

MINUTES

Ordinary Council Meeting

25 March 2014

To: The Mayor and Councillors

Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 25 March 2014.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
28 March 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 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month. The exceptions for 2014 are the months of January, April and December.

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 19.9km² 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/

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Ordinary Council Meeting Minutes

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chambers, Sandgate Street, South Perth, Tuesday 25 March 2014.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7:00pm and welcomed everyone in attendance. She acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR/COUNCIL REPRESENTATIVES

The Mayor advised that the Mayor and Council Representatives Activities Reports for the month of February 2014 are attached to the back of the agenda.

3.2 LOCAL GOVERNMENT REFORM PETITION

The Mayor advised that the City of South Perth, with local MP John McGrath, MLA had started a petition opposing the excision of any part of the Burswood peninsular from the Town of Victoria Park, or any entity resulting from any change of boundaries or any proposed amalgamation between the City of South Perth and the Town of Victoria Park. The Mayor encouraged those present to sign the petition and take away a signature sheet to gather signatures from neighbours. The petition closes Thursday 24 April 2014.

The Mayor advised that once completed Mr McGrath would submit the petition to the President and Members of the Legislative Assembly.

3.3 COMMUNITY RALLY

The Mayor advised that a community rally was being organised for Parliament House, 7pm, Tuesday 8 April 2014. The purpose of the rally is to oppose any action by the State Government to force amalgamation of Local Government, oppose forced abolition of Councils and forced changes of boundaries.

3.4 PUBLIC QUESTION TIME

The Mayor advised the public gallery that Public Question Time forms were available in the foyer and on the website for anyone wanting to submit a written question. She referred to clause 6.7 of the Standing Orders Local Law 'procedures for question time' and state that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.5 AUDIO RECORDING OF COUNCIL MEETING

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

the Presiding Member she gave permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors

G Cridland	Como Ward
V Lawrance, JP	Como Ward
S Hawkins-Zeeb	Manning Ward
C Cala	Manning Ward
C Irons	Mill Point Ward
M Huston	Mill Point Ward
F Reid	Moresby Ward
K Trent, OAM, RFD, JP	Moresby Ward

Officers

C Frewing	Chief Executive Officer
V Lummer	Director Development and Community Services
M Kent	Director Financial and Information Services
M Taylor	Acting Director Infrastructure Services
P McQue	Manager Governance and Administration
D Gray	Manager Financial Services
R Kapur	Manager Development Services (until 8:50pm)
R Bercov	Strategic Urban Planning Adviser
R Woodman-Povey	Corporate Project Officer
K Breese	Land and Project Officer
A Albrecht	Governance Officer

Gallery

There were 21 members of the public and 1 member of the press present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

5. DECLARATION 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 Chairperson any potential conflict of interest they have in a matter on the Council Agenda.

The Mayor advised that the following declarations had been received:

- A declaration of impartiality interest in Items 7.1.2 and 10.7.1 from the Chief Executive Officer
- A declaration of financial interest in Items 7.1.3 and 15.1.1 from the Chief Executive Officer
- A declaration of proximity interest in Item 10.3.1 from Councillor Cridland.

The Mayor advised in accordance with Local Government (Rules of Conduct) Regulations 2007 these declarations would be read out immediately before these items were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

No questions were taken on notice at the Ordinary Council Meeting held 25 February 2014.

6.2 PUBLIC QUESTION TIME: 25 MARCH 2014

The Mayor stated that public question time is operated in accordance with *Government Act* regulations and Standing Orders Local Law. She said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, on a rotational basis, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to.

The Mayor reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. The next meeting day is Friday 4 April 2014, 10am – 12pm.

The Mayor then opened Public Question Time at 7:05pm.

A table of public questions and the responses given can be found in **Appendix I**. A number of questions were taken on notice. A copy of the responses provided to these questions will be included in the April 2014 Ordinary Council Meeting Agenda.

The Mayor closed Public Question Time at 7:20 pm.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 25 February 2014

Recommendation and COUNCIL DECISION

Moved: Councillor Hawkins-Zeeb

Seconded: Councillor Cala

That the Minutes of the Ordinary Council Meeting held 25 February 2014 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

7.1.2 Audit and Governance Committee Meeting Held: 4 March 2014

Declaration of Interest – Chief Executive Officer

“I wish to declare an impartiality interest in Agenda Items 7.1.2 (Minutes from the Audit and Governance Committee Meeting held 4 March 2014) and 10.7.1 (Recommendations for the Audit and Governance Committee Meeting held 4 March 2014) on the Council Agenda for the meeting to be held 25 March 2014.

I disclose that the City’s Auditors (Macri Partners) are also my personal accountants.”

Recommendation and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Huston

That the Minutes of the Audit and Governance Committee Meeting held 4 March 2014 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

7.1.3 CEO Evaluation Committee Meeting Held: 11 March 2014

Declaration of Interest – Chief Executive Officer

“I wish to declare a financial interest in Agenda Items 7.1.3 (Minutes of the CEO Evaluation Committee Meeting Held 11 March 2014) and 15.1.1 (Recommendations for the CEO Evaluation Committee Meeting held 11 March 2014) on the Council Agenda for the meeting to be held 25 March 2014.

As I am the subject of these items, I will leave the Council Chamber when these items are discussed or voted on by the Council.”

Please note: The Council determined that it did not need to discuss this item and allowed the Chief Executive Officer to remain in the Council Chamber for the vote.

Recommendation and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Irons

That the Minutes of the CEO Evaluation Committee Meeting held 11 March 2014 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

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 February 2014

Officers of the City presented background information and answered questions on items identified from the February 2014 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Town Hall Meeting on Local Government Reform Held 6 March 2014

A Town Hall Meeting on Local Government Reform was held in the City of South Perth Civic Hall on Thursday 6 March 2014. Notes from this meeting are included as Attachment 7.2.2.

Recommendation and COUNCIL DECISION

Moved: Councillor Cridland

Seconded: Councillor Irons

That the attached Notes under Items 7.2.1 and 7.2.2 on Council Briefings be noted.

CARRIED (9/0)

8. PRESENTATIONS

8.1 PETITIONS

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

8.1.1 Petition received 24 February 2014 from Justin Vyse, 24 McDonald Street, Como together with 29 signatures in relation to traffic management at the McDonald Street/South Tce Intersection

A deputation from Justin Vyse, 24 McDonald St, was heard at the February 2014 Ordinary Council Agenda Briefing in relation to Item 10.5.1 (*Area 9a, 9b and 10 Local Traffic Management Study*). As a follow up to this deputation a letter was received on 24 February 2014 from the residents of McDonald Street. The letter included a petition supporting a proposal to prevent right hand turns into McDonald St from South Tce. The letter (and petition) was provided to Councillors at the Ordinary Council Meeting on 25 February 2014, for consideration in conjunction with agenda Item 10.5.1.

The petition is now put forward to Council for formal receipt.

The text of the petition reads:

“We, the residents of McDonald Street (between South Terrace and Comer Street), support the proposal for the island just east of the McDonald Street/South Terrace intersection be extended in order to prevent traffic travelling east on South Terrace from turning right into McDonald Street”

Recommendation and COUNCIL DECISION

Moved: Councillor Lawrance

Seconded: Councillor Huston

That the petition dated 24 February 2014 received from Justin Vyse, 24 McDonald Street, Como together with 29 signatures in relation to traffic management at the McDonald Street, South Terrace intersection, be forwarded to the Acting Director Infrastructure Services for consideration.

CARRIED (9/0)

8.2 PRESENTATIONS

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

8.2.1 WA Order of Australia Association – 13 March 2014

The Mayor to present a plaque given to the City of South Perth from the WA Branch Order of Australia Association in recognition of a reception to welcome Order of Australia Recipients in the 2014 Queen’s Birthday Honours list.

8.3 COUNCIL DELEGATES REPORTS

8.3.1 Council Delegate: Local Implementation Committee Meeting held 13 February 2014

The minutes from the Local Implementation Committee Meeting held 13 February 2014 are at **Attachment 8.3.1**.

8.3.2 Council Delegate: Local Emergency Management Committee Meeting held 18 February 2014

The minutes from the Local Emergency Management Committee Meeting held 18 February 2014 are at **Attachment 8.3.2**. Councillor Lawrance and Officer David Fyfe were apologies for this meeting.

8.3.3 Council Delegate: Local Implementation Committee Meeting held 25 February 2014

The minutes from the Local Implementation Committee Meeting held 25 February 2014 are at **Attachment 8.3.3**.

8.3.4 Council Delegate: Rivers Regional Council Meeting held 20 February 2014

A report from Councillor Trent, Councillor Cala and Les Croxford (Manager Engineering Services) summarising their attendance at the Rivers Regional Council meeting held 20 February 2014 is at **Attachment 8.3.4**.

8.3.5 Council Delegate: WALGA South East Metropolitan Zone Meeting held 26 February 2014

A report from Councillor Reid and Councillor Hawkins-Zeeb and Cliff Frewing summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 26 February 2014 are at **Attachment 8.3.5**.

8.3.6 Council Delegate: Local Implementation Committee Meeting held 10 March 2014

The minutes from the Local Implementation Committee Meeting held 10 March 2014 are at **Attachment 8.3.6**.

Recommendation and COUNCIL DECISION

Moved: Councillor Huston

Seconded: Councillor Hawkins-Zeeb

That the minutes and Council Delegates reports at Items 8.3.1 to 8.3.6 be received.

CARRIED (9/0)

8.4 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing held 18 March 2014.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Mayor noted that report Item 10.0.5 (Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point) was a late item to the agenda, and had not been discussed at the Agenda Briefing held 18 March 2014. The Mayor provided an opportunity for Councillors to ask questions of Officers in relation to this report.

She then sought confirmation from the Chief Executive Officer that all other report items were discussed at the Agenda Briefing held on 18 March 2014. The Chief Executive Officer confirmed that this was correct.

Items withdrawn for discussion

1. *Item 10.0.1 – SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como*
2. *Item 10.0.2 - Possible Modifications to Council Policy P306 ‘Development of Properties Abutting River Way’ – Consideration of Preliminary Consultation Submissions*
3. *Item 10.0.4 – Local Government Reform*
4. *Item 10.0.5 - Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point*
5. *Item 10.3.1 - Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point*
6. *Item 10.3.3 - Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington*
7. *Item 10.7.1 – Recommendations from the Audit and Governance Committee Meeting held 4 March 2014*

COUNCIL DECISION - EN BLOC RESOLUTION

Moved: Councillor Trent

Seconded: Councillor Huston

That with the exception of withdrawn items 10.0.1, 10.0.2, 10.0.4, 10.0.5, 10.3.1, 10.3.3 and 10.7.1 the officer recommendations in relation to agenda items 10.0.3, 10.1.1, 10.3.2, 10.6.1, 10.6.2, 10.6.3, 10.6.4, and 10.6.5 be carried en bloc.

CARRIED (9/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

Location: Lot 7 (No. 262) Canning Highway, COMO
Ward: Moresby Ward
Applicant: Hamish Fleming
Lodgement Date: 30 July 2013
Date: 11 March 2014
Author: Trinh Nguyen, Planning Officer
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The City received an application for Planning Approval for a change of land use from Shop to Café/Restaurant for an existing commercial tenancy situate at No. 262 Canning Highway in July 2013. The application was recommended for conditional approval and was approved by Council at the December 2013 Council meeting as Report Item 10.3.4.

The applicant lodged an appeal with the State Administrative Tribunal (SAT) in January 2014 seeking a review of the following two conditions.

- (i) The applicant is to pay the City \$4700 as cash payment in-lieu of the onsite car parking shortfall in accordance with Council Policy P315 “Car Parking Reductions for Non-Residential Development”.
- (ii) The land owner agrees that any compensation for loss of revenue arising from the change of use to “Café / Restaurant” will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.

Following a direction and subsequently a mediation session, and in light of advice received from Main Roads and a proposal by the applicant for an additional bay to be provided on site, the SAT has invited the City to reconsider these conditions, pursuant to Section 31 of the State Administrative Tribunal Act 2004 (WA).

Officer Recommendation

Moved: Councillor Cala

Seconded: Councillor Cridland

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from “Shop” to “Café / Restaurant” on Lot 7 (No. 262) Canning Highway, Como, be **approved** subject to:

(a) Standard Conditions

427	External colours and materials - Compatibility	660	Expiry of approval
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Recommendation continued

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

(b) Specific Conditions

- (i) (condition amended) ~~The applicant is to pay the City \$4,700 as cash payment in lieu of the onsite car parking shortfall in accordance with Council Policy P315 “Car Parking Reductions for Non-Residential Development”.~~ Prior to commencing the proposed use, the additional car parking bay is to be marked on site, demonstrating compliance with the dimensions and clearances prescribed by Town Planning Scheme No. 6.
- (ii) (condition deleted) ~~The land owner agrees that any compensation for loss of revenue arising from the change of use to “Café / Restaurant” will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.~~
- (iii) The proposed signage is to comply with the requirements advised by Main Roads Western Australia (MRWA) in their letter dated 25 September 2013.
- (iv) Staff are to park their vehicles onsite, unless all onsite car bays are occupied.
- (v) The hours of operation are to be limited to between 11:30am and 9:30pm – Monday to Sunday.
- (vi) Having regard to the amenity of the users of the subject premises, on-site car parking bays and access-ways shall be kept clear of all obstructions including waste receptacles and rubbish bins.

(c) Standard Advice Notes

700A	Building permit required	700C	Signs licence required – Main Roads WA
790	Minor variations - Seek approval	795B	Appeal rights - Council decision

(d) Specific Advice Notes

- (i) This planning approval does not pertain to the alfresco dining area. An associated licence must be obtained from Council’s Environmental Health Services (EHS).
- (ii) The applicant / owner are advised of the need to comply with the City’s EHS requirements, and obtain necessary approvals from the department prior to commencing the proposed use. The memorandum dated 8 July 2013 to this effect is enclosed.
- (iii) The applicant / owner are advised of the need to comply with MRWA conditions and important advice notes, listed in their enclosed letter dated 25 September 2013.
- (iv) All signs on main roads must comply with the requirements of the Main Roads (Control of Advertising) Regulations, 1996. Following the City’s approval, all proposed signage visible from a main road and / or located within MRWA reserves require approval from the Advertising Signs Co-ordinator of MRWA.

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

LOST (4/5)

Alternative Motion and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Huston

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from “Shop” to “Café / Restaurant” on Lot 7 (No. 262) Canning Highway, Como, **be approved** subject to:

Alternative Motion and COUNCIL DECISION continued

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

(a) Standard Conditions

427	External colours and materials - Compatibility	660	Expiry of approval
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(b) Specific Conditions

- (i) The applicant is to pay the City \$4,700 as cash payment in-lieu of the onsite car parking shortfall in accordance with Council Policy P315 “Car Parking Reductions for Non-Residential Development”.
- (ii) The proposed signage is to comply with the requirements advised by Main Roads Western Australia (MRWA) in their letter dated 25 September 2013.
- (iii) Staff are to park their vehicles onsite, unless all onsite car bays are occupied.
- (iv) The hours of operation are to be limited to between 11:30am and 9:30pm – Monday to Sunday.
- (v) Having regard to the amenity of the users of the subject premises, on-site car parking bays and access-ways shall be kept clear of all obstructions including waste receptacles and rubbish bins.

(c) Standard Advice Notes

700A	Building permit required	700C	Signs licence required – Main Roads WA
790	Minor variations - Seek approval	795B	Appeal rights - Council decision

(d) Specific Advice Notes

- (i) This planning approval does not pertain to the alfresco dining area. An associated licence must be obtained from Council’s Environmental Health Services (EHS).
- (ii) The applicant / owner are advised of the need to comply with the City’s EHS requirements, and obtain necessary approvals from the department prior to commencing the proposed use. The memorandum dated 8 July 2013 to this effect is enclosed.
- (iii) The applicant / owner are advised of the need to comply with MRWA conditions and important advice notes, listed in their enclosed letter dated 25 September 2013.
- (iv) All signs on main roads must comply with the requirements of the Main Roads (Control of Advertising) Regulations, 1996. Following the City’s approval, all proposed signage visible from a main road and / or located within MRWA reserves require approval from the Advertising Signs Co-ordinator of MRWA.

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

CARRIED 8/1

Reasons for the alternative motion

- There is a general lack of parking in the area of the development, and car-parking is an ongoing issue. Alternatives to car parks are needed, and these need to be resourced.
- The change of use proposed for the site, by its nature increases the car parking demand in an area. Where parking needs cannot be met, parking spills over into residential areas.
- The proposed site of the additional car parking bay is badly located, unsafe and doesn’t meet the needs of the customers.
- There were considerable concessions given to the applicant in the approval of the use.
- The Council has also already given the applicant a concession to the cash payment in-lieu of the onsite car parking shortfall. The Council Policy P315, when applied, would require a cash payment in-lieu of onsite car parking of \$9400. The Council resolved that the applicant pay half of this amount \$4700.

Reasons continued

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

- It is not unreasonable to require a cash payment in-lieu for the onsite car parking shortfall. There are many things that this cash-in-lieu payment will need to contribute to with regard to the car parking lot e.g. Signage, gardening, general maintenance etc. \$4700 will not go far. This is not an unreasonable impost to put on the business.
- The Council has had similar applications come before it where applicants have had to pay the full amount required by the Council Policy. The Council needs to be consistent in the application of its policies.

Background

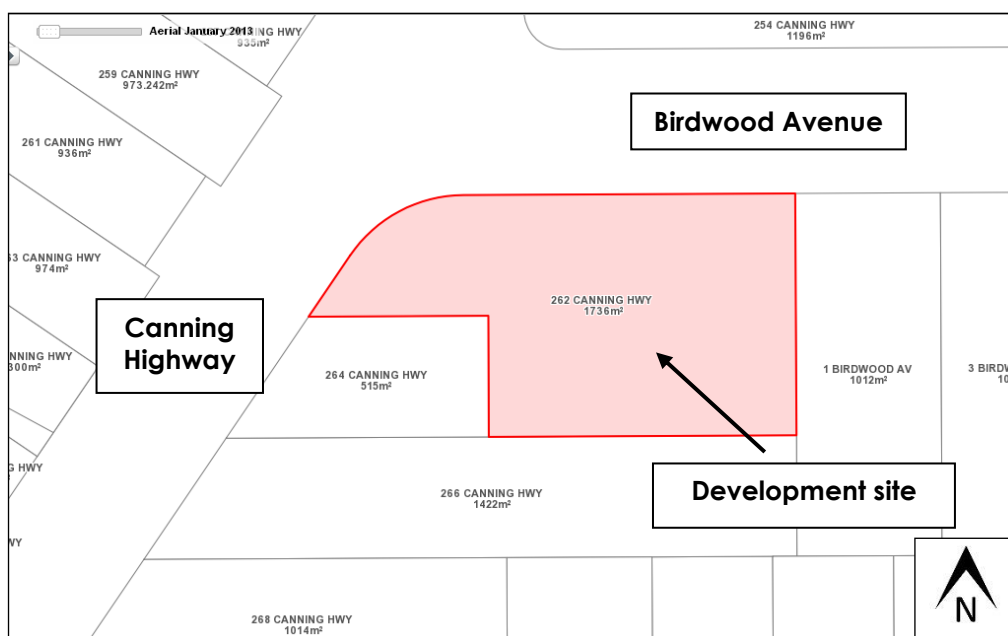
The development site details are as follows:

Zoning	Regional Road / Highway Commercial
Density coding	R80
Lot area	1736 sq. metres
Building height limit	10.5 metres
Development potential	Permissible land uses, as listed in Table I of TPS6

This report includes the following attachments:

- **Attachment 10.0.1(a)** Council approved Plans of the proposal (Item 10.3.4 of Dec 2013 Council meeting); along with the plan showing the additional car parking bay.
- **Confidential Attachment 10.0.1(b)** Notice of Determination associated with Council’s decision at its December 2013 meeting.
- **Attachment 10.0.1(c)** Main Roads Western Australia (MRWA) letter dated 25 September 2013.

The location of the development site is shown below:



Pursuant to Section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, this application is being referred to a Council meeting for reconsideration, having regard to the SAT review of the original proposal.

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

Comment

(a) Background

At its December 2013 meeting, Council approved an application for a change of use (from Shop to Café/Restaurant) on Lot 7 (No. 262) Canning Highway, Como (the subject site).

The applicant lodged an appeal with the State Administrative Tribunal (SAT) seeking a review of two specific conditions, identified under the 'Summary' section in this report. Pursuant to Section 31 of the State Administrative Tribunal Act 2004 (WA), SAT has invited the City to reconsider these specific conditions.

(b) Description of the original proposal

The proposed change of use proposal including a description of the locality, land uses, car parking and signage was described in the December 2013 Council report.

(c) Review of specific condition re: Cash in lieu of one car parking bay

Officers provided details associated with the car parking requirements for the subject site along with existing bays onsite as well as within the road reserve in order to arrive at the proposed cash-in-lieu amount for one car parking bay shortfall.

As a part of SAT mediation process, the following information was identified:

- (i) Officer report to the December 2013 Council meeting indicated that 19 car bays were available on No. 262 Canning Highway (the subject site) and 24 car bays available within the public road reserve. Following further inspections, it is observed that 18 parking bays are available on site and 25 bays within the road reserve. The net total of bays on-site and within road reserve stays unchanged.
- (ii) Officers provided details associated with the use of 25 car parking bays within the public road reserve (Birdwood Avenue) and considered that these will most likely to be shared by the surrounding existing developments in close proximity (where no other space to park vehicles is available along the adjacent street). These developments were identified as:
 - (A) the subject existing development at No. 262 Canning Highway;
 - (B) Motor Vehicle Sales and Marine premises at Nos. 250 & 252 Canning Highway;
 - (C) "Outdoor Gardens and Living" at Nos. 264, 266 & 268 Canning Highway; and
 - (D) Visitors to Grouped Dwellings at Nos. 1 and 4 Birdwood Avenue. The R-Codes do not prescribe visitors car parking requirements for such two grouped dwelling sites. Under normal circumstances, visitors would park either on site or along the kerb. These two properties, having two grouped dwellings each, do not have space on site as they have a common driveway leading to their on-site occupiers' bays. They also do not have sufficient space within the adjoining road reserve to park visitors' vehicles. Hence, officers consider that their visitors are most likely to use the marked car parking bays within the Birdwood Avenue road reserve.

The applicant has provided an amended drawing showing an additional bay marked on site to provide for the one bay shortfall, hence remove the need for associated cash in lieu contribution. City officers recommend an amendment to the wording of the specific condition by deleting the required cash payment; and requiring the additional car parking bay to be marked on site, prior to commencing the proposed use.

(d) Review of specific condition re: reserved land for acquisition by Main Roads

Following on from the directions hearing, the City has sought advice from Main Roads regarding the validity of this condition. Main Roads have advised they would have no objection if the City resolved not to include the condition, regarding compensation for loss of revenue arising from the Change of Use, as part of a revised determination.

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

The following advice notes contained in Main Roads letter dated 25 September 2013, provided to the applicant along with the 10 December 2013 Notice of Determination, is considered as sufficient advice to meet with the intent of this condition.

1. *This property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads drawing 9721-109 and will be required for road purposes at some time in the future.*
2. *Further modifications to the Metropolitan Region Scheme are proposed as outlined in the enclosed Proposed Road Concept Drawing 2011DOT041. Please note that this concept proposes an increased land requirement affecting the subject property.*

Having reconsidered the condition against advice received from Main Roads, City officers recommend the Council endorses the removal of this condition.

(e) 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 proposal. Of the 12 listed matters, the following are particularly relevant:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality;*

The proposed modifications to the specific conditions applied to this application are considered to comply with the above objectives.

(f) 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:

- (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;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (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;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;*

The proposed modifications to the specific conditions applied to this application are considered to comply with the above objectives.

10.0.1 SAT Request for review – Change of Use & Associated Signage (Shop to Café/Restaurant) – Lot 7 (No. 262) Canning Highway, Como

Consultation

(f) Neighbour Consultation

Additional Neighbour Consultation was not required to be undertaken for this SAT appeal, or for the additional car parking bay proposal on the subject site.

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 report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Users “*Accommodate the needs of a diverse and growing population*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). It is considered that the development enhances sustainability by providing local businesses and employment opportunities. It is also observed that the subject property has another café / restaurant, thus the locality is used to having such a land use in this area.

Conclusion

It is considered that the proposed amendment to the specific conditions meet relevant planning objectives and provisions. Accordingly, it is recommended to the Council that the amendments should be approved.

10.0.2 Possible Modifications to Council Policy P306 'Development of Properties Abutting River Way' – Consideration of Preliminary Consultation Submissions

Location: River Way, Salter Point
Ward: Manning Ward
Applicant: City of South Perth
File Ref: LP/801/19
Date: 5 March 2014
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The City received a petition in April 2013, requesting changes to planning provisions for River Way and Salter Point Parade properties, to address concerns relating to the protection of views of the Canning River and streetscape. A report responding to this petition was presented to the June 2013 Council Meeting. At this meeting, Council endorsed preliminary consultation for a Scheme Amendment regarding changes to permitted building height for River Way and Salter Point Parade properties.

Subsequently at its July 2013 Council Meeting, Council also endorsed preliminary consultation regarding possible modifications to Council Policy P306 'Development of Properties Abutting River Way'.

Preliminary consultation has been completed and the Council now needs to consider the submissions received and resolve whether the prepared modified Council Policy P306 in response to these submissions should be endorsed for the purpose of public consultation.

Officer Recommendation

That

- (a) under the provisions of clause 9.6 of Town Planning Scheme No. 6, Council endorse draft modified Council Policy P306 *Development of Properties Abutting River Way* at **Attachment 10.0.2(b)** for the purpose of public consultation;
- (b) advertising of draft modified Policy P306 be implemented in accordance with Council Policy P301 *Consultation for Planning Proposals*, including a notice being mailed to all affected landowners; and
- (c) following receipt of submissions resulting from the consultation referred to in parts (a) and (b), a report be presented to the next available Council meeting containing a recommendation as to whether or not the draft Policy P306, with or without modifications, should be adopted.

Amended Motion

Moved: Councillor Cala

Seconded: Councillor Hawkins-Zeeb

That the Officer's Recommendation be amended as follows:

That

- (a) under the provisions of clause 9.6 of Town Planning Scheme No. 6, Council endorse draft modified Council Policy P306 *Development of Properties Abutting River Way* at **Attachment 10.0.2(b)** for the purpose of public consultation **with the following revisions to Policy P306 in Part 1.1 and 1.5 under 'Policy Statement':**

Amended Motion continued

1.1 Street Setback - Buildings

a. Buildings other than carports and garages shall be set back a minimum of 6.0 metres from the River Way boundary; and

b. Buildings that have a property boundary to Sulman Avenue and River Way, shall have a further setback of 3.0 metres to any third level from the River Way boundary.

1.5 Fencing

e. Other material approved by the City provided that approval shall not be granted for the use of corrugated fibre cement sheeting or colorbond finished steel sheeting

- (b) advertising of draft modified Policy P306 be implemented in accordance with Council Policy P301 *Consultation for Planning Proposals*, including a notice being mailed to all affected landowners; and
- (c) following receipt of submissions resulting from the consultation referred to in parts (a) and (b), a report be presented to the next available Council meeting containing a recommendation as to whether or not the draft Policy P306, with or without modifications, should be adopted.

COUNCIL DECISION

That

- (a) under the provisions of clause 9.6 of Town Planning Scheme No. 6, Council endorse draft modified Council Policy P306 *Development of Properties Abutting River Way* at **Attachment 10.0.2(b)** for the purpose of public consultation with the following revisions to Policy P306 in Part 1.1 and 1.5 under 'Policy Statement':

1.1 Street Setback - Buildings

a. Buildings other than carports and garages shall be set back a minimum of 6.0 metres from the River Way boundary; and

b. Buildings that have a property boundary to Sulman Avenue and River Way, shall have a further setback of 3.0 metres to any third level from the River Way boundary.

1.5 Fencing

e. Other material approved by the City provided that approval shall not be granted for the use of corrugated fibre cement sheeting or colorbond finished steel sheeting

- (b) advertising of draft modified Policy P306 be implemented in accordance with Council Policy P301 *Consultation for Planning Proposals*, including a notice being mailed to all affected landowners; and
- (c) following receipt of submissions resulting from the consultation referred to in parts (a) and (b), a report be presented to the next available Council meeting containing a recommendation as to whether or not the draft Policy P306, with or without modifications, should be adopted.

CARRIED (9/0)

10.0.2 Possible Modifications to Council Policy P306 ‘Development of Properties Abutting River Way’ – Consideration of Preliminary Consultation Submissions

Background

This report includes the following attachment:

- Attachment 10.0.2(a)** Summary of Submissions (River Way Streetscape)
- Attachment 10.0.2(b)** Draft Council Policy P306

In April 2013, the City received a petition expressing concern about recently approved developments in River Way and Salter Point Parade, Salter Point. In relation to River Way, the petition referred to streetscape character. The report presented to the June 2013 Council Meeting did not recommend the preparation of a streetscape policy. However, subsequent correspondence between the petitioners, City officers and Council Members clarified that the petitioners’ streetscape character concerns related primarily to the bulk and scale of some recently constructed residences.

At the July 2013 Council Meeting, the Council endorsed preliminary consultation regarding possible amendments to Council Policy P306 ‘Development of Properties Abutting River Way’. The City undertook preliminary consultation with affected landowners in October and November 2013. The Council now needs to consider the submissions received and resolve whether the prepared modified Council Policy P306 in response to these submissions should be endorsed for the purpose of public consultation.

The location of the subject area is shown below.



City officers have reviewed the preliminary consultation submissions. This report now presents the City officers’ findings and recommended actions.

Comment

(a) Current Council Policy P306

Council Policy P306 ‘Development of Properties Abutting River Way’ was adopted by the Council in February 1995. The policy contains additional requirements for fencing, visitor car parking and vehicle crossovers for properties abutting River Way.

(b) Potential Modifications to Council Policy P306

A planning policy for properties abutting River Way could contain provisions that:

- (i) amend or replace the following deemed-to-comply provisions of the Residential Design Codes (2013):
 - street setbacks (clause 5.1.2)
 - boundary walls (clause 5.1.3 C3.2)
 - setback of garages and carports (clause 5.2.1)
 - garage width (clause 5.2.2)
 - street surveillance (clauses 5.2.3)
 - street walls and fences (clauses 5.2.4)
 - sight lines (clauses 5.2.5)
 - appearance of retained dwelling (clause 5.2.6)
 - site works (clause 5.3.7)
 - external fixtures (clause 5.4.4)
- (ii) amend any other deemed-to-comply provisions of the R-Codes with the approval of the Western Australian Planning Commission.
- (iii) augment the R-Codes by providing local housing objectives to guide judgements about the merits of proposals for any aspect of residential development that does not meet the requirements or is not provided for, under the R-Codes.
- (iv) provide guidance for any aspect of Town Planning Scheme No. 6.

(c) Recommended Modifications to Council Policy P306

The City's preliminary consultation primarily focused on the bulk and scale of buildings abutting River Way and fencing requirements on the River Way street boundary. The recommended proposals to include in the draft modified Policy P306 are based upon the comments received during the preliminary consultation process. The consultation section provides further details of the submitters' responses.

The City has proposed the inclusion of street setback provisions in the draft modified Policy P306, to address the bulk and scale concerns. There was strong support for River Way street setbacks of 6.0 metres for buildings and 4.5 metres for carports and garages, applicable to buildings on both sides of River Way. Accordingly, these setbacks have been proposed in the draft modified policy.

There was a split between retaining the existing fencing provisions and requiring a visual permeable design for rear and side fences abutting the River Way street boundary. The City considers that new provisions are warranted to reduce the visual impact of high solid fences, such as those built on top of retaining walls adjacent to the street boundary. However, the current River Way and district fencing provisions will largely remain applicable to properties abutting River Way.

There were no other proposals or issues that were widely supported by enough of the submitters to justify any other changes to the existing planning provisions.

The draft modified Policy P306 is provided as **Attachment 10.0.2(b)**.

Consultation

As the April 2013 petition was not signed by every affected landowner, the Council resolved to conduct preliminary consultation to the extent required by Council Planning Policy P301 '*Consultation for Planning Proposals*' for a Scheme Amendment.

10.0.2 Possible Modifications to Council Policy P306 'Development of Properties Abutting River Way' – Consideration of Preliminary Consultation Submissions

A letter, an information sheet containing details of the existing River Way and fencing policies and a questionnaire were mailed to all owners of land within the subject area and adjacent properties within 'Area 1' and two local community associations on 18 October 2013, along with the concurrently advertised preliminary consultation for proposed Amendment No. 42 to TPS6. The affected landowners were also invited to attend a community workshop held at the Manning Memorial Bowling Club on 6 November 2013. The consultation period concluded on 15 November 2013, a period of 28 days.

During the advertising period, the City received a total of 54 completed questionnaires and other written submissions representing 50 properties.

A summary of submissions is provided as **Attachment 10.0.2(a)**.

Policy and Legislative Implications

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy. Public advertising of a new planning policy is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme.

Planning policies are guidelines used to assist Council in making decisions under TPS6. Although planning policies are not part of TPS6, they must be consistent with, and cannot vary, the intent of TPS6 provisions.

In accordance with clause 7.5 of TPS6, in considering an application for planning approval the Council must have due regard to relevant planning policies.

Financial Implications

As the proposed planning policy affects many properties, all costs (officers' time, administrative and advertising) incurred during the course of the statutory planning policy process will be borne by the City.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Users "*Accommodate the needs of a diverse and growing population*".

Sustainability Implications

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

Conclusion

The City considers that the proposed modified policy will assist landowners, applicants, City officers and Council Members in assessing applications and will reduce the bulk and scale of future buildings and other structures constructed adjacent to River Way.

10.0.3 Proposed Amendment No. 42 to Town Planning Scheme No. 6 ‘Salter Point Building Height Limits’ – Consideration of Preliminary Consultation Submissions

Location: River Way and Salter Point Parade, Salter Point
Ward: Manning Ward
Applicant: City of South Perth
File Ref: LP/209/42
Date: 5 March 2014
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The City received a petition in April 2013, requesting changes to planning provisions for River Way and Salter Point Parade properties, to address concerns relating to the protection of views of the Canning River and streetscape. A report responding to this petition was presented to the June 2013 Council Meeting. At this meeting, Council endorsed preliminary consultation for a Scheme Amendment regarding changes to permitted building height for River Way and Salter Point Parade properties.

Preliminary consultation has been completed and the Council now needs to consider the submissions received and resolve whether the preparation of a Scheme Amendment proposal should proceed.

Officer Recommendation and COUNCIL DECISION

That

- (a) no further proposals for changes to the building height limits applicable only in Precinct 13 – Salter Point be prepared;
- (b) the Council is not prepared to initiate proposed Amendment No. 42 to Town Planning Scheme No. 6; and
- (c) the submitters be thanked for their participation in this matter, be advised of the Council’s decision as set out in parts (a) and (b) and that no further action will be taken regarding the Scheme Amendment.

CARRIED EN BLOC RESOLUTION

Background

This report includes the following attachments:

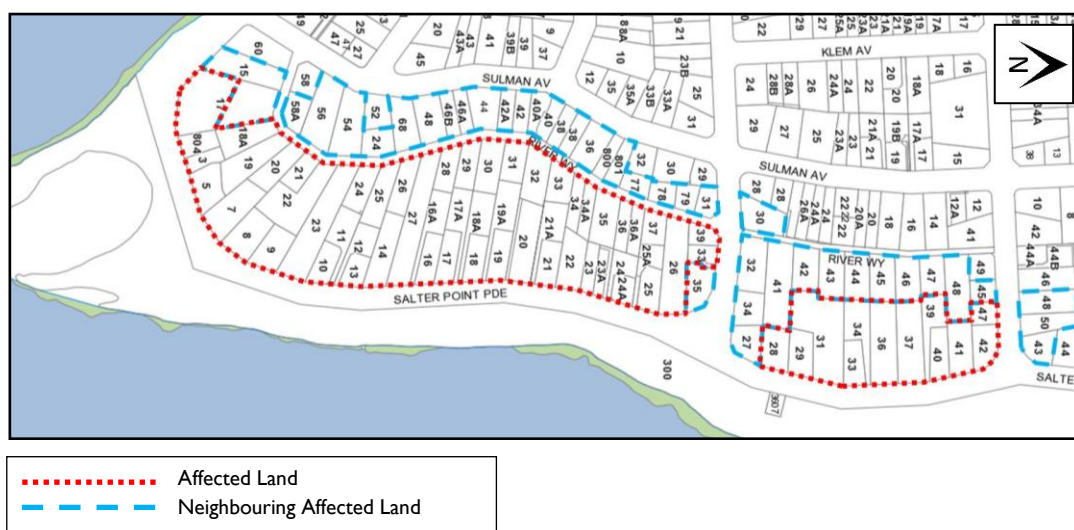
- Attachment 10.0.3(a)** Summary of Submissions (Salter Point Building Height Limits)
- Attachment 10.0.3(b)** Community Workshop Outcomes Report

In April 2013, the City received a petition expressing concern about recently approved developments in River Way and Salter Point Parade, Salter Point. In relation to building heights, the petitioners requested changes to better protect significant views of the Canning River.

At the June 2013 Council Meeting, the Council endorsed preliminary consultation regarding possible amendments to the building height provisions in TPS6 applicable in Salter Point, incorporating the replacement of the existing clause 6.1A(9) provisions with more prescriptive and restrictive height controls. The City undertook preliminary consultation with affected landowners in October and November 2013. The Council now needs to consider the submissions received and resolve whether the preparation of a Scheme Amendment proposal should proceed.

The location of the subject area is shown below.

10.0.3 Proposed Amendment No. 42 to Town Planning Scheme No. 6 'Salter Point Building Height Limits' – Consideration of Preliminary Consultation Submissions



City officers have reviewed the preliminary consultation submissions. This report now presents the City officers' findings and recommended actions.

Comment

(a) Current Statutory Planning Provisions

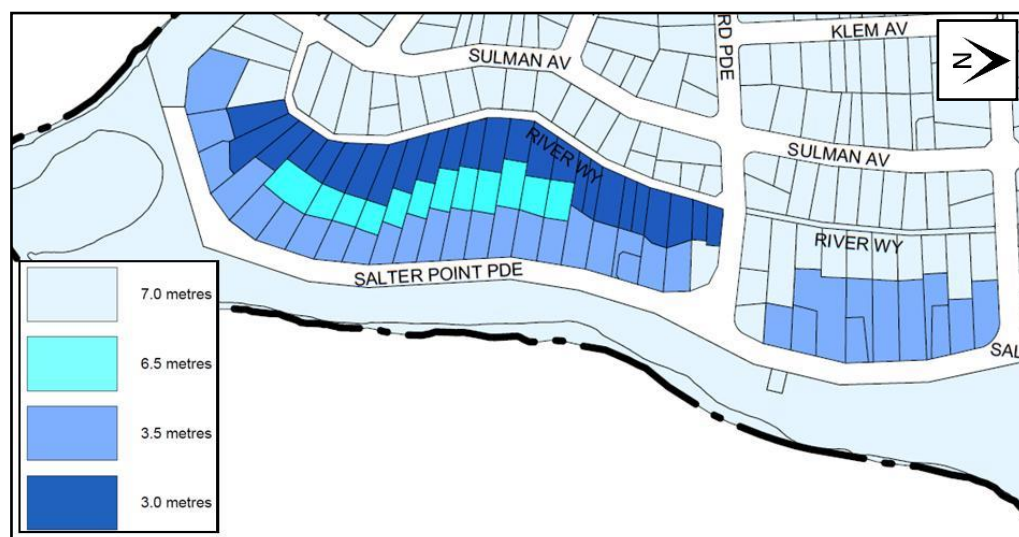
The following provisions currently apply exclusively to land located between Salter Point Parade and River Way, Salter Point:

- 3.5 metres building height limit for the front Salter Point Parade lots (street numbers 1 to 26 and 28 to 42);
- 6.5 metres for the middle Salter Point Parade lots (street numbers 8 to 21);
- 3.0 metres for eastern side River Way lots (street numbers 18 to 39);
- 7.0 metres for all other properties; and
- Additional height restrictions and requirements within the 3.0, 3.5 and 6.5 metres building height limit areas, to prevent signification obstruction of views to the Canning River from buildings on neighbouring land - TPS6 clause 6.1A(9).

Building height is measured in the same manner as the rest of the district - TPS6 clause 6.1A.

An extract of the Building Height Limit Scheme Map for Precinct I3 – Salter Point is shown below.

10.0.3 Proposed Amendment No. 42 to Town Planning Scheme No. 6 'Salter Point Building Height Limits' – Consideration of Preliminary Consultation Submissions



(b) Recommendation

The City's proposal to replace the existing clause 6.1A(9) provision with a 2.8 metres wall height and a 2.0 metres roof height for lots allocated a 3.5 metres building height limit was overwhelmingly not supported. Accordingly, this proposal is not recommended to be progressed further.

City officers do not consider that any other changes to the existing building height limit provisions applicable in Salter Point should be progressed further, for the following reasons:

- There is a lack of consensus between the affected property owners, with conflicting requests to retain, lower and raise the building height limits;
- Each of these requested proposals are unlikely to gain any significant level of community support if further proposals were prepared;
- The continuation of this process will consume a significant amount of the City's resources with little prospect of a satisfactory outcome for the community as a whole;
- The proposed changes are not in response to valid planning considerations, such as building bulk or streetscape compatibility, rather the protection of views;
- The protection of views is not considered to be a valid planning matter. The current views provisions are an historical anomaly. As a result, any Scheme Amendment proposal may not be supported by the Department of Planning or the Minister for Planning; and
- The proposed changes to the building height limits map for Lot 931 (No. 11) Salter Point Parade and Lot 19 (No. 32) River Way, where the lot boundaries and the height limit boundaries do not align, are not critical and can be implemented at another time.

Consultation

As the April 2013 petition was not signed by every affected landowner, the Council resolved to conduct preliminary consultation to the extent required by Council Planning Policy P301 'Consultation for Planning Proposals'.

A letter, an information sheet containing details of the proposed changes and a questionnaire were mailed to all owners of land within the subject area and adjacent properties within 'Area 1' and two local community associations on 18 October 2013, along with the concurrently advertised preliminary consultation for possible modifications to Council Policy P306 'Development of Properties Abutting River Way'. The affected

10.0.3 Proposed Amendment No. 42 to Town Planning Scheme No. 6 'Salter Point Building Height Limits' – Consideration of Preliminary Consultation Submissions

landowners were also invited to attend a community workshop held at the Manning Memorial Bowling Club on 6 November 2013. The consultation period concluded on 15 November 2013, a period of 28 days.

During the advertising period, the City received a total of 66 completed questionnaires and other written submissions representing 61 properties.

The City's preliminary consultation primarily focused on the proposed replacement of the existing 'retention of significant views from neighbouring buildings' provisions in TPS6 clause 6.1A(9) with a lower building height limit on the 'front' Salter Point Parade lots. The modified building height limit proposal prepared by the City incorporated a 2.8 metres wall height and a 2.0 metres roof height restriction.

The majority of submitters were supportive of changes to the existing building height limits provisions, though there was no consensus in the manner that revised provisions should be prepared. The City has received conflicting requests to retain the existing building height limit, to lower the height of buildings further and to increase the building height limit from 3.5 metres.

A summary of submissions is provided as **Attachment 10.0.3(a)**. The community workshop outcomes report, prepared by the consultant facilitator, is provided as **Attachment 10.0.3(b)**.

Policy and Legislative Implications

The statutory Scheme Amendment processes are set out in the *Town Planning Regulations 1967*.

In terms of the Scheme Amendment process, the *Planning and Development Act 2005* was amended in 2010 to enable the Minister to order a local government to amend its Town Planning Scheme, in justified cases. Section 76 states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which "ought to be adopted", the Minister may order the local government to do so, or may approve the Amendment subject to any modifications and conditions as he thinks fit.

Financial Implications

As the proposed scheme amendment affects many properties, all costs (officers' time, administrative and advertising) incurred during the course of this process have been borne by the City.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Users "Accommodate the needs of a diverse and growing population".

Sustainability Implications

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

Conclusion

The City considers that the proposed course of action is the fairest outcome for the affected properties and that further changes cannot be justified using valid planning considerations.

10.0.4 Local Government Reform

Location: City of South Perth
Applicant: Council
Date: 11 March 2014
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide an update on local government reform including the preparation of the Joint Submission by the City of South Perth and the Town of Victoria Park to the Local Government Advisory Board and a summary of the outcome of the Town Hall meeting held at the City of South Perth Civic Community Hall on Thursday 6 March, 2014 and outcomes of the meeting together with a proposed course of action.

Officer Recommendation

That Council

1. receives the notes of the Town Hall meeting and the motion passed at the Town Hall meeting be noted; and
2. notes the actions arising from the Town Hall meeting that have been put in place; and
3. endorses the Joint Submission by the City of South Perth and Town of Victoria Park to the Local Government Advisory Board, dated 13 March 2014.

Amended Motion

Moved: Councillor Cridland

Seconded: Councillor Reid

That Council

1. receives the notes of the Town Hall meeting and the motion passed at the Town Hall meeting be noted;
2. notes the actions arising from the Town Hall meeting that have been put in place;
3. endorses the Joint Submission by the City of South Perth and Town of Victoria Park to the Local Government Advisory Board, dated 13 March 2014;
4. confirms and emphasises that the City of South Perth proposal to the Local Government Advisory Board (of a voluntary amalgamation with the town of Victoria Park) is strictly conditional upon the entirety of the Burswood Peninsula remaining within the Town of Victoria Park (or the boundaries of the combined town and city).

COUNCIL DECISION

That Council

1. receives the notes of the Town Hall meeting and the motion passed at the Town Hall meeting be noted;
2. notes the actions arising from the Town Hall meeting that have been put in place;
3. endorses the Joint Submission by the City of South Perth and Town of Victoria Park to the Local Government Advisory Board, dated 13 March 2014;
4. confirms and emphasises that the City of South Perth proposal to the Local Government Advisory Board (of a voluntary amalgamation with the town of Victoria Park) is strictly conditional upon the entirety of the Burswood Peninsula remaining within the Town of Victoria Park (or the boundaries of the combined town and city).

CARRIED (9/0)

Background

The State Government announced a fourteen local government model for the Perth metropolitan area in July 2013. The Local Government Advisory Board (Board) then invited submissions from metropolitan local governments by October 2013, with the City of South Perth and Town of Victoria Park subsequently submitting a joint submission to the Board.

The Local Government Advisory Board announced a series of Inquiries in January 2013, concluding 13 March 2014. The Inquiry relevant to the City of South Perth and Town of Victoria Park included the Minister for Local Government's proposal that the current district of the City of South Perth be de-established in June 2015, with the Town of Victoria Park amending its boundaries to include the current district of the City of South Perth, with the Burswood Stadium and Crown Casino land to be included in the City of Perth.

In response to the Minister for Local Government's proposal, the Mayor convened a Public Town Hall meeting to enable members of the public to have a forum to express their views on the topic of local government reform. Part of the promotion for this town hall was the distribution of a comprehensive brochure on local government reform, delivered to every household in the City. The Town Hall meeting was advertised extensively via other mediums and it was encouraging so many of the City's residents attended.

The Minister for Local Government's proposal was also considered at the February 2014 Council meeting resulting in the Council resolving to:

- 1. Request the City Officers to prepare a City of South Perth ("City") submission to the Local Government Advisory Board rejecting the Minister's Proposal 06/2013 so that the submission may be lodged with the LGAB before 13th March 2014;*
- 2. Authorise the preparation and delivery of the City's presentation to the LGAB rejecting the Minister's Proposal;*

Comment

Approximately, 400 members of the public attend the Town Hall meeting and the speakers at the meeting were as follows:

- Opening address, Mayor Sue Doherty
- Member for South Perth, John McGrath MLA
- Member for Victoria Park, Ben Wyatt MLA
- The former President of the WA Legislative Council, the Hon. Clive Griffiths

In the following opening components of the meeting, members of the public were invited to make comments or ask questions. Where possible, all questions asked were responded to.

There were a number of important outcomes from the meeting and these include the following:

➤ **Public meeting resolution:**

A motion was moved by former Mayor John Collins which formed the basis of the final motion adopted by the meeting. The motion was amended in the form of additional motions moved by Councillor Huston and these were also acceptable to the meeting. A copy of the motion adopted by the meeting is contained in the meeting notes at **Attachment 7.2.2.**

10.0.4 Local Government Reform

The motion is generally consistent with the adopted position of the Council in that it:

1. Opposes the Minister's proposal to extend the boundaries of Victoria Park over the entire area of the City of South Perth;
2. Opposes the removal of Burswood from the Town of Victoria Park as this is illogical;
3. Calls on the Local Government Advisory Board (LGAB) to reject the Minister's proposal;
4. Removes the right of electors to utilise the poll provisions of the legislation if required to be used by the electors; and
5. Calls on all Members of Parliament to take a relevant action to oppose the Minister's proposal.

➤ **Informing Residents**

One of the reasons for calling the Town Hall meeting was to provide an opportunity for those present to hear the City's reasoning for taking the action that it has taken in opposing the submissions by the Minister and the City of Perth. The City is fortunate that the Member for South Perth, John McGrath MLA and the Member for Victoria Park, Ben Wyatt MLA both agree with the City's actions and support the City and the Town of Victoria Park in opposing the proposals lodged by the Minister for Local Government and the City of Perth.

➤ **Elected Members Contacts**

Elected Members encouraged community members within their networks to attend the meeting so that they could hear the City's position and that of the Local Members first hand. The encouragement certainly worked as 400 members of the community attended the meeting.

➤ **Petition**

During the course of the Town Hall meeting it was suggested that a petition be organised and coordinated through the Office of the Local Member, John McGrath MLA. The petition would be initiated by the City of South Perth and distributed through various networks for signature or collection. The purpose of the petition would be to collect as many signatures as possible opposing the transfer of land from the Burswood Peninsula to the City of Perth.

➤ **Battle for Burswood Campaign**

During the course of the Town Hall meeting, community members were reminded that they had until Thursday 13 March to lodge submissions with the LGAB. The advertising campaign for the Town Hall meeting included a City-wide newsletter; notices in the Southern Gazette; posters in various properties; banners on roads; Facebook posts; e-newsletters posts; media releases; and media interviews. This campaign has proven relatively successful with the City receiving in excess of 130 submissions which will be forwarded to the Local Government Advisory Board.

➤ **Local Implementation Committee**

The City of South Perth and Town of Victoria Park established a Local Implementation Committee in January 2014 to progress the amalgamation of the two local governments, with the City of Canning invited to participate in the Committee. The Local Implementation Committee has met on three occasions, with the primary focus at present being the development of the Joint Submission to the Local Government Advisory Board. The draft Joint Submission to the Local Government Advisory Board was endorsed by the Local Implementation Committee at the 10 March 2014 meeting.

➤ **Joint Submission**

The City of South Perth and Town of Victoria Park have been developing a comprehensive joint submission in recent weeks. The Joint Submission addresses the City and Town's previous joint submission, the Minister for Local Government's proposal and the City of

10.0.4 Local Government Reform

Perth proposal and advocates to the Board that it should support the position of the two local governments i.e. recommending to the Minister that:

1. It supports the position of both Councils to amalgamate (not for one local government to be taken over by the other); and
2. No part of the Burswood Peninsula should be transferred to the City of Perth.

A copy of the final Joint Submission to the Local Government Advisory Board was provided to Councillors under separate cover and will also be made available on the City's website.

➤ **Presentation to Local Government Advisory Board**

The City of South Perth made a comprehensive presentation to the Local Government Advisory Board on 27 February 2014, outlining the City's position in respect to its submission to the Board and its strong opposition to the City of Perth and Minister for Local Government's respective proposals. This presentation was very well received by the Board.

➤ **Email Database**

All of those who attended were invited an attendance register and record their email address. The email addresses have now been collated into a database and all contacts will receive information on future action proposed to be taken, including the petition referred to earlier which will be prepared for distribution in March 2014.

➤ **Notes of the Meeting**

The notes of the Town Hall meeting are included as **Attachment 7.2.2**.

Consultation

Any extensive consultation program was conducted to ensure the City of South Perth residents knew about the opportunity to attend the Town Hall meeting and hear firsthand the City's views on the reform topic.

Policy and Legislative Implications

There are no legislation requirements to report on outcomes of a Town Hall meeting but a similar process has been adopted to that which would otherwise apply to Electors meetings.

Financial Implications

Costs were incurred in promoting and holding the Town Hall meeting which have been recorded against the operating budget.

Strategic Implications

This report is consistent with the City's [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](#).

10.0.5 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

Location: Lot 806 (No. 26B) Sulman Avenue, Salter Point
Ward: Manning Ward
Applicant: Grandwood Homes Pty Ltd
Lodgement Date: 14 October 2013
Date: 17 March 2014
Author: Mark Scarfone, Senior Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

At the Ordinary Council Meeting held on 25 February 2014, Council resolved to defer determination of the proposed Single House (Two Storey and Undercroft at Lot 806 (No. 26B) Sulman Avenue, Salter Point, until the March 2014, meeting to enable additional neighbour consultation. City officers are aware that a meeting took place on Friday 7 March, between the applicant, ward councillors, owners of the subject site, the owner of 28 Sulman Avenue and a representative of the Salter Point Residents association, in order to try and develop a mutually agreeable solution.

The revised drawings contained in **Confidential Attachment 10.0.5(a)** represent the applicant's attempt to address the overshadowing concerns of the adjoining owner. They are modified from the drawings included in the February meeting in the following way:

- Bedroom 4 and 5 have been relocated towards the front of the property and the northern boundary;
- The upper floor bathroom has been relocated towards the middle of the site and has a setback of 3.2 metres from the southern boundary, compared to a 1.3 metre setback on the previous set of drawings;
- These modifications have had the result of reducing overshadowing from 35.7% of the adjacent property (28 Sulman Avenue, Salter Point) to 31.7.

The applicant has provided the revised drawings, via email to the adjacent landowner for comment. The adjoining landowner has advised the revised drawings do not alleviate the original concerns. City officers also note that despite the minor reduction in overshadowing, the proposal does not meet Deemed to Comply standards or Design Principles contained in Clause 5.4.2 Solar Access for Adjoining Sites and as such recommend the application be refused.

Element on which discretion is sought	Source of discretionary power
Solar access for adjoining sites	R-Codes Element 5.4.2

The proposed development does not meet the deemed-to-comply standards or design principles contained in Clause 5.4.2 "Solar Access for Adjoining Sites" of the *Residential Design Codes*. As such, it is recommended that the proposal be refused.

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and *Metropolitan Region Scheme*, this application for planning approval for a single house (two storey and undercroft) on Lot 806 (No. 26B) Sulman Avenue, Salter Point **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposed overshadowing does not meet with the deemed-to-comply standards or design principles contained in Clause 5.4.2 "Solar Access for Adjoining Sites" of the *Residential Design Codes*.

Recommendation continued

- (ii) The proposed development does not meet the provisions of Clause 7 “Solar Access for Adjoining Lots” contained in Council Policy P350.1 “Sustainable Design”.
- (iii) Having regard to refusal Reasons 1 and 2, the proposal conflicts with the Scheme objectives contained in Clause 1.6 of the *City of South Perth Town Planning Scheme No. 6*, specifically Objective (f).
- (iv) Having regard to refusal Reasons 1 and 2, the proposed development is observed to conflict with “Matters to be Considered by Council” identified in Clause 7.5 of TPS6, specifically Matters (c), (f), (i), (j) and (w).

(b) Standard Advice Notes

795B	Appeal rights - Council decision
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FOOTNOTE A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

LAPSED for want of a mover/second

Alternative Motion – Councillor Cala

Moved: Councillor Cala

Seconded: Councillor Hawkins-Zeeb

That the Officer’s Recommendation not be adopted and:

That under the provisions of the City of South Perth Town Planning Scheme No. 6, and Metropolitan Region Scheme, this application for planning approval for a single house (two storey and undercroft on Lot 806 (No. 26B) Sulman Avenue, Salter Point **be approved** subject to standard conditions and standard footnotes:

(a) Standard Conditions

427	Colours and materials - Details	470	Retaining walls - If required
340A	Parapet walls – Finish to match	471	Retaining walls - Timing
510	Private tree on development site	455	Fences within primary street
377	Screening - Clothes drying	455a	Fences Side and Rear
390	Crossover - standards	456	Dividing fences - Timing
393	Verge and kerbing works	550	Plumbing hidden
416	No Street Tree removal	625	Visual Truncation
445	Stormwater infrastructure	660	Expiry of approval

(b) Standard Footnotes

700A	Building permit required	790	Minor variations - Seek approval
716	Liase: neighbour fencing	795B	Appeal rights - Council decision

CARRIED (9/0)

Reasons for Alternative

The proposed residence is compliant in all significant requirements under the R-Codes and conforms in excess of the present requirements of Policy P306 Development of Properties Abutting River Way. Under the revised plan it does however exceed by 6% the maximum 25% overshadowing permitted at midday on the 21st of June.

The proponents have done everything reasonable to address this matter on a narrow site with an east-west orientation; offered to pay for the re-location of the neighbours solar panels at 28 Sulman Avenue; and have compromised their preferred design to reduce the overshadowing further by an additional 4% from the original 10% in the original

10.0.5 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

submission in February, to the present 6%. This was subsequent to a meeting with the owner of 28 Sulman Avenue where this option was discussed as a way forward. A reconfiguration of some bedrooms has occurred and the upper storey pulled back further from the neighbouring property.

Given the proposed residence is compliant in all other requirements of the R-Codes and is in excess by only a small margin in the overshadowing requirements when assessed under *Deemed to Comply* standards, I believe the design does meet the requirements of the R-codes when assessed under *Design Principles*.

Background

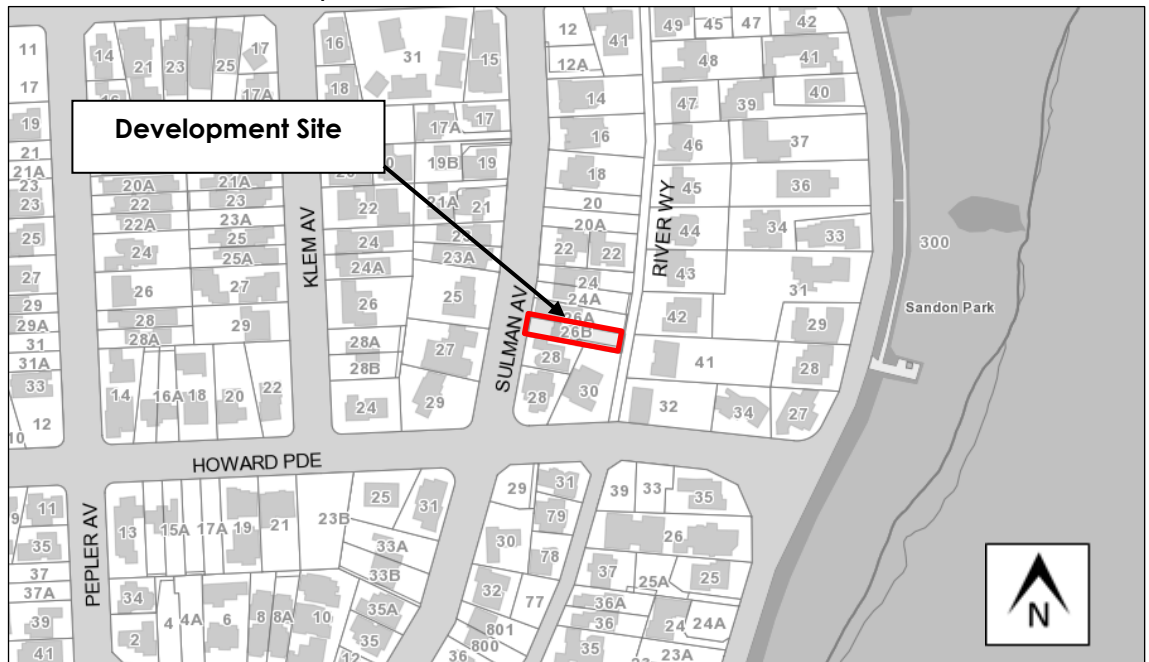
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	506 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

- Confidential Attachment 10.0.5(a)** Plans of the proposal.
- Attachment 10.0.5(b)** Applicant’s supporting letter.

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:

- 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, represent a significant departure from the Scheme, 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 landowner or occupier before determining the application.

Comment

(a) Background

On 10 October 2013, the City received an application for a single house in a two storey plus undercroft building on a vacant parcel of land at Lot 806 (No. 26B) Sulman Avenue, Salter Point (the subject site). On 15 November 2013, the assessing officer sent the applicant a further information request outlining the various issues which were required to be addressed prior to the issue of a determination. The applicant and assessing officer met to discuss the proposed development on 26 November 2013, and revised drawings with a justification letter were received from the applicant on 17 December 2013. The revised drawings and justification letter are considered to satisfactorily address all issues other than the issue of solar access for the adjoining site, which is described in detail below.

(b) Description of the surrounding locality

The subject site is located approximately 60.0 metres north of Howard Parade, has dual frontage to Sulman Avenue to the west, and River Way to the east. This section of the street is characterised by single houses.

Figure 1 below depicts the subject site and surrounds:



(c) Description of the proposal

The proposal involves the demolition of the existing development and the construction of a single house (two storey and undercroft) on the site, as depicted in the submitted plans referred to as **Confidential Attachment 10.0.5(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 I of TPS6);
- Street setback and setback of garage (R-Codes Clause 5.1.2 and 5.2.1, Clause 7.5(n) of TPS6);
- Side setbacks (R-Codes Clause 5.1.3, Council Policy P350.2 “Residential Boundary Walls”);
- 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 5.3.5, TPS6 Clause 6.3(8) and Schedule 5, and Council Policies P350.3 “Car Parking Access, Siting and Design” and P306 “Development of Properties Abutting River Way”);
- Visual privacy (R-Codes Clause 5.4.1);
- Significant views (Council Policy P350.9 “Significant Views”);
- Building height limit (TPS6 Clause 6.1A); and
- Site works (TPS6 Clause 6.10 and Council Policy P350.7 “Fencing and Retaining Walls”).

The following planning matter, which is considered unacceptable, is discussed below:

- Solar access for adjoining sites (R-Codes Clause 5.4.2).

(d) Solar access for adjoining sites

Solar access for adjoining sites should be assessed having regard to Clause 5.4.2 of the R-Codes, as well as Clause 7 of Council Policy P350.1 “Sustainable Design”. Council Policy P350.1 clearly states that where the deemed-to-comply standards have not been addressed, the applicant should show that sensitive areas such as outdoor living areas, major openings to habitable rooms, and solar collectors on adjoining properties are not negatively impacted. As indicated in the paragraphs below, the proposed development does not meet the deemed-to-comply standards or design principles contained in Clause 5.4.2 of the R-Codes, and directly overshadow sensitive locations. For this reason, it is recommended the proposed application be refused.

The subject site is adjoined on the southern boundary by both 28 Sulman Avenue and 30 Howard Parade. Under the deemed-to-comply standards contained in the R-Codes, Clause 5.4.2 “Solar access for adjoining sites” development shall be designed so that the shadow cast at midday on June 21 does not exceed 25% of the adjoining property. As depicted on the overshadowing diagram included in **Confidential Attachment 10.0.5(a)**, the proposed development casts a shadow over 35.7% of 28 Sulman Avenue, and as such, does not meet the relevant deemed-to-comply standards.

Given the proposed development does not meet the deemed-to-comply standards, the applicant must demonstrate compliance with the relevant design principles. In this instance, the design principles are as follows:

“Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:

- **outdoor living areas;**
- *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
- *roof mounted solar collectors.”*

Confidential Attachment 10.0.5(a) contains a site plan and floor plan of 28 Sulman Avenue in order to indicate where the habitable room windows of this property are located, as well as showing the location of outdoor living areas. It is noted that the dwelling at 28 Sulman Avenue has three major openings to habitable rooms which face north, and each of these windows will be overshadowed by the proposed development. The uncovered outdoor living area of the dwelling, accessed from the family room, will also be overshadowed significantly at midday on June 21. Finally, an inspection of aerial photography available on Intramaps indicates the dwelling at 28 Sulman Avenue has roof mounted solar collectors above the kitchen area. These north oriented solar collectors will also be overshadowed by the proposed development.

The applicant has provided written justification for the proposal, referred to as **Attachment 10.0.5(b)**, and pages 2 and 3 of this attachment relate directly to overshadowing. The applicant's justification focuses on the difficulty of developing east-west oriented lots, and encourages the City to take into account the relevant design principles. As indicated above, the proposed development will overshadow major openings to habitable rooms, outdoor living areas and solar collectors of the adjacent dwelling, and as such, does not meet the design principles.

In their justification letter, the applicant indicates that the proposed development is consistent with the pattern of development in the focus area. City officers observe that five lots in the immediate focus area have been developed in the last ten years which have east-west orientations, and contain similar sized dwellings. The most recent approval for 26A Sulman Avenue was issued in 2013, and this dwelling is under construction. At the time of issuing the approval, 26B was vacant. In order to assist in assessing the proposal for 26A Sulman Avenue against the relevant design principles, the building designer provided a set of drawings for 26B Sulman indicating the location of outdoor living areas and major openings. The former owner signed this set of drawings, indicating he understood the acceptable development (now referred to as deemed-to-comply) standards had not been met in relation to overshadowing, however was satisfied with the proposed building design and his ability to develop his own lot. The property has since been sold to the current owners, and plans submitted as a part of this application are not the same as those previously viewed by City officers.

As indicated in detail above, the proposed development will cast a shadow onto major openings to habitable rooms, outdoor living areas and solar collectors of the adjacent dwelling, and as such, does not meet the design principles. While the proposed development is consistent with dwellings in the focus area, it does not meet the deemed-to-comply standards or design principles of the R-Codes in relation to "Solar Access for Adjoining Sites". In addition, the adjoining neighbour has raised concerns in relation to overshadowing and has submitted a written objection to the proposal. For the reasons above, City officers must recommend refusal of the application.

(e) **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:

10.0.5 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

- (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 unsatisfactory in relation to Objective (f), and as such, refusal is recommended.

(f) 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.*
- (f) *Any planning 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.*
- (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.*
- (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 unsatisfactory, and as such, refusal is recommended.

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 Nos. 25, 26A, 27 and 28 Sulman Avenue, and 30 Howard Parade were invited to inspect the plans and submit comments during a minimum 14-day period.

During the advertising period, a total of five consultation notices were sent and two submissions were received, both objected to the proposal. The comments of the submitters, together with officer response are summarised below. The applicant was

10.0.5 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

provided with a summary of the submitters' comments as a part of the further information request sent on 15 November 2013, and has opted not to provide individual responses.

Submitters' Comments	Officer Response
The proposed drawings contain insufficient detail to allow a comprehensive submission to be prepared. Specifically, they do not provide street setback dimensions and details of adjoining properties, including the location of windows to habitable rooms.	City officers consider all relevant information is provided on the drawings. The comment is not supported by City officers.
The proposed overshadowing does not comply with the deemed-to-comply criteria or design principles of the R-Codes and will have a negative impact on my habitable spaces and outdoor living areas.	This issue is discussed in detail in the report above. The comment is supported by City officers.
Insufficient setback from River Way resulting in safety concerns and a negative impact on the established streetscape.	The drawings submitted as a part of the original application proposed a 2.0 metre setback to River Way. As can be seen in the drawings, referred to as Confidential Attachment 10.0.5(a) , this setback has been increased to 6.0 metres which is seen as being compatible with the streetscape. The comment is acknowledged by City officers.
Obstruction of significant views having regard to City Policy 350.9 "Significant Views". Suggest increased setback to River Way, reduced height of the alfresco/terrace area and increased setback of covered terrace on upper floor.	Refer to the officer comment above. The rear setback has been increased resulting in an increased setback for the upper floor balcony. The comment is acknowledged by City officers.
The proposed parapet wall on the southern side of the development site will restrict solar access to outdoor living areas, habitable rooms and solar panels. This will also have a negative bulk impact.	The location of the boundary wall has been modified to sit directly adjacent to the neighbour's boundary wall. As such, the boundary wall no longer has an impact in terms of overshadowing and bulk. The comment is acknowledged by City officers.
The proposed development does not meet the provisions of the City of South Perth sustainable design policy and requires modification.	Part (d) of the report discusses the proposed overshadowing in detail. The proposed development is not consistent with the relevant City policy, and as such, is not supported. The comment is supported by City officers.
The City of South Perth is currently undertaking community consultation with respect to possible amendments to the City's planning policies in this area, and any new development should respect this proposed direction.	The comment is noted. There is no agreed direction at this time.

10.0.5 Proposed Single House (Two Storey and Undercroft) - Lot 806 (No. 26B) Sulman Avenue, Salter Point

The bulk and scale of the development is intimidating, invasive of private space, and will result in an increase in noise levels.	The proposal complies with the applicable building height limit and with the deemed-to-comply standards of the R-Codes in relation to side setbacks and visual privacy. Noise is not a planning consideration and is otherwise governed under the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> . The comment is not supported by City officers.
The proposed development clearly covers too much of the lot and does not comply with current regulations.	The proposal complies with the deemed-to-comply standards of the R-Codes in relation to open space. The comment is not supported by City officers.
The south facing windows to the master bedroom should be treated with obscure glazing to prevent overlooking of our property.	The proposal complies with the deemed-to-comply standards of the R-Codes in relation to visual privacy. The comment is not supported by City officers.
The proposed dwelling does not comply with the revised Scheme provisions relating to height limits on sloping sites.	The revised drawings, referred to as Confidential Attachment 10.0.5(a) , comply with Clause 6.1A "Building Height Limits and Method of Measuring Height". The comment is noted by City officers.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications to the extent that the applicant has the right to appeal the decision which may result in expenditure.

Strategic Implications

This recommendation contained in this report is consistent with the [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses "Accommodate the needs of a diverse and growing population."

Sustainability Implications

This report is aligned to the objectives contained in the City's [Sustainability Strategy 2012–2015](#). The proposed development will have a negative impact on the adjacent single house, particularly in relation to reduced solar access to the adjacent outdoor living areas, habitable rooms and solar collectors. Hence, the proposed development is not seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions as it has the potential to have a detrimental impact on adjoining residential neighbours in relation to access to sunlight. Accordingly, it is considered that the application should be refused.

10.1 STRATEGIC DIRECTION I: COMMUNITY

10.1.1 Request to Repeal a Tree Preservation Order and Remove a Street Tree

Location: Waverley Street, South Perth
Applicant: Council
Date: 31 January 2014
Author: Trevor Dalziel, Parks Support Officer
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

The City has identified a street tree (Tree Id 7727 - *Corymbia citriodora* – Lemon Scented Gum), at the Waverley Street verge of 29 Norfolk Street that should be removed due to its potential to cause damage to property. The tree is listed as significant and is included on the City's Significant Tree Register. This matter is being reported to Council to recommend repealing the Tree Preservation Order to facilitate its removal.

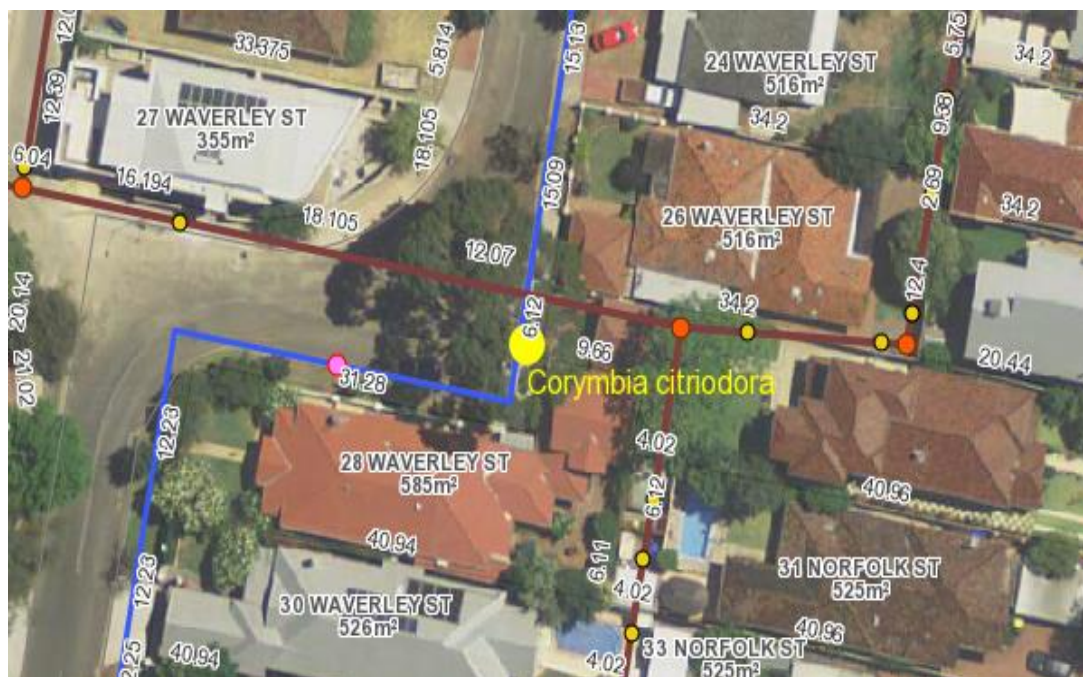
Officer Recommendation and COUNCIL DECISION

That Tree Preservation Order Number 88 placed on the *Corymbia citriodora* (Tree Id 7727) at the Waverley Street verge of 29 Norfolk Street, South Perth, be repealed, to facilitate its removal and eliminate the risk of further damage to adjacent infrastructure.

CARRIED EN BLOC RESOLUTION

Background

The street tree at the Waverley Street verge of 29 Norfolk Street, South Perth, is a mature *Corymbia citriodora* (Lemon Scented Gum) (Tree Id 7727). Typically, *Corymbia citriodora* is large tree that can grow between 35m to 50m in height. This particular tree is approximately 45 years old and in healthy condition. The tree was assessed in 2001 as meeting the criteria to have a Tree Preservation Order placed on it. The tree was registered on 13 March 2002 (Registration Number 88).



The tree is located in close proximity to surrounding properties and encroaches significantly on a crossing providing access to the rear of the property at 29 Norfolk Street.

10.1.1 Request to Repeal a Tree Preservation Order and Remove a Street Tree

Comment

To reduce the risk of branches dropping on adjacent properties, the City removed the lower branches of the tree as recommended by a consultant Arborist in March 2011. Unfortunately, this work reduced the amenity value of the tree to the point where it would not now meet the criteria for registration as a significant tree. More recently, the tree has demonstrated signs of root upheaval which can result in the development of large roots under the adjacent dwellings.

In response, the City commissioned a further arboricultural report in September 2013 to assess the health, vigour and structural integrity of the tree. The report noted the tree has suffered a possible root plate upheaval (In relation to root growth, the lifting of pavements and other structures by radial expansion; also, in relation to tree stability, the lifting of one side of a wind-rocked root plate [Lonsdale 1999]). This is evident on site by lifted pavers and concrete on the nearby crossing plus damage to the road kerbing. Retention of the tree will result in further damage to infrastructure, but also the increased risk of total failure due to the root upheaval. This could cause significant damage to surrounding properties.

As a result, it is recommended that Tree Preservation Order No. 88 on the *Corymbia citriodora* (Lemon Scented Gum) (Tree Id 7727) be repealed, to enable the tree to be removed to eliminate the risk of future damage to the infrastructure and properties in the immediate area of the tree.

Consultation

The processes to withdraw a Tree Preservation Order and remove a street tree required the City to provide notice to residents on either side of the tree in Waverley Street, plus the resident of 29 Norfolk Street that has a rear access to Waverley Street. The City provided notice by mail advising the residents of the City's intentions and requesting comment.



10.1.1 Request to Repeal a Tree Preservation Order and Remove a Street Tree

Three responses were received, two by letter and one via a phone call. All of the residents expressed regret that the tree must go but understood the reasons why. The two residents in Waverley Street advised they would like a new tree planted in the same location. The resident of 29 Norfolk St with the rear access to Waverley Street does not want a tree replanted so they can have uninterrupted access to their property.

Replanting another tree in the same location as the one which is proposed to be removed, is not recommended because it would be situated on top of the junction of the deep sewerage line and a water main. To excavate the stump to a depth that would allow another tree to be planted will be expensive and could disrupt these services beneath. As a result, it is the City's recommendation not to plant a replacement tree.

Policy and Legislative Implications

Town Planning Scheme 6 Text states the following in regard to the repealing of significant trees:

Clause 6.13 Tree Preservation

(2) (b) the Council may, from time to time, amend or repeal an order made under this sub-clause.

(4) Where, under this clause:

(a) subject to paragraph (b) the Council proposes to order, or to amend or repeal an order, that a tree is to be preserved and maintained, the Council shall:

- (i) give notice of the proposed order, or the proposed amendment or repeal of the order, to the owner and occupier of the land on which the tree is located; and*
- (ii) invite the owner and occupier of that land to make written submissions to the Council about the proposed order, or the proposed amendment or repeal of the order, within 14 days or such further period as the Council may determine;*

City Policy P206, *Street Trees*, states in part:

The City recognises and values the significance of street trees within the urban setting in terms of creating functional and aesthetic streetscapes and in the provision of natural habitat.

The City will plan for the provision, retention and maintenance of suitable street trees and streetscapes in accordance with the strategies established in the Street Tree Management Plan. The City recognises the need to remove unsuitable or unsafe trees.

The City's Street Tree Management Plan states the following in regard to the removal of street trees under replacement programs:

10 (b) Removal of Street Trees

Removal of street trees will take place under the following circumstances:

- Trees that are dead or diseased and remedial treatment is not considered worthwhile.*
- Hazardous trees or those causing damage to public and private property, where repair and specific treatment options are not appropriate.*
- Trees conflicting with road works, drainage, services and/or construction on road reserves, following an assessment of trees and examination of all other options to tree removal.*
- Senescent (ageing) trees or dead, diseased or structurally unsound trees where replacement strategies are in place.*

10.1.1 Request to Repeal a Tree Preservation Order and Remove a Street Tree

Financial Implications

The cost to remove this tree, based on the current contract, is \$1,800. Verge reinstatement works are estimated to cost approximately \$5,000. These costs will be met under the current budget.

Strategic Implications

This recommendation contained in this report is consistent with the [Strategic Plan 2013–2023](#), Direction 1 – Community: “*Create opportunities for an inclusive, connected, active and safe community*”.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#). While there are obvious sustainability benefits in retaining mature trees in an urban environment, the City also recognises the need to remove trees if there is risk of damage to infrastructure and private property. In this case, the City has assessed the risk as being too great to ignore.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

Declaration of Interest – Councillor Cridland

“I wish to declare a proximity interest in Agenda Item 10.3.1 (Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point) on the Council Agenda for the meeting to be held 25 March 2014.

I disclose that my family residence is on Sulman Avenue, in Salter Point, in close proximity to the property that is the subject of this report.

I will leave the Council Chamber when this item is discussed and voted on.”

Please note: Councillor Cridland left the Council Chamber at 8:18 pm and returned after the conclusion of the voting had taken place at 8:20pm.

10.3.1 Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point

Location: Lot 105 (No. 46A) Sulman Avenue, SALTER POINT
Ward: Manning Ward
Applicant: Lindsay McBride & Jennifer McBride
Lodgement Date: 20 January 2014
Date: 4 March 2014
Author: Trinh Nguyen, Planning Services, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for an amended planning approval for a balcony addition to a single house on Lot 105 (No. 46A) Sulman Avenue, Salter Point. Council is not being asked to exercise discretion.

In August 2013, “Delegation from Council DC690 Town Planning Scheme 6” was amended to include Clause 3(b), which relates to applications for planning approval on lots abutting River Way. The relevant text is inserted below for convenience:

3. Developments involving the exercise of a discretionary power

This power of delegation does not extend to approving applications for planning approval involving the exercise of a discretionary power in the following categories:

- (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.”*

As the proposed balcony addition above the ground floor exceeds 3.0 metres in height, City officers are referring this application to Council for determination. The proposed addition is minor in nature and will not have a negative impact on the amenity of the street or the views of adjoining neighbours, and as such is recommended for approval subject to conditions.

10.3.1 Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Huston

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 additions to grouped dwelling on Lot 105 (No. 46A) Sulman Avenue, Salter Point, **be approved** subject to:

(b) Specific Conditions

(i) This approval only relates to the balcony addition to the first floor facing east.

(iii) All conditions and important notes of the Planning Approval for a Single House (Two Storey and Undercroft) granted at the February 2012 Council meeting shall continue to apply.

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

CARRIED (8/0)

Background

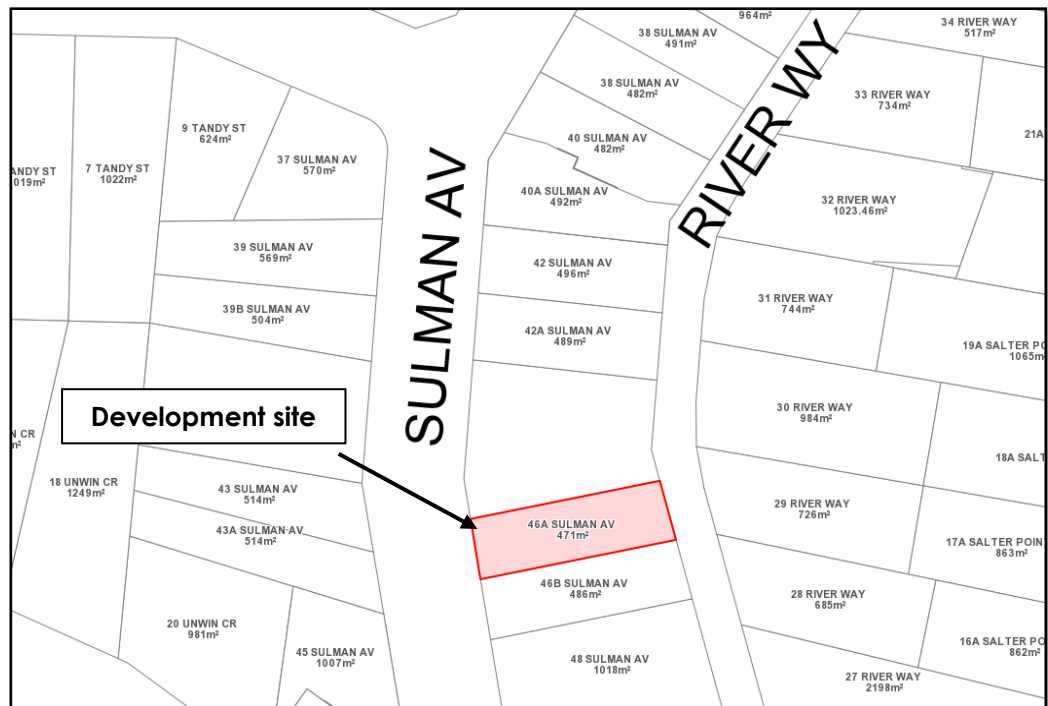
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	471 sq. metres
Building height limit	7.0 metres

This report includes the following attachments:

Attachment 10.3.1 Plans of the proposal.

The location of the development site is shown below:



10.3.1 Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point

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:

3. The exercise of a discretionary power

This power of delegation does not extend to approving applications for planning approval involving the exercise of a discretionary power in the following categories:

- (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.*

Comment

(a) Description of the surrounding locality

The site has a frontage to Sulman Avenue to the west, River Way to the east, and is located adjacent to residential development, as seen below:



(b) Description of the proposal and Planning Assessment

The proposal involves the addition of a balcony to the first floor of the dwelling (currently under construction) facing River Way, as depicted in the submitted plans referred to in **Attachment 10.3.1**. The proposed addition complies with the relevant R-Codes & TPS6 requirements in terms of setbacks, visual privacy and overall height. The minor addition will not negatively impact on the views of the adjoining dwellings, nor will it have a negative impact on the streetscape.

The following planning aspect has been discussed below:

- Visual privacy (R-Codes Clause 5.4.1 & Council Policy P350.8 “Visual Privacy”)

(i) Visual privacy

The proposed first floor balcony addition, with a floor level greater than 0.5 metres above the natural ground level, required officer assessment of potential visual privacy concerns against the provisions of sub-clause 5.4.1 of the R-Codes & Council Policy P350.8 “Visual Privacy”.

10.3.1 Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point

As part of **Attachment 10.3.1**, the applicant has provided a drawing illustrating the 7.5m cone of vision extending from the viewpoints of the proposed first floor balcony. The proposed visual privacy screens on the northern and southern ends of the balcony restrict the cone of vision heavily, however, as can be seen from the diagram, the cone of vision does encroach over small portions of the adjoining lots abutting river way; No. 44 and 46B Sulman Avenue.

While the proposal does not necessarily achieve the *deemed-to-comply* requirements of the R-Codes, it is deemed to demonstrate compliance with the Design Principles of sub-clause 5.4.1 and provisions of Council Policy P350.8 as the areas to be overlooked are not deemed as *sensitive active habitable spaces* and are areas considered already visible from the street level of River Way to which they abut. The cone of vision extends over the parking structure at No. 44 Sulman Avenue and the parking structure at No. 46B Sulman which also has a similarly constructed first floor balcony. The photos below depict these parking structures. These are non sensitive or non-habitable areas. Additionally, they are clearly already visible from the street.

Photo 1 – Depicts the similarly constructed first floor balcony and parking structure to be overlooked at 46B Sulman Avenue. It is clear the portions of the adjoining lot encroached via the cone of vision are non-sensitive and already visible from the street.



Photo 2 – Depicts the parking structure to be overlooked at 44 Sulman Avenue; it is clear the portions of the adjoining lot encroached via the cone of vision are non-sensitive and already visible from the street.

10.3.1 Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point



Given the above, the proposed balcony cone of vision is deemed not to overlook any sensitive, active habitable spaces of the adjoining properties to which it abuts. It can therefore be said that the proposed balcony satisfies the Design Principles of sub-clause 5.4.1 of the R-Codes and can be approved as is, subject to the recommended conditions.

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

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

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

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

(d) 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:

10.3.1 Amendment (Balcony Addition) to Single House Under Construction. Lot 105 (No. 46A) Sulman Avenue, Salter Point

- (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.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

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

Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P360 “Informing the Neighbours of Certain Development Applications”. Under the “For Information Only” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 44 and 46B Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period. There was one enquiry of a general nature.

No submissions were received during the consultation period.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications

Strategic Implications

This report is consistent with the City’s [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Users “Accommodate the needs of a diverse and growing population”.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#). The proposal will result in increased living areas facing River Way, providing views of the Canning River and landscape beyond, without negatively impacting on the streetscape. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

Location: Lot 901 (No. 23) Salter Point Parade, Salter Point
 Ward: Manning Ward
 Applicant: Shane Le Roy Design
 Lodgement Date: 20 November 2013
 Date: 28 February 2014
 Author: Peter Ng, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a single storey single house with an undercroft garage, on Lot 901 (No. 23) Salter Point, Salter Point.

Council is being asked to consider and determine the application as delegation does not extend to approving applications in this area situated within *Precinct 13 – Salter Point*, in accordance with the City’s Strategic Direction 6 “Delegation from Council DC690 *Town Planning Scheme 6*” Sub-clause 3(a); detailed further below.

In conjunction with the abovementioned delegation, Clause 6.1A “Building Height Limits and Method of Measuring Height” was added to the Town Planning Scheme (replacing Clause 6.2) which defined new methods of measuring building height for various building designs, and specified additional supporting information and drawings required for developments within *Precinct 13 - Salter Point*.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Building Height Limits	<i>Town Planning Scheme No. 6, Clause 6.1A</i>
Open Space	R-Codes Element 5.1.4
Minimum Ground and Floor levels	<i>Town Planning Scheme No. 6, Clause 6.9</i>

It is recommended that the proposal be approved subject to conditions.

Officer Recommendation and COUNCIL DECISION

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and *Metropolitan Region Scheme*, this application for planning approval for a Single Storey Single House with an Undercroft Garage on Lot 901 (No. 23) Salter Point Parade, Salter Point **be approved** subject to:

(c) Standard Conditions

390	Crossover - standards	470	Retaining walls - If required
427	Colours and materials - Details	471	Retaining walls - Timing
377	Screening - Clothes drying	455	Dividing fences - Standards
393	Verge and kerbing works	456	Dividing fences - Timing
510	Private tree on development site	550	Plumbing hidden
660	Expiry of approval	445	Stormwater infrastructure
340B	Parapet walls – Finish from neighbour	427	Colours and materials - Details

(b) Specific Conditions:

Provision shall be made in the design of the floor and walls of the building for adequate protection against subsoil water seepage, and **prior to the lodging of Building Permit**, the applicant shall:

Recommendation and COUNCIL DECISION continued

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

- (i) Provide the City with certification from a consulting engineer that adequate water-proofing has been achieved; and
- (ii) Satisfy the City that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot; as required by clause 6.9 (3) of Town Planning Scheme No. 6.

(c) Standard Advice Notes

700A	Building permit required	790	Minor variations - Seek approval
705	Revised drawings required	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 RESOLUTION

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	500sq. metres
Building height limit	3.5 metres
Development potential	1 dwellings
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Additional supportive drawings as per Clause 6.1A(9)(a) of TPS6.
- Attachment 10.3.2(c)** Applicant's supporting report

The location of the development site is shown below:

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point



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

3. The exercise of a discretionary power

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
- (i) have been assigned building height limits of 3.0 metres, 3.5 metres or 6.5 metres; and
 - (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2(2) of the Scheme.

Comment

(a) Background

In November 2013, the City received an application for a single storey & undercroft garage single house, on Lot 901 (No. 23) Salter Point Parade, Salter Point (the subject site).

Following the officer's assessment, the proposed development is deemed generally compliant with provisions of the 2013 Residential Design Codes and relevant elements of the City's TPS6, in particular, the prescribed building height limit of 3.5 metres and associated provisions and additional requirements contained within Sub-clause 6.1A(9) "Building Height Restrictions in Precinct 13 - Salter Point of TPS6; discussed in more detail in the "Building height" and "Significant views" sections below.

On 3 January 2014, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. Following a meeting with the applicant and owner on 15 January 2014, a revised set of drawings was provided by the applicant on 5 February 2014 along with a written submission on 25 February 2014. These drawings, referred to as Confidential Attachment 10.3.2(a) and (c), have

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

adequately addressed all the issues raised in the City's initial correspondence. This set of drawings has been assessed and forms the basis of this recommendation.

(b) Description of the surrounding locality

The site has frontage to Salter Point Parade, as well as views of the Canning River to the east.

Site Photo I - As viewed from Salter Point Parade.



The site photograph above (Site Photo I) shows the vacant subject lot as viewed from Salter Point Parade, displaying the vacant subject site, with adjoining dwelling which sits approximately 9.0 metres higher in the background. Refer to Section A-A in the Confidential Attachment 10.3.2(a).

The focus area is characterised by large single residential houses on large lots. The subject site is situated on relatively flat and low land abutting the river reserve, with steeply rising natural ground levels and higher floor levels to adjoining properties to the west. The subject site and many of the adjoining properties share views of the Canning River.

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

Figure 1 below illustrates the subject site in the context of its surrounds:



(d) Description of the proposal

The proposal involves the construction of a Single Storey house with undercroft garage, on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.2(a)**.

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

- Maximum levels (TPS6 Clause 6.10);
 - Primary and secondary street setbacks (R-Codes Clause 5.1.2 and Table 1);
 - Garage setbacks (R-Codes Clause 5.2.1 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
 - Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 5.2.3 to 5.2.5, and Council Policy P350.7 “Fencing and Retaining Walls”);
 - Building design (R-Codes 5.4 and Council Policy P302 “General Design Guidelines for Residential Development”);
 - Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
 - Dimensions of car parking bays and access ways (TPS6 Clause 6.3(8) and Schedule 5);
 - Boundary walls (Clause 5 of Council Policy P350.2 “Residential Boundary Walls”); Standard condition 340B will be imposed requiring the finishes and colour of the boundary wall not visible from the street to neighbour’s satisfaction.
 - Side and rear setbacks (R-Codes Clause 5.1.3 and Table 2a/2b); Proposed side setback (southern side) complies with Design Principles of the R-Codes 5.1.3;
 - Outdoor living areas (R-Codes Clause 5.3.1);
 - Visual privacy (R-Codes Clause 5.4.1 and Council Policy P350.8 “Visual Privacy”);
- and

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

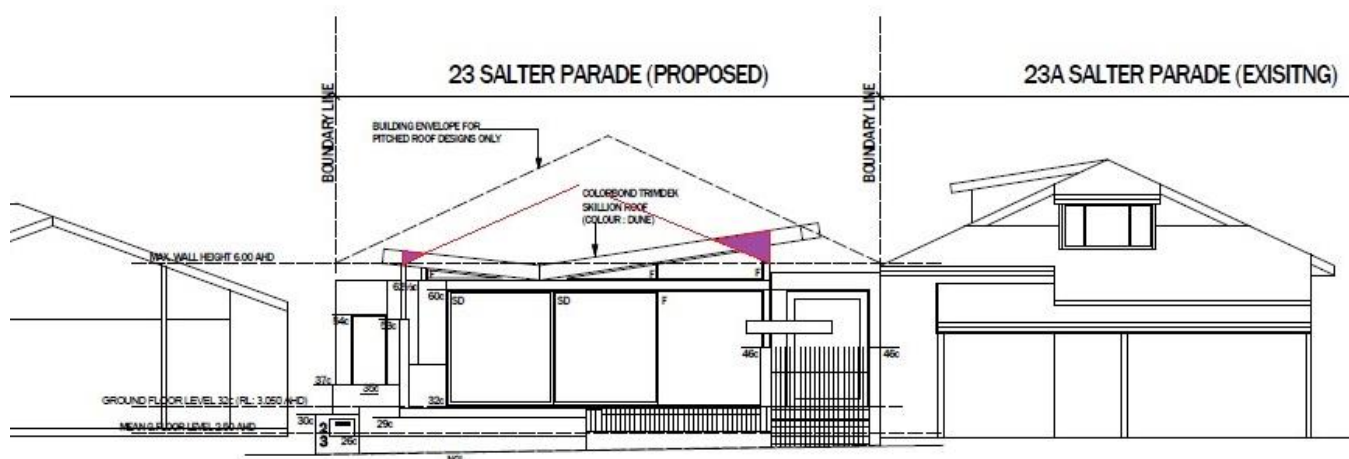
- Solar access for adjoining sites (R-Codes Clause 5.4.2).

The proposal complies with the relevant elements of the Scheme, R-Codes and relevant Council policy, however some site specific considerations and potential contentious elements require further discussions below which include:

- Building height (TPS6 Clause 6.1A);
- Significant views (Council Policy P350.9 “Significant Views”);
- Open Space (R-Codes Clause 5.1.4); and
- Minimum Ground and Floor Levels (TPS6 Clause 6.9)

(e) Building height

In accordance with provisions of Clause 6.1(A), the building height limit for the site is 3.5 metres (6.00 metres AHD), and the proposed building height towards rear portion building is 3.15 metres (5.65 metres AHD) measured from the highest point of ground level under the building envelope to the top surface of the roofing material. Therefore, the proposed development complies with Clause 6.1A “Building Height Limit and Methods of Measurement” of TPS6. However, the end of the higher sides of V-shape butterfly roof and small portion of glass wall protrude above the 3.5 metre horizontal plane and outside the notional 25% hip roof shape envelope. (as highlighted in the Figure 2 below)



SALTER POINT PARADE STREETSCAPE

Figure 2 above illustrates the minor projections outside the 3.5metres Building Height Limit and notional 25% hip roof shape envelope.

As demonstrated on “Salter Point Streetscape” drawing included in **Attachment 10.3.2(a)**, in comparison to existing adjoining dwellings on both sides, the proposed V-shape butterfly roof is observed to have less view obstruction impact than a traditional pitched roof type. It is also apparent that properties immediately adjoining and on either side of the subject site are will not be impacted, in terms of existing views, as these properties sit at a similar front setback and finished ground level as the proposed dwelling.

The minor projections meet with the description of minor projection in Clause 6.1A (5) (e) of TPS6 which has the same meaning as in the Residential Design Codes, being:

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

In relation to the height of a building: a chimney, vent pipe, aerial or other appurtenance of like scale;

In relation to a wall: a rainwater pipe, vent pipe, eaves overhang, cornice or other moulding or decorative feature, provided that the projection does not exceed 0.75m measured horizontally.

Noting the dimensions and location of the V-shape butterfly roof projections, City officers consider the minor projection will not have any adverse amenity impact on the streetscape or impact views from adjoining properties. Therefore, officers recommend to Council that the minor wall projections be approved.

Development within this area of Salter Point requires additional supportive drawings and information to demonstrate the height and design of a dwelling will not obstruct significant views (not just simply the building height) as per Sub-clause 6.1A (9). These elements will be explored further in the "Significant views" sections below, as well as other evidence to demonstrate views will not be impacted significantly.

(f) Significant views

Council Planning Council Policy P350.9 "Significant Views" at times requires the consideration of the loss of significant views from neighbouring properties. The neighbouring properties to the rear of the subject site currently enjoy views of the Canning River (significant views).

The City's approach is to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development. The neighbouring properties to the west of the site currently enjoy some of the views of the Canning River (significant views) over the vacant subject site.

Sub-clause 6.1A (9) "Building Height Restrictions in Precinct 13 – Salter Point" of TPS6 seeks to ensure that views of the Canning River from adjoining properties within the Salter Point area are protected where new development is proposed. The provisions of the sub-clause are as follows:

"In Precinct 13 - Salter Point, on any land which has been assigned a building height limit of 3.0 metres, 3.5 metres or 6.5 metres, a person shall not erect or add to a building unless:

- (a) Drawings are submitted showing to Council's satisfaction:
 - (i) the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;*
 - (ii) the finished floor levels and the levels of the highest parts of those existing and proposed buildings; and*
 - (iii) sight lines demonstrating that views of the Canning River from any of those existing buildings will not be significantly obstructed.**
- (b) Notice has been served upon the owners and occupiers of lots potentially affected in relation to views of the Canning River.*
- (c) Council is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed."*

As such, the applicant was required to provide additional drawings required in Sub-clause (a) above, and notices to affected neighbours were issued as per Sub-clause (b). These supportive documents and drawings, including an additional streetscape montage, can be found in **Attachment 10.3.2(a)**.

The sight line drawing from the rear property shows that the houses toward the rear of the property are at a ground level and finished floor level to have uninterrupted sight lines of the Canning River (if not already obstructed by existing

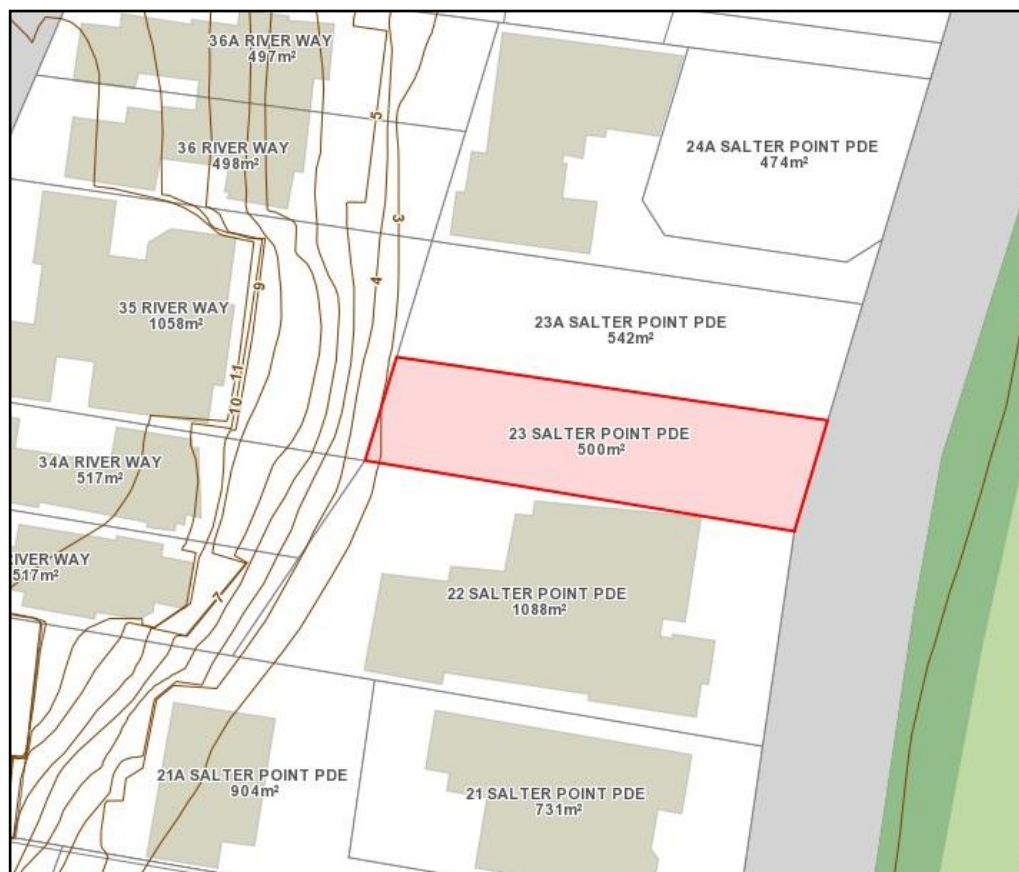
10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

vegetation). A very steep incline is noted towards the rear of the subject site, creating much higher ground levels for the adjoining properties to the west of the subject site.

Site Photo 2 – Shows the extent & height of vegetation on adjoining lots



Figure 3 – Adjoining property locations and contour levels.



10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

Furthermore, no written objection to the loss of those views has been lodged with the City. Hence, it can be considered that following the officer's assessment, the provision of supportive drawings and imposition of the recommended condition of approval, the proposed development complies with Council Policy and Scheme provisions.

Given this, it can be concluded that Sub-clause (c) above can be satisfied in that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.

(g) Open Space

The deemed-to-comply standards contained in Clause 5.1.4 of the R-Codes is 50% (250m²) open space, and the proposed open space is 44.8% (224m²). The proposed development exceeds the deemed-to-comply standards contained in Clause 5.1.4 of the R-Codes by 26m² due to the proposed alfresco being more than 0.5m above natural ground level.

In accordance with R-Codes open space definition, an outdoor living area with roofed structures that is over 0.5 metres above natural ground is not considered as open space. The proposed alfresco is approximately 0.8 metres above natural ground level. The applicant has indicated in writing that any further reduction in the height of the alfresco will negatively impact on the height clearance between the undercroft garage and the underside of the alfresco slab.

As the proposed development does not comply with the deemed-to-comply standards, the application is required to demonstrate compliance with the following design principles:

P4 Development incorporates suitable open space for its context to:

- *reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *provide access to natural sunlight for the dwelling;*
- *reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *provide space for external fixtures and essential facilities.*

The proposed single storey building bulk and scale is consistent with existing streetscape character. It is important to note that there are similar existing developments along the street where the alfresco area is proposed facing Salter Point Parade to take advantage of the panoramic view of Canning River.

As indicated in Sections (d) and (e) of the report, the majority of the proposed building is lower than the maximum height permitted for the site, and in addition, the proposed side and front setbacks comply with either the deemed-to-comply standards or the relevant design principles.

The proposed alfresco building does provide access to natural sunlight for the dwelling and is capable of use in conjunction with the proposed dwelling such that it is capable of active or passive use and easily accessible from dining and family areas.

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

As shown in **Confidential Attachment 10.3.2(a)**, an undercroft garage is proposed beneath the single storey dwelling.

The proposed alfresco at 3.05m AHD finished floor level is to allow a minimum 2.0 metres height clearance between the underside of the alfresco slab and driveway to the undercroft garage. Additionally, requesting the applicant to omit the roof structures over the alfresco to ensure compliance with open space requirement may not be a good design outcome. The proposed alfresco will be exposed to the elements and this will be an unusable area for the residents. Therefore, the City's officers observed that the non-dominant undercroft garage with covered alfresco will create a better design outcome for the streetscape as well as the residents.

Accordingly, the proposed development is seen to meet the design principles of Clause 5.1.4, and as such is supported.

(h) **Minimum Ground and Floor Levels – Clause 6.9 of Town Planning Scheme No. 6**

TPS6 clause 6.9 “Minimum Ground and Floor Levels” prescribes that minimum floor level of non-habitable rooms shall not be less than 1.75 metres above Australian Height Datum (AHD).

As shown in **Confidential Attachment 10.3.2(a)**, an undercroft garage is proposed beneath the single storey dwelling @ 0.31m AHD, which is below the required minimum of 1.75 metres AHD.

However, Clause 6.9 (3) of Town Planning Scheme No. 6 allows discretion by Council provided:

- (a) *provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;*
- (b) *the applicant provides the Council with certification from a consulting engineer that adequate water-proofing has been achieved; and*
- (c) *the applicant satisfies the Council in such manner as the Council may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.*

The applicant has provided supportive document which can be found in **Attachment 10.3.2(b)**, where they have carried out extensive site specific ground water table investigation and preliminary engineering study and confirmed that it is possible to build a water tight undercroft structure knowing the water table issues in the immediate area.

A specific condition will be imposed, requiring the applicant to provide amended drawings demonstrating the design and construction of the floor and walls of the garage/store are adequately protected against subsoil water seepage as well as certification from a consulting engineer that adequate water-proofing has been achieved prior to submitting a building permit application.

With the provision of the required additional drawings and certification from the engineer, the proposed undercroft garage/ store now satisfies the Clause 6.9 (3) provisions of the TPS6 and is acceptable to officers.

(i) **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

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

matters, the following are particularly relevant to the current application and require careful consideration:

- (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.

(j) **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.*
- 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.*
- 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.*
- 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.*
- 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.*
- 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 all of these matters, subject to the recommended conditions.

Consultation

(a) **Design Advisory Consultants' comments**

The Design Advisory Consultants observed the proposed butterfly roof form as being acceptable within the focus area, noting the existing streetscape character that has a diversity of roof forms.

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

(d) Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”.

Under the standard consultation method, individual property owners, occupiers and / or strata bodies at Nos. 22, 23A Salter Point Parade, 34, 34A, 35 and 36 River Way were invited to view the plans and to submit comments during a minimum 14-day period.

During the advertising period, despite a number of adjoining owners and occupiers coming into the City offices to view the proposed plans, only two submissions were received regarding proposal. The comments of the 2 submitters, together with the officer’s response are summarised below:

Submitters’ Comments	Officer Response
Concern with proposed swimming pool adjacent to the three bedrooms.	The proposed swimming pool location within the site behind setback area is not part of planning consideration.
To have a pool and living area outside the bedrooms of my house is intrusive and breaks all the rules of privacy.	Proposed outdoor living area finished ground levels complies with the visual privacy provisions.
The presence of a pool with the inevitable lighting and noise, will devalue my property when the pool is adjacent to the bedroom, this making it more difficult to sell in the future.	The comment is NOT UPHELD .
It is a pity to lose the large gum tree that is almost on the south boundary near the rear of the block.	The existing gum tree is within 3.0m from the side boundary and in the way of the proposed development. A future tree is being proposed on the development site. The comment is NOTED .
The roof colour, Dune, is acceptable as it is not a stark white nor near-white nor highly reflective colour. Perhaps Mist Green or similar would be a little more appropriate.	The proposed Dune (light grey) is observed to be compatible with neighbouring buildings. The comment is NOT UPHELD .
The eastern part of the development appears not to comply with regulations. We would like to be assured that the whole development does so.	The proposed (front) setback from the eastern boundary as well as other side setback comply with either Deemed to Comply or Design Principle of R-Codes. The comment is NOT UPHELD .

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This recommendation contained in this report is consistent with the [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses “Accommodate the needs of a diverse and growing population.”

Sustainability Implications

This report is aligned to the objectives contained in the City’s [Sustainability Strategy 2012–2015](#). the outdoor alfresco area will receive northern sun and is considered to be designed appropriately considering sustainability principles.

10.3.2 Proposed Single Storey Single House with an Undercroft Garage - Lot 901 (No. 23) Salter Point Parade, Salter Point

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 the proposed conditions of approval are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

Location: Lot 293 (No. 10) Susan Street, Kensington
 Ward: Moresby Ward
 Applicant: Richard Loiacono
 Lodgement Date: 20 January 2014
 Date: 21 February 2014
 Author: Erik Dybdahl, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for proposed additions to a Single-Storey, Single House at Lot 293 No. 10 Susan Street, Kensington.

While a majority of the proposed additions are compliant with relevant provisions of the City's Town Planning Scheme No. 6 and the 2013 Residential Design Codes the location and setback of the proposed Garage and subsequent boundary wall are in conflict with several aspects of Council Policies P350.2 'Residential Boundary Walls' and P351.5 'Streetscape Compatibility – Precinct 5 Kensington'.

As such, Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary walls	Council Policy P350.2 'Residential Boundary Walls' clause 7
Streetscape Compatibility	Council Policy P351.5 'Streetscape Compatibility – Precinct 5 Arlington and Precinct 6 Kensington' sub-clauses 4(a) & 6(a)

City officers recommend approval of the proposed development with a specific condition requiring the proposed garage structure be removed or converted to a 'carport' as defined in the 2013 Residential Design Codes. This condition will result in a development which is consistent with the relevant provisions of Council Policies P351.5 and P350.2.

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Reid

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 Single-Storey, Single House at Lot 293 No. 10 Susan Street, Kensington **be approved** subject to the following:

(a) Standard Conditions

47	retaining walls- if required	470	Retaining walls – if required
340B	Parapet walls- finish from neigh.	471	retaining walls- timing
445	stormwater infrastructure	455	dividing fences- standards
425	colours & materials- matching	456	dividing fences- timing
427	colours & materials- details	660	expiry of approval

(b) Specific Conditions

Revised drawings shall be submitted to the City's satisfaction prior to the issue of a building permit, such drawings shall depict the **deletion** of the proposed garage and subsequent boundary wall or the **conversion** to a "carport" as defined in the *2013 Residential Design Codes of Western Australia*).

Recommendation and COUNCIL DECISION continued

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

(c) Standard Advice Notes			
700A	building permit required	790	minor variations- seek approval
705	revised drawings required	795B	appeal rights- council decision
(d) Specific Advice Notes			
Nil			
FOOTNOTE: A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.			
CARRIED (5/4)			

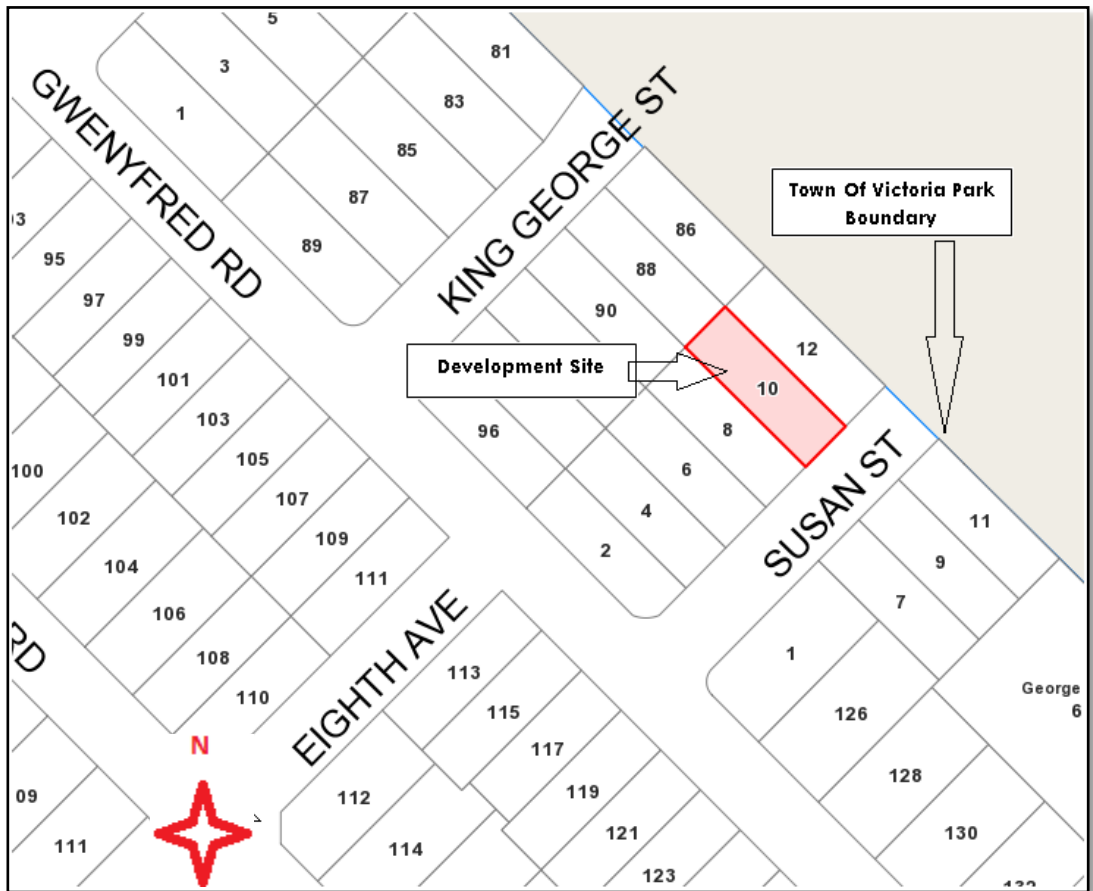
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	693sq. metres
Building height limit	7.0m
Development potential	1 dwelling
Plot ratio limit	N.A.

This report includes the following attachments:

- **Confidential Attachment 10.3.3(a)** Plans of the proposal
- **Attachment 10.3.3(b)** Applicant's supporting letter

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:

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.*

Comment:

(a) Background

In January 2014, the City received an application for planning approval for single-storey additions to an existing single house at Lot 293 (No. 10) Susan Street, Kensington.

While a majority of the proposed additions and alterations were deemed generally compliant, it was identified that the proposed double garage addition on the northern boundary was in conflict with several elements of Council Policies P350.2 & P351.5. Following officer assessment, on 6th of February, a further information request was sent to the applicant requiring that issues of the boundary wall setback, averaging of the front setback and the garage forward of the ground floor façade to be addressed with amended plans as no discretion is provided via the respective policy clauses.

On 17th of February the applicant responded to the correspondence, unwilling to undertake to the proposed amendments and requested the matter be considered and determined at a Council meeting. The applicant has requested the consideration based on an existing boundary wall setback variation across the street at No. 11 Susan Street (4.5 metres). However, a check of City records revealed the circumstance in which this variation was approved in 2004 is considered exceptional and the Kensington Streetscape Council Policy was not yet in gazetted to influence development within the Kensington area.

The above shall be discussed in further detail in the following sections of this report.

(b) Existing Development on the Subject Site

The existing development on the Site currently features a single-storey, single house with an existing single garage on the right (northern) side of the development. The current design indicated a 7.5 metre setback from the street alignment to the dwelling's building line as illustrated in the *existing* site plan included as part of **Confidential Attachment 10.3.4(a)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Susan Street to the east and is toward the northern (closed) end of the Susan Street cul-de-sac. The street is characterised by predominantly single-storey, single houses as depicted in Figure 1 below:

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.



(d) Description of the Proposal

The proposal involves additions and alterations to an existing single house. The particular addition and alteration referred to in this report relates specifically to the demolition of an existing single garage (with boundary wall) setback at 8.4 metres from the street alignment, to be replaced with a double garage on the northern boundary at a reduced setback of 4.5 metres from the street alignment; as depicted in **Confidential Attachment 10.3.4(a)**.

It is clear from the plans that there is no practical location for a double garage at the existing garage setback due to insufficient space between the main dwelling and northern lot boundary to accommodate a double garage. Hence, the reduced setback of the proposed double garage and subsequent boundary wall has made components of the proposed development non-compliant with the following elements of the City of South Perth Council Policies requirements:

- Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”):
 - (i) Sub-clause 4(a) – Averaging of front setback prohibited; and
 - (ii) Sub-clause 6(a) – Garage setback.
- Council Policy P350.2 (Residential Boundary Walls):
 - (i) Sub-clause 7(a) and (b) – Setback from the street alignment of a wall on aside boundary.

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

It is considered that these non-complying aspects of the proposal can be addressed through the imposition of Specific Condition (b) recommended by City officers; to be discussed in greater detail below.

(e) **Boundary Wall - Ground Floor, North, Double Garage**

In accordance with Council Policy P350.2 - 'Residential Boundary Walls', in relation to proposed boundary walls the following provisions apply:

7. Setbacks from the street alignment of a wall on a side boundary

- (a) Subject to Clauses 6 and 8(b) of this policy, approval will not normally be granted for a boundary wall, including any "nib" projection, to be setback less than 6.0 metres from the street alignment, or less than the setbacks prescribed by Table 2 of TPS6, whichever is the greater.
- (b) Subject to compliance with the setbacks from specified streets prescribed in Table 2 of TPS6, a setback of less than 6.0 metres, but in any case not less than 4.5 metres, may be approved where:
 - (i) Specified in a precinct-based policy; or
 - (ii) The proposed boundary wall will abut an existing boundary wall on the adjoining lot, and the proposed wall will not project beyond the adjoining boundary wall either vertically or horizontally.

The boundary wall to the proposed double garage does not comply with the abovementioned clauses as it is situated at a proposed setback of 4.5 metres and would not abut an existing boundary wall on the adjoining lot (No. 12 Susan Street). The applicant did submit a supportive letter which attempts to justify the proposed variation which is detailed in **Attachment 10.3.4(b)**

The applicant also responded to the officer's request for revised plans stating that a development directly opposite the subject site, No. 11 Susan Street, had been approved with a setback lesser than 6.0 metres (4.5 metres) so there should be no reason their own proposal should not also be approved. The City's records indicate that the garage boundary wall for the house opposite had been approved in 2004, under somewhat unusual circumstance. The owners of No. 11 Susan Street had originally been told that a garage boundary wall setback of 6.0m would not be accepted and a condition was placed on the approval for a 6.0 metre setback, dated 8 December 2004. However, the owners challenged the condition and additional comment was provided from the adjoining neighbour, No. 9 Susan Street, including the following signed statement of intent, dated 9 December 2004:

"This letter is to confirm that it is our intention in the future to submit documentation seeking approval for a proposed freestanding carport. A carport or similar shall be erected adjacent to our neighbours proposed garage, due to restrictions with our property, it is intended the carport will be placed at a setback which is in line with the setback for improvements proposed by our neighbours."

This statement ultimately led to the approval of the variation as detailed in correspondence to the landowner from the City, dated 16 December 2004:

"After giving detailed consideration to this matter, including consideration of the preliminary plans for No. 9 Susan Street and the written comments provided by that adjoining property owner, The City is willing to revise condition 6 of the planning approval relating to the minimum setback of the proposed boundary wall"

It is evident from the photo below and City Records that no carport or planning application for a carport ever eventuated to abut the garage boundary wall at No. 11 Susan Street so it would seem the Council was misled into approving this variation.

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

Given this, no precedence should be set by the approval of this variation as it also represents a significant deviation from existing development within the front setback areas of the streetscape. It should also be noted that the Kensington Streetscape Policy (discussed below) was not in operation at the time of approval in 2004.

Photo 1 – No.11 Susan Street garage boundary wall and adjoining property No. 9 Susan Street; shows that no carport has been constructed to abut the garage.



Finally, when assessed against the amenity impacts referred to in the Council Policy, the following potential adverse impacts are noted:

- The *Outlook* upon street from the front openings of the adjoining dwelling or front garden to the south shall be further restricted given the greater (7.0 metre) setback of the dwelling. The current garage on the subject site is setback at 8.45 metres, the proposed double garage shall be approximately 4.0 metres forward of this. There is a further impact as the adjoining dwelling is positioned at the end of the cul-de-sac with an outlook to the north already heavily obstructed as it abuts the rear end and dividing fence of a property with frontage to Berwick Street.

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

Photo 2 – Shows the existing setbacks of both the subject site (left) and adjoining property (No. 12 Susan), the proposed garage is to be 4.0 metres forward of the current garage on the subject site.



In this instance, it is considered that the proposal does not comply with the Council Policy, and is therefore is not supported by the City; however a condition is recommended to demonstrate compliance and thereby rectify this matter. As per the recommended condition, a carport is permitted at a setback of 4.5m and the open nature of carports would allow for a lesser impact upon the adjoining property outlook and reduce the bulk impact of the structure on the adjoining residence and streetscape itself.

(f) Streetscape Compatibility (Council Policy P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”))

Clause 7.5 of TPS6 provides a list of matters which should be taken into account by Council when making a determination. Specifically, Clause 7.5(n) states; “The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.”

Council P351.5 (Streetscape Compatibility – Precinct 5 “Arlington” and Precinct 6 “Kensington”) herein referred to as P351.5, provides further detail in order to assist in the assessment of a proposal against the above clause. This policy defines key terms and outlines the City’s expectations for new developments within the “Arlington” and “Kensington” precincts. The proposed development is generally considered to comply with the provisions of P351.5, with the exception of Sub-clauses 4(a), and 6(a). These matters will be discussed in detail below:

(i) Sub-clause 4(a) – Averaging of front setback

Sub-clause 4(a) of P 351.5 states; “Averaging of the primary street setback prescribed in Table 1 of the R-Codes, is not permitted unless the primary street setbacks of the existing dwellings on each side of the development site fronting the same street, are less than the primary street setback prescribed in Table 1.”

A review of the adjoining property files reveals that the minimum setbacks of the adjoining dwellings at Nos 8 and 10 Susan Street are 5.8 metres and 7.0m respectively. Furthermore, a review of all property files on the north-western side of Susan Street indicates that there no buildings or garages forward of a minimum 5.2 metres (at 4 Susan Street) with most properties having a minimum setback of at least 6 metres or greater. On the opposite, south eastern side of Susan Street, other than No. 11 Susan Street (discussed in the Boundary Wall section above, with a setback to the garage of 4.5 metres) the minimum setback of other properties on Street is 7.6 metres.

In addition, while Sub-clause 4(a) requires an assessment of the adjoining properties only, it is considered appropriate to take into account the streetscape character in determining if a reduced setback is appropriate. A site inspection by City officers and the review of the minimum setbacks given above reveals the predominant character of buildings in the focus area is of larger setbacks to the primary street with a majority of parking structures behind or in line with the building line of dwellings.

(ii) Sub-clause 6(a) – Garage setback

Sub-clause 6(a) of P351.5 states; “Garages are to be setback in line with the ground storey façade of the dwelling or further.”

Officers consider that locating the garage in line with, or behind the building setback line, is a key element in reducing perceived building bulk. While officers acknowledge there is an example of a garage protruding forward of the dwelling (No. 11 Susan) within this street, the predominant streetscape character is of garages and parking structures setback beyond or in line with the building line of dwellings.

Sub-clause 6(a) of P351.5 does not detail the instances where garages would be appropriate forward of the building line, and it is understood that this is because residents and consultants involved in the development of the policy did not see this as a desirable outcome. The proposed garage setback is not considered to comply with Sub-clause 6(a), and is not supported.

Sub Clause 6(b) of P351.5 indicates that visually permeable single and double carports are permitted within the front setback area. Specific Condition (b) is reflective of this clause and has been recommended, requiring the applicant to provide revised drawings converting the garage to a carport, prior to the issue of a building permit.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

- (a) *Maintain the City's predominantly residential character and amenity;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

- (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 not considered satisfactory in relation to all of these matters, therefore, it is recommended Specific Condition (b) be included as a part of the approval.

(h) **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;*
- (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;*
- (e) *Any approved environmental protection Council Policy under the Environmental Protection Act, 1986 (as amended);*
- (i) *The preservation of the amenity of the locality;*
- (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;*

The proposed development is not considered satisfactory in relation to all of these matters, therefore, it is recommended Specific Condition (b) be included as a part of the approval.

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, the property owners at Nos 8 & 12 Susan Street as well as Nos 86, 88 & 90 King George Street were invited to inspect the plans and to submit comments during a minimum 14-day period. No submissions were received during this time.

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 recommendation contained in this report is consistent with the [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses "Accommodate the needs of a diverse and growing population."

10.3.3 Proposed Additions to Single-Storey Single House. Lot 293 No. 10 Susan Street, Kensington.

Sustainability Implications

This report is aligned to the objectives contained in the City's [Sustainability Strategy 2012–2015](#). Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal does not meet all of the objectives and provisions of Council Policies P350.2 'Residential Boundary Walls' and P351.5 'Streetscape Compatibility – Precinct 6 Kensington'. However, provided that conditions are applied as recommended, it is considered that these outstanding issues of compliance shall be rectified. A carport is permitted within the front setback area via Council Policy P351.5 sub-clause 6(b) and given the open nature of a carport would remove the proposed boundary wall setback variation. It is concluded by officers that the application should be conditionally approved.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - February 2014

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

Summary

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

The attachments to this financial performance report are part of a comprehensive suite of reports that have previously been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

Officer Recommendation and COUNCIL DECISION

That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Schedule of Movements between the Adopted & Amended Budget **Attachment 10.6.1(6)(A) & (B)** be received;
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

Background

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

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

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

requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

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

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

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

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2013/2014 Adopted Budget and the 2013/2014 Amended Budget including the introduction of the capital expenditure items carried forward from 2012/2013.

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

Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) & 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6) (A) & (B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 28 February 2014 is \$43.67M which represents some 99% of the \$43.99M year to date budget. Revenue performance is very close to budget in most areas other than identified items below. Parking infringement and meter parking revenues were both significantly better than budget expectations even after the Q2 Budget Review as was cat registration revenue which has exceeded full year expectations due to a higher number of people taking out lifetime registrations.

10.6.1 Monthly Financial Management Accounts - February 2014

Interest revenues are 3% below budget expectations after the Q2 Budget Review (downwards) adjustment which was required as a consequence of low prevailing interest rates and lower volumes of cash in Reserves (as discussed in item 10.6.2). An unbudgeted fuel rebate and a distribution from LGIS were also adjusted in the Q2 Budget Review. Interim rate revenue remains a concern as it is somewhat less than was anticipated at budget time and interim schedules typically are less frequently issued in the lead up to the triennial revaluation of GRVs. Planning revenues are still well ahead of budget target - due to the receipt of a \$30K fee received for TPS Scheme 6 Amendment 34. Building Services revenues are currently close to budget expectations.

Collier Park Village revenue is close to budget expectations but Collier Park Hostel revenue is now 38% unfavourable to budget due to less than anticipated receipts from commonwealth subsidies as residents depart the facility and rooms are not re-leased. Hostel revenue will continue to decline as the residents depart resulting in significantly decreased commonwealth subsidies, maintenance fees and retained bonds. Projected revenue to date of closure for the year may only be in the vicinity of \$1.0M versus a full year budget of \$1.8M. An adjustment for this shortfall was made in the Q2 Budget Review.

Road grant revenue is close to budget after the Budget Review which recognised the reduced funding pool from the WALGGC. Some unbudgeted plant trade-in revenue was also adjusted in the Budget Review. Golf Course revenue is now on budget after the Q2 Budget Review. Infrastructure Services revenue overall is close to budget for the year to date with the small unfavourable variance on waste management levies having also been addressed in the Q2 Budget Review.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**. As noted above, relevant items were adjusted in the Q2 Budget Review.

Operating Expenditure to 28 February 2014 is \$33.00M which represents 99% of the year to date budget of \$33.30M. Operating Expenditure is 3% under budget in the Administration area, 1% over budget for the golf course and 1% over in the Infrastructure Services area.

Variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and are not considered significant - with the exception of some favourable variances in relation to consultancies and utilities whilst cleaning costs had an unfavourable one as a result of new tender rates coming into effect. These items were largely adjusted in the Q2 Budget Review. There were favourable timing differences in relation to Library purchases and planning consultants. The other exception was the Collier Park Village which has been impacted by a significant increase in the cost of gas to operate the water boilers that service the 169 independent living units and also higher than expected costs for gardens and grounds maintenance.

Whilst some variable costs are reducing as Collier Park Hostel residents are relocated, other fixed costs continue to be incurred at the same level irrespective of the number of remaining residents. Modelling has shown that operating costs to date of closure may reach \$2.0M in total. Adding back non cash costs infers an operating deficit (loss) for the year (or until date of closure) of approximately \$700K.

Of this, \$260K was recouped from the CPH Capital Reserve in December. \$130K remains available in that Reserve at present and a further \$287K was identified as being required from the Municipal Fund to meet the operating deficit. This was also provided for in the Q2 Budget Review.

10.6.1 Monthly Financial Management Accounts - February 2014

In the Infrastructure Services operations area, parks maintenance is now slightly below budget as is minor park works. Street tree maintenance has been brought back closer to budget - with remedial action being successfully implemented to bring this line item more into line with the approved budget. There is a favourable variance on environmental management activities due to delays on the Perth Water vision and the birdlife revegetation project.

Non cash depreciation expenses for path and drainage network assets are now closer to budget following a review of the useful lives of our road, path and drainage networks as part of the City's ongoing asset management strategy. Useful lives for each of these asset categories were revised to reflect the guidelines of the International Infrastructure Asset Management (IIAM) manual. Accordingly, the budgets for infrastructure asset depreciation were revised downwards in the Q2 Budget Review. This does not have a cash flow impact but it affects the calculation of certain asset sustainability ratios and the operating surplus ratio. These ratios are expected to improve as a consequence of this adjustment.

Plant management continues to provide a challenge - although cash costs are on budget, recoveries against jobs are still 6% below budget expectations. Charge out rates have been reviewed and adjusted by the Engineering Infrastructure team.

As would be expected in any entity operating in today's economic climate, there are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 1.2% under the budget allocation for the 229.5 FTE positions approved by Council in the budget process. Factors impacting this include vacant positions in the process of being filled, staff on leave and timing differences on receipt of agency staff invoices. Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**. Relevant items were adjusted if necessary in the Q2 Budget Review.

Capital Revenue is disclosed as \$1.80M at 28 February - 18% over the year to date budget of \$1.52M. These revenues related largely to the lease premiums and refurbishment levies on units at the Collier Park Village and receipt of a river wall grant. The favourable variance is really only attributable to a timing difference in relation to receipt of a Hostel accommodation bond - that will reverse out in March 2014. Details of any capital revenue variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Expenditure at 28 February is \$6.25M representing 73% of the year to date budget. This represents 44% of the (revised) total capital works budget after some capital projects were deferred in the Q2 Budget Review. The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. These figures now include the Carry Forward Works approved by Council in October. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the completion of the October management accounts onwards. This report will be presented as Item 10.6.4 in April 2014.

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	190,000	68,611	36%	815,000
Major Community Projects	99,500	59,074	59%	572,000
Financial & Information	416,250	277,302	67%	715,000
Develop & Community	385,000	321,817	84%	618,400
Infrastructure Services	7,026,495	5,101,970	73%	10,588,441
Waste Management	125,000	117,396	94%	415,000
Golf Course	308,055	306,370	99%	389,060
UGP	0	0	-%	0
Total	8,550,300	6,252,540	73%	14,112,901

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This 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](#). This report addresses the ‘financial’ dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 28 February 2014

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

Summary

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

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

Officer Recommendation and COUNCIL DECISION

That Council receives the 28 February 2014 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

Background

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

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

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

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

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

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

Comment

(a) Cash Holdings

Total funds at month end of \$52.2M (\$54.5M last month) compare favourably to \$49.7M at the equivalent stage of last year. Reserve funds are \$1.6M lower overall than the level they were at the same time last year - reflecting \$1.4M higher holdings of cash backed reserves to support refundable monies at the CPV but \$1.7M less for the CPH as residents depart the facility and transfer their accommodation bonds. The Asset Enhancement Reserve is \$0.6M higher although the major transfers to that reserve of land disposal proceeds are yet to occur. The Sustainable Infrastructure Reserve is \$0.3M higher whilst the Waste Management Reserve is \$1.8M lower after a budgeted transfer back to the Municipal Fund. The Future Building Reserve is \$0.3M higher. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is \$0.6M lower after funding the 2014 YTD operating deficit.

Municipal funds are some \$4.0M higher due to excellent rates collections and delayed cash outflows for some major capital works.

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

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$18.0M (compared to \$19.5M last month). It was \$14.0M at the equivalent time in the 2012/2013 year. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$50.7M compared to \$48.5M at the same time last year. This is due to higher cash investments relating to municipal funds (\$3.9M increase) partly offset by less accumulated cash backed reserves (\$1.6M decrease).

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

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

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

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 28 February 2014

Total interest revenues (received and accrued) for the year to date total \$1.19M. This compares to \$1.55M at the same time last year. Prevailing interest rates are significantly lower and appear likely to continue at current low levels.

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

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

The weighted average rate of return on financial instruments for the year to date is 3.80% with the anticipated weighted average yield on investments yet to mature now sitting at 3.55%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.25% since the August 2013 Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of February 2014 (after the due date for the third instalment) represent 90.9% of rates levied compared to 90.9% at the same stage of the previous year.

The positive rates collection profile to date suggests that we should enjoy similar collections to the 2012/2013 year which indicates a good acceptance of our 2013/2014 rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies will provide strong encouragement for ratepayers to meet the rates obligations in a timely manner.

The two long term outstanding rates debts that had reached the 'sale of property' stage of the collection process were both fully settled this month.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.8M at month end (\$2.4M last year). Pension Rebate Receivable represents around \$0.5M of this in both years - and this can only be claimed when eligible ratepayers make their qualifying 50% contribution, which can be any time up to 30 June. GST Receivable is \$0.5M lower than the balance at the same time last year whilst UGP and Sundry Debtors are slightly lower. Most other Debtor categories are at similar levels to the previous year.

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

(iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.37M was collected by 28 February with approximately 99.6% of those in the affected area having now paid in full. Of the remaining 23 properties all have now made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

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

Since the initial \$4.55M billing for the Stage 5 UGP Project, some \$4.20M (or 91.7% of the amount levied) has already been collected with 79.0% of property owners opting to settle in full and a further 20.6% paying by instalments so far. The remainder (0.4%) have yet to make satisfactory payment arrangements or have defaulted on the arrangements and collection actions are currently underway.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

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

10.6.3 Listing of Payments

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

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 February 2014 and 28 February 2014 is presented to Council for information.

Officer Recommendation and COUNCIL DECISION

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

CARRIED EN BLOC RESOLUTION

Background

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

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

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

Comment

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

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

10.6.3 Listing of Payments

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

- **Non Creditor Payments**

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

10.6.4 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
Date: 3 March 2014
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of February 2014.

Officer Recommendation and COUNCIL DECISION

That the report and **Attachment 10.6.4** relating to delegated determination of applications for planning approval during the months February 2014, be received.

CARRIED EN BLOC RESOLUTION

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:

“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 *Town Planning Scheme No. 6* identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of February 2014, forty-six (46) development applications were determined under delegated authority at **Attachment 10.6.4**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

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](#). Reporting of applications for planning approval determined under delegated authority contributes to the City’s sustainability by promoting effective communication.

10.6.5 Supply and Delivery of PVC and Polythene Associated Sprinklers and Fittings

Location: City of South Perth
Ward: Not applicable
Applicant: Council
Date: 5 March 2014
Author: Geoff Colgan, A/Manager City Environment
Reporting Officer: Mark Taylor, A/Director Infrastructure Services

Summary

This report considers the submission received from the advertising of Tender 1/2014 for the *Supply and Delivery of PVC and Polythene Associated Sprinklers and Fittings* up to April 2016.

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

Officer Recommendation and COUNCIL DECISION

That the Schedule of Rates tender submitted by Total Eden Pty Ltd for an estimated annual average sum of \$206,913 ex. GST over two years be accepted.

CARRIED EN BLOC RESOLUTION

Background

The purpose of this contract is to supply the City with fittings required to operate irrigation systems, such as PVC and polythene pipe, sprinklers, solenoid valves and fittings. In order to maintain its status as a green and leafy suburb, the City is required to maintain extensive areas of parks, reserves and gardens under irrigation. Irrigation systems require regular maintenance to ensure their effective and efficient operation.

The Tender called for a vast number of different items comprising various sizes and models of PVC and Polythene associated fittings and sprinklers.

Comment

Tenders were called in the West Australian on Saturday 25 January 2014 and closed at 2.00 pm on Wednesday 12 February 2014. At the close of tenders only one submission was received from Total Eden Pty Ltd.

An initial compliance check was made of the tender. The tender submitted was considered to be conforming. The tender is for a Schedule of Rates. Based on the estimated requirement of the City the annual price is as follows:

Tender	Price (ex GST)
Total Eden Pty Ltd	\$206,913

The tender was then assessed in more detail against the qualitative criteria as established below.

10.6.5 Supply and Delivery of PVC and Polythene Associated Sprinklers and Fittings

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in the specification	20%
2. Works records and experience.	20%
3. Referees	10%
4. Price	50%
TOTAL	100%

The submission and response to the criteria from Total Eden was then incorporated into the Selection Criteria matrix. The final score appears below.

Tender	Score
Total Eden	8.0

Analysis of the tender against the assessment criteria shows that the tender submitted by Total Eden to be good value for the City and is therefore recommended for acceptance by Council.

Total Eden is the City's current supplier and has been very reliable during the existing contract. Total Eden also supplies 13 other local governments, including the Town of Victoria Park. The City believes that despite only receiving one tender, the Schedule of Rates is competitive as it represents an annual average price increase of 3.8% over the previous contract.

As a result, their tender for the annual supply and delivery of PVC and Polythene Associated Sprinklers and Fittings is recommended to Council for acceptance:

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 1995* (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 value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:

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

Financial Implications

The Schedule of Rates tender from Total Eden represents an annual average increase of 3.8% over the previous contract. The City has allocated sufficient funding in the 2014/2015 Infrastructure Maintenance and Capital programs and proposes to do so in future budgets.

10.6.5 Supply and Delivery of PVC and Polythene Associated Sprinklers and Fittings

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](#). This tender will ensure that the City is provided with the best available service to complete capital works and operational maintenance as identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City’s Infrastructure.

10.7.1 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Declaration of Interest – Chief Executive Officer

“I wish to declare an impartiality interest in Agenda Items 7.1.2 (Minutes from the Audit and Governance Committee Meeting held 4 March 2014) and 10.7.1 (Recommendations for the Audit and Governance Committee Meeting held 4 March 2014) on the Council Agenda for the meeting to be held 25 March 2014.

I disclose that the City’s Auditors (Macri Partners) are also my personal accountants.”

10.7.1 Recommendations from the Audit and Governance Committee Meeting held 4 March 2014

Location:	City of South Perth
Ward:	Not applicable
Applicant:	Council
Date:	10 March 2014
Author:	Christine Lovett, Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide Council with the recommendations from the Audit and Governance Committee meeting held 4 March, 2014.

Audit and Governance Committee Recommendations and COUNCIL DECISION

Moved: Councillor Huston

Seconded: Councillor Cala

The Audit and Governance Committee recommends that the Council adopt the following recommendations from the meeting held 4 March, 2014.

1) Recent Changes to the DLGC Perspective of the responsibilities of audit and governance committees

That the Audit and Governance Committee recommends to Council that the officer’s report into the recent changes to the responsibilities of Audit & Governance Committee responsibilities be received.

2) Auditors Management Report for the period ended 30 June 2013

That the Audit and Governance Committee recommends to Council that:

- (a) the Auditors Report to the Audit & Governance Committee for the Year Ended 30 June 2013 be received;
- (b) the City’s responses to the matters raised in Part 8 of the Auditor’s Report to the Audit & Governance Committee be noted; AND
- (c) the Auditors be invited to attend the Audit and Governance Committee meeting three times per year:
 - i. before the commencement of the current year’s audit;
 - ii. following the presentation of the interim report following the field assessment; and
 - iii. following the conclusion of the final audit report.

Committee Recommendation and COUNCIL DECISION continued

3) 2013 Compliance Audit Return

That the Audit Committee recommends to the Council that it:

- (a) Adopt the 2013 Compliance Audit Return for the period 1 January 2013 to 31 December 2013
- (b) Authorise the Mayor and Chief Executive Officer to jointly certify the 2013 Compliance Audit Return, and
- (c) Submit the 2013 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

(Absolute Majority required)

4) Risk Management

That the Audit and Governance Committee recommends to Council that the officer's report relating to the City's Risk Management Strategy be noted and endorsed.

5) New Draft Planning Policy: Developer Contribution for Public Art

That the Audit and Governance Committee recommends to Council that they endorse proposed draft planning policy P316 – Developer Contribution for Public Art for advertising for community comment, in accordance with Town Planning Scheme No. 6 Clause 9.6(2), as follows:

- (a) The Council shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft planning policy may be inspected, the subject and nature of the draft planning policy, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) The Council shall review the draft planning policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy.
- (c) Following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.

6) Reports on applications for Planning Approval determined under Delegated Authority

That the Audit and Governance Committee recommends to Council that the list of applications for planning approval determined under delegated authority continue to be provided in a monthly report on the Council Agenda until such time that the list appears on the City website, when no further reports to Council are necessary.

7) Policy Review

That the Audit and Governance Committee, having reviewed the policies, recommends to Council:

That

- (a) the officer report detailing the review of the Council Policies be noted;
- (b) the following policies having been reviewed with 'no change' to content be adopted:

PI01	Public Art
PI02	Community Funding Program
PI04	Community Awards
PI05	Cultural Services and Activities
PI07	Disability Access
PI08	Honorary Freeman of the City
PI10	Support of Community and Sporting Groups
PI11	Commemoration
PI12	Community Advisory Groups
P201	Sustainable Procurement

Committee Recommendation and COUNCIL DECISION continued

10.7.1 Recommendations from the Audit and Governance Committee Meeting Held 4 March 2014

P202	Energy Conservation
P203	Groundwater Management
P204	Chemical Use
P205	Tree Preservation Orders
P207	Natural Areas
P208	Ecologically Sustainable Building Design
P209	Shade Structures
P210	Street Verges
P211	Water Sensitive Urban Design
P303	Design Advisory Consultants
P311	Subdivision Approval - Early release from conditions
P313	Local Heritage Listing
P353	Crossovers
P354	Stormwater Drainage Requirements for Proposed Buildings
P356	Electricity Substations
P357	Right of Way (ROW) Maintenance and Development
P401	Graffiti Management
P402	Alfresco Dining
P403	Charity Clothing Bins on City Managed Land
P501	Paths - Provision & Construction
P502	Cycling Infrastructure
P510	Traffic Management Warrants
P601	Preparation of Long Term Financial Plan and Annual Budget
P602	Authority to make payments from the Municipal and Trust Funds
P603	Investment of Surplus Funds
P604	Use of Debt as a Funding Option
P605	Purchasing & Invoice Approval
P606	Continuous Financial Disclosure
P607	Tenders and Expressions of Interest
P608	Dividend Policy - Collier Park Golf Course
P609	Lease of City Owned Buildings
P612	Disposal of Surplus Materials
P625	Equal Employment Opportunity
P626	The Elimination of Harassment in the Workplace
P629	Occupational Safety and Health
P637	Employee Separation Payments (formerly P507)
P649	Mayor Vehicle
P661	Complaints
P662	Advertising on Banner Poles
P665	Use of Council Facilities
P668	Mayoral Portraits
P669	Travel
P670	Delegates from Council
P671	Governance
P672	Briefings, Forums and Workshop
P673	Audio Recording of Council Meetings
P674	Management of Corporate Records
P675	Legal Representation
P677	State Administrative Tribunal
P680	Electronic Agendas
P687	Development of Council Owned Land
P688	Asset Management
P689	Applications for Planning Approval: Applicant's Responsibilities

Committee Recommendation and COUNCIL DECISION continued

P691	Business Excellence Framework
P692	Sustainability Policy
P693	Retiring Elected Members

(c) the following policies having been reviewed and the content revised be adopted:

P103	Communication and Consultation
P106	Use of City Reserves and Facilities
P206	Urban Forest (Previously known as Street Trees)
P352	Final Clearance Requirements for Completed Buildings
P613	Capitalisation and Valuation of Fixed Assets
P648	Motor Vehicles
P667	Member Entitlements

[Policy P667 'Member Entitlements' was further amended by Council to remove the word 'Western' from the second page under the heading 'Conference Attendance'.]

(d) the Policies listed below are undergoing a significant review and will be presented to Audit and Governance Committee meeting at a future date:

Strategic Direction 3 - Housing and Land Uses

P301	Consultation for Planning Proposals
P302	General Design Guidelines for Residential Development
P305	Land Reserves for Road Widening
P306	Development of Properties abutting River Way
P307	Family Day Care Centre and Child Day Care Centres
P308	Signs
P309	Satellite Dishes
P310	Telecommunications Infrastructure
P312	Serviced Apartments
P315	Car Parking Reductions for Non-Residential Development
P350	Residential Design Policy Manual (P350.1-P351)
P350.1	Sustainable Design
P350.2	Residential Boundary Walls
P350.3	Car Parking Access, Siting and Design
P350.4	Additions to Existing Dwellings
P350.5	Trees on Development Sites and Street Verges
P350.6	Safety and Security
P350.7	Fencing and Retaining Walls
P350.8	Visual Privacy
P350.9	Significant Views
P350.10	Ancillary Accommodation
P350.11	Aged or Dependent Persons' Dwelling
P350.12	Single Bedroom Dwellings
P350.13	Strata Titling of Dwellings Constructed prior to TPS6
P350.14	Use or Closure of Rights-of-Way
P350.15	Bed and Breakfast Accommodation
P351.12	9 Bradshaw and 8 Conochie Design Guidelines
P351.14	Cygnia Cove Residential Design Guidelines
P351.5	Streetscape Compatability - Precinct 5 'Arlington' and Precinct 6 'Kensington'
P358	House Numbers on Kerbs
P360	Informing the Neighbours of Certain Development Applications

Committee Recommendation and COUNCIL DECISION continued

Strategic Direction 6 – Governance, Advocacy and Corporate Management

P610	Collier Park Village - Financial Arrangements
P611	Collier Park Hostel - Financial Arrangements

8) Review of Council Delegations

That the Audit and Governance Committee, having reviewed the City's Delegations, recommends to Council that the Delegations, listed hereunder be adopted:

DC370	Approve or Refuse Granting of a Building Permit
DC371	Approve or Refuse Granting of a Demolition Permit
DC372	Grant or refuse to grant Occupancy Permits or Building Approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the Building Act 2011
DC375	Issue or Revoke Building Orders
DC511	Partial Closure of Thoroughfare for Repair or Maintenance
DC601	Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
DC602	Authority to Make Payments from Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders to a prescribed limit
DC609	Lease and Licences
DC612	Disposal of Surplus Property
DC616	Write off Debts
DC642	Appointment of Acting CEO
DC664A	Dogs – Limitation as to numbers
DC664B	Dogs – Dangerous Dog Declaration
DC664C	Dogs – Registration - NEW DELEGATION
DC665A	Cats – Registration – NEW DELEGATION
DC665B	Cats – Approval to Breed Cats – NEW DELEGATION
DC665C	Cats – Recover Costs – NEW DELEGATION
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Laws
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions
DC690	Town Planning Scheme 6

9) Review of Code of Conduct

That the Audit and Governance Committee recommends to Council that it adopt the revised Code of Conduct.

10) Review of Public Question Time Procedures

That the Audit and Governance Committee recommends to Council that it:

1. continues the practice of requiring public questions to be submitted in writing prior to the commencement of the Council Meeting;
2. adopts a six month trial period permitting individuals to ask their questions personally at the meeting; and
3. notes that an overall review of the Standing Orders will be undertaken in 2015 as part of the City of South Perth and Town of Victoria Park local government amalgamation process.

CARRIED (9/0)

Background

The Audit and Governance Committee meeting was held on 4 March 2014 with the following items listed for consideration on the agenda:

- 1) Recent Changes to the DLGC Perspective of the responsibilities of audit and governance committees
- 2) Auditors Management Report for the period ended 30 June 2013
- 3) 2013 Compliance Audit Return
- 4) Risk Management
- 5) New Draft Planning Policy: Developer Contribution for Public Art
- 6) Reports on applications for Planning Approval determined under Delegated Authority
- 7) Review of Council Policies 2014
- 8) Review of Council Delegations 2014
- 9) Review of Code of Conduct
- 10) Review of public question time procedures

The minutes and attachments of the Audit and Governance Committee are at **Attachment 7.1.2.**

Comment

The Audit and Governance Committee considered the following items:

1) Recent Changes to the DLGC Perspective of the responsibilities of audit and governance committees

A report presented an overview of the changes arising from the Department of Local Government's recent revision of Local Government Operational Guideline No 9 - Audit in Local Government. It identifies the City's current, concluded and proposed actions to allow the Audit & Governance Committee to discharge these responsibilities in an effective and informed manner. This report was adopted by the Audit & Governance Committee.

2) Auditors Management Report for the Period ended 30 June 2013

An officer report presented the Audit Management Report resulting from the audit undertaken on the 2012/2013 Annual Financial Statements by Macri Partners to the Audit & Governance Committee. This report was adopted by the Audit & Governance Committee.

3) Compliance Audit Return 2013

The Department of Local Government and Communities' 2013 Compliance Audit Return for the period 1 January 2013 to 31 December 2013 was adopted by the Audit and Governance Committee.

4) Risk Management

An officer report presented an overview of the City's Risk Management Strategy so that the Audit & Governance Committee have an appreciation of and could make an informed assessment of the effectiveness of the risk management approach employed by the City administration. This document provided context, background and an explanation of the Risk Management Framework. This report was adopted by the Audit & Governance Committee.

5) New Draft Planning Policy: Developer contribution for public art

The Audit & Governance Committee considered and adopted a proposed draft planning policy that requires private developers of significant projects within the City to contribute one percent of the total project cost towards public art. This will assist the City to grow the public art collection, for the benefit of the community.

6) Reports on Applications for Planning Approval Determined Under Delegated Authority

An officer report recommended that the list of applications for planning approval determined under delegated authority be provided in a monthly report in the Councilor's Bulletin, rather than a report to Council. This report was adopted by the Audit & Governance Committee.

7) Review of Council Policies 2014

The Audit and Governance Committee considered the policies listed for minor change, major change or undergoing significant review and to be presented at a future Audit and Governance meeting.

All policies listed for minor or major change were adopted by the Audit and Governance Committee.

The following policies are noted as undergoing significant review and will be presented a future Audit and Governance Committee meeting:

Strategic Direction 3 - Housing and Land Uses

P301	Consultation for Planning Proposals
P302	General Design Guidelines for Residential Development
P305	Land Reserves for Road Widening
P306	Development of Properties abutting River Way
P307	Family Day Care Centre and Child Day Care Centres
P308	Signs
P309	Satellite Dishes
P310	Telecommunications Infrastructure
P312	Serviced Apartments
P315	Car Parking Reductions for Non-Residential Development
P350	Residential Design Policy Manual (P350.1-P351)
P350.1	Sustainable Design
P350.2	Residential Boundary Walls
P350.3	Car Parking Access, Siting and Design
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P350.5	Trees on Development Sites and Street Verges
P350.6	Safety and Security
P350.7	Fencing and Retaining Walls
P350.8	Visual Privacy
P350.9	Significant Views
P350.10	Ancillary Accommodation
P350.11	Aged or Dependent Persons' Dwelling
P350.12	Single Bedroom Dwellings
P350.13	Strata Titling of Dwellings Constructed prior to TPS6
P350.14	Use or Closure of Rights-of-Way
P350.15	Bed and Breakfast Accommodation
P351.12	9 Bradshaw and 8 Conochie Design Guidelines
P351.14	Cygnia Cove Residential Design Guidelines
P351.5	Streetscape Compatability - Precinct 5 'Arlington' and Precinct 6 'Kensington'
P358	House Numbers on Kerbs
P360	Informing the Neighbours of Certain Development Applications

Strategic Direction 6 – Governance, Advocacy and Corporate Management

P610	Collier Park Village - Financial Arrangements
P611	Collier Park Hostel - Financial Arrangements

The committee discussed the following minor amendments to Policies P103, P206 and P667:.

- P103 Communication and Consultation - The word 'Stakeholders' is replaced with 'Community and Stakeholders' as shown in **Attachment 10.7.1**
- P206 Urban Forest (Previously known as Street Trees) – The City's proposed management practice in relation to Urban Forest will use the same terminology as the policy.
- P667 Member Entitlements - Reference to interstate conference attendance is removed and provision of equipment in relation to iPad's to all elected members and a mobile phone for the Mayor is clarified as shown in **Attachment 10.7.1**.

8) Review of Council Delegations

The Audit and Governance Committee considered and adopted the new delegations and those listed both for minor and major change.

9) 2013 Compliance Audit Return

The Audit and Governance Committee considered and adopted the Department of Local Government's 2013 Compliance Audit Return for the period 1 January 2013 to 31 December 2013.

10) Review of Public Question Time Procedures

In response to a request from Council, officers have undertaken a review of the City of South Perth's procedures for Public Question Time.

Officers advised that the current Council meeting procedures provide for a fair, equitable and efficient use of public question time. However, recommended that Council adopts a six month trial permitting individuals to personally ask their written questions at meetings. This report was adopted by the Audit & Governance Committee.

Consultation

The ten items were the subject of consideration at the 4 March 2014 Audit and Governance Committee.

Policy and Legislative Implications

The Audit and Governance Committee is held under the prescribed requirements of Part 7 Audit of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

Financial Implications

Nil.

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](#), in particular, Strategy G2 *Ensure that the City's governance enables it to respond to the community's vision.*

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUEST FOR LEAVE OF ABSENCE – CR HAWKINS-ZEEB

I hereby apply for Leave of Absence from all Council Meetings for the period (inclusive):

- 8 April to 30 April 2014

11.2 REQUEST FOR LEAVE OF ABSENCE – CR REID

I hereby apply for Leave of Absence from all Council Meetings for the periods (inclusive):

- 28 April to 2 May 2014
- 2 June to 6 June 2014

Recommendation and COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Irons

That Councillor Hawkins-Zeeb and Councillor Reid's requests for leave of absence as outlined in items 11.1 and 11.2 above be approved.

CARRIED (9/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

A table of questions from Members and the responses given can be found in **Appendix 2**.

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

Nil.

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.

Declaration of Interest – Chief Executive Officer

“I wish to declare a financial interest in Agenda Items 7.1.3 (Minutes of the CEO Evaluation Committee Meeting Held 11 March 2014) and 15.1.1 (Recommendations for the CEO Evaluation Committee Meeting held 11 March 2014) on the Council Agenda for the meeting to be held 25 March 2014.

As I am the subject of these items, I will leave the Council Chamber when these items are discussed or voted on by the Council.”

The Chief Executive Officer left the Council Chamber at 9:05pm.

The Mayor closed the meeting to the public at 9:05pm.

15.1.1 Recommendations from the CEO Evaluation Committee Meeting held 11 March 2013 - **Confidential**

Location:	City of South Perth
Applicant:	Council
Date:	11 March 2013
Author/Reporting Officer	Helen Cardinal, Manager Human Resources

Confidential

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following: *a matter affecting an employee or employees.*

Note: *Confidential Report* circulated separately.

The Mayor opened the meeting the public again at 9:24 pm.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15.2.1 Recommendations from the CEO Evaluation Committee Meeting held 11 March 2014

COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Irons

That Council adopts the CEO Evaluation Committee Recommendations as contained in the Confidential Report Item 15.1.1 of the March 2014 Ordinary Council Agenda (as amended by Council).

CARRIED (9/0)

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 9:25pm. The Mayor then re-opened the meeting after formally closing it, prior to any attendees in the public gallery leaving.

The Mayor explained that the Council needed to go back into closed session to address a procedural omission. The Council re-entered a closed to the public session at 9:25pm, at 9:29 pm the meeting was re-opened to the public, and the public reading of resolutions that may be made public was made again.

The Mayor then formally re-closed the Ordinary Council Meeting at 9:30pm.

DISCLAIMER

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

These Minutes were confirmed at a meeting on 15 April 2014.

Signed _____

Chairperson at the meeting at which the Minutes were confirmed

17. RECORD OF VOTING

25/03/2014 7:25 PM

Item 7.1.1

Motion Passed 9/0

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

25/03/2014 7:27 PM

Item 7.1.2

Motion Passed 9/0

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

25/03/2014 7:29 PM

Item 7.1.3

Motion Passed 9/0

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

25/03/2014 7:30 PM

Items 7.2.1 and 7.2.2

Motion Passed 9/0

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

25/03/2014 7:31 PM

Item 8.1.1

Motion Passed 9/0

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

25/03/2014 7:31 PM

Items 8.3.1 to 8.3.6

Motion Passed 9/0

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

25/03/2014 7:36 PM

Item 9 – En Bloc Resolution

Motion Passed 9/0

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

25/03/2014 7:51 PM

Item 10.0.1 – Officer Recommendation

Motion Lost 4/5

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Kevin Trent

No: Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

25/03/2014 8:02 PM

Item 10.0.1 – Alternative Motion

Motion Passed 8/1

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

No: Cr Kevin Trent

25/03/2014 8:04 PM

Item 10.0.2 – Amended Motion and Council Decision

Motion Passed 9/0

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

25/03/2014 8:05 PM

Item 10.04 – Amended Motion and Council Decision

Motion Passed 9/0

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

25/03/2014 8:17 PM

Item 10.0.5 – Alternative Motion and Council Decision

Motion Passed 9/0

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

25/03/2014 8:19 PM

Item 10.3.1

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

25/03/2014 8:50 PM

Item 10.3.3 – Officer Recommendation

Motion Passed 5/4

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

No: Cr Colin Cala, Cr Veronica Lawrance, Cr Cheryle Irons, Cr Kevin Trent

25/03/2014 8:52 PM

Item 10.7.1 – Committee Recommendation

Motion Passed 9/0

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

25/03/2014 8:54 PM

Item 11.1 and 11.2

Motion Passed 9/0

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

25/03/2014 9:07 PM

Item 15.1.1 – Suspension of Standing Orders

Motion Passed 9/0

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

25/03/2014 9:20 PM

Item 15.1.1 – Commencement of Standing Orders

Motion Passed 9/0

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

25/03/2014 9:21 PM

Item 15.1.1 – Amended Motion (including revocation motions)

Motion Passed 9/0

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

25/03/2014 9:28 PM

Item 15.1.1 – Considering revocation of decision

Motion Passed 9/0

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

25/03/2014 9:28 PM

Item 15.1.1 – Revocation of decision

Motion Passed 9/0

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

No: Absent: Casting Vote

25/03/2014 9:29 PM

Item 15.1.1 – Committee Recommendation (as amended)

Motion Passed 9/0

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

APPENDIX I – PUBLIC QUESTION TIME 25 MARCH 2014

ITEM 6.2 PUBLIC QUESTION TIME: 25 MARCH 2014

I. Jennifer Nevard, 195 Mill Point Road, South Perth Received enquiries 24 March 2014	Response provided by: Mark Taylor, Acting Director Infrastructure Services
<p>Preamble</p> <p>The status of annotations noted on the original but current titles for resumed land comprising the greater portion of Sir James Mitchell Park (i.e., Mends St to Ellam St) indicate that these blocks were purchased by the State for a specified use, namely as recreation grounds beside the Swan River and for Swan River improvements. This status on the resumed blocks remains current.</p> <p>Guardianship of these lands was vested in the South Perth Road Board from the resumption dates up to the early 1940s, and subsequently the blocks remain the day to day responsibility of the City of South Perth.</p> <p>Recently, Landgate provided a non-legal opinion (please see letter attachment) in response to a number of rate payer enquiries, indicating the unchanged status of the notations on the original land titles but re-asserted that they would not include this information on the digital titles. Landgate has agreed to include the link to the relevant Government Gazette entries from the various resumption dates up to the early 1940s and these, in turn, identify the relevant original land titles.</p> <p>While the early Government Gazette material is a helpful sign post to the relevant titles, it does not provide binding evidence of the conditions placed on the land at the time. This only appears on the original tiles which are now becoming ‘buried’ in Landgate’s bureaucratic administrivia.</p> <p>I acknowledge that it is poor practice for one government funded agency to raise difficulties for another, however, there are two considerations for the City of South Perth that I raise here:</p> <p>1) The quality of the gate-keeping role the City of South Perth is maintaining on the resumed blocks within Sir James Mitchell Park;</p>	

<p>2) The level of liability the City of South Perth would carry if the current status of the blocks were to be altered, partially as a result of insufficient diligence being exerted by the City of south Perth on making the information held on the original titles clearly available for public scrutiny and readily enforceable.</p>	
<p>PART A</p> <p>1. What is the City of South Perth Council's legal advice on the level of liability to the City ratepayers, the City would carry for any changes to the status of the resumed blocks in Sir James Mitchell Park if these changes are achieved outside of an Act of Parliament or decision by the Governor?</p>	<p>The City has not sought legal advice as this is considered unnecessary. There are no changes proposed to the status of the resumed lands in Sir James Mitchell Park.</p>
<p>PART B</p> <p>2. Because the status of the notations remain current on the resumed blocks in Sir James Mitchell Park and, according to Landgate's policy regarding digital titles, current information is held on the digital titles what reason does the City have for not negotiating with Landgate to instate the notations on the Landgate digital titles, in the spirit of good governance and government transparency?</p>	<p>The City has received advice from Landgate (20 November 2013) that there is no legal requirement to endorse the purpose of the resumption as the legal status has not changed.</p>
<p>PART C</p> <p>3. In the spirit of good governance, good will and government transparency, will the City of South Perth make arrangements for ratepayers to be able to readily access the original titles for the resumed blocks on Sir James Mitchell Park through the City Library system or some similar information process?</p>	<p>The City considers that it is better for members of the public to access and view a duplicate copy of the original Certificate of Title from Landgate, as they are the custodians of the Western Australia Land Register.</p>
<p>2. Lindsay Jamieson Received enquiries 25 March 2014</p>	<p>Response provided by: Cliff Frewing, Chief Executive Officer</p>
<p>I observe from the City website at 20:00 on 24 March 2014 that the Attachment for agenda item 10.7.1, 3 2013 Compliance Audit Return" is not available.</p>	
<p>1. Will Council allow this agenda item to go through when the public has not had an opportunity to scrutinise the document? Note that errors in the Compliance Audit Return have previously been found by members of the public.</p>	<p>Councillors have had access to this information for some period of time. There were no areas of non-compliance identified in the 2013 Compliance Audit Return. The Council is required to submit the Compliance Audit Return by 31 March 2014.</p>
<p>2. Does Council consider it good governance to have a report from the Audit and Governance Committee withheld from the public on the eve of Council considering the report for adoption?</p>	<p>The Audit and Governance Committee has no delegated power and therefore is closed to members of the public. Copies of the 2013 Compliance Audit Return have been made available to members of the public today for information.</p>
<p>3. What will Council do if a member of the public finds an error in the report after it has been adopted by Council?</p>	<p>If an error is found by a member of the public it can be reported to the Department of Local Government.</p>

3. Marcia Manolas, 193 Mill Point Road, South Perth Received enquiries 25 March 2014	Response provided by: Mark Taylor, Acting Director Infrastructure Services
<p>In response to Landgate's latest letter dated 28th February 2014, copy attached which shows new digital titles, I ask Council as custodians of the land comprising Sir James Mitchell Park - Ellam St. to Mends St. the following: Question:</p> <p>1. Are Councillors and Administration aware of various contradictory statements made in Landgate's letter of the 28th February 2014?</p> <p>Landgate states:</p> <p>(i) <i>"the new Digital Titles does not alter the legal status of the resumed land,</i> (ii) <i>the resumption of the land is binding whether or not it is endorsed on the Titles",</i> (iii) <i>"the resumption is current and not superseded"</i> (iv) Landgates disclaimer, <i>"I am a lawyer, this is not legal advice"</i>.</p> <p>Landgate effectively contradicts it own Land Titles Registration Practice manual page 51 Edition 10.3 July 2013 which states: <i>"a major feature of the digital register is that now only current details are displayed and any superseded data is removed to a historical file that is still searchable"</i>.</p> <p>Landgate has chosen not to transfer the purpose of use annotation from the original Certificate of Titles for the resumed land of Sir James Mitchell Park to the newly created digital Titles, even though Landgate in its letter states, <i>"the resumption is current and not superseded"</i>.</p> <p>This leaves the situation ambiguous (at best) and non-binding (at worst). Landgate on the digital titles has referred to the resumption published in the Government Gazette 1940. This does not show readily, clearly or conclusively that the resumption is current. Landgate's endorsement only shows that the information of the annotation was current in 1940. For the status of the Park to be conclusively clear that the resumption remains current and binding, the annotation must be properly shown on all the newly created digital titles of Sir James Mitchell Park, (Ellam St. to Mends St.)</p>	<p>The City does not believe there are any contradictory statements made in Landgate's letter.</p>
<p>2. In reference to the above, is Council as custodians of the Park, prepared to obtain a legal opinion as to :</p>	

<p>(a) whether the actions taken by Landgate to not endorse the purpose of use of the resumed land on the digital titles Ellam St. to Mends St is lawful?</p>	<p>The City does not propose to seek legal advice given the advice received from Landgate dated 20 November 2013.</p>
<p>(b) The action taken by Landgate in not transferring the original annotation from the original Certificate of Titles to the new digital titles and only endorsing the digital titles with the reference to the Government Gazette is valid? Does Landgate have that right?</p>	<p>The City does not propose to seek legal advice given the advice received from Landgate 20 November 2013.</p>
<p>(c) Has Landgate extended the reference to the government gazette to all the Certificate of Titles making up Sir James Mitchell Park - Ellam St. to Mends St. or only to the few discussed in the correspondence.</p>	<p>This question was taken on notice.</p>
<p>(d) Is Administration and Councillors aware there is a discrepancy in the Sundry documentation currently attached to the digital Certificate of titles provided by Landgate in their letter dated 28.2.2014?</p> <p>I outline as follows:</p> <p>(i) Digital Titles 2819 Folio 645 together with Sundry document M389615 XA, referring to Government Gazette April 1940 relates to ORIGINAL Title Vol. 247 Fol. 132;</p> <p>(ii) Digital Volume 2820 Folio 807, together with Sundry document relating to Government Gazette April 1940 which should relate to original Title Vol. 41 Fol. 34 however the Sundry document M386234 XA does NOT make reference to the original Certificate of Title Vol and Folio like in the first instance 4 (i) ;</p> <p>(iii) Digital title Vol. 2820 Folio 800 together with Sundry document referring to Government Gazette April 1940 which should relate to the original Title Volume 14 and Folio 304 , however, the Sundry document M380666 XA does not make reference to the original Certificate of Title vol. and Folio like in the first instance 4 (i) ;</p> <p>(iv) Digital title Volume 2820 Folio 806 together with the Sundry document referring to Government Gazette April 1940 which should relate to the original Title Volume 14 Folio 34, however, the Sundry document M386235 XA does NOT make reference to the original Certificate of title volume and folio like in the first instance 4 (i);</p> <p>(v) Digital Title Volume 2820 Folio 805 together with the Sundry Document referring to the Government Gazette April 1940 which should relate to</p>	<p>This question was taken on notice.</p>

<p>the original Title Volume 11 Folio 391, however, the Sundry document M380667 XA does NOT make reference to the original Certificate of Title Volume and Folio like in the first instance, 4 (i).</p> <p>(vi). Digital Title Volume 2820 Folio 808 together with the Sundry Document referring to the Government Gazette April 1940 which should relate to the original Title Volume 995 Folio 38, however, the Sundry document M386236 XA does NOT make reference to the original Certificate of Title Volume and Folio like in the first instance 4 (i).</p>	
<p>(e) Therefore, is the City of South Perth going to write to Landgate and ask clarification as to why all the Sundry documents do not state the original Title details in the Volume and Folio section of the Sundry document annexed to the individual Digital Titles similar to the Sundry document M389615 XA relating to Digital Title 2819 Folio 645.</p>	<p>This question was taken on notice.</p>
<p>(f) Is the City of South Perth prepared to obtain legal advice as to whether the Sundry documentation is valid, even if amended by Landgate to be uniform, to provide the protection being the purpose use of the resumed land as endorsed on the original Certificate of Titles.</p>	<p>This question was taken on notice.</p>
<p>3. (a) As custodians of the resumed land, will Council write to Landgate and request the annotations appearing on ALL the original Certificate of Titles be endorsed on ALL the digital titles of Sir James Mitchell Park (Ellam St to Mends St) ?</p> <p>If Council writes, this adds authority to the request. Currently Landgate"s letter only refers to some of the original Certificate of titles.</p>	<p>This question was taken on notice.</p>
<p>3. (b) Landgate clearly states in its letter, <i>“whilst I am a lawyer, this is not legal advice”</i>. If Council chooses not to clarify the validity and lawfulness of the current annotation not being endorsed on all the Digital Titles, and the action of Landgate is only a reference to the Government Gazette 1940 which may place a third party at risk in dealing with the land, who will be held responsible and liable?</p>	<p>This question was taken on notice.</p>
<p>4. Geoff Defrenne, 24 Kennard St, Kensington Received enquiries 25 March 2014</p>	<p>Response provided by: Cliff Frewing, Chief Executive Officer</p>
<p>The city is considering changing Policy PI03 Communication and Consultation. The main inclusion is the word <i>stakeholder</i>.</p>	

<p>Policy PI03 Communication and Consultation Responsible Business Unit/s Community, Culture and Recreation Responsible Officer Manager Community, Culture and Recreation Affected Business Unit/s All business units involved with community and stakeholder consultation</p> <p>1. In respect to this policy what is the definition or meaning of the word stakeholder?</p>	<p>A stakeholder is a person, group, business or organisation who has or may have an interest in a particular project or issue.</p>
<p>2. Will the council include a definition of the word stakeholder in this policy?</p>	<p>It is not proposed to include a definition of 'stakeholder' in this policy.</p>
<p>3. Is the community a stakeholder for the purposes of this policy?</p> <p><i>The City:</i></p> <ul style="list-style-type: none"> • values feedback and will endeavour to maximise community and stakeholder participation in its activities; • will implement practices to ensure an appropriate level of communication and consultation; • will convey to the community and stakeholders its activities, their objectives and feedback opportunities; • will consider views expressed by the community and stakeholders in it 	<p>All members of the community are considered to be stakeholders for the purpose of this policy.</p>
<p>5. Marcia Manolas, 193 Mill Point Road, South Perth (continued) Received enquiries 25 March 2014</p>	<p>Response provided by: Mark Taylor, Acting Director Infrastructure Services</p>
<p>4. Is Council prepared to place in the City of South Perth library copies of the original Certificate of Titles and the Landgate letter of the 28th February 2014 relating to the resumed land Ellam Street to Mends St of Sir James Mitchell Park for all residents to have access?</p>	<p>Any member of the public can access and view a duplicate copy of the original Certificate of Title from Landgate, custodian of Western Australia's land register</p>
<p>5. At the February 2014 Council Meeting, Administration advised, "<i>the City does not intend to appoint a consultant planner</i>" for the South Perth Foreshore. If the situation changes, and the City of South Perth engages or appoints a consultant, will the Council's planning Brief for the consultants come to Council for Councillors discussion and endorsement prior to being forwarded to the appointed consultant planner?</p>	<p>The City does not intend to appoint a consultant planner to undertake this work.</p>
<p>6. In the February 2014 Council Minutes, with reference to the South Perth Foreshore, the Minutes state, "<i>The City is performing the work in house</i>". If this is the case, what Brief is Administration using and if so, has it come to the Councillors for consideration?</p>	<p>The brief for the document is essentially the results of the stakeholder consultation as resolved by Council at the November 2013 Ordinary Council Meeting. The City will also be taking into account guidelines for the preparation of foreshore management plans developed by the Swan River Trust.</p>

	The City will be holding a workshop with Councillors to review a draft of the document prior to it being considered by Council.
6. Geoff Defrenne, 24 Kennard St, Kensington (continued) Received enquiries 25 March 2014	Response provided by: Cliff Frewing, Chief Executive Officer
With reference to Policy P013 Communication and Consultation: 4. In considering the views expressed by stakeholders, will councillors be in breach of S2.10 (in particular (a) & (c) of Local Government Act 1995 in that “stakeholders” are not part of the role of councillors?	Stakeholders are considered to be an important part of the decision making process.
2.10. The role of councillors A councillor — (a) represents the interests of electors, ratepayers and residents of the district; (c) facilitates communication between the community and the council;	
5. If there is a conflict between the community and non- community stakeholders, which group will have precedence?	This hypothetical question is difficult to answer. Each situation will be assessed on its own merit.
Policy P667 Member Entitlements <ul style="list-style-type: none"> Responsible Business Unit/s Governance and Administration Responsible Officer Manager Governance and Administration, Chief Executive Officer affected Business Unit/s Governance and Administration <p>I note with interest the change in the following sentence and in particular the word “generally”.</p>	
6. Why is necessary to include the word “generally”?	‘Generally’ is used as there are exceptions to this Policy as outlined.
7. By including the word “generally”, is this policy being “definitive”?	‘Generally’ is used as there are exceptions to this Policy as outlined.
8. Could the city please advise of any circumstances where the city would provide any such equipment?	No, but the policy provides for such action to be taken in appropriate circumstances on a short term basis.
9. Who would make that decision? <i>The City will not <u>generally</u> provide equipment to members such as fax machines, telephones, mobile phones or laptops (exceptions are noted below).</i>	The Chief Executive Officer may approve such actions for short term periods.

<p>I note with interest the inclusion of the following:-</p> <p><i>Provision of Equipment for Elected Members and the Office of the Mayor</i> <i>The City will provide the Office of the Mayor with a mobile phone for the Mayor's use.</i></p> <p>10. Has the office of the Mayor been provided with a mobile phone for the Mayors use.</p>	<p>Yes. For a minimum of ten years.</p>
<p>11. If the Mayor has previously been provided with a mobile phone, how long has this practice been in place?</p>	<p>This matter has been previously responded to in October, November and December 2013.</p>
<p>12. If the Mayor has been provided with a mobile phone before the adoption of this policy, has that provision been contrary to the existing and previous versions of P667?</p>	<p>This matter has been previously responded to in October, November and December 2013.</p>
<p>13. If there has been a breach of P667, who is responsible for that breach?</p>	<p>This matter has been previously responded to in October, November and December 2013.</p>
<p>Please note: At this point, the 15 minutes allocated for public question time ended. All remaining questions were taken on notice.</p>	
<p>I also note the following change in Members equipment of the inclusion of an iPad.</p> <p><i>Members Clothing Apparel and Equipment</i> <i>In order to assist members in the performance of their duties the following clothing and equipment will be provided to all members:</i></p> <ul style="list-style-type: none"> • <i>A City of South Perth polo neck t-shirt;</i> • <i>A City of South Perth tie or neck scarf;</i> • <i>A four drawer filing cabinet with inserts;</i> • <i>A City of South Perth name badge; and,</i> • <i>500 City of South Perth business cards.</i> • <i>iPad</i> 	
<p>14. As this policy has not been adopted, has any member of the council been provided with an iPad or similar device?</p>	<p>This question was taken on notice.</p>
<p>15. If any councillor has been provided with an iPad has this been in breach of P667?</p>	<p>This question was taken on notice.</p>
<p>16. If there has been a breach of P667, who is responsible for that breach?</p>	<p>This question was taken on notice.</p>
<p>17. Who can breach council policy with impunity?</p>	<p>This question was taken on notice.</p>

<p>18. The word iPad is a brand name (and registered trademark) for what is generally known as a tablet, is the city locking itself into a particular brand by using the word Ipad?</p>	<p>This question was taken on notice.</p>
<p>19. Will these questions and prepared answers be transmitted to all councillors by their city provided iPads?</p>	<p>This question was taken on notice.</p>
<p>I note with interest agenda item 10.7.1</p> <p>10.7.1 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE</p> <p>9) Review of Code of Conduct</p> <p>20. Does the city believe it is providing good governance by not providing the community with a copy of the proposed Code of Conduct before it is considered by the council?</p>	<p>This question was taken on notice.</p>
<p><i>That the Audit and Governance Committee recommends to Council that it adopt the revised Code of Conduct.</i></p> <p><i>10) Review of Public Question Time Procedures</i> <i>That the Audit and Governance Committee recommends to Council that it:</i></p> <ol style="list-style-type: none"> <i>1. continues the practice of requiring public questions to be submitted in writing prior to the commencement of the Council Meeting;</i> <i>2. adopts a six month trial period permitting individuals to ask their questions personally at the meeting; and</i> <i>3. notes that an overall review of the Standing Orders will be undertaken in 2015 as part of the City of South Perth and Town of Victoria Park local government amalgamation process.</i> <p>The Town of Victoria park local law in respect to (STANDING ORDERS LOCAL LAW 2011) in respect to question time is very simple</p> <p><i>5.3 Question time for the public</i> <i>Question time for the public is dealt with in the Act.</i></p> <p>And in practice I believe they actually hold two question times.</p>	

21. Why does the council believe it is necessary to have a more complicated law in respect to question time?	This question was taken on notice.
22. Is the council afraid of holding an open question time?	This question was taken on notice.
<p><i>Background</i> <i>The Audit and Governance Committee meeting was held on 4 March 2014 with the following items listed for consideration on the agenda:</i></p> <ol style="list-style-type: none"> <i>1) Recent Changes to the DLGC Perspective of the responsibilities of audit and governance committees</i> <i>2) Auditors Management Report for the period ended 30 June 2013</i> <i>3) 2013 Compliance Audit Return</i> <i>4) Risk Management</i> <i>5) New Draft Planning Policy: Developer Contribution for Public Art</i> <i>6) Reports on applications for Planning Approval determined under Delegated Authority</i> <i>7) Review of Council Policies 2014</i> <i>8) Review of Council Delegations 2014</i> <i>9) Review of Code of Conduct</i> <i>10) Review of public question time procedures</i> <p><i>The minutes and attachments of the Audit and Governance Committee are at Attachment 7.1.2</i></p> <p><i>There is no Attachment 7.1.2 published on the council website.</i></p>	
23. Are any of these item confidential?	This question was taken on notice.
24. If so, which item?	This question was taken on notice.
25. Is the Audit and governance Committee part of a "Secret Squirrel Society"?	This question was taken on notice.
26. Is the 2013 Compliance Audit Return going to be made public before the council votes on it?	This question was taken on notice.
27. Is the 2013 Compliance Audit Return going to be made public after the council votes on it?	This question was taken on notice.
28. If there is any errors in the 2013 Compliance Report, how will the council correct them?	This question was taken on notice.

7. Lindsay Jamieson Received enquiries 25 March 2014	
<p>Following the Decision by the Information Commissioner to overturn the City rejection of my FOI request the City provided me with a set of documents on 14 October 2013 and closed the FOI request.</p> <p>On 18 November 2013 I sent an appeal to the City citing a number of classes of documents that were missing. The City subsequently sent me more than 50 more documents dated 03 Jan 2014, advised any other documents will be missing and no findable, an then, you guessed it, they again closed the FOI request.</p> <p>On 18 February 2014 I lodged an appeal to the Information Commissioner. In that appeal, among other things, I cited multiple documents where it is irrefutable they went via the CEO. One of these irrefutable documents was also listed to be sent to the email address “records for filing”. The City has been informed by the Information Commissioner and is now having to respond to my appeal.</p>	
<p>1. Has Council been fully informed of the progression on my FOI request? If yes, then please advise what communications have been made and when.</p>	<p>This question was taken on notice.</p>
<p>2. Was Council aware that after closing my FOI request on 14 October 2013 more than 50 additional documents were subsequently found and provided to me?</p>	<p>This question was taken on notice.</p>
<p>3. Does Council believe the City was diligent in handling my FOI request up to 14 October 2013, given that more than 50 additional documents were subsequently found?</p>	<p>This question was taken on notice.</p>

APPENDIX 2 – QUESTIONS FROM MEMBERS 25 MARCH 2014

ITEM 13.2 QUESTIONS FROM MEMBERS – 25 MARCH 2014

Councillor Huston Questions asked at the Ordinary Council Meeting	
I have some concerns and questions regarding Local Government Reform:	
1. For the staff on contracts, what is the term for a payout, if the position is no longer required?	This question was taken on notice.
2. What unfunded liability does the City currently have in terms of sick leave, annual leave, and other accumulated leave?	This question was taken on notice.
3. Does this exceed the maximum amount recommended in Local Government guidelines?	This question was taken on notice.
Land Titles for Sir James Mitchell Park. I have undertaken a search of the Land Titles for Sir James Mitchell Park, because of the discrepancies that have been raised by concerned residents.	
4. Can I please table these documents, so that they form part of the Council records?	The Mayor sought advice from the Chief Executive Officer regarding the tabling of these documents. The CEO advised that the documents could be accepted and placed in the Council records management system.
Councillor Cala Question asked at the Ordinary Council Meeting	
1. It appears that City Officers are not utilising the Design Advisory Committee as much as they used to. Is there any reason why they are being used less?	Response provided by the Director Development and Community Services The Director of Development and Community Services responded that she was not aware that the Design Advisory Committee was being used less. She advised that the Terms of Reference and Policy associated with the Committee set out what should be considered by the Committee. The question was taken on notice so that a more detailed reply could be provided.
Councillor Trent Question asked at the Ordinary Council Meeting	
1. The current City of South Perth Council membership on the Local Implementation Committee (with the Town of Victoria Park) is Mayor Doherty, Councillor Hawkins-Zeeb and myself. This Committee meets on a regular basis, and it seems appropriate that there should be a deputy/or deputy members of Council that attend these meetings, when the delegates are unable to. Has this been considered?	Response provided by the Chief Executive Officer The Chief Executive Officer advised that this is currently under consideration. That it would be raised at the Local Implementation Committee meeting to be held Monday 31 March 2014. If agreed to by the Committee, the CEO advised that a report would come back to Council in April seeking election of a deputy or deputy delegates.