented to this month's Council meeting.

#### **(c) Internal Administration**

Comments were invited from Engineering Infrastructure, Landscapes Officer and the Heritage Officer sections of the City's administration prior to the preparation of the May report. These departments are generally supportive of the proposed development subject to relevant conditions being applied.

### **Policy and Legislative Implications**

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

### **Financial Implications**

This determination has some financial implications. If the Council resolves to refuse the proposed reconsideration, the matter is scheduled for a full hearing before the State Administrative Tribunal. This will result in the City engaging relevant planning and legal professional which will incur costs.

### **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**

Noting the favourable orientation of the lot, the officers observe that the proposed development has generally been designed to have regard to solar passive design principles.

### **Conclusion**

Following the minor modifications to the proposed drawings and the additional justification provided by the applicant, it is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. Accordingly, it is considered that the application should be conditionally approved.

### **Attachments**

- 10.3.2 (a):** **Confidential** Plans of the proposal
- 10.3.2 (b):** Applicant's supporting letter
- 10.3.2 (c):** Parkscape montage and perspective from Sir James Mitchell Park

### 10.3.3 PROPOSED CHILD DAY CARE CENTRE. 484 (NO. 1/89) LEY STREET, COMO

Location: Como  
 Ward: Como Ward  
 Applicant: Mr PG & Ms S Sutherland  
 File Ref: D-14-68559  
 Lodgement Date: 24/06/2014  
 Date: 2 December 2014  
 Author: Valerie Gillum, Planning Officer Development Services  
 Reporting Officer: Vicki Lummer, Director Development and Community Services  
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for a Child Day Care Centre on Lot 484 (No. 1/89) Ley Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use	TPS6 Clause 1.6 and 7.5
Minimum Lot Area Boundary Setback Car parking Provision	TPS6 clause 7.8(1)
Rear Setback Minimum Lot Area Minimum Lot Frontage Image and External Appearance Car Parking Location Suitable Premises	TPS6 Clause 5.2(1) and Table 4
Car Parking and Access External Playing Spaces Internal Playing Spaces	Council Policy P307 Clause 1(b)(i), (ii)(B), and Clause 2

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Cala

**Seconded:** Councillor Hawkins-Zeeb

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 Child Day Care Centre on Lot 484 (No. 1/89) Ley Street, Como **be refused** for the following reasons:

#### (b) Specific Reasons

- (i) The proposed use conflicts with the requirements of Table 4 of the *City of South Perth Town Planning Scheme No. 6*, specifically:
  - (a) Sub-Clause (1) states that unless otherwise provided in the Scheme, all non-residential Uses in the Residential zone shall comply with the requirements prescribed in Table 4. The proposal does not comply with the Development Requirements for Child Day Care Centre as listed in Table 4, in particular:
    - (1) 'Minimum Setbacks from Lot Boundaries' (Column 3 of Table 4).
    - (2) Item 1 'Minimum Lot Area'
    - (3) Item 2 'Minimum Lot Frontage'
    - (4) Item 4 'Image and External Appearance'

(5) Item 5 'Car parking'  
 (6) Item 6 'Location'; and  
 (7) Item 9 'Suitable Premises'.

(ii) The proposed use conflicts with Council Policy P307, specifically:  
 (a) Clause 1(b)(i)(B) – Adequate vehicle access areas on site for parents dropping off and picking up children.  
 (b) Clause 1(b)(ii)(B) - External playing spaces adjacent to a street being enclosed by a 1.8 metre high brick fence.  
 (c) Clause 2 – The setback of internal playing spaces from the property boundaries and the location and orientation of any major openings.

(iii) The proposed use conflicts with the requirements of *City of South Perth Town Planning Scheme No. 6* having regard to the Scheme objectives listed in Clause 1.6, specifically Objectives (a), (e), (f) and (g).

(iv) The proposed use conflicts with the requirements of *City of South Perth Town Planning Scheme No. 6* having regard to the Matters to be Considered by Council in Clause 7.5, specifically Sub-Clauses (a), (f), (i), (j) and (t).

**(b) Standard Advice Notes**  
 795B Appeal Rights – Council decision

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

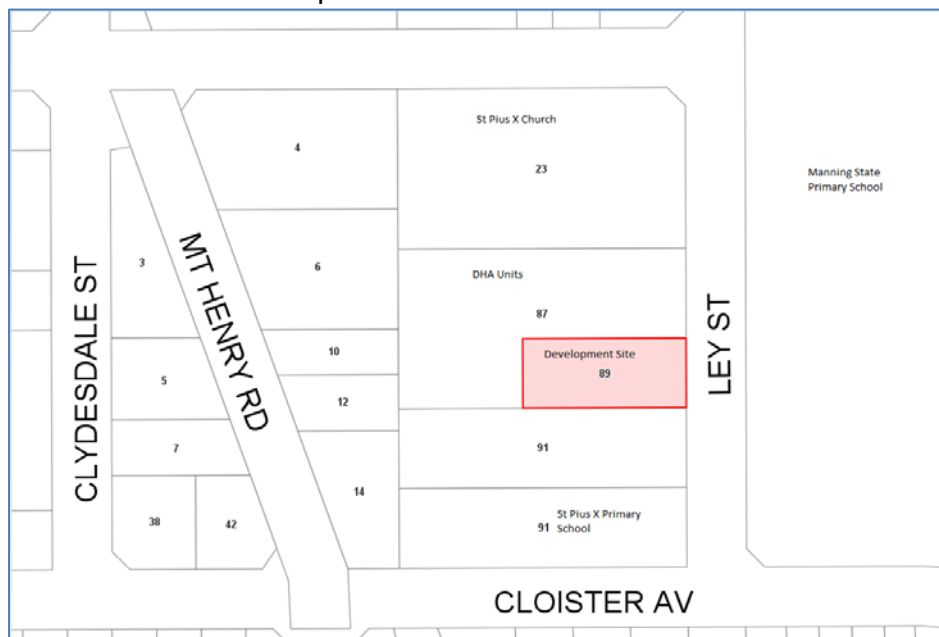
**CARRIED EN BLOC (8/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R50
<b>Lot area</b>	464 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Grouped Dwellings/Multiple Dwellings
<b>Plot ratio limit</b>	Not Applicable

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**

- (a) Child Day Care Centres; and
- (b) Non-residential "DC" uses within the Residential zone.

**3. The exercise of a discretionary power**

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

**6. Amenity impact**

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

**7. Neighbour comments**

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

**Comment**

**(a) Background**

In November 1981, the City approved an application for Three (3) Single Storey Grouped Dwellings on Lot 484 (No 89) Ley Street, Como (the **Site**). The proposed Child Day Care Centre application was submitted to Council on 24 June 2014 and neighbour consultation was undertaken in accordance with Policy P301. Following the officer's assessment and neighbour consultation period, the applicant was requested to submit reports addressing noise and car parking. Several discussions between the applicant and the assessing officer have occurred resulting in the details of the running the proposed business being amended in terms of number of children reduced from 38 to 22, ages of children nominated between 3 and 7; and delineated areas for indoor and outdoor activities which were confirmed in the form of an email dated 20 November 2014. This information has been attached to the applicant's letter, referred to as **Attachment 10.3.3(b)**.

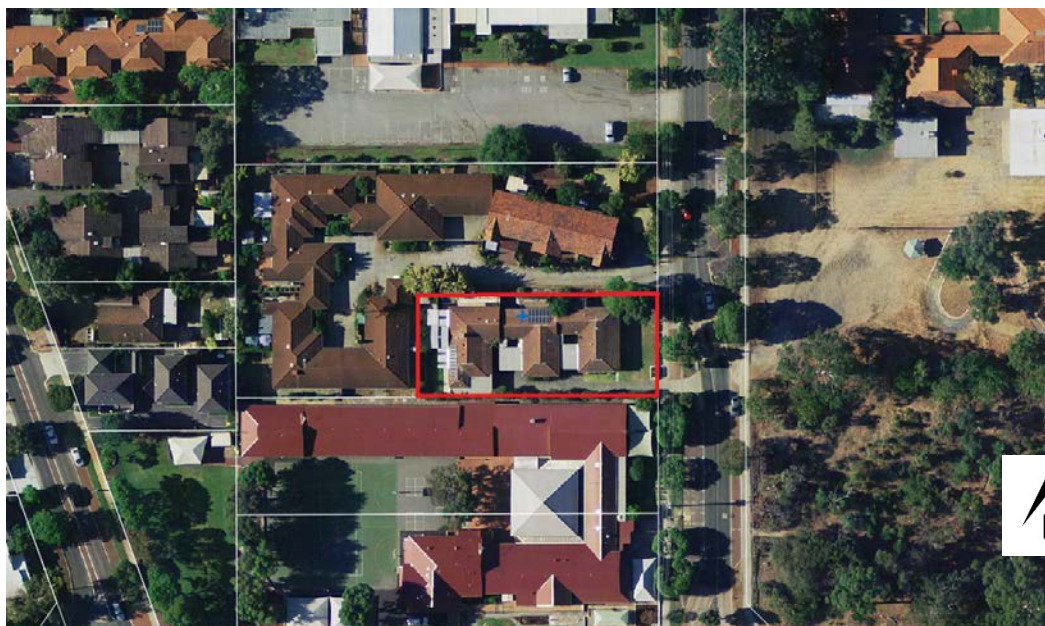
**(b) Existing Development on the Subject Site**

The subject site is located at Lot 484 (No. 1/89) Ley Street, Como (the **Site**). The existing development on the Site currently features land uses of three (3) Grouped Dwellings in a strata development.

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

The Site has a frontage to Ley Street to the east and the Manning State Primary School is located to the east on the opposite side of the street. The site is located adjacent to multiple dwellings to the north and west and St Pius X Catholic Primary School to the south, as seen in **Figure 1** below:





**(d) Description of the Proposal**

The proposal involves the use of an existing grouped dwelling located on a strata site which includes two (2) other grouped Dwellings for the purposes of a Child Day Care Centre on Lot 484 (No. 1/89) Ley Street, Como (Site), as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment as shown in **Attachment 10.3.3(c)**.

The Applicant's letter and further email, **Attachment 10.3.3(b)**, describes the proposal in more detail.

The proposal is non-compliant with the Scheme and relevant Council policies all as discussed below.

**(e) Compliant/Non-Compliant Aspects**

**(i) Compliant Aspects**

The following aspects of the proposed development in an existing building are compliant with the Scheme and policy provisions:

- Building setback from the street (TPS6 Table 4);
- Building setbacks from the northern and southern boundaries – (TPS6 Table 4);
- Plot ratio – Not applicable;
- Minimum indoor and outdoor playing space as per the Regulations (TPS6 Table 4);
- Maximum number of children (TPS6 Table 4);
- Dimensions for car parking bays for two (2) existing bays (existing carport) on site (TPS6 Clause 6.3(8) and Schedule 5); and
- Size and location of proposed signage (TPS6 Table 4).

**(ii) Non-Compliant Aspects**

The following aspects of the proposed development are non-compliant with the Scheme and policy provisions:

- The subject site is does not have a minimum lot area of 900 square metres (TPS6 Table 4);
- The subject site (strata lot) does not have a minimum frontage of 20 metres (TPS Table 4);

- The subject site if developed as a Child Day Care Centre would not be keeping with the existing residential character of the street (TPS Table 4);
- The Child Day Care Centre is proposed to be operated in a converted Grouped Dwelling as opposed to a Single House or a purpose built building (TPS6 Table 4);
- The subject site does not have adequate vehicle access areas on site for parents dropping off and picking up children (Council Policy P307);
- The external playing space will not be enclosed by a 1.8 metre high brick fence (Council Policy P307); and
- The location of the internal playing spaces, in particular Classroom 3 is not setback a sufficient distance from the property boundary to Unit 2 on the same site having regard to the orientation of the major openings (Council Policy P307).

**(f) Land Use**

The proposed land use of Child Day Care Centre 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, in a location with a predominantly residential streetscape which includes schools and a church. The proposal is observed to have adverse impact to adjoining residential properties as explained throughout the report. Accordingly the land use is not supported by the City in this location.

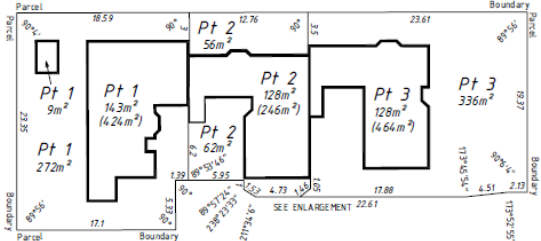
**(g) Rear Setback**

The proposed development conflicts with Table 4 of TPS No. 6 which requires a setback of 6.0 metres. The setback of the existing building proposed for the purposes of the Child Day Care Centre has a ‘0’ setback to Unit 2 on the same site. Clause 5.2 of TPS No. 6 requires that, unless otherwise provided in the Scheme, all non-residential uses in the residential zone shall comply with the requirements prescribed in Table 4. Accordingly, the setback as proposed is not regarded as complying with the minimum setbacks as prescribed in Table 4 of the Scheme.

**(h) Town Planning Scheme No. 6 – Table 4**

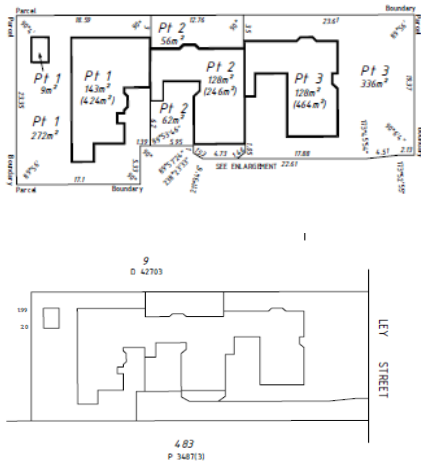
Table 4 “Development Requirements for Non-Residential Use in the Residential Zone” of TPS6 provides a number of specific requirements for “Child Day Care Centres”. Clause 5.2(1) of TPS6 states that unless otherwise provided in the Scheme, all non-residential Uses in the Residential zone shall comply with the requirements prescribed in Table 4.

Column 1 of the table below contains an extract of these requirements, while the officer’s brief response is contained in Column 2:

Town Planning Scheme No. 6 Requirements	Officer Response
Minimum lot area - 900 sq. metres and a regular shape	<p><b>Does not comply</b> – While the overall site area is 1,282m<sup>2</sup>, the area of the lot assigned to Unit 1 where the proposed Child Day Care Centre is to be located is 464m<sup>2</sup> as shown below and identified as Pt 3:</p> 



Minimum lot frontage - 20.0 metres.	<b>Does Not Comply</b> – The frontage of the strata lot is 19.37 metres. Only when the lot is combined with the common driveway to all three units is it compliant.
Maximum number of children - 30, unless otherwise approved by Council.	<b>Complies</b> - A maximum of 22 children are proposed to be accommodated on the subject site.
Image and external appearance - To be in keeping with the existing residential character of the street.	<p><b>Does not comply</b> – Proposed Colorbond fence along driveway would not be in keeping with the existing residential character as the exterior of the building is constructed in brick. The proposed Colorbond fence is a prohibited material as noted in Council’s policy for fencing.</p> <p>In addition to this, signage for the proposed use located at the street frontage attached to the fence will detract from the residential character of the site and adjoining premises.</p>
Car parking - Refer to Clause 6.3 and Table 6.	<p><b>Does not comply</b> – The proposed child day care centre requires 1 space per employee plus 1 space per 10 children permitted to receive care. Based on the maximum proposed children of 22 plus two (2) staff members a total of <b>five (5)</b> parking spaces are required to be provided. The applicant proposes that the <b>two (2)</b> existing car parks associated with the Grouped Dwelling will be used by the staff and the remaining <b>three (3)</b> will use available on-street car parks.</p> <p>The regulations administered by the State Government require that three (3) carers are required for 22 children, therefore, required number of car parks would increase to Six (6) of which these numbers have not been reflected in the Traffic Assessment Report submitted by the applicant.</p> <p>Refer <b>Part (j)</b> of this report for further dialogue in relation to shortfall of car parking.</p>
Location - Sites adjoining schools, public open space or other non-residential uses are preferred. Sites with sole access from a cul-de-sac street, right-of-way, laneway or battle-axe access leg will not be approved by Council. In all other instances the suitability of a proposed site will be considered, having regard to Council’s planning policy on “Child Day Care Centres”.	<p><b>Does not comply</b> – Although the site is located adjacent to a school to the south the proposed “Child Day Care Centre” is located adjacent residential uses to the north and west.</p> <p>The suitability of the site having regard to Council’s planning policy on Child Day Care Centres is discussed further in <b>Part (i)</b> of the report.</p>
Corner sites - The “Child Day Care Centre” shall be designed to address the primary street. When considering any application involving a corner site, Council’s assessment will place strong emphasis on the effect of the increased traffic and parking.	<b>Not Applicable</b> - The subject site is not a corner site.

<p>Canning Highway - "Child Day Care Centres" will generally not be permitted on sites having frontage to Canning Highway unless:</p> <ul style="list-style-type: none"> <li>(i) the proposed development is situated on a corner site;</li> <li>(ii) vehicular access is confined to a street other than Canning Highway; and</li> <li>(iii) the intersection is not controlled by traffic lights.</li> </ul>	<p><b>Not Applicable</b> - The use is not proposed to be located on Canning Highway.</p>
<p>Suitable premises - Converted single house or purpose built building.</p>	<p><b>Does not comply</b> –The definition of a Single House (as stated in TPS6 which refers to the use defined in the Residential Design Codes) is as follows:</p> <p><b>Single House</b> – A <b>dwelling</b> standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and <b>excludes dwellings on titles with areas held in common property.</b></p> <p>The proposed Child Day Care Centre is to be located in a Grouped Dwelling on the same lot as two (2) other grouped dwellings. The definition of a Grouped Dwelling, states:</p> <p><b>"Grouped Dwelling</b> – A <b>dwelling</b> that is one of a group of two or more dwellings on the same <b>lot</b> such that no dwelling is placed wholly or partly vertically above another, except where special conditions of <b>landscape</b> or topography dictate otherwise, and <b>includes a dwelling on a survey strata with common property.</b>"</p> <p>The building that is to accommodate the proposed use is not proposed in a single house as required by Table 4 as the dwelling is one of a group of two or more dwellings on the same lot (see below extract from current strata plan):</p> 

<p>Minimum indoor and outdoor playing space - As per the regulations made under the Child Care Services Act 2007.</p>	<p><b>Complies - Indoor Space</b> The applicant has identified that out of the 128m<sup>2</sup> of building area, 79m<sup>2</sup> of unencumbered space will be utilised for the number of children proposed although the proposed layout does not indicate an area to be utilised for staff or administration which must be excluded from the calculation.</p> <p><b>Outdoor Space</b> The applicant has identified that out of the 336m<sup>2</sup> of outdoor area, a minimum of 154m<sup>2</sup> will be utilised although there will be approximately 236m<sup>2</sup> available when excluding the northern outdoor side adjacent to Classroom 3 and the central outdoor area. This information has been checked against the “Education and Care Services National Regulations 2012” (the regulations made under the Child Care Services Act 2007) and is of a suitable size to accommodate 22 children.</p> <p>A check of plans on Council’s file verifies the areas nominated are compliant with the minimum required indoor and outdoor spaces.</p>
<p>Signs - No sign advertising a “Child Day Care Centre” is permitted other than one sign not more than 700mm wide and 500mm high attached to the front screen wall of the centre may be permitted. Signs for a “Child Day Care Centre” located on a corner site will only be permitted on the frontage which faces the designated road.</p>	<p><b>Complies -</b> Applicant noted that one sign of 500mm x 300mm is proposed to be attached to the front fence next to the pedestrian entrance.</p>

As demonstrated above, the location of the proposed “Child Day Care Centre” is considered inconsistent with the provisions of Table 4 in relation to the Rear Setback (discussed in **Part (i)** of this report), Minimum Lot Area, Minimum Frontage, Image and External Appearance, Car Parking, Location and Suitability of Premises, and as such does not merit support by Council.

**(i) City Policy P307 “Family Day Care and Child Day Care Centres”**

City Policy P307 “Family Day Care and Child Day Care Centres” provides further guidance for the assessment of the proposed CDCC in the City of South Perth. The policy covers matters such as car parking, traffic and noise impacts, indoor and outdoor play spaces, design requirements and fencing.

The policy places particular emphasis on traffic, noise and visual impact. The applicant has provided a traffic report which is discussed further in **Part (j)** of this report; and an acoustic assessment which is discussed below under the heading of ‘Internal Playing Spaces’.

Column 1 of the table below contains an extract of these requirements, while the officer's brief response is contained in Column 2:

Council Policy P307 Requirements	Officer Response
Family Day Care – Screening and arrangement of playing spaces	<b>Not applicable</b>
Car Parking and Access – Applicant to demonstrate that there are adequate vehicle access areas on site for parents dropping off and picking up children.	<b>Does Not Comply</b> - The proposal is considered to be inconsistent with the provisions of this policy as the applicant has not demonstrated that there are adequate vehicle access areas on site for parents dropping off and picking up children. The non-compliances are discussed further in <b>Part (j)</b> of this report
External Playing Spaces	<p><b>Does Not Comply</b> - In regard to the outdoor playing spaces being located adjacent to the street the proposed fencing is not fully enclosed by a 1.8 metre high brick fence. The submitted plans indicate a mixture of brick and aluminium slat infill and although the materials are compliant with Council's Policy P350.7 'Fencing and Retaining Walls' the height of obstructions at the driveway would not be compliant as the applicant has nominated that the solid section of fence will be approximately 700-900mm in height. The section of Colorbond fencing adjacent the driveway and forward of the building required for enclosing the playing spaces is not of a height or material that is supported by Council's Fencing Policy.</p> <p>The applicant has submitted further details stating that the regulations as administered by the Department for Communities Child Care Licensing and Standards Unit states that where possible, fencing should be designed to allow children to view the outside world to enable children to make connections with the activities of their local community. As a result of the applicant proposing the development on a grouped dwelling site, this has resulted in the outdoor playing area being located forward of the building and in normal circumstances when such a proposal is submitted on an appropriate lot size in a single house as required by Table 4 of TPS No. 6 the outdoor space is commonly located towards the rear of the property and generally will not have an effect on the streetscape. It is therefore considered that the preservation of the amenity of the locality cannot be adhered to as a result of the proposed fence taking into consideration to the comments provided by the two (2) submitters noted in <b>Part (m)</b> of this report and referenced in <b>Attachment 10.3.3(f)</b>.</p>
Internal Playing Spaces	<b>Does Not Comply</b> - In relation to noise penetration from internal playing spaces, the submitted Acoustic Report referred to as <b>Attachment 10.3.3(d)</b> indicates that noise emissions would comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> with the windows remaining open. This does not account for the intermittent noise such as a high pitch squeal from a child that could be subjectively deemed to be of nuisance to an adjoining resident, particularly as there is only a 1.5 metre separation from the sliding door of Classroom 3 and

	the adjoining property's outdoor living area. The noise assessment notes the noise levels are acceptable with the windows remaining open and has not accounted for a open sliding door within close proximity. Policy P307 states that in deciding whether an applicant has satisfied the requirement for minimising noise penetration that the officer may have regard to the location of internal playing spaces, the setback of internal playing spaces from the property boundaries and the location and orientation of any major openings. In this respect, it is considered that the location of the major opening being the large sliding door to Classroom 3 in close proximity to the adjoining neighbour's outdoor area and living room to the west would cause noise nuisance to that neighbour, furthermore the resident of that unit (Unit 2) has expressed concerns by way of a submission in relation to noise from the proposed child day care centre stating that there will be loss of the quiet enjoyment of her lot with no relief from the noise of children even in the holiday periods.
Possible future Child Day Care Centres on reserves	<b>Not Applicable</b> - The centre is not proposed on a reserve.

As demonstrated above, the proposed "Child Day Care Centre" is considered inconsistent with the provisions of Council Policy P307 in relation to Car Parking and Access as well as requirements for External and Internal Playing Spaces, and as such does not merit support by Council.

**(j) Car Parking**

Based on the information provided by the applicant that there will be two (2) staff on site at any time and 22 children care for, the required number of car bays would be five (5) and the proposed number of car bays on site is two (2), a shortfall of three (3) bays (60%). The regulations as administered by the Department for Communities Child Care Licensing and Standards Unit requires that the number of educators required to care for children at a centre-based service requires a ratio of 1 educator to 10 children for children aged 36 months or over. The information submitted by the applicant and referred to as **Attachment 10.3.3(b)** indicates that there will be pre-kindergarten children cared for at the centre which would require 1 educator to 5 children or 1 educator to 4 children dependent on age, but there is no mention of ages and numbers in this respect by the applicant on the Acoustic Report mentions that the children will be aged between 3 and 7 which would indicate three (3) staff would be required on site. Based on this scenario the centre could require at least three (3) staff car parks for the centre bringing the total of car parks required to at least six (6), potentially more of which this number has not been considered in the Traffic Assessment Report. Therefore, the proposed development does not comply with the car parking requirement in Table 6 of TPS6.

The Applicant has submitted a Traffic Impact Assessment Report referred to as **Attachment 10.3.3(e)** which considers the impact of commuters parking elsewhere within the locality. The report considers the locality can withstand this change with minimal impact on the road network. The City's Infrastructure Services reviewed this report and are concerned with the report's general dismissal of the peak needs of the two existing schools.

Council Policy P315

Council Policy P315 “Car Parking Reductions for Non-Residential Development” has been established to allow a reduction of the number of car parking bays required for non-residential uses where there are significant opportunities to promote alternative modes of transport, or utilise existing transport and car parking infrastructure. To be able to apply this policy the location of the site must be able to meet criteria as set out in Table I of the policy which stipulates that the development must be located within a variation of distances to a rail station, bus stop/station, ferry terminal, and existing public car parking place(s); the development to have end-of-trip facilities for bicycle users in addition to any facilities required under the scheme or be provided with secure on-site and/or adjacent street bicycle parking. The applicant did not submit information in relation these adjustment factors and it is confirmed that the site is not in a location where they can be applied.

Council discretion- cl. 6.3(4)

Council has discretionary power under clause 6.3(4) of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking not be approved, as the applicant has not satisfied the City in relation to the following requirements of that clause:

- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand generated by the Use or Uses and any opportunities for reciprocal parking arrangements.

Council discretion- cl. 7.8(1)

Council has discretionary power under clause 7.8(1) of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking shortfall not be approved, as the applicant has not satisfied the City in relation to the following requirements of that clause:

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

As a response to the above sub-clauses, the Applicant submits the opinion that there is sufficient parking within Ley Street to cater for the shortfall in accordance with the submitted Traffic Impact Assessment Report of which the report did not take into account the peak times of the school.

Orderly and proper planning and the preservation of the amenity of the locality

The City suggests that the lack of parking during peak times of the schools will result in the driveway being a de facto drop off point irrespective of what is happening in the street which in turn will affect the amenity of the locality due to obstructions.

Not have any adverse effect upon the occupiers/users/inhabitants

The City suggests that safety of occupiers, users and inhabitants will be affected by the lack of parking as noted above. Submissions received from the existing residents on site at Unit 2 and 3 indicates that there are existing safety issues during peak times when children are being dropped off and collection.



The objectives of the Scheme and for the precinct

The City suggests that the proposed child day care centre would impact residential areas from the encroachment of an inappropriate use due to the lack of parking during peak demand times of the schools.

It is considered that the proposal does not comply with the discretionary clause, and is therefore not supported.

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

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

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

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

- (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 Council 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;**
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;**
- (m) the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development Site and adjoining lots;*
- (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;*
- (p) any social issues that have an effect on the amenity of the locality;*
- (q) the topographic nature or geographic location of the land;*

- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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;***
- (u) *whether adequate provision has been made for access by disabled persons;*
- (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 unsatisfactory in relation to the above items in bold, subject to the recommended conditions.

### Consultation

#### (m) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard 'Area 2' consultation method, individual property owners, occupiers and/or strata bodies at Nos 77-81 Ley Street, Nos 87 and 91 Ley Street, No 80 Ley Street, No 23 Paterson Street and Nos 9-15 Cloister Avenue, Como were invited to inspect the plans and to submit comments during a minimum 21-day period (however the consultation continued until this report was finalised). In addition, signs were placed on Site inviting comment from any other interested person.

During the advertising period, a total of 29 consultation notices were sent and 11 submissions were received, eight (8) in favour, two (2) against and one (1) neither supporting or opposing the proposal. The comments from the submitters, together with officer responses are summarised below and are referred to as **Attachment 10.3.3(f)**.

Submitters' Comments	Officer's Responses
<p>There will be small children in the building and surrounds which will cause noise issues with the occupants on site.</p> <p>Loss of enjoyment of lot due to noise of children.</p>	<p>The Acoustic Assessment Report undertaken by the Applicant's consultant has been reviewed by the City's Environmental Health Officer and is supported by that officer. The acoustic assessment did not take into account the sliding door in the subject building on the north side of Classroom 3 which is in close proximity to the rear neighbour. Random intermittent high pitch noises from children that cannot be predicted will still be heard when the door is open particularly as this door is within 1.5 metres from the boundary and outdoor area of that unit. The noise issues are further discussed in <b>Part (i)</b> of this report.</p> <p><b>UPHELD</b></p>



<p>Increase in traffic should the proposal be approved.</p> <p>The street at drop-off and pick up time is congested with people parking wherever they like including the common driveway. Families with all ages of children cross the road randomly between traffic and across driveways without due care.</p> <p>Adding a Child Day Care Centre would add to the traffic congestion and increase risk to pedestrians.</p> <p>Can foresee problems with parents parking on the common driveway whilst dropping off and picking up children.</p> <p>This already happens during school drop-off and pick-up peak times.</p>	<p>The Traffic Statement provided by the applicant has been reviewed by the City's Infrastructure Services. The officer noted that the report did not consider peak times of the schools parking demand and believes the driveway will end up a de facto drop off area for the centre should council approve the development. Further discussion is provided in <b>Part (j)</b> of this report.</p> <p><b>UPHELD</b></p>
<p>Object to erection of brick and metal railing fence at the front of the property and a 1.8m Colorbond fence along the common property driveway. Fence will restrict visibility of pedestrians, in particular small children going to and from school.</p>	<p>Proposed fencing as submitted would not comply with Council's Policy P350.7 'Fencing and Retaining Walls' due to obstructions to sight lines at the driveway entry and use of prohibited materials. Furthermore, the residents of Unit 3 reverse out of the property and the proposed fence as illustrated in the submitted plans would obstruct their vision.</p> <p><b>UPHELD</b></p>
<p>The type of fencing to be installed will not be in keeping with the current theme of the complex.</p>	<p>The proposed fencing materials at the street boundary are compliant with Council's Policy P350.7 'Fencing and Retaining Walls'. The Colorbond fencing located forward of the building is a prohibited material.</p> <p>If Council were to support this development, details could be submitted later that could comply with the policy.</p> <p><b>NOT UPHELD</b></p>
<p>Property devalued as a result of the development.</p>	<p>Council are unable to determine that the proposal will have an impact on the value of properties as a result of development.</p> <p><b>NOT UPHELD</b></p>
<p>Erecting a sign attached to the fence at the front of the property will add to the lack of visibility of pedestrians increasing the liability risk to the occupants of the lots at 89 Ley Street.</p>	<p>The sign is proposed to be located next to the pedestrian entry and will not obstruct visibility of pedestrians when vehicles are exiting the site. In addition, the size of the sign will be minimal at 500mm x 300mm as advised by the applicant. In considered Clause 6.12(6) of TPS6 Council shall have regard to the character, amenity, historic or landscape significance and traffic safety, within the locality. As noted above the sign is proposed in a location well away from the driveway and smaller than what is identified under the scheme for a Child Care Centre which can be 500mm x 700mm and therefore is considered compliant with 6.12 of TPS6.</p> <p><b>NOT UPHELD</b></p>
<p>Carrying out of works involving structures visible from outside of the lot, appearance of the lot, noise from the lot and behaviour of visitors to the lot will breach by-laws of the strata scheme.</p>	<p>Council are unable to consider matters dealt with under a Strata Scheme as a result of development.</p> <p><b>NOT UPHELD</b></p>

The comments in favour of the proposal referred to in **Attachment 10.3.3(f)** generally refer to:

- Elite Learning providing another school closer to Manning State School for future after school care, before school care and holidays will be of great value;
- Another location for Elite Learning would benefit the wider community;
- Handy for child going to St. Pius for purposes of before and after school care;
- Educational program of Elite Learning is of great value for the learning and the raising of happy, motivated children; and
- There is currently no on-site before/after school care at either St Pius or Manning Primary Schools and would welcome such a convenient location.

#### **Internal Administration**

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

#### **Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic generated from the proposal and to review the Traffic Impact Assessment Report provided by the applicant, referred to as **Attachment 10.3.3(e)**. Following a review of the Traffic Statement, Infrastructure Services consider that the proposal merits refusal on planning grounds. The officer also advises that the common property driveway will end up being used as a de facto drop-off/collection point during peak times if Council were to support the proposal.

#### **Environmental Health**

The Environmental Health section provided comments with respect to the Acoustic Assessment Report, referred to as **Attachment 10.3.3(d)**, provided by the applicant including a further email of 21 November 2014. This section has no objections to the proposed development subject to compliance with the report's recommendations.

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

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

#### **Financial Implications**

This determination has some financial implications, as the applicant may choose to seek an application for review of Council's decision at the State Administrative Tribunal which may incur costs to the City.

#### **Strategic Implications**

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

***Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.***

#### **Sustainability Implications**

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities. However its location within a strata development is not considered to be sustainable and is therefore not supported by Council.

#### **Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme and/or Council Policy objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be refused.

**Attachments**

- 10.3.3 (a):** *Confidential* Attachment 10.3.3(a) - Plans
- 10.3.3 (b):** Attachment 10.3.3(b) - Plans
- 10.3.3 (c):** Attachment 10.3.3(c) - Locality Photos
- 10.3.3 (d):** Attachment 10.3.3(d) - Acoustic Report
- 10.3.3 (e):** Attachment 10.3.3(e) - Traffic Impact Assessment Report
- 10.3.3 (f):** *Confidential* Attachment 10.3.3(f) - Submissions

### 10.3.4 AMENDMENT 48 - CAR BAY SIZES

Location:	City of South Perth
Ward:	All Wards
Applicant:	City of South Perth
File Ref:	D-14-66359
Date:	2 December 2014
Author	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.

#### Summary

Amendment No. 48 to Town Planning Scheme No. 6 (TPS No. 6) proposes to remove reference to Schedule 5 'Minimum Dimensions of Car Parking Bays and Accessways' to allow car parking and access to be provided on site in accordance with the relevant Australian Standard. A detailed explanation of the proposal is contained in the Amendment Report provided as **Attachment 10.3.4(a)**.

It is recommended that the proposed Amendment No. 48 to TPS No. 6 be initiated and the draft Amendment proposals be endorsed to enable them to be advertised for community comment.

#### Officer Recommendation

**Moved:** Councillor Reid

**Seconded:** Councillor Irons

That:

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 to delete Schedule 5 'Minimum Dimensions of Car Parking Bays and Accessways' and remove reference to this Schedule where required.
- (b) the Report on Amendment No. 48 to the City of South Perth Town Planning Scheme No. 6, containing the draft Amendment, comprising **Attachment 10.3.4(a)** be adopted;
- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 48 be forwarded to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*;
- (d) Amendment No. 48 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 48 be implemented in accordance with the *Town Planning Regulations* and Council Policy P301 *Consultation for Planning Proposals*;
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 48:

**FOOTNOTE:** *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*

- (g) pending final adoption of Amendment No. 48, dimensions of car parking bays and access ways shall be assessed in accordance with the relevant Australian Standard rather than the dimensions contained in Schedule 5.

### AMENDMENT

**Moved:** Councillor Cridland

**Seconded:** Councillor Cala

That the Officer's Recommendation be adopted with parts (a) and (b) amended as follows:

That:

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 **for the following purposes:**
- (i) to delete Schedule 5 'Minimum Dimensions of Car Parking Bays and Accessways' and ~~remove reference~~ **all references** to this Schedule ~~where required~~ **throughout the Scheme;**
  - (ii) **to require car parking bays and accessways to comply with the dimensions specified in Australian Standard AS 2890; and**
  - (iii) **where a car stacking system is proposed, the minimum internal dimensions of associated car parking bays are to be 2.1 metres in height, 5.5 metres in length, 2.5 metres in width, and having a minimum weight bearing capacity of 2,600 kilograms.**
- (b) the Report on Amendment No. 48 to the City of South Perth Town Planning Scheme No. 6, containing the draft Amendment comprising **Attachment 10.3.4(a)**, **modified to incorporate discussion, reasons and amending text relating to car stacking systems**, be adopted;

**CARRIED (8/0)**

#### Background and Reason for change

The rationale for including car stackers is that the planning rules should deal comprehensively with the requirements for space in developments to park cars.

Changing the car bay size in the TPS provides an opportunity to deal with a missing item of increasing significance which is car stackers – especially in unit developments.

Car stackers are a device used increasingly by apartment developers to put more parking bays into new developments than is possible using car bays. Where micro car stackers are used then a developer can create the impression of providing more car bays than would be possible if normal car bay sizes were utilised.

The minimum car stacker dimensions are consistent with the car bay sizes set in the Australian Standard.

Including minimum car stacker sizes will result in better developments, greater resident and community amenity and reduced on-street parking problems caused by residents and visitors whose cars do not fit into micro car stackers.

The Amendment then become the Substantive Motion.

**COUNCIL DECISION****Moved:** Councillor Reid**Seconded:** Councillor Irons

That:

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 for the following purposes:
- (i) to delete Schedule 5 ‘Minimum Dimensions of Car Parking Bays and Accessways’ and all references to this Schedule throughout the Scheme;
  - (ii) to require car parking bays and accessways to comply with the dimensions specified in Australian Standard AS 2890; and
  - (iii) where a car stacking system is proposed, the minimum internal dimensions of associated car parking bays are to be 2.1 metres in height, 5.5 metres in length, 2.5 metres in width, and having a minimum weight bearing capacity of 2,600 kilograms.
- (b) the Report on Amendment No. 48 to the City of South Perth Town Planning Scheme No. 6, containing the draft Amendment comprising **Attachment 10.3.4(a)**, modified to incorporate discussion, reasons and amending text relating to car stacking systems, be adopted;

**CARRIED (8/0)****Background**

Clause 6.3(8) and Schedule 5 of TPS No. 6, have the effect of requiring the provision of car parking bays and access aisles which are larger than that required by the Australian Standards. This conflict between the requirements of the TPS No. 6 and the Australian Standards often leads to tension between City officers and applicants, who question why the City enforces different standards to other Local Governments. The situation also results in conflicts in advice to the applicant from City departments, with the City’ Engineering Infrastructure Services supporting bays which meet the minimum size stated in the Australian Standards while Development Services staff are requesting the bay width be increased to meet the standards in TPS No. 6. On at least one occasion, the Joint Central Development Assessment Panel has approved car bays of a smaller size than required by TPS No. 6, on the basis that they meet the minimum required in the Australian Standards.

Overall it is considered that the conflict between the two standards leads to inconsistent decision making and as such Amendment 48 is proposed to rectify the situation.

**Comment**

The Scheme Amendment will remove reference to Schedule 5 ‘Minimum Dimensions of Car Parking Bays and Accessways’ to allow car parking and access to be provided on site in accordance with the relevant Australian Standard.

No changes to the existing car and bicycle parking ratios are proposed.

To enable officers to provide guidance to applicant’s and to assess development applications, without examining the whole Australian Standard, it is envisaged that a planning policy or internal working document will be developed next year. This planning policy or internal working document will distil the relevant portions of the Australian standard, into a user friendly format, three to four pages in length.

### Consultation

Neighbour and community consultation requirements are contained in the *Town Planning Regulations* and in Council Policy P301 *Consultation for Planning Proposals*. Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

Community consultation will involve a 42-day advertising period, during which notices will be placed in the *Southern Gazette* newspaper, in the Civic Centre, in the City's Libraries and on the City's web site. Any submissions received during this period will be referred to a later Council meeting for consideration, before the Council decides whether or not to recommend to the Minister that the Amendment be finally approved.

### Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 48 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment	9 December 2014
Council adoption of draft Amendment proposals for advertising purposes	9 December 2014
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Mid December 2014
Public advertising period of not less than 42 days	Late January - March 2015
Council consideration of Report on Submissions	April 2015
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>Report on Submissions;</li> <li>Council's recommendation on the proposed Amendment</li> <li>Three signed and sealed copies of Amendment documents for final approval</li> </ul>	April 2015
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

### Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) incurred during the course of the statutory Scheme Amendment process will be borne by the City.

### Sustainability Implications

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

The proposed Amendment No. 48 will improve the Scheme Text, and allow car parking to be assessed in a consistent manner.

### Conclusion

The proposed Amendment No. 48 is of an administrative nature only. It will clarify the City's expectations with regard to the design and layout of car parking bays on residential and non-residential sites. This will assist applicants in the preparation of drawings and assist City officers in their assessment of proposals. The proposed modifications will ensure decision making in this regard is consistent.

### Attachments

**10.3.4(a):** Amendment 48 Report



## 10.4 STRATEGIC DIRECTION I: PLACES

### 10.4.1 TENDER 12/2014 "PROVISION OF PROJECT MANAGEMENT SERVICES FOR THE MANNING HUB COMMUNITY FACILITY"

Location:	Manning Ward
Ward:	Manning Ward
Applicant:	Council
File Ref:	D-14-67861
Date:	2 December 2014
Author	Fraser James, Tenders and Contracts Officer
Reporting Officer:	Mark Taylor, Acting Director Infrastructure Services
Council Strategy:	Strategic Direction: Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places 4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

#### Summary

This report considers submissions received from the advertising of Tender 12/2014 for the "Provision of Project Management Services for the Manning Hub Community Facility". This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

#### Officer Recommendation

**Moved:** Councillor Cala  
**Seconded:** Councillor Hawkins-Zeeb

That Council approves the tender submitted by NS Projects of \$186,660 plus GST for the "Provision of Project Management Services for the Manning Hub Community Facility" in accordance with Tender Number 12/204 for the period of supply up to August 2016 inclusive.

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

#### Background

A Request for Tender (RFT) 12/2014 for the "Provision of Project Management Services for the Manning Hub Community Facility" was advertised in the West Australian on Wednesday 10 September 2014 and closed at 2:00pm on Friday 26 September 2014.

Tenders were invited as a *Schedule of Rates Contract* based on a pricing of five phases of the contract listed below.

The City is seeking to engage a Consultant for the provision of Project Management services for the delivery of the Manning Community Facility project. The Consultant will be responsible for the organisation and the day to day running of the project. This will include interaction with, directing and coordinating the activities of the project team, including allocated City staff, external consultants and the engaged works contractor/s.

10.4.1 Tender 12/2014 “Provision of Project Management Services for the Manning Hub Community Facility”

The Scope of Services to be delivered for the Manning Community Facility is split into the following phases:

1. Project Management Plan Review;
2. Design and Documentation Finalisation;
3. Tender;
4. Construction;
5. Handover.

The contract is for the period of supply up to August 2017 inclusive.

**Comment**

At the close of the Tender advertising period eight submissions been received and these are tabled below:

TABLE A - Tender Submissions

Tender Submissions	
1.	Aurecon
2.	Davis Langdon
3.	Coffey
4.	Donald Cant Watts Corke
5.	NS Projects
6.	PDA
7.	GHD
8.	Rowe Group

The Tenders were reviewed by an evaluation panel and assessed according to the qualitative criteria detailed in the RFT.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Personnel and Availability	30%
2. Previous Performance	30%
3. Demonstrated Understanding	40%
<b>Total</b>	<b>100%</b>

The weighted score of each tender submission received is noted in Table B below and is explained in more detail in **Confidential Attachment 10.4.1 (a)**.

TABLE C - Weighted Score

Tender Submission	Score
NS Projects	7.2
Aurecon	6.4
GHD	6.1
Davis Langdon	6.1
Coffey International P/L	5.7
PDA	5.5
ROWE Group	5.2
Donald Cant Watts Corke	5.1

The tender submitted by NS Projects recorded the highest score of 7.2 in the evaluation matrix.

10.4.1 Tender 12/2014 “Provision of Project Management Services for the Manning Hub Community Facility”

Based on the assessment of all submissions received for Tender 12/2014 “Provision of Project Management Services for the Manning Hub Community Facility”, it is recommended that the tender submission from NS Projects be approved by Council.

### **Consultation**

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

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept:

1. Annual tenders to a maximum value of \$200,000.00 (exclusive of GST); and
2. All other tenders to a maximum value of \$150,000.00 (exclusive of GST).

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

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

### **Financial Implications**

The full cost of the works is reflected in the 2014/2015 and future Capital Works budgets as identified in the City’s Long Term Financial Plan.

### **Sustainability Implications**

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

### **Attachments**

- 10.4.1 (a): **Confidential** TEN04-17 Panel Members Recommendation Report - RFT 12-2014 Manning Hub

## 10.4.2 MANNING COMMUNITY FACILITY

Location:	Bradshaw Crescent, Manning
Ward:	Manning Ward
Applicant:	Council
File Ref:	D-14-67863
Date:	2 December 2014
Author / Reporting Officer:	Vicki Lummer, Director Development and Community Services and Mark Taylor, Acting Director Infrastructure Services
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

### Summary

The purpose of this report is for Council to consider the final design and cost of the Manning Community facility and to approve the amendment of a condition of planning approval.

The future community engagement and place making plan is also provided along with the results of the community information sessions held in September.

### Officer Recommendation

**Moved:** Councillor Hawkins-Zeeb

**Seconded:** Councillor Cala

That Council:

- (a) Agrees to amend condition 1 of the planning approval for the Manning Community facility dated 23 April 2013 to delete part (iv), upon issue of the one year extension to the approval;
- (b) Endorses the design plans dated August 2014 and anticipated costs against funding for the Manning Community Facility for the purposes of a tender process;
- (c) Endorses further engagement and a place making approach for the Manning Community Facility

**CARRIED (8/0)**

### Background

In February 2008 Council resolved to prepare a Concept Plan for the development of a Manning District Centre (Manning Hub) with input from stakeholder groups. In June 2009 Council adopted a concept plan prepared by Troppo Architects for the Manning Hub following a review of the community facilities.

There followed a process to select the consultant architects for the project and the tender was awarded by Council in December 2011. The plans were developed in consultation with the existing user groups of the facility and advertised for community comment when the Development Application was submitted in 2012.

On 23 April 2013, Council resolved to approve the Development Application for the Community Facility, subject to conditions.

This report provides Council with the final costs and design prior to the tender process to engage a builder. The results of the community information sessions are provided and one of the conditions of planning approval is discussed.

### **Comment**

The City recently held two community information sessions on the Manning Hub project. These sessions were well attended with approximately 70 attending on Saturday 20 September 2014 and 60 attendees at the Wednesday 24 September 2014 session.

Held at the Manning Senior Citizen Centre, the information sessions provided the community with an opportunity to hear about the Manning Hub project design and ask questions from City of South Perth staff and Project Architects, Bollig Design. A document containing the questions asked and answers provided is available on the City's web site.

Officers are using the feedback and questions received to enhance the overall project. For example a number of questions were raised about the safety and aesthetics of the service laneway at the rear of the Welwyn Avenue shops. The treatment of this Council owned laneway will now be included in the overall project.

Moving forward with this project the City has recognised that there are opportunities to engage more meaningfully with the community by utilising further stakeholder engagement and a place making approach. **Attachment 10.4.2(a)** is a draft plan that has been prepared by consultants and outlines various opportunities for input under the headings of Place Design, Place Identity, Place Programming, Place management and Governance. The City intends follow the stakeholder engagement strategy and additionally use this draft and build on ideas, with implementation starting early in 2015.

In April 2013 when Council considered the report on the Development Application the report advised that the DAC Architects recommended removing the lift near the north-western corner of the building and replacing it with a ramp. This was also recommended as a condition and was then resolved by Council as follows:

- (1) *Revised drawings shall be submitted, and such drawings shall incorporate the design modification as shown on the Preliminary Town Square Site Plan dated 13 December 2012, addressing the following specific matters:*
- (i) *The addition of the Town Square along the pedestrian street;*
  - (ii) *The reduction of the library footprint;*
  - (iii) *The sun shading over the concrete seating area overlooking the oval; and*
  - (iv) *The removal of the lift adjacent to the sporting club.*

However, the ramp is not feasible due to the length of ramp required, and the architects have advised that in order to meet the requirements of the Disability Discrimination Act, the lift must be provided.

Another condition of approval is that the approval will cease to be valid unless construction is substantially commenced within 24 months. As construction is anticipated to begin after the expiry of 24 months, an extension of one year will be sought by the applicant. This can be granted under delegated authority in accordance with normal City processes.

The above amendments are contained in part (a) of the recommendation of this report.

A summary of the anticipated costs for the project against funding is discussed in 'Financial Implications' below.

The detailed design plans are nearing completion, which will allow Tenders to be called for the construction of the facility. **Attachment 10.4.2(c)** contains a copy of the latest floor plans and also the elevations that were approved as part of the Development Application. Only very minor changes are expected to these plans and they are largely the plans that will be released for tender.

The anticipated timeframe for the project is described in the table below.

Council Approval	9 December 2014
Tender Period	13 January 2015 – 12 February 2015
Approval of Tender by Council	March 2015
Construction commencement	May 2015
Tenders called for Oval construction	June 2015
Tender Approval	August 2015
Oval construction works	September 2015
Construction Completion	August 2016

### Consultation

There has been extensive consultation over a six year period in regard to this project. Earlier consultation has been detailed in previous reports about this project. Recent community consultation has been detailed in the body of the report. Further opportunities also form part of this report.

### Policy and Legislative Implications

Tenders will be called in accordance with the Western Australian Local Government Association (WALGA) Purchasing and Tendering Guide, the Local Government Act 1995 and Part 4 Local Government (Functions and General) Regulations 1996 and Council's Policy P607 Tenders and Expressions of Interest

### Financial Implications

The anticipated costs and funding model for the Manning Community Facility Development is tabled below:

Anticipated Costs	Year	Amount
Preliminaries & Sundries		\$84,641
Development Application		\$21,750
Building License		\$57,000
Demolition		\$160,000
Architects Fees	2011/2012	\$47,500
Architects Fees	2012/2013	\$81,100
Architects Fees	2013/2014	\$0
Architects Fees	2014/2015	\$189,664
Architects Fees	2015/2016	\$548,500
Project Management	2013/2014	\$33,500
Project Management – YTD	2014/2015	\$20,195
Project Management - Balance	2014/2015	\$20,000
Project Management	2015/2016	\$160,000
Building Construction (Per Nov 2014 QS Estimate)	2014/2015 & 2015/2016	\$16,000,000
Library Technology	2015/2016	\$100,000
James Miller Oval Works	2015/2016	\$1,285,000
<b>Total</b>		<b>\$18,808,850</b>

\* Excludes allowance for compensation for forfeited shop to create mall / entry.

Funding	Year	Amount
City Funds	2011/2012	\$47,500
City Funds	2012/2013	\$102,850
City Funds	2013/2014	\$33,500
Land Sales via Reserves	2014/2015	\$8,650,000
Land Sales via Reserves	2014/2015	\$2,250,000
Grant - DSR	2014/2015	\$800,000
Grant - Lotterywest	2015/2016	\$1,000,000
Reserves -AER, Future Building & Sustainability	2014/2015	\$2,600,000
Reserves - AER (Additional Proceeds)	2014/2015	\$2,500,000
Reserves - Other	2014/2015	\$325,000
City Funds (from Surplus)	2014/2015	\$500,000
<b>Total</b>		<b>\$18,808,850</b>

#### 10.4.2 Manning Community Facility

The estimate of costs was provided for the Architect and City by RBB Construction Cost Consultants and is presented in **Attachment 10.4.2(b)**. The previous estimate was produced two and a half years ago and has increased by \$950,000 plus \$312,000 for four items as follows:

- Seats to flats;
- Photovoltaics;
- Tensile shade structure over seating (condition of planning approval);
- Auto sunscreens to west library elevation.

The Photovoltaics and the sunscreens are energy efficiency initiatives which will ultimately pay for themselves by saving on operating costs in the future. The seats (rather than bare concrete) are considered to add quality and value to the development for the benefit of the community.

Other increases to the cost of the project from that originally estimated (\$1,285,000 against \$480,000) come from the James Miller Oval Master-plan, which includes the following items:

- Expanding the reserve to the east create a proper oval for AFL football and cricket;
- Demolition of the existing sports pavilion;
- Re-positioning of two light towers as a result of the oval reconfiguration;
- Re-positioning of the synthetic cricket wicket adjacent to the new centre of the oval;
- New irrigation and turf to the reserve;
- Two new playgrounds (replacing the unit adjacent to the existing sports pavilion and the unit previously located adjacent to the Manning Hall);
- Additional embayed car parking along Jarman Avenue and Duckett Drive;
- New pathways, park furniture and exercise equipment.

In addition, consultant fees (Architect and Project Management) have also increased as the size and scope of the project has risen.

#### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The project has been inclusive and included community and user group input. The design of the buildings take into account the principles of energy efficiency and the funds have been partially allocated from the Sustainable Infrastructure Fund, making this project aligned with the Sustainability Strategy.

#### **Attachments**

**10.4.2 (a):** Draft Place Making Plan

**10.4.2 (b):** Estimate of Costs

**10.4.2 (c):** Design Plans



### 10.4.3 TENDER 16/2014 “PATH REPLACEMENT - MENDS STREET JETTY”

Location: South Perth Esplanade Foreshore adjacent to Mends Street Jetty  
 Ward: Mill Point Ward  
 Applicant: City of South Perth  
 File Ref: D-14-69468  
 Date: 2 December 2014  
 Author: Fraser James, Tenders and Contracts Officer  
 Reporting Officer: Mark Taylor, Acting Director Infrastructure Services  
 Strategic Direction: Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places  
 Council Strategy: 4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

#### Summary

This report considers submissions received from the advertising of Tender 16/2014 for the “Path Replacement (Mends Street Jetty, South Perth)”.

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

#### Officer Recommendation

**Moved:** Councillor Cala  
**Seconded:** Councillor Hawkins-Zeeb

That Council

- Approves the lump sum tender of \$1,372,290.67 (ex GST) submitted by Phase3 Landscape Construction Pty Ltd for the “Path Replacement (Mends Street Jetty, South Perth)” in accordance with Tender Number 16/2014; and
- Approves the following budget amendment to adequately fund the total estimated project cost of \$1,717,875.24 (ex GST).

Account Number	Description	Type	Current Budget	Revised Budget	Amendment	Comment
9918.7802	Transfer to Muni Fund	Transfer	0	150,000	150,000	Funds transferred to support expanded scope of works
1045.9918	Transfer from Path Reserve	Transfer	0	(150,000)	(150,000)	
9924.7802	Transfer to Muni Fund	Transfer	1,000,000	1,320,000	320,000	Funds transferred to support expanded scope of works
1045.9924	Transfer from River Wall Reserve	Transfer	(1,000,000)	(1,320,000)	(320,000)	

*Absolute majority required*

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

#### Background

The ‘Promenade’ path project replaces the previously existing pedestrian path either side of the Mends Street Jetty and is proposed to commence following completion of the river wall replacement works (Tender 9/2014) and after Australia Day.

10.4.3 Tender 16/2014 “Path Replacement – Mends Street Jetty”

The path is specified to be a minimum of 5 metres in width, and will be constructed of exposed aggregate concrete and various paving materials. Two rest / sitting / viewing areas with structural elements are incorporated into the design of the path in the following locations:

1. The ‘Western Gateway’ area - to the western end of the wall works, between the Mends Street jetty and the existing Mends Street beach limestone headwalls;
2. The ‘Breakout Space’ along the path to the east of the jetty.

Both areas have cantilevered decking over the base limestone wall, in place of the wall capping that will be installed to the rest of the river wall. Timber decking, and custom seating are to be incorporated into these areas. Both are universally accessible. Custom seating is also to be installed to the eastern end of the path.

The path connects with the existing South Perth foreshore walk path (approximately 3 metres wide) to the western end of the current site near the Mends Street beach headland; and the eastern end of the site just west of the ‘Viewing Deck’.

The path is proposed to be lit by ‘puck’ lights inset into the path along the southern edge near the turf, and feature lighting incorporated into the two rest areas. The lighting is able to be programmed and will add to the overall amenity of the site.

**Comment**

A Request for Tender (RFT) 16/2014 for the “Path Replacement (Mends Street Jetty, South Perth)” was advertised in the West Australian on 8 November 2014 and closed at 2:00pm on 25 November. Tenders were invited as a *Lump Sum Contract*.

At the close of the Tender advertising period four submissions been received and are tabled below:

TABLE A - Tender Submissions

<b>Tender Submissions</b>
Phase3 Landscape Construction Pty Ltd
Landscaping WA Pty Ltd
MG Group WA
MMM (WA) Pty Ltd

The Tenders were reviewed by an evaluation panel and assessed according to the qualitative criteria detailed in the RFT.

TABLE B - Qualitative Criteria

<b>Qualitative Criteria</b>	<b>Weighting %</b>
Works skills record and experience	40%
Key Personnel & Resources to complete works	30%
Demonstrated Understanding and Methodology	15%
Works program	15%
<b>Total</b>	<b>100%</b>

The weighted score of each tender submission received is noted in Table C below.

**TABLE C - Weighted Score**

<b>Tender Submissions</b>	<b>Weighted Score</b>
Phase3 Landscape Construction Pty Ltd	7.9
MG Group WA	7.0
Landscaping WA Pty Ltd	5.8
MMM (WA) Pty Ltd	5.3

The tender submitted by Phase3 Landscape Construction Pty Ltd recorded the highest score of 7.9 in the evaluation matrix. Phase3 also submitted the lowest priced tender (\$1,372,290.67). As a result, Phase3 are considered to be the best value tender submission for the City. The Panel Members Assessment report for this tender is available at **Confidential Attachment 10.4.3**.

Based on the assessment of all submissions received for Tender 16/2014 “Path Replacement (Mends Street Jetty, South Perth)”, it is recommended that the submission from Phase3 Landscape Construction Pty Ltd be approved by Council.

**Consultation**

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

This project was the subject of an Elected Members Concept Briefing on 12 August 2014.

**Policy and Legislative Implications**

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept:

3. Annual tenders to a maximum value of \$200,000 (exclusive of GST); and
4. All other tenders to a maximum value of \$150,000 (exclusive of GST).

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

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

**Financial Implications**

If the tender submitted by Phase3 is approved by Council the following expenditure is anticipated for this project:

Item	Amount
Preferred tender	\$1,372,290.67
Contingency (10%)	\$137,229.07
Project Design and Management	\$95,355.50
Structural Engineering	\$38,000.00
Irrigation reinstatement	\$75,000.00
<b>Anticipated Expenditure</b>	<b>\$1,717,875.24</b>

A budget of \$1,250,000.00 is allocated to this project consisting of land sale proceeds and Reserve funds, meaning there is currently a budget shortfall of \$467,875.24.

In order to appropriately fund this project the budget will need to be supplemented by further transfers of funds not directly required for current projects (sourced from appropriate Reserves including the Path Works Reserve and River Wall Reserve).

This is necessary to allow for the difference between the pre-tender estimate and the preferred tender however it is primarily due to the City increasing the scope of the project to create a higher quality outcome in keeping with the site's high profile location as a major "gateway" into the City. The areas of the specification where the scope of the project has been increased include:

- Lighting – a much more sophisticated lighting system has now been specified;
- The two breakout areas along the pathway have been increased in size and quality and are now proposed to be cantilevered over the river wall;
- Additional structural engineering input has been required to manage the design and construction of the cantilevered structures over the river wall;
- An allowance has been made for reinstatement costs, particularly irrigation, to ensure the surrounding parkland turf recovers quickly and to a good standard; and
- The inclusion of a 10% contingency for the project.

To facilitate this outcome, the following budget amendment providing an additional \$470,000 will be required:

Account Number	Description	Type	Current Budget	Revised Budget	Amendment	Comment
9918.7802	Transfer to Muni Fund	Transfer	0	150,000	150,000	Funds transferred to support expanded scope of works
1045.9918	Transfer from Path Reserve	Transfer	0	(150,000)	(150,000)	
9924.7802	Transfer to Muni Fund	Transfer	1,000,000	1,320,000	320,000	Funds transferred to support expanded scope of works
1045.9924	Transfer from River Wall Reserve	Transfer	(1,000,000)	(1,320,000)	(320,000)	

### Sustainability Implications

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

### Attachments

- 10.4.3(a)** *Confidential* TEN04-17 Panel Members Recommendation Report – RFT 16/2014 Path Replacement (Mends Street Jetty, South Perth).

#### 10.4.4 LAND ASSET ASSESSMENT PLAN

Location: City of South Perth  
Ward: All  
Applicant: Council  
File Ref: D-14-70156  
Date: 24 November 2014  
Author: Katie Breese, Land and Property Officer  
Reporting Officer: Phil McQue, Manager Governance & Administration  
Strategic Direction: 4. Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places  
Council Strategy: 4.6 Develop and implement a Land Management Strategy for City Land.

##### Summary

The City has prepared the Land Asset Assessment Plan (LAAP) for Council consideration and review in accordance with Strategy 4.56 of the Strategic Plan 2013-2023, Corporate Business Plan 2014/2015 and Economic Development Strategy 2013-2016.

The LAAP sets out the role of property in achieving Council's objectives across all programs and provides a framework for matching property decisions to these objectives.

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Huston

**Seconded:** Councillor Reid

That the Council adopt the Land Asset Assessment Plan 2014 on the basis that all reference to recommendations on each parcel of land are removed.

**CARRIED (8/0)**

*\*Note: it was noted that the incorrect Attachment document was circulated to Members. Therefore, by consent of the Mover and Seconder the words 'on the basis that all reference to recommendations on each parcel of land are removed' are included in the resolution.*

##### Background

The City has acquired a major property portfolio over several decades including over 300 freehold properties, all of which are now documented in a comprehensive land register.

The City has recently conducted a comprehensive review of all Council owned and managed properties. The outcome of this work has resulted in the following:

- Established a strategic Land Project Team to centralise property management and decision making.
- Inspected and classified all City owned and managed properties.
- Developed property management criteria and a decision making framework for disposing, purchasing and retaining property.
- Identified land holdings with development potential and generating income for the community.
- Developed a model to measure values and financial performance.
- Development of a LMS.

##### Comment

The City's Strategic Plan 2013-2023 initiative 4.6 states *Develop and implement a Land management Strategy for City Land.*

The City's Corporate Business Plan 2014/14 initiative 4.6. states *Develop and implement a Land Management Strategy for City Land.*

The development of a Land Management Strategy is also a key initiative of the Economic Development Strategy 2013-16, adopted by Council in April 2013.

The LAAP (shown at **Attachment 10.4.4(a)**) has been developed to ensure that the City manages property in a more strategic manner, with the following objectives:

- To pursue a prudent policy of property disposal / acquisition, management and/or development to generate low-risk investment wealth and income for the benefit of the current and future citizens of the City;
- To facilitate acquisition, development by the City / or others, of appropriately located property for economic, social and/or community support infrastructure;
- To undertake a proactive program of providing essential community services from properties which are vested in the City rather than from properties which are owned freehold and zoned for urban uses
- To explore opportunities for land swaps and rationalisations of crown reserves including acquiring freehold title in a number of cases that will clearly benefit the community.

All City owned properties have been physically inspected and evaluated by the Land Project Team as to their uses, land zonings, future potential and have been allocated a suitable land classification.

The Council has no intention to dispose of any land in the foreseeable future, other than potentially the Manning Hub lots, 57 Angelo Street South Perth 2 Brittain Street Como.

The City's LAAP is aligned with the principles and statements of the City's Public Open Space Strategy adopted by Council.

#### **Consultation**

The LAAP was the subject of a Council briefing on 2 November 2014.

As a result of the Agenda Briefing held 2 December, the recommendations within the LAAP have been deleted.

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

Section 3.58 and 3.59 of the *Local Government Act 1995* prescribe the requirements for disposing of land.

#### **Financial Implications**

The City has an opportunity with its property portfolio to deliver long term financial sustainability to its community, provide rationalisation of some properties to provide greater community benefit and service delivery and to manage its land in an appropriate manner so as to realise maximum return for these assets.

The Land Project Team will monitor, assess and recommend actions on these properties on an on-going basis.

#### **Strategic Implications**

The LAAP is consistent with the [Strategic Community Plan 2013–2023](#), Direction 4 – Places "Develop and implement a Land Management Strategy for City Land".

The LAAP is a key strategic action in the City's Economic Development Strategy adopted by the Council in April 2013.

#### **Sustainability Implications**

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

#### **Attachments**

**10.4.4(a):** Land Asset Assessment Plan

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

Nil.

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

### **10.6.1 COUNCILLOR LAWRENCE - ATTENDANCE AT DECEMBER 2014 MEETING**

This Item was considered earlier in the meeting.

### **10.6.2 ADVANTAGES / DISADVANTAGES OF AMALGAMATION - INFORMATION FOR RESIDENTS**

Location: City of South Perth  
Ward: All Applicable  
Applicant: Council  
Date: 9 December 2014  
Author: Phil McQue, Manager Governance and Administration  
Reporting Officer: Cliff Frewing, Chief Executive Officer  
Strategic Direction: 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  
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

#### **Summary**

This report considers the 'Advantages / Disadvantages of Amalgamation – Information for Residents' that the Council has previously resolved to provide relating to the proposed amalgamation poll in January 2015.

#### **Officer Recommendation**

**Moved:** Cr Reid  
**Seconded:** -

That the Council adopt Option 1 relating to communications for the proposed amalgamation poll in January 2015.

**LAPSED FOR WANT OF A SECONDER**

#### **ALTERNATIVE RECOMMENDATION**

**Moved:** Mayor Doherty  
**Seconded:** Councillor Reid

The Council delegates to the Mayor and CEO approval to finalise the advantages and disadvantages of amalgamation by 12 noon Thursday 11 December 2014 and that a final draft be circulated to Councillors by COB Wednesday 10 December 2014.

**LOST (3/5)**

At 8.42 pm the Presiding Member moved that the Standing Orders be suspended to allow for discussion on a way forward.



### **MOTION TO SUSPEND STANDING ORDERS**

**Moved:** Mayor Doherty

**Seconded:** Councillor Trent

That the Standing Orders be suspended.

**CARRIED (7/1)**

At 8.58 pm the Presiding Member called for the Standing Orders to be resumed.

### **MOTION TO RESUME STANDING ORDERS**

**Moved:** Councillor Trent

**Seconded:** Councillor Huston

That the Standing Orders be resumed.

**CARRIED (8/0)**

### **MOTION AND COUNCIL DECISION**

**Moved:** Councillor Cala

**Seconded:** Councillor Hawkins-Zeeb

That Council resolve to conduct a workshop on Monday 15 December 2014 following the Annual Electors' Meeting to finalise the advantages and disadvantages of amalgamation and that the outcome of that workshop will become a printed document distributed separately to residents.

**CARRIED (8/0)**

### **Background**

The Minister for Local Government and Communities (the Minister) announced on 22 October 2014 that he would be accepting the recommendation from the Local Government Advisory Board that the City of South Perth, Town of Victoria Park and northern part of the City of Canning be amalgamated, effective 1 July 2015.

The Council previously resolved at the 4 November 2014 Special Council Meeting that it would conduct a postal election if triggered for the City of South Perth under Clause 8 Schedule 2.1 of the *Local Government Act 1995*.

The City is anticipating that the Minister will advise the City of South Perth on 8 December 2014 that he has received a valid petition requesting that the recommendation be put to a poll, to be conducted on 31 January 2015.

The Minister must reject the recommendation put forward by the Local Government Advisory Board, if 50 percent of electors vote, and the majority of those electors vote against the recommendation.

The Council has previously considered what role it should play in the event of a poll being triggered, including the four options of

- Informing the community of the poll
- Taking an active but neutral roll
- Encouraging the community to vote for or against amalgamation
- Do nothing.

In considering all four options presented, the Council at its Special Council Meeting on 4 November 2014 resolved:

*(b) that Council determines that in the event that a poll is called in accordance with the provisions of the Local Government Act, the City's will provide residents and ratepayers via existing communication channels of the advantages and disadvantages of the Minister's proposals;*

*(c) that the City shall inform residents that while it has not been presented with any compelling financial case by the government to support an Amalgamation with the Town of Victoria Park, it believes that this should be a decision for residents;*

### **Comment**

The City is anticipating that the poll will be held 31 January 2015, with ballot papers to be issued to South Perth residents from approximately 13 January 2015 onwards.

The City has been advised that the Local Government Advisory Board will be releasing a high level summary of the advantages and disadvantage of amalgamation with the poll paper packages. The City has requested a copy of this summary from the Local Government Advisory Board to ensure that any information we publish is consistent with the Local Government Advisory Board, so as not to confuse residents. This information not been provided to date.

In line with the Council resolution to utilise existing communication channels for the dissemination of this information, the following advertising timeline is proposed:

- Peninsula Snapshot: 12 January and 20 January 2015
- South Perth In Focus (email newsletter): 12 January and 20 January 2015
- Peninsula Magazine: 19-23 January 2015
- Facebook: reminders throughout January 2015.
- Media Releases, Mayoral Blog etc.

To meet the Peninsula Magazine printing deadline, the print copy must be finalised by close of business Wednesday 10 December 2014, given the Christmas closure period for printing presses in Perth. Irrespective of whether the poll is deferred until 7 or 14 February 2015, the City still needs to meet this print copy deadline of Wednesday 10 December 2014 to ensure timely dissemination of this information.

It is the City's preference that the City provide only general information on the poll. Should the Council still wish to provide further information, the City believes that a balanced viewpoint on advantages and disadvantages for amalgamation should be prepared, with residents encouraged to exercise their democratic right to vote on this matter. The City is of the view that all information should be apolitical and unbiased, and it has prepared the information sheet for residents accordingly.

The City has prepared in its view a balanced viewpoint on advantages and disadvantages for amalgamation. This was provided to Councillors on 30 November 2014 for feedback. Councillor Cridland has subsequently provided an alternative viewpoint on advantages and disadvantage for amalgamation. The City does not concur or support some of the views and statements expressed (eg. longer term viability score, duplication of services).

Given the different versions in style and content, it is considered appropriate that the Council determine which option (if either) it proceeds with, presented below:

- Option 1- Publish the general ballot information and express no viewpoint on advantages or disadvantages of amalgamation (highlighted in green below)
- Option 2 – Publish the general preamble and the City’s information (highlighted in green and blue below)
- Option 3 – Publish Councillor Cridland’s information (highlighted in yellow below)

#### PREAMBLE

##### *Important Information for City of South Perth Residents Have Your Say on Local Government Reform*

###### *Background*

*The Local Government Advisory Board (LGAB) has recently inquired into a number of proposals relating to changes to local government districts in the Perth metropolitan area.*

*Upon completion of those inquiries, the LGAB has made recommendations to the Minister for Local Government. The LGAB’s recommendation to the Minister for the City of South Perth is as follows:*

*To amalgamate the whole of the district of the City of South Perth with the whole of the district of the Town of Victoria Park to form a new local government entity – ‘The City of South Park’. The new entity would also incorporate the area of the City of Canning north-west of Leach Highway (being the areas of Bentley, St James, Wilson and part of Welshpool) and the river front area of the City of Belmont known as Balbuk Reserve.*

*[INSERT MAP OF PROPOSED NEW BOUNDARIES]*

###### *Have your say*

*In accordance with the Local Government Act 1995, our electors were given the right to request a poll so that all affected electors can have a say on the future of our City.*

*Residents of both the City of South Perth and the Town of Victoria Park have enacted that right and requested for a poll to be run in each district. The two polls will be conducted concurrently in January 2015 via a postal vote.*

*All those enrolled to vote at local government elections within the City will receive voting information via post from the WA Electoral Commission in January 2015.*

*The Council of the City of South Perth urges you to vote in the postal ballot on the council amalgamation.*

*Use your democratic right, have your say on the future of your community!*

*It is your choice to vote YES or NO to the amalgamation of the City of South Perth with the Town of Victoria Park and parts of the Cities of Canning and Belmont.*

###### *How the poll works*

*For the results to be binding on the Minister, at least 50% of the electors within the City of South Perth must participate in the poll. If less than the required 50% of electors vote in the poll, the Minister has indicated that he will accept the LGAB’s recommendation and amalgamation will proceed.*

*If more than the required 50% of electors vote in the poll and the majority vote against the recommendation for an amalgamation, the Minister is required to reject it and the amalgamation cannot be implemented.*

*If more than the required 50% of electors vote in the poll and the majority vote in favour of the recommendation for an amalgamation, the Minister has indicated that he will accept it and the amalgamation will proceed.*

*The results of the poll held in the Town of Victoria Park will impact on the outcome for the City, and our poll will also impact on their outcome.*

*If either poll receives more than the required 50% of electors voting, and the majority vote against the recommendation for an amalgamation, the Minister is required to reject it and the amalgamation cannot be implemented for either Council.*

[INSERT DIAGRAM ON HOW THE POLL WORKS]

*Advantages and disadvantages of the proposed amalgamation*

*The Council of the City of South Perth has resolved to provide residents and ratepayers with additional information to assist you in making an informed decision when voting to accept or reject the Minister's proposal.*

*Please consider the advantages and disadvantages below when casting your vote on the future of our City.*

[INSERT FINAL ADVANTAGES AND DISADVANTAGES HERE]

### **City of South Perth Administration Information**

#### **Advantages**

- **Potential cost savings and economies of scale** through efficiency gains and rationalisation of assets, infrastructure and services
- **Reduced administration and governance costs** with less duplication of staffing structures, elected members, administration buildings and depots
- **Potential for improvements and increases in service delivery:** complementary services that may be expanded across the new city
- **Improvements in longer-term viability:** according to the WA Treasury Corporation. Financial Sustainability Scores for 2010-2017 for the new local government entity are higher than for the City and the Town individually
- **Builds capacity** for the new City to fund larger scale infrastructure projects for its community via larger and more diverse revenue base and increased grant funding
- **Improved buying and bargaining power:** as representative of a larger voting base, increased potential to advocate, lobby, obtain grant funding and influence the Commonwealth and State Government
- **Improved capacity** to afford, access and retain more professional and specialist staff
- **Improved regional planning and development** with more consistent approach and uniformity for planning, building, and infrastructure planning between the City and the Town of Victoria Park
- **Corrects illogical boundary** currently separating the Town of Victoria Park and the City of Canning
- **Diversifies rate base** creating a stronger resource base, with less reliance on residential rates

### **Disadvantages**

- **Initial cost of \$9.62 million** estimated across the first 4 years, which at this stage will be primarily funded by the City and the Town's ratepayers not the State Government. Costs include redundancies, salary scale adjustments, ensuring compatibility of technology, technology upgrades, etc.
- **Time to achieve cost savings:** cost savings through perceived economies of scale not realised for a number of years, and to date no empirical evidence to support savings through amalgamations in other states
- **Significant workload and resources** required to align systems, processes and policies with the Town of Victoria Park
- **Reduced level of Elected Member representation:** with 12 Councillors representing the new larger community, it could be more difficult for community members to access elected members
- **Potential loss of community identity**
- **No cost/benefit analysis** provided by the State Government to support its Reform Program
- **Potential changes to service delivery** of programs
- **Period of potential disruption and adjustment** for staff and community around Changeover Day

### **Councillor Cridland Information**

The Council of the City of South Perth has resolved to provide residents and ratepayers with information (advantages and disadvantages) of the Minister's decision so they can make an informed decision when voting to accept or reject the Minister's plan.

Most importantly, the Council of the City of South Perth urge you to vote in the postal ballot on the council amalgamation.

Use your democratic right, have your say on the future of your community!

It is your choice to vote YES or NO to amalgamation of South Perth with Victoria Park and parts of Canning and Belmont.

### **Advantages of amalgamation**

- **The possibility of cost savings from economies of scale** from a City administration of approximately twice the current size of the City of South Perth. These economies of scale are in theory possible from
  - the letting of larger contracts in areas where joint contracts are not already arranged by South Perth and Victoria Park
  - making small reductions in staffing in those administration service areas where staff are not currently fully occupied and there is a similar position at the other local government administration with capacity to take over that role,
  - sell-off of local government infrastructure, and
  - sharing equipment which is not currently fully utilised by the one of the local governments.
- **Builds capacity** for the new City to fund larger scale infrastructure projects for the combined community via larger and more diverse revenue base (ie Victoria Park has a larger commercial rate base than South Perth which is a predominantly leafy green residential area)

- **Small change to the City identity.** Arguably there are similarities in the South Perth and Victoria park communities and combining these two local governments with parts of Canning and Belmont will not change the identity, feel and cohesiveness of South Perth as a community.
- **Improved lobbying power** - as representative of a larger voting base, the City may have increased potential to lobby and obtain grant funding from the Commonwealth and State Government
- **Increased rate revenue means improved capacity** to afford, access and retain more highly paid professional and specialist City staff - noting that the senior staff in an amalgamated City will necessarily be at higher pay grades in an amalgamated City than currently in South Perth
- **Standard planning rules for the amalgamated City.** An amalgamated City will need to produce a single set of planning rules eg so that someone building anywhere in the new City (ie in Belmont, Canning or Victoria Park or South Perth) will have the same rules applying to the development. This will greatly assist property developers submit planning applications as there will be reduced local matters to consider.

#### **Disadvantages of amalgamation**

- **Your rates will rise and your services may decrease because**
  - having a standard rate across new amalgamated City will mean South Perth rates will necessarily go up to approximately a midpoint between Victoria Park and South Perth rates in the dollar
  - substantial additional rate rises will be required to pay for the amalgamation costs and capital expenditure on new council and administration buildings – costs which the State Government will not meet
  - The Premier has announced that he has plans to remove Burswood from the new amalgamated city within the next few years and this will substantially reduce rate revenue to the new City (as it is approximately 25% of the rate revenue of Victoria Park). The Premier has not answered correspondence from the City of South Perth asking him to clarify and confirm his plans.
  - If rate increases do not cover the full net costs of amalgamation then your services will necessarily have to be reduced.
- **Amalgamation cost of around \$13 million PLUS the unknown capital costs of new administration and council buildings** across the first 4 years (nb with hoped for offsetting savings of around \$4 million over the same period). The implementation costs will be funded by ratepayers not the State Government. Costs include redundancies, increasing salaries of City staff, rewriting all policies, local laws and planning schemes, rebadging buildings and equipment etc, ensuring compatibility of information technology, technology upgrades, etc.
- **Cost savings and efficiencies are most unlikely.** Interstate and WA amalgamation experience and the relevant CEDA report indicate that it is very unlikely there will be any efficiencies gains from an amalgamation. Empirical evidence is that larger organisations are often actually less efficient and provide lesser services – which explain the breakup of the City of Perth into several smaller councils several decades ago.
- **The City staff will be focussed on amalgamation and not service delivery.** There will be significant workload and resources required to align the City of South Perth systems, processes and policies with those of the Town of Victoria Park and City of Canning which will mean City staff will be occupied on these matters and not providing services to residents and ratepayers.



- **Planning Rules which are not designed to protect South Perth.** Currently the Council of South Perth sets development and planning rules that protect and provide amenity to the South Perth community. The new amalgamated council will instead have to set rules that apply in South Perth and which are appropriate for Belmont, Canning and Victoria Park.
- **Reduced community representation.** The amalgamated City Councillors will be paid more. The new councillors will represent approximately twice as many people. Currently all (all but one?) of the South Perth councillors are locals and live locally in South Perth. There is no need that any councillor in the amalgamated City live in South Perth. It will necessarily be much more difficult for community members to access elected members about local concerns. Councillors will represent all of the amalgamated City (ie Canning, Victoria Park etc) and it will be much less likely the councillors will understand particular interests, history and concerns of South Perth. Party politics is likely to enter Council elections as happens in the eastern States. Political party support will be very helpful for candidates running for the larger wards or district in the amalgamated city. The new Council Chamber and City Administration buildings may not be in South Perth.
- **Potential loss of community identity.** Arguably there is very little similarity of community between Belmont, Canning, Victoria Park and South Perth and the 100 plus years of South Perth's history and its South Perth identity will be lost in an amalgamated city of such different communities.
- **No cost/benefit analysis supports the amalgamation.** There is no cost/benefit analysis by the State Government to support its reform program. Requests by the City of South Perth to the Minister to obtain a copy of the cost/benefit analysis, if such a document exists, have been denied.
- **No evidence based rationale for the amalgamation.** The only known State Government reasons for the amalgamation is that
  - reduces the number of councils in metropolitan Perth and
  - it is hoped there will be efficiencies of scale reducing costs for developers and ratepayers.
- **Period of potential disruption and adjustment** for community for several years after amalgamation.

### Consultation

The 'Advantages / Disadvantages of Amalgamation – Information for Residents' has been prepared in consultation with Councillors.

### Policy and Legislative Implications

Part 4 and Schedule 2.1 of the *Local Government Act 1995* are relevant to the contents of this report.

### Financial Implications

The costs associated with preparation of this information for residents will be absorbed into the normal City communications budget, as it will feature in the usual City communication channels of Peninsula, Peninsula Snapshot, South Perth InFocus and Facebook.

### Sustainability Implications

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

### Attachments

Nil



## 11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

## 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

There were no Questions from Members Taken on Notice at the November 2014 Ordinary Council Meeting.

### 13.2 QUESTIONS FROM MEMBERS – 9 DECEMBER 2014

Questions and responses provided can be found at **Appendix Two**. There was one question taken on notice – the response provided will be made available in the February 2015 Agenda.

*Note: at 7.22 pm the Skype connection to Cr Lawrance was again attempted but failed. Whilst mobile contact with Cr Lawrance continued to determine the problem, the meeting continued.*

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

Councillor Cridland raised new business of an urgent nature and circulated a Notice of Motion to Members.

### MOTION TO RECEIVE THE NEW BUSINESS

**Moved:** Councillor Cridland

**Seconded:** Councillor Cala

That the Notice of Motion received from Councillor Cridland be accepted by Council under *Item 14. New Business of an Urgent Nature Introduced by Decision of Meeting*.

**CARRIED (7/1)**

### NOTICE OF MOTION AND COUNCIL DECISION

**Moved:** Councillor Cridland

**Seconded:** Councillor Cala

I move that Council calls on, and requests, all Elected Members and the CEO to individually, frankly and publicly state at the Council Meeting immediately after the passage of this motion:

1. whether they have, or have not, in the last two years put their name forward, or arranged for or facilitated their name being put forward, for a position appointed by the Minister for Local Government or by the Department of Local Government (and Communities);
2. the full circumstances and context of any positive statement (that their name has been put forward) made under 1. Above; and
3. whether they have met or communicated with the Minister for Local Government or his staff, outside of organised group briefings, in respect of local government reform and the

full circumstances and context of any positive statement (that they have met or communicated with the Minister).

**CARRIED (6/2)**

Reasons for the Motion

The Minister's plan to abolish the City of South Perth has been controversial in the South Perth community and many questions have been asked by residents about whether and, if so, why key City decisionmakers support amalgamation or the abolition of South Perth.

In the interests of ensuring community confidence in the good governance of the City and transparency of its public administration, the residents of South Perth should know whether any of the key decisionmakers have a potential conflict of interest by reason of their dealings with the Minister and his associates.

Below is a transcript of each Councillor's statement in response to the Resolution above.

Mayor Doherty:

"Last week I had a meeting with the Mayor from Victoria Park who said he had met with the Minister, I wasn't there, and he had identified that he was contemplating having the current Mayors as Commissioners for the newly amalgamated Council. I need to declare that. I don't know whether, other than that, I don't have much else to say. In the presence of Cr Hawkins-Zeeb on Tuesday of last week we met with the Minister and I encouraged him to change the poll date from 31 January to 7 February. To the best of my knowledge that's what I can recollect what I have done outside of formal meetings with the Minister on an informal basis. The conversation that the Mayor from Vic Park relayed to me is perhaps a perception and perceptions I know are important. I am aware of my role and therefore I am sharing it."

Chief Executive Officer, Cliff Frewing:

"Whilst I don't think there's any binding obligation on individuals to answer these questions I'm happy to do so. Following the Councils' decision in October 2013 not to renew my contract I applied for a job as a Commissioner. Shortly after that time, but it's a matter of record now, that shortly after that the Council rescinded that Resolution and extended my contract so my application is probably in limbo – but in any event circumstances have certainly changed over that period of time because at the time there was talk of amalgamating Councils, not necessary boundary changes and the whole world has changed in that regard because at that time there were going to be 15 new Councils formed that would arguably result in 45 Commissioners being appointed where as now there are 3 amalgamations proposed with arguably a maximum of 9 and a minimum of 3 Commissioners appointed. Whilst I have had general discussions with the minister in relation to point 3 at the odd social function, like many of us here there has been no further comment that I could add that would be of any benefit to the Council."

Cr Reid:

"In relation to Item 1 – it's on public record – I applied for the Local Government Advisory Board and I wasn't successful in getting past the WALGA selection panel. It's already on public record and I wasn't chosen. I am really unsure about Item 3 – I have not met or communicated with the Minister for Local Government or his staff outside of organised group briefings in respect to local government reform. I have met the Minister outside of these things on two occasions: one was a social event and we did not discuss local government reform and the other I said I hoped we get the outcome that we've submitted."

Cr Trent:

"I haven't put my name forward or arranged or facilitated my name being put forward for a position appointed by the Minister for Local Government or by the Department of Local Government and Communities and I have not communicated with the Minister or the Department, either formally or informally at an organised function or at an informal function. That's all I have to say."

Cr Irons:

"As you all know I'm married to the Federal MP and I run into Minister Simpson all the time but the last thing we talk about is local government."

Cr Huston:

"First off I've only been on Council for one year not 2 years so I couldn't have had a conflict of interest going back into the second year but I'll still cover that period. I have arranged for my name to be put forward for a number of local government appointments that come forward but they are just the standard ones that WALGA advertises and certainly nothing to do with local government reform in any case so they are just positions that any local councillor can apply for to represent the Minister. Things like Planning Commission and so on. So that covers that one I think. Certainly prior to becoming a councillor I attended a number of public forums that were discussing proposals on local government reform – most of those were "just say no meetings" and I was part of a group that were in favour of "just say no" so prior to coming on Council I have been a part of groups not just in South Perth but elsewhere that opposed amalgamation proposals and I have not communicated, met with individually or otherwise had any direct communications or even indirect communications with the Minister or his staff since I came on to Council or even before I came on to council, nothing personal or direct."

Cr Cala:

[inaudible but nothing to declare].

Cr Hawkins-Zeeb:

[inaudible but nothing to declare].

Cr Cridland:

"No I haven't put my name forward and I don't know if anyone's put my name forward for any position appointed by the Minister or by the Dept. So that's a no to 1 and 2. I have met with the Minister for LG. Possibly, it could be considered an organised group briefing. It was a briefing for a group of liberal party members at which he spoke about local government reform and I asked him a few questions including the purpose he had of having a boundary change and he said that was to meet his timeframe of getting local government reform through quickly and he spoke about the need for all of the local governments to re-write all their town planning and by-laws so they were consistent. That's what one of his aims was. These were the only discussions I've had with the Minister."

Chief Executive Officer, Cliff Frewing:

"I have just thought of another thing I'm happy to disclose. I have recently been appointed by the LGMA without any discussion or involvement with the Minister or the Department to a sector committee looking at the issues association with regional councils."

## 15. MEETING CLOSED TO THE PUBLIC

At 9.30 pm the Presiding Member called that the meeting be closed to the public in order that Council may discuss the Confidential Items.

### MOTION TO CLOSE THE MEETING TO THE PUBLIC

**Moved:** Councillor Hawkins-Zeeb

**Seconded:** Councillor Cala

That that the meeting be closed to the public in order that Council may discuss the Confidential Items.

**CARRIED (8/0)**

The Presiding Member requested the Public vacate the Chamber until invited back in to hear the public reading of the resolutions at Item 15.2.1.

## 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### 15.1.1 Premier's Australia Day Active Citizenship Awards - Nominations

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (h) as it contains information relating to "such other matters as may be prescribed"*

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Rene Polletta
File Ref:	D-14-69005
Date:	2 December 2014
Author / Reporting Officer:	Rene Polletta, Youth & Children's Officer, George Burnett Leisure Centre
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	1.3 Create opportunities for social, cultural and physical activity in the City.

### Officer Recommendation

**Moved:** Councillor Reid

**Seconded:** Councillor Trent

That the Officer Recommendation contained in the Confidential Agenda be adopted as amended.

**CARRIED (8/0)**

### 15.1.2 Local Government Reform: Supreme Court Action – Appeal

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (d) as it contains information relating to “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”*

Location: City of South Perth  
Ward: Not applicable  
Applicant: Council  
Date: 2 December 2014  
Author: Amanda Albrecht, Executive Officer  
Reporting Officer: Cliff Frewing, Chief Executive Officer  
Strategic Direction: 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  
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

#### **Officer Recommendation**

**Moved:** Councillor Huston

**Seconded:** Councillor Irons

That the Officer Recommendation contained in the Confidential Agenda be adopted as amended.

**CARRIED (6/2)**

At 10.21 pm the Presiding Member called for the meeting to be re-opened to the public to hear the public reading of the resolutions of Items 15.1.1 and 15.1.2.

#### **MOTION TO RE-OPEN THE MEETING**

**Moved:** Councillor Hawkins-Zeeb

**Seconded:** Councillor Cala

That that the meeting be re-opened to the public to hear the public reading of the resolutions of Items 15.1.1 and 15.1.2.

**CARRIED (8/0)**

The Presiding Member invited members of the public back into the Chamber.

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

### 15.2.1 Premier's Australia Day Active Citizenship Awards - Nominations

The Governance Officer read aloud the resolution of Council as per Confidential Item 15.1.1.

### 15.2.2 Local Government Reform: Supreme Court Action – Appeal

The Governance Officer read aloud the resolution of Council as per Confidential Item 15.1.2.

## **16. MAYOR'S CHRISTMAS MESSAGE**

The Presiding Member thanked everyone for the year's efforts, especially on the issues of local government reform and highlighted the sale of the Civic Triangle as one of the great achievements of 2014. She wished everyone well over the Christmas and New Year period.

## **17. CLOSURE**

The Presiding Member closed the meeting at 10.24 pm.

## 18 VOTING LOG

9/12/2014 7:07:34 PM

### **Item 10.6.1**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:24:31 PM

### **Item 7.1**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:25:59 PM

### **Item 7.2**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:27:39 PM

### **Item 8.4**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:33:12 PM

### **Item 9 En Bloc**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:36:25 PM

### **Item 10.0.1**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:56:43 PM

### **Item 10.3.4**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 7:57:24 PM

### **Item 10.3.4**

Motion Passed 8/0

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



Absent: Cr Veronica Lawrance

9/12/2014 8:11:06 PM

**Item 10.4.2**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 8:19:13 PM

**Item 10.4.4**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 8:42:22 PM

**Item 10.6.2 Suspend Standing Orders**

Motion Passed 7/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

No: Cr Fiona Reid

Absent: Cr Veronica Lawrance

9/12/2014 8:58:55 PM

**Item 10.6.2 Resume Standing Orders**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 8:59:49 PM

**Item 10.6.2**

Motion Not Passed 3/5

Yes: Mayor Sue Doherty, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons

Absent: Cr Veronica Lawrance

9/12/2014 9:02:13 PM

**Item 10.6.2**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 9:14:04 PM

**Item 14 Urgent Business**

Item Motion Passed 7/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

No: Cr Kevin Trent

Absent: Cr Veronica Lawrance

9/12/2014 9:21:37 PM

**Notice of Motion**

Motion Passed 6/2

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons

No: Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

9/12/2014 9:31:52 PM

**Closed Session**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 9:36:28 PM

**Item 15.1.1**

Motion Passed 6/2

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons

No: Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

9/12/2014 9:36:59 PM

**Item 15.1.1**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

9/12/2014 10:19:16 PM

**Item 15.1.2**

Motion Passed 5/4

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Casting Vote

No: Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

9/12/2014 10:20:38 PM

**Item 15.1.2**

Motion Passed 6/2

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

No: Cr Cheryle Irons, Cr Fiona Reid

Absent: Cr Veronica Lawrance

9/12/2014 10:21:27 PM

**Out of Closed Session**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance



## APPENDIX ONE



### 6.2 PUBLIC QUESTION TIME: 9 DECEMBER 2014

1. Geoff Defrenne, 24 Kennard Street, Kensington Received 9 December 2014	Response provided by: Cliff Frewing, Chief Executive Officer
[Preamble] Amalgamation	
1. Before proceeding with amalgamation activities ; will the council set as a very high priority a cost benefit analysis on whether to support an amalgamation of the City of South Perth and the Town of Victoria Park?	There are no plans for the City to conduct a Cost Benefit Analysis of Amalgamation. As per our response at last month's Council Meeting the Minister and the Local Government Advisory Board has had a cost/benefit analysis performed. Although requested, to date the City has not received a copy.
2. If the council continues to support an amalgamation without a cost benefit analysis will the council be acting irresponsibly?	No. As far as is known no council has conducted a cost benefit analysis on LG Reform. The City has however been successful in obtaining all key requirements identified from the reform process (ie. amalgamation, retention of Burswood Peninsula, rationalisation of boundaries to include the northern portion of Canning and obtaining a poll for residents).
3. As a poll is expected about the amalgamation will the council support a NO VOTE?	The Council at its Special Council Meeting on 4 November 2014 (refer page 22 (b) of the Minutes) resolved that the City will provide residents and ratepayers via existing communication channels of the advantages and disadvantages of the Minister's proposals.



2. Cecilia Brooke, 8/20 Garden Street, South Perth Received at the meeting	Response provided by: Cliff Frewing, Chief Executive Officer
<p>[Preamble] It has been reported that:</p> <p>a) The City of South Perth will have budgeted nearly \$1M per year in rates, without any other costs, to merge with Victoria Park. This figure does not include the estimated \$12M South Park amalgamation cost.</p> <p>b) Victoria park's forward planning for asset renewal is to raise rates by 8% per annum for the next 5 years.</p> <p>c) The residential rates for ratepayers, ex Canning, must be raised from 3.7c/\$ GRV to at least 6.8c/\$ GRV, before other costs and inflation and like commercial and industrial rate increases (36% to 58%) could cause massive problems for the new council, financial hardship for residents and destruction of businesses.</p> <p><i>All figures quoted, have been obtained from reliable sources within the Cities of South Perth and Canning and Town of Victoria Park including 2014/2015 budget documents, proposals and submissions to the LGAB (3 October 2013 and 13 March 2014).</i></p>	
<p>I. (a) With this in mind, when will the Council come out and support the vote against amalgamation and if not why not?</p> <p>(b) Are you prepared to advise ratepayers of the Yes and No case as separate to the one put out by the LGAB. If so when and how do you propose doing it?</p>	<p>[Clarifying preamble] Other than the budget provision included in 2014/15 budget for City of South Perth no financing decisions have been made.</p> <p>In relation directly to part a and part b of question I, this matter is on the Agenda tonight for Council to consider.</p>
<p>(a) Will the council part sponsor the campaign against amalgamation by paying for publicity, printing and advertising up to the value of \$10,000.00?</p> <p>(b) If you are prepared to contribute more than \$10,000.00 we would be extremely grateful.</p>	<p>In my view, if Council were to do this it ought to contribute the same amount to the Yes case but in any event there is no proposal before the Council in respect of this matter.</p>

<b>3. Geoff Defrenne, 24 Kennard Street, Kensington Received at the meeting</b>	<b>Response provided by: Cliff Frewing, Chief Executive Officer</b>
[Preamble] If there is potential savings (reduced cost / improvements in delivery etc.)...	
1. Will the Council state the potential?	Yes, there are potential opportunities to reduce costs and improve service delivery through amalgamation. Reduced costs included reduced administration costs – best methods from the three local governments.
2. Why can't any of the potential be achieved now?	Scale of operation.
3. How will the \$9.2M be recouped?	Some will be recouped through State Government Grants with balance paid through budget provisions and potential savings.





## APPENDIX TWO

### 13.2 QUESTIONS FROM MEMBERS: 9 DECEMBER 2014



1. Cr Trent – Morseby Ward	Response provided by: CEO, Cliff Frewing
[Preamble] First Avenue Properties	
<p>1. The issues associated with the application of development properties in First Avenue have arisen and I asked that consideration be given to reducing the number of waste disposal bins going out into the street on collection day and I'm just wondering if any further action has taken place to address the issues. Namely, 360 litre bins to be shared, the property itself to receive the rates notice and then be distributed by the body corporate amongst the tenants. I was just wondering if anything has happened.</p>	<p>Taken on notice by Acting Director Infrastructure Services, Mark Taylor.</p>
<p>2. With Canning Highway being R80 and the properties fronting First Avenue and the properties backing onto Canning Highway I understand that Main Roads are not enthusiastic about having a lot of driveways backing on to the Highway when they resume the land as they've done down in Victoria Park near Washington Street. I'm just wondering if any action has been taken to ensure that there are limited number of driveways going onto the Highway once the resumptions are made. In other words, would the developers be expected to have their traffic come out into First Avenue? I'm quite happy to have it taken on notice.</p>	<p>There are between 70 and 80 properties on Canning Highway that have yet to be resumed by either the West Australian Planning Commission or Main Roads WA. It would very much depend upon how much land was actually required for the road widening and it would determine how much land was left and how that land could best be amalgamated and then developed. There would be a very good chance that access would be provided to the north/south roads rather than the east/west roads such as First Avenue. So you may find there will be longer type developments in an east/west direction but going out to the crossroads. It really is premature that we don't need to think about it at this time as it will be decades before the state has the financial ability to acquire the remaining properties and they have no money at this present time and no plans to do it.</p>

