

MINUTES

Ordinary Council Meeting

28 October 2014

Notice of Meeting

To: The Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 28 October 2014 in the Council Chamber, Sandgate Street, South Perth at 7.00 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER

31 October 2014



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7.00 pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. 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/

Contents

| | | |
|-----------|---|-----------|
| 1. | DECLARATION OF OPENING | 6 |
| 2. | DISCLAIMER | 6 |
| 3. | ANNOUNCEMENTS FROM THE PRESIDING MEMBER | 6 |
| 3.1 | SPECIAL COUNCIL MEETING - 4 NOVEMBER 2014 LOCAL GOVERNMENT REFORM | 6 |
| 3.2 | WELCOME STUDENTS FROM CURTIN UNIVERSITY | 6 |
| 3.3 | ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES | 6 |
| 3.4 | PUBLIC QUESTION TIME FORMS | 6 |
| 3.5 | AUDIO RECORDING OF COUNCIL MEETING | 6 |
| 4. | ATTENDANCE | 7 |
| 4.1 | APOLOGIES | 7 |
| 4.2 | APPROVED LEAVE OF ABSENCE | 7 |
| 5. | DECLARATIONS OF INTEREST | 7 |
| 5.1 | ITEM 10.1.3 ERNEST JOHNSON MASTER PLAN | 7 |
| 5.2 | ITEMS 7.1.2 AND 15.1.2 CEO EVALUATION COMMITTEE (CONFIDENTIAL) MEETING HELD 14 OCTOBER 2014 | 7 |
| 6. | PUBLIC QUESTION TIME | 8 |
| 6.1 | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 8 |
| 6.1.1 | Responses to Questions Taken on Notice - 23 September 2014 Ordinary Council Meeting | 8 |
| 6.2 | PUBLIC QUESTION TIME: 28 OCTOBER 2014 | 8 |
| 7. | CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1 | 9 |
| 7.1 | MINUTES | 9 |
| 7.1.1 | Ordinary Council Meeting – held 23 September 2014 | 9 |
| 7.1.2 | CEO Evaluation Committee Meeting (Confidential) – held 14 October 2014 | 9 |
| 7.2 | BRIEFINGS | 10 |
| 7.2.1 | Agenda Briefing – held 16 September 2014 | 10 |
| 8. | PRESENTATIONS | 10 |
| 8.1 | PETITIONS | 10 |
| 8.2 | PRESENTATIONS | 10 |
| 8.3 | DEPUTATIONS | 10 |
| 8.4 | COUNCIL DELEGATES REPORTS | 10 |

| | | |
|------------|--|------------|
| 8.5 | CONFERENCE DELEGATES REPORTS | 10 |
| 9. | METHOD OF DEALING WITH AGENDA BUSINESS | 11 |
| 9.1 | EN BLOC MOTION | 11 |
| 10. | REPORTS | 12 |
| 10.0 | MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS | 12 |
| 10.1 | STRATEGIC DIRECTION 1: COMMUNITY | 13 |
| 10.1.1 | Australia Day 2015 | 13 |
| 10.1.2 | Arts Advisory Group | 20 |
| 10.1.3 | Ernest Johnson Master Plan | 23 |
| 10.2 | STRATEGIC DIRECTION 2: ENVIRONMENT | 32 |
| 10.3 | STRATEGIC DIRECTION 3: HOUSING AND LAND USES | 33 |
| 10.3.1 | Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities | 33 |
| 10.3.2 | Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como | 42 |
| 10.3.3 | Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point. | 57 |
| 10.3.4 | Proposed Additions and Alterations to Single House. Lot 519 (No. 8) River Way, Salter Point | 72 |
| 10.4 | STRATEGIC DIRECTION 4: PLACES | 79 |
| 10.4.1 | Tender 13/2014 "Provision of Project Management Services for the Ernest Johnson Oval Master Plan" | 79 |
| 10.5 | STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT | 84 |
| 10.6 | STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT | 85 |
| 10.6.1 | Monthly Financial Management Accounts - September 2014 | 85 |
| 10.6.2 | Monthly Statement of Funds, Investments and Debtors at 30 September 2014 | 91 |
| 10.6.3 | Listings of Payment | 96 |
| 10.6.4 | Carrying Forward Projects as at 30 June 2014 | 98 |
| 10.6.5 | WALGA Poll Provisions Advocacy Position | 101 |
| 10.6.6 | Council Meeting Schedule - 2015 | 108 |
| 10.6.7 | Review of Policy P669 Training and Development | 110 |
| 10.7 | MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE | 112 |
| 11. | APPLICATIONS FOR LEAVE OF ABSENCE | 113 |
| 11.1 | REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR TRENT | 113 |
| 11.2 | REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR REID | 113 |
| 12. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 113 |
| 12.1 | COUNCILLOR TRENT – ALTERNATIVE MOTION – ITEM 10.1.3 ERNEST JOHNSON MASTER PLAN | 113 |

| | |
|--|------------|
| 13. QUESTIONS FROM MEMBERS | 113 |
| 13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE | 113 |
| 13.1.1 The Old Mill - Drink Dispenser | 113 |
| 13.2 QUESTIONS FROM MEMBERS | 114 |
| 13.2.1 Questions from Councillor Trent | 114 |
| 13.2.2 Questions from Councillor Irons | 114 |
| 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING | 114 |
| 15. MEETING CLOSED TO PUBLIC | 114 |
| 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED | 115 |
| 15.1.1 2014 Volunteer of the Year Awards | 115 |
| 15.1.2 Recommendations from the CEO Evaluation Committee Meeting held on 14 October 2014 | 115 |
| 15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC | 116 |
| 15.1.1 2014 Volunteer of the Year Awards | 116 |
| 15.1.2 Recommendations from the CEO Evaluation Committee Meeting held on 14 October 2014 | 116 |
| 16. CLOSURE | 116 |
| 17. RECORD OF VOTING | 117 |
| APPENDICES | 120 |
| APPENDIX ONE: MAYOR'S ACTIVITY REPORT – SEPTEMBER 2014 | 120 |
| APPENDIX TWO: PUBLIC QUESTION TIME – 28 OCTOBER 2014 | 122 |
| DISCLAIMER | 128 |

Ordinary Council Meeting Minutes

Minutes of the Ordinary Council Meeting of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth Tuesday 28 October 2014.

1. DECLARATION OF OPENING

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

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 SPECIAL COUNCIL MEETING - 4 NOVEMBER 2014 LOCAL GOVERNMENT REFORM

The Presiding Member announced that a Special Council meeting has been scheduled for Tuesday 4 November 2014 commencing at 5.30 pm in the Council Chambers in relation to the recent announcement by the Minister about the Local Government Advisory Board's recommendations on local government reform. The Agenda and Attachments will be available on the City's website.

3.2 WELCOME STUDENTS FROM CURTIN UNIVERSITY

The Presiding Member welcomed Curtin University Planning students, who were observers to the meeting.

3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor's Activities Report for September 2014 was inadvertently omitted from the Agenda, however a copy would be made available in the Minutes. The Activities Report can be found at **Appendix One**.

3.4 PUBLIC QUESTION TIME FORMS

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

3.5 AUDIO RECORDING OF COUNCIL MEETING

The Presiding Member advised that the meeting is 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".

4. ATTENDANCE

Mayor Doherty (Presiding Member)

Councillors

| | |
|-------------------|-----------------|
| C Cala | Manning Ward |
| G Cridland | Como Ward |
| V Lawrance | Como Ward |
| M Huston | Mill Point Ward |
| C Irons | Mill Point Ward |
| K Trent, OAM, RFD | Moresby Ward |

Officers

| | |
|-----------|---|
| C Frewing | Chief Executive Officer |
| M Taylor | Acting Director Infrastructure Services |
| M Kent | Director Financial and Information Services |
| D Gray | Manager Financial Services |
| R Bercov | Strategic Urban Planning Adviser |
| S Kent | Governance Officer / Minute Secretary |

Gallery

There were 26 members of the public and 1 member of the press present.

4.1 APOLOGIES

| | |
|----------------|---------------------------------------|
| S Hawkins-Zeeb | Manning Ward |
| P McQue | Manager Governance and Administration |

4.2 APPROVED LEAVE OF ABSENCE

| | |
|--------|--------------|
| F Reid | Moresby Ward |
|--------|--------------|

5. DECLARATIONS OF INTEREST

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

5.1 ITEM 10.1.3 ERNEST JOHNSON MASTER PLAN

A Declaration of Interest was received from:

- Cr K Trent – Impartiality Interest.

5.2 ITEMS 7.1.2 AND 15.1.2 CEO EVALUATION COMMITTEE (CONFIDENTIAL) MEETING HELD 14 OCTOBER 2014

A Declaration of Interest was received from:

- Cliff Frewing, Chief Executive Officer – Financial Interest

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6.1.1 Responses to Questions Taken on Notice - 23 September 2014 Ordinary Council Meeting

At the Ordinary Council Meeting of 23 September 2014 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME: 28 OCTOBER 2014

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

The Presiding Member then opened Public Question Time at 7.06 pm.

Note: *Written Questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the public Gallery. Questions were answered on a rotational basis, limited to three per person.*

Questions were heard from:

- **Jackie Hair** of 28 Waverley Street, South Perth
- **Marcia Manolas** of 192 Mill Point Road, South Perth
- **Sarah Schladow** of 3/20 Garden Street, South Perth
- **Geoff Defrenne** of 26 Kennard Street, Kensington

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

The Presiding Member closed Public Question Time at 7.29 pm.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting – held 23 September 2014

The September 2014 Ordinary Council Meeting was held on 23 September 2014 in the City of South Perth Council Chamber.

Attachments

7.1.1 (a): Final Minutes - Ordinary Council Meeting - 23 September 2014

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Lawrance

That the Minutes of the Ordinary Council Meeting held on 23 September 2014 be confirmed as a true and accurate record.

CARRIED (7/0)

Note: Item 7.1.2 was brought forward as it was inadvertently placed in Item 7.2 on the Agenda

The Presiding Member advised that the CEO submitted a Declaration of Financial Interest, however as there was no discussion on this Item, the CEO remained in the Chamber.

7.1.2 CEO Evaluation Committee Meeting (Confidential) – held 14 October 2014

The CEO Evaluation Committee meeting was held on 14 October 2014 in the City of South Perth Council Chamber.

Attachments

7.1.2 (a): Confidential CEO Evaluation Committee - 14 October 2014 - Minutes (*Confidential*)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Cala

That the Minutes of the CEO Evaluation Committee meeting held on 14 October 2014 be confirmed as a true and accurate record.

CARRIED (7/0)

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 16 September 2014

Officers of the City presented background information and answered questions on draft reports identified from the 16 September 2014 Council Agenda.

Attachments

7.2.1 (a): Final Agenda Briefing Notes - 16 September 2014

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Irons

That the Notes of the Agenda Briefing meeting held on 16 September 2014 be noted.

CARRIED (7/0)

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing of 21 October 2014. Details of the Deputations can be found in the October 2014 Agenda Briefing Notes within the November 2014 Agenda.

8.4 COUNCIL DELEGATES REPORTS

Nil.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 21 October 2014.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.2 Arts Advisory Group
- Item 10.1.3 Ernest Johnson Master Plan
- Item 10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities
- Item 10.4.1 Tender 13/2014 "Provision of Project Management Services for the Ernest Johnson Oval Master Plan"
- Item 10.6.5 WALGA Poll Provisions Advocacy Position

9.1 EN BLOC MOTION

COUNCIL DECISION

Moved: Councillor Cala
Seconded: Councillor Lawrance

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

- Item 10.1.1 Australia Day 2015
- Item 10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como
- Item 10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.
- Item 10.3.4 Proposed Additions and Alterations to Single House. Lot 519 (No. 8) River Way, Salter Point
- Item 10.6.1 Monthly Financial Management Accounts - September 2014
- Item 10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2014
- Item 10.6.3 Listings of Payment
- Item 10.6.4 Carrying Forward Projects as at 30 June 2014
- Item 10.6.6 Council Meeting Schedule - 2015
- Item 10.6.7 Review of Policy P669 Training and Development

CARRIED (7/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

Nil

10.1 STRATEGIC DIRECTION I: COMMUNITY

10.1.1 Australia Day 2015

| | |
|-----------------------------|--|
| Location: | City of South Perth |
| Ward: | All |
| Applicant: | N/A |
| File Ref: | D-14-61955 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Sandra Watson, Acting Director Development & Community Services |
| Strategic Direction: | Community -- Create opportunities for an inclusive, connected, active and safe community |
| Council Strategy: | I.1 Develop and facilitate services and programs in order to meet changing community needs and priorities. |

Summary

To outline the plans and strategies to manage the Australia Day celebrations on the South Perth foreshore in 2015 and to approve the parking restrictions and road closures applicable for the event.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That...

- (a) Council adopts the Safer Australia Day Strategy 2015 as detailed in this report;
- (b) The General 'No Parking' clause in section 7.4, schedule 4 of the City's Parking Local Law 2003 (as amended) be approved for:
 - (i) The temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Canning Highway to Ellam Street, from 8.00am to 9.00pm on 26 January 2015; and
 - (ii) The parking restrictions, bounded from Labouchere Road, corner of Angelo Street to Hensman Street to Canning Highway to Ellam Street as outlined.

CARRIED EN BLOC (7/0)

Background

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event. In addition, the City decided to introduce a range of new initiatives at the Australia Day celebrations including entertainment options and activities related to risk management in an effort to provide a range of opportunities for the community to participate in for the entire day and not just attend the event for the fireworks.

The Strategy focused on the following areas:

- The introduction of new Local Laws;
- Increased crowd control measures;
- Revised Traffic Management and Road Closure Plans;
- Initiatives to improve public transport and waste management; and
- A significant media and communications campaign.

The Strategy aimed to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the amount of anti-social behaviour on the South Perth foreshore. Following the Australia Day celebrations in January 2005, the City conducted a community survey to determine what effect the Strategy had had in terms of addressing the concerns of the previous year. The results showed that the Strategy had worked well and this was further built upon in 2006 through to 2008 with successful events conducted.

Following on from this, the 2009 Australia Day event saw the City of South Perth introduce a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for families, young people and the community in general to enjoy throughout the day leading up to the fireworks. These initiatives were generously funded in part by Lotterywest. In 2010, the City built upon the popularity of the two 'zones' in the previous year to host a hugely successful event on the South Perth Foreshore. This event once again received substantial financial support from Lotterywest and Healthway, with 30,000 visitors enjoying the Family Zone and 10,000 visitors experiencing the Youth Zone.

In 2011 the decision was made to combine the Family and Youth Zones into one 'Celebration Zone' located on Sir James Mitchell Park directly behind the flagpole area. This decision was taken to enable families and groups to come together in one area, rather than being separated across two 'zones'. The 'Celebration Zone' was expanded to 100,000m², which was more than double the size of the two previous zones combined. This initiative was so successful that in 2012 it was continued, with the 'Celebration Zone' containing seventy (70) free activities for all ages, a central 'Big Top' with on stage entertainment including a screening of an Australian film and a performance from the renowned 'Pigram Brothers', ample shaded areas, free drinking water stations, food stalls and was smoke and alcohol free. In 2013 and 2014 the City continued the same formula with the key elements of the 2011 and 2012 events being retained such as the 'Big Top' tent, the screening of an Australian film, the multi-cultural stage performances and the art competition tent. In 2014 the City introduced several new features designed to accommodate people with disability, including a 1km accessible 'grass track' inside the Celebration Zone, a free shuttle service for wheelchair users and extra ACROD parking areas along the foreshore.

Comment

The 2015 celebrations will see an increase from 70 to 90 free activities for all ages and will build on the 2014 experience with an improved access strategy for people with disability.

The event layout will consist of six activity areas including a 'Toddler & Kids Zone', the 'Challenge Area', the 'Sports Zone', the 'Art Section', the 'Adrenalin Corner' and the 'Rides Park'. The City has been advised by officers from Lotterywest that the recommended grant amount for the event has been reduced by \$50,000 due to increased pressure on this funding pool. As a result of this, the decision has been taken to not have the 'Big Top' tent at the 2015 event, along with the film screening. While this is unfortunate, it is not anticipated that these changes will have a huge impact on the event as there will still be ample shaded areas for visitors to utilise and plenty of activities for everyone to enjoy. The reason that these two elements have been excluded is because they cost around \$50,000, which equals the amount the grant funding will be reduced and hence this was the logical decision to make, rather than reducing actual activities for visitors to enjoy. The 'Big Top' tent has only been utilised in the Celebration Zone for the past two years and prior to that, a large shade structure was used. In terms of the Citizenship Ceremony that takes place on the morning of Australia Day, in years prior to the 'Big Top' being erected the ceremony was conducted under a large shade structure located next to the flag pole. In that regard, this is what will occur in 2015 and this does work well.

For 2015 the Safer Australia Day Strategy will be conducted along the same format and operations as previous years and the 'Celebration Zone' will again be an integral part of the Strategy. Strategies for Australia Day 2015 will consist of the following:

1. Public Transport

In 2015, the City will further expand on its free bus shuttle service from the George Burnett Leisure Centre (GBLC) and the Civic Centre to the 'Celebration Zone'. The number of buses used will double from seven (7) in 2014 up to fourteen (14) double buses in 2015. The buses will run every fifteen minutes between the hours of 10.00am and 9.30pm following the fireworks. This service is targeted towards City of South Perth residents in Manning, Karawara and Salter Point in particular, however anyone including non-residents is able to utilise this service as long as they have parked in the designated 'pick up' and 'drop off' zones – eg. the Civic Centre and GBLC.

2. Local Laws

The Special Events Local Law provides City officers and other enforcement agencies with a range of offences that are backed up by additional powers under the Local Government Act (WA) 1995. The additional offences include the possession of liquor (whether or not the liquor is in a sealed container), possession or use of a large object ("large object" includes lounge chair, bed, refrigerator, spa/wading pool etc., and excludes shade shelters/umbrella's) and possession or use of loud stereos (as determined by amplification outputs). Since the introduction of these local laws, there has been a dramatic reduction in the number of large items being brought to the foreshore. In previous years large items such as lounges and inflatable swimming pools would be brought down to the foreshore resulting in the creation of nuisance obstructions or litter after the event had concluded.

3. Crowd Control

The Western Australian Police Service (WAPS) and City of South Perth Rangers will commence patrolling the restricted areas and Sir James Mitchell Park (SJMP) from approximately 6.00am on the morning of 26 January 2015. Initially Rangers will focus on illegal parking and large objects being taken to the foreshore and as introduced in 2014, will also help controlling sensitive access points into the Celebration Zone. Management of the crowd will also be assisted by exclusion zones on Sir James Mitchell Park, Coode Street car park and Queen Street Jetty area. This will provide access for the various emergency services and hazard management agencies (HMA's) including the Police Command Posts. These restriction zones will assist with patrolling and rapid responses from the various HMA's. In addition, St Johns Ambulance will be providing a primary treatment facility on the South Perth foreshore to administer first aid assistance and to reduce the need for patient transfer to hospital and the Department of Child Protection will have a lost children's facility inside the Celebration Zone.

4. Celebration Zone

As in previous years the 'Celebration Zone' will cover 100,000 m² immediately behind the flagpole area on Sir James Mitchell Park.

5. Road Closures (Access Restricted Area)

The roads bounded by Labouchere Road, Angelo Street, Douglas Avenue, Canning Highway and Ellam Street will be closed from 8.00am to 9.00pm on Australia Day allowing adequate time for people to attend the City's Australia Day Citizenship ceremony on the South Perth foreshore. This early closure is required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement at the closure of the event. The road closures will be advertised in accordance with the requirements of the Local Government Act 1995 and in a number of different mediums including City publications, the community newspaper and on the City's website.

The City may declare general no parking zones, in accordance with the City's Parking Local law, section 7.4 which states as follows:

General No Parking Zones

- (a) General no parking zones are established as prescribed in Schedule 4;
- (b) Where the City establishes a general no parking zone, the City must erect a sign at entry points to the general no parking zone indicating:
 - (i) The area that is a general no parking zone, and
 - (ii) The dates and times during which the area is a general no parking zone.
- (c) Where the City establishes a general no parking zone and erects signs at each entry point to the general no parking zone then it is an offence to park on any road or nature strip within the general no parking zone.
- (d) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.
- (e) A driver commits an offence under this clause notwithstanding the fact that there are no signs in the immediate vicinity of the area in which the driver parked the vehicle indicating that the area in which the driver parked the vehicle is a general no parking zone.

Schedule 4 of the Parking Local Laws states that the general no parking locations and effective times for Australia Day are as follows:

“From 6:00 a.m. on 26 January to 6:00 p.m. on 27 January each year, the area contained within the Wards of Civic and Mill Point in the City of South Perth which area is bounded by and includes Hensman Street to the south, Canning Highway to the east and the Swan River foreshore to the west and north is declared to be a General No Parking Zone for the purposes of this local law”.*

**NB. The ward names will be amended at a later date.*

On Australia Day 2015 this area will be restricted with no parking on the road or verge and have staffed road closures at each intersection. Several intersections will still be accessible into the access restricted area for use by residents, visitors and businesses. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Verge parking permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the verge normally. To ensure vehicle and pedestrian safety, Police Traffic Branch and emergency services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Waters to boats because of the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used for the WA Police compound and by State Emergency Services and St John Ambulance. There will be three ‘ACROD’ parking areas along the foreshore: at the end of Hurlingham Street, in the ‘Boat Shed Restaurant’ car park and inside the Celebration Zone (entry off Millpoint Road opposite Forrest St). The City will employ the services of traffic management officers to secure the road closures as previously outlined in this report.

6. Traffic Management (Parking Restricted Area)

The proposed parking restricted area during Australia Day 2015 will extend from the access restricted area (as per item 5 of this report) to Hensman Street, to Canning Highway and to Ellam Street and be effective from 8.00 am to 9.00 pm.

Street signage, advertising in the community newspaper and a pamphlet drop will publicise all restrictions to local residents.

7. Waste Management

Event organisers (City of Perth and City of South Perth) will provide sufficient mini-skips for rubbish and recycling, which will be located at regular intervals along the foreshore. Biodegradable rubbish/recycling collection bags will also be distributed amongst the crowd for their use and to facilitate the post event clean-up.

8. Media and Communications

The Safer Australia Day Strategy 2015 provides for a number of initiatives and strategies which when combined are designed to more effectively manage the event. In that regard, the City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy are effectively communicated. In addition, the City will liaise with the Community Newspaper Group in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

Consultation

In reviewing and developing the Safer Australia Day Strategy 2015, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads
- WA Police
- Department of Health
- DPI Marine Safety
- Keep Australia Beautiful
- Swan River Trust
- Department of Child Protection
- Public Transport Authority
- Lotterywest
- Healthway
- State Emergency Service
- St John Ambulance
- Department of Mines and Petroleum
- FESA SES
- FESA Fire
- AEP Australian Event Protection
- Department of Environment and Conservation

Policy and Legislative Implications

Nil.

Financial Implications

Funding has been allocated in the 2014/2015 operating budget for the implementation of this strategy and event logistics in general, plus a grant funding application has been submitted as follows:

- Lotterywest \$300,000 (awaiting notification – for the Celebration Zone)

Strategic Implications

This report is supported by the following corporate strategic documents.

Strategic Plan 2010-2015:

Community - Create opportunities for a safe, active and connected community

- *Encourage the community to increase their social and economic activity in the local community.*

The Safer Australia Day Strategy 2015 is complimentary to Strategic Directions - Community. Create opportunities for a safe, active and connected community.

10.1.1 Australia Day 2015

Sustainability Implications

The Safer Australia Day Strategy 2015 will embrace and implement the City's Sustainability Strategy in the areas of waste management in particular.

Attachments

Nil

10.1.2 Arts Advisory Group

| | |
|-----------------------------|--|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61961 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Sabrina Bruni, Arts and Events Coordinator |
| Strategic Direction: | Community -- Create opportunities for an inclusive, connected, active and safe community |
| Council Strategy: | 1.5 Develop effective processes to listen, engage and communicate with the community. |

Summary

In November 2013, the City adopted a Public Art Strategy that identified a resourceful approach to the management and administration of the City's public art assets. One of the action items identified within this strategy was the adoption of an arts advisory group that is to include representatives from Council.

The purpose of this report is to seek two elected member nominees who would like to represent the City and the community as members of this advisory group.

Officer Recommendation

Moved: Councillor Lawrance

Seconded: Councillor Irons

- (a) Council nominates two elected member representatives to sit on the Arts Advisory Group; and
- (b) Council acknowledges the attached Public Art Strategy Status Report that provides updates to all actionable items as identified within the Public Art Strategy 2013-2015.

The Presiding Member advised that written nominations were received from two Members, being Mayor Doherty and Cr Reid and one verbal expression of interest was received from Cr Cala.

Amendment to Officer Recommendation and COUNCIL DECISION

Moved: Cr Lawrance

Seconded: Cr Irons

That all three nominees be elected to the Arts Advisory Group and that the recommendation be amended to increase the number of representatives to sit on the Arts Advisory Group from two to three. The resolution thus reads as follows:

- (a) Council nominates three elected member representatives to sit on the Arts Advisory Group, being Mayor Doherty, Cr Cala and Cr Reid; and
- (b) Council acknowledges the attached Public Art Strategy Status Report that provides updates to all actionable items as identified within the Public Art Strategy 2013-2015.

CARRIED (7/0)

Reason for the change

The Members felt that the inclusion of an additional member to the Group, in order that all three nominations could be accepted, had little bearing on the running of the Group.

Background

The development of a Public Art Strategy (PAS) 2013 – 2015 was to establish the strategic and administrative structure to managing and developing the City's current public art assets and future projects. Since the adoption of this strategy in 2013, the City has progressed with many action items within this PAS that have resulted in an increase in public art projects.

As tabled in recommendation item 6.1 of the PAS, the implementation of an Art Advisory Group made up of elected members will assist the City in making educated and considered decisions within the field of public art.

Comment

As an interim initiative, officers are seeking two elected members to sit on the interim Art Advisory Group to progress the PAS. At **Attachment 10.1.2 (a)**. Please find the Public Art Strategy Status Report as current from 6 October 2014.

The Art Advisory Group's (AAG) primary involvement will be to offer;

- Comment, input and guidance with regard to any decisions resulting in City funded new and existing public artworks,
- Comment, input and guidance on any new strategies, policies and management practises regarding public art
- In some instances, the AAG may be asked to provide comment on developer contributions to public art, however given the timely requirement of these applications, this may be restricted to only the large scale developments, or those that have significant City Impact.
- In some instances the AAG may be asked to provide comment in relation to the City's art collection and any policies or procedures that relate to this area

All decisions will be considered in conjunction with officer recommendations and a fully developed 'Terms of Reference' which will be further developed once members are determined.

At this stage the AAG's expectation will be to meet four times a year, however this may be re-negotiated at the initial scheduled meeting.

Some current and upcoming items that may be put to the Committee may include;

- The activation of the current seed funding for public art.
- Current City projects resulting from percent-for-art contributions.

Given the pending local government amalgamations, it has been suggested to consult with the Town of Victoria Park to understand the processes involved with their advisory board. The City will also determine if there is an opportunity to streamline or amalgamate some of the management processes involved with the selection and management of their advisory board members, recommendation processes and other.

Consultation

N/A

Policy and Legislative Implications

Policy P101 Public Art.

Financial Implications

Budget provisions exist for Public Art.

10.1.2 Arts Advisory Group

Strategic Implications

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 1 – Community “*Create opportunities for a safe, active and connected community*”

The PAS aligns with the following goals in the *City of South Perth Strategic Plan 2010-2015*:

1. Community – Create opportunities for a safe, active and connected community.
2. Environment – Nurture and develop natural spaces and reduce impacts on the environment.
4. Places – Plan and develop safe, vibrant and amenable places.

Sustainability Implications

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

Attachments

10.1.2 (a): PA Strategy - Status Report - Oct 2014

As advised at Item 5.1 a Declaration of Impartiality Interest was received from Cr Trent in relation to the following Item. The Presiding Member read aloud the declaration as follows:

"I wish to declare an impartiality interest in Agenda Item 10.1.3 (Ernest Johnson Master Plan) on the Council Agenda for the meeting to be held 28 October 2014.

I disclose that I am the chair of the South Perth Sub-Branch of the Returned Services League (RSL). The report at Item 10.1.3 proposes the relocation of the RSL building.

I also disclose that I am also a member of the Rotary Club of South Perth-Burswood. The report at Item 10.1.3 proposes the relocation of the Rotary Community Hall.

I declare that I will consider this matter on its merits and vote accordingly."

Note: the Amendment to the Officer Recommendation as shown below at Item 10.1.3 was circulated to Members prior to and at the meeting.

10.1.3 Ernest Johnson Master Plan

| | |
|-----------------------------|--|
| Location: | City of South Perth |
| Ward: | Como Ward |
| Applicant: | Council |
| File Ref: | D-14-61963 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Jennifer Hess, Recreation Development Coordinator |
| Strategic Direction: | Community -- Create opportunities for an inclusive, connected, active and safe community |
| Council Strategy: | 1.1 Develop and facilitate services and programs in order to meet changing community needs and priorities. |

Summary

To consider the summary of comments received during the consultation period for the Master Plan at Ernest Johnson Reserve.

Officer Recommendation

Moved: Councillor Cala

Seconded: Councillor Lawrance

That the Ernest Johnson Master Plan concept plan be endorsed by Council for implementation.

Amendment to Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That points one and two below replace the Officer Recommendation stated in the Agenda. The Officer Recommendation would thus read as follows:

1. That the amended Ernest Johnson Master Plan concept plan be endorsed by Council to enable detailed design and further consultation with existing user groups to occur.
2. Following detailed design of the pavilion being completed, the Administration be authorised to proceed to tender on the basis that the Rotary Club and other user groups to be based in this facility are satisfied with the design.

CARRIED (5/2)

Reasons for Change

Agenda Item 12.1 sought to defer adopting the officer recommendation to allow further discussions to occur with the Rotary Club and existing user groups. We feel that deferring adopting the alternative motion is not necessary at this stage and may prevent a contract being entered into by June 30 next year. Item 12.1 on the Agenda therefore is to be withdrawn.

Adoption of a concept plan is part of a long process –

1. Adopt concept plan
2. Appoint Architect
3. Appoint Project Manager
4. Consult with user groups
5. Agree on detailed design
6. Call for building tenders

We feel there is more than adequate opportunity to accommodate the requirements of the Rotary Club and other existing user groups during the next phases of the process.

Issues raised at the Council Agenda Briefing included reference to the exclusive use of part of the new facility by the Rotary Club and access to a lease with the power to sub lease which we believed have been addressed in past discussions but will be revisited during the next phases of the project.

This alternative approach is therefore thought more desirable.

Background

In November 2011, the City engaged Jill Powell & Associates to develop the Ernest Johnson Master Plan. The project was staged in two parts: Stage one consisted of research and data collection; stakeholder consultation; and the development of a basic concept plan with recommendations for the future of the reserve and its facilities.

Stage two consisted of the development of a concept plan, architectural drawings, staging and estimated costs.

The concept master plan proposes the following four stages, over two years:

Stage 1

- Detailed design and documentation of the building
- Clearance of the new carpark site
- Commencement of construction of the new building, including public toilets
- Commencement of design and documentation of civil works

Stage 2

- Car park and road works construction
- Demolition of existing buildings

Stage 3

- Reserve irrigation
- Relocation of cricket practice wickets
- Little athletics throwing circles and long jump pit
- Synthetic cricket pitches
- Relocation of existing senior turf cricket wicket
- Large playground and social area

Stage 4

- Construction of croquet fields (no longer recommended to occur)
- Refurbishment of bowling club (no longer recommend to occur)
- Multi use path and fitness equipment

The total cost of the project is estimated at \$9,900,000, incorporating contingencies, consulting fees and escalation costs.

The master plan will be subject to review upon each stage of implementation. Therefore minor adjustments are likely to occur throughout the process to satisfy certain requirements or constraints.

In May 2014 Council considered the concept plan, implementation stages and costings for the EJ Master Plan and resolved:

That...

- (a) the Ernest Johnson Master Plan concept plan is endorsed by Council for community comment;
- (b) the Ernest Johnson Master Plan is made available for community comment for a period of 60 days;
- (c) the results of the community comment are presented to Council at the end of the advertised period;
- (d) include an extensive advertising campaign to expose the master plan as widely as possible.

The City has sought tenders for a Project Manager to professionally manage the process and implementation of the master plan and the recommendation from the panel is the subject of another report to Council for consideration in October.

Comment

The Ernest Johnson Master Plan was advertised for comment for a 60 day period between 2 June– 7 August 2014.

In total 45 submissions were received by the City comprising:

- 15 submissions specifically related to the relocation of the Como Croquet Club (8 non-residents).
- 21 by the general community.
- 9 submissions by user groups including South Perth Junior Cricket Club, South Perth Junior Cricket Club, Como Bowling and Recreation Club, Girl Guides South Perth, South Perth Playgroup, Rotary Club of South Perth-Burswood, Returned Services League (RSL), Collectibles Society, Western Australian Football League Umpires Association.

Overall, the majority of submissions supported the implementation of the master plan, each having specific comments about elements of the concept as summarised in the table below:

| Summarised Comments | Officer Response |
|--|--|
| <p>Como Croquet Club Fifteen (15) submissions were received specifically related to the relocation of the Como Croquet Club (all opposed to the relocation of the club) based largely on the following:</p> <ul style="list-style-type: none"> - Inadequate provision of croquet lawns - Inadequate provision of floodlighting - Inadequate provision of clubroom facilities - Overall inadequate provision of “like for like” facilities | <p>The original scope for the master plan was to incorporate the relocation of the Croquet Club, if possible.</p> <p>The City acknowledges that “like for like” facilities are not catered for sufficiently to relocate the club at this stage. The club’s membership is 81 (plus 14 associate members). Contact with the club and its state sporting association, Croquet West indicate that the Como club has the second highest membership number in WA and that it provides for international, national and state competitions. Although it is acknowledged that the club provides significant benefit to those members and the general community, the membership is relatively low and it is likely some relocation will be considered in the future. The space currently occupied by the club is large relative to its membership. Future discussions will continue with the club about possible alternatives.</p> |
| <p>Como Bowling and Recreation Club The club stated that relocating the Croquet Club to the site was complementary to their activities. The club stated that the proposed works to their clubrooms as part of the master plan included some of the upgrades required and as a result proposed an entirely new building, more centrally located on the greens that could cater for the bowling club and the croquet club concurrently.</p> | <p>In light of preliminary discussions with both the Como Bowling and Recreation Club, and Como Croquet Club, it is recommended further discussions occur to investigate this proposal. It is therefore recommended to omit any proposed work/activity from the EJ Master Plan that relates to either club at this stage.</p> |
| <p>Practice Cricket Nets The proposed location of the relocated practice nets was identified as problematic by most user groups, as well as residents. Specific issues identified included:</p> <ul style="list-style-type: none"> - Too close to residents - Interference with Auskick fields - Disconnect from the main oval where training occurs - Lack of passive surveillance as not centrally located | <p>The City acknowledges the issues identified and has discussed options with the users. The preferred alternative site for the relocated practice nets is now centrally located in place of the existing public toilets, oriented north-south. This location is more centralised, is away from residents, improves the natural surveillance, allows for the nets to be accessible from the main oval, and still has the nets far enough from the main oval to avoid conflicts in use in terms of balls being hit on the oval.</p> |

| | |
|--|---|
| <p>South Perth Junior Football Club</p> <p>Two (2) submissions were received specifically related to the club and its uses of the reserve. The following were issues identified by the club:</p> <ul style="list-style-type: none"> - Location of practice cricket nets - Location of new building - Oval sizes - Location of new synthetic cricket pitches - Inadequate parking - Management and access issues of the new building | <p>Discussions with the club have resolved the issues to the satisfaction of the club. The main issues compromised the number and size of playable spaces for Auskick and other modified age groups. The alternative location for the practice nets, relocation of a synthetic cricket pitch to Hensman Oval (from Sandgate) and inclusion of extra Auskick fields at the South Tce end of the main oval now allow for sufficient provision of all football playing spaces. It is also noted that the existing car park next to the hospital is retained for parking by users of the reserve.</p> |
| <p>Synthetic Cricket Pitches</p> <p>Two (2) new synthetic cricket pitches are proposed as part of the master plan. The South Perth Junior Cricket Club requested the City consider relocating the synthetic cricket wicket from Sandgate Reserve to Hensman Oval.</p> <p>The South Perth Junior Cricket Club (currently based in Victoria Park) has expressed its intention to remain at their clubrooms in the Town of Victoria Park but request as a minimum the inclusion of 2 new synthetic cricket pitches to cater for increasing demands in junior cricket.</p> | <p>Discussion with both the junior cricket club and junior football club agree that Sandgate Reserve is not a preferred location for the pitch. Hensman Oval will be the next preferred site. Although there is some interference with Auskick ovals, the interference is minimal and no greater than other ovals across WA.</p> <p>If a second synthetic cricket pitch cannot be accommodated on this oval, only one new synthetic pitch will be included at the South Tce end of the main oval, as indicated on the concept plan.</p> |
| <p>General Community Comments</p> <p>Twenty one (21) comments were received from the general community and these were generally supportive of the master plan, the following issues were raised:</p> <ul style="list-style-type: none"> - Perceived reduction in green space - Perceived reduction of oval corridors by relocating the clubroom building - Inadequate provision for dogs - Excessive car parking - Loss of existing car park to the hospital - Provision of a 'high fence' on the reserve boundary on South Terrace blocking views from adjacent residents. | <p>The City acknowledges that EJ Reserve is used for a variety of uses and the master plan has captured this. However, primarily the reserve is designated for active sport use and this is the priority use. The City may consider the installation of water fountains that are universally accessible (including dogs). There will be no significant changes to the amount of use of the spaces and so general access to the reserve will remain unchanged. An additional 75 car bays have been catered for in the design and are essential to enable accessibility and serviceability to the building.</p> <p>The relocation of the new building to a central area of the reserve is specifically addressing: resident requests for that location to reduce impact and noise on surrounding residents; increase passive surveillance for safety; providing a central accessible hub for all areas of the</p> |

| | |
|--|---|
| | <p>reserve. There is no reduction in green space or accessibility to the reserve. Any loss of space with the new building footprint is comparable to the green space gained from the existing building footprint once it is demolished.</p> <p>As part of the master plan it is recommended that the existing car park located near the hospital is retained for use by the general public and park users.</p> <p>With the addition of Auskick fields to the main oval, located near South Terrace a fence/barrier is required to prevent balls going on to South Terrace. The City is investigating options for portable or retractable structures. The end product, even if it is a fixed structure will not be intrusive or remove any views across the park. It will be a permeable fence.</p> |
| <p>Rotary Club of South Perth - Burswood</p> <p>The club's comments raise concern with:</p> <ul style="list-style-type: none"> - accommodating its 23 user groups and their needs - hire fee increases for existing users - management and access issues of the building | <p>The new facility, which incorporates space specific to the sports club users, as well as additional hall and meeting space for general use; in addition to the City's existing South Perth Community Hall will sufficiently cater for the 23 user groups currently located in the Rotary Hall building. Each facility has sufficient meeting space, kitchen facilities, plus both buildings meet current standards including those of access by people with disability. The existing Rotary Hall does not meet current standards and it would be cost prohibitive to renovate the building to meet the standards.</p> <p>The City will address the issues regarding hire fees with each group and will ensure an equitable outcome.</p> <p>Specific storage and meeting space requirements will be largely resolved as part of the detailed design phase. The new facility has a designated exclusive storage and meeting space allocated for the Rotary Club, which could be used by other groups or any purpose of their choice.</p> |

| | |
|--|---|
| <p>General User Comments Each formal user of the reserve has provided comments regarding the master plan including the Girl Guides South Perth and South Perth Playgroup. Comments are very specific to micro details of the building or oval, such as:</p> <ul style="list-style-type: none"> - hall, change room and storage sizes, - provision of adequate showers and toilets incorporating certain facilities such as baby change facilities - management and access of the buildings | <p>These issues are being discussed and resolved with individual groups and will be largely resolved during the detailed design phase of the project implementation.</p> |
| <p>Returned Services League (RSL) The RSL comments raise concern with:</p> <ul style="list-style-type: none"> - access to an exclusive storage area - ability to hang memorabilia - management and access of the building | <p>Further consultation will continue with the RSL to specifically address these issues however they should largely be resolved during the detailed design phase of the project implementation.</p> |

Consultation

As part of stage one, a survey was sent to all relevant clubs and user groups who currently use the facilities at Ernest Johnson Reserve. In total 20 surveys were sent, with 13 replies. The following groups were surveyed: South Perth Little Athletics; South Perth Junior Football Club; South Perth Junior Cricket Club; Como Bowling & Recreation Club; WAFC Umpires Association; RSPCA WA; Step Into Life (Personal Trainers); South Perth Playgroup; Girl Guides WA; Rotary Club of South Perth-Burswood, South Perth Hospital and various hall users.

Also as part of stage one of the project the following tasks occurred:

- The Peninsula Newsletter (Winter 2012) featured an article about the project to advise the wider community.
- An article featured in the Southern Gazette Community newspaper 'Snapshot' page.
- A series of individual meetings were conducted with the South Perth Hospital, WAFC Umpires Association, Como Bowling & Recreation Club, Rotary Club of South Perth-Burswood, South Perth Junior Cricket Club, Girl Guides South Perth, South Perth Playgroup, South Perth Little Athletics, South Perth Junior Football Club, and Como Croquet Club.
- A public meeting was conducted on 8 March 2012 at the Ernest Johnson Hall. A total of 35 community members attended. Names and contact details were recorded of only those who wished to be kept informed.
- A briefing on the initial findings and key concepts was presented to Council on 10 April 2013.

Stage two of the project did not require a lot of external consultation as it was focussed on the actual delivery of the design based on findings as a result of consultation in stage one. Email updates have been sent to user groups and other stakeholders to provide updates on how the project was progressing.

A second briefing was presented to Council in April 2014.

10.1.3 Ernest Johnson Master Plan

In May 2014, meetings were held with the Como Croquet Club, South Perth Junior Football Club, WAFL Umpires Association, South Perth Cricket Club, Step Into Life Personal Trainers, Como Bowling and Recreation Club to discuss the findings and the concept master plan. Comments have also been received from the RSL, Rotary Club of South Perth- Burswood, Girl Guides WA, South Perth Playgroup, South Perth Junior Cricket Club and South Perth Little Athletics.

Feedback has been received from most groups, who are in the majority in favour of the master plan. Some groups have specific issues that are being resolved through ongoing discussion, with the majority of issues likely to be resolved during the detailed design phase of the project.

As resolved by Council on 27 May 2014, the City advertised the master plan for a period of 60 days between 2 June– 7 August 2014. The following activities were conducted:

- The City's website provided detailed information about the project including access to designs, plans and reports relating to the project.
- Copies of the report completed by Jill Powell & Associates, the Master Plan Concept, building concept design, elevations, stages and costs of the project were made available online, at Manning and South Perth Libraries and George Burnett Leisure Centre (GBLC).
- Advertising occurred in the City's 'In Focus' online newsletter, Southern Gazette, Facebook pages (City, GBLC, and SPYN).
- Emails and letters were sent to all tenants and user groups of the facility and a database of residents and stakeholders who have shown interest in the project.

Ongoing discussion with clubs and user groups will continue to occur, throughout the detailed design stages of the project.

Further reports to Council will be presented in the near future related to approval of the Development Application (DA) and approval of relevant tenders (Project Manager and construction).

Policy and Legislative Implications

This report relates to Policy P110 - Support of Community & Sporting Groups.

Financial Implications

The total project cost is estimated at \$9,900,000 incorporating contingencies, consulting fees and escalation costs.

The City's Strategic Financial Plan 2013-2023 has allocated \$8 million to this project. Based on the consultation and priorities for this project, it is recommended that the following is removed from the master plan:

- Stage Four – bowling club alterations and croquet club relocation (approximately \$800,000)

The Strategic Financial Plan proposes staging the project as follows:

2014/2015 - \$3 million

2015/2016 - \$5 million

A CSRFF application was submitted to the Department of Sport and Recreation on 30 September 2014 and in addition, proceeds from the sale of the Civic Triangle site will be available for this project.

10.1.3 Ernest Johnson Master Plan

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The City encourages shared use of its facilities to maximise rational use for minimal cost. This project proposed demonstrates this principle. The project also aims to enhance the quality of life and provide opportunities for capacity building through appropriate provision of community facilities.

Please note the Concept Plan which was to be Attachment 10.1.3(a) could not be included in the Agenda due to visual quality concerns. The Plan will be distributed separately to Councillors, made available in the Councillors' Lounge and included in the Minutes.

Attachments

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

| | |
|-----------------------------|--|
| Location: | All land bounded by Scott Street and Frasers Lane to the north and Richardson and Darley Streets to the south and east |
| Ward: | Mill Point Ward |
| Applicant: | Council |
| File Ref: | D-14-61964 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Rod Bercov, Strategic Urban Planning Adviser |
| Strategic Direction: | Housing and Land Uses -- Accommodate the needs of a diverse and growing population |
| Council Strategy: | 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards. |

Summary

By way of Amendment No. 25 to Town Planning Scheme No. 6 (TPS6), special provisions for the South Perth Station Precinct were introduced 21 months ago – on 18 January 2013. The special provisions are primarily contained in Schedule 9. Since Amendment No. 25 became operative, through assessment of development applications in this precinct, it has been found that the new provisions contain certain anomalies and ambiguities. In order to rectify these, draft Scheme Amendment No. 46 has been prepared and is attached hereto.

It is recommended that the Scheme Amendment process be initiated and the draft Amendment No. 46 proposals be endorsed to enable them to be advertised for community comment.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Cridland

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by deleting Schedule 9 and inserting a new Schedule 9A in its place in order to rectify anomalies and ambiguities.
- (b) the Report on Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment 10.3.1(a)**, be adopted;
- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 46 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 46 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 46 be implemented in accordance with the *Town Planning Regulations 1967* and Council Policy P301 'Consultation for Planning Proposals'; and

10.3.1 **Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities**

- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 46:

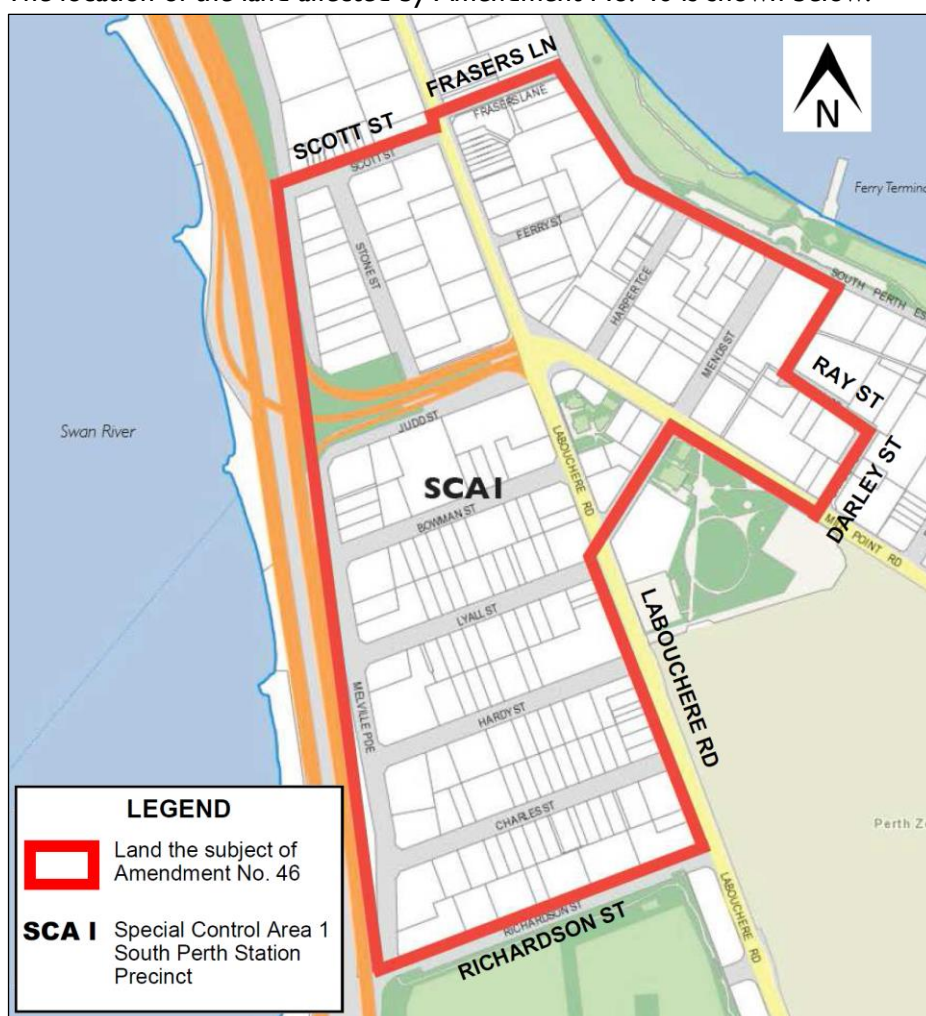
“FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a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

CARRIED (7/0)

Background

This report includes **Attachment 10.3.1(a)**, being Draft Amendment No. 46 Report and amending text.

The location of the land affected by Amendment No. 46 is shown below:



In relation to the special provisions for the South Perth Station Precinct, introduced by way of Amendment No. 25, Amendment No. 46 will rectify anomalies and ambiguities.

10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

The following general objectives of TPS6 listed in clause 1.6 (2) are considered relevant to this proposal:

- (b) *Introduce performance-based controls supported by planning policies and Precinct Plans;*
- (d) *Establish a community identity and ‘sense of community’ both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (k) *Recognise and preserve areas, buildings and sites of heritage value; and*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

Amendment No. 46 also fulfils the requirement of clause 9.8 ‘Amendments to the Scheme’, which includes the following:

- “(1) *The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.*
- (2) *The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and the Town Planning Regulations, 1967, made pursuant to the Act and shall give consideration to any application to have the Scheme amended.”*

Comment

The subject land comprises Special Control Area 1 – South Perth Station Precinct. Within this precinct, special provisions apply to all ‘comprehensive new development’. These provisions are designed to allow more intensive commercial and multiple residential development and promote a significant increase in employment opportunities adjacent to major public transport routes, particularly in anticipation of the future construction of the South Perth Station.

In order to rectify identified anomalies and ambiguities in the current provisions applying to this precinct, Amendment No. 46 will insert a new Schedule 9A in place of the existing Schedule 9. The Scheme Amendment will implement the following changes:

1. New Provision 1: Objectives

Expansion and clarification of the existing ‘Purpose of SCA1’ at the commencement of Schedule 9, now presented as a new set of ‘Objectives’.

2. New Provision 2: Description of affected land

Reformatting of an untitled table in Schedule 9 as a new provision containing a description of the land comprising Special Control Area 1.

10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

- 3. New Provisions 3(1), 3(2), 3(3) and 3(4): Operation of Table A**

Clarification of the respective functions of 'Development Requirements' and 'Guidance Statements' in Table A.
- 4. New Provision 3(5): 'Minor Additions and Alterations'**

Clarification as to what constitutes 'minor additions and alteration' to which the special provisions in Schedule 9A do not apply.
- 5. Provision 4: Schedule 9A Definitions**
 - (a) Reformatting of 'Definitions' in Schedule 9 as a new provision in Schedule 9A.
 - (b) Deletion of definition of "comprehensive new development". Schedule 9A only applies to the South Perth Station Precinct whereas the term "comprehensive new development" is now used in other parts of the district as well. The definitions in Schedule 1 of the Scheme Text have City-wide application and therefore, by way of Scheme Amendment No. 30, the definition of "comprehensive new development" has been inserted in Schedule 1. Consequently, in the new Schedule 9A this term has been deleted.
 - (c) Minor changes to the definitions of "discretionary land use" and "preferred land use" to further clarify the meaning and operative effect of each.
 - (d) Insertion of a new definition of "heritage place" in Schedule 9A.
 - (e) In place of the definition of "Specialty Retail", insertion of a definition "Small Shop", being a shop with a 250 sq. metre limit on gross floor area and excluding a supermarket or department store.
- 6. Table A, Element 1: Land Use – Preferred and Discretionary**
 - (a) In Mends Sub-Precinct 'Preferred land uses', deletion of "Local Shop" and "Specialty Retail" and insertion of "Service Industry", "Shop" and "Small Shop".
 - (b) In Scott-Richardson Sub-Precinct 'Preferred land uses', insertion of "Service Industry".
 - (c) In Scott-Richardson Sub-Precinct 'Discretionary land uses', deletion of "Specialty Retail" and insertion of "Small Shop".
- 7. Table A, Element 2: Ground Floor Land Uses – Preferred and Discretionary**
 - (a) In Mends Sub-Precinct 'Preferred ground floor land uses', deletion of "Local Shop" and "Specialty Retail" and insertion of "Service Industry", "Shop" and "Small Shop".
 - (b) In Scott-Richardson Sub-Precinct 'Preferred ground floor land uses', deletion of "Specialty Retail" and insertion of "Service Industry" and "Small Shop".
 - (c) Insertion of new Guidance Statement (b) to clarify that, within Element 2, the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building, not to indicate the appropriateness of the identified land uses within a particular Sub-Precinct, the latter being the function of Element 1.

10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

8. Table A, Element 3: Plot Ratio and Land Use Proportions

Modification of the development requirements and guidance statements to clarify that a Mixed Development may contain predominantly residential development provided that, in the Mends and Scott-Richardson Sub-Precincts, the non-residential component has a minimum plot ratio of 1.0, as currently required.

In the Special Design Area, where the plot ratio of a development is more than 3.0, the non-residential component must have a plot ratio of at least 1.5 unless the Council is satisfied that, with a lower non-residential plot ratio (but not less than 1.0), the proposed development will still make a significant contribution towards consolidating the precinct as an employment destination.

9. Table A, Element 6: Special Design Area

(a) For more convenient reference, the current Element 13: Special Design Area has been brought forward to immediately follow Element 5: Building Height.

(b) The existing Element 13 states that both 'Plot Ratio and Land Use Proportions' and 'Building Height' may be varied where the Table B performance criteria are satisfied. However for land use mix i.e. residential vs non-residential, the discretion for Council to allow variations is now accommodated within Element 3. Therefore the new Element 6 (currently Element 13) only relates to 'building height' variations.

10. Table A, Element 7: Relationship to the Street

Street setback for portions of a building above the podium: The new Development Requirements 6.5.2 and 6.5.3 and Guidance Statement (f) clarify that there is discretionary power to permit reductions below the prescribed 4 metre street setback, to a minimum of 3 metres, but only to accommodate cantilevered balconies or decorative elements on the street elevation.

11. Table A, Element 8: Side and Rear Setbacks

Setback of portions of a building above the podium: Modification to Development Requirement 8.2 and related Guidance Statement (b) to clarify that no discretionary power is available to approve any lesser setbacks than those prescribed.

12. Table A, Element 9: Parking

(a) Modification to clarify that visitor parking bays are not additional to the prescribed minimum number of occupiers' bays.

(b) Modifications in relation to discretionary power to allow a lesser number of parking bays than normally required. The current provisions allow for variations where neighbouring buildings have under-utilised parking bays. This would be an extremely rare occurrence and in any event is not an appropriate circumstance for granting parking concessions for new development. However, as is currently the case, the Council may grant a parking concession where a proposed development includes non-residential uses that have different periods of peak parking demand; and the Council is satisfied that the proposed number of bays is sufficient.

(c) Addition of Development Requirements 9.3, 9.4 and 9.5 to regulate where visitor parking bays are to be placed on a development site.

13. Other Elements in Table A

To achieve greater clarity, Amendment No. 46 will also improve the wording of development requirements and guidance statements in Elements 4, 5, 11, 12 and 13 of Table A without changing the operative effect of those provisions.

10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

14. Table B 'Performance Criteria'

Table B has been restructured to create a three-tiered scale of increasingly demanding performance criteria, coupled with progressively more generous building height concessions.

15. Table B, Design Consideration 1: Minimum Lot Area and Frontage

To guide discretionary Council decisions regarding approval of variations from the prescribed minimum lot area and frontage, introduction of a qualification relating to the inability to amalgamate with an adjoining lot.

16. Table B, Design Consideration 6: Car Parking

In relation to car parking, a new performance criterion has been added which imposes a maximum limit on the provision of parking bays for residential dwellings.

17. Table B, Design Consideration 7: Additional Community Benefits

- (a) Deletion of reference to 'street art' and 'public art' from Performance Criteria (a) and (b) because the Council has adopted a new Policy P316 with wider application, dealing with applicants' obligations concerning public art.
- (b) Re-naming this design consideration as "Additional Community Benefits and Sustainable Design Elements". Design Consideration 7 now includes the performance criterion relating to sustainable design, relocated from the existing Design Consideration 8 "Resource Efficiency".
- (c) Table B has been restructured as referred to in Item 14 above. The restructuring affects only Design Consideration 7.

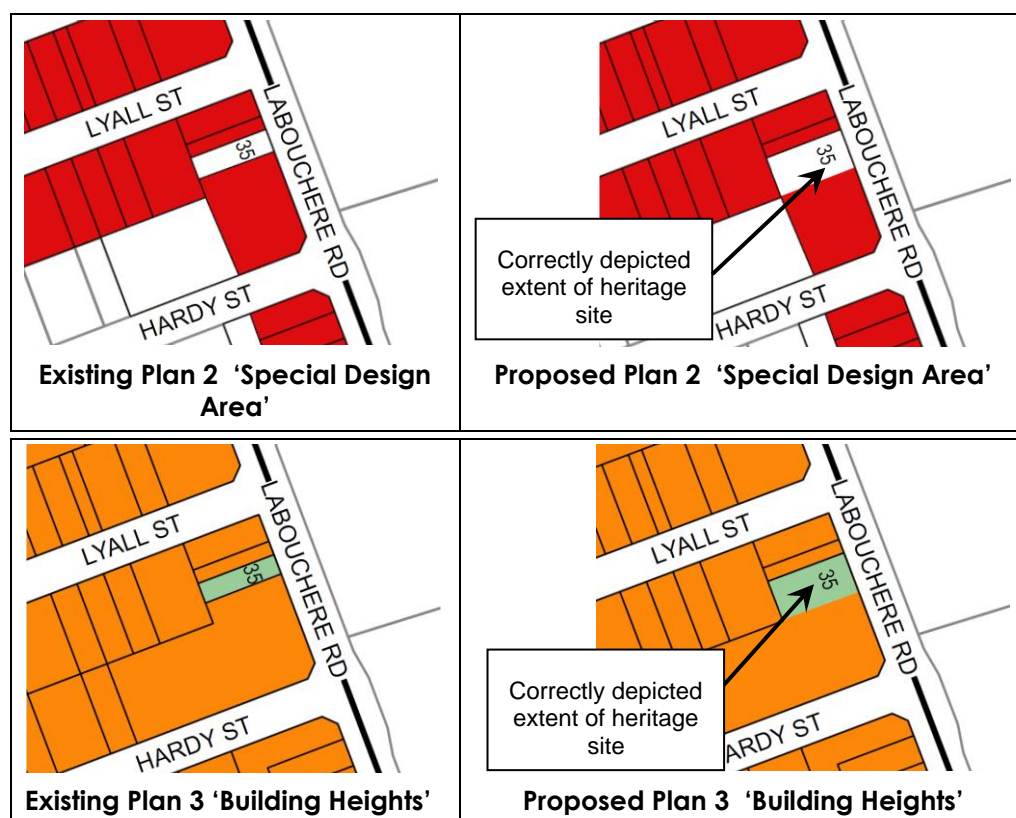
18. Table B, Design Consideration 8: Resource Efficiency

- (a) The Council has recently adopted a revised version of its Policy P350.1: 'Environmentally Sustainable Building Design'. Policy P350.1 imposes demanding 'sustainability' requirements on all development elsewhere throughout the City. Therefore, for Design Consideration 8, the wording of the performance criterion has been strengthened in order to exceed the requirements in Policy P350.1. The revised performance criterion is linked to the requirements of the 'Green Star' rating system. 'Five-star' compliance is required for buildings up to 60 metres above the height limit shown on Plan 3 'Building Heights'. Above that height, '6-star' compliance is required.
- (b) As referred to in Item 16(b) above, Design Consideration 8 has now been consolidated with Design Consideration 7 and re-named accordingly.

19. Plan 2 'Special Design Area' and Plan 3 'Building Heights'

Correction relating to the heritage-listed property at No. 35 Labouchere Road. The extent of the required correction is shown in **Figure I** below.

Figure 1 Correction of extent of heritage site at 35 Labouchere Road – Plan 2



The land use controls for the South Perth Station Precinct are designed to ensure that a substantial portion of any new development will be non-residential, so as to provide patronage for the future train station - intended to function as a 'destination' station. The objective is for large numbers of train commuters to disembark at the South Perth Station in the morning to go to work, and return in the evening.

The lots fronting onto major and 'high visibility' streets within the precinct comprise the 'Special Design Area' (refer to Plan 2 in Schedule 9A within Attachment 10.3.1(a)). For development on these lots, the requirements relating to land use proportions i.e. 'residential' vs 'non-residential' and building height limits may be varied subject to the proposed development meeting the intent of the related Guidance Statements and specifically meeting all of the relevant Performance Criteria in Table B of Schedule 9A.

Consultation

(a) Design Advisory Consultants

On 1 July 2014, the City's Design Advisory Consultants' (DAC) were invited to express opinions about the operation of the special provisions for the South Perth Station Precinct. The DAC members were generally satisfied with these provisions and considered that it is too soon to make radical changes because the new provisions have not been sufficiently tested yet. In relation to the issue of land use proportions i.e. 'residential' vs 'non-residential', they considered that it is not practical or sufficiently beneficial to require the floor area of a building to be predominantly non-residential, although they support the required minimum non-residential plot ratio of 1.0. The DAC members considered that this is a sufficient contribution to 'non-residential' floor area; and that 'residential' floor area should then be allowed to predominate.

10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

While being mindful of the DAC members' opinion outlined above, City officers consider that, for development in the Special Design Area where applicants are seeking concessions regarding the land use mix or building height, it is appropriate to set the minimum non-residential plot ratio at 1.5 (subject to discretionary power to relax, where the proposed development still makes a significant contribution towards consolidating the precinct as an employment destination), having regard to the intended functioning of the future train station as a 'destination' station.

(b) Environmental Protection Authority

The Amendment No. 46 proposals will be forwarded to the Environmental Protection Authority (EPA) for assessment following endorsement by the Council for community advertising.

(c) Consultation under Town Planning Regulations

The statutory community consultation will be initiated when the EPA has provided environmental clearance. The requirements for the community consultation process are contained in the *Town Planning Regulations* and in the City's Planning Policy P301 'Consultation for Planning Proposals'. The community consultation will involve a minimum 42-day advertising period, during which notices will be displayed on the City's web site, in the *Southern Gazette* newspaper and in the City's Libraries and Civic Centre. Letters will also be mailed to all landowners in the precinct and those on the perimeter, outside the precinct, being 'Area 2' as described in Policy P301.

Any submissions received during the statutory community consultation period will be referred to a later Council meeting for consideration before the Council decides whether or not to recommend to the Minister that the requested Amendment be finally approved.

Policy and Legislative Implications

Amendment No. 46 will enable the special provisions in the South Perth Station Precinct to operate more effectively through the implementation of the proposed changes.

When finally approved by the Minister for Planning, these changes will be incorporated into Schedule 9A of the Scheme Text.

The statutory Scheme Amendment process as it relates to the proposed Amendment No. 46 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

| Stage of Amendment Process | Estimated Time |
|---|---|
| Council resolution to initiate Amendment | 28 October 2014 |
| Council adoption of draft Amendment proposals for advertising purposes | 28 October 2014 |
| Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information | Early November 2014 |
| Public advertising period of not less than 42 days | Mid-January to end February 2015 |
| Council consideration of Report on Submissions | March 2015 |
| Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Schedule of Submissions • Council's recommendations on the proposed Amendment • Three signed and sealed copies of Amendment documents for final approval | One week after the relevant Council meeting |
| Minister's final determination of Amendment and publication in Government Gazette | Not yet known |

In terms of the Scheme Amendment process, the *Planning and Development Act* 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 Amendment No. 46 is a Council initiative rather than having been initiated at the request of a landowner, all costs associated with this Scheme Amendment will be met by the City.

Sustainability Implications

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

The proposed Amendment No. 46 will enable the special provisions applicable to the South Perth Station Precinct to operate more effectively.

The strengthened requirement in Table B: Performance Criteria relating to Resource Efficiency will result in a higher standard of Environmentally Sustainable Building Design in cases where applicants are seeking variations from the prescribed height limits or land use mix.

Conclusion

The Amendment No. 46 Report, comprising **Attachment 10.3.1(a)**, contains a full description and justification of the Amendment proposals. The Council should now initiate the statutory process to enable the proposed Scheme Amendment No. 46 to be advertised for public inspection and comment.

Attachments

10.3.1 (a): Amendment No. 46 to TPS6 - South Perth Station Precinct

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

| | |
|----------------------|--|
| Location: | Como |
| Ward: | Como Ward |
| Applicant: | Richard Simpson |
| File Ref: | D-14-61965 |
| Lodgement Date: | 21 October 2014 |
| Date: | 28 October 2014 |
| Author: | Erik Dybdahl, Statutory Planning Officer |
| Strategic Direction: | Housing and Land Uses - Accommodate the needs of a diverse and growing population |
| Council Strategy: | 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards. |

Summary

To consider an application for planning approval for eight (8) multiple dwellings within a two-storey building on Lot 3 (No. 22) Paterson Street, Como. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|---|
| Plot ratio | R-Codes 2013 Table 4 and Clause 6.1.1 |
| Site cover | R-Codes 2013 Table 4 and Clause 6.1.5 |
| Visual Privacy | R-Codes Design Principles, Clause 6.4.1 |
| Streetscape Compatibility | TPS Clause 7.5(n) |
| Side Setbacks (west) | R-Codes 2013 Tables 2A & 2B |

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

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

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 eight (8) multiple dwellings within a two-storey building on Lot 3 (No. 22) Paterson Street, Como **be approved** subject to:

(a) Standard Conditions

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

(b) Specific Conditions

- (i) **Revised drawings** shall be submitted to the satisfaction of the City *as part of a Building Permit application*, and such drawings shall incorporate the following:
 - The deletion of the proposed *Car Stackers* and reinstatement of the previously proposed standard eight (8) occupier car parking bays and carport cover.
- (ii) The approved drawings show that the proposed crossover will interfere with

existing City property; street trees situated within the road reserve. The applicant is required to pay a sum of \$473.00 for the cost of pruning the street trees for crossover clearance as detailed in a tax invoice that will be issued by the City, prior to the collection of a building permit.

- (iii) In accordance with Clause 6.4.6 of the R-Codes, external fixtures such as air-conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.
- (iv) In accordance with Council Policy 350.5 "Trees on Development Sites and Street Verges", one (1) tree not less than 3.0 metres in height of a species approved by the City shall be planted onsite. This tree shall be planted within the street setback area or elsewhere on the site, prior to occupation of the dwelling, and shall be maintained in good condition thereafter.

(c) Standard Advice Notes

| | | | |
|------|------------------------------------|------|----------------------------------|
| 700A | Building permit required | 766 | Landscaping - General standards |
| 720 | Strata note - Comply with that Act | 790 | Minor variations - Seek approval |
| 725 | Fences note - Comply with that Act | 795B | Appeal rights - Council decision |

(d) Specific Advice Notes

The applicant is advised as follows:

- (i) The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure department requirements. Please find enclosed the memorandum dated 15 September 2014 to this effect.
- (ii) To liaise with the City's Environmental Health Services to ensure satisfaction of all of the relevant requirements, specifically:
Noise Generally – All mechanical ventilation services, motors, pumps e.g. air conditioners, to be located in a position to not create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
- (ii) To liaise with the City's Parks and Environment Services with regard to the proposed landscaping plan and an appropriate tree species.
- (v) That planning approval, or the subsequent issuing of a building permit by the City, is not consent for the construction of a crossing. As described in Management Practice M353, a "Crossing Application" form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.

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 (7/0)

Background

The development site details are as follows:

| | |
|------------------------------|--|
| Zoning | Residential |
| Density coding | R50 |
| Lot area | 1012 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | 5 single houses or grouped dwellings |
| Plot ratio limit | 0.6 (607.2 sq. metres plot ratio area) |

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

This report includes the following attachments:

- Attachment 10.3.2(a) Plans of the proposal.
- Attachment 10.3.2(b) Engineering Memorandum
- Attachment 10.3.2(c) Draft Canning Bridge Precinct Land Use, Built Form and Zones Plan.

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:

- I. **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 August 2014, the City received an application for eight (8) multiple dwellings within a two-storey building on Lot 3 (No. 22) Paterson Street, Como.

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

Following the officer's assessment of the proposal, non-compliant design elements were identified and comments from the City's Design Advisory Consultants (DAC) were issued to the applicant to address via amended plans and / or appropriate justification. The minor variations and comments from the DAC were addressed via amended plans, referred to as **Attachment 10.3.2**, yet proposed variations to the plot ratio and open space provisions of the proposed development had been previously identified and acknowledged by the applicant. Approval of these variations is sought via design principles and relevant justification.

The acceptability of these variations to plot ratio and open space required further investigation by the officer; the analysis and resolutions, including that of other relevant design elements worth mentioning are discussed in greater detail in the following report.

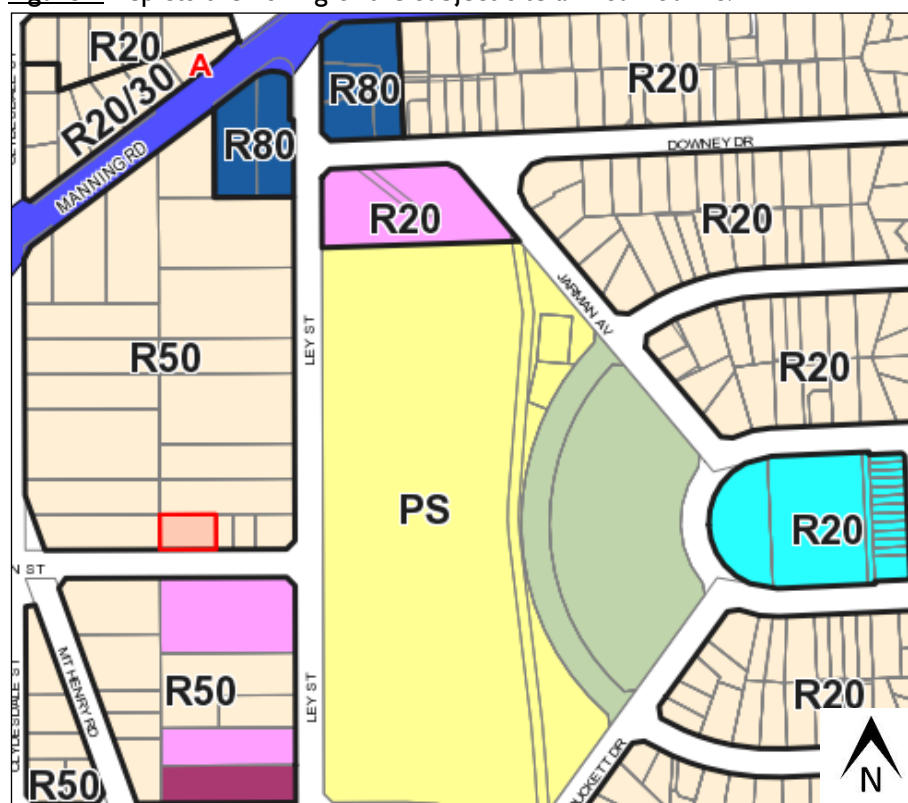
(b) Description of the surrounding locality

The site has frontage to Paterson Street, approximately 215 metres south-east of Manning Road. Despite several single houses immediately east of the development site, the area is predominantly characterised by grouped dwelling development on larger lots (>2000m²) at a density respondent to the primary residential density coding of the surrounding area, R50. The subject site is also located opposite St. Pius X Parish (Public Assembly), and within a 500 metre walkable catchment of Manning Primary School, James Miller Oval (public open space), and the Welwyn Avenue Neighbourhood Commercial Centre east of the subject site.

Figure 1 depicts the subject site and surrounding area:



Figure 2 depicts the zoning of the subject site and surrounds:



It is also worth noting the development site and surrounds are contained within the proposed Canning Bridge Precinct (bound by Ley Street to the east) of which the Draft Structure Plan has been prepared and is currently undergoing the process of community consultation. The proposed built form and zoning structure plan indicates the subject site is flagged for 'Residential Development up to 4 Storeys'. While the formal development controls have not yet been devised for the precinct, it can be assumed from the proposed draft that density and building height limits are to increase for the subject site and surrounding area (Refer to **Attachment 10.3.2(c)** for the 'Draft Canning Bridge Precinct Land Use, Built Form and Zones Plan').

(c) Description of the proposal

The proposal involves the demolition of the existing single house and other structures on the 1012m² development site, and the subsequent construction of eight (8) multiple dwellings in a two-storey building, as depicted in the submitted plans referred to as **Attachment 10.3.2(a)**.

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

- Land use – "Multiple Dwelling" is a "P" (Permitted) land use on the subject site zoned "Residential" with a density coding of R50 (Table 1 of TPS6);
- Parking provision (number) and vehicle access (R-Codes Clause 6.3.3, 6.3.4 and 6.3.5, TPS6 Clause 6.3(8) and Schedule 5, and Council Policy P350.3 "Car Parking Access, Siting and Design");
- Building height limit (TPS6 Clause 6.1A);
- Street setback (R-Codes Clause 6.1.3);
- Boundary Walls (Council Policy P350.2 "Residential Boundary Walls");

10.3.2 **Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como**

- Boundary walls (R-Codes Clause 6.1.4, Council Policy P350.2 “Residential Boundary Walls”);
- Solar access for adjoining sites (R-Codes Clause 6.4.2).
- Surveillance of street (R-Codes Clause 6.2.1);
- Street surveillance and fences (TPS6 Clause 6.7, Council Policy P350.7 “Fencing and Retaining Walls”);
- Outdoor living area (R-Codes Clause 6.3.1);
- Landscaping (R-Codes Clause 6.3.2);
- Minimum and maximum floor levels, site works and retaining walls (TPS6 Clause 6.9 and 6.10, R- Code Clause 6.3.6 and 6.3.7, Council Policy P350.7 “Fencing and Retaining Walls);
- Stormwater management (R-Code Clause 6.3.8);
- Dwelling size (R-Codes Clause 6.4.3); and
- External fixtures (R-Code Clause 6.3.6) – Specific Condition B (ii) has been included to ensure compliance with this element.

The following components of the proposed development **do not satisfy** the deemed-to-comply requirements of the *Residential Design Codes of WA 2013*, the applicant is seeking approval under the design principles of the R-Codes or planning objectives, requiring further discussion:

- Building size / Plot ratio (R-Codes Table 4 and Clause 6.1.1);
- Open space (R-Codes Table 4 and Clause 6.1.5);
- Streetscape compatibility;
- Visual privacy (R-Codes Clause 6.4.1);
- Side and rear boundary setbacks (R-Codes Clause 6.1.4); and
- Car parking form and design (car stackers).

(d) Plot ratio

In accordance with Table 4 of the *2013 Residential Design Codes*, the permissible plot ratio for multiple dwelling development under the subject site zoning of R50 is 0.6 (607.2m²); the proposed plot ratio is 0.685 (693.2m²) representing an 8.5% (86m² excess) variation from the deemed-to-comply provisions of the R-Codes.

In documentation submitted with the application for planning approval, the applicant presented written justification for the proposed *plot ratio* and *open space* variations; justification for the *plot ratio* read as follows:

“Allowing the 8.5% variance means that each living unit can be at least 80.0m². This additional space is aimed at attracting a different type of tenant to the area and providing a more generous living area for residents. At present, the houses surrounding this development are rather poorly presented; this development will be able to create a higher standard. In addition to note, all balconies exceed the minimum requirements and the large open plan units create an even better impression of space due to designed out corridors.”

“Our rationale for the 8.5% increase is that we are creating 8 quality residences rather than trying to cram in as many as we can. We wish to create a higher quality outcome and believe that works best for the community generally.”

10.3.2 **Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como**

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed plot ratio if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended the proposed plot ratio be approved as the applicant has satisfied the City in relation to the following three requirements of that clause (in bold):

- (i) **Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality.**

Clause 6.1.1 P1 of the R-Codes provides the design principles for plot ratio: “Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.” There is unfortunately no specific precinct plan or local planning framework for the subject site; however, the subject site is contained within the Canning Bridge Precinct Draft Structure Plan which is currently being publicly advertised for community consultation.

In the Canning Bridge Precinct Draft Structure Plan, the subject site is indicated as one that will be zoned for ‘Residential Development up to 4 Storeys’. Given this, it can be expected that the *future desired built form* of the subject site and surrounding locality is to be of a much greater bulk and scale than currently exists or is being proposed by this development. Accordingly, the proposed variations can be seen as acceptable as the *future desired built form* of the precinct is to provide for increases in building heights and living density, which will inherently allow for plot ratio/building size bonuses throughout the precinct.

Considering the built form (bulk and scale) of the proposed development type is also very important in assessing the acceptability of the proposal. The subject site, if it was to be developed with grouped dwellings which are typical of the area, could cater for 5.6 (rounded to 5) two-storey grouped dwellings. Grouped dwellings are not limited by plot ratio, but rather site cover and building height limits in terms of their bulk and scale. As such, two-storey single house(s) or grouped dwelling(s) could reasonably be developed with a plot ratio of up to 1.0 and need only provide 40% open space under Table 1 of the R-Codes. When considering this, it is reasonable to expect that the construction of 5 two-storey grouped or single dwellings (if subdivided) on the same site would be of a much greater bulk and scale than the proposed 8 multiple dwellings which are contained within 2, two-storey buildings that have greater than 40% open space provision.

- (ii) **Non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct.**

The additional plot ratio is not expected to produce any adverse impacts for future occupiers of the site, and if anything, will provide greater benefit and amenity to residents via more generous living spaces and overall dwelling size.

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

Other than the proposed plot ratio and open space variations, a majority of other design elements of the proposed multiple dwellings satisfy the deemed-to-comply provisions of the R-Codes and easily demonstrate satisfaction of design principles. The plot ratio variation is not seen to contribute negatively to any of the considered amenity impacts particularly in terms of overshadowing and building bulk (reduced wall setbacks). A direct outcome of building bulk is overshadowing of surrounding properties but due to the orientation of the lot and Paterson Street towards its south, any shadow is likely to fall within the front setback area and road reserve therefore having no adverse impact upon adjoining properties.

The proposed layout is designed to minimise adverse impacts upon adjoining residents. The *Visual Impact Assessment Plan* of **Attachment 10.3.2(a)** shows the positioning of buildings in relation to adjoining residences. The plan shows the majority of buildings have been sited toward the south-western corner of the site which abuts the road reserve and adjoining vacant site (which is to be developed conscious of any development on the subject site). The two-storey buildings are set well clear (>10.0 metres) from the only adjoining single house to the east of the site (24 Patterson Street). Additionally, the rear building is setback in accordance with the deemed-to-comply provisions of the R-Codes from the grouped dwellings to the north of the site which are themselves set well clear from lot boundaries (>2.5 metres).

In conclusion, the additional plot ratio or extra development is not seen to produce any further adverse impacts than a development with a compliant plot ratio area on the same site. Further, the additional plot ratio or extra development is not intended to create more dwellings which could have impacts on traffic and parking, but merely provide residences with more generous living spaces (i.e. the same number of dwellings, simply of smaller sizes could have been proposed within a compliant plot ratio).

(iii) *The proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the Plan for that precinct.*

The City considers that the objectives of the Scheme have been satisfactorily met - refer to the section "Scheme Objectives" below. As noted above, there are no specified objectives for the precinct, yet the proposal is more in line with the future desired built form sought in the Canning Bridge Precinct of which the subject site is to become a part, once the precinct structure plan and development controls have been formalised.

In this instance, it is considered that the proposal complies with discretionary Clause 7.8.1 of the TPS6 and can therefore be supported by the City.

(e) Open space

As per Table 4 of the R-Codes, the required minimum open space provision for multiple dwelling developments is 45% (455.4m²) of the development site. The proposed open space provision is 40.8% (412.9m²), representing a 41.66m² (4.2%) shortfall from the deemed-to-comply provisions of the R-Codes.

The R-Code Design Principles Clause 6.1.5 P5 provides that “open space respects the existing or preferred neighbourhood character and responds to features of the site”.

The existing neighbourhood character of the area consists predominantly of large lots (>2000m²) occupied by grouped dwelling developments (a mix of 1 and 2 storey). As was discussed above, grouped dwellings only require a 40% open space provision under the deemed-to-comply requirements of the R-Codes, Table 1. Therefore, the proposed open space of 40.8% would be considered compliant if a grouped dwelling development was being proposed on the same development site. Additionally, such development could potentially be of a greater bulk and scale than proposed as grouped dwellings are not limited by plot ratio. Given the surrounding area is characterised by grouped dwelling developments, it is reasonable to assume that the minor (<5%) site cover variation for the proposed multiple dwelling development is suitable to the existing neighbourhood character because such site cover would be typical of the dominant development type and compliant with the deemed-to-comply provisions of the R-Codes.

As with plot ratio above, the minor site cover excess has not produced any variations to other considered design elements of the R-Codes or City policy, nor is it expected to create any adverse amenity impacts on surrounding properties. A majority of the additional site cover has come in the form of the covered car parking bays (8), the bin area and storerooms which are necessary features of the development and provide amenity for residents.

The development site is also within a 250 metre walkable catchment of public open space (James Miller Oval) which is to provide convenient parkland amenity for residents, immediately east of the development site.

Finally, the proposed Canning Bridge Precinct Draft Structure Plan indicates that the development site and surrounding areas to the north and west are flagged for ‘Residential Development up to 4 Storeys’. This indicates that the future or preferred neighbourhood character is to be of greater bulk, scale and density than is currently present within proximity of the proposed development.

In light of the above, the minor site cover variation for the proposed multiple dwelling development is considered acceptable and can therefore be supported by the City.

(f) Streetscape Compatibility

In accordance with Table 4 of the R-Codes the minimum primary street boundary setback for multiple dwellings (Coded R60) is 2.0 metres. The proposed minimum primary street setback is 2.1 metres, satisfying the minimum prescribed provisions of the R-Codes; however, it is also important to consider the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area. The proposed setback, scale and form of the development are considered appropriate in this circumstance given the following:

- The adjoining site west of the development site is currently vacant and is expected to be developed similarly in the future with a setback corresponding to that of the proposed;

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

- The main proposed buildings are setback >10.0 metres from the eastern lot boundary. Development on the eastern side of the lot includes the parking areas, bin store and screen which are setback 7.3 metres from the primary street lot boundary. This concentration of the primary buildings on the western side of the lot and the increased setback of the bin store creates a visual buffer between the contrasting setback of the adjoining single house which is 5.0 metres;
- The development site has four large street trees spread out across the verge, which will provide natural screening of the development from the public street, reducing the imposition on the streetscape the development may have;
- The grouped dwellings directly opposite the development site, at 4 Mt Henry Road, have setbacks similar to the proposed with Units 1 & 2 only setback 2.5 metres, within 400mm of the proposed; and
- Finally, the Design Advisory Consultants observed the building bulk and scale of the proposed development were in keeping with the existing streetscape character (see comments below).

(g) Visual Privacy

Under the standard cone-of-vision assessment method of the R-Codes (Clause 6.4.1), no visual privacy encroachments are proposed to occur over lot boundaries of previously developed, adjoining sites. However, the applicant is seeking approval, via the design principles of the R-Codes, for several western facing openings in which the cone-of-vision encroaches over the vacant lot, west of the subject site which is yet to be developed. The design principles provide for '*minimal direct overlooking of habitable spaces and outdoor living areas of adjacent dwellings*'.

Given the adjoining site is vacant, there is currently no overlooking of habitable spaces and outdoor living areas from the western facing openings of the proposed. Additionally, the applicant has proposed a row of trees for natural screening of any future development on the adjoining site. Furthermore, any future development of the adjoining site will take into consideration the development on the subject site and be designed so as to avoid potential visual privacy conflicts. In this circumstance it is considered that the proposed justifications satisfy the design principles of the R-Codes and can therefore be accepted.

It should also be noted the landowner of the adjoining site was included in the consultation process for this development application but lodged no formal submission with regard to the proposed development.

(h) Side Setbacks

Further to the section above, the upper floor setback of Unit 5 from the western lot boundary represents a variation from the deemed-to-comply provisions of Table 2b of the R-Codes. The proposed wall is setback 1.89 metres in lieu of the required 3.4 metres for walls with major openings. If the wall had no major openings, the required setback would only be 1.5 metres and the proposed setback would satisfy the required setback provided in Table 2a for a wall of the same height and extent.

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

Given the visual privacy encroachments over this western boundary have been justified and supported, the setback variation, due to the proposed major openings, should also be supported as the bulk impact of the proposed wall is to be the same regardless of the wall openings. Furthermore, no adverse overshadowing is to occur as a result of the setback and thus, the setback can be supported.

It should again be noted the landowner of the adjoining site was included in the consultation process but lodged no formal submission with regard to the proposed development.

(f) Car Parking Siting and Design

The initial proposal for the development demonstrated the provision of eight car parking bays for occupiers covered by carports with an additional two bays at the front of the development for visitors. This car parking provision satisfies the deemed-to-comply requirements of Clause 6.3.3 of the R-Codes based on the number of dwellings, dwelling size and development site location. The applicant also amended plans to provide the required bicycle bays (4) in accordance with the requirements of this same clause.

However, the applicant only recently provided further amended plans which now provide each occupier car bay with a “car stacker” (see Carport study as part of **Attachment 10.3.2(a)**) which essentially allows an additional vehicle to be parked in the same bay by ‘stacking’ one on top of another with a hydraulic lifting machine provided for each occupier bay.

While officers acknowledge the amenity benefit of providing each occupier with two car parking spaces and potentially reducing street parking, there are concerns about the visual impact (cars above the fence line) on the outlook from habitable rooms and the outdoor living areas of the two adjoining properties which abut the north-east corner of the site; 24 Paterson Street and 79 Ley Street. Secondly, as the modifications were a late change to the proposed plans, the City has had insufficient time to consult with the affected adjoining neighbours regarding the proposed “car stackers” nor attain comment from the City’s Environmental Health or Infrastructure Engineering departments with regard to any potential noise impacts from the hydraulic machines.

Given this, officers are recommending the proposed car stackers are deleted from the approved plans and the applicant reverts back to the initial proposal of eight standard occupier bays with carport cover which still achieves compliance with the deemed-to-comply parking provisions of the R-Codes. A specific condition has been prepared above in line with this recommendation, however officers have advised the applicant that the car stackers may be appropriate if adequate consultation with adjoining neighbours and the relevant City departments reveals no concerns, however this would have to be part of a separate application given the limited time frame.

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

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

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

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

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

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

In considering the application, Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the twenty four listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

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

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 of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in September 2014. The proposal was favourably received by the Consultants provided some additional elements were addressed. Their comments and responses from the Applicant and the City are summarised below.

| DAC Comments | Applicant's Response | Officer Comment |
|---|--|---|
| The Design Advisory Consultants observed that while the building bulk and scale of the proposed development were in keeping with the existing streetscape character, the built form was not exceptional. | Amendments to plans as per the final drawings of Attachment 10.3.2(a) demonstrate improvements to the built form and resident amenity | Officer acknowledges acceptability of building bulk and scale and has seen improvements to the built form of the proposed development through revised plans. |
| For a clearer understanding of the built outcome in terms of the external finishes, the Advisory Consultants advised that the images of the indicative finishes should be incorporated into the proposed elevations and perspective view. | Has provided <i>Material Selection</i> plan as part of the Attachment 10.3.2(a) which indicates material finishes correspondent to elevations | <i>Material Selection Plan</i> considered satisfactory in providing clear examples of the indicative finishes with reference to elevations |
| Noting the prefabricated type construction (Master Wall), the Advisory Consultants advised that initial comments should be sought from Building Services as to whether it will conform to BCA requirements. | | The City's Senior Building Surveyor has advised that all materials will be certified under the Building Code of Australia when further details are provided as per a Building Permit Application. |
| The pitch roof, as visible in the perspective view, seemed ideal and complements the proposed development. The Advisory Consultants asked the assessing officer to confirm with the applicant that the roof pitch shown on the elevation drawing is consistent. | Applicant has confirmed the perspective pitch is consistent with the proposed roof pitch on elevations | Accepted by officer. |
| The height of the louvres should be adjusted to ensure that window air conditioners are concealed from view from the street and adjoining properties. | Applicant has acknowledged and provided amended plans as per Attachment 10.3.2(a) | Acknowledged by officer. Additionally, specific condition no. 2 requires all external fixtures to be sufficiently screened from view of the public street or adjoining properties. |

Accordingly, the applicant has addressed the concerns and items identified by the DAC and has provided the additional information or revised plans where necessary.

(b) Neighbour Consultation

Consultation with neighbours 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 of adjoining and nearby properties were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 12 consultation notices were sent and 2 submission(s) were received, 1 with opposition to the proposal and 1 with a request for the developer. The comments of the submitter(s), together with officer response(s) are summarised below.

| Submitters' Comments | Officer's Responses |
|---|--|
| Any setback which seeks to vary and impinge on the proximity to the border of my property (north) is likely to accentuate this feeling of limited space and there is likely to be a loss of privacy and amenity as a result; I do not agree to any variation from the R code requirements | The comment is not upheld as no setback variations (to the north) are proposed; all buildings are setback from the rear lot boundary in accordance with the deemed-to-comply provisions of Tables 1 and 2 of the R-Codes. |
| Request that adequate retaining be in place along the rear lot boundary so as to avoid any damage to the adjoining properties. Fencing to be replaced. | Any difference in levels greater than 150mm is required to be sufficiently retained via TPS6. Any required retaining is required to be assessed and approved by a certified structural engineer to ensure it is adequate. Additionally, the applicant has indicated on the plans (see ground floor plan) that the intent is to provide "new solid fences 1800 high to all boundaries to replace existing". |

(c) Internal Administration

Comments were invited from Engineering Infrastructure, Environmental Health, and City Environment.

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking, stormwater and general comments on the proposal. Full details of the Engineering response can be found in the Engineering memorandum dated 15 September 2014, referred to as **Attachment 10.3.1(b)**. Compliance with any requirements of Infrastructure Engineering is required via Specific Advice Note 1.

10.3.2 Proposed Eight (8) Multiple Dwellings Within a Two-Storey Building - Lot 3 No. 22 Paterson Street, Como

The Environmental Health department provided comments with respect to bins and noise generally advising that the bin enclosure is acceptable as per the plans and that all mechanical ventilation services, motors, pumps e.g. air conditioners, to be located in a position to not create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* (Specific Advice Note 2).

The City Environment department provided comments and invoice for required works as detailed in Specific Condition 1 and the subsequent tax invoice that will be required to be paid prior to the issue of a building permit.

Accordingly, planning conditions and/or important notes have been formulated to ensure compliance with comments from the above officer(s).

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications

Strategic Implications

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

Accommodate the needs of a diverse and growing population.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as the proposed plot ratio and site cover variations are not to have a detrimental impact on adjoining residential neighbours or the streetscape. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.2 (a):** Attachment 10.3.2(a) - Plans of the proposal
- 10.3.2 (b):** Attachment 10.3.2(b) Engineering Memorandum
- 10.3.2 (c):** Attachment 10.3.2(c) - Draft Canning Bridge Precinct - Land Use, Built Form and Zoning Plan

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

Location: Salter Point
 Ward: Manning Ward,
 Applicant: 3D Edge Designers & Planners
 File Ref: D-14-61966
 Lodgement Date: 21 October 2014
 Date: 28 October 2014
 Author: Peter Ng, Planning Officer
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for additions to an existing two-storey single house on Lot 11 (No. 79) River Way, Salter Point.

Council is being asked to consider and determine the application as delegation does not extend to approving 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. Council is being asked to exercise its discretion with regard to the following matters:

- Boundary walls;
- Overheight fence;
- Significant views; and
- Upper floor street setback.

The application is recommended for approval, subject to conditions.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

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 additions to an existing two-storey single house on Lot 11 (No. 79) River Way, Salter Point **be approved** subject to:

(a) Standard Conditions

| | | | |
|------|---|-----|-------------------------------|
| 425 | Colours and materials - Matching | 470 | Retaining walls - If required |
| 340B | Parapet walls – Finish of surface not visible from street | 471 | Retaining walls - Timing |
| 550 | Plumbing hidden | 455 | Dividing fences - Standards |
| 445 | Stormwater infrastructure | 456 | Dividing fences - Timing |
| 210 | Screening - Permanent | 660 | Expiry of approval |

(b) Specific Conditions

- (i) The external materials and colour finish of the proposed brick fence addition at the southern boundary shall match with those of the existing fence.

(c) Standard Advice Notes

| | | | |
|------|----------------------------------|-----|---|
| 700A | Building permit required | 790 | Minor variations - Seek approval |
| 795B | Appeal rights - Council decision | 708 | Boundary walls – Neighbour's preference |

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 (7/0)

Background

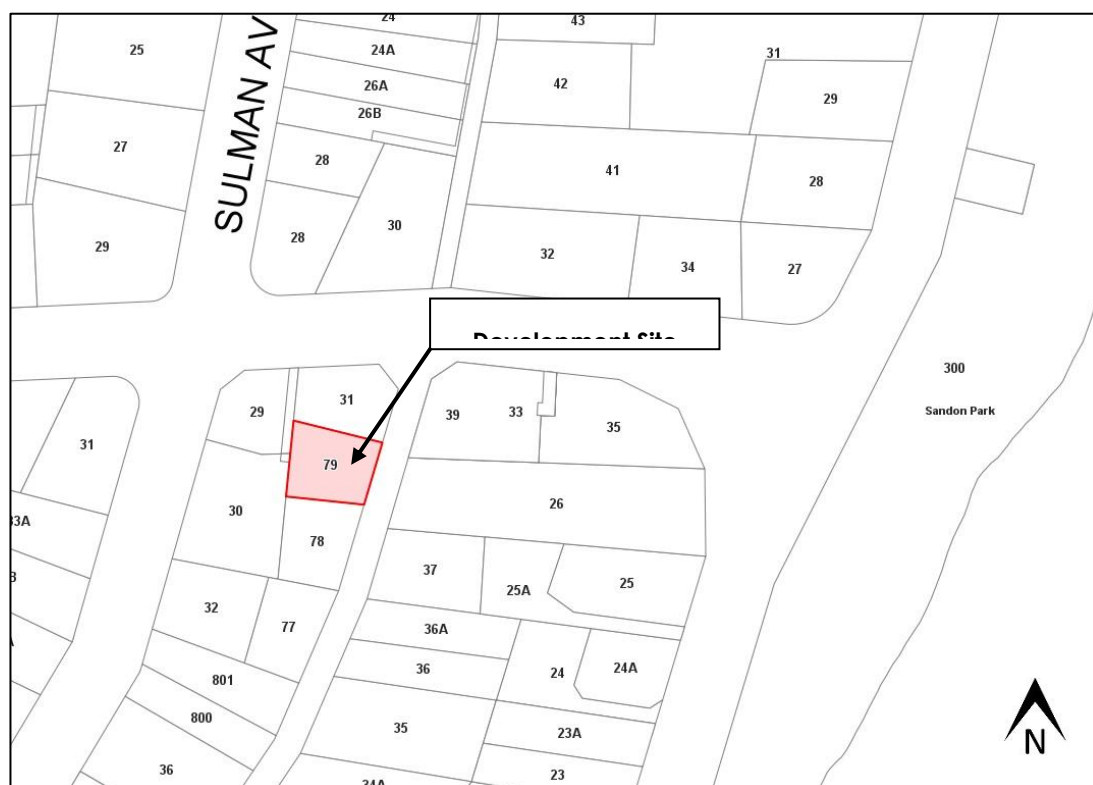
The development site details are as follows:

| | |
|------------------------------|----------------|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 450 sq. metres |
| Building height limit | 7.0 metres |
| Plot ratio limit | Not applicable |

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
Attachment 10.3.3(b) Applicant's letter dated 14 September 2014.
Attachment 10.3.3(c) Applicant's letter dated 5 September 2014.

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.

Comment**(a) Background**

In June 2014, the City received an application for planning approval for additions to an existing two-storey single house on Lot 11 (No. 79) River Way, Salter Point (the subject site). Following the officer's assessment and neighbour consultation period, the applicant was sent a letter requesting further information on 5 August. Several discussions between the applicant and assessing officer have occurred since this initial letter, resulting in the drawings being modified a number of times. The current set of drawings, referred to as **Confidential Attachment 10.3.3(a)**, was received on 15 September 2014.



Site Photo 1 – Existing River Way elevation.

(a) Description of the proposal

The proposed additions can be summarised in two parts:

- (i)** Extending roof cover over upper level alfresco area; and
- (ii)** Rear extension comprising a new laundry and lift at ground level and master suite extension at the upper level.

The above additions are depicted in the submitted plans referred to as **Confidential Attachment 10.3.3(a)**. In their supporting letters, referred to as **Attachment 10.3.3(b and c)**, the applicant has provided two reasons for the proposed addition; these being to improve their overall privacy, especially to the upper level outdoor living spaces / alfresco and lift addition, to ensure the owners can continue to live at the property into their later years of life.

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

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:

- Building height limit (TPS6 Clause 6.1A);
- Open space (R-Codes Clause 5.1.4);
- Garage width (R-Codes Clause 5.2.2);
- Street surveillance (R-Codes Clauses 5.2.3 and Council Policy P350.7 “Fencing and Retaining Walls”);
- Parking and vehicle access (R-Codes Clause 5.3.3, 5.3.4 and 5.3.4, TPS6 Clause 6.3(8) and Schedule 5, and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Visual privacy (R-Codes Clause 5.4.1 and Council Policy P350.8 “Visual Privacy”); and
- Solar access for adjoining sites (R-Codes Clause 5.4.2).

The following planning matter is considered acceptable but requires further discussion:

- Boundary walls;
- Over height fence;
- Lot boundary setback;
- Significant views; and
- Upper floor street setback.

(c) Boundary walls

One boundary wall is proposed as part of the development depicted in the plans of the proposal, referred to as **Confidential Attachment 10.3.3(a)**. The western boundary wall for the upper floor walk-in robe addition is located at the rear of the subject site. The proposed boundary wall is 6.15 metres long and is situated at the rear eastern corner of adjoining houses Nos. 29 Howard Parade and 30 Sulman Avenue. The impact of this wall on each adjoining property is discussed below.

Western boundary wall (adjoining 29 Howard Parade)

The overall boundary wall height measured from the pavement level of the adjoining outdoor living area is 3.8 metres. The 2.7 metre high boundary wall is proposed above the existing 1.1 metre high planter box, as illustrated in Photo 2 below:



Site Photo 2 – View from the first floor at 29 Howard Parade (dining).

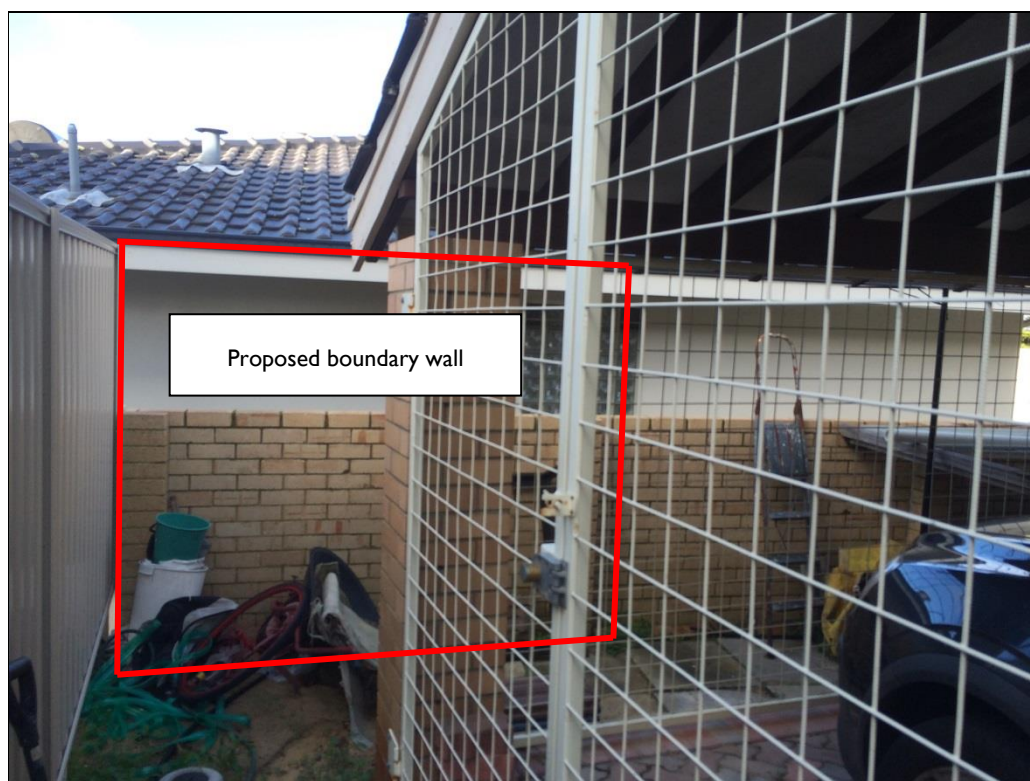
Given half of the proposed boundary wall is located at the corner of the adjoining outdoor living area behind the planter box, City officers observed that the proposed boundary wall will have minimal visual bulk impact, and eventually will be obscured by the newly planted shrubbery and plants.

The proposed boundary wall, which is located on the eastern side of the adjoining property, will not restrict sun access to the adjoining property's outdoor living area or habitable room major openings.

Based on the approved drawings and site visit, the existing ground level outdoor living area is observed to be a secondary entertaining area with direct access from the games room. The major entertainment area of the existing dwelling is observed to be located on the second floor patio / balcony. The existing upper floor balcony has direct access from the dining and family rooms with views towards Canning River.

Western boundary wall (adjoining 30 Sulman Parade)

City officers observed that the proposed boundary wall is adjacent to the existing carport structure of the dwelling at No. 30 Sulman Avenue. Accordingly, the proposed boundary wall will be fully obscured behind the carport structure, and will have no impact on the existing streetscape or outlook from the habitable room windows of the adjoining dwelling at No. 30 Sulman Avenue.



Site Photo 3 – View from 30 Sulman Avenue (carport).

Accordingly, officers consider both the proposed western boundary walls meet with City of South Perth Policy P350.02, and therefore are supported.

(d) Over height fence

Clause 6.7 indicates that a fence should not exceed 1.8 metres in height without the written approval of Council. There is an existing significant over height fence along the southern boundary, between the subject site and the adjoining dwelling at No. 78 River Way. As depicted in the drawings contained in **Confidential Attachment 10.3.3(a)**, the site slopes from the west boundary (rear) down to the east boundary (River Way). There is a difference of 1.0 metre from the highest to the lowest point measure along the existing boundary wall. Due to the natural topography of the site, the existing fence visible from the adjoining dwelling varies from 1.8 metres high to 2.8 metres in height.

The proposal entails extending a small portion of the “stepped down” boundary fence to the same height as the remaining boundary fence, as shown in **Side elevation (south)** below.

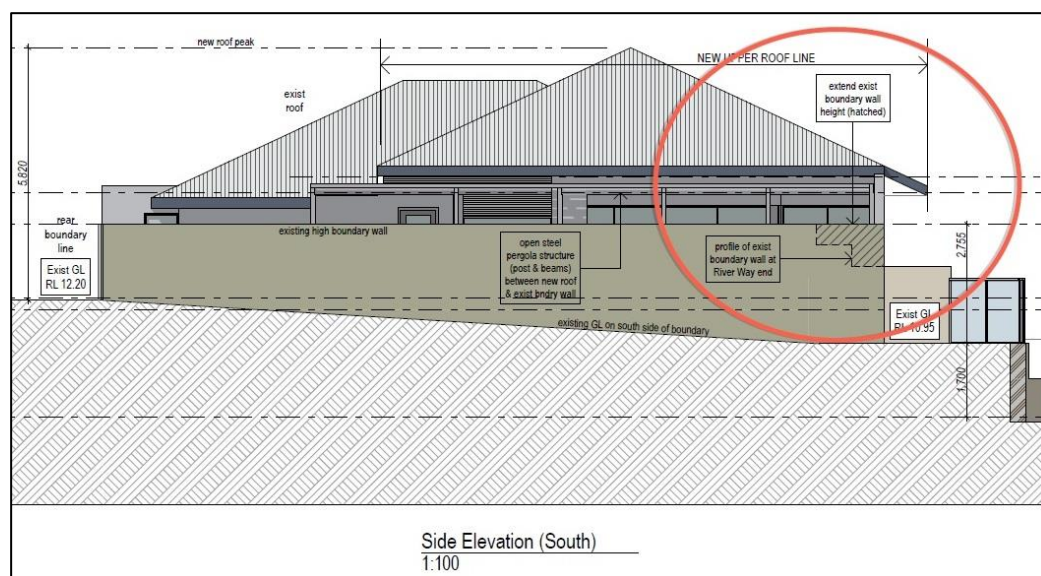
In accordance to Clause 6.7(2) of TPS6, “any proposed fence which does not require planning approval under Clause 6.7(1), but exceeds 1.8 metres in height requires the prior written consent of Council. Council shall not give its consent unless it is satisfied that the fence will not adversely affect the amenity of any property in the locality, and will not clash with the exterior design of buildings in the locality.

The fence height at any point shall be measured from the level of the ground immediately adjacent to the fence. Where the level of the ground at any point along the length of the fence is higher on one side of the fence than the level on the other side, the fence height at that point shall be measured from the higher side.”

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

The extended boundary fence is at least 1.6 metres in height, measured from the existing upper level alfresco finished floor level to restrict overlooking into the adjoining property's outdoor living area. City officers observed that the minor extension of the existing boundary fence, as hatched in the figure below, will enhance the privacy between the properties and will not significantly impact on the amenity of the adjoining property. The additional overshadowing cast by the extended boundary fence will be insignificant. The combined overshadowing attributed by the existing fence and proposed roof addition are approximately 73.0 sq. metres or 16% of No. 78 River Way, which is within the permitted 25% of overshadowing.

The extended over height fence, which is 3.7 metres setback from the street boundary (River Way) will be aligned with the extended balcony / building setback line.



Side elevation (south) showing the extended boundary wall.

It is therefore recommended that Council exercise discretion and approve the proposed over height fence minor additions.

(e) Pergola

The proposed steel post and beam structures, which abut the existing boundary wall, are setback 0.2 metres from the southern boundary. The structures, with an open pergola using steel joists which span 12.5 metres in length, will support the extended roof structure over the existing upper level alfresco. The extended roof over the alfresco is setback 1.1 metres further from the southern boundary to reduce the overall visual bulk and overshadowing impacts on the adjoining outdoor living area of the dwelling at No. 78 River Way.

The proposed pergola structure between the roof structure and southern boundary, has an area of 15.0 square metres. In accordance to Clause 7.1(2)(f) of TPS 6; "the construction of a pergola less than 3.5 metres in height, and having an area of less than 30.0 sq. metres, do not require planning approval from Council."

However, as the structure is located on the upper level alfresco, which is more than 3.5 metres in height measure from natural ground level, it is necessary for Council to consider the amenity impact of the proposed pergola structure to the adjoining property at No. 78 River Way.

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

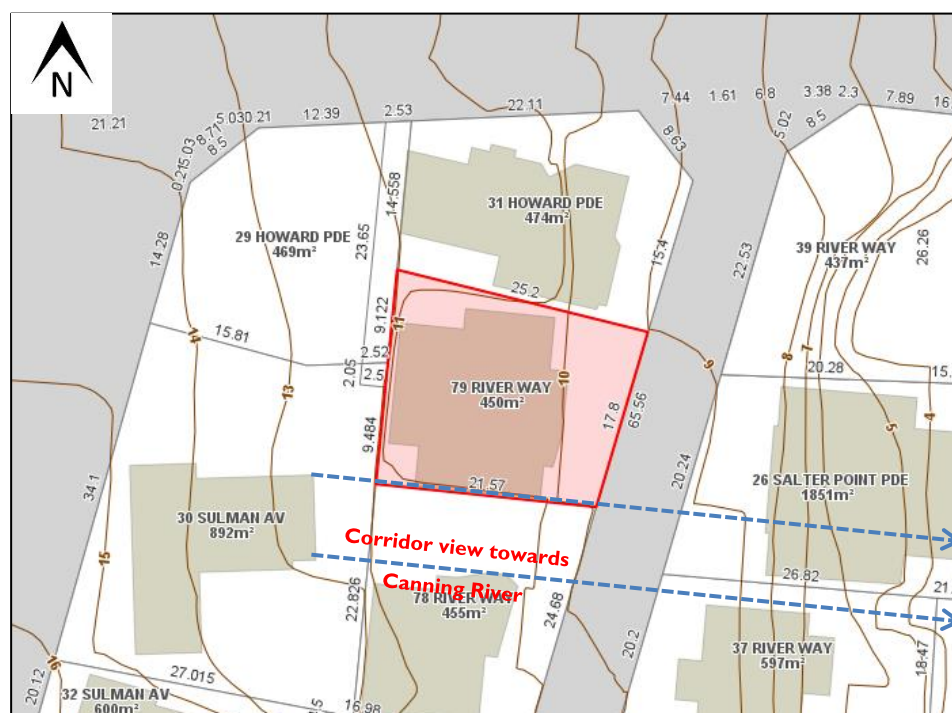
The pergola structure is considered acceptable given:

- (i) The structure, comprised of steel posts and beam structure with an open pergola, uses steel joists to reduce the building bulk impact viewed from the adjoining property's outdoor living area.
- (ii) The 17.0% overshadowing cast by the proposed addition onto the adjoining southern property meets with the R-Codes provisions for solar access, which permits up to 25% overshadowing of an adjoining southern property. The overshadowing added by the new roof form is 12.0 sq. metres or some 2.3% of the lot area for No. 78 River Way.
- (iii) The setback variation allows for ventilation of the rooms of the adjoining dwelling, which has at least a 10.0 metre building separation.
- (iv) Visual privacy of adjoining properties is maintained with the existing and extended solid boundary wall, which is at least 1.6 metres in height to restrict overlooking from the upper floor alfresco.

The proposed roof and pergola structures along a portion of the southern boundary will allow effective use of the upper level alfresco area, and most importantly, provide added privacy for the occupants without greatly impacting on the amenity of the adjoining property. Based on the above, the proposed pergola structure can be supported by City officers.

(f) Significant views

Council Planning 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).



Intramap extract – Adjoining property locations and ground level contours.

The Intramap extract also shows the location of such rear properties and corresponding ground levels. A very steep incline is noted towards the rear of the subject site, giving much higher ground levels for those properties to the west of the subject site.

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

The City's approach is to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development.

As demonstrated in **Site Photo 2** above, a glimpse of Canning River (significant views) from No. 29 Howard Parade's first floor dining over a small corridor view between dwelling Nos. 31 Howard Parade and 79 River Way will not be significantly impacted by the proposed development.

The dwelling at No. 30 Sulman Avenue currently enjoys view of the Canning River (significant views) over the corridor view between dwelling Nos. 78 and 79 River Way, as shown in **Site Photo 4** below taken during a site visit from the first floor balcony. Based on the amended drawings submitted, the corridor view between dwelling Nos. 78 and 79 River Way will be maintained.

The applicant also provided further justification informing that:

"The first thing to know about 30 Sulman Avenue, or so we understand, is that they already have a restrictive covenant over the undeveloped part of 78 River Way – which is all of the open space between the common boundary of 78 and 79 River Way and the existing two storey dwelling on 78 River Way.

In any event, our amended DA drawings do now contain a considerably changed roof shape over our proposed covered alfresco area, which probably does diminish any impact on the "peripheral views" from 30 Sulman Avenue. I say peripheral views because surely their significant views are over the area of 78 River Way we can only assume is protected by a restrictive covenant."



Site Photo 4 – Existing corridor view from the balcony of 30 Sulman Avenue.

This is further illustrated in the "photomontage" provided by the applicant, superimposing the proposed addition on the subject site to demonstrate that the significant view from the rear property will not be greatly impacted.

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

The property will still be able to enjoy uninterrupted views of the river, as demonstrated in the photo below (**Site Photo 5**):



Site Photo 5 – Photomontage of the proposed addition maintaining its corridor view.

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 significant views of the Canning River from both neighbouring properties will not be significantly obstructed, and is supported by City officers.

(g) Upper floor street setback

Clause 1(a) of City Policy P306 requires buildings other than carports and garages to setback a minimum 6.0 metres from the river boundary to reduce the bulk and scale of buildings abutting River Way.

The proposal involves enclosing and converting the existing front balcony into a dining area, and straightening the upper floor alfresco to the same alignment as the existing front balcony. The proposed front dining and upper floor alfresco have a varying street setback of 3.7 metres to 6.0 metres due to the irregular shaped front lot boundary. In this instance, a certain portion of the proposed upper floor building setback is less than 6.0 metres from the River Way street boundary. As demonstrated in **Confidential Attachment 10.3.3(a)**, a certain portion of the upper level alfresco balustrade and roof covering protrudes into the 6.0 metre setback area.

In accordance with Clause 1(b) of City Policy P306; “Where a development site is adjoined on both sides by lots containing dwellings setback less than 6.0 metres from the River Way boundary, the minimum setback of each storey of a dwelling on the development site shall be not less than the average of the setbacks of the corresponding storeys of the dwellings on the adjoining lots.”

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

Based on City records, the adjoining dwellings on both sides of the subject site have 6.0 metre setbacks (Nos. 31 Howard Parade and 78 River Way). Notwithstanding that, as shown in **Photo 6** below, there are substantial retaining wall and fencing within the 6.0m street setback area. Therefore, the minor intrusion which has a minimum 3.7 metre street setback is abutting to an existing 2.7 metre high boundary wall and retaining of the adjoining dwelling at No. 78 River Way.



Site Photo 6 – Existing limestone wall and fencing structure adjacent to the subject site.

In this instance, the roof structure addition over the upper floor alfresco does not greatly impact on the bulk and scale of buildings viewed from River Way, and therefore is supported by City officers.



Perspective view – Proposed addition viewed from River Way.

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

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

- (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.

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

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

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

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

Neighbour Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in July 2014. The proposal was favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

| DAC Comments | Applicant's Response | Officer Comment |
|---|--|-----------------------------|
| The Design Advisory Consultants generally observed that the proposed built form and design will enhance the existing streetscape character. | We appreciate the positive nature of the Design Advisory Consultants' comments regarding the built form and design proposed in our original DA submission. | The DAC comments are NOTED. |
| Design modifications to include a parapet along the perimeter of the roof will resolve the rain water disposal issue. | Notwithstanding those positive comments, it has been necessary to re-think our proposed built form in order to address the technicalities of overshadowing / building bulk and boundary walls. | The DAC comments are NOTED. |

(b) 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. 78 River Way, 29 and 31 Howard Parade, and 30 Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 4 consultation notices were sent. Three individual submissions were received during this time, each objecting to the proposal. The comments of the submitters, together with officer response are summarised below:

| Submitters' Comments | Applicant's Response | Officer Response |
|--|---|---|
| <p>The proposed "parapet" wall is shown with a height of 2.7m and being built above the second storey level stated at RL12.1m giving a wall top level of RL14.8m. Compared with our outside courtyard area with a ground level of around RL11.2m, this proposed boundary wall is around 3.6m high.</p> <p>Such a wall reduces the amenity of our outside courtyard. With the roof modifications described, we believe that our "significant views" from the living area will also be impacted.</p> | <p>With regard to the proposed boundary wall along our western boundary against 29 Howard Parade, this has now been modified by stepping back from the boundary so as not to overlap the potentially affected habitable windows at their ground floor level, which we understand to be bedroom windows.</p> | <p>The applicant has amended the boundary wall length based on the comments received. City officers have observed that the proposed western boundary wall adjoining No. 29 Howard Parade can be supported; the subject of discussion in the body of the report.</p> <p>The comment is NOT UPHELD.</p> |
| <p>My main concern is the increased shadowing of our outdoor play / lawn area for our 2 year old and new born! We have recently just planted new lawn (in April) as you can see from the attached photo from yesterday, the shadowing has already started to kill our lawn with the existing wall height.</p> | <p>In order to reduce the amount of overshadowing onto the adjoining open space of 78 River Way, together with associated building bulk, the previously proposed new parapet boundary wall has been removed and the original roof shape over our proposed covered alfresco has been reconfigured as a hip roof solution in our amended DA drawings.</p> <p>On June 21, the combined overshadowing attributable to the existing boundary wall and our proposed new built form is approximately 73sqm, or 16% of 78 River Way. The overshadowing added by our new roof form is only 12sqm, or some 2.3% of lot area for 78 River Way.</p> | <p>The proposed overshadowing and lot boundary setback have been assessed by City officers and complies with the deemed-to-comply standards contained in the R-Codes; the subject of discussion in the body of the report.</p> <p>The comment is NOTED.</p> |
| <p>I am opposed to the skillion roof design of the balcony which would be the main reason for the loss of significant views from the balcony, living room, dining room and front entrance of my house. My concerns are with the height, pitch and location of the roof.</p> | <p>Our amended DA drawings do now contain a considerably changed roof shape over our proposed covered alfresco area, which probably does diminish any impact on the "peripheral views" from 30 Sulman Avenue. I say peripheral views because surely their significant views are over the area of 78 River Way we can only assume is protected by a restrictive covenant.</p> | <p>The photomontage, provided by the applicant superimposed with the proposed additions, demonstrates minimal view impacts to rear properties.</p> <p>The comment is NOT UPHELD.</p> |

10.3.3 Proposed Additions to Existing Two-Storey Single House - Lot 11 (No. 79) River Way, Salter Point.

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

Accommodate the needs of a diverse and growing population.

Sustainability Implications

This determination has negligible sustainability implications.

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.

Attachments

- 10.3.3 (a):** Plans of the Proposal (*Confidential*)
- 10.3.3 (b):** Applicant's letter dated 5 September 2014
- 10.3.3 (c):** Applicant's letter dated 14 September 2014

10.3.4 Proposed Additions and Alterations to Single House. Lot 519 (No. 8) River Way, Salter Point

Location: Salter Point
 Ward: Manning Ward
 Applicant: Urbane Projects Pty Ltd
 File Ref: D-14-61967
 Lodgement Date: 21 October 2014
 Date: 28 October 2014
 Author: Mina Thomas, Planning Officer
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
 Council Strategy: 3.1 Develop a Local Planning Strategy to meet current and future community needs, cognisant of the local amenity.

Summary

To consider an application for planning approval for additions and alterations to a two-storey single house on Lot 519 (No. 8) River Way, Salter Point. Council is being asked to exercise discretion in relation to the store-room setback.

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|--------------------------------------|
| Building setbacks (RES) | R-Codes Design Principles 5.1.3 P3.1 |

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 additions exceed 3.0 metres in height, Council is required to determine this application. The proposed addition and alteration is minor in nature, and will not have a negative impact on the amenity of the street or the views of adjoining neighbours.

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

Officer Recommendation AND COUNCIL DECISION**Moved:** Councillor Cala**Seconded:** Councillor Lawrance

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 and alterations to a two-storey single house on Lot 519 (No. 8) River Way, Salter Point **be approved** subject to:

(a) Standard Conditions / Reasons

| | | | |
|-----|--------------------------------|-----|------------------------------|
| 390 | Crossover- Standards | 470 | retaining walls- if required |
| 425 | Colours and materials to match | 471 | retaining walls- timing |
| 660 | Expiry of Approval | 455 | dividing fences- standards |
| 445 | Stormwater infrastructure | 456 | dividing fences- timing |

(b) Specific Conditions / Reasons

None.

(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 (7/0)**Background**

The development site details are as follows:

| | |
|------------------------------|--|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 497 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 |

The location of the development site is shown below:



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

3. The exercise of a discretionary power

(b) Applications on lots with a building height limit of 7.0 metres, having a boundary to River Way, and where the proposed building height exceeds 3.0 metres.

7. Neighbour comments

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

Comment

(a) Background

In June 2014, the City received an application for planning approval for additions to an existing two-storey single house on Lot 519 (No. 8) River Way, Salter Point (the site).

Following completion of the neighbour consultation and officer assessment of the proposal, a compilation of non-compliant design elements was issued to the applicant to address via amended plans or appropriate justification. The drawings referred to in **Confidential Attachment 10.3.4(a)** were received on 2nd of October 2014 and forms the basis of this recommendation.

(b) Description of the Surrounding Locality

The site has a frontage to River Way to the north, and overlooks the river at the rear of the lot. The lot was previously subdivided into two lots; the other adjoining lot is located to the east. The focus area is characterised by large single residential houses on relatively large lots.

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

**(c) Description of the Proposal**

The proposal additions can be summarised in three parts:

- (i)** The extension of the existing gable-pitched roof form to create a living area & balcony;
- (ii)** Minor internal alterations and modifications; and
- (iii)** The addition of a storeroom.

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 discussion below, which includes the reduced setback of the proposed store room.

(d) Side setback of the proposed store room

Clause 5.1.3 of the R-Codes prescribes setback distances for walls to side lot boundaries. Under this clause, table 2a and 2b come into effect and provide the site requirements for boundary setbacks of walls with and without major openings.

The proposed store room does not have a major opening, is 3.07m in length and has a height of 2.67m. In accordance with table 2a, the store room should be setback a distance of 1.0m from the lot boundary in lieu of the proposed 0.5m. The photograph below shows the outline store-room (in red) on the subject site.



The proposed store-room is considered to have minimal impact on the adjoining property. The area that the store-room is abutting is a front entrance area which is utilised on a minimal occasion and furthermore has shade clothes and lattice screening which further minimises building bulk impact. This is illustrated in the photograph below.



Accordingly, City officers consider the proposed side setback to be appropriate having regard to the relevant Design Principles of the R-Codes.

(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:

- (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.

(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.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) *The preservation of the amenity of the locality.*
- (j) *All aspects of design of any proposed development, including but not limited to height, bulk, orientation, construction materials and general appearance.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

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

Neighbour Consultation

Consultation was completed in accordance with the provisions of Sub-clause 6.1A(9)(c) of the Town Planning Scheme, and notice was served upon the owners and occupiers of lots potentially affected in relation to views of the Canning River for comment and an opportunity to view the proposed plans. The properties involved in the consultation process included Nos. 7 and 8a River Way. No comments were received from the abovementioned properties.

Furthermore, as there was a setback variation for the store room on the western side of the lot, neighbour consultation was sent to 8a River Way advising of the setback variation. Subsequently, no comments were received from this neighbour.

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.

10.3.4 Proposed Additions and Alterations to Single House. Lot 519 (No. 8) River Way, Salter Point

Financial Implications

This determination has no financial implications.

Strategic Implications

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

Accommodate the needs of a diverse and growing population.

Sustainability Implications

This determination has negligible sustainability implications.

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.

Attachments

10.3.4 (a): 8 River Way- Plans of the Proposal

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Tender 13/2014 "Provision of Project Management Services for the Ernest Johnson Oval Master Plan"

| | |
|-----------------------------|--|
| Location: | City of South Perth |
| Ward: | Como Ward |
| Applicant: | Council |
| File Ref: | D-14-61956 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Mark Taylor, Acting Director Infrastructure Services |
| Strategic Direction: | Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places |
| Council Strategy: | 4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses. |

Summary

This report considers submissions received from the advertising of Tender 13/2014 for the "Provision of Project Management Services for the Ernest Johnson Master-plan".

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

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That Council approves the Schedule of Rates tender submitted by NS Projects P/L for the "Provision of Project Management Services for Ernest Johnson Oval" in accordance with Tender Number 13/2013 at an estimated value of \$188,730 excluding GST for the period of supply of approximately four years.

CARRIED (5/2)

Background

Engagement of Project Management Services for the Ernest Johnson Master-plan project is considered by the City to be vital to ensure the project's success.

The size and complexity of the project plus impending local government reform requires specialist knowledge, experience, continuity and certainty to ensure this project is completed on time and to budget.

In view of this, the City sought to engage a Consultant for the provision of Project Management Services for the delivery of the Ernest Johnson Oval project. The Consultant will be responsible for the organisation and the day to day running of the project. This will include interaction with, directing and coordinating the activities of the project team, including allocated City staff, external consultants and the engaged works contractor(s).

10.4.1 Tender 13/2014 "Provision of Project Management Services for the Ernest Johnson Oval Masterplan"

It is envisaged that the project will be designed and procured in its entirety and constructed in four stages:

1. New Pavilion
2. Car parks and Demolition
3. Social area and Sports Facilities
4. Croquet, Bowling Club, Toilets and Multi-use exercise path

The scope of services to be delivered has been established in the following phases:

- Consultant procurement
- Funding approval
- Design development and development application
- Detailed design and contract administration
- Procurement
- Construction
- Handover

Throughout each phase of the project the Consultant is to provide the following project management services:

- Prepare and maintain a project program
- Adjustments to the project program
- Reports and meetings
- Checking, signing and certifications
- Corrections
- Cost control
- Review of work by others

Comment

A Request for Tender (RFT) 13/2014 for the Provision of Project Management Services for the Ernest Johnson Master-plan was advertised in the West Australian on Wednesday 10 September 2014 and closed at 2:00pm on Friday 26 September.

Tenders were invited as a *Schedule of Rates*. Please note the tender is not for a fixed sum because the phases and services required may change depending on requirements of the client (the City).

The contract is for the period of approximately four years, depending on completion of the project.

At the close of the Tender advertising period eight submissions were received and these are tabled below along with the estimated prices. Each prospective tenderer was requested to submit the number of hours and prices they considered to be required to complete the services identified for each phase. :

TABLE A - Tender Submissions and Prices

| Tender Submission | Est. Price (Ex GST) |
|-----------------------------|---------------------|
| 1. Aurecon | \$343,278 |
| 2. GHD P/L | \$177,498 |
| 3. Rowe Group | \$118,450 |
| 4. Donald Cant Watts Corke | \$189,520 |
| 5. NS Projects P/L | \$188,730 |
| 6. Coffey International P/L | \$293,008 |
| 7. PDA | \$149,420 |
| 8. Davis Langdon Australia | \$249,030 |

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

TABLE B - Qualitative Criteria

| Qualitative Criteria | Weighting % |
|--|-------------|
| Personnel and Availability | 30% |
| Previous Performance | 30% |
| Demonstrated Understanding of the City of South Perth and the local government environment | 40% |
| Total | 100% |

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

TABLE C - Weighted Score

| Tender Submission | Weighted Score |
|--------------------------|----------------|
| NS Projects | 8.0 |
| GHD | 7.7 |
| Davis Langdon Australia | 7.6 |
| Aurecon | 6.6 |
| Coffey International P/L | 6.5 |
| Rowe Group | 6.2 |
| Donald Cant Watts Corke | 6.2 |
| PDA | 6.0 |

Submissions provided varying levels of detail in their methodologies, however in the opinion of the Panel none of the submissions provided the level of understanding of the requirements of the project (specification) as did NS Projects and to a slightly lesser degree by GHD.

The Panel then made an assessment against the prices submitted by each company. Total prices were calculated by multiplying the hourly rates of the assigned consultants against the total hours proposed by each company for the project.

10.4.1 Tender 13/2014 “Provision of Project Management Services for the Ernest Johnson Oval Masterplan”

This resulted in a range of price submissions from \$343,278 (Aurecon) to \$118,450 (Rowe Group). The prices submitted by NS Projects (\$188,730) and GHD (\$177,498) were close to the median price submitted.

When assessing prices, the Panel considered it very important to not only review the charge out rates for consultants, but also the number of hours they were committing to the project.

Rowe Group submitted the lowest price by some margin, however they also planned to commit by far the lowest number of hours to the project (617) compared to GHD (1401) and NS Projects (1254).

The Panel considered the number of hours proposed by Rowe Group to be insufficient to meet the specification, which was a contributing factor to the Panel’s decision not to progress their submission.

Conversely, PDA submitted by far the highest number of hours (2226), yet their estimated price was the second lowest (\$149,420). The Panel however was concerned about other factors in their submission, therefore deciding to not progress it further.

The tender submitted by NS Projects recorded the highest score (8.0) in the evaluation matrix. GHD scored the next highest score (7.7). In order to ensure the scoring assessment was correct, the Panel elected to shortlist the submissions to NS Projects and GHD for further evaluation.

The short-list evaluation took place on Wednesday 8 October 2014 at 2:00pm in the George Burnett Leisure Centre. The evaluation comprised of questions from the Panel. This was an opportunity to further compare the two proposals and seek clarification about issues.

NS Projects and GHD were invited to elaborate on their proposals on the specific areas outlined below:

- Outline similar projects they have completed which had a Public Open Space component
- How they managed the different stakeholders while construction/building was in progress
- How they would manage the safety of residents/users of the parks areas while construction was in progress
- Who would be managing the project and what experience do they have, define the roles of all members of the project management group
- Explain the price rates and how the amount of hours had been delivered
- Explain further the breakdown of methodology on how the project will be run

Both companies were deemed capable of performing the tasks required however NS Projects demonstrated to the Panel they had more skill, knowledge and experience in delivering projects of a similar nature and scale.

Based on the assessment of all submissions received for Tender 13/2014 “Provision of Project Management Services for Ernest Johnson Master-plan”, it is recommended that the tender submission from NS Projects be approved by Council.

10.4.1 Tender 13/2014 "Provision of Project Management Services for the Ernest Johnson Oval Masterplan"

Consultation

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

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

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

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

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

Financial Implications

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

Sustainability Implications

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

Attachments

- 10.4.1 (a):** Confidential Attachment to Item 10.4.1 - Provision of Project Management Services for EJ Oval - Panel Members Recommendation Report - 28 October 2014 Ordinary Council Meeting (*Confidential*)

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 - September 2014

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61968 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance. |

Summary

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

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That

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

CARRIED EN BLOC (7/0)

Background

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

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

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

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

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

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

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

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

Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(a) & 10.6.1(b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(d)**
- Summary of Capital Items - **Attachment 10.6.1(e)**
- Schedule of Significant Variances - **Attachment 10.6.1(f)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(g)**
(not presented for September)
- Rate Setting Statement - **Attachment 10.6.1(h)**

Operating Revenue to 30 September 2014 is \$40.60M which represents some 101% of the \$40.33M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement and meter parking revenues are 3% under budget but court costs recovered are slightly over budget. Interest revenues are 14% below budget expectations although this will largely be rectified in October now that the proceeds from the sale of the Civic Triangle land have been received and invested.

Rate revenue from the initial rates strike is some \$65,000 higher than was modelled for budget purposes after revised GRVs for some larger properties were received in the period between adoption of the budget and the issue of rates notices. This variance will be addressed in the Q1 Budget Review.

Planning revenues are 41% ahead of budget due to receipt of planning fees for large developments at Hardy St and Mill Pt Road. Collier Park Village revenues are 1% under budget due to slightly less than budgeted maintenance fees.

City Environment contributions revenue reflects a year to date variance that will be addressed in the Q1 Budget Review. Unbudgeted sales of nursery stock have resulted in a favourable variance in that area. There are also unbudgeted favourable variances for insurance recoveries and Trust fund retentions in the Infrastructure area. Other than the 1% favourable difference on rubbish service charges and strong performance on CPGC green fees, Infrastructure Services revenue overall is close to budget for the year to date.

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

Operating Expenditure to 30 September 2014 is \$13.61M which represents 104% of the year to date budget of \$13.05M. Operating Expenditure shows as 17% over budget in the Administration area - but it should be acknowledged that cash costs are comfortably under budget. The variance relates to a non-cash accounting entry that was made to recognise the \$1.06M book loss' on disposal of buildings on the Civic Triangle site. Operating costs are 4% under budget for the golf course and 4% under in the Infrastructure Services area.

Other than the variance noted above, variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and timing differences. There are some savings on recruiting costs and a timing difference on costs associated with the production of the annual report. Finance reflects a timing difference on the recovery of allocations outwards of corporate costs. These are not considered significant after only three months of the year. Details of the various variances are contained in the Schedule of Significant Variances.

In the Infrastructure Services operations area, parks maintenance is some 9% below budget although this largely relates to a timing difference as maintenance programs for the year are developed and implemented. There is also a favourable timing variance in plant nursery operations and overheads - both of which are expected to reverse out in future months, whilst there is an unfavourable variance in relation to grounds maintenance – although this is related to timing issues associated with works for which the City has received a contribution from the Hensman Tennis Club.

Streetscape maintenance previously reflected a favourable variance but this has now largely reversed whilst environmental management shows a favourable timing difference at this time. Maintenance activities for roads, paths and drains now reflect a 12% favourable variance at month end but this is also considered to be a timing difference as maintenance programs are finalised and implemented.

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

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 0.64% over the budget allocation for the 214.8 FTE positions approved by Council in the budget process.

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

Capital Revenue is disclosed as \$24.56M at 30 September - 6% over the year to date budget of \$23.14M. This value consists largely of land sales proceeds.

Capital Expenditure at 30 September is \$2.10M representing 107% of the year to date budget but this is not significant as almost all capital projects in the program were scheduled to commence from August onwards. The table reflecting capital expenditure progress versus the year to date budget by directorate is presented from October onwards once the final Carry Forward Works are confirmed (after completion of the annual financial statements).

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|----------------------------|------------------|------------------|--------------|-------------------|
| CEO Office * | 90,000 | 285,122 | 317% | 190,000 |
| Major Community Projects * | 250,000 | 503,048 | 201% | 15,567,300 |
| Financial & Information | 145,000 | 162,031 | 88% | 800,000 |
| Develop & Community | 85,500 | 67,609 | 79% | 595,000 |
| Infrastructure Services | 1,305,000 | 984,363 | 76% | 10,429,900 |
| Waste Management | 145,450 | 29,076 | 20% | 350,450 |
| Golf Course | 231,540 | 67,945 | 71% | 421,115 |
| UGP | 0 | 0 | -% | 0 |
| Total | 2,252,490 | 2,099,194 | 93% | 28,353,765 |

* Awaiting carry forward budgets

Local Government Reform Costs

In accordance with the resolution to the special budget adoption meeting of 14 July 2014, the following costs have been recorded against local government reform. Consistent with the resolution, no new costs have been incurred this financial year, as these costs represent continuing costs only. Similarly, any new expenditure proposals with relation to local government reform will be the subject of specific Council approval.

Costs Incurred (Budget \$750,000)

| | Reform Office Staff | Consultancy Services | Total |
|--|--------------------------------|---------------------------------|--------------|
| <i>As a 31 August 2014</i> | \$20,050.00 | \$7,695.00 | \$27,745.00 |
| <i>For the month of September 2014</i> | \$21,923.00 | \$17,363.00 | \$39,286.00 |
| <i>Total as at 30 September 2014</i> | \$41,973.00 | \$25,058.00 | \$67,031.00 |

In addition to the above, the following represents the estimated hours and costs of staff involved in the Local Government Reform Project which have not resulted in direct costs being incurred.

Staff Time

| | May 2014 | June 2014 | July 2014 | August 2014 | September 2014 | Total |
|--------------------------|---------------------|----------------------|----------------------|------------------------|---------------------------|--------------|
| Hours¹ | 995 | 1,311 | 925 | 1,162 | 859 | 5,252 |
| Cost² | \$71,087 | \$80,889 | \$55,785 | \$68,320 | \$51,178 | \$327,259 |

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

¹ These are the hours currently recorded by staff, and may be subject to change.

² These costs exclude Reform Office Staff costs, accounted for in the preceding table.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising proactive 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.

Attachments

- 10.6.1 (a): Statement of Financial Position
- 10.6.1 (b): Statement of Financial Position
- 10.6.1 (c): Summary of non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d): Summary of Operating Revenue & Expenditure - Infrastructure Services
- 10.6.1 (e): Summary of Capital Items
- 10.6.1 (f): Schedule of Significant Variances

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2014

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | N/A |
| File Ref: | D-14-61970 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance. |

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

Moved: Councillor Cala

Seconded: Councillor Lawrance

That Council receives the 30 September 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 (7/0)

Background

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

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2014

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 \$92.2M (\$64.3M last month) compare favourably to \$58.8M at the equivalent stage of last year. Reserve funds are \$29.7M higher overall than the level they were at the same time last year - largely as a result of receiving the sale proceeds from the Civic Triangle site when settlement was effected in September. Reserve balances show that the Asset Enhancement Reserve is \$29.8M higher mainly through the receipt of the Civic Triangle sale proceeds and part of the Ray St land disposal proceeds.

It is important to recognise that the land sale proceeds currently quarantined in the Asset Enhancement Reserve do not represent 'surplus cash' but rather they are part of carefully constructed funding models for a number of major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

There are also \$1.5M higher holdings of cash backed reserves to support refundable monies at the CPV but \$1.9M less for the CPH as the reserve is now extinguished. The Sustainable Infrastructure Reserve is \$0.2M higher and the River Wall Reserve is also \$0.2M higher. The Waste Management Reserve is \$0.3M higher. The Future Building Reserve is \$0.1M higher and the Future Municipal Works Reserve is \$0.4M lower. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is \$0.4M lower (fully depleted) after funding the 2014 operating deficit.

Municipal funds are some \$3.7M higher due to excellent rates collections, a strong opening position and cash of close to \$2.0M relating to carry forward works.

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 \$26.6M (compared to \$26.7M last month). It was \$22.9M at the equivalent time in the 2013/2014 year. Details are presented as **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$89.0M compared to \$56.1M at the same time last year. There is a higher level of cash in the Municipal bank account and also in municipal investments. Cash backed reserves are \$29.7M higher as discussed above.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2014

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.

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 required to be within the 25% maximum limit prescribed in Policy P603. At 30 September, the portfolio was within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$0.43M. This compares to \$0.42M at the same time last year. The land sale proceeds were only received in the later part of September and prevailing interest rates are significantly lower. They appear likely to continue at current low levels in the short to medium term.

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 3.45% with the anticipated weighted average yield on investments yet to mature now sitting at 3.45%. 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 debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates, general debtors & underground power).

(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 September 2014 (after the due date for the first instalment) represent 64.4% of rates levied compared to 64.3% at the same time last year.

The City has again further improved its rates collection profile following the issue of the 2014/2015 rates notices.

There has again been a good acceptance of our rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies continue to provide strong encouragement for ratepayers to meet their rates obligations in a timely manner.

Claims for reimbursement of pension rebates are some \$0.5M ahead of last year due to a concerted staff effort to have them processed and reimbursed early this year.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$0.9M at month end (\$1.2M last year). GST Receivable is lower than the balance at the same time last year whilst Sundry Debtors is also 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), \$7.38M was collected by 30 September with approximately 99.7% of those in the affected area having now paid in full. The remaining property owners have 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).

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2014

Since the initial \$4.59M billing for the Stage 5 UGP Project, some \$4.44M (or 96.7% of the amount levied) has already been collected with 85.2% of property owners opting to settle in full and a further 14.4% paying by instalments so far. The remainder (0.4%) have yet to make satisfactory payment arrangements or have defaulted on the arrangements and collection actions are continuing.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

Sustainability Implications

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

Attachments

- 10.6.2 (a):** Summary of All Council Funds
- 10.6.2 (b):** Summary of Cash Investments
- 10.6.2 (c):** Statement of Major Debtor Categories

10.6.3 Listings of Payment

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61971 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan. |

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 September 2014 and 30 September 2014 is presented to Council for information.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

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

CARRIED EN BLOC (7/0)

Background

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

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

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

Comment

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

Reflecting contemporary practice, the report records payments classified as:

• Creditor Payments

(regular suppliers with whom the City transacts business)

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

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

• Non Creditor Payments

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Sustainability Implications

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

Attachments

10.6.3 (a): Listing of Payments

10.6.4 Carrying Forward Projects as at 30 June 2014

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61972 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan. |

Summary

Projects for which unexpended funds are recommended for carrying forward into the 2013/2014 year are identified and listed on the attached schedule. Similarly, incomplete capital revenue transactions are included in the schedule of carry forward items.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That the Schedule of (final) Carry Forward Capital items from 2013/2014 into the 2014/2015 Budget as disclosed on Attachment 10.6.4 is adopted.

CARRIED EN BLOC (7/0)

Background

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be individually identified as a Carry Forward item.

During the budget process, a set of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council.

10.6.4 Carrying Forward Projects as at 30 June 2014

Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

The underlying principle is that the final carry forward amount for individual projects should not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects can differ slightly from the amounts published in the adopted budget. In cases where the works are fully completed when the year-end accounts are finalised, a previously indicated carry forward amount may not be realised. This process affects only the timing of payment for materials and services and does not present a cash-flow implication.

Comment

The 2013/2014 Budget included \$3.47M in Capital Revenue - comprising \$2.71M for infrastructure asset grants and contributions, \$0.26M from UGP Reimbursements and \$0.50M for lease premiums and refurbishment levies at the Collier Park Village. A further amount of \$0.20M revenue relating to the Town of Vic Park's previously promised contribution to the Animal Care Facility and \$0.13M for a grant relating to the Manning Men's Shed will be carried forward to 2013/2014 to be claimed when the projects are fully completed and acquittal processes concluded.

The 2013/2014 Budget also included Capital Expenditure projects totalling \$13.21M of which \$11.26M (85%) was expended by 30 June 2014. Of this expenditure, some \$9.22M was expended on upgrading infrastructure assets. The remainder was applied to renewal expenditures including CPV refurbishments, land sale costs and expenditure on other sundry capital projects.

When Council adopted the 2014/2015 Annual Budget, potential carried forward expenditure of \$1.99M was flagged. Following adjustment to reflect actual (rather than projected) expenditure after the year end close-off of accounts, a net amount of \$1.95M is now identified for carry forward into the 2014/2015 budget.

Combined with the completed works, the capital expenditure represents 100% of the full year budget of \$13.21M. As a general principal, the combined total of completed works and carry forward works should not exceed the total budget as anything additional to this amount would not have been fully funded.

As noted above, for the completed 2013/2014 year, the final identified net Carry Forward items (as detailed on the attached schedule) total \$1,948,700.

Consultation

For identified significant variances, comment was sought from the responsible managers prior to the item being included in the Carry Forward Capital Projects.

Policy and Legislative Implications

This practice is consistent with relevant professional pronouncements and good business practice but is not directly impacted by any in-force policy of the City.

10.6.4 Carrying Forward Projects as at 30 June 2014

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there is necessarily some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Carry Forward Works. This is consistent with responsible financial management practice.

Sustainability Implications

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

Attachments

10.6.4 (a): SCHEDULE OF INCOMPLETE Capital Works Carried Forward from 2013/2014

Note: the Amendment to the Officer Recommendation as shown below at Item 10.6.5 was circulated to Members prior to and at the meeting.

10.6.5 WALGA Poll Provisions Advocacy Position

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61974 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.5 Advocate and represent effectively on behalf of the South Perth community. |

Summary

This report seeks feedback from Council relating to WALGA's poll provision advocacy position. WALGA is seeking feedback from local governments in order to define its position regarding possible amendments to the poll provisions contained in Schedule 2.1 of the Local Government Act 1995. The key purpose of any such amendments is to ensure that electors are able to demand a poll where a local government is to be significantly affected by a boundary change proposal.

Officer Recommendation

Moved: Councillor Cridland

Seconded: Councillor Cala

That Council

1. Notes the request from WALGA relating to its poll provision advocacy position; and
2. Authorises the Chief Executive Officer to write to WALGA:
 - a) Opposing the options presented by WALGA; and
 - b) Supporting an alternative option whereby the Local Government Act 1995, Schedule 2.1 is amended so that the community of a local government affected by a proposal can have access to the poll provisions, if that local government requests in its submission to the Local Government Advisory Board, that the poll provisions be available.
 - c) Requesting that WALGA commence work with local governments in order to develop an advocacy position on the proposed 'City of Perth Act', that is representative of all members, so as to influence the policy development supporting any subsequent legislation.

Amendment to Officer Recommendation and COUNCIL DECISION

Moved: Councillor Cridland

Seconded: Councillor Cala

That the Officer's Recommendation be amended by deleting the text in paragraph b) and replacing it with the following:

- b) Supporting an alternative option whereby the **Local Government Act 1995** is amended so that the community of a local government affected by a proposal can have access to the poll provisions if:
- (i) The proposal would result in a 10% or greater variation in any of the local government's population, electors, rateable properties, rate revenue or area, or
 - (ii) that local government requests in its submissions to the Local Government Advisory Board that the poll provisions be available.

So that the Recommendation now reads as follows:

That Council:

1. Notes the request from WALGA relating to its poll provision advocacy position; and
2. Authorises the Chief Executive Officer to write to WALGA:
 - a) Opposing the options presented by WALGA; and
 - b) Supporting an alternative option whereby the Local Government Act 1995 is amended so that the community of a local government affected by a proposal can have access to the poll provisions if:
 - (i) the proposal would result in a 10% or greater variation in any of the local government's population, electors, rateable properties, rate revenue or area; or
 - (ii) that local government requests in its submissions to the Local Government Advisory Board that the poll provisions be available.
 - c) Requesting that WALGA commence work with local governments in order to develop an advocacy position on the proposed 'City of Perth Act', that is representative of all members, so as to influence the policy development supporting any subsequent legislation.

CARRIED (7/0)

Background

Feedback is being sought by WALGA from local governments to define its position regarding advocacy for possible amendments to the poll provisions contained in Schedule 2.1 of the Local Government Act 1995 to enable electors of a Local Government that will be abolished or significantly affected by a boundary change proposal to demand a poll.

At its State Council meeting on 2 July 2014, State Council resolved to adopt, and advocate for, a policy position that the poll provision should be amended so that electors of a Local Government where one or more Local government will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with 'significantly affected' being specifically defined as causing a 50 percent variation in population, or rateable properties, or revenue.

At WALGA's Annual General Meeting, held on 6 August, the meeting resolved:

"That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions;

- a) Endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;

10.6.5 WALGA Poll Provisions Advocacy Position

- b) Endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia, and
- c) Reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions.

At its State Council meeting on 3 September 2014, State Council endorsed parts (a) and (c) of the AGM resolution above. However, in response to concerns raised by representatives from the City of South Perth at the South Eastern Metropolitan Zone meeting, part (b) was revised as follows:

"Endorse WALGA's proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meeting."

Comment

WALGA has presented two main options for consideration by local governments.

Option 1: All boundary change proposals could be the subject of a poll.

Option 2: Criteria defining whether a local government would be 'significantly affected' could be defined in the Local Government Act 1995.

WALGA has acknowledged that defining the criteria for whether a boundary change significantly affects a local government is difficult and there are divergent views in the Local Government sector. WALGA has therefore welcomed general feedback, including alternative criteria to define when a local government would be 'significantly affected' by a poll.

Option 1 (Boundary Change)

WALGA has provided the following commentary:

"While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define 'significantly affected'."

Officer comment

Providing access to the poll provisions, for minor boundary adjustments, could potentially result in expensive polls being triggered on matters that have of minimal impact on the overall community. Officers consider that provision for minor boundary adjustments, without triggering the poll provisions, should be preserved in legislation. This option is therefore not recommended.

Option 2 (Significantly affected)

WALGA has provided the following commentary:

"It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community's right to call a poll. Three percentages are presented as options to define these criteria in the Local Government Act: 10 percent, 25 percent, and 50 percent."

10.6.5 WALGA Poll Provisions Advocacy Position

The State Council's original approach was that a 50 percent variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll.

WALGA requests that local governments give the three sub-options (10, 25 or 50 percent) a preferential rating.

Officer comment

Officers consider this option to be too prescriptive, and too limited in its considerations of only population, rateable properties and revenue. There are many other considerations to take into account when considering the impact of a change on a community. This is demonstrated by the criteria that the LGAB are required to consider when assessing a proposal (which include, in addition to financial viability: community of interest, physical and topographical features, demographic trends, economic factors, history of an area, transport and communications and the delivery of services).

If consideration is given to the State Government's most recent proposal, that the Burswood Peninsula be carved up, with the Casino and proposed Stadium (two rateable properties) being transferred to the City of Perth, this proposal would have resulted in the loss of \$2.75 million per annum in revenue to the Town of Victoria Park (the Town) from the Casino alone.

If analysed against the criteria above, this proposal would have resulted in a less than 10% percent change to population and a less than 10 percent change to rateable properties. In terms of change to revenue, this is dependent on how 'revenue' is defined. An example is provided below.

| Town of Victoria Park | \$(m) | Revenue from Casino \$(m) | Change in revenue % |
|--|--------------|--------------------------------------|--------------------------------|
| Revenue for 2013 | 40.209 | 2.75 | 6.8% |
| Capital expenditure - 10 year period | 145.200 | 27.50 | 18.9% |
| Net Capital Expenditure – 10 year period (excludes revenue from land sales) | 77.930 | 27.50 | 35.3% |

Calculating the loss of rates revenue from the Casino as a percentage of the Town's total revenue yields a figure below 10 percent. However, if rather than using revenue, the income from the Casino over a ten year period is considered a compared against the Town's capital expenditure planned for this period the percentage increases significantly (18.9 percent). If the proportion of this capital expenditure being funded by land sales is removed, the percentage increases substantially (35.3 percent). This shows the significant impact that the loss of one property can have on a local government's capital expenditure program (over a period of ten years).

Regardless of how this figure is calculated, under the WALGA recommended option of a 50 percent change, the residents of the Town would not be able to go to poll over the removal of the Casino from their community.

10.6.5 WALGA Poll Provisions Advocacy Position

The Town would argue that the removal of the management of the Casino from the Town would have many negative consequences for the community including:

- Dividing contiguous communities
- Establishing illogical boundaries
- Removing infrastructure that is vital to economic development in the greater area
- Creating development, transport and infrastructure management issues that are unnecessarily complicated
- Creating a negative impact on the financial viability of the Town resulting in increased costs to rate payers
- Creating less efficient and less effective service delivery

Officers, therefore do not recommend this option.

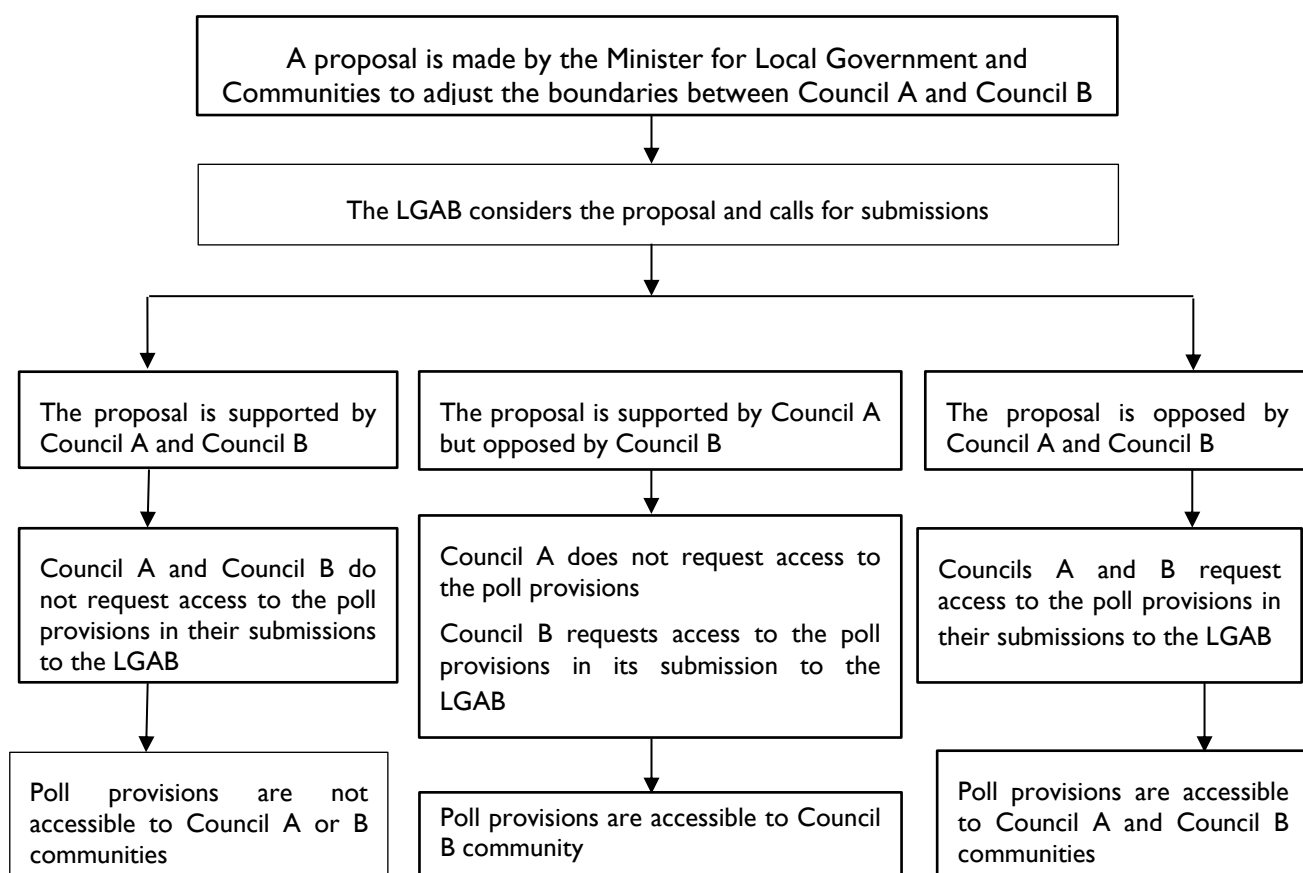
Alternative option (Local Government determination)

Officers consider that an alternative to the above two options, would be preferable, and recommend to Council that it considers putting forward the following alternative to WALGA:

That the City of South Perth Council supports the Local Government Act 1995, Schedule 2.1 being amended so that the community of a local government affected by a proposal can have access to the poll provisions, if that local government requests in its submission to the Local Government Advisory Board, that the poll provisions be available.

The criteria for invoking the poll provisions (requested by 250 electors or 10% of electors) and the definition of an 'affected local government' would remain the same.

Proposed process



Officer comment

Officers consider using local governments as the gate-keepers to the poll provisions to be the most appropriate solution. Local governments are best placed to understand the impact that any proposal will have on its business and on the community. Local governments are unlikely to request the availability of the poll provisions without good reason, given the expense of any such poll would fall to the local government. In addition, the fairly stringent circumstances under which poll results would be binding on the State Government will still be in place. This approach is less prescriptive and allows for minor boundary adjustments to be put forward without having to go to the expense of a poll (which can be requested by a very small number of electors).

If this option is tested against recent events, the Town of Victoria Park would most certainly have requested that the poll provisions be available to its community if it was proposed that the Burswood Casino be annexed from the Town. On the other hand, a proposal to adjust an illogical boundary (such as the one between the Town of Victoria Park and the City of Canning) may not result in either local government requesting the poll provisions be available.

City of Perth Act

The Premier Colin Barnett has indicated in recent public forums and through statements in the media, that he is considering special legislation be introduced to create an enlarged City of Perth. It is understood that the City of Perth is lobbying for the State Government to introduce a 'City of Perth Act' to enable its expansion. The Act would see Perth recognised as a Capital City to enhance its powers. Mr Barnett has openly stated his wish for major institutions, assets and icons of WA to be within the Capital City boundary – such as Kings Park, the University and parts of the Burswood Peninsula – namely, the Crown Casino and the new Perth Stadium.

At a briefing held for CEOs and Mayors by the Premier and Minister for Local Government on Wednesday 22 October 2014, the Premier stated his commitment to not use this 'proposed' legislation to remove the Casino from the new local government entity 'City of South Park' for a period of 5 years.

Regardless of this commitment, a 'City of Perth Act' will potentially have a number of implications for Metropolitan Local Governments. In particular, for the City of Vincent and the Western Suburb local governments, but also possibly for other local governments as well.

Officers recommend that the Council authorises the CEO, in the response to WALGA on its poll provision advocacy position, to also request that WALGA commence canvassing local governments in order to develop an advocacy position on a 'City of Perth Act'. It is important for WALGA to be in a position to advocate for all members, if this legislation progresses, and to have influence in shaping the policy development supporting it.

10.6.5 WALGA Poll Provisions Advocacy Position

Consultation

Extensive lobbying occurred to convince the South Eastern Metropolitan Zone of WALGA to adopt a motion that required WALGA to conduct further research and consultation into this proposal. This has resulted in the proposal which is the subject of this report.

WALGA is seeking feedback from local governments by **31 October 2014**. This feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at its 3 December 2014 meeting.

Policy and Legislative Implications

An amendment to the Local Government Act 1995 will be required in order to give effect to any of the above proposals.

Financial Implications

There are no financial implications resulting from the recommendations in this report.

Sustainability Implications

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

Attachments

Nil

10.6.6 Council Meeting Schedule - 2015

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | N/A |
| File Ref: | D-14-61975 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance. |

Summary

The purpose of this report is to adopt the City of South Perth Council Meeting Schedule for January to June 2015.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That the City of South Perth Council Meeting Schedule for January to June 2015, as detailed within this report and in Attachment 10.6.5, be adopted and advertised.

CARRIED EN BLOC (7/0)

A resolution is required to adopt the City of South Perth Council Meeting Schedule for 2015. It is customary to set the Council meeting calendar as early as possible so that meeting dates are known and dates can be advertised to the public early in the New Year.

Comment

With the pending announcement of metropolitan local government reform, a schedule has been produced for January to June 2015 until further information is known.

Typically, the City of South Perth Council meets on the fourth Tuesday of each month, with the Agenda Briefing on the preceding Tuesday.

Exceptions to the above for 2015 are:

- in January, when the Council is in recess, any urgent matters that may arise that the Chief Executive Officer does not have authority to deal with will be the subject of a Special Meeting of Council. Part 3 of the Standing Orders Local Law 2007 'Calling and Convening Meetings' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government, as he is empowered to do, in accordance with the *Local Government Act*; and
- Beyond 1 July 2015, when the proposed local government amalgamations will require the new entity adopt a meeting schedule for the period July 2015 – December 2015.

If the Council agrees with the above proposed 'exceptions', the City of South Perth Meeting Schedule for 2015 would be as follows:

| Report Deadline | EMT Meeting (Agenda settlement) | Agenda Briefing Meeting | Ordinary Council Meeting |
|-----------------|---------------------------------|-------------------------|--------------------------|
| January Recess | January Recess | January Recess | January Recess |
| 6 February | 10 February | 17 February | 24 February |
| 6 March | 10 March | 17 March | 24 March |
| 10 April | 14 April | 21 April | 28 April |
| 8 May | 12 May | 19 May | 26 May |
| 5 June | 9 June | 16 June | 23 June |

The changes proposed for January have been customary practice at the City of South Perth for many years. There is minimal public impact expected by the proposed changes. State and national public holidays do not interfere with the proposed meeting schedule for 2015.

Special Council Meetings

Special Council meetings are generally called on an as needed basis and as a result, it is not possible to predict in advance when such meetings will be held.

Consultation

It is proposed to advertise the City of South Perth Council Meeting Schedule for 2015 in the Southern Gazette newspaper and to update the internet 'Schedule of Meetings' accordingly. In accordance with normal practice the contents of Agendas for all meetings are included on the Internet under 'Minutes / Agendas' and displayed on the Noticeboards in the Libraries and outside the Civic Centre Administration Offices.

Policy and Legislative Implications

Adopting the Council Meeting schedule for the forthcoming year is in common with past practice and in line with the *Local Government Act Regulations* which state that: "at least once each year a local government is to give local public notice of the dates, time and place at which Ordinary Council Meetings/Briefings open to the public are to be held".

Financial Implications

There are no financial implications associated with the setting of meeting times, over and above the normal costs associated with the advertising and holding of Council meetings.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Reporting on the Council Meeting Schedule for 2015 contributes to the City's sustainability by promoting effective communication.

Attachments

10.6.6 (a): Council Meeting Schedule - January to June 2015 only

10.6.7 Review of Policy P669 Training and Development

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | N/A |
| File Ref: | D-14-61976 |
| Date: | 28 October 2014 |
| Author / Reporting Officer: | Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

Summary

The purpose of this Report is to review Policy P669 relating to Training and Development to make the application of the Policy more flexible having regard for the potential impact of Local Government Reform and the term of all Councillors in the current Council terminating on 30 June 2015.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala
Seconded: Councillor Lawrance

That

- (a) Revised Policy P669 relating to Training and Development as per **Attachment 10.6.6(a)** be adopted.
- (b) The full amount of the allowance in relation to training and development contained in Policy P669 be allocated to Elected Members for the period ending 30 June 2015.

CARRIED EN BLOC (7/0)

Background

Council resolved in December 2013 at Item 10.6.2 to adopt Policy P669 relating to Training and Development to provide greater scope and flexibility to Elected Members to nominate and participate in relevant conferences, seminars, training development programs and courses etc. that match their needs, subject to attendance being related to their duties.

A copy of the adopted Policy is attached at **Attachment 10.6.6(a)**.

Comment

It is felt that because of the impact of Local Government Reform whereby the term of all Members will prematurely end on 30 June 2015 the policy should be made more flexible to match the circumstances of this event.

10.6.7 Review of Policy P669 Training and Development

In the adopted policy there are two clauses that are felt should be reviewed:

- a) There was a restriction on unspent funds being carried forward from one calendar year to the next. It is felt that this clause should be modified to allow unspent funds from one calendar year be carried forward to the next;
- b) There is a clause that prevents Elected Members from travelling interstate within three (3) months of expiry of office. If this clause was to remain it would prevent attendance at major national conferences such as the WALGA Congress and the LGMA National Conference. Whilst in the normal circumstance it is felt that this clause in this policy is reasonable on this occasion it would prevent Elected Members from travelling to these conferences should there be an interest in doing so. It is therefore suggested that this restriction be deleted.

In addition, whilst the policy provides that the amount allocated to Elected Members be increased by consumer price index each year to take into account increased cost it is suggested that this not apply on this occasion. Rather, it is proposed that the full amount for the 2015 year be allocated to each Elected Member even though it applies for the period 1 January – 30 June 2015. This would then enable Elected Members who have used their 2014 allowance to attend an interstate conference, etc. for example during this six month period.

Consultation

Nil – review of policy considered necessary because of extenuating circumstances.

Policy and Legislative Implications

Policy P669 Training and Development.

Financial Implications

Funds are provided in the 2014/2015 budget for this purpose.

Sustainability Implications

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

Attachments

10.6.7 (a): Reviewed Policy P669 Training and Development

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR TRENT

I hereby apply for Leave of Absence from all Council Meetings for the period 30 October 2014 to 4 November 2014, inclusive.

11.2 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR REID

I hereby apply for Leave of Absence from all Council Meetings for the period 13 November 2014 to 5 December 2014, inclusive.

COUNCIL DECISION

Moved: Councillor Huston

Seconded: Councillor Cala

That the Leave of Absence applications received at Items 11.1 and 11.2 be granted.

CARRIED (7/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 COUNCILLOR TRENT – ALTERNATIVE MOTION – ITEM 10.1.3 ERNEST JOHNSON MASTER PLAN

Nil. The Notice of Motion shown in the Agenda was withdrawn as referred to in Item 10.1.3.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

13.1.1 The Old Mill - Drink Dispenser

At the September 2014 Ordinary Council meeting a question was raised as to whether there will be a drink dispenser located at the Old Mill Site, as previously requested.

Response

The Old Mill currently has a 15 litre water dispenser located in the Education Centre. Paper cups are provided for public use.

13.2 QUESTIONS FROM MEMBERS

13.2.1 Questions from Councillor Trent

Question 1

Is the City of South Perth now obliged to refer to itself as the City of South Park or the City of South Perth until 30 June 2015?

Response

The City shall continue to refer to itself as the City of South Perth.

13.2.2 Questions from Councillor Irons

Question 1

Can the City provide a machine offering soft drinks and mineral water, for example, (in addition to the water dispenser) at the Old Mill site?

Response

The City has not provided a machine, such as a coin operated vending machine, at this location as theft and vandalism is a major concern. This was the rationale in the past.

Question 1

How can the City provide a vending machine offering soft drinks and mineral water, for example, (in addition to the water dispenser) at the Old Mill site?

Response

This question was taken on notice in order that the request could be looked into and an answer provided. The answer will be made available in the November 2014 Agenda.

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

Nil

15. MEETING CLOSED TO PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

Reports regarding these matters have been circulated separately to Councillors.

The Presiding Member declared that, as Councillors did not wish to discuss Item 15.1.1 or 15.1.2 the meeting could remain open to the public.

The Presiding Member also declared that, as Councillors did not wish to discuss Item 15.1.2, the Chief Executive Officer could remain in the Chamber.

As advised at Item 5.2 a Declaration of Financial Interest was received from the Chief Executive Officer, Cliff Frewing for *Items 7.1.2 (Minutes of the CEO Evaluation Committee Meeting(Confidential) – 14 October 2014 and 15.1.2 (Recommendations from the CEO Evaluation Committee Meeting held on 14 October 2014)*. The Presiding Member read aloud the declaration as follows:

“I wish to declare a financial interest in Agenda Items 7.1.2 (Minutes of the CEO Evaluation Committee Meeting (Confidential) – 14 October 2014 and 15.1.2 (Recommendations from the

CEO Evaluation Committee Meeting held on 14 October 2014) on the Council Agenda for the meeting to be held 28 October 2014.

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 2014 Volunteer of the Year Awards

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

Location: Community, Culture & Recreation
Ward: Como Ward, Manning Ward, Mill Point Ward and Moresby Ward, All, Not Applicable
Applicant: Rene Polletta
File Ref: D-14-61977
Date: 28 October 2014
Author / Reporting Officer: Rene Polletta, Youth & Children's Officer, George Burnett Leisure Centre
Strategic Direction: Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy: 1.2 Facilitate and foster a safe environment for our community.

15.1.2 Recommendations from the CEO Evaluation Committee Meeting held on 14 October 2014

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (a) as it contains information relating to "a matter affecting an employee or employees"*

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-14-61978
Date: 28 October 2014
Author / Reporting Officer: Helen Cardinal, Manager Human Resources
Strategic Direction: Governance, Advocacy and Corporate Management -
- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy: 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15.1.1 2014 Volunteer of the Year Awards

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That Council adopts the Officer Recommendation as contained in the Confidential Report Item 15.1.1 of the October 2014 Ordinary Council Meeting.

CARRIED (7/0)

15.1.2 Recommendations from the CEO Evaluation Committee Meeting held on 14 October 2014

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Lawrance

That Council adopts the CEO Evaluation Committee Recommendations as contained in the Confidential Report Item 15.1.2 of the October 2014 Ordinary Council Meeting.

CARRIED (7/0)

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.22 pm.

17. RECORD OF VOTING

28/10/2014 7:30:10 PM

Item 7.1.1 Minutes of the Ordinary Council Meeting – held 23 September 2014

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 7:31:30 PM

Item 7.1.2 Minutes of the CEO Evaluation Committee – held 14 October 2014

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 7:32:06 PM

Item 7.2.1 Notes of the Agenda Briefing Meeting – held 16 September 2014

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 7:37:06 PM

Item 9.1 En Bloc Motion

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 7:40:55 PM

Item 10.1.2 Arts Advisory Group

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 7:50:48 PM

Item 10.1.3 Ernest Johnson Master Plan

Motion Passed 5/2

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

No: Cr Michael Huston, Cr Cheryle Irons

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 7:55:07 PM

Item 10.3.1 Proposed Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct to rectify anomalies and ambiguities

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 8:03:52 PM

Item 10.4.1 Tender 13/2014 “Provision of Project Management Services for the Ernest Johnson Oval Master Plan”

Motion Passed 5/2

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

No: Cr Michael Huston, Cr Cheryle Irons

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 8:09:55 PM

Item 10.6.5 WALGA Poll Provisions Advocacy Position

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Glenn Cridland

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 8:11:27 PM

Items 11.1 and 11.2 Applications for Leave of Absence (Cr Reid and Cr Trent)

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

28/10/2014 8:17:50 PM

Item 15.1.1 2014 Volunteer of the Year Awards (confidential)

Motion Passed 6/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Fiona Reid

28/10/2014 8:18:19 PM

Item 15.1.2 Recommendations from the CEO Evaluation Committee Meeting held 14 October 2014 (confidential)

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Sharron Hawkins Zeeb, Cr Fiona Reid

APPENDICES

APPENDIX ONE: MAYOR'S ACTIVITY REPORT – SEPTEMBER 2014



| Date | Activity | Attendee(s) |
|------------------------|--|---|
| Saturday 20 September | Opening Ceremony – 2014 Victoria Park Art Awards | Mayor Sue Doherty; CEO Cliff Frewing |
| Friday 19 September | Councils for Democracy meeting – City of Subiaco | Mayor Sue Doherty; |
| Thursday 18 September | Rates Prize Draw Function | Mayor Sue Doherty; Crs Reid & Trent |
| Wednesday 17 September | Kott Gunning Annual Business Breakfast | Mayor Sue Doherty |
| | Manning Senior Citizens 31st Anniversary Celebration | Mayor Sue Doherty, CEO Cliff Frewing, Crs Trent and Hawkins-Zeeb |
| Tuesday 16 September | Catch up – Mayor, CEO and Mark Taylor | Mayor Sue Doherty; CEO Cliff Frewing; and Mark Taylor, A/Director Infrastructure Services |
| | September Council briefing | |
| Friday 12 September | Clontarf: Gerard Neesham Cup | Mayor Sue Doherty |
| | CEDA Lunch | Mayor Sue Doherty, CEO Cliff Frewing, Crs Reid & Hawkins-Zeeb |
| | Return Country Art Exhibition opening - Tessa McOnie | Mayor Sue Doherty |
| Thursday 11 September | Meeting with John Phillips – CEO Evaluation | Mayor Sue Doherty and Cr Fiona Reid |
| Wednesday 10 September | Meeting with Senior Counsel - City of Subiaco & Ors v Minister for Local Government & Anor | Mayor Sue Doherty; CEO and A/Manager Governance |
| | Civic Triangle signing – transfer of land | Mayor Sue Doherty; CEO Cliff Frewing; and lawyers |
| | Interview with Southern Gazette on South Perth Foreshore | Mayor Sue Doherty; CEO Cliff Frewing |
| | CoSP Safety and Crime Prevention Meeting | Mayor Sue Doherty |

| | | |
|----------------------|---|---|
| Tuesday 9 September | Meeting with CEO of Perth Zoo | Mayor Sue Doherty; CEO Cliff Frewing |
| | Meeting with CEO, Ngala | Mayor Sue Doherty |
| | Photoshoot for Southern Gazette at Foreshore | Mayor Sue Doherty |
| | Briefing: Local Government Reform | Mayor Sue Doherty; Crs Irons, Reid, Cala, Trent, Huston, Lawrence |
| | Audit and Governance Committee | Mayor Sue Doherty |
| Monday 8 September | VIP Cocktail Party – Pinnacle South Perth residential/office development (Zone Q) | Mayor Sue Doherty; Crs Irons, Huston & Reid. |
| Saturday 6 September | Rivers Regional Council Annual function | Mayor Sue Doherty, Crs Trent, Reid, Hawkins-Zeeb |
| | Manning Tennis Club Annual Open Day | Mayor Sue Doherty, Crs Cala & Hawkins-Zeeb |
| Friday 5 September | Meet the Mayor | Mayor Sue Doherty |
| Thursday 4 September | CEDA Trustee luncheon | Mayor Sue Doherty |
| | September Morning Melodies – Cygnet Cinema | Mayor Sue Doherty & Cr Trent |
| | RAC - Communicating the Science of Road Safety | Mayor Sue Doherty |
| Tuesday 2 September | 69th Anniversary of the National Day of the Socialist Republic of Viet Nam | Mayor Sue Doherty |
| | Meeting with Mayor Town of Victoria Park | Mayor Sue Doherty |
| | Mayors' and Presidents' lunch with Minister the Hon Tony Simpson MLA | Mayor Sue Doherty |
| | Mayor/CEO weekly meeting | Mayor Sue Doherty |
| Monday 1 September | Aboriginal Engagement Meeting | Mayor Sue Doherty |
| | Citizenship ceremony | Mayor Sue Doherty |

Councillors Representatives' Activity Report – September 2014

| Date | Activity | Attendee(s) |
|------------------------|--|---|
| Tuesday 30 September | Mayor/CEO catch up | Cr Glenn Cridland; CEO Cliff Frewing |
| Wednesday 24 September | 2014 Mercycare Oration - Jung Chang 'Wild Swans' | Cr Fiona Reid |
| Wednesday 24 September | Manning Senior Citizens' Centre 31st AGM | Cr Sharron Hawkins-Zeeb |
| | WAYO - America - Saturday 20 September | Cr Michael Huston, Cr Glenn Cridland |
| Friday 12 September | CEDA: State of the State - Premier Colin Barnett MLA | Crs Fiona Reid and Sharron Hawkins-Zeeb |
| | PAMG meeting | Cr Cheryle Irons |
| Thursday 4 September | CEDA Trustee luncheon | |

APPENDIX TWO: PUBLIC QUESTION TIME – 28 OCTOBER 2014

6.2 PUBLIC QUESTION TIME: 28 October 2014

| 1. Jackie Hair, 28 Waverley Street, South Perth Received 22 October 2014 | Response provided by: Ms Vicki Lummer, Director Development and Community Services |
|---|--|
| <p>[Preamble]</p> <p>On 25 February 2014, the Council approved a planning application for a change of use to a ‘small bar’ at 79-79A Angelo Street following a series of written and verbal submissions from a number of parties (the “Application”).</p> <p>On 13 October 2013, the Liquor Commission determined that one of the individuals involved with the Application was not a fit and proper person to hold a license under the Liquor Control Act on the grounds of past criminal convictions relating to ten separate counts involving the possession, supply and selling of ecstasy including outside licensed premises.</p> | |
| <p>1. Bearing in mind that the bar will be directly opposite a school, and within walking distance of two other primary schools, at the time of the decision on 25 February 2014, who on the Council was aware that one of the parties involved with the Application had previous convictions for dealing drugs?</p> | <p>It is noted that the consideration of the liquor license is now out of the control of the City of South Perth and is now with the relevant liquor licensing authority.</p> <p>The personal circumstances of the applicant or owners are not a relevant planning consideration in making the decision.</p> |
| <p>2. If any Council member was aware of the above, were relevant stakeholders, including the Principals of the three schools in the immediate vicinity of the bar, properly informed and consulted?</p> | <p>Wesley College was included in the community consultation in regard to this application.</p> |
| <p>3. Please explain why planning approval was given to Stiely Design but the Section 40 Certificate under the Liquor Control Act was issued to Wolfberry Holdings Pty Ltd – an entity registered just one day prior to that Council Meeting for whom Ms Trisha Paul is listed as sole director and sole shareholder and whose name does not appear on any documents concerned with the Application.</p> | <p>The development application is issued to the applicant – who could be a designer, architect, planning consultant or the like. This “applicant” will not be the same entity that applies for a Section 40 Certificate.</p> |

| | |
|--|--|
| 2. Marcia Manolas, 192 Mill Point Road, South Perth Received 27 October 2014 | Response provided by: Mark Taylor, Acting Director Infrastructure Services |
| [Preamble] N/A | |
| 1. When will the final document of the South Perth Foreshore Strategy and Management Plan passed and amended at the 23rd September 2014 Council Meeting, Item 10.2.1 be available to the public? | The final version of the document will be that which is endorsed by the Swan River Trust as per the process outlined in the document adopted at the September Council meeting. The version adopted by Council is now available on the website. |
| 2. Will the South Perth Foreshore Strategy and Management Plan as amended be available to the public prior to it being forwarded to the Swan River Trust for formal consideration?? | The document has already been forwarded to the Swan River Trust as per Council's resolution at the September meeting. |
| 3. When will Council undertake (timeframe) to alter all existing Council Policy documentation to reflect November 2013 Resolution 10.2.1 and the South Perth Foreshore Strategy and Management Plan passed on the 23 rd September 2014 Council Meeting? | Now that the South Perth Foreshore Management Plan has been adopted by Council any adopted Policies of Council will be reviewed as soon as practicable. |

| | |
|---|---|
| <p>3. Sarah Schladow, 3/20 Garden Street, South Perth Received 27 October 2014</p> | <p>Response provided by: Mark Taylor, Acting Director Infrastructure Services and Cliff Frewing, Chief Executive Officer</p> |
| <p>[Preamble] Given the potential amalgamation to form 'South Park,' it would seem both responsible and logical for South Perth council to ensure that Administration policy and planning documents <i>accurately depict and actively protect the resumed lands along the South Perth Foreshore for future generations.</i></p> <p>Council and Administration have now recognised the current status of the 1940 resumption of Sir James Mitchell Park in its Strategy and Management Plan, and have agreed (Nov 2013 Resolution 2013) that this area is to be clearly designated in policy documents. This would suggest that Council and Administration are aware of the important distinction between the zoning of land as simply 'Parks & Recreation' – as opposed to the designation of land resumed specifically for 'Swan River Improvements' and for 'Foreshore Recreation'.</p> | |
| <p>I. Why, then, does the map/tables section:</p> <ul style="list-style-type: none"> a. not clearly and correctly designate in Table 1 (Appendix 08, p 92) the specific purpose/use of areas comprising Sir James Mitchell Park: ie, as 'Swan River Improvements and Foreshore Recreation'? b. not similarly designate in Table 2 (Appendix 08, p 93) the specific and still current purpose of the various lots comprising the Park? c) If this is simply an oversight, please can this be amended now? | <p>This matter was discussed and resolved by Council at the September meeting.</p> |

| | |
|---|--|
| <p>[Preamble]</p> <p>The 1934 resumption of land from Coode St to Ellam St (resumed 29 June 1934 under the designation 'South Perth Road Board - Recreation grounds, Swan River Foreshore at South Perth') is conspicuously absent from the Strategy and Management Plan: it is missing from the history section (Appendix 03, p71); & its resumption and designated purpose is also missing from map and tables (Appendix 08, pp91-93)</p> | |
| <p>2. Why is this resumption not mentioned in the history section?</p> <p>a. If this is simply an oversight, please can this be amended now?</p> <p>3. As its designation also remains current (like the 1940 resumption), why is its purpose omitted from maps and tables in the important Strategy and Planning document?</p> <p>a. If this is simply an oversight, please can this be amended now?</p> <p>4. Has Administration asked Landgate to register the still-current use/purpose on digital titles for the Lots in this area? If not, why not?</p> | <p>This matter was discussed and resolved by Council at the September meeting.</p> |
| <p>[Preamble]</p> <p>Nil</p> | |
| <p>5. When will the Strategy and Management Plan be finalised?</p> | <p>When the Swan River Trust has endorsed it.</p> |
| <p>6. When will it come before Council in its final version?</p> | <p>It has already been considered and adopted by Council at the September meeting.</p> |
| <p>7. Will final document be available for public perusal?</p> | <p>The final document will be made available when it is adopted. The version adopted by Council at the September meeting is now available on the City's website.</p> |
| <p>8. Have actual Policy documents been amended to incorporate Council's decisions on this Plan?</p> <p>a. If not, when will this be done?</p> | <p>See response at question 3.</p> |
| <p>9. When will these Policy documents be available for Council and public perusal?</p> | <p>All Policies reviewed by Council are available on Council Agendas.</p> |

| | |
|--|--|
| 4. Geoff Defrenne, 24 Kennard Street, Kensington Received 28 October 2014 | Response provided by: Cliff Frewing, Chief Executive Officer |
| <p>[Preamble] Last week I made a deputation on last month's minutes. It has been confirmed by the CEO that no vote was taken to choose a presiding member as the Mayor and Deputy Mayor were absent, which is what I stated. The CEO in response to my deputation stated in his response to my deputation that as no councillor disagreed with the proposal to choose Cr Reid as the presiding member, there was no need for a vote.</p> | |
| <p>1. Will the CEO confirm his acceptance of this notion by stating that as no councillor objects to the motions moved on block, there is no need to vote and no vote will be taken?</p> | <p>No. Officer recommendations need to be voted on and with en bloc motions are voted on.</p> |
| <p>[Preamble] SOUTH PARK The city faced some ridicule last week after the announcement of the proposed amalgamated city.</p> | |
| <p>2. Will the council make a complete break from past and start afresh with a new name?</p> | <p>Until a new LG is formed there is no capacity to review the decision made by Council, the recommendation of the LGAB or the decision of the Minister.</p> |
| <p>3. Will the council support the new name as the City of Kensington, for the following reasons?:</p> <ol style="list-style-type: none"> a. The name is a break from the past. b. The name Kensington is a respected name. c. The suburb of Kensington has been shared between Victoria Park and South Perth councils. d. The suburb of Kensington has been shared between the electorates of Victoria Park and South Perth councils. e. The suburb of Kensington can be a symbol of the unity between the two councils. | <p>Not at this time – see above (Question 2)</p> |

| | |
|---|---|
| <p>[Preamble] HEIGHT VARIATIONS I note with interest the proposed discretion in height variation based on “good design” and other conditions.</p> | |
| <p>4. Given that where greater discretion is allowed, is there a greater chance of the allegation corruption?</p> | <p>The City’s planners make recommendations based on their professional judgement. Applications are usually determined either by the Development Assessment Panel or the Council. There is no increased risk of the allegation of corruption resulting from this amendment.</p> |
| <p>5. What measures will the council put in place to ensure there is no corruption in the planning approval process?</p> | <p>As above (Question 11)</p> |
| <p>[Preamble] SHORT CHANGED I note with interest that the civic triangle has been sold for \$27m and the height limits ranging from 10.5 metres to 41 metres. Within days of advised settlement of this site, the city is now proposing to permit an additional 60 metres on certain conditions.</p> | |
| <p>6. Will an extra 60 metre height limit increase the value of the property?</p> | <p>There is no “extra” height limit. The Civic Triangle land includes a portion of land upon which the applicant can apply for unlimited height, subject to meeting the criteria of Schedule 9, Table B of the Town Planning Scheme</p> |
| <p>7. If there is an expected increase in value due to the proposed TPS amendment, what is an estimate of that additional value?</p> | <p>Not applicable</p> |
| <p>8. Have the rate payers been short changed on the sale of these properties by changing the rules to the developer’s advantage after the sale rather than making changes before the properties were put on the market?</p> | <p>Not applicable</p> |

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 Tuesday 25 November 2014.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed