

MINUTES

Ordinary Council Meeting

28 April 2015

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 28 April 2015 in The City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER

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 Meeting Meetings are held at 7.00pm 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 / ANNOUNCEMENT OF VISITORS	6
2.	DISCLAIMER	6
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
3.1	PUBLIC QUESTION TIME FORMS	6
3.2	AUDIO RECORDING OF COUNCIL MEETING	6
3.3	PUBLIC QUESTION TIME FORMS	6
3.4	ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES	7
4.	ATTENDANCE	7
4.1	APOLOGIES	7
4.2	APPROVED LEAVE OF ABSENCE	7
5.	DECLARATIONS OF INTEREST	7
5.1	CR G CRIDLAND - IMPARTIALITY INTEREST	8
5.2	CR S HAWKINS-ZEEB - IMPARTIALITY INTEREST	8
5.3	CR M HUSTON - IMPARTIALITY INTEREST	8
6.	PUBLIC QUESTION TIME	8
6.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
6.2	PUBLIC QUESTION TIME: 28 APRIL 2015	8
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	10
7.1	MINUTES	10
7.1.1	Ordinary Council Meeting Held: 24/03/2015	10
7.2	BRIEFINGS	10
7.2.1	Agenda Briefing Held: 17 March 2015	10
7.2.2	Concept Briefing: Status of Capital Program Held 25 March 2015	10
7.2.3	Concept Briefing: Development Controls in South Perth Station Precinct Held 8 April 2015	10
7.2.4	Concept Briefing: Manning Hub Tender Assessment and Project Financial Implications Held 14 April 2015	11
7.2.5	Concept Briefing: Ernest Johnson Complex Masterplan - Implementation Progress Held 14 April 2015	11
7.2.6	Concept Briefing: Civic Triangle Development Application Held 15 April 2015	11
7.2.7	Concept Briefing: Strategic Community Plan and Corporate Business Plan Update Held 10 March 2015	11

8.	PRESENTATIONS	12
8.1	PETITIONS	12
8.1.1	Mill Point Peninsula Development	12
8.2	PRESENTATIONS	13
8.2.1	Betty Awards - 'Honourable Mention' - Received 15 April 2015	13
8.3	DEPUTATIONS	13
8.4	COUNCIL DELEGATES REPORTS	13
8.4.1	Perth Airport Municipalities Group (PAMG)	13
8.5	CONFERENCE DELEGATES REPORTS	14
9.	METHOD OF DEALING WITH AGENDA BUSINESS	14
9.1	EN BLOC MOTION	15
10.	REPORTS	15
10.0	MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS	15
	Nil	
10.1	STRATEGIC DIRECTION 1: COMMUNITY	16
10.1.1	Community Safety and Crime Prevention Plan	16
10.2	STRATEGIC DIRECTION 2: ENVIRONMENT	19
	Nil	
10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES	20
10.3.1	Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street	20
10.3.2	Proposed Family Day Care. Lot 428 (No. 2/22) Downey Drive, Manning	38
10.3.3	Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption	51
10.3.4	Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.	57
10.3.5	Amendment No. 47 to TPS No. 6 - Report for final adoption	70
10.3.6	Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning	75
10.3.7	Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School) - Lots 482-483 (No. 91) Ley Street, Como	84
10.4	STRATEGIC DIRECTION 4: PLACES	92
10.4.1	Tender 2/2015 "Construction of the Manning Hub"	92
10.5	STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT	97
	Nil	
10.6	STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT	98
10.6.1	Monthly Financial Management Accounts- March 2015	98
10.6.2	Monthly Statement of Funds, Investments and Debtors at 31 March 2015	104
10.6.3	Listing of Payments	109
10.6.4	Budget Review for the Period ended 31 March 2015	112

10.6.5	Local Government Reform: Program Closure	119
10.6.6	Re-allocation of Local Government Reform Funding Budget	124
10.6.7	Designation of "Senior Employees"	127
10.7	MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE	131
11.	APPLICATIONS FOR LEAVE OF ABSENCE	131
11.1	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR REID	131
11.2	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR LAWRENCE	131
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	131
12.1	REQUEST TO PROGRESS URGENTLY THE AMENDMENT TO METROPOLITAN REGION SCHEME RESERVATION FOR CANNING HIGHWAY	131
12.2	REVIEW OF IT INFRASTRUCTURE CAPABILITIES	132
13.	QUESTIONS FROM MEMBERS	134
13.1	RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	134
13.2	QUESTIONS FROM MEMBERS	134
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	134
15.	MEETING CLOSED TO PUBLIC	134
15.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	134
15.2	PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	135
16.	CLOSURE	135
17.	RECORD OF VOTING	136
	APPENDIX 1: TABLE OF PUBLIC QUESTIONS 28 APRIL 2015	142
	APPENDIX 2: TABLE OF QUESTIONS FROM MEMBERS 28 APRIL 2015	155
	DISCLAIMER	156

Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00 pm, Tuesday 28 April 2015.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 7:00pm 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 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.

3.2 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 6.15 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".

The Presiding Member requested that all electronic devices be turned off or on to silent. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007 which states:

"A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member" and stated that as the Presiding Member she gives permission for the Administration to record proceedings of the Council meeting.

3.3 PUBLIC QUESTION TIME FORMS

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

3.4 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor / Council Representatives Activities Report for the month of March 2015 are attached to the back of the Agenda.

4. ATTENDANCE

Mayor S Doherty (Presiding Member)

Councillors

C Cala	Manning Ward
S Hawkins-Zeeb	Manning Ward
G Cridland	Como Ward
V Lawrance, JP	Como Ward
M Huston	Mill Point Ward (from 7:25 pm)
K Trent, OAM, RFD, JP	Moresby Ward
F Reid	Moresby Ward

Officers

C Frewing	Chief Executive Officer
V Lummer	Director Development and Community Services
M Kent	Director Financial and Information Services
M Taylor	Acting Director Infrastructure Services
P McQue	Manager Governance and Administration
D Gray	Manager Financial Services
R Kapur	Manager of Development Services (until 8:30pm)
A Albrecht	Executive Officer

Gallery

There were 28 members of the public and 1 member of the press present.

4.1 APOLOGIES

S Kent Governance Officer

4.2 APPROVED LEAVE OF ABSENCE

C Irons Mill Point 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.

The Presiding Member noted that declarations of impartiality interest had been received from:

- Cr G Cridland in relation to Agenda Item 10.3.1
- Cr S Hawkins-Zeeb in relation to Agenda Item 10.3.2
- Cr M Huston in relation to Agenda Item 10.4.1

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

5.1 CR G CRIDLAND - IMPARTIALITY INTEREST

Cr G Cridland has declared an Impartiality Interest in Agenda Item *10.3.1 Proposed Two Storey Child Day Care Centre on Lot 237 (No. 55) Thelma Street*. This declaration will be read out prior to the Agenda Item being considered.

5.2 CR S HAWKINS-ZEEB - IMPARTIALITY INTEREST

Cr S Hawkins-Zeeb has declared an Impartiality Interest in Agenda Item *10.3.2 Proposed Family Day Care Lot 428 (No. 2/22) Downey Drive, Manning*. This declaration will be read out prior to the Agenda Item being considered.

5.3 CR M HUSTON - IMPARTIALITY INTEREST

Cr M Huston has declared an Impartiality Interest in Agenda Item *10.4.1 Tender 2/2015 "Construction of the Manning Hub"*. This declaration will be read out prior to the Agenda Item being considered.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the March 2015 Ordinary Council Meeting no questions were taken on notice. However, questions received from Mr Lindsay Jamieson, relating to a former Freedom of Information request, had been deferred from the March 2015 Ordinary Council Meeting (as Mr Jamieson was not in attendance at this meeting) for response at the April 2015 Ordinary Council Meeting.

6.2 PUBLIC QUESTION TIME: 28 APRIL 2015

The Presiding Member stated that public question time is operated in accordance with *Government Act* regulations. She said that 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. Long questions will be paraphrased and the same or similar questions asked at previous meetings will not be responded to.

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

Note: Written Questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the public gallery.

Written Questions were received prior to the meeting from:

- Mr Lindsay Jamieson (address withheld for privacy)
- Ms Marcia Manolas, 193 Mill Point Road, South Perth
- Mr Ken Manolas, 193 Mill Point Road, South Perth
- Mr Geoff Defrenne, 24 Kennard St, Kensington
- Mr Terry Hogan, 2B/73 Mill Point Road, South Perth
- Ms Wendy Hogan, 2B/73 Mill Point Road, South Perth
- Mr Brian Richardson, 8A/73 Mill Point Road, South Perth

Further written questions were received at the meeting from:

- Ms Marcia Manolas, 193 Mill Point Road, South Perth
- Mr Geoff Defrenne, 24 Kennard St, Kensington

A table of questions received and answers provided can be found in Appendix I of these Minutes.

In order to address the large number of questions received public question time was extended twice, and then Standing Orders were suspended.

COUNCIL DECISION – Extension of Public Question Time

Moved: Councillor Reid

Seconded: Councillor Trent

That Public Question Time be extended by 10 minutes.

CARRED (7/0)

COUNCIL DECISION – Extension of Public Question Time

Moved: Councillor Reid

Seconded: Councillor Trent

That Public Question Time be extended for a further 5 minutes.

CARRED (8/0)

COUNCIL DECISION – Suspension of Standing Orders

Moved: Councillor Reid

Seconded: Councillor Hawkins-Zeeb

That Standing Orders be suspended to allow for the remainder of the questions from Mr Brian Richardson to be responded to.

CARRED (8/0)

COUNCIL DECISION – Re-instatement of Standing Orders

Moved: Councillor Hawkins-Zeeb

Seconded: Councillor Reid

That Standing Orders be re-instated.

CARRED (8/0)

The Presiding Member closed Public Question Time at 7:42pm.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24/03/2015

COUNCIL DECISION

Moved: Councillor Huston

Seconded: Councillor Cala

That the Minutes of the Ordinary Council Meeting held 24 March 2015 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

7.2 BRIEFINGS

The following Briefings 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: 17 March 2015

Officers of the City presented background information and answered questions on items to be considered at the March 2015 Ordinary Council Meeting at the Agenda Briefing held 17 March 2015.

Attachments

7.2.1 (a): Notes - Agenda Briefing - 17 March 2015

7.2.2 Concept Briefing: Status of Capital Program Held 25 March 2015

Council was provided an overview of the Status of the Capital Program.

Attachments

7.2.2 (a): Briefing Notes - Status of Capital Program - 25 March 2015

7.2.3 Concept Briefing: Development Controls in South Perth Station Precinct Held 8 April 2015

Council was provided an overview of the Development Controls in South Perth Station Precinct.

Attachments

7.2.3 (a): Concept Briefing: Development Notes - Controls in South Perth Station Precinct - 8 April 2015

7.2.4 Concept Briefing: Manning Hub Tender Assessment and Project Financial Implications Held 14 April 2015

Council was provided an overview of the Manning Hub Tenders.

Attachments

7.2.4 (a): Briefing Notes – Manning Hub Tender Assessment and Project Financial Implications – 14 April 2015 (*Confidential*)

7.2.5 Concept Briefing: Ernest Johnson Complex Masterplan - Implementation Progress Held 14 April 2015

Council was provided an overview of the progress on the Ernest Johnson Complex Masterplan.

Attachments

7.2.5 (a): Briefing Notes - EJ Complex Masterplan - 14 April 2015

7.2.6 Concept Briefing: Civic Triangle Development Application Held 15 April 2015

Council was presented with an overview of the Civic Triangle Development Application.

Attachments

7.2.6 (a): Notes - Civic Triangle Development Application Briefing - 15 April 2015

7.2.7 Concept Briefing: Strategic Community Plan and Corporate Business Plan Update Held 10 March 2015

Council was provided an update of the Strategic Community Plan and Corporate Business Plan.

Attachments

7.2.7 (a): Notes - Strategic Community Plan and Corporate Business Plan - 10 March 2015

The Presiding Member advised that, unless anyone wished to withdraw an item to discuss, Items 7.2.1 to 7.2.7 would be adopted en bloc, i.e. all together.

En Bloc Motion and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Huston

That the attachments at items 7.2.1 to 7.2.7 be received.

CARRIED (8/0)

8. PRESENTATIONS

8.1 PETITIONS

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

8.1.1 Mill Point Peninsula Development

A petition was received on 15 April 2015 from Wendy Hogan of 2B/73 Mill Point Road, South Perth, together with 295 signatures in relation to the development at 74 Mill Point Road on the Mill Point Peninsula and similar future development in the Mill Point Peninsula.

The text of the petition reads:

“To the Mayor of South Perth, Sue Doherty:

We the ratepayers of South Perth, the undersigned say:

We are concerned about the proposed development at 74 Mill Point Road on the Mill Point Peninsula and similar future development in the Mill Point Peninsula.

We believe that the Mill Point Peninsula is an area of natural beauty and heritage which should be preserved for all Western Australians.

We believe that in the interest of fairness, clarity and democracy there should be greater public consultation and feedback about planning discretions currently being exercised under City of South Perth Local Planning Scheme (Amendment 25) which impact directly or indirectly upon the Mill Point Peninsula.

Now petition the City of South Perth as follows:

- 1. We request you to call a Special Electors’ Meeting to discuss development issues concerning the Mill Point Peninsula, to be advertised widely;*
- 2. We request that the Council resolve immediately to exclude the Mill Point Peninsula from South Perth Station Precinct;*
- 3. We request that further action in connection with Amendment 46 be deferred (i) pending the removal of the Mill Point Peninsula from the Station Precinct and (ii) pending a review of the need for a new Local Planning Strategy.*

Our petition is important because:

- 1. There are compelling and urgent reasons for excluding the Mill Point Peninsula from the South Perth Station Precinct;*
- 2. There has been inadequate public consultation concerning the potential impact upon the Mill Point Peninsula of high rise developments in the South Perth Station Precinct;*
- 3. Irrevocable decisions are being taken which will have far reaching consequences for South Perth and the Mill Point Peninsula in particular;*
- 4. It will benefit the wider community;*
- 5. Democracy, fairness and common sense requires it.*

Notice of this petition can be addressed to Wendy Hogan 2B/73 Mill Point Road, South Perth”

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Huston

That the petition received 15 April 2015 from Wendy Hogan of 2B/73 Mill Point Road, South Perth, together with 295 signatures in relation to the development at 74 Mill Point Road on the Mill Point Peninsula and similar future development in the Mill Point Peninsula be forwarded to the Director Planning and Community Development for consideration.

CARRIED (8/0)

8.2 PRESENTATIONS

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

8.2.1 Betty Awards - 'Honourable Mention' - Received 15 April 2015

On 1 April 2015 the City received an award of 'Honourable Mention' from the Asbestos Education Committee for 'Most Active Asbestos Awareness Month Council Campaigner: Metropolitan WA'.

The Betty Awards were launched in 2013 to recognise the outstanding commitment of registered Asbestos Awareness Month participants who were actively raising awareness of the dangers of asbestos in the community during Asbestos Awareness Month.

8.3 DEPUTATIONS

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

Deputations were heard at the Agenda Briefing of 21 April 2015.

8.4 COUNCIL DELEGATES REPORTS

Note: This item was originally numbered as Item 8.5.1 in the Agenda.

8.4.1 Perth Airport Municipalities Group (PAMG)

A report and Minutes summarising the Perth Airport Municipalities Group Meeting of 5 March 2015 is attached.

Attachments

8.4.1 (a): Perth Airport Municipalities Group (PAMG) Meeting - Minutes

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Cridland

That the report and minutes on the Perth Airport Municipalities Group (PAMG) Meeting held 5 March 2015 be received.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

Note: Councillor Huston left the Council Chamber at 7:50pm

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for 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 April 2015.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.1 Community Safety and Crime Prevention Plan
- Item 10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street
- Item 10.3.2 Proposed Family Day Care. Lot 428 (No. 2/22) Downey Drive, Manning
- Item 10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption
- Item 10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption
- Item 10.4.1 Tender 2/2015 "Construction of the Manning Hub"
- Item 10.6.7 Designation of "Senior Employees"

9.1 EN BLOC MOTION

Recommendation and COUNCIL DECISION

Moved: Councillor Cridland

Seconded: Councillor Lawrance

That the officer recommendations in relation to the following agenda items be carried en bloc:

- Item 10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.
- Item 10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning
- Item 10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School) - Lots 482-483 (No. 91) Ley Street, Como
- Item 10.6.1 Monthly Financial Management Accounts- March 2015
- Item 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2015
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Budget Review for the Period ended 31 March 2015
- Item 10.6.5 Local Government Reform: Program Closure
- Item 10.6.6 Re-allocation of Local Government Reform Funding Budget

CARRIED (7/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

Nil

Note: Councillor Huston returned to the Council Chamber at 8:00pm.

10.1 STRATEGIC DIRECTION I: COMMUNITY

10.1.1 Community Safety and Crime Prevention Plan

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-15-25699
Lodgement Date:	13/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Margaret King, Community Development Coordinator
Reporting Officer:	Vicki Lummer, Director Development and Community Services
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.

Summary

To table the Community Safety and Crime Prevention Plan 2015-2018.

Officer Recommendation

Moved: Councillor Cala

Seconded: Councillor Hawkins-Zeeb

That Council receives and adopts the *Community Safety and Crime Prevention Plan 2015-2018* as per **Attachment 10.1.1(a)**.

Amended Motion

Moved: Councillor Trent

Seconded: Councillor Reid

That the Officer recommendation be adopted along with an additional part:

That Council directs the CEO to prepare a report on the status of street lighting across the City of South Perth along with the cost for improving street lighting that does not meet the required standard.

CARRIED (8/0)

The amended motion became the substantive motion.

COUNCIL DECISION

That Council

- a) receives and adopts the Community Safety and Crime Prevention Plan 2015-2018 as per **Attachment 10.1.1(a)**.
- b) directs the CEO to prepare a report on the status of street lighting across the City of South Perth along with the cost for improving street lighting that does not meet the required standard.

CARRIED (8/0)

10.1.1 Community Safety and Crime Prevention Plan

Background

The state government introduced the concept of Community Safety and Crime Prevention Plans (CS&CP) in 2003. The CS&CP Plan is used to guide the City and other organisations in working together to develop and resource programs, services and facilities. The latest CS&CP Plan 2015-18 was developed in partnership with the community, the City of South Perth (CoSP), Kensington Police, and state government agencies.

The CS&CP Plan 2015-18 identifies community safety and crime prevention priorities for the City of South Perth, along with corresponding strategies, actions, implementation and evaluation processes. The plan is underpinned by a community development approach and thus seeks to build social cohesion and community connections. This in turn enhances the community's sense of safety. In addition, place making principles are utilized to instil community ownership and participation in public places, leading to increased activity and an increased feeling of safety.

The plan is intended to be a 'living' document with the long established Community Safety and Crime Prevention Group continuing to develop and monitor the plan. This group comprises of representatives from the City of South Perth, WA Police, state government agencies and key stakeholder group representatives.

Comment

The Plan at **Attachment 10.1.1(a)** outlines the process undertaken, detailed consultation results and identified strategies and actions to be developed over the life of the Plan.

Consultation

The CS&CP Plan 2015-2018 was developed through an extensive consultation process. Information was gathered regarding the perceptions of safety and crime in the community, as well as factual data from the Police.

The main themes emerging from the community were:

- The importance of a connected local neighbourhood where people know one another;
- Activating public places;
- A visible police presence; and
- CPTED (crime prevention through environmental design principles) - lighting in particular.

In order to address these issues the objectives of the plan have been developed as follows:

- Increase activity in public areas;
- Work with Kensington Police to maintain a community presence and continued awareness of current issues;
- Work with the Department of Housing and WA Police to address local crime concerns;
- Continue to upgrade City of South Perth buildings and facilities to CPTED standards where possible;
- Enhance neighbourhood cohesion and social capital through the 'Streets Alive' program and 'It's Your Place' grant funding; and
- Strategically focus on communities of need - targeting areas with high crime or high perceptions of crime to improve amenity, surveillance, community awareness and community connection.

10.1.1 Community Safety and Crime Prevention Plan

Policy and Legislative Implications

Nil.

Financial Implications

Any financial implications are contained within the operating budget.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The development of a Community Safety and Crime Prevention Plan aligns with the Strategic Directions 1 – Community – **Create opportunities for an inclusive, connected, active and safe community.**

Attachments

10.1.1 (a): Community Safety and Crime Prevention Plan 2015-2018

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

Declaration of Impartiality Interest - Item 10.3.1 – Councillor Cridland

Prior to consideration of Item 10.3.1, the following declaration from Councillor Glenn Cridland was read out:

“I wish to declare an impartiality interest in Agenda Item 10.3.1 (Proposed Two Storey Child Day Care Centre (72 children) on Lot 237 (No. 55) Thelma Street) on the Council Agenda for the meeting to be held 28 April 2015.

I disclose that I live at 61 Thelma Street, which is three houses up the street from the proposed child day care centre.

I will consider this matter on its merits and vote accordingly.”

Location:	Como
Ward:	Moresby Ward
Applicant:	Cini Pty Ltd
File Ref:	D-15-21618
Lodgement Date:	10/11/2014
Date:	28/04/2015 12:00:00 AM
Author:	Peter Ng, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for a Child day Care Centre on Lot 237 (55) Thelma Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use	TPS6 Clause 3.3 & Table 1
Car parking provision	TPS6 Clause 5.2(1) and Table 4
Landscaping (non-RES)	TPS 6 Table 4
Rear Setback	TPS 6 Table 4
Number of Children (30 children unless otherwise approved by the Council)	TPS 6 Table 4

Officer Recommendation**Moved:** Lapsed**Seconded:** Lapsed

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Child day Care Centre on Lot 237 (55) Thelma Street, Como **be approved** subject to:

(a) Standard Conditions

210	screening- permanent	470	retaining walls- if required
415	street tree- fee yet to be paid (\$8,370.56)	471	retaining walls- timing
390	crossover- standards	455	dividing fences- standards
393	verge & kerbing works	456	dividing fences- timing
625	sightlines for drivers	340A	parapet walls- finish from street
353	bays- marked and visible	508	landscaping approved & completed
427	colour and materials – Details	550	plumbing hidden
660	expiry of approval	445	stormwater infrastructure

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The dividing fence on the common boundary along the eastern boundary shall be remain at that 1.8 metres in height up to the proposed building setback line, to reduce noise impacts from the car park upon the adjoining residential properties.
 - (B) The proposed external staircase on the eastern boundary shall be used for fire escape route only. Fire Escape Only signs shall be clearly identified on the drawings and clearly placed on site at both ground and first floor.
- (ii) The dividing fence on the common boundary to the adjoining residential property at 57 Thelma Street is to be constructed of either rendered and painted brickwork or alternative masonry materials as agreed with the neighbour. The cost of the fence and its installation is to be borne by the owner of the proposed development.
- (iii) The designated Staff parking bays shall be clearly identified on site by means of a sign bearing the words “Staff Parking Only”;
- (iv) The maximum trading hours of the Child Day Care centre shall be strictly limited to 6.30am to 6.30pm, 5 days a week, with no children playing outside permitted prior 7.00am. Should any noise complaints from neighbour received within the 12 months of operation, Council will determine whether the complaints are valid, and if so, will imposed a later opening time or other requirements to address the complaints.
- (v) Appropriate acoustic measures such as 10.38mm think laminated glass for glazing panels along North, South and West screen walls and 1.2m lightweight framed hanging wall along full length of 1st floor slab on eastern side only shall be installed and placed prior to the use of the building.
- (vi) The site plan shall include at least one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling. The trees, horizontal and vertical landscaping shall be maintained in good condition thereafter.

(c) Standard Advice Notes

700A	building permit required	766	landscaping- general standards
705	revised drawings required	709	masonry fences require BA
706	applicant to resolve issues	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 that:

- (i) The applicant is advised that:
It is the applicant's responsibility to liaise with the City's Engineering Infrastructure and Environmental Health Departments to ensure compliance of all of these department's relevant requirements.
- (ii) Noise Generally- All mechanical ventilation services, motors and pumps, e.g. air conditioners, exhaust flues to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*;

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

LAPSED for want of a mover

Alternative Motion and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Mayor Doherty

That:

- (a) the officer recommendation not be adopted;
- (b) 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 the Proposed Two Story Child Care Centre (72 Children) on Lot 237 (No 55) Thelma Street **be refused**.

CARRIED (8/0)

Reasons for the alternative motion

1. TPS6 requirements are that sites with sole access from a cul-de-sac street will not be approved. As was highlighted and confirmed at the April briefing the proposed site is located in a street that effectively acts as a cul-de-sac due to the single entry in from Canning Hwy. Furthermore Thelma Street is too planned become a cul-de-sac in future Canning Hwy widening plans.

Whilst there is no indication in State Governments forward budgets of when the Hwy is to be widened. The City of South Perth is currently conducting a Canning Highway study, which in part is to consider and manage the impact of widening Canning Highway on the surrounding residential areas.

2. The Traffic Assessment only considers the impact on the immediate street which is described as having minimal impact despite doubling the movements. However as all traffic from the proposed site has to depart the site down Thelma St through to Axford St, this increased traffic would have significant impacts on Axford St and surrounding streets.
3. The number of children is more than twice as many the City of South Perth suggested maximum of 30. Whilst there are other Child Care in the City of

10.3.1

Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

South Perth that exceed this number, such as the Gowrie Centre (72) and Jelly Beans (67), these sites are significantly different than this proposed site. A more comparable site would be Como Child Care on Birdwood Ave which has numbers more in line with the recommended number, but is also on a street with two way access.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15/20
Lot area	1012 sq. metres
Building height limit	7.0 metres
Development potential	Discretionary with Consultation 'DC' 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:

1. **Specified uses**
 - (a) Child Day Care Centres;
 - (g) Non-residential "DC" uses within the Residential zone;

2. **Major developments**
 - (a) Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City;

10.3.1 **Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street**

6. Amenity impact

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

7. Neighbour comments

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

Comment

(a) Background

In late November 2014, the City received an application for Child Day Care Centre in a 2-storey building on Lot 237 (55) Thelma Street, Como (the **Site**). The design of the proposal was considered by the City's DAC at the meeting held in December 2014. This is discussed further in the body of the report below under Consultation Section - Design Advisory Consultants' Comments.

(b) Existing Development on the Subject Site

The existing development on the Site currently features land use of 'Residential', as depicted in the site photographs at **Attachment 10.3.1(f)**. The site currently contains single storey brick and tile dwelling, an outbuilding and mature vegetation which will be demolished and removed to accommodate the proposed development.

(c) Description of the Surrounding Locality

The Site has a frontage to Thelma Street to the north, 2 Consulting Room practices to the west and 4 Grouped Dwellings to the east. To the south of the Site lies the Club Premises - South Perth Bridge Club. The Site is located adjacent to Regional Road/ Highway Commercial zoned area where there are various shops, consulting rooms and food outlets.

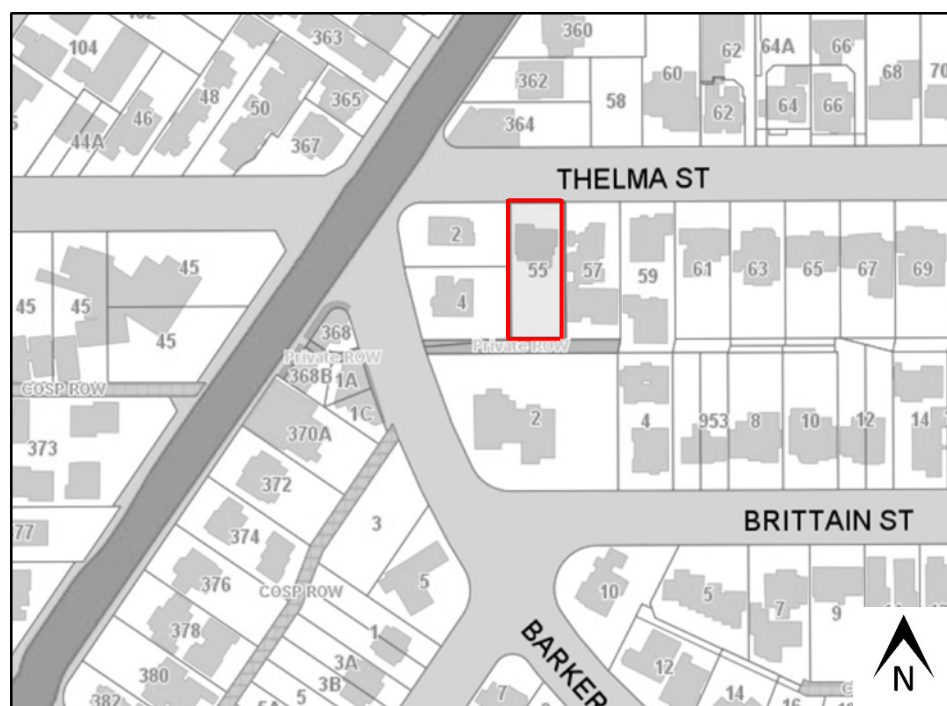


Figure I below provides an illustration of the locality:

(d) Description of the Proposal

The proposal involves the demolition of the existing development and the construction of 2 storey building on the subject site to accommodate the use as a “Child Day Care Centre”, as depicted in the submitted plans at **Attachment 10.3.1(a)**.

Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.1(f)**.

The proposed use will operate as follows:

- (i) Maximum of fourteen (14) full time staff employed on site;
- (ii) Maximum of 72 children on site comprised of up to 12 babies (< 24 months), 20 toddlers (24 to 36 months) and 40 kindergarten age children (> 36 months);
- (iii) Administrative and amenity facilities at Ground Floor with 2 separate rooms for 12 babies and 20 toddlers;
- (iv) The upper floor comprises of 2 separate rooms with ancillary facilities for 20 toddlers and 40 kindergarten age children;
- (v) Separate outdoor landscaped play areas for each group of children are provided on both ground and first floor;
- (vi) 21 parking bays including an ACROD for staff and parents;
- (vii) Bicycle racks with associated end of trip facilities and
- (viii) Opening Hours: 6.30am to 6.30pm, Monday to Friday.

The applicant’s Noise Impact Assessment Report and Traffic Impact and Parking Assessment Report, referred to as **Attachments 10.3.1(c) & 10.3.1(d)** respectively, describe the proposal in more detail.

The following planning aspects have been assessed and found to be compliant with the provisions of Schedule 9, the remainder of TPS6 and the R-Codes, and therefore have not been discussed further in the body of this report:

- Finished ground and floor levels and driveway gradients (TPS6 Clauses 6.9 and 6.10);
- Building setbacks from the street (TPS6 Table 4);
- Building setbacks from the eastern boundary – Ground and First floor (R-Codes Tables 2a and 2b);
- Plot ratio – Not applicable;
- Building height limit (TPS6 Clause 6.2); and
- Visual privacy (R-Codes 6.8.1) adjoining residential development.

The following matters, some of which require the exercise of discretion, are considered acceptable and discussed further below:

- Land Use (TPS6 Clause 3.3 & Table 1);
- Car parking (TPS6 Clause 6.3);
- Landscaping (TPS6 Table 4);
- Rear Setback (TPS6 Table 4); and
- Number of Children (TPS 6 Table 4).

(e) Land Use

The proposed “Child Day Care Centre” is classified as a “DC” (Discretionary with Consultation) use by TPS6. In accordance with Clause 3.3(3) of TPS6, a Discretionary use with consultation may only be permitted approved following neighbour consultation. Neighbour consultation has been undertaken in accordance with the relevant TPS6 provisions and City policy. This aspect will be discussed in detail below.

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

In considering this use, Council shall have regard to the objectives listed in Clause 1.6 of TPS6 and the relevant matters listed in Clause 7.5. The proposal is considered to be in compliance with these clauses, and will be discussed in further detail below.

(f) Car parking

The applicant has submitted revised drawings showing 21 bays including 1 ACROD bay. The applicant has also submitted revised Transport Impact and Parking Assessment report prepared by Shawmac Consulting Civil & Traffic Engineers dated 31 March 2015 (Refer to **Attachment 10.3.1(d)**) stating that:

“The proposed car parking supply for the site is 21 bays including 1 ACROD bay. The siting of the ACROD bay adjacent to the footpath will allow for ease of access to and from the centre for users entering and exiting a vehicle at this location while minimising conflict with other users of the car park.

The proposed number of staff members will be 14 at any given time with a maximum of 72 children to be accommodated on the site. The statutory requirements for car parking in accordance with the City’s Town Planning Scheme No. 6 is 21 bays. It should be noted that, based upon a detailed review of documented car parking demand and turnover at existing established child care centres in Perth as noted in Section 1.6 and shown in Table 2, the results would indicate that the maximum demand at any one time would be 13 bays, based upon full occupancy of the centre, which can be accommodated on-site. The average dwell time for a vehicle picking-up and dropping-off, excluding staff parking, is between 3 and 6 minutes allowing for a minimum turnover of 70 and 140 bays for parents during a typical peak hour, which is well in excess of the anticipated demand over the peak demand period.

From	To	% Utilisation	% Turnover
Morning Peak Period			
7:00	7:30	21%	21%
7:30	8:00	31%	37%
8:00	8:30	43%	46%
8:30	9:00	69%	61%
9:00	9:30	60%	45%
9:30	10:00	55%	39%
Afternoon Peak Period			
3:00	4:00	50%	66%
3:30	4:30	65%	98%
4:00	5:00	50%	104%
4:30	5:30	30%	99%
5:00	6:00	30%	114%

Table 2 – Average Car Parking Utilisation and Turnover at Child Care Centres in Perth

Two of the on-site bays are proposed to be provided in a tandem arrangements near the south-eastern boundary of the site and will be allocated to staff only. A site-specific management plan will include a protocol which will require vehicles to be reversed into the bays in order to allow for exit in forward gear only. It can therefore be concluded that the proposed on-site car parking supply is compliant

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

with Council policy and that the layout is safe and will allow for efficient ingress and egress by staff and parents/caregivers in forward gear.

The proposed car parking supply of 21 bays is appropriate and sufficient to meet expected demands associated with the development and is compliant with relevant City of South Perth policies and guidelines.

The proposed layout of the car parking area and on-site circulation and manoeuvring is safe and efficient and is consistent with relevant traffic engineering standards.”

The City’s Engineering Infrastructure section noted that the development will result in a doubling of the peak hour traffic and the daily traffic flow for the street. However, the street is well under the capacity of a local access street. By any reasonable standard the section of street is a very quiet residential street and will remain so even with twice the traffic movement. This is discussed further under Internal Administration section of the report.

Further to the applicant’s response, having regard to the location of the proposed development in close proximity to high frequency public transport along Canning Highway and the Canning Bridge Train Station, staff may choose to make use of public transport. Staff will be given Transperth pass to catch public transport as indicated in the applicant’s submission report. Council Policy P315 permits the car parking requirements to be reduced through the application of adjustment factors listed in the policy, reflecting particular site and design factors. For this application, the site qualifies for an adjustment factor of 0.85 (15 percent reduction), by meeting factors 2 (15 percent reduction: being located within 400 metres of a bus stop – Canning Highway).

The application of the 0.85 adjustment factor to the proposed non-residential land uses would reduce the car parking requirement from 22 bays to 19 bays, a surplus of 3 bays. Therefore, the proposed development complies with the car parking requirement in Table 6 of TPS6.

In accordance with current Clause 6.3(8) of TPS6, the dimensions of car parking bays and associated access ways shall not be less than those prescribed in Figure 1 of Schedule 5. Where obstructions are present, the width of the bays shall be adjusted accordingly. Figure 1 of Schedule 5 indicates the car parking bays should have a minimum dimension of 2.5 x 5.5 metres with an associated access width of 6.0 metres. Most of the proposed bays have a typical dimension of 2.5 x 5.4 metres with an access aisle width of 6.2 metres.

Two of the on-site bays are proposed in a tandem arrangement near the south eastern boundary of the site, which will be allocated to staff only. A condition will be imposed requiring the designated staff parking bays to be clearly identified on site as “Staff Parking Only”.

The City’s approach to supporting the smaller car bay sizes is also consistent with the Council resolution during December 2014 Council meeting to initiate TPS No .6 - Amendment 48. The amendment proposes to remove reference to Schedule 5 ‘Minimum Dimensions of Car Parking Bays and Accessways’ to allow car parking and access provided on site to be in accordance with Australian Standard AS2890.1. The Council also endorsed that dimensions of car parking bays and access ways shall be assessed in accordance with the relevant Australian Standard rather than the dimensions contained in Schedule 5, pending final adoption of Amendment No. 48.

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

Given the above, City Officers are satisfied that the proposed car parking bay provisions, layout and dimensions are consistent with relevant scheme provisions and Australian Standards, and therefore can be supported.

(g) Landscaping

With reference to Table 4 “Development Requirements for a Non-Residential Use in a Residential Zone” of TPS6, the required minimum landscaping area is 404.80 sq. metres (40% of the site area).

The R-Codes define “landscape, landscaping or landscaped” as follows:

“Land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or playgrounds and any other such area approved of by the decision-maker as landscaped area.”

The landscape area at ground floor has an area of 110 sq. metres while the first floor has an outdoor play area of 417 sq. metres. Accordingly, the proposed development has a total landscaped area of 527 sq. metres (52% of the site area) which meets with the above landscaping provision.

Additional vertical garden is also proposed on the 2.2 metres high screen wall located on the first floor that is visible from the street. The intent is to break up the overall building bulk and improve street compatibility with the existing surrounding. The vertical surface of the landscaping has been calculated as 15 sq. metres. Accordingly, the combined horizontal and vertical landscaped area is 542 sq. metres (53.55% of the site area).

In this instance, the proposed landscaping meets with landscaping provision.

(h) Rear Setback

The prescribed minimum rear setback as required under Table 4 of TPS6 is 6.0 metres for buildings. The proposed building setback is 4.60 metres (at ground floor) and 3.0 metres (at first floor) from the rear southern boundary. Therefore, the proposed development does not comply with Table 4 of TPS6 and as such a variation is sought.

The applicant has submitted written justification justifying that the proposed rear setback is considered to be appropriate stating *“that the rear setback is 4.6m as it fronts to a community car park at the back. In this instance, there are no privacy and/or building bulk and scale issues that would impact on amenity of the adjoining land given it is a car park.”*

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed setback, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed setback be approved, as the rear setback variation will not have any adverse effect upon the occupiers or users of the development of the club premises (South Perth Bridge Club). The southern boundary currently abuts the car parking area and there will be at least 20.0 metres building separation between the proposed building and the Club. Therefore the proposed rear setback variation can be supported.

(i) **Town Planning Scheme No. 6 - Table 4**

Table 4 “Development Requirements for Non-Residential Use in the Residential Zone” of TPS6 provides a number of specific requirements for “Child Day Care Centres”. Column 1 of the table below contains an extract of these requirements, while the officer’s brief response is contained in Column 2:

TPS 6 Requirements	Officer Response
Minimum lot area - 900 sq. metres and a regular shape	Complies. The subject site has 1012 sq. metres in area and a regular shaped lot.
Minimum lot frontage - 20.0 metres.	Complies – It has a street frontage width of 20.12 metres.
Maximum number of children - 30, unless otherwise approved by Council.	Does not comply - A maximum of 72 children are proposed to be accommodated on the subject site. Refer to the body of report below.
Image and external appearance - To be in keeping with the existing residential character of the street.	Complies - Changes to the exterior of the propose building with vertical green (landscaped) wall.
Car parking - Refer to Clause 6.3 and Table 6.	Complies. Addressed in part (f) of the report.
Location - Sites adjoining schools, public open space or other non-residential uses are preferred. Sites with sole access from a cul-de-sac street, right-of-way, laneway or battleaxe access leg will not be approved by Council. In all other instances the suitability of a proposed site will be considered, having regard to Council’s planning policy on “Child Day Care Centres”.	Complies - The proposed “Child Day Care Centre” is located only 1 lot away (50 metres) from east of Canning Highway, with one way entry only from Canning Highway westbound. The Site is located directly adjacent to Regional Road/ Highway Commercial zone and Residential zone to the immediate north and east. Penrhos College is located approximately 520 metres to the east of the Site.
Corner sites - The “Child Day Care Centre” shall be designed to address the primary street. When considering any application involving a corner site, Council’s assessment will place strong emphasis on the effect of the increased traffic and parking.	Not applicable
Canning Highway - “Child Day Care Centres” will generally not be permitted on sites having frontage to Canning Highway unless: (i) the proposed development is situated on a corner site; (ii) vehicular access is confined to a street other than Canning Highway; and (iii) the intersection is not controlled by traffic lights.	Not applicable.
Suitable premises - Converted single house or purpose built building.	Complies. Existing dwelling to be demolished and replaced with purpose built building to cater for the child numbers and needs.
Minimum indoor and outdoor playing space - As per the regulations made under the <i>Child Care Services Act 2007</i> .	Complies. The proposed indoor and outdoor playing area meets with the required 3.25 square metres of unencumbered indoor space and 7 square metres per children of outdoor space as required under Clause 108 of Education and

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

	Care Services National Regulation 2012.
Signs - No sign advertising a “Child Day Care Centre” is permitted other than one sign not more than 700mm wide and 500mm high attached to the front screen wall of the centre may be permitted. Signs for a “Child Day Care Centre” located on a corner site will only be permitted on the frontage which faces the designated road.	Signage not proposed as part of the current application.

As demonstrated above, the proposal generally complies with the requirements for “Child Day Care Centres” set out in Table 4 of TPS6 with the exception of the total number of children to be accommodated on site, and location. The applicant’s letter dated 19 February 2015 provides further justification for the total number of children to be accommodated on site. A full copy of the submission is attached, referred to as **Attachment 10.3.1 (b)**.

The applicant justified that there are a number of precedents in the City of South Perth where the number of children is higher than what they consider to be the out-dated suggested maximum of 30, for example, Jelly Beans Childcare at 221 Labouchere Road, South Perth.

A search of City’s records shows that there are existing examples of approved childcare centres within the City that exceed 30 places namely:

- *Lady Gowrie Child Care Centre Karawara, 61 Lowan Loop, Karawara - Licensed for 72 children;*
- *Jelly Beans Child Day Care Centre, 221 Labouchere Road, South Perth - Licensed for 67 children; and*
- *Como Baptist Church Child Day Care Centre, 111 Robert Street, Como - Licensed for 47 children.*

As demonstrated, the proposed “Child Day Care Centre” generally complies with the provisions of Table 4 of TPS6 and justification has been provided for the total number of children accommodated and the proposed location. Apart from meeting with provisions of Table 4 of TPS6, the proposed development also meets with the required indoor and outdoor playing area for 72 children (under Clause 108 of Education and Care Services National Regulation 2012).

It is considered the proposal meets with the above provisions and will not have significant amenity impact on the area, therefore warrants support by Council.

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

City Policy P307 “Family Day Care and Child Day Care Centres” (P307) provides further guidance for the assessment of the above in the City of South Perth. The policy covers matters such as the maximum number, location and design requirements; inclusive of car parking, traffic and noise impacts, size and layout of internal and outdoor play spaces, and fencing.

The proposal is considered to be generally consistent with the provisions of this policy with the exception of the maximum number of children to be accommodated on site, and as such is able to be supported.

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

With regard to the maximum number of children to be accommodated on site, the officer's response has been provided in the table above and will not be repeated in this section.

As identified previously in this report, the proposed location for the "Child Day Care Centre" does not comply with the requirements set out in Table 4 of TPS6. P307 expands on the location requirements of Table 4, identifying a number of factors which influence the impact of a "Child Day Care Centre" on the surrounding area. These factors are listed below with a brief comment:

Policy Requirements	Officer Response
Within 400 metres of an appropriate commercial, recreation or community node or education facilities.	Located abuts Regional Road/ Highway Commercial zoned area. The subject site is directly adjacent to local commercial centre located at the intersection of Barker Avenue and Canning Highway.
Located in areas where adjoining uses are compatible with a "Child Day Care Centre".	A "Child Day Care Centre" is a "DC" use in the residential zone meaning it may be compatible with the surrounding uses, subject to the City being satisfied the amenity of surrounding residents will not be significantly impacted. The subject site is surrounded three sides by non-residential development ie consulting rooms and club premises - South Perth Bridge Club.
Serviced by public transport.	Subject site located is less than 50 metres from regular buses route along Canning Highway.
Considered suitable from a traffic engineering / safety point of view.	Traffic Statement provided by applicant and supported by the City's Infrastructure Services.

As demonstrated above, the location of the proposed "Child Day Care Centre" is considered to be consistent with the provisions of P307 in relation to location, and as such merits support by Council.

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

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development Site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development Site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is considered 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 December 2014. The proposal was not favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
The Design Advisory Consultants observed that the proposed built form was incompatible to the streetscape.	The colours of the walls have changed to tone them down, which is more in keeping with the neighbourhood.	Applicant has submitted amended drawings incorporating colour scheme and vertical garden on the street façade to maintain the streetscape compatibility. The comment is NOTED.
Additionally, the primary street setback filled with car parking did not present well to the street. Car parking access to the subject site should preferably be from the rear if it is possible to use the strip of land marked as ROW 87 on the aerial maps. The applicant to discuss this option further with the relevant City (Engineering) department.		City's Engineering Infrastructure informed that the former ROW was listed in the ownership of the City of South Perth (resumed) and records indicate it was formally closed in 1997. The revised drawings depicting the parking bays is obscured behind 2.0m wide landscaping strip within the street setback area. The comment is NOTED.
The impact of the outdoor play area on the first floor should be considered in view of its proximity to the adjoining dwellings at No. 57 Thelma Street, with a view to incorporate design modifications.	This has been taken into account. The eastern setback has been increased to 2.8m.	The comment is 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 'Area 2' consultation method, individual property

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

owners, occupiers and/or strata bodies at Nos 45, 46, 48, 50, 57 to 71 Thelma Street and 364 - 367 Canning Highway, 2 and 4 Barker Avenue and No 2 Brittain Street 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). In addition, a sign was placed on site inviting comment from any other interested person.

During the advertising period, a total of 48 consultation notices were sent and 44 submissions were received, 1 supporting and 43 against the proposal. The comments from the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p><u>Traffic impact</u> Concerned about increased traffic on Thelma Street which is a one way street entry from Canning Highway.</p>	<p>The volume of traffic generated by the proposed is not anticipated to pose a significant traffic impact to the adjoining properties. Refer to Engineering Infrastructure comments. The comment is NOTED.</p>
<p><u>Car parking</u> Insufficient on-site parking and street parking along Thelma Street.</p>	<p>It is considered that the development complies with the discretion provisions. It is noted that limited street car parking is available on Thelma Street. The comment is NOTED.</p>
<p><u>Pedestrian safety</u> Concerns for the safety of adults and children who reside on the street from vehicle interface.</p>	<p>The volume of traffic generated by the proposed use is not anticipated to pose a significant adverse impact to the adjoining properties. The comment is NOTED.</p>
<p><u>Streetscape Impact</u> Inadequate visual screening for car parking cars and will be visually dominant from the street.</p>	<p>Revised plans incorporated 2.0m wide landscaping strip to screen the car parking area. The comment is NOTED.</p>
<p><u>Building Design</u> The two storey design of the proposed development is incompatible with existing streetscape in terms of building bulk and scale.</p>	<p>Revised colour scheme and drawings incorporating vertical garden to reduce the overall building bulk and maintain streetscape compatibility. The comment is NOTED.</p>
<p><u>Noise Impact</u> Children playing outside will generate considerable noise and affect adjacent both residential and non-residential properties.</p>	<p>The development is required to comply with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. The comment is NOTED.</p>
<p><u>Operating Hours</u> Concerned about amenity impact from the operations in the early morning (6.30am) and late evening (6.30pm)</p>	<p>As recommended by the Acoustic Engineer, children are not permitted outdoors prior to 0700 hours. The comment is NOTED.</p>

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

The neighbours' submissions are provided as **Attachment 10.3.1 (e)**. The applicant's responses to the neighbours' comments are included in the applicant's letter attachment.

(c) Internal Administration

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

Engineering Infrastructure

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking, traffic generated from the proposal and review the Traffic Impact and Parking Assessment. Their comments are as follows:

"Traffic assessment

The Transport Assessment Report of Shawmac Consulting Engineers etc. has been prepared in accordance with the Western Australian Planning Commission (WAPC) document Transport Assessment Guidelines for Development: Volume 4 – Individual Developments. Engineering Infrastructure does not have any daily volumes for Thelma Street Canning Highway to Axford Street to support or refute the estimated volumes from the Consultant ("... estimated that the existing daily volumes along the frontage of the site are in the order of 800 to 1,200 vpd").

The Consultant has observed peak hour movement off Canning Highway (left turn only from Canning Highway – no entry from Thelma Street) at 25 and 20 vph inbound, am and pm peak hour respectively.

The estimated vehicles per day are considered to be reasonable in its current form and unlikely to alter significantly in the future. The endorsed Canning Highway Road Reservation Review continues to have Thelma Street as left in only from Canning Highway.

The trip generation has been estimated to be 234 daily vehicle trips (117 in/117 out) and 54 vehicle trips (28 in/26out) and 32 vehicle trips (16in/16 out) during the weekday a.m. and p.m. peak hours, respectively. The trip generation has been estimated by observing the number of movements at existing child care centres in Canning Vale, Roleystone, Midland, Gosnells and Clarkson. The only issue here is that the City is required to take the numbers at face value as there is nothing to compare the observed sites to the current. It's reasonable to say the numbers "look right" but is it so difficult to identify the parameters used i.e. 72 childcare at X movements and 15+ staff at Y movements.

The observed traffic movements during the peak hours are consistent with the expected land use abutting this section of street. With 44 dwellings along Thelma Street to Axford Street and Rugs Bazaar on the corner with Canning Highway the trip generation for the street is likely to be sub 300vpd and considerably less than the estimated 800 to 1200 in the Statement.

A recent traffic survey recorded the highest daily movement for the survey period at 275vpd with the morning peak 8am to 9am at 25 vph and the pm peak 4pm to 5pm at 32 vph. The survey by the consultant had weekday peak hour counts at the partial movements (left-in only from Canning Highway westbound) intersection of Canning Highway/Thelma Street adjacent to the site at 25 and 20 vph inbound, respectively, for a typical weekday during the a.m. and p.m. peak hours.

Notwithstanding that the development will result in a doubling of the peak hour traffic and the daily traffic flow, the street is well under the capacity of a local

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street

access street. By any reasonable standard the section of street is a very quiet residential street and will remain so even with twice the traffic movement.

It should be noted that a local access street C (WAPC Liveable Neighbourhoods) could peak at 3,000 vpd. At 1,600 vpd on a local access street some form of traffic management would normally be considered. The City has in many instances used 1,000 vpd as the “trigger” for traffic management if vehicle speeds were considered excessive.”

The report considers the locality can withstand this change with minimal impact on the road network, a conclusion which is supported by the City’s Infrastructure Services.

Environmental Health

The Environmental Health section provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises objections/no objections and has provided the following comments:

(i) Any activities conducted will need to comply with the Environmental Protection (Noise) Regulations 1997 at all times;

(ii) This business will be a food business as defined in the Food Act 2008 and will be required to meet the requirements of Australia New Zealand Food Standards Code - Standard 3.3.1. Full detailed drawings will be required compliant with AS 4674-2004 Design, construction and fit-out of food premises.

(iii) Consideration needs to be given to the design of all internal and external play areas to ensure that compliance with the Environmental Protection (Noise) Regulations 1997 in relation to surrounding properties. An acoustic assessment is required to confirm the impact of this proposal on the surrounding residential properties.

Following submission of revised drawings, this application was referred to Environmental Health Services Department to comment upon. This department has provided additional comments on acoustic noise recommendation:

(iv) With reference to the proposed screen walls with glazing panels (North & South Elevations) I have discussed this matter with ND Engineering and this will be compliant if the glazing panels are made of laminated glass, ideally of a thickness of 10.38mm.

(v) With reference to the Eastern elevation (reference DA02) the fence reduces in height from 1800mm to 1200mm near the front of the property. After discussing this with ND Engineering, the fence is required to remain at 1800mm until the building line, after which it can reduce to 1200mm.

(vii) With reference to Figure 6, Figure F5.1 & Figure F5.2 of the said report, a 1.2m lightweight framed hanging wall, underside 2200 AFFL of car park, along full length of 1st floor slab, Eastern side only is required. (Not indicated on drawings DA02).

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Environmental Health Services Department.

10.3.1 **Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street**

City Environment

The City Landscapes Officer, City Environment section provided comments with respect to the removal of street tree due to the proposed crossover. The approved drawings show that the existing street tree within the road reserve will be removed. The Applicant is required to pay a sum of \$8,370.56 for the cost of removing and replacing tree as detailed in a tax invoice that will be issued by the City, prior to the lodgement of a building permit.

(d) External Agencies

No comments from external agencies have been received.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms: ***Accommodate the needs of a diverse and growing population.***

Sustainability Implications

The development does not meet the minimum gross floor area required for Council Policy P350.01 ‘Environmentally Sustainable Building Design’ to apply. However, the development incorporates sustainable design principles, such as providing northern sunlight to the outdoor landscaped play area at upper floor and no window openings to the western side of the building.

Additionally, it is considered that the development enhances sustainability by providing local businesses and employment opportunities. The centre being located in a strategic location near Canning Highway provides easy access for both the staff and parent within the area.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it not expected to have a detrimental impact on adjoining (residential and non-residential) neighbours as well as streetscape, provided that the conditions are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.1 (a): Floor Plans and Elevations
- 10.3.1 (b): Applicant's Letter
- 10.3.1 (c): Consultant's Acoustic Report
- 10.3.1 (d): Engineer's Traffic Report
- 10.3.1 (e): Submitters Comments
- 10.3.1 (f): Site Photographs & Street Photomontage

10.3.2 Proposed Family Day Care. Lot 428 (No. 2/22) Downey Drive, Manning

Declaration of Impartiality Interest - Item 10.3.2 – Councillor Hawkins-Zeeb

Prior to consideration of Item 10.3.2, the following declaration from Councillor Sharron Hawkins-Zeeb was read out:

“I wish to declare an impartiality interest in Agenda Item 10.3.2 (Proposed Family Day Care Lot 428 (no. 2/22) Downey Drive, Manning) on the Council Agenda for the meeting to be held 28 April 2015.

I disclose that I live on Downey Drive, which is the same road of the proposed family day care.

I will consider this matter on its merits and vote accordingly.”

Note: Councillor Cridland left the Council Chamber at 8:26pm and returned at 8:27pm.

Location: Manning
Ward: Manning Ward
Applicant: Hodan Abdi Hirad
File Ref: D-15-20091
Lodgement Date: 17/03/2015
Date: 28/04/2015 12:00:00 AM
Author: Valerie Gillum, Planning Officer Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for a family day care business at the single house on Lot 428 (No. 2/22) Downey Drive, Manning. Council is being asked to exercise discretion in relation to the following:

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

Officer Recommendation

Moved: Councillor Huston

Seconded: Lapsed

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a

family day care addition to single house on Lot 428 (No. 2/22) Downey Drive, Manning **be approved** subject to:

(a) Standard Conditions

66l Expiry of approval

(b) Specific Conditions

- (i) The maximum number of children approved to attend the Family Day Care Centre is two (2) children per day.
- (ii) The hours of operation are limited to the following: Monday to Thursday 7:30am – 5:30pm; and Saturday and Sunday 7:30am – 5:30pm.

(c) Standard Advice Notes

790 Minor variations – seek approval 795B Appeal rights – council decision

(d) Specific Advice Notes

- (i) The City's Environmental Health Section to ensure satisfaction of all of the relevant requirements, with regard to the attached memorandum dated 26 March 2015.

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

LAPSED for want of a seconder

Alternative Motion and COUNCIL DECISION

Moved: Councillor Hawkins-Zeeb

Seconded: Councillor Cala

That:

- (a) the officer recommendation not be adopted; and
- (b) pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a family day care addition to single house on Lot 428 (No. 2/22) Downey Drive, Manning **be refused**.

CARRIED (8/0)

Reason for alternative motion

- The impact on the immediate neighbours' amenity at 24 Downey Drive is a concern, as the neighbours bedroom, kitchen, lounge and outdoor entertaining area are all adjacent to the existing and proposed rear outdoor play area.
- Parking/ traffic along Downey Drive is already becoming a problem as it is used as a bypass road to avoid Manning Road traffic lights.
- Council delegation DC342 requires this application to come to Council for consideration, because the proposed use, being a non-residential use within a residential zone is permissible after consideration is given to objections received during consultation. Objections were received from neighbours with respect to the applicant's ability and capacity to ameliorate neighbours' concerns regarding control of additional children to the present family home. There has been some history of neighbour friction and there is presently no agreement in place with the neighbours as it was suggested by the Applicant.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1171 sq. metres (Total for Site) 585.5 sq. metres (approx. for Unit 2)
Building height limit	7 metres
Development potential	Two (2) grouped dwellings
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:

1. Specified uses

- (g) Non-residential “DC” uses within the Residential zone, except Family Day Care where the City doesn’t receive objections during consultation;

6. Amenity impact

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

7. Neighbour comments

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

Comment

(a) Background

In November 2014, the City received an application for a family day care business in an existing single-storey single house on Lot 428 (No. 2/22) Downey Drive, Manning (the **Site**). The applicant has subsequently provided additional information on the proposal.

(b) Existing Development on the Subject Site

The existing development on the Site currently features the land use of 'Single Storey Grouped Dwellings, this proposal is to be located on one (1) only of these as depicted in the plans at **Confidential Attachment 10.3.2(a)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Downey Drive to the south and is located adjacent to single houses to the north, east and a CoSP Laneway (Pedestrian) to the west. Single houses are also located opposite the site and the aerial photograph as seen in Figure I below, shows surrounding development:

**(d) Description of the Proposal**

The proposal involves the addition of a family day care to the existing residence on the Site, as depicted in the submitted plans and details at **Confidential Attachment 10.3.2(a)**.

The applicant has six (6) of her own children who are currently aged 14, 12, 9, 6, 5 and 1 and is requesting approval to provide care for four (4) children which will all be of school age and that during school holidays when providing care of those children her own children will be under care. The applicant initially proposed before and after school hours from 7.00am to 9.00am and 3.00pm to 6.00pm on weekdays and weekend hours from 8.00am to 6.00pm but as school holiday care was also proposed, this was extended to cover the whole of the day. The applicant also proposes that on weekends the children that will be cared for will be dropped off and collected at her home by the parents but the children will be involved in external activities for the whole of those days.

The applicant seeks approval for a family day care to operate between the hours of 7:30am–5:30pm Monday to Thursday and on weekends from 7:30am–5:30pm. Parents will pick up and drop off according to their own individual working hours.

The Department of Local Government and Communities administers legislation through the Education and Care Regulatory Unit (ECRU) which is the regulatory body for Family Day Care. The following information regarding Family Day Care Services is available on the Department of Local Government and Communities website:

“On 1 August 2012, the implementation of the Education and Care Services National Regulations (WA) Act 2012 and the Education and Care Services National Regulations 2012 brought about changes in how Family Day Care (FDC) is regulated in Western Australia.

Under the National Law, FDC is regulated through the FDC Scheme or Management Unit. The arrangements differ according to organisational structures, but in many cases the Scheme will hold the Provider Approval and the Service Approval.

The National Law sets out how the licensing of individual FDC services ceased when the National Law was implemented on 1 August 2012. The National Law also sets out how FDC services will operate.”

(<http://www.communities.wa.gov.au/education-and-care/ecru/introduction-to-legislation-administered-by-the-education-and-care-regulatory-unit/Pages/Family-day-care-services.aspx>)

Legislated Hours of Operation

In relation to hours of operation, most Family Day Care Educators are registered to operate 24x7, but this is to facilitate the occasional care that may be required by shift workers such as nurses, police officers, or when a family emergency arises etc. and is not the normal care provided.

Legislated Number of Children

In relation to the maximum number of children that can be being cared for, the *Education and Care Services National Regulations (WA) Act 2012* states;

“When the educator’s own children or any other children are at the family day care residence while the service is operating, they are to be counted in the overall total of children if they are under 13 years of age and there is no other adult present and caring for the children and that a maximum of seven (7) children can be educated and cared for at a family day care residence at any one time and that the family day care service cannot increase the number of educators at a residence in order to increase the number of available places for children.

(e) Definition of Family Day Care in TPS No. 6

The City of South Perth Town Planning Scheme No. 6 defines a Family Day Care as a child care service provided to children in a private dwelling in a family or domestic environment. For the applicant to provide care to the requested four (4) children, the expectation is that the use collaborates with the family environment. The applicant has proposed that when providing care, that her own children will be in care off site.

It is Council Officers’ view that putting the applicant’s own children in the care so that other children can be cared for in the family home does not fit with the definition as explained above and for this reason the proposed number of four (4) children to be cared for is not supported. Furthermore, as the applicant’s

own children would be home on weekends, this would mean the number of children would be in excess of that required by the Regulations until such time as they are taken on external excursions.

It is therefore recommended that Council approve a maximum of two (2) children which aligns with the requirements of the *Education and Care Services Regulations (WA) Act 2012* in relation to ratio of children and will also ensure as little disruption as possible to the family home so that when the children are home on weekends or school holidays or when unforeseen circumstances occur, for instance, when the applicant's own children are unwell, that they can be cared for in the family home without disruption to the approved family day care use.

(f) Land Use

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

Table 4 'Development Requirements for Non-Residential Uses in a Residential Zone' of TPS6 sets out Development Requirements for Family Day Care Uses which includes minimum setbacks from lot boundaries, minimum landscaped area and other Development Requirements as the type of suitable dwellings being a single house or grouped dwelling; the maximum number of facilities per development being one (1); and minimum external playing space being 40m² with a minimum dimension of 6 metres all of which this development is compliant. In addition to this, Council Policy P307 for Family Day Care and Child Day Care Centres sets out further Development Requirements of how such a use may operate all of which are described in Section (j) below.

(g) Landscaping

The required minimum landscaping area is 238m² (40 percent), and the proposed landscaping area is approximately 320m² (53 percent), therefore the proposed development complies with the landscaping requirements of Table 4 of TPS6.

(h) Car Parking

The required number of car bays under TPS6 is nil beyond the normal residential parking provision. The Grouped Dwelling requires two (2) bays, which are provided, one (1) under the existing single carport and one (1) in tandem on the hard stand driveway. There is sufficient room for at least one (1) further vehicle to park on the driveway and/or crossover for parents dropping off and picking up their children as there is approximately 15 metres between the front of the property and the rear of the single carport. It is expected that the parents will be dropping off and picking up their children at different times, rather than all cars parked on site at any one time. Additionally it is expected that the duration of stay of these cars will be no more than five (5) minutes at a time. City officers are of the opinion that these visitors to the site are within that figure expected for a normal residence. Furthermore, as can be seen in the aerial diagram below there is sufficient room on the grassed area in the front yard that visitors to the site can park if needed.



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

(i) Vehicle Movements

Vehicle movements into and out of the site and the crossover are not observed to pose any significant vehicle access or traffic issues beyond that normally expected for a single residence.

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

(j) External and Internal Playing Spaces

• External

The development provides the minimum external playing space required by Table 4 of TPS6 (40m² with a minimum dimension of 6m). There is a back paved area which is shaded immediately adjacent to the rear of the dwelling. This playing space is directly accessible from the dining room.

Council Policy P307 'Family Day Care and Child Day Care Centres' requires the external playing space to be arranged by means of ensuring that the outdoor playing space is fully fenced, for the exclusive use of the dwelling and arranged so as to minimise noise penetration on neighbouring dwellings. The existing boundary fencing at a solid 1.8 metres constructed of Colorbond and exclusive use requirements are observed to be met. It is not expected that supervised children will be playing far beyond the house near the boundary fencing.

In relation to noise, it is noted that the adjoining dwelling at No. 24A includes an outdoor area adjacent the fence but towards the rear of the house approximately 10 metres from the rear outdoor area of the subject site's dwelling, and with two (2) children at any one time (not including the applicant's own children) between the proposed hours of 7:30am and 5:30pm Monday to Thursday and on weekends between 7:30am and 5:30pm, any noise associated with this number of children between these times would be within acceptable limits as required by the *Environmental Protection (Noise) Regulations 1997* and therefore noise penetration from external playing spaces is not considered to impact the neighbouring dwellings. This has been confirmed by Council's Environmental Health Officer.

Therefore the proposed development is observed to comply with Table 4 of TPS6 and clause 1a of Council Policy P307.

- **Internal Playing Spaces**
Council Policy P307 'Family Day Care and Child Day Care Centres' requires the internal playing spaces to be arranged so as to minimise noise penetration on neighbouring dwellings. The existing dwelling has a Dining Room and Kitchen to the rear and Lounge room with a window facing the street. Officers observe these to be suitable areas for the internal playing space. These areas and the major openings of these rooms are located away from the neighbouring buildings through relatively large setbacks on the development site. Therefore, the proposed development is observed to comply with clause 2 of Council Policy P307.

In addition to the above, the carer has advised Council that she will put strategies in place in order to address any noise issues including ensuring the children are supervised at all times whether they are indoors or outdoors.

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

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

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

Consultation**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, 18 property owners and occupiers were consulted. Individual property owners at Nos 18, 20, 24A, 24B, 26, 17-27A Downey Drive and Nos 91-97 Manning Road were invited to inspect the plans and to submit comments during a minimum 14-day period. The assessing officer also received submissions from surrounding residents outside of the consultation matrix under 'Area 1'. The comments are included as submissions under this section of the report.

During the advertising period, total of 13 submissions were received objecting to the proposal (refer **Confidential Attachment 10.3.2(b)**). The reasons for objection in the petition together with comments from all the submitters and officer responses are summarised below.

Submitters' Comments	Applicant's responses	Officer's Responses
Proposal would cause increased traffic in the street to the detriment of residents.	No comments provided.	<p>As discussed in detail under section (h) and (i) of this report, the traffic volumes associated with the proposal are low as the expected number of visitors is considered by City Officers to be consistent with that of a single residence in that it would be no different to friends or relatives visiting the site.</p> <p>The comment is NOTED.</p>
Limited parking on site would result in the necessity to park in the street creating a hazard for local traffic.	No comments provided.	<p>As discussed in detail under section (h) and (i) of this report and as above, visitors to the site would be no different to a normal residence and there is sufficient room in the front yard and driveway to accommodate the number of vehicles to the site for the proposed use.</p> <p>The comment is NOTED.</p>
The applicant already has a taxi and other cars regularly parked on the verge further limiting the available parking for drop off and pick up of clients.	No comments provided.	<p>The parking of a taxi and other cars on the verge has no relevance to the proposed development. This issue may be dealt with separately as a compliance matter with Council should it be determined that there is a further home occupation being undertaken at the residence.</p> <p>The comment is NOTED.</p>

Submitters' Comments	Applicant's responses	Officer's Responses
<p>Constantly subjected to noise and items being thrown over the fence from the applicant's six (6) children and with additional children would create more unwanted noise. My kitchen, family/dining room and external patio are directly opposite the applicant's rear yard playing area.</p> <p>The proposed hours on the weekend will create further noise disturbance.</p>	<p>As an educator is it my responsibility to teach children to regulate and consider the neighbours and I will put strategies in place in order to address any noise issues including ensuring the children are supervised at all times whether they are indoors or outdoors.</p>	<p>A restriction of the use to two (2) children being cared for in lieu of the requested four (4) will align with the Education and Care Services Regulations. With a solid 1.8 metre fence separating the properties and the proposed operating hours being between 7.30am and 5.30pm, it is considered that the noise limits will be compliant with the <i>Environmental Protection (Noise) Regulations 1997</i> which is supported by the City's Environmental Health Services.</p> <p>The comment is NOTED.</p>
<p>This commercial enterprise erodes the residential nature of the street.</p>	<p>No comments provided.</p>	<p>The Planning Scheme recognises that family day care can be undertaken in a residential area in a family home subject to the use not adversely impacting on neighbouring properties in relation to noise penetration or adverse visual impact on the streetscape. The appearance of the building will not represent a commercial building nor will it operate as one once the family day care is in operation. It is considered by City Officers that the residential nature of the street will be maintained.</p> <p>The comment is NOTED.</p>

Submitters' Comments	Applicant's responses	Officer's Responses
The parents of the children that reside in the house do not adequately supervise their children nor do they discipline them.	No comments provided.	The issue of behaviour of the children that live at the dwelling are a separate matter which does not have relevance to this proposal. The applicant has advised she will be supervising the children being cared for at all times as required by the Education and Care Services Regulations. The comment is NOTED.

(b) Internal Administration

Comments were invited from the City's Environmental Health department. This department provided comments with respect to noise regulations, food activities and play areas. The following comments have been provided in relation to this proposal:

- Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- I have discussed the proposed 'food' activities of this business with the applicant and I am satisfied that this business will be a food business as defined in the Food Act 2008 therefore, registration and licensing will be required, should approval be granted.
- Consideration needs to be given to the design of all internal and external play areas to ensure that compliance with the *Environmental Protection (Noise) Regulations 1997* in relation to all surrounding properties.
- I am satisfied with the times of operation. My request is that, should the business operate on Sundays and Public Holidays, the children refrain from playing outside until 9am on these days.

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Accommodate the needs of a diverse and growing population.

10.3.2 Proposed Family Day Care. Lot 428 (No. 2/22) Downey Drive, Manning

Sustainability Implications

Being a non-residential land use of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

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

Attachments

10.3.2 (a): Plans and Details (*Confidential*)

10.3.2 (b): Submissions (*Confidential*)

10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption

Location:	N/A
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-21543
Lodgement Date:	23/03/2015
Date:	28/04/2015 12:00:00 AM
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.

Summary

Amendment No. 48 to Town Planning Scheme No. 6 (TPS No. 6) proposes to remove reference to Schedule 5 'Minimum Dimensions of Car Parking Bays and Accessways' to allow car parking and access to be provided on site in accordance with the relevant Australian Standard. The amendment also proposes a minimum dimension and weight bearing capacity for car bays within a 'car stacker'.

Amendment No. 48 has been advertised and two submissions were received. One of the submitters provides conditional support for the proposed amendment, supporting the move towards car bays and access aisles being provided in accordance with the Australian standard while objecting to minimum specifications for car stackers. The other submission opposes the amendment.

The Council now needs to consider the submissions and resolve whether the Amendment should proceed, with or without modifications, or should not proceed.

The recommendation is for the Amendment to be finally adopted by the Council with modifications and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

FOOTNOTE: This proposed scheme amendment along with all relevant attachments and a copy of submissions will be forwarded to the Western Australian Planning Commission for consideration. In accordance with the Town Planning Regulations 1967 the Minister for Planning has the ultimate authority to approve the scheme amendment with or without modifications, or refuse it.

Officer Recommendation

Moved: Councillor Lawrance

Seconded: Councillor Reid

That

- (a) the Western Australian Planning Commission be advised that Council recommends that:

- (i) the Submissions expressing objection to Amendment No. 48 be partially UPHELD;
 - (ii) Amendment No. 48 proceed with modifications, specifically requiring 10% of the car bays within 'car stackers' to meet the minimum dimension and weight bearing capacity nominated by Council;
- (b) Amendment No. 48 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 48 document (**Attachment 10.3.3(a)**), as required by those Regulations;
- (c) the Report on Submissions containing an assessment of the Submissions and containing the Council's recommendations (**Attachment 10.3.3(b)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 48 by the Minister for Planning;
- (d) the submitters be thanked for participating in the process and be advised of the above resolution.

Amended Motion – Councillor Cridland

Moved: Councillor Cridland

Seconded: Councillor Hawkins-Zeeb

That

- a. the officer recommendation be amended by deleting in paragraph (a) all text from “:” after the word “that” through to the “;” at the end of that paragraph (i.e. including the 2 subparagraphs) and inserting in its place the following words “the 2 submissions objecting to Amendment no. 48 be REJECTED”.
- b. Item (9) in Amendment Number 48 to Town Planning Scheme Number 6 be amended by removing the words “10% of”.

CARRIED (8/0)

The amended motion become the substantive motion.

COUNCIL DECISION

That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) the 2 submissions objecting to Amendment No. 48 be REJECTED;
 - (ii) Amendment No. 48 proceed with modifications, specifically requiring the car bays within 'car stackers' to meet the minimum dimension and weight bearing capacity nominated by Council;
- (b) Amendment No. 48 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 48 document (**Attachment 10.3.3(a)**), as required by those Regulations;

- (c) the Report on Submissions containing an assessment of the Submissions and containing the Council's recommendations (**Attachment 10.3.3(b)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 48 by the Minister for Planning;
- (d) the submitters be thanked for participating in the process and be advised of the above resolution.

CARRIED (8/0)

Background

Clause 6.3(8) and Schedule 5 of TPS No. 6, have the effect of requiring the provision of car parking bays and access aisles which are larger than that required by the Australian Standards. This conflict between the requirements of the TPS No. 6 and the Australian Standards often leads to tension between City officers and applicants, who question why the City enforces different standards to other Local Governments. (A full explanation of the background to Amendment No. 48, can be found in the Council report and attachments, presented to the December 2014, Ordinary Council meeting) In order to overcome this issue Amendment No. 48 was commenced.

At the December 2014, Ordinary Council meeting, Amendment No. 48 was initiated (agenda item 10.3.4). The officer's recommendation in relation to this matter was modified to include direct reference to Australian Standard AS2890 and to include minimum dimensions and weight bearing capacity for parking bays within a car stacker. As required by part (b) of the Council resolution, the report on proposed Amendment 48 was modified to incorporate discussion, reasons and amending text relating to car stacking systems.

On 22 December 2014, the Scheme Amendment documents were forwarded to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required; and to the Western Australian Planning Commission (WAPC) for information. The EPA clearance was received on 19 January 2015. Subsequently, comments were sought from the community during a 45-day advertising period commencing 3 February and concluding Friday 20 March 2015.

Comment

The Scheme Amendment will allow car parking bays and access aisles to be provided on site in accordance with the relevant Australian standard. For the reasons outlined below and in the report on submissions contained in **Attachment 10.3.3(a)**, it is recommended that a minimum of 10% of the car bays within 'car stackers' meet the nominated minimum dimensions and weight bearing capacity.

The draft amending clauses and an expanded summary of all proposed changes are included in **Attachment 10.3.3(b)**.

Dimensions and carrying capacity of car bays in a 'car stacker'

As indicated in Submission 2.1 the Australian Standards do not nominate a standard size for car bays within a stacker however the 'standard' bay produced by most manufacturers is 1.65m high, 2.5m wide and 5.0m long. Discussions with the submitter indicate this is a sufficient size to accommodate all of the most popular

10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption

passenger vehicles, including long wheel based vehicles such as a BMW 7 series. The length and width is also sufficient to accommodate most SUV's and four wheel drives however some additional height and carrying capacity is required for these vehicles.

The Federal Chamber of Automotive Industries produces a list of new car sales for each year, based on this information 6 of the ten vehicles can be accommodated in a 'standard' bay. Further small cars such as the Toyota Corolla and Mazda 3 have topped the new car sales for a number of years in a row. Comments from the City's Engineering Services back up the view that the majority of vehicles can be accommodated in a 'standard' bay.

The minimum dimensions advertised during the submission period are aimed at ensuring that the largest vehicles can be accommodated in car stackers in a new development. This does not take into account the fact that the majority of cars can be accommodated on a 'standard' bay. Requiring all bays to meet these dimensions, requires the developer to provide the 'gold plated' version, the costs of which are then passed onto the purchaser of the dwelling or non-residential floor space.

Choice available to consumers

There are many options available to purchasers of residential and non-residential property in the City of South Perth. The majority of new development across the City proposes car parking in a conventional manner, and these can generally accommodate all types of vehicles ranging from small cars to SUV's, four wheel drives and light commercial vehicles. Where car parking is proposed within a 'car stacker' arrangement, it is generally to enable developers to deal with site constraints such as small lot size, water table issues, or building height issues. When considering purchase or lease of a premises, interested parties will be required to do their own due diligence to ensure their needs, including car parking size and numbers are met. If the car bay size does not suit, they have the option of purchasing elsewhere or deciding to purchase another vehicle. It is considered unlikely that purchasers would decide to leave their car on the street, if it does not fit in the stacker, particularly in areas with parking restrictions, however if this parking behaviour occurs and is causing a problem, parking control action can be taken.

It is recommended that the amendment text be modified to require a minimum of 10% of car parking bays within a 'car stacker' system to meet the nominated minimum dimensions and weight bearing capacity. This will ensure some bays are available to accommodate larger vehicles while given flexibility in the design of the remaining bays.

Consultation

Following Council's receipt of confirmation that an EPA assessment was not required, the advertising process commenced on 3 February 2015.

The statutory advertising was undertaken to the extent and in the manner prescribed by the Town Planning Regulations 1967 and the City's Planning Policy P301 'Consultation for Planning Proposals'. The consultation involved the following:

- a period of 45 days, being 3 days longer than the minimum 42-day advertising period;
- where the Amendment only relates to a Scheme Text change which has general or City-wide effect, P301 does not require letters to be sent to landowners;

10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption

- in recognition the amendment may have an impact on multiple dwelling and mixed developments in the City, 31 letters and notices were sent to architects and town planners who have been involved in recent projects in the City of South Perth;
- notices and Amendment documents displayed on the City's web site, in the City's Libraries and in the Civic Centre;
- statutory notices published in two issues of the *Southern Gazette* newspaper, being 3 February and 24 February 2015.

During the advertising period, two submissions were received. One of the submitters provides conditional support for the proposed amendment, supporting the move towards car bays and access aisles being provided in accordance with the Australian standard while objecting to minimum specifications for car stackers. The other submission opposes the amendment.

The submissions and officer responses are contained in the attached Report on Submissions (**Attachment 10.3.3 (a)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The statutory Scheme Amendment process as it relates to the proposed Amendment No. 48 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Actual and Estimated Dates
Council resolution to initiate Amendment	9 December 2014
Council adoption of draft Amendment proposals for advertising purposes	9 December 2014
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	22 December 2014
Public advertising period of minimum 42 days	3 February 2015 – 20 March 2015
Council consideration of Report on Submissions	28 April 2015
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment • Three signed and sealed copies of Amendment documents for final approval 	May 2015
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

Following the Council's decision to recommend to the Minister that Amendment No. 48 proceed with or without modifications, three copies of the Amendment document will be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council's recommendation.

10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption

Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) will be met by the City.

Sustainability Implications

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

Proposed Amendment No. 48 will improve the Scheme Text, and therefore decision making, by allowing car parking to be assessed in a consistent manner.

Attachments

10.3.3 (a): Amendment No. 48 Report - Car bay sizes - Modified after submissions

10.3.3 (b): Report on submissions - Amendment 48 Car bay sizes

10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.

Location:	Lot 27 (No. 59) Hensman Street South Perth
Ward:	Mill Point Ward
Applicant:	Sharp & Van Rhyn Architects
File Ref:	D-15-22555
Lodgement Date:	26/03/2015
Date:	28/04/2015 12:00:00 AM
Author:	James Trimble, Statutory Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.1 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 & alterations to multiple dwellings on Lot 27 (No. 59) Hensman Street South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Building Height	TPS6 clause 6.2A
Vehicular Access	TPS6 clause 7.8
Plot Ratio (Residential Density)	TPS6 clause 4.3 and clause 6.2A

Officer Recommendation and COUNCIL DECISION

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for additions & alterations to multiple dwellings on Lot 27 (No. 59) Hensman Street South Perth **be approved** subject to:

(a) Standard Conditions / Reasons

560	bin storage/rubbish	470	retaining walls- if required
353	visitor bays – marked and visible	471	retaining walls- timing
377	screening- clothes drying	455	dividing fences- standards
354	car bays - maintained	456	dividing fences- timing
416	street tree- not to be removed	390	crossover- standards
550	plumbing hidden	340B	parapet walls- finish from neigh.
393	verge & kerbing works	445	stormwater infrastructure
625	sightlines for drivers	507	protect trees
352	car bays- marked and visible	650	Inspection (final) required
660	expiry of approval		

(b) Standard Advice Notes

700A	building licence required	708	boundary walls: neighbours pref
716	neighbours -fencing	712	environmental Health
720	strata note- comply with that Act	790	minor variations- seek approval
795B	appeal rights- council decision		

(c) Specific Advice Notes

The applicant is advised that:

- (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 3 February 2015 to this effect.
- (ii) The applicant / owner are advised 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; new internal laundries to meet the Health Act (Laundries and Bathrooms) Regulations; and the City of South Perth Health local law 2002 requirements.
- (iii) 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.

(NOTE: SUPPORT OF A MINIMUM OF ONE THIRD OF THE MEMBERS IS REQUIRED)

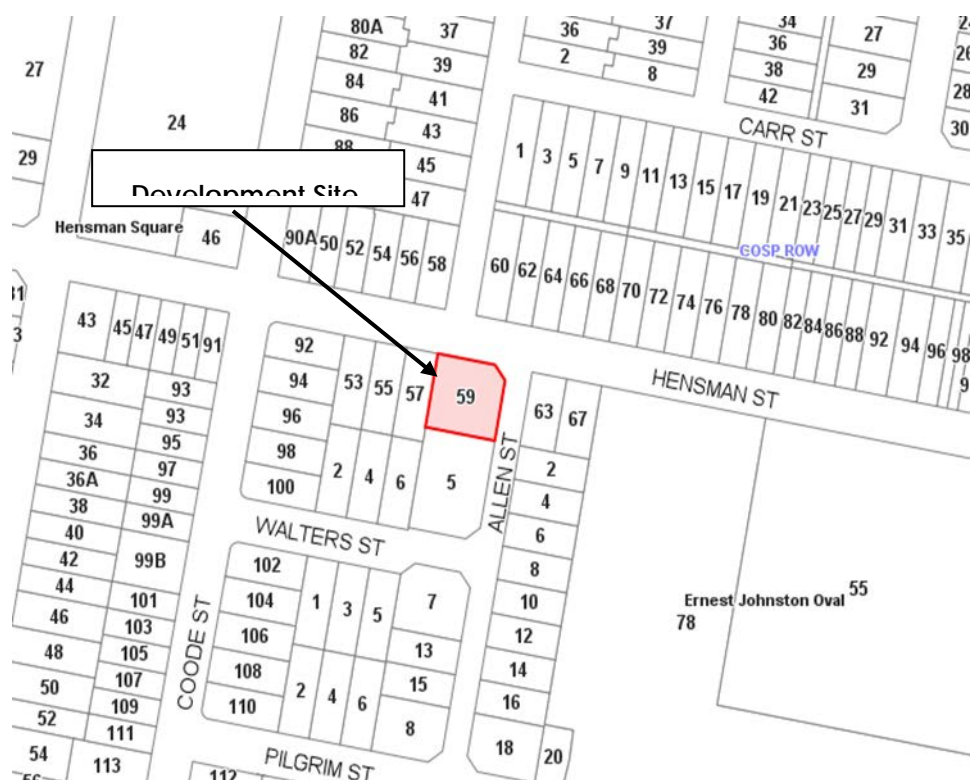
CARRIED EN BLOC (7/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	1 126 sq. metres
Building height limit	7.0 metres
Development potential	As per the Residential Design Codes for Western Australia (R-Codes)
Plot ratio limit	N.A

The location of the development site is shown below:



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

1. **Specified uses**
 - (j) *Change of Non-Conforming Use being considered under Clause 8.1(2) of the Scheme.*
2. **Major developments**
 - (a) *Residential development which comprises 10 or more dwellings.*
3. **The exercise of a discretionary power**
 - (d) *Applications involving the exercise of discretion under Clauses 6.2A of the Scheme.*
4. **Amenity impact**

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

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

Comment

(a) Background

In January 2015, the City received an application for 10 x Multiple Dwellings in a 3-storey building on Lot 27 (No. 59) Hensman Street South Perth (the Site).

Following the officer's assessment of the proposal, comments were identified from the City's Design Advisory Consultants (DAC) and were

10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.

issued to the applicant to address. The applicant is seeking approval of these amended plans, referred to as **Confidential Attachment 10.3.4(a)**. Approval of variations is sought via design principles and relevant justification.

The acceptability of these variations to building height, vehicle access and plot ratio 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) Existing Development on the Subject Site

The subject site is located at Lot 27 (No. 59) Hensman Street South Perth. The existing development on the site currently features land use of 12 x Multiple Dwellings in a 3 storey building, as depicted in the site photographs at **Attachment 10.3.4(c)** and previous approval referred to in **Confidential Attachment 10.3.4(d)**.

(b) Description of the Surrounding Locality

The Site has a frontage to Hensman Street to the north, located adjacent to Multiple Dwellings to the south, and Allen Street to the east, as seen in the image below. The surrounding area is predominantly Residential R15 consisting Single Houses, with the Ernest Johnson oval within 50m.



(d) Description of the Proposal

The proposal involves the part demolition of the existing development and the construction of additions & alterations to multiple dwellings on the Site, as depicted in the submitted plans at **Confidential Attachment 10.3.4(a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.4(c)**

A summary of the works proposed is provided below:

- Internal refurbishment and upgrade of each unit;

10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.

- New rendered and painted brickwork to proposed stores / stairways integrating with the existing face brick;
- New aluminium windows and sliding door frames for each units;
- New roof sheeting and colour bond roof sheeting;
- Steel framed flat roofed carports for ten (10) car bays
- One (1) unroofed visitor's bay;
- Increase balconies size with new balustrades;
- Common bike store;
- Common bin storage;
- Storerooms for each unit; and
- New landscaping.

(e) Compliant / Non-Compliant Elements

The following planning aspects have been assessed and found to be compliant with the provisions of Town Planning Scheme Number 6 (TPS6), the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Street setback (R-Codes Clause 5.1.2 and 5.2.1)
- Open space (R-Codes Clause 5.1.4)
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 5.2.3, 5.2.4 and 5.2.5, and Council Policy P350.7 'Fencing and Retaining Walls')
- Outdoor Living Areas (R-Codes Clause 5.3.1)
- Minimum and Maximum floor levels and site works (TPS6 Clause 6.9 and 6.10)
- Landscaping (R-Codes Clause 5.3.2)
- Boundary Walls (P350.02) A specific Condition has been included to ensure compliance with this element
- Visual Privacy (R-Codes Clause 5.4.1)
- Solar access for adjoining sites (R-Codes Clause 5.4.2)
- Utilities and Facilities (R-Codes Clause 5.4.5)
- Significant views (Council Policy P350.9 'Significant Views')
- Site works (TPS6 Clause 6.10 and Council Policy P350.7 'Fencing and Retaining Walls')
- External fixtures (R-Code Clause 5.4.4) – A specific Condition has been included to ensure compliance with this element

The following planning matters, which are considered acceptable, but require further discussion, are discussed below.

(f) Land Use

The proposed existing land use of "Multiple Dwellings" is classified as an "X" (Prohibited) land use in areas coded R40 or lower in accordance with Table I (Zoning - Land use) of TPS6. The existing approved multiple dwellings are a "Non-conforming" use.

In accordance to Schedule I – Definitions of TPS6, "Non-conforming" use is defined as "means any use of land or building which was lawful immediately prior to the coming into operation of this Scheme, but which is not in conformity with any provision of this Scheme which deals with a matter specified in Clause 10 of the First Schedule of the Act."

Further, Clause 8.1 of TPS6 states:

"Except as otherwise provided in this part, no provision of the Scheme shall prevent:

10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.

- (a) *The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or*
- (b) *The carrying out of any development thereon for which, immediately prior to that time, a permit lawfully required to authorise the development to be carried out, was duly obtained and is current.”*

City officers observed that the site adjoins a single house and multiple dwelling land uses, in a location within a residential streetscape.

City’s officers observed that the improvement and upgrade of the building will improve the existing streetscape and will not detract from the amenity of the locality. Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”, which is discussed in the body of the report.

Considering the existing previously approved development being 12 multiple dwellings referred to in **Confidential Attachment 10.3.4(d)** the provisions of clause 4.3, 6.2A and 8.1 of TPS6 give Council discretionary power. The proposed 10 multiple dwellings is closer to the maximum permitted under TPS6 zoning than the current existing development. Further the proposal complies with the requirements of clause 6.2A of TPS6 as the proposed external walls do not exceed higher than the existing, the number of dwellings is not being increased and there is no maximum plot ratio area defined in the Scheme.

Accordingly, the improvement and upgrade of the multiple dwellings meets the objectives of the Scheme, and is therefore supported by City officers.

(g) Building Height

The existing approved building on the site has a wall height of 9.2 metres, while the current height limit applicable to the site is 7.0 metres. Therefore, the existing building does not comply with TPS6 building height limits.

Considering the existing previously approved development having a wall height of 9.2 metres the provisions of clause 6.2A and clause 8.1 of Town Planning Scheme Number 6 apply. The proposed 8.7 metres wall height is closer to the maximum permitted under TPS6 than the existing building, and complies with clause 6.2A of the Scheme with no increase in height from the existing building.

The external walls of the additions do not extend to a greater height than the highest wall of the existing building. The proposed storerooms, flat roof carport structures and increased balcony size will break up the overall building bulk and give a more modern façade. This will visually enhance the building, and contribute positively to the character of the streetscape.

Proposed screened private courtyards and increased balcony sizes will also improve the amenity of the occupants of this building by providing access to an outdoor living area.

Each of these improvements is considered to contribute positively to the surrounding streetscape and will improve the amenity of the area. It is therefore recommended that Council exercise discretion and approves the proposed additions and alterations.

(h) **Car Parking**

In assessing car parking, it is noted that the site has an existing approval granted in 1963 at **Confidential Attachment 10.3.4(d)** for 12 multiple dwellings and 9 onsite car parking bays. The applicant is proposing to increase the number of onsite car parking bays from 9 to 11 and reduce the number of multiple dwellings from 12 to 10.

There are 2 existing car parking bays within the adjacent Hensman Street verge, which are not for the exclusive use of the site. Coode Street is within 100m of the site and has bus services every 30 minutes until after 6:00pm. 4 bicycle parking bays are also proposed. The applicant has submitted a justification letter at **Attachment 10.3.4(b)**.

In this instance, it is considered that the proposal complies, and is therefore supported by City officers.

(i) **Vehicular Access**

Under clause 5.3.5 of the R-Codes, the driveway to the rear corner of the lot is required to be designed for two way access to allow for vehicles to enter the street in a forward gear, and allow for vehicles to pass in opposite directions at one or more points. The proposed development complies with these elements of the R-Codes.

The vehicular access to the rear corner of the lot has a minimum width of 3.3 metres in lieu of 4 metres. Therefore the proposed development does not comply with the vehicular access requirements of the R-Codes deemed to comply provisions.

Council discretion- R-Codes cl. 5.3.5 P5

The Applicant has satisfied the Design Principles 5.3.5 P5 of the R- Codes, as outlined below:

Vehicular access provided for each development site to provide:

- *Vehicle access safety;*
- *Reduced impact of access points on the streetscape;*
- *Legible access;*
- *Pedestrian safety;*
- *Minimal crossovers; and*
- *High quality landscaping features.*

Further the 3.3 metre minimum driveway width is the existing approved driveway, taken from the southern wall setback of the existing building, which provides the only vehicular access to the rear parking area. It is not possible to increase the width of the driveway without demolishing the existing wall and significantly altering the design. The application achieves the Vehicular Access Design Principles of the R-Codes and is supported by City officers.

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

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

10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.

- (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;*
- (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.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

- (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;*
- (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;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in February 2015. 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 Responses	Officer's Comments
Recommend the applicant consider increasing the courtyard size (closer to the street).	Nil	Ground floor courtyards and balconies proposed for each multiple dwelling greater than previously approved. The comment is NOTED
Recommend that front carports should be screened from view of Hensman Street, preferably not just a rendered brick wall.	Nil	The front carport is partially screened from Hensman Street via a rendered brick wall. Fully enclosing the carport will increase building bulk on Hensman Street. There are existing open carports in the Hensman streetscape. The comment is NOTED .
The external finishes are acceptable.	Nil	The comment is NOTED .
More detail should be provided on the colour scheme.	Nil	Basic external colour details provided, suitable for planning assessment. The comment is 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 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 2, 4, 5 Allen Street and Nos 6 Walters Way and Nos 55, 56, 57, 58, 60, 62, 63, 64, 66 Hensman Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 16 consultation notices were sent and 3 submission(s) were received. The comments of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
The units are in need of a facelift and repair and most of the proposed alterations will look fantastic. Generally the proposal is good.	The comment is NOTED .
Visual Privacy: The addition of the extended balconies with glass balustrading and the removal of trees on the site will compromise our privacy, with units on the 2nd and 3rd floors overlooking into an adjacent front pool and bedroom area. The glass balustrading will give the	All raised balconies are setback in accordance with the Deemed to Comply requirements of the Residential Design Codes for WA for overlooking. The comment is NOTED

occupants more opportunity to sit and look into our property, and will be unsightly from the street.	
<u>Fencing:</u> Concerned about the lack of privacy during building of the colorbond fence and parapet wall to the store. Request to be consulted during the construction of the boundary fence and parapet wall. Expect to be able to live as normal during the development phase. Do not want existing screening plants near the fence to be damaged.	Dividing fences are civil matters and required to be resolved by all affected property owners. The submitter is advised to contact the applicant directly. The comment is NOTED .
<u>Over height Fencing:</u> Request that for increased privacy the dividing colorbond fence be increased from 1.8m to 2m. This would increase privacy and security of our property.	Dividing fences are civil matters and required to be resolved by all affected property owners. The submitter is advised to contact the applicant directly. If an over height fence is agreed by all affected property owners the submitter is advised of clause 6.7(2) of TPS6 requirements. The comment is NOTED .
<u>Fencing:</u> There is a portion of the fence which extends between DPH and number 57 Hensman. It would be nice if this new wall continued along this common boundary.	Dividing fences are civil matters and required to be resolved by all affected property owners. The submitter is advised to contact the DPH directly. The comment is NOTED .
<u>Demolition Impact:</u> Request to be advised during the removal of asbestos, to vacate when asbestos removal is occurring. The work to be performed adopting the required safety standards.	This issue can be addressed at a building permit stage. The comment is NOTED .
<u>Waste Management:</u> Request for bin storage area to be swapped with the bicycle parking area. There are issues with the existing bin lids being left open creating smell issues with directly adjoining outdoor living area. It makes sense to place the bins in a more convenient location for the occupants. The bicycles would then be near the car parking area, keeping a common parking/storage area.	The proposed bin storage area complies with the deemed to comply provisions of the R-Codes clause 5.4.5, Utilities and Facilities. The communal rubbish bin area is accessible to all residents, conveniently located for rubbish pick up being only 1.5m from the secondary street, adequate in area to store all bins and fully screened from view of the street. The original plans have been superseded. Revised plans include the removal of the bin storage area adjacent the neighbouring rear

	<p>outdoor living area. The communal bin storage area will abut the neighbours front setback area. The City's Environmental Health Department have confirmed that the proposed bin enclosure siting is suitable and is of a sufficient size. The comment is NOTED.</p>
<p><u>Bulk Impact:</u> The new stairwell addition to the flats is of concern as it is so high and so close.</p>	<p>The stairwell addition complies with the deemed to comply provisions of the R-Codes clause 5.1.3, Lot Boundary Setbacks. The comment is NOTED.</p>
<p><u>Car Parking:</u> The provision of parking is inadequate. Justification for reduced car parking based on proximity to bus services operating every 30 minutes to 1 hour is not valid. Its application as to where people may travel is limited, therefore the use of cars is a requirement. Where will the visitors park. There are many examples in South Perth where car parking provided in developments is inadequate. Anstey Street at night has an overflow of traffic creating safety hazards and inconvenience to neighbours. Parking may become an issue as the demographics of residents is likely to change with the alterations. We would assume that some flats may have 2 or more cars and that street parking could become an issue. Council may need to provide additional street parking on Allen Street to cater for this need. Council has recently banned street parking in portion of Hensman Street, presumably due to overflow cars being a traffic hazard.</p>	<p>Detailed assessment of car parking and submitted applicant justification letter in report above. It is considered that the proposal complies with the design principles of R-Codes if the land were zoned in TPS6 to allow for Multiple Dwellings. The comment is NOTED.</p>
<p><u>Construction Security:</u> Once all the existing tenants move out there is the opportunity for vandals and squatters to move in if works do not commence soon. The property will need security monitoring. There is also security and privacy concern during the construction phase. It is requested that the site be well secured including the removal of the fence so as to protect the site from vandals and intruders. A solution could be for work to occur on the western side first so as to minimise impact on neighbours.</p>	<p>This issue can be addressed at a building permit stage. The comment is NOTED.</p>

The comments in favour of the proposal generally refer to:

- (i) General Repairs to existing development;
- (ii) Increased Amenity;
- (ii) Increased Privacy; and
- (iii) Secure Single Bin Area not near adjoining outdoor living area.

The comments objecting to the proposal can be categorised into the following general topics:

- (i) Concern about requested Council discretion for reduced car parking;
- (ii) Height and Siting Impacts (Stairwell);
- (iii) General car parking / traffic impacts on surrounding streets;
- (iv) Overlooking (Balconies);
- (v) Construction period impacts (Asbestos Removal, Fencing Replacement, Security when vacant); and
- (vi) Fencing.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. This section raises no objections and has provided the following comments:

- (i) The property line levels are not to be altered, lowered or raised without authorisation;
- (ii) The development is located within the South Perth Drainage Precinct as defined in *Policy P354 (Stormwater Drainage Requirements for Proposed Buildings)* and *Management Practice M354*. Within the precinct the only approved means of stormwater disposal is either reuse or via soak wells. The designer will ensure that all stormwater falling on the site is contained and disposed on site. The development needs to have sufficient free board to habitable areas to cater for the 1:100 year intense storm event;
- (iii) Street parking currently exists in a two bay embayed parking area on Hensman Street. These bays are not for the exclusive use of the development. If the development has a shortfall on site for visitor parking then cash in lieu of providing the required parking bays would be appropriate.
- (iv) All developments including additions requiring a Development Application are expected to construct crossings or have crossings that comply with the requirements of the Management Practice (Policy P353 and Management Practice M353 refers). The existing crossover will need to be removed and replaced with a crossing that complies with the Policy and Management Practice.
- (v) The City's Public Places and Local Government Property Local Law requires the removal of a redundant crossing and the verge and kerbing reinstated. The City's crossing requirements are provided in the Management Practice M353 'Crossing Construction'. The crossing off Hensman Street no longer serves to provide vehicle access and is to be removed by the applicant.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officer(s).

(c) Environmental Health Services Department

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

10.3.4 Proposed Additions/Alterations to Multiple Dwellings. Lot 27 No. 59 Hensman Street, South Perth.

The Environmental Health section provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises no objections and has provided the following comments:

- i. The bin enclosure located on the Hensman Street side has been discussed with the City's Waste Coordinator and is considered an appropriate location, with bins to be placed on Hensman Street for collection.
- ii. The enclosure provides enough space for 10 bins and is deemed to be of sufficient size.
- iii. Based on the City's draft Waste guidelines a total of 5 general waste bins and 5 recycling bins is required, and are to be provided in accordance with the City of South Perth Health local law 2002
- iv. All mechanical ventilation services, motors and pumps e.g. air conditions to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.
- v. The new internal laundries are required to meet the Health Act (Laundries and Bathrooms) Regulations.

Accordingly, planning conditions and/or important notes are recommended to respond to the 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.

Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles. Further the proposal includes provision of bicycle parking bays, encouraging more sustainable and healthy modes of transport.

Conclusion

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

Attachments

- 10.3.4 (a):** Plans of the Proposal (*Confidential*)
- 10.3.4 (b):** Applicants Supporting Letter
- 10.3.4 (c):** Site Photographs
- 10.3.4 (d):** Previously Approved Plans (*Confidential*)

10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption

Location:	City wide
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-22638
Lodgement Date:	26/03/2015
Date:	28/04/2015 12:00:00 AM
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

Amendment No. 47 to Town Planning Scheme No. 6 (TPS6) proposes to introduce a 'Development' zone and 'Structure Plan' provisions and create a 'Development Area' for the Canning Bridge Structure Plan area. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment 10.3.5(a)**.

Amendment No. 47 has been advertised and seventeen submissions were received, including those from service agencies. A bound copy of the submissions was placed in the Councillor's lounge leading up to the April round of meetings, a set will also be sent to the Western Australian Planning Commission for their consideration. The content of the submissions is discussed in detail in the attached report on submissions (**Attachment 10.3.5(b)**), and in the consultation section of this report. The Council now needs to consider the submissions and resolve whether the Amendment should proceed, with or without modifications, or should not proceed.

The recommendation is for the Amendment to be finally adopted by the Council, with minor modifications to the proposed scheme maps and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

FOOTNOTE: This proposed scheme amendment along with all relevant attachments and a copy of submissions will be forwarded to the Western Australian Planning Commission for consideration. In accordance with the Town Planning Regulations 1967 the Minister for Planning has the ultimate authority to approve the scheme amendment with or without modifications, or refuse it.

Officer Recommendation

Moved: Lapsed

Seconded: Lapsed

That

- (a) the Western Australian Planning Commission be advised that Council recommends that, to the extent stated in the Report on Submissions comprising **Attachment 10.3.5(b)**:
 - (i) Submissions 1.1 to 1.5 supporting Amendment No. 47 be not UPHELD;

- (ii) Submissions 2.1 to 2.3 opposing Amendment No. 47 be partially UPHELD;
 - (iii) Submissions 3.1 to 3.5 opposing Amendment No. 47 be partially UPHELD
 - (iv) Submissions 4.1 to 4.4 from Government agencies be Noted; and
 - (v) Amendment No. 47 proceed with modifications;
- (b) Amendment No. 47 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 47 document (**Attachment 10.3.5(a)**), as required by those Regulations;
- (c) the Report on Submissions containing the Council's recommendations and the Schedule of Submissions containing an assessment of the Submissions (**Attachment 10.3.5(b)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 47 by the Minister for Planning;
- (d) the submitters be thanked for participating in the process and be advised of the above resolution.

LAPSED for want of a mover

Alternative Motion and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Cala

That 'Amendment No. 47 to TPS 6 – Report for final adoption' is deferred until such time as the Canning Bridge Structure Plan is considered by Council.

CARRIED (8/0)

Reason for alternative

1. The Canning Bridge Structure Plan has yet to be endorsed by Council and it is important to mitigate any risk before a final decision is made on the Canning Bridge Structure Plan prior to the Scheme Amendment being endorsed.
2. The deferment is a procedural motion to ensure that the endorsement of the Canning Bridge Structure Plan is not pre-empted and that any decision on this matter is fully considered by Council before any changes to TPS6.

Background

At the September Ordinary Council meeting, it was resolved to begin the formal advertising for the Canning Bridge District Structure Plan (CBSP). This advertising process began in late October and finished in mid-December. The report on submissions relating to the draft CBSP was presented to the March Ordinary Council meeting, and at that meeting Council resolved to defer the final adoption of the draft CBSP to allow further investigation into bonus height provisions. In the documentation which supports the draft CBSP the consultants noted that amendments to the City of South Perth and City of Melville Town Planning Schemes will be required prior to this document being operative.

The purpose of Amendment No. 47 is to introduce into Town Planning Scheme No. 6, a 'Development' zone and relevant provisions that will facilitate the creation and operation of 'Structure Plans' for use throughout the district. This is essential to give the CBSP statutory weight and to allow the City to progress with the assessment and

10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption

determination of development applications in the precinct. The Amendment No. 47 report provides further detail with respect to this amendment. The text of Amendment No. 47 is based on draft Model Scheme provisions provided by the Department of Planning.

At the November 2014, Ordinary Council meeting, Amendment No. 47 was initiated (agenda item 10.3.2 refers).

On 28 November 2014, the Scheme Amendment documents were forwarded to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required; and to the Western Australian Planning Commission (WAPC) for information. The EPA clearance was received on 15 December 2015. Subsequently, comments were sought from the community during a 45-day advertising period commencing 3 February and concluding Friday 20 March 2015.

Comment

Of the approximately 1500 letters sent to landowners and service agencies only 17 submissions were received. This number reflects the administrative nature of the proposed scheme amendment. Quite a number, of the submissions received, made comments with regard to the provisions of the draft CBSP, and modifications which could be made to this document. These comments are well intentioned however as they do not relate to the proposed Amendment No. 47 provisions, they have not been upheld.

Of the submissions received, 5 indicated support for the proposal, 3 objected to the proposal, 5 neither supported nor opposed the proposal and the remaining 4 were from service agencies. One of the submissions received pointed out that some of the lots shown as being in the CBSP, had not been included in the proposed development area. Another submission requested their clients property be removed from the development area as detailed development standards had been developed by Amendment 34. Both of these submissions have been upheld and the amendment maps modified accordingly.

Amendment 47 provides the legal framework for the creation of development areas and adoption of structure plans in the City of South Perth. The text of Amendment No. 47 is based on draft Model Scheme provisions provided by the Department of Planning. It is recommended that Amendment No. 47, be finally adopted by the Council, with minor modifications to the proposed scheme maps and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

Consultation

Following Council's receipt of confirmation that an EPA assessment was not required, the advertising process commenced on 3 February 2015.

The statutory advertising was undertaken to the extent and in the manner prescribed by the Town Planning Regulations 1967 and the City's Planning Policy P301 'Consultation for Planning Proposals'. The consultation involved the following:

- a period of 45 days, being 3 days longer than the minimum 42-day advertising period;
- approximately 1500 letters and notices sent to landowners within and abutting the Canning Bridge Structure Plan area. Affected service authorities are also included in this number of letters;

10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption

- notices and Amendment documents displayed on the City's web site, in the City's Libraries and in the Civic Centre;
- statutory notices published in two issues of the *Southern Gazette* newspaper, being 3 February and 24 February 2015.

During the advertising period, 17 submissions were received. Of the 17 submissions received, 5 support the Amendment proposal, 3 oppose the Amendment proposal, 5 neither support nor oppose the Amendment proposal and 4 responses were received from Public Utilities.

The submissions and officer responses are contained in the attached Report on Submissions and Schedule of Submissions (**Attachments 10.3.5(b) and 10.3.5(c)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The statutory Scheme Amendment process as it relates to the proposed Amendment No. 47 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Actual and Estimated Dates
Council resolution to initiate Amendment	25 November 2014
Council adoption of draft Amendment proposals for advertising purposes	25 November 2014
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	28 November 2014
Public advertising period of minimum 42 days	3 February 2015 – 20 March 2015
Council consideration of Report on Submissions	28 April 2015
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none">• Report on Submissions;• Council's recommendation on the proposed Amendment• Three signed and sealed copies of Amendment documents for final approval	May 2015
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

Following the Council's decision to recommend to the Minister that Amendment No. 47 proceed with or without modifications, three copies of the Amendment document will be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council's recommendation.

Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) will be met by the City.

10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption

Sustainability Implications

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

Attachments

- 10.3.5 (a):** Amendment 47 report - recommended modifications after submissions
- 10.3.5 (b):** Report on submissions - Amendment 47 structure plans
- 10.3.5 (c):** Schedule of submissions - Amendment No. 47 to TPS No. 6

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

Location: Manning
 Ward: Manning Ward
 Applicant: Jome Pty Ltd
 File Ref: D-15-24163
 Lodgement Date: 2/04/2015
 Date: 28/04/2015 12:00:00 AM
 Author: Peter Ng, Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for Proposed Use Not Listed (Display Home) on Lot 387 No.130 Manning Road, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use (Use Not Listed)	TPS6 Clause 3.3, Subclause 7
Car parking provision	TPS6 clause 7.8(1)

Officer Recommendation and COUNCIL DECISION

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for Proposed Use Not Listed (Display Home) on Lot 387 No.130 Manning Road, Manning **refused** for the following reasons:

(a) Specific Reasons

- (i) The proposed use conflicts with the requirements of *City of South Perth Town Planning Scheme No. 6* having regard to the Scheme objectives listed in Clause 1.6, specifically Objectives (a), (e), (f) and (g).
- (ii) The proposed use conflicts with the requirements of *City of South Perth Town Planning Scheme No. 6* having regard to the Matters to be Considered by Council in Clause 7.5, specifically Sub-Clauses (a), (i), (t) and (w).

(b) Standard Advice Notes

795B Appeal Rights – Council decision

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

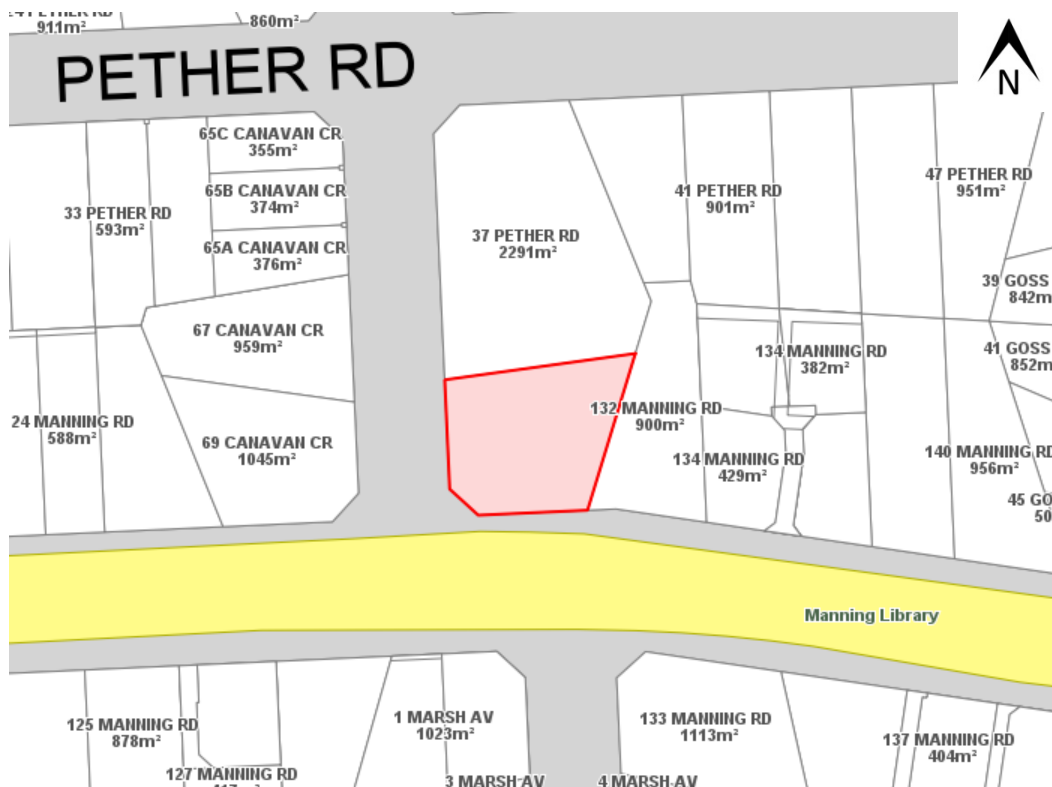
CARRIED EN BLOC (7/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	503 sq. metres
Building height limit	7.0 metres
Development potential	Grouped dwellings
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:

1. Specified uses

(h) Uses not listed in Table I of the Scheme being considered under Clause 3.3(7) of the Scheme, except Display Homes where the City does not receive objections during consultation.

6. Amenity impact

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

7. Neighbour comments

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

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

(a) Background

In December 2014, the City received an application for a 'Display Home' in a newly completed Single storey Single House on Lot 387 (No. 130) Manning Road, Manning (the **Site**).

(b) Existing Development on the Subject Site

The Site has recently been developed into two Single Storey Single Houses which were completed last year. The proposal involves the use of one of the dwellings as 'Display Home'. The subject dwelling is the southern Unit 1 located at the corner of Canavan Crescent and Manning Road. The existing development on the Site currently features land use of 'Residential', as depicted in **Figure I** below.

(c) Description of the Surrounding Locality

The Site has primary frontage to Canavan Crescent to the west and secondary street frontage to Manning Road to the south, as seen in **Figure I** below:



Figure I – Locality Plan

(d) Description of the Proposal

The proposal involves the use of recently constructed Single Storey dwelling as 'Display Home' as depicted in the submitted plans at **Attachment 10.3.6(a)** and **Site Photo I** below.

(e) Land use

The proposed 'Display Home' is a Use Not Listed in Table I of the *City of South Perth Town Planning Scheme No. 6 (TPS6)*. In accordance with Clause 3.3(7) of TPS6, a Use Not Listed may only be permitted to be approved following neighbour consultation. Neighbour consultation has been undertaken in accordance with the relevant TPS6 provisions and City policy. This aspect will be discussed in further detail in the report.

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

In considering this use, Council shall have regard to the objectives listed in Clause 1.6 of TPS6 and the relevant matters listed in Clause 7.5. The proposal is not considered to be in consistent with these clauses and will be discussed in further detail below.



Site Photo I – Completed Single House being proposed as Display Home

(f) Car Parking

In accordance with Clause 6.3 of TPS6 where a car parking standard is not stated in Table 6, car parking requirements shall be determined on a case by case basis, having regard to the likely demand.

As a response to the parking requirements for visitors to the site, the applicant submits the following comments in support of their submission, referred to as **Attachment 10.3.6(b)** stating:

“(i) Please find attached site plan with Unit 1 highlighted as the proposed display home;

“(ii) The hours of operation would be as follows Monday and Wednesday 11am to 1pm and Saturday and Sunday from 2pm to 4pm;

“(iii) Please find attached site plan with the proposed visitor parking bays inclusive of the home next door that can be used for parking;

“(iv) We believe ample parking is proposed and that parking on the verge wouldn’t occur and with the suggested opening time we have been mindful of peak period hours of traffic in particular school drop off and pick up times.”

Based on information and drawing provided by the applicant, there are (4) parking bays available on site; two (2) being inside the double garage and another 2 in front of the garage on the driveway.

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

The suggested availability of parking bays at next door Unit 2 (which is currently owned by the owner/applicant) cannot be taken into consideration as this dwelling could be occupied by tenant/s or new owner in the future.

The City officers also disagree with the expressed view of the applicant that both bays of the garage are available along with the two bays within the driveway. One bay within the garage will always be occupied by the Sales Representative with realistically only 2 car bays on the driveway available for visitors.

The Manager, Engineering Infrastructure also commented that:

“With the driveway at a gradient (notionally 14%) that is greater than the typical maximum we would recommend (notionally 8% for at least 3.6 metres of the driveway), entry to and exit from the vehicle may be inconvenient for many users resulting in a strong desire for visitors to park elsewhere on the street where the levels are much flatter.”

On-street parking near the Site is limited along western side of Canavan Crescent or Manning Road. The existing bus stop and crossovers in front of 62 Canavan Crescent grouped dwellings restricts street parking along eastern side of Canavan Crescent as well as depicted in **Site Photo 2** below.



The Manager, Engineering Infrastructure highlighted that:

“Canavan Crescent is the route taken by both the Curtin Shuttle Service (routes 100/101) and the Salter Point Service (Route 31). The Curtin services are high frequency all day services with Route 31 less frequent through the day. Notwithstanding the frequency of the service or the available width of pavement, street parking should not be made available for any Change of Use Development. Unless the Proposed Change of Use (to Display Home) for #130 Manning Road can provide sufficient parking off road I would recommend that Approval not be granted.”

10.3.6 **Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning**

Council discretion- cl. 6.3(4)

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

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

Council discretion- cl. 7.8(1)

Council has discretionary power under clause 7.8(1) of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the available two (2) on-site visitor car parking will be insufficient to meet visitors parking demand during home open hours.

Accordingly, the applicant has not satisfied the City in relation to the following requirements of that clause:

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

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

The City officers observed that the limited 2 on-site visitor parking bays is insufficient during home open. This will result in cars parked along Canavan Crescent which will affect the traffic flow and safety especially near the road junction of Canavan Crescent and Manning Road.

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

The City observes that safety of visitors and road users will be affected by the lack of parking as noted above. Submissions received from the adjoining residents also indicated that there is lack of street parking and will pose road safety issue especially near the Manning Road intersection.

The objectives of the Scheme and for the precinct

The City suggests that the proposed 'Display Home' would impact residential areas from the encroachment of an inappropriate use due to limited on-site parking for visitors.

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

- (g) **Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**
In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

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

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

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development.

Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration (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;*
- (i) **the preservation of the amenity of the locality;**
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) **the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;**
- (u) *whether adequate provision has been made for access by disabled persons;*
- (w) **any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and**
- (x) *any other planning considerations which the Council considers relevant.*

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

Consultation

(a) Neighbour Consultation

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

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

Under the Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 1/62, 2/63, 3/62, 64, 65A, 65B, 65C, 1/67, 2/67 and 69 Canavan Crescent, Nos 127, 129, 133 and 134 Manning Road, Nos 37, 39, 1/41 and 2/41 Pether Road, and Nos 1 and 1/1 Marsh Avenue were invited to inspect the plans and to submit comments. The neighbour consultation period extended for 28-day period due to the December - January holiday period.

During the advertising period, a total of 21 consultation notices were sent and 2 submissions were received against the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>Please be advised that the applicant has not discussed this matter with me and that I strongly object to the proposal. The corner of Canavan Cr and Manning Rd is a very busy intersection and there is no parking space on either side of the road. If the applicant intends to locate a display home at this intersection, he/ she should provide plenty of parking space within the concerned property (130 Manning Rd), preferably with the entrance located on Manning Rd. Under no circumstances the display home should be allowed on this intersection if the applicant does not provide legal parking space.</p> <p>On Canavan Crescent there is a bus stop located between the new houses (with legal address 130 Manning Rd) and the property where I live. Our driveway provides access to four houses (62 Canavan Cr) and with the bus stop next to it, we cannot have extra cars parking on this segment of the road. It is not feasible and it is not safe. I have children and I take a very deem view of safety compromises.</p>	<p>The City's officers observed that the existing bus stop in front of 62 Canavan Crescent grouped dwellings poses limited on street parking on the eastern side of Canavan Crescent.</p> <p>Further discussion is provided in Part (f) of this report. The comment is UPHELD.</p>
<p>We object strongly to this application as it was never intended for there to be a display home. There is very limited parking available which can and will cause a bottleneck due to there being a bus stop immediately in front of our home which creates a problem already as we, when arriving home have to stop in the middle of the street before being able to turn into our own drive whenever there is a bus at the stop. Parking is only available on the opposite side to the development and limited to maybe 4 or 5 cars at the most. Any parking on our side would have to be on the verge which we strongly object to.</p>	<p>The lack of on-site parking during home open hours will result in cars parked along Canavan Crescent which will affect the traffic flow and safety especially near the road junction of Canavan Crescent and Manning Road.</p> <p>The comment is UPHELD.</p>

10.3.6 Proposed Use Not Listed (Display Home) Addition to Single House on Lot 387 (130) Manning Road, Manning

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

Accommodate the needs of a diverse and growing population.

Sustainability Implications

The proposed use will impact traffic flow and safety for road users which is not considered to be sustainable and therefore is not supported by Council.

Conclusion

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

Attachments

- 10.3.6 (a):** Site Plan
- 10.3.6 (b):** Applicant's Letter

10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School) - Lots 482-483 (No. 91) Ley Street, Como

Location: Como
 Ward: Como Ward
 Applicant: Santelli Architects
 File Ref: D-15-27695
 Lodgement Date: 22 April 2015
 Date: 28 April 2015
 Author: Erik Dybdahl, Statutory Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services
 Mark Scarfone, Senior Strategic Projects Planner
 Erik Dybdahl, Statutory 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 proposed additions and alterations to an Educational Establishment (St. Pius X Primary School) on Lot 482-483 No. 91 Ley Street, Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Building/Wall Setbacks	Table 3 of Town Planning Scheme No. 6 – ‘Development Requirements for non-residential uses in non-residential zones’

Officer Recommendation and COUNCIL DECISION
 That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for proposed additions and alterations to an Educational Establishment (St. Pius X Primary School) on Lot 482-483 No. 91 Ley Street **be approved** subject to:

(a) Standard Conditions
 425 Colours & materials- matching
 445 Stormwater infrastructure
 470 Retaining walls – if required
 471 Retaining walls – Timing
 455 Dividing fences – Standards
 456 Dividing fences - Timing
 455 Front fencing - Standards
 660 Expiry of approval
 625 Visual truncations/obstructions

(c) Standard Advice Notes
 700A building permit required 790 Minor variations- seek approval
 725 fences note- comply with that 795B appeal rights- council decision
 Act



10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School)
- Lots 482-483 (No. 91) Ley Street, Como

(d) Specific Advice Notes

1. The applicant is advised of the need to comply with all relevant City Environment requirements, as detailed in the memorandum attached to this approval, dated 30 January 2015.

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

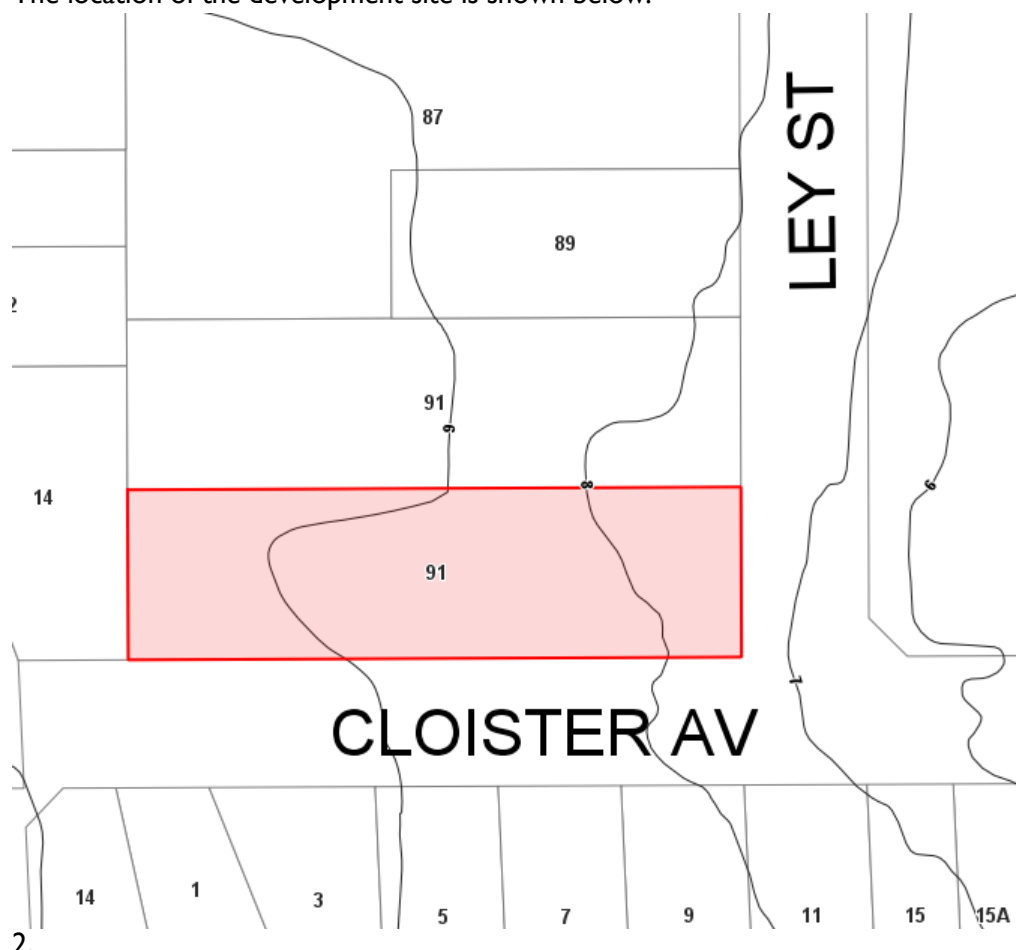
CARRIED EN BLOC (7/0)

I. Background

The development site details are as follows:

Zoning	Split Zoning Private Institution & Public Assembly
Density coding	R50
Lot area	6,358sq. metres
Building height limit	7.0 metres
Development potential	35 dwellings
Plot ratio limit	0.55 (average of prescribed private institution & public assembly plot ratio limits, Table 3 TPS6)

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

10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School) - Lots 482-483 (No. 91) Ley Street, Como

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

Comment

- (a) Background
In January 2015, the City received an application for additions and alterations to an existing Educational Establishment, St. Pius X Primary School, on Lot 482-483 (No. 91) Ley Street, Como (the **Site**). The proposed additions are considered relatively minor in nature and serve to provide an upgrade of facilities and greater provision for students.
- (b) Description of the Surrounding Locality
The site is situated on the corner of Ley Street and Cloister Avenue in Como with the schools primary frontage addressing Cloister Avenue to the South. The site is surrounded primarily by residential development varying between densities of R20 to the south and R50 north and west of the site. To the east of the site, directly opposite, is the Manning State Primary School and the subject site is located approximately 450m west of the Manning Neighbourhood Commercial Centre on Welwyn Avenue.

Figure I below:



- (c) Description of the Proposal
The proposed additions and alterations to the primary school include:
- i. An extension of the existing library toward the north-east corner of the site to include a computer room and office as well as the addition of an external storeroom.

**10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School)
- Lots 482-483 (No. 91) Ley Street, Como**

- ii. Alterations to the toilet, kitchen and canteen facilities toward the eastern side of the school.
- iii. The addition of a gate house entry statement to the front (southern side) of the school is proposed to better define the primary entry of the school.

Please refer to the plans of the proposal contained within **Attachment 10.3.7 (a)** of this report for greater details of the proposed additions and alterations

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* and Council Policy requirements:

- (i) TPS6 Table 3 – ‘Development Requirements for Non-Residential Uses in Non-Residential Zones’ – Specifically, *Minimum Setbacks from Lot Boundaries*

Generally speaking, the proposal complies with all other Scheme and relevant Council Policy requirements including elements such as plot ratio, car parking and building height with the exception of the abovementioned setback variations, which are to be discussed further in the following section.

(d) Wall Setback-

As discussed above, the proposed relatively minor additions and alterations to the existing primary school only demonstrate variations from setback controls of Table 3 provisions within the TPS6. Table 3 of the TPS6 relates to ‘Development Requirements for Non-Residential Uses in Non-Residential Zones’. While the proposal satisfies the landscaping and plot ratio elements of this table, both the Public Assembly and Private Institution Zones require a 7.5 metre setback of buildings from any street boundary and a 4.5 metre setback from any other boundary.

As is detailed in the development plans, **Attachment 10.3.7(a)**, the proposed library extension and computer room demonstrate a 1.85 metre setback to the Ley Street boundary (in lieu of 7.5 metres) and a 1.8 metre setback to the rear boundary (in lieu of 4.5 metres). Clearly these proposed setbacks represent variations from table 3 provisions; however, City Officers are supportive of the setback variations as the proposed development is to provide greater facilities for students and is not expected to have a detrimental impact upon the streetscape nor adjoining properties for the following reasons:

- (i) First, there is no other practical location for the proposed library extension (computer room) given the existing library position in the north east corner of the site, particularly if a 7.5m setback is required from the secondary street. Compliance with this would result in a computer room detached from the library making for an impractical layout and accessibility complications for staff and students.
- (ii) The rear setback of the Computer Room library extension (1.8m in lieu of 4.5m) is to match the existing rear setback of the Library and majority of classrooms on the northern side of the school and is simply an extension along the same wall plane. Furthermore, the buildings abut a driveway/access way to the adjoining residential site and therefore amenity impacts are negligible.

- (iii) The street setback of the library extension (1.85m in lieu of 7.5m) is considered to be acceptable as if the proposed development was residential, only a 1.5m setback would be required to the secondary street boundary and therefore the proposed setback would be deemed compliant. Additionally, the adjoining and further northern residential sites have a density coding of R50 and, as per table 1 of the R-Codes, only require a 2 metre setback from the primary street. Given the age of such developments it is expected they shall be redeveloped in the future with an expected setback corresponding to Table 1 to maximise development and therefore will be in visual balance with the proposed school extensions.
- (iv) Finally, there is already a shade structure, playground and patio which encroach into the eastern street setback area specified by table 3 which provide precedence for development within this setback area at this particular site.

In further consideration, Clause 5.4(4) of the TPS6 states that “*notwithstanding the minimum setbacks prescribed in Table 3:*”

- (a) *In any non-residential zone where a development site has a common boundary with land in the Residential zone:*
 - (1) *The Council may require a building on the development site to be setback a greater distance than prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone; and*
 - (2) *The setback from that common boundary shall be the same as that prescribed for a Grouped Dwellings on the adjoining residential land, unless otherwise approved by the Council”.*

With regard to this clause and as outlined in points (i) through (iv) above, it is considered that a setback greater than those prescribed in Table 3 is not required and that in fact, lesser setbacks than those prescribed in Table 3 are proposed and recommended for approval given the associated justifications. Additionally, the setback from the common residential boundary is in excess of what would be required for a Grouped Dwelling (1.8 metre in lieu of a minimum 1.5 metre) and as point (ii) above describes, there are no associated amenity impacts upon this adjoining property.

Given the discussion above, it is considered the proposed setback variations from Table 3 of the TPS6 are well justified and pose negligible amenity impacts so are therefore recommended to be approved.

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

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

- (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;*

**10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School)
- Lots 482-483 (No. 91) Ley Street, Como**

- (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;*
- (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.*

The proposed development is considered satisfactory in relation to all of these matters

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant 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;*
- (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;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

The proposed development is considered satisfactory in relation to all of these matters

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies within proximity of the site 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 19 consultation notices were sent and 2 submission(s) were received. The submissions were related to the same topic, not in objection to the proposed development but rather supportive of it yet providing comment on a potential issue in maintaining visual sight lines from the driveway which abuts the proposed additions. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>The owner of Unit x and I have had discussions with regards to the planning submission for the extension to the library for a computer room.</p> <p>Our only area on concern is that a solid brick structure may reduce the visibility when coming out of our driveway. We thought it might be a good idea to install some sort of visual aid, perhaps a mirror so as to maximise the visibility and reduce the risk of injury to pedestrians in general and students and their family when walking to school.</p>	<p>The applicant has been advised of these comments, acknowledged them and has ensured all sightlines and obstructions are to be in accordance with provisions of the Residential Design Codes and Council Policy.</p> <p>Assessment confirms that the required sightlines are to be maintained and the truncation areas abutting the adjoining driveway are to be kept of any obstructions. It is considered that the proposed additions are not to restrict visual sightlines any further than the current situation.</p> <p>Comment is Noted</p>

(b) Internal Administration

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

The Environmental Health section provided comments with respect to noise and kitchen facilities. This section raises no objections and has provided recommended important notes.

Accordingly, the memorandum that has been prepared by Environmental Health, dated 30 January 2015, is to be attached to the approval and is referred to in the recommended specific Important Notes.

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 negligible 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

Being a non-residential land use of a non-sensitive nature, it is considered that the development enhances sustainability by providing local education opportunities.

Conclusion

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

**10.3.7 Proposed Additions and Alterations to Educational Establishment (St. Pius X Primary School)
- Lots 482-483 (No. 91) Ley Street, Como**

Attachments

- 10.3.7 (a):** Plans of the Proposal (latest revision 19.3.15) - Proposed Additions and Alterations to Educational Establishment - Lots 482-483 (No. 91) Ley Street, Como (*Confidential*)

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Tender 2/2015 "Construction of the Manning Hub"

Declaration of Impartiality Interest - Item 10.4.1 – Councillor Huston

Prior to consideration of Item 10.4.1, the following declaration from Councillor Michael Huston was read out:

"I wish to declare an impartiality interest in Agenda Item 10.4.1 (Tender 2/2015 "Construction of the Manning Hub") on the Council Agenda for the meeting to be held 28 April 2015.

I disclose that the company that I work for is currently carrying out work for one of the tenderers for this project (however, not the preferred tenderer).

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

Location:	Manning
Ward:	Manning Ward
Applicant:	Council
File Ref:	D-15-26618
Date:	28/04/2015 12:00:00 AM
Author / Reporting Officer:	Fraser James, Tenders and Contracts Officer Mark Taylor, Acting Director Infrastructure Services Vicki Lummer, Director Development and Community 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 advertising Tender 2/2015 - "Construction of the Manning Community Hub Facility". The report will outline the assessment process used during evaluation of the tenders received and recommends the alternative tender submitted by PACT Construction Pty Ltd be approved by Council.

Savings are required to bring the overall project within the specified remaining budget of \$17,545,000 (ex. GST). A value management exercise has identified potential savings from the alternative tender by PACT and the remainder of the Manning Hub project, without compromising the project. It is recommended these are approved by Council

In respect to savings identified from the tender submission, the majority can be achieved as part of the tender assessment process. A smaller amount of the savings identified will need to be achieved by negotiation following approval of the tender by Council but prior to entering into a contract. It is therefore recommended that the Chief Executive Officer be delegated authority by Council to complete that task.

Officer Recommendation

That:

1. The alternative tender submission by PACT Construction Pty Ltd for the construction of the Manning Community Hub (Tender 2/2015) be approved, subject to price schedule savings, as identified in **Confidential Attachment 10.4.1(b)**;
2. Council delegate the Chief Executive Officer authority to negotiate with PACT Construction Pty Ltd, prior to entering into a contract, to clarify further aspects of their pricing for this project. This is to achieve additional savings, as identified in **Confidential Attachment 10.4.1(b)**, required to bring the project within the specified budget; and
3. Additional project savings be taken from the allocation for the James Miller Oval upgrade, as identified in **Confidential Attachment 10.4.1(b)**.

Note: An amendment to the Officer recommendation was proposed by Cliff Frewing, Chief Executive Officer.

Amended Officer Recommendation and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Trent

1. The alternative tender submission by PACT Construction Pty Ltd for the construction of the Manning Community Hub (Tender 2/2015) be approved, subject to price schedule savings, as identified in **Confidential Attachment 10.4.1(b)**;
2. Council delegate the Chief Executive Officer authority to negotiate with PACT Construction Pty Ltd, prior to entering into a contract, to clarify further aspects of their pricing for this project. This is to achieve additional savings, as identified in **Confidential Attachment 10.4.1(b)**, required to bring the project within the specified budget; and
3. Additional project savings be taken from the allocation for the James Miller Oval upgrade, as identified in **Confidential Attachment 10.4.1(b)**.
4. That details of the contract be made public when the negotiations in relation to the alternative tender have been finalised.

CARRIED (8/0)

Background

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

The City then procured the lead consultant architect for the project – the tender from Bollig Design Group (BDG) was awarded by Council in December 2011. BDG commenced design development in consultation with the existing user groups of the facility. The plans were advertised for community comment when the Development Application was submitted in 2012.

10.4.1 Tender 2/2015 "Construction of the Manning Hub"

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

At the December 2014 meeting, Council:

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

Comment

The City invited suitably qualified organisations to submit tenders via an advertisement in the West Australian newspaper on Saturday 24 January 2015 for the Construction of the Manning Community Hub. It was an open tender for the execution of a lump sum contract.

Tenders closed at 2:00pm on Thursday 5 March 2015. At the close of tenders nine submissions were received from seven contractors as follows:

Table A - Tender Submissions

Tender Submissions
1. ADCO Constructions Pty Ltd
2. Badge Construction (WA) Pty Ltd (Alternative)
3. Badge Construction (WA) Pty Ltd
4. FIRM Construction Pty Ltd
5. Linkforce Engineering Pty Ltd
6. Matera Construction
7. PACT Construction Pty Ltd
8. PACT Construction Pty Ltd (Alternative)
9. Pindan Contracting Pty Ltd

An Evaluation Panel (Panel) was established to review the nine tender submissions and to recommend a preferred tender to Council for approval. The Panel comprised of representatives from the City, the Project Manager (NS Projects) and BDG. Tenders were assessed by the Panel in detail against the established non-price weighted qualitative criteria as detailed below.

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
Relevant experience of Company and personnel	30%
Methodology	20%
Company Profile	20%
Tenderers resources	20%
Occupational safety & Health	5%
Sustainability experience	5%
TOTAL	100%

All responses to the qualitative criteria were scored, weighted and incorporated into the selection criteria matrix. Tenders were then shortlisted to the top three ranked submissions. The shortlisted submissions were from two companies and comprised two conforming tenders and one alternative tender.

10.4.1 Tender 2/2015 "Construction of the Manning Hub"

A value for money assessment of each of the three shortlisted submissions was then completed comparing the qualitative scores against prices.

The nominated project teams of the two companies were then interviewed and their tender submissions further assessed by the Panel in light of the interviews.

From the qualitative assessment and then price value perspective, it was determined by the Panel that the alternative tender by PACT Construction Pty Ltd represents the best value for money for the City.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment 10.4.1(a)**.

Consultation

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

There has been extensive consultation over a six year period in regard to this project. Earlier consultation has been detailed in previous Council reports about this project.

City officers have sought advice from WALGA's Procurement Consultancy Service in assessing Tender 2/2015.

A Councillor briefing was held on Tuesday 14 April to discuss in detail the assessment process for Tender 2/2015.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

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

The following Council Policies also apply:
Policy P605 - *Purchasing & Invoice Approval*;
Policy P607 - *Tenders and Expressions of Interest*.

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.*

Regulation 20 of the Local Government (Functions and General) Regulations - *Variations of Requirement before entering into Contract* states:

10.4.1 Tender 2/2015 "Construction of the Manning Hub"

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

Financial Implications

The remaining budget for this project provided in the Long Term Financial Plan for 2015/2016 is \$17,545,000 (ex. GST). This budget provides for construction of the Manning Community Hub, plus the provision of library technology, furniture, fixtures and equipment, the redevelopment of James Miller Oval, the provision public art, as well as consultant fees and other sundry items.

In view of the Tender Evaluation Panel's recommendation, savings required to be made from the preferred tender submission and other aspects of the project to ensure it remains within budget. As a result, a value management exercise was carried out by the Project Team to determine where savings in the PACT alternative tender submission and the remainder of the project could be achieved.

Savings have been identified within the pricing schedule, which the Project Team considers will not detract from the intent of the overall project. These identified savings are recommended to be removed from the PACT alternative tender submission.

Further savings are required to be gained from the tender submission for the City to deliver the overall project within the specified budget. These cannot be realised prior to awarding the tender, as this is not permitted by the Local Government (Functions and General) Regulations 1996. These savings are permitted to be negotiated with the preferred contractor prior to the contract being signed.

In conclusion, the Project Team has confidence that PACT Construction Pty Ltd will deliver the contract (Tender 2/2015) within the timeframe specified, to the required standard and within the budget. It is therefore recommended that the alternative tender submitted by PACT Construction Pty Ltd, with identified additional savings, be approved by Council.

Detailed information about the savings recommended to be made is available in **Confidential Attachment 10.4.1(b)**.

Sustainability Implications

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

Attachments

- 10.4.1 (a):** Panel Members Recommendation Report (*Confidential*)
- 10.4.1 (b):** Financial Implications of Tender (*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- March 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25708
Lodgement Date:	13/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Michael Kent, Director Financial and Information Services
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:	6.2 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

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

Officer Recommendation and COUNCIL DECISION

That

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(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) & (h)** be received;
- (e) the Rate Setting Statement provided as **Attachment 10.6.1(i)** be received.

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

10.6.1 Monthly Financial Management Accounts- March 2015

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) & (h)**
- Rate Setting Statement - **Attachment 10.6.1(i)**

Operating Revenue to 31 March 2015 is \$48.09M which represents some 101% of the \$47.89M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement revenue is 12% under budget whilst meter parking revenues are 5% under budget to date. Remedial action is being considered to see how this may be addressed. Financial & Information Services revenues are 9% over budget after receipt of an instalment of the Unified Communications Project grant - which will be offset by additional unbudgeted expenditure. This is addressed in the Q3 Budget Review.

Interest revenues are now 4% above budget expectations even after the earlier upwards revision to the budget was brought to account. Rate revenue now reflects as being slightly ahead of budget as a result of several minor favourable variances.

Planning revenues are now 1% behind budget after the reversal of an earlier timing difference, whilst Building Services revenue is ahead of budget due to the receipt of a \$30K fee for materials on the verge at 3 Richardson St.

Australia Day revenues are shown as \$50K less than was budgeted - after allowing for an earlier known \$50K reduction in grant revenue. Halls booking revenue is also currently below budget expectations. Collier Park Village revenues are on budget with slightly less than budgeted maintenance fees offset by additional rental revenue and interest revenue.

City Environment contributions reflect the receipt of \$65K of unbudgeted environmental grant revenue that will be offset by additional unbudgeted costs. Nursery revenue from stock revaluations (non-cash item) is 27% below budget. Crossover revenue and third party infrastructure works both show favourable variances that will be addressed in the Q3 Budget Review - along with the offsetting additional expenses. A strong performance on green fees and a \$33K insurance recovery for lightning damage to reticulation controller has produced a better than anticipated result for the Collier Park Golf Course.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances Attachment 10.6.1(f). Relevant items that have resulted in significant variances are addressed in the Q3 Budget Review presented as item 10.6.4 of this agenda.

Operating Expenditure to 31 March 2015 is \$37.56M which represents 96% of the year to date budget of \$38.95M. Operating Expenditure shows as 4% under budget in the Administration area. Operating costs are 3% under budget for the golf course and show as 4% under in the Infrastructure Services area.

Other than the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and differences in budget phasing. Relevant items that have resulted in significant variances are addressed in the Q3 Budget Review presented as item 10.6.4 of this agenda.

In the Infrastructure Services operations area, parks maintenance is currently 5% below budget. Streetscape maintenance is currently 4% over budget following a slowing in the previously accelerated program.

Environmental costs are disclosed as being 15% favourable largely as a result of favourable timing differences on the Perth Water Vision, Birdlife Revegetation and Landcare initiative projects. Overheads currently reflect as being over-recovered for the year to date and will be revised downwards in future months as required. Building maintenance costs for halls and public buildings currently reflect a favourable variance which may reverse over the remaining few months of the year.

Maintenance activities for road, drains and street sweeping now reflect an 11% favourable variance at month end but this is considered to be a timing difference and will reverse out as maintenance programs continue to be implemented. The drainage work in particular is expected to accelerate as we get closer to the winter months. Crossover construction costs exceed the current budget - but this is offset by additional unbudgeted revenue attributed to this work which is adjusted in the Q3 Budget Review.

As would be expected in any entity operating in today's economic climate, there are some budgeted staff positions across the organisation that are necessarily being covered by agency staff (potentially at a higher hourly rate). Overall, the salaries budget (including temporary staff where they are being used to cover vacancies) is currently around 1.4% over the budget allocation for the 214.8 FTE positions approved by Council in the budget process. There are number of factors impacting this, including some staff deferring anticipated leave as they try to meet regular operational responsibilities post reform. The administration is taking all possible steps to see that all current Council initiatives are being respected and progressed. Areas where higher over-expenditures or under expenditures have been identified are currently being investigated and remedial action is being introduced where appropriate.

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 \$25.68M at 31 March which is slightly ahead of the year to date budget of \$25.63M. This value consists largely of land sales proceeds, lease premiums on CPV units leased and infrastructure related grants.

Capital Expenditure at 31 March is \$8.94M representing 70% of the year to date budget of \$12.73M after the inclusion of carry forward projects. The total budget for capital projects for the year is \$31.00M - with the two major projects (Manning Hub & funding allocated to the commencement of the EJ Oval Precinct Upgrade) representing \$15.2M of works that were scheduled to start in the second half of the year.

It is clearly recognised that due to the timing of approval and tender processes, there would have been a significant unspent cash component in relation to these projects at year end, but in the light of impending local government reform at the time the budget was set, it was considered important to formally recognise the commitments to these two major community facility initiatives.

It is now proposed that the funding allocated in 2014/2015 towards these projects and the funding sources (Reserve funds) will be transferred from the 2014/2015 budget via a Q3 Special Budget Review and will then be re-budgeted in full in 2015/2016 (or subsequent year for EJ Oval as appropriate). This review forms part of the budget review presented as item 10.6.4 of this agenda.

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 were 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	532,500	587,772	109%	637,500
Major Community Projects	1,587,300	954,325	60%	15,897,300
Financial & Information	536,500	474,158	88%	876,500
Develop & Community	545,000	347,213	64%	645,000
Infrastructure Services	8,668,200	6,040,964	70%	12,002,600
Waste Management	504,450	185,071	37%	520,450
Golf Course	357,140	354,520	99%	421,115
UGP	0	0	-%	0
Total	12,731,090	8,944,023	70%	31,000,465

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.

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 pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

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 Service

10.6.1 Monthly Financial Management Accounts- March 2015

- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Reconciliation of Budget Movements
- 10.6.1 (h):** Reconciliation of Budget Movements
- 10.6.1 (i):** Rate Setting Statement

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25711
Lodgement Date:	13/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
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:	6.2 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

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 & Debtors.

Officer Recommendation and COUNCIL DECISION

That Council receives the 31 March 2015 Statement of Funds, Investment & Debtors comprising:

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

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.

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 \$81.33M (\$83.2M last month) compare favourably to \$54.1M at the equivalent stage of last year. Reserve funds are \$21.8M 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 2014. The Reserve fund balances show that the Asset Enhancement Reserve is \$21.1M higher as a result of the receipt of major land sale 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 \$0.9M higher holdings of cash backed reserves to support CPV refundable monies but \$0.5M less for the CPV Reserve after allowing for the operating result and capital reimbursements. The Sustainable Infrastructure Reserve is \$0.5M higher whilst the River Wall Reserve is also \$0.5M lower as funds have been deployed to fund major capital works. The Waste Management Reserve is \$0.7M higher. The Future Municipal Works Reserve is \$0.1M lower. Various other reserves are modestly changed.

Municipal funds are some \$5.0M higher due to very good rates collections, a strong opening position, cash receipt for the second instalment of the Ray St land sale proceeds and less than anticipated cash draw down for capital works to date.

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 \$23.2M (compared to \$19.5M last month). It was \$18.2M at the equivalent time in the 2013/2014 year. Details are presented as **Attachment 10.6.2(a)**.

(b) Investments

Total investment in money market instruments at month end was \$80.3M compared to \$54.1M at the same time last year. There is a \$4.7M higher level of cash in Municipal investments. Cash backed reserves are \$21.8M higher as discussed above.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2015

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 month end 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(b)**.

Holdings in Westpac Bank have recently been significantly reduced in response to several failures by the institution to accurately and correctly action the City's investment instructions in a timely manner. Whilst it is understood that this was due to 'system errors' in Westpac's banking environment, the City has opted to move its investment funds to more reliable financial institutions until the Westpac system issues are demonstrated to have been satisfactorily resolved.

Total interest revenues (received and accrued) for the year to date total \$1.77M. This compares to \$1.32M at the same time last year despite the historically low interest rates. The prevailing interest rates 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 3.38% with the anticipated weighted average yield on investments yet to mature now

sitting at 3.21%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.00% since the Feb RBA decision.

(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(c)**. Rates collections to the end of March 2015 (after the due date for the final instalment - other than for pensioners and seniors) represent 96.7% of rates levied compared to 96.8% at the same time last year.

The City has maintained a strong 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 once again on par with last year.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$2.32M at month end (\$1.35M last year). GST Receivable is \$0.97M higher than the balance at the same time last year whilst Sundry Debtors is \$0.2M lower. Most other Debtor categories are at fairly 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 month end with approximately 99.7% of those in the affected area having now paid in full. The remaining 13 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).

Since the initial \$4.59M billing for the Stage 5 UGP Project, some \$4.55M (or 98.9% of the amount levied) has already been collected with 98.1% of property

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2015

owners opting to settle in full. A further 16 or 1.6% who were expected to pay the final instalments on 19 December missed the instalment date. Since December a number of these residual debt amounts have been cleared. 16 property owners are on extended payment arrangements and legal proceedings are being initiated for 3 property owners who have not made any payments to date.

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.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

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 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25713
Lodgement Date:	13/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
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:	6.2 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 March 2015 and 31 March 2015 is presented to Council for information. During the reporting period, the City made total payments by EFT of \$4,422,622.37 and by cheque payment of \$558,539.23 giving total monthly payments of \$4,981,161.60.

Officer Recommendation and COUNCIL DECISION

That the Listing of Payments for the month of March 2015 as detailed in **Attachment 10.6.3(a)**, 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

10.6.3 Listing of Payments

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.

In accordance with recent feedback from Council Members, the attachment to this report has been modified to recognise a re-categorisation such that for both creditors and non-creditor payments, EFT and cheque payments are separately identified. This provides the opportunity to recognise the extent of payments being made electronically versus by cheque. The payments made are also now listed according to the quantum of the payment from largest to smallest - allowing Council Members to focus their attention on the larger cash outflows. This initiative is expected to facilitate more effective governance from lesser Council Member effort.

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.

10.6.3 Listing of Payments

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

Attachments

10.6.3 (a): Listing of Payments

10.6.4 Budget Review for the Period ended 31 March 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25735
Lodgement Date:	13/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Michael Kent, Director Financial and Information Services
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:	6.2 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 comprehensive review of the 2014/2015 Adopted Budget for the period to 31 March 2015 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

- those that increase the estimated Budget Closing Position (new funding opportunities or savings on operational costs)
- those that decrease the estimated Budget Closing Position (reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

Officer Recommendation and COUNCIL DECISION

That, following the detailed review of financial performance for the period ending 31 March 2015, the budget estimates for Revenue and Expenditure for the 2014/2015 Financial Year, (adopted by Council on 14 July 2014 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.4 (a)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.4 (b)**;
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4 (c)**;
- Special Budget Review of Discretionary Capital Projects **Attachment 10.6.4 (d)**.

**Absolute Majority Required
CARRIED EN BLOC (7/0)**

Background

Under the Local Government Act 1995 and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City typically conducts a Budget Review after the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review after the December Management accounts have been finalised were forwarded to the Department of Local Government for their review after they were endorsed by Council.

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 March 2015.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that reflect timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

Comment

The Budget Review is typically presented in three parts, although this review includes an additional fourth part:

- Amendments resulting from normal operations in the quarter under review
Attachment 10.6.4 (a)

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained.

The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to / from existing Cash Reserves shown as
Attachment 10.6.4 (b)

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Long Term Financial Plan (LTFP) or until contractors / resources become available, they may be returned to a Reserve for use in a future year.

There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation - **Attachment 10.6.4 (c)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 14 July 2014. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impact on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. This section also includes amendments to "Non-Cash" items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City's cash resources.

- Special Review of Discretionary Capital Projects - **Attachment 10.6.4 (d)**

This review recognises that two major proposed discretionary capital project expenditures did not proceed in 2014/2015 & hence the associated funding models were not required at that time. The Manning Hub tender is presented to Council in April 2015 and as such, it is important to have the funding available as and when required. Also, the EJ Oval project may progress in future years subject to all relevant aspects of stakeholder consultation and design being fully resolved - so having future funding options accommodated is also considered prudent.

The Manning commercial land sale will also not settle before 30 June and hence recognition of the proceeds and the related Reserve transfers must be deferred to

10.6.4 Budget Review for the Period ended 31 March 2015

2015/2016. The strategy of developing separate funding models for each major discretionary project as reflected in the LTFP has ensured that changes such as these do not create adverse financial impacts on the City or its ratepayers.

There is no current year impost on the Municipal Surplus for these items as the discretionary funding models have already allowed for them within the existing budget.

Also, as a consequence of the cessation of local government reform, a review of the funding allocation made to support activities associated with preparing for local government reform has been made with consideration given to what initiatives (particularly technology or service delivery related) may still be worthwhile to continue irrespective of the reform outcome where such initiatives still deliver a value-adding outcome to our South Perth community

Recommendations have been made to Council in relation to the potential re-deployment of those funds in Agenda Item 10.6.6 - and these are therefore outside the scope of this report.

Consultation

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

Policy and Legislative Implications

Whilst compliance with statutory requirements requires only a half yearly budget review (with the review results being forwarded to the Department of Local Government), more frequent and dynamic reviews of budget versus actual financial performance is good management practice.

Financial Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

As a consequence of the cessation of local government reform, a review of the funding allocation made to support the activities associated with local government reform has been conducted. Recommendations in relation to the potential re-deployment of those funds are detailed elsewhere in this agenda and are therefore outside the scope of this report.

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$50,500) to the projected 2014/2015 Budget Closing Position as a consequence of the review of operations.

At the Q1 Budget Review, a (\$305,844) adjustment was made to the estimated 2013/2014 Budget Opening Position. This adjustment resulted from calculating the Budget Opening Position in accordance with the Department of Local Government's

10.6.4 Budget Review for the Period ended 31 March 2015

guideline using final audited numbers rather than the estimated numbers used in determining the Budget Position at budget adoption date.

The revised Budget Position (including monies associated with Carry Forward items) was adjusted from the estimated previously estimated position of \$6,330,550 (inclusive of the \$1,991,00 to \$4,339,550 after allowing for the net amount relating to carry forward items).

The Q1 Budget Review amendments and adding back of the non-cash realised loss on disposal of previously revalued assets moved to a revised estimated Closing Position of \$3,901,183.

Whilst the budget showed a projected Closing Position at the conclusion of the 2014/2015 year that reflected a responsible financial management response to begin addressing the City's weaker than industry benchmark operating surplus ratio, the peculiarities of the 2014/2015 year (featuring a \$27M land sale and the transfer of those funds to Reserves - with a subsequent partial draw-down of those funds for major capital projects in 2014/2015 and the remainder in 2015/2016), the City's budgeted closing position triggered a technical non-compliance with a financial management regulation that stated that the budget surplus in a given year can only be 110% of the 'budget deficiency'.

The budget deficiency refers to the overall Funds Demand for the year (not across years) less the Opening Position. That number multiplied by 110% represents the maximum amount that can be raised from rates for that year.

In essence, this meant that the maximum surplus that the City could raise in 2014/2015 (without additional transfers to Reserves or calling back less funds from Reserves) was \$2,477,765. Negotiations between the City and the Department of Local Government about this issue (in the light of the prevailing circumstances), resulted in an agreed resolution that the City would reduce the draw down on its reserve funds for the Manning Hub project by \$1.5M in 2014/2015, with the difference being picked up in 2015/2016. Overall nothing changed - other than the timing of the cash flows and the reduced 2014/2015 Closing Position.

After adopting the changes recommended in the Q2 Budget Review, the projected 2014/2015 Closing Budget Position was \$2,025,934.

The impact of the proposed amendments in the Q3 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table I below. Figures shown apply only to those amendments contained in the attachments to this report (not to any previous amendments).

Table I includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2013/2014 year end accounts.

TABLE 1: (Q3 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	286,750	(278,750)	8,000
Financial & Information Services	285,000	(260,000)	25,000
Development & Community Services	125,000	(85,000)	40,000
Infrastructure Services	387,000	(510,500)	(123,500)
Special Review Items	16,850,000	(16,850,000)	0
Opening Position	0	(0)	0
Total	17,933,750	(17,984,250)	(50,500)

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2: (CUMULATIVE IMPACT OF ALL 2014/2015 BUDGET ADJUSTMENTS)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	359,250	663,500	(304,250)
Financial & Information Services	574,538	449,260	125,278
Development & Community Services	340,700	202,000	138,700
Infrastructure Services	2,510,000	3,028,000	(518,000)
Special Review Items	16,850,000	17,915,828	(1,065,828)
Opening Position	0	348,144	(348,144)
Adjustment to Est Carry Forwards	42,300	0	42,300
Adjustment to Closing Position (via Reserve Transfers)	0	1,500,000	(1,500,000)
Add back Non-Cash Items	0	(1,065,828)	1,065,828
Total Change in Adopted Budget	\$20,676,788	\$23,040,904	(\$2,364,116)

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources.

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated Budget Closing Position has only moved in net terms by \$864,116 from the estimated Closing Position [other than the (\$1.50M) adjustment required for statutory compliance purposes] to the revised Budget Closing Position of \$1,975,434 after including all budget movements to date. This projected closing position contributes to a sound set of financial ratios but will nonetheless still need to be closely monitored during the remainder of the year.

Financial Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances.

10.6.4 Budget Review for the Period ended 31 March 2015

Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Conducting regular budget reviews addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance, emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined and dynamic financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

Attachments

- 10.6.4 (a):** Amendments identified in normal operations in the Quarterly Budget Review
- 10.6.4 (b):** Items funded by transfers to or from Reserves
- 10.6.4 (c):** Cost neutral re-allocations of the existing Budget
- 10.6.4 (d):** Special Budget Review of Discretionary Capital Projects

10.6.5 Local Government Reform: Program Closure

Location:	The City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25442
Lodgement Date:	10/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Amanda Albrecht, Executive Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

This report provides an update to Council on the steps that have been taken to close off the Local Government Reform Program in response to directives from Council made at the February 2015 Ordinary Council Meeting.

Officer Recommendation and COUNCIL DECISION

That Council:

1. endorses the Reform Program Closure Report;
2. notes the cessation of the Local Implementation Committee and commends members of the Committee for their work;
3. endorses the funding application submitted to the Department of Local Government and Communities;
4. notes the opportunities identified by the City and Town for further collaboration;
5. agrees that the CEO investigate the potential for a Memorandum of Understanding between the City of South Perth and the Town of Victoria Park to guide future collaborative initiatives; and
6. agrees that the City of South Perth and Town of Victoria Park Councils meet at least annually to update each other on key strategic projects, and any collaborative work that may be occurring at an operational level.

CARRIED EN BLOC (7/0)

Background

At the Ordinary Council Meeting held 24 February 2015, the Council made a number of resolutions in relation to the Metropolitan Local Government Reform Program. Included in these resolutions was a request to officers to report back to Council on the following matters:

1. The steps taken to achieve closure of the Reform Program.
2. Any work that should continue to be progressed in collaboration with the Town of Victoria Park and any identified opportunities for business improvements.

10.6.5 Local Government Reform: Program Closure

3. The establishment of a new joint Elected Member Forum with the Town of Victoria Park (and other neighbouring Councils).
4. The distribution of remaining funds allocated to the Reform Program in the 2014/2015 Annual Budget.

This report addresses the first three items. The distribution of remaining funds is the subject of a further report (Item 10.6.6 of the April 2015 Ordinary Council Meeting Agenda refers).

Comment

Reform Program Closure

The Reform Program Office, with the assistance of the Reform Project Teams, has prepared a Reform Program Closure Report which provides:

- A status report on key deliverables for the Reform Program
- Lessons Learnt
- Opportunities for business improvements
- Final costs
- Recommendations

A copy of this report is provided at **Attachment 10.6.5 (a)**.

The Local Implementation Committee held its final meeting on 30 March 2015. The minutes from this meeting are provided at **Attachment 10.6.5 (b)**. The Local Implementation Committee endorsed the Reform Program Closure Report prepared by the Reform Program Office.

The Local Implementation Committee, and all work on the Reform Program, has now ceased.

Funding Application to the State Government

In accordance with the February 2015 Council resolution, a funding application to the Department of Local Government and Communities (the Department) for the recovery of eligible costs incurred in implementing the State's Reform Program was submitted on Tuesday 31 March 2015.

The City has incurred costs in excess of \$1 million (a breakdown of these costs is provided at **Attachment 10.6.5 (c)**). The City has requested that \$302,792 of these costs be reimbursed by the State. This application was endorsed by the Local Implementation Committee at its meeting held 30 March 2015.

As discussed in previous reports to Council, the State Government had made available a funding package of \$15 million in grants and \$45 million in loans, to contribute to the implementation of the Metropolitan Reform Program.

Whilst the State Government's Reform Program will no longer be going ahead, officers consider it to be fair and reasonable that certain costs, already incurred in good faith implementing the State's Reform Policy (i.e. those costs consistent with the State's funding model) be eligible for consideration in the allocation of the first year of grants funding.

In line with the Department's funding application guidelines, the City is not seeking reimbursement of staff costs, nor is it seeking reimbursement of costs for activities such as information campaigns, or the cost associated with the amalgamation referendum. The City is also not seeking reimbursement of costs relating to the legal

10.6.5 Local Government Reform: Program Closure

action, although all of these costs have been included in the funding application for information.

The funding guidelines state the eligible funding items include: project planning, project management, change management, organisational restructure, internal communications, external communications and marketing, dedicated reform positions, and consultants to assist with the implementation of the Reform Program. These are the types of costs that the City has incurred in good faith implementing Stages 1 and 2 of the Local Government Reform Toolkit - in order to meet the State's 1 July 2015 deadline. These are the costs that the City is now seeking reimbursement for from the State.

The City has also provided a copy of the funding application to the WA Local Government Association (WALGA). WALGA has undertaken to coordinate a claim for the reimbursement of costs incurred for implementation of Metropolitan Reform Program on behalf of the Local Government Sector. WALGA will be submitting this claim in April 2015.

The Minister for Local Government and Communities (the Minister) has advised WALGA that reimbursement claims will not be considered, and that no further funding will be provided to Local Governments in relation to the Metropolitan Reform Program.

Collaborative Initiatives with the Town of Victoria Park

The Reform Project Teams have identified a number of opportunities for further collaboration with the Town. Broadly these opportunities include:

- Shared procurement and contract management
- Shared specialist resources and staff secondments
- Shared equipment and plant
- Joint training and professional development programmes
- Joint advocacy
- Joint emergency management arrangements
- Joint business continuity and technology arrangements (*A high speed recovery network link has been established between the City and Town*)

More specifically, the City and Town have identified three key areas for further consideration:

1. Fleet Management

An opportunity has been identified to share fleet management expertise. This will lead to improved fleet and plant management by the City and the potential for current and future plant being shared or rationalised between the City and the Town. The City's plant assets have an acquisition value of \$8.3M. A reduction of just 5 percent could result in savings of greater than \$400,000 for the City alone.

2. Asset Management

The City has an established asset management software system, staff expertise and good data collection methodologies and the Town has specialist GIS staff. This creates an opportunity for each LGA to utilise the complimentary skill sets and software of the other. The sharing of staff members would allow both the City and the Town to reduce reliance on external consultancy services.

3. Waste Management

Several opportunities have been identified within the Waste Management Area for further collaboration.

10.6.5 Local Government Reform: Program Closure

- The City and Town have each identified the need for a waste education officer. However, neither the City nor the Town require someone in this role full time. It may be possible to jointly employ a person for this role, and share their time across the City and the Town.
- The City of South Perth Waste Transfer Station currently has surplus capacity. The City and Town will look into a possible exchange of services, allowing the Town's residents to use this spare capacity.
- The waste collection contracts run by the City and Town could be combined, when next up for renewal.

The Executive Management Teams at both the City and the Town will advance the progression of these initiatives as they prepare annual plans. In line with the Local Implementation Committee recommendation (see below), the City and Town also propose to investigate the potential for a Memorandum of Understanding to guide future collaborative initiatives.

Joint Elected Members Forum

Through the Reform process, the two Councils have established an effective partnership. The preparation of joint submissions and the establishment of joint advocacy positions (for example the Battle for Burswood) have worked well. Clearly there is great commonality between the two areas, and there is value in continuing to maintain this relationship.

However, many of the identified business improvements, or opportunities for further collaboration, are operational in nature and can be progressed by the two administrations in day-to-day activities. Initiatives of this nature would not require the establishment of a Joint Elected Members Forum. Officers could provide updates to Council, as and when necessary, on collaborative work that is being undertaken.

Officers consider that the establishment of a more formal joint elected members' forum is not required at this time. As has occurred in the past, the two Councils could continue to meet on an 'as needs basis' to discuss and progress joint advocacy positions, if required.

The Local Implementation Committee considered a report on the establishment of a new Joint Elected Members Forum, and resolved as follows:

The Local Implementation Committee:

1. *Notes that most of the business improvement initiatives and opportunities for further collaboration arising from the Reform Program are operational in nature, and can be advanced by the City and Town Administrations;*
2. *Recommends that the City and Town provide updates to the two Councils on collaborative initiatives, as and when they occur;*
3. *Recommends that the two Councils meet at least annually to update each other on key strategic projects, and any collaborative work that may be occurring at an operational level;*
4. *Recommends that the two CEOs investigate the potential for a Memorandum of Understanding between the two entities for future business improvement initiatives and opportunities.*

CARRIED

Consultation

The recommendations made in this report are consistent with the resolutions of the Local Implementation Committee. The Town of Victoria Park has been consulted on the content of this report.

Policy and Legislative Implications

There are no policy or legislative implications as a result of the recommendations made in this report.

Any changes to Council Policies arising from the business opportunities identified through the Reform Program will be put forward to Council for approval.

Financial Implications

There are no financial implications as a result of the recommendations made in this report.

Sustainability Implications

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

Attachments

- 10.6.5 (a): Reform Program Closure Report
- 10.6.5 (b): Local Implementation Meeting Minutes - 30 March 2015
- 10.6.5 (c): City of South Perth Funding Application

10.6.6 Re-allocation of Local Government Reform Funding Budget

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25739
Lodgement Date:	13/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Michael Kent, Director Financial and Information Services
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:	6.2 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

This report provides guidance on what is considered to be the most appropriate and financially responsible re-deployment of funding previously allocated to local government reform now that reform is not proceeding

Officer Recommendation and COUNCIL DECISION

That the 2014/2015 Annual Budget (adopted by Council on 14 July 2014 and as subsequently amended by resolutions of Council to date), be amended to reflect the budget re-allocations as per **Attachment 10.6.6 (a)**.

Absolute Majority Required

CARRIED EN BLOC (7/0)

Background

Notwithstanding its clearly articulated philosophical position on the issue, the City had, in making preparations for impending local government reform, recognised the importance of ensuring a smooth transition and continued high quality customer service on changeover day. To achieve that objective, the City had allocated funding to support the many activities, system upgrades and process changes that would be required to be undertaken by 1 July 2015. These system and process changes represent opportunities that are consistent with the objective of streamlining processes and reducing bureaucracy to deliver better customer outcomes.

The City had estimated the potential full costs of local government reform and in particular, the City's share of expenditure required for the year ending 30 June 2015 as being approximately \$1.75M. The funding that the City had been able to provide was less than the estimated requirement - being \$1.0M (including the portion carried forward from the prior year). A further \$3.5M (City share) was expected to be required in the second to fourth years of reform.

Of the current year's allocation, some \$340,000 has been directly expended or is committed pending receipt of a final invoice. This amount does not include staff time

10.6.6 Re-allocation of Local Government Reform Funding Budget

costed against regular salary accounts. A further \$660,000 had been provided for and raised and is currently available in the 2014/2015 budget.

This report provides guidance on what is considered to be the most appropriate and financially responsible re-deployment of this funding allocation now that local government reform is not proceeding.

Comment

The cessation of reform activities has removed the necessity for some significant system integration and data harmonisation activities jointly involving the City, Town of Victoria Park and City of Canning. Whilst these collaborative initiatives no longer require funding, there are a number of smaller-scale similar South Perth site-specific initiatives that should still be prioritised to progress in the immediate short term.

In the 18 to 24 months leading up to reform, the City had consciously deferred a number of decisions relating to replacement and upgrade of systems or changes to processes that had the potential to deliver an enhanced customer experience to our residents and ratepayers because impending reform would have meant that this work would have to be re-done at further cost once the new merged local government entity was in place - if that was even the technology solution or process chosen by the new entity.

In particular, high value decisions relating to the re-implementation of a more contemporary configuration of the main corporate and property database system (Authority) and our telephone management systems were both deferred although their replacement cycle indicated that in a non-reform environment, replacement was due. During the protracted reform period other systems such as the facility booking system aged to a point where the software version was no longer supported by the vendor. The City is currently using a temporary MS Outlook based calendar for this function - which is not a long term sustainable solution. Other digital service delivery options such as online lodgements were placed on hold pending decisions by the potential newly merged local government.

Given the City's need to continue to deliver timely, effective service to our customers and to leverage the opportunities particularly on offer through digital service delivery, it is considered that these areas should be the priority for re-deployment of the already available funds rather than absorbing them back into surplus and potentially requiring ratepayers to fund these initiatives in future years.

The recommended funding re-deployments are shown in Table 10.6.6 (1) below:

Initiative	Year	\$Funding
Online Lodgement of Development & Building Applications	2014/15	55,000
Online Facility Bookings Solution	2014/15	25,000
Authority Corporate Solution - unspent allocation (Transfer to Technology Reserve until ready to implement)	2015/16	375,000
Rangers Mobility Solution (Enable Rangers to undertake remote work once they vacate the South Perth Police Station)	2014/15	15,000
Employee Costs including on-costs (Staff member budgeted for in Reform Budget - not salaries budget for 5 months)	2014/15	45,000
Fleet Management Software (refer to LG Reform Report)	2014/15	30,000
Consultancy for Fleet / Transport Management	2014/15	15,000
Upgrade of Telephone Management System & CMS (Transfer to Reserve until ready to implement)	2015/16	100,000
Grand Total		\$660,000

10.6.6 Re-allocation of Local Government Reform Funding Budget

It is important to note that a number of the smaller initiatives can be commenced and in some case, completed by 30 June 2015 as the most appropriate solutions have already been investigated, specified and quoted as part of reform related work - and would therefore utilise the existing potential funding in this year.

Importantly, this approach also leverages work that City staff have already invested significant time in during the reform related activities - so that that effort is not forfeited.

Consultation

This financial report is prepared to provide financial information to Council 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

There is no specific policy or legislative implication relating to this report other than the usual requirement for budget re-allocations to be adopted by absolute majority.

Financial Implications

The future financial implications of this report are as shown in Table 10.6.6 (1). In the event that the City is successful in securing reimbursement of any reform related costs from the claim submitted to the Department of Local Government, there would be further funds available for re-allocation.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

Attachments

10.6.6 (a): Budget Re-allocations

10.6.7 Designation of "Senior Employees"

COUNCIL DECISION

Moved: Councillor Reid
Seconded: Councillor Cala

That Item 10.6.7 be considered under closed session, as confidential matters affecting employees may be raised as part of the discussion of this item. (Section 5.23(2)(a) of the Local Government Act 1995 refers).

CARRIED (8/0)

Note: Whilst this report was considered under closed session, the contents of the report itself are not confidential.

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-25342
Lodgement Date:	9/04/2015
Date:	28/04/2015 12:00:00 AM
Author:	Cliff Frewing, Chief Executive Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

This report seeks Council consideration of its position regarding the designation of "senior employees" under the Local Government Act 1995.

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Trent
Seconded: Councillor Reid

That Council determines, in accordance with section 5.37(1) of the Local Government Act, that only the CEO be designated as a "senior employee".

CARRIED (6/2)

Alternative Motion - Councillor Hawkins-Zeeb

During the debate of this item Councillor Hawkins-Zeeb fore-shadowed an alternative motion as follows:

That:

- a) the officer recommendation not be adopted; and
- b) Option I – Status Quo be adopted whereby the City of South Perth continues the current practice of designating all members of the Executive Team as "Senior Employees".

Reason for alternative

Option I of continuing the Status Quo is the better option for the following reasons:

- To date this has worked more or less effectively so no need to fix something if it is not broken.
- For the sake of good governance. Better control mechanisms can be implemented
- Duty of care of the councillors would require their input and involvement in the process of employing Directors as well as these are pivotal roles within the council.
- To ensure optimisation of performance.
- To offer guidance and transparency to the staff.
- Given uncertainty of the current situation, it would be prudent to ensure the councillors are formally involved in the process.
- This does allow for flexibility and discretion in the appointment process.

This alternative motion was not moved, as the Officer Recommendation was carried by the Council.

Background

Section 5.37 of the Local Government Act 1995 (the Act) provides for the designation of "senior employees" and sets out the process for appointing such persons. This section of the Act is, however, unclear as to who is responsible for making this designation. The Act states that a "local government may designate employees or persons belonging to a class of employee to be senior employees". It does not specify whether or not this is the responsibility of the Council or the CEO.

Given that one of the general functions of the CEO is the employment, management supervision, direction and dismissal of other employees, the latter is probably the intention. However, officers can find no policy or guidelines on this subject.

Traditionally, the City of South Perth has treated Director Positions as "senior employee" as defined under the Act. In practice, this has meant that the CEO has followed due process involving advertising and selection, and made a recommendation to Council in accordance with section 5.37(2) of the Act to appoint a Director. The Council's role has been to either accept or reject the recommendation.

Enquiries have revealed that approximately half of the Local Governments contacted have policies or practices where only the CEO is designated as a "senior employee" (including the Town of Victoria Park) whereas the others have all members of the Executive Team so designated.

10.6.7 Designation of "Senior Employees"

It is appropriate for Council to review its position on this subject and make a determination so that there is clarity in the future when a Director Position becomes vacant.

Options

Option	Comment
Option 1 – Status Quo The City continues the current practice of designating all members of the Executive Team “senior employees”.	The City would be required, in accordance with legislation to undertake an expensive and lengthy appointment process, including advertising (in at least a State-wide newspaper) before making a recommendation to Council at the conclusion of the process. The Council could then accept or reject the recommendation (it could not for example, appoint one of the other candidates). This approach does not allow for any flexibility or discretion in the appointment process.
Option 2 – CEO determination The City allows the CEO the discretion to determine that only the CEO be designated as a “senior employee” for the purpose of the Act.	There currently no formal designation of “senior employee”. The CEO could make a determination as to the most appropriate process to appoint a Director. A proper process would necessarily be followed although this would inevitably vary depending upon the situation that exists at the time. Elected members would still be advised of the outcome but would not be required to be formally involved in the process.
Option 3 – Council Policy The Council adopt a position that only the CEO be designated as a “senior employee” for the purposes of the Act.	It is unclear in the Act, whether or not it is the Council or the CEO that is to determine whether or not a position should be designated as a “senior employee” for the purposes of the Act. However, for the sake of clarity, the Council could adopt a position that only the CEO be designated as a “senior employee” for the purposes of the Act.

Having regard for the above it is, on balance, proposed that Council adopt a position that only the CEO is appointed by the Council, and that only the CEO should be designated as a “senior employee”. This is consistent with the general provisions of the Act whereby all employees report to the CEO and only the CEO reports to the Council.

Consultation

Enquiries have been made with other local Governments and there is no clear position on this subject although it is increasingly common for Councils’ to adopt a position that the requirements of section 5.37 only relate to the position of CEO.

Policy and Legislative Implications

The recommendations contained in this report are consistent with the Act. If the Council adopts the officer recommendation, the Council resolution will form the

10.6.7 Designation of "Senior Employees"

basis of future practice in relation to the employment of persons into the position of Director.

Financial Implications

Considerable recruitment costs would necessarily be incurred on every occasion an appointment became vacant if a policy is not adopted.

Sustainability Implications

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

Attachments

Nil

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 REID

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

- 29 April – 1 May inclusive;
- 6 May – 8 May 2015 inclusive; and
- 25 May – 27 May 2015 inclusive.

11.2 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR LAWRANCE

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

- 9 June to 13 June 2015 inclusive.

COUNCIL DECISION

Moved: Councillor Hawkins-Zeeb

Seconded: Councillor Cala

That leave of absence be granted to Councillor Reid and Councillor Lawrance for the periods specified above.

CARRIED (8/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 REQUEST TO PROGRESS URGENTLY THE AMENDMENT TO METROPOLITAN REGION SCHEME RESERVATION FOR CANNING HIGHWAY

At the April 2015 Agenda Briefing Cr G Cridland gave notice that at the April 2015 Ordinary Council Meeting that he would move the following motion:

Motion and COUNCIL DECISION

Moved: Councillor Cridland

Seconded: Councillor Huston

The Council requests that Main Roads and the Department of Planning ensure that the required amendment to the Metropolitan Region Scheme road reservation for Canning Highway, the purpose of which is to accommodate the future planned timed bus stop adjacent to the Lot 253 (No. 243) Canning Highway, is prepared and progressed urgently.

CARRIED (8/0)

Reasons for the motion

Amendments of town planning schemes or the MRS can take a long time to complete after the initial request is made.

At the 17 April 2015 Metropolitan Joint Development Assessment Panel meeting, the City of South Perth and the Department of Main Roads referred to and relied upon the Department of Main roads maps and the state government's intention to widen Canning highway and to install a dedicated timed bus bay in the road reserve in front of the Como hotel.

The JDAP determined by majority to give no weight whatsoever to the planned dedicated timed bus bay in that location – simply because it was only depicted in a Department of Main Roads map and not yet included in a Metropolitan Region Scheme map (notwithstanding that the request for the inclusion of the dedicated bus bay in the MR scheme and map is currently being processed).

If the dedicated timed bus stop in this location is to be progressed for the benefit of local residents and then this MRS amendment needs to be progressed promptly.

CEO comment

The process involved in an amendment to the Metropolitan Region Scheme is long and drawn out, similar to the Local Planning Scheme Amendment process. The City has little input into this process (in this case) other than making comments at the appropriate time.

It may be beneficial for the Council to make it known to the WAPC that it favours more urgent processing of this amendment.

Therefore there are no objections from officers to the Motion as proposed.

12.2 REVIEW OF IT INFRASTRUCTURE CAPABILITIES

At the April 2015 Agenda Briefing Cr V Lawrance gave notice that at the April 2015 Ordinary Council Meeting that she would move the following motion:

Motion and COUNCIL DECISION

Moved: Councillor Lawrance

Seconded: Councillor Hawkins-Zeeb

That the City of South Perth Officers conduct a report and review the capabilities of the IT functions on the following:

- I. Inclusion of councillors whilst on vacation, leave or training course, etc., to remotely participate via Skype or other functionality in Council briefings and Council meetings.
- II. The ability of live streaming of Council meetings for the general public.

CARRIED (8/0)

Reasons for the motion

Following the upgrading and expenditure on IT infrastructure it would appear that our IT systems should be advanced enough to take on these very basic abilities.

Other councils such as the City of Bunbury, City of Joondalup and City of Greater Geraldton currently live stream their Council meeting with good success.

This would provide the City to engage with the Community more effectively and to reach an audience which may not have the capacity to attend Council meetings in person but who have a vested interest in the City and the Council.

Gives access to the ratepayers/community to the decision-making processes of the Council.

It would also allow residents to hear first-hand debate in the Chamber and lessen the risk of 'hearsay' when residents feel that Councillors have not fully engaged in the issue(s) of which residents have an interest.

It is appropriate in this day and age for the City of South Perth to embrace technology in all its capacities to engage more fully with the residents of the City of South Perth and to further demonstrate the City's transparency and accountability.

CEO comment

The City's IT & Governance Teams have currently investigated, scoped and committed to a project to have professional quality video conferencing facilities installed in the Council chamber by 30 June 2015. The project is part funded by the Commonwealth Government through a NBN grant. The solution will use professional grade meeting technology solutions rather than home use products like Skype.

The proposed technology solution will permit remote participation by Council Members should they choose (and should the statutory requirement be met by Council voting on the issue).

Technology infrastructure associated with the remote meeting participation project also provides the capacity for (future) video streaming of meetings if Council determines that this required. That project would need to be resourced and funded in the new financial year. Should that be Council's direction, the live streaming of meetings project would then be scoped, specified and delivered (once fully tested and operational) as a separate project.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil

13.2 QUESTIONS FROM MEMBERS

Questions were received from:

- Councillor Reid in relation to Item 6.2 Public Question from Terry Hogan
- Councillor Trent in relation to Item 12.1 Notice of Motion from Councillor Cridland

A table of questions received and answers provided can be found in Appendix 2 of these Minutes.

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

Nil

15. MEETING CLOSED TO PUBLIC

Under section 5.23 (2) of the Local Government Act 1995 Council may resolve to close the meeting to the public.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note: Item 10.6.7 Designation of “Senior Employees” was considered under closed session, as it was considered likely that the discussion of the item would include ‘matters affecting employees’. (Section 5.23(a) of the Local Government Act 1995 refers). Please refer to this item for details of the report.

COUNCIL DECISION – Closed Session

Moved: Councillor Trent

Seconded: Councillor Huston

That the April 2015 Ordinary Council Meeting be closed to the public for the consideration of Item 10.6.7 of the Agenda.

CARRIED (8/0)

Note: The meeting was closed to the public at 9:16pm.

COUNCIL DECISION – Suspension of Standing Orders

Moved: Councillor Huston

Seconded: Councillor Cridland

That Standing Orders be suspended to allow discussion and questions on Item 10.6.7.

CARRIED (8/0)

COUNCIL DECISION – Reinstatement of Standing Orders

Moved: Councillor Huston

Seconded: Councillor Cridland

That Standing Orders be reinstated.

CARRIED (8/0)

COUNCIL DECISION – Open Session

Moved: Councillor Huston

Seconded: Councillor Cridland

That the April 2015 Ordinary Council Meeting be re-opened to the public.

CARRIED (8/0)

Note: The meeting was reopened to the public at 10:02pm.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Note: The Council resolution for Item 10.6.7 was read out to the public gallery.

Item 10.6.7 - Officer Recommendation and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Reid

That Council determines, in accordance with section 5.37(1) of the Local Government Act, that only the CEO be designated as a “senior employee”.

CARRIED (6/2)

9. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 10:04pm.

10. RECORD OF VOTING

28/04/2015 7:20:23 PM

6.2 Extension of public question time

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

28/04/2015 7:30:06 PM

6.2 Extension of public question time

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 7:35:40 PM

6.2 Suspension of Standing Orders to allow further public questions

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 7:41:58 PM

6.2 Reinstatement of Standing Orders

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 7:44:21 PM

7.1 Confirmation of minutes

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 7:45:53 PM

7.2 Receipt of Briefing Notes

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 7:47:19 PM

8.1 Receipt of Petition

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 7:51:23 PM

8.4 Receipt of Delegates Reports

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

28/04/2015 7:54:48 PM

9.1 En Bloc Motion – Method of Dealing with Agenda Business

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

28/04/2015 8:00:58 PM

10.1.1 Community Safety and Crime Prevention Plan – Amended Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:01:28 PM

10.1.1 Community Safety and Crime Prevention Plan – Substantive Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:23:32 PM

10.3.1 Proposed Two Storey Child Day Care Centre (72 Children) on Lot 237 (No. 55) Thelma Street – Alternative Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:34:42 PM

10.3.2 Proposed Family Day Care. Lot 428 (No. 2/22) Downey Drive, Manning – Alternative Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:42:59 PM

10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption – Amended Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:43:30 PM

10.3.3 Proposed Amendment 48 to Town Planning Scheme No. 6 - Car bay sizes - Consideration of submissions and final adoption – Substantive Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:45:51 PM

10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption – Alternative Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:50:25 PM

10.4.1 Tender 2/2015 “Construction of the Manning Hub” – Amended/Substantive Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:51:25 PM

10.6.7 Designation of "Senior Employees" – Vote to consider as a confidential item

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 8:53:09 PM

11.1 Leave of Absence – Cr Reid and Cr Lawrance

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 9:00:51 PM

12.1 Notice of Motion – Councillor Cridland

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 9:14:00 PM

Motion Passed 8/0

12.2 Notice of Motion – Councillor Lawrance

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

Absent: Cr Cheryle Irons

28/04/2015 9:15:03 PM

15.1 Closed Session

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 9:17:52 PM

15.1 Suspension of Standing Orders

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 9:50:27 PM

15.1 Reinstatement of Standing Orders

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

28/04/2015 10:02:02 PM

15.1.1 Item 10.6.7 Designation of “Senior Employees”

Motion Passed 6/2

Yes: Mayor Sue Doherty, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Sharron Hawkins Zeeb

Absent: Cr Cheryle Irons

28/04/2015 10:02:52 PM

15.1 Re-opened to the public

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

APPENDIX I: TABLE OF PUBLIC QUESTIONS 28 APRIL 2015

<p>I. Mr Lindsay Jamieson – (address withheld for privacy) Received 23 March 2015</p> <p>Please note: Mr Jamieson was unable to attend the March 2015 Ordinary Council Meeting. Response to his questions was deferred to the April 2015 Ordinary Council Meeting</p>	<p>Response provided by: Sue Doherty, Mayor</p>
<p><i>[Preamble]</i> <i>What you find out from Freedom Of Information (FOI) can at times be – um – enlightening, when you would not otherwise be aware of what has gone on behind your back. But before I get to the FOI and questions, some brief background.</i></p> <p><i>i. Mayor Doherty was involved in the same matter as me and 10 other Council members from the Council meeting on 27 March 2007 agenda item 13.1.2.</i></p> <p><i>ii. Mayor Doherty obtained her own legal advice that she did nothing wrong and submitted that response, as evidenced by the minutes from the Council meeting 06 June 2007 agenda item 4 on page 4 of the minutes.</i></p> <p><i>iii. Mayor Doherty received the same intimidatory and threatening letter I received from the Department of Local Government (the Public Sector Commission in their six month enquiry adjudicated that the letters were inappropriate).</i></p> <p><i>iv. Mayor Doherty phoned me to advise she cannot handle the pressure from the Department of Local Government and advised me she was going to write to them advising she had changed your mind and admit she was wrong in her actions.</i></p> <p><i>v. A number of weeks later Mayor Doherty again phoned me excitedly with the news that she was not being taken to court and was instead given a caution by the Department of Local Government.</i></p> <p><i>vi. In conclusion, Mayor Doherty knows I did nothing wrong, and knows she did nothing wrong, with regard Council meeting on 27 March 2007 agenda item 13.1.2.</i></p> <p><i>Specific background to my questions, based on documentation obtained under FOI:</i></p> <p><i>a. On 09 December 2012 I submitted by email a set of questions for public question time at the Council meeting to be held on 11 December 2012.</i></p> <p><i>b. On 11 December 2012 Mayor Doherty attended the Kensington Police Station with regard those questions.</i></p> <p><i>c. The officer at Kensington Police Station declined to take any action.</i></p> <p><i>d. A summarised washed down version of my questions were listed at the Council meeting Public Questions time, along with the non-response from the minutes of the meeting.</i></p>	

<p>1. I submitted the questions below (questions 2-9) directly to Mayor Doherty outside Council Public Questions Time, and received the response that states just the following: "I note your email of 22nd February 2015." I sent Mayor Doherty a set of clear questions and she has made no attempt to answer those questions. Why did Mayor Doherty not answer the questions outside the domain of Council public questions time?</p>	<p>I do answer questions outside the domain of Council Public Question Time.</p>
<p>2. Are there any items from the Brief Background (i – vi) or the Specific Background (a – d) for which you disagree or wish to clarify? Please provide details of anything you do not agree with.</p>	<p>These items relate to a matter that occurred eight years ago and Council has formally resolved that this matter is closed.</p>
<p>3. What was the basis of your complaint raised at Kensington Police Station?</p>	<p>No complaint was raised – the meeting with the Police was for general information.</p>
<p>4. Why did the police officer refuse to action your complaint?</p>	<p>N/A</p>
<p>5. How much time did you consume in person with the police officer discussing your complaint?</p>	<p>N/A</p>
<p>6. Given that the police officer had met with you, reported to his supervisor, submitted documentation into the police computer system (known as IMS at WA Police), had the content reviewed by an independent person and documented, then reviewed again and documented before closure by yet another person, and likely performed other tasks relating to your complaint - how much time in person hours in total do you estimate would have been consumed?</p>	<p>N/A</p>
<p>7. Given that meeting rooms cost money, and computer facilities cost money, and obviously work time was consumed, what is your estimated cost to taxpayers for receiving and processing (i.e. rejecting) your complaint?</p>	<p>N/A</p>
<p>8. The status on your complaint at WA Police is "Closed – No Offence". Did you subsequently contact and apologise to the police officers and/or WA Police for needlessly wasting their time?</p>	<p>N/A</p>

9. Why did you go to the police on a matter where you know I did nothing wrong and have your own parallel legal advice that nothing was wrong?	I went to the police for general advice.
2. Marcia Manolas, 193 Mill Point Road, South Perth Received 30 March 2015	Response provided by: Mr Cliff Frewing, Chief Executive Officer
<p><i>Preamble: (Foreshore Management Plan) It is my understanding from an email received from the Mayor relating to the implementation of the November 2013 Resolution (a) - (h) ensuring that all existing Policy documentation be altered to reflect the November 2013 Resolution, that "as the South Perth Foreshore Strategy and Management Plan is the most recently adopted document, if there is any conflict between this document and any other city document, the contents of the South Perth Foreshore Strategy and Management Plan will prevail."</i></p>	
<p>1. Isn't it true, that Pages, 91, 92 and 93 of the South Perth Foreshore Strategy and Management Plan under the heading "Land Details and Ownership" would also need to state the land is not only zoned under the Metropolitan Region Scheme and the City of South Perth's Town Planning Scheme No. 6 being "Park and Recreation" which can be used for any recreation use of "benefit to the public", but also there would be a need to define and specify the individual resumed land lots (map Identification Nos 1 - 17 and 34 - 41) with the * Public Work resumption purpose of use of 1934 and 1940 , being "Swan River Improvements and foreshore recreation grounds at South Perth" and the condition of vesting order in the City of South Perth being "for an estate in fee simple, in possession for the public work herein expressed"?</p> <p>* Accordingly to Daryl Williams QC, the resumed land must also come within the description of the resumed purpose of use and be either an "Improvement of the Swan River or a Foreshore Recreation Ground, or incidental or ancillary to it" and the City of South Perth was vested the foreshore land in fee simple, in possession of that nominated public work. The resumption has been noted on each of the Certificate of Titles which is still current."</p>	<p>A very similar question was responded to at the September 2014 Council meeting. In any event, Council has now adopted the Plan (with modifications) and this has since been approved by the Swan River Trust.</p>
2. Administration and Council have previously stated that it does not recognise the Legal opinion from Daryl Williams QC as Council did not request it. If Council and Administration are not prepared to accept the Legal Opinion of Daryl Williams QC, has Council sought a separate Legal Opinion as to	Please refer to the response provided for Question 1 above. Advice received by the City of South Perth from the Department of Lands has indicated that there is no need to amend the Certificate of Title.

<p>whether the Land Details and Ownership stated on Pages 91, 92 and 93 of the South Perth Foreshore Strategy and Management Plan clearly reflect the correct intention of the purpose of the use of land and the legal obligation of the City of South Perth under the condition of the vesting order, to ensure the land is held in Council's possession for that specific Public Work?, If not why not, especially if Administration and Council are not prepared to accept the legal opinion of Daryl Williams QC?</p>	
<p>3. How does the Strategy and Management Plan fulfil the November 2013 Resolution Clause (c) - "Existing land titles be reviewed to ensure they reflect their original intention of the foreshore recreation and to be designated for that purpose only (excluding the area zoned local reserve) " and Clause (h), "Ensure that all existing Policy documentation be altered to reflect aforementioned issue..." ?</p>	<p>(a) Refer to clause (c): Response provided at the February 2014 Council meeting.</p> <p>(b) Refer to clause (h): Response provided at the August 2014 Council meeting.</p> <p>[No policies were required to be changed]</p>
<p>4. How is Council proposing to endorse Clause (c) and (h) of the November 2013 Resolution, when the South Perth Foreshore Strategy and Management Plan nor any other Policy documentation indicates the specific criteria purpose use of the resumed land, the lots numbers of the resumed, vested in the City of South Perth for the specific purpose of use public work being "Foreshore Recreation"?</p>	<p>The actions by the City refer to the Foreshore Plan as a whole - not individual lots.</p>
<p>5. How can Council guarantee, without specifying the actual lots numbers vested in the City of South Perth for the possession of the public work expressed with the specific " purpose of use as stated above, that any future Application relating to the resumed land will be within the boundaries of the resumption order?</p>	<p>Council will consider any issues that may arise if and when any such applications are made.</p>

<p>6. Why has Council refused to make copies of original Certificate of Titles relating to Sir James Mitchell Park vested land of 1934 and 1940 showing the current purpose use of the land, "<i>resumed for the purpose of the following public work namely - "Swan River Improvements and foreshore recreation grounds at South Perth"</i> available at the Library or any other public venue to ensure, "<i>Existing land titles reflect their original intention of foreshore recreation and to be designated for that purpose only (excluding the area zoned local reserve)</i>," making the information easily accessible and available to the public?</p>	<p>These were made available in the Reception foyer following the May 2014 Council meeting as requested. They remain there still.</p>
<p>7. When will the Final Report from Swan River Trust in relation to the South Perth Foreshore Strategy and Management Plan forwarded to them in 2014 for consideration be made available to the public?</p>	<p>The South Perth Foreshore Management Plan was recently approved by the Swan River Trust. When the City has been officially advised that the Minister has approved the Plan, it can be made available to the public.</p>
<p>3. Ken Manolas, 193 Mill Point Road, South Perth Received 30 March 2015</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p>1. Would Council consider arranging a Schedule of large events for Sir James Mitchell Park to be circularized to nearby residents 3 months in advance to ensure they have adequate notice so residents are aware of parking constraints and noise so as to have an option not to arrange private personal functions for that particular day/evening? It is possible residents could on the same day/evening have engagements, weddings, birthdays - 21st etc. which would be impacted by large events from noise, parking and closure of streets.</p>	<p>As Mr Ken Manolas was not in attendance at the April 2015 Ordinary Council Meeting, this question was taken on notice.</p>
<p>4. Geoff Defrenne, 24 Kennard Street, Kensington Received 28 April 2015</p>	
<p>Royal Perth Golf Club Fence</p>	<p>Response provided by: Mark Taylor, A/Director Infrastructure Services</p>
<p><i>[Preamble]</i></p> <p><i>Recently I had cause to visit a premises facing Labouchere Rd, opposite the golf course. During the conversation the subject of golf balls came up. This premise had collect about 40 golf balls that had landed in their property over a period of time. They have hit the windows and believed to have broken the glass pool fence.</i></p> <p><i>This is not a particularly large property.</i></p>	

1. Is the City aware of how many golf balls land in Labouchere Rd?	No.
2. Is the City aware of how many golf balls land in properties in Labouchere Rd facing the golf course?	No.
3. Does the City know if the Royal Perth Golf Club is aware of how many golf balls land in Labouchere Rd?	No. However, they do encourage members to report errant golf balls leaving the property.
4. Does the City know if the Royal Perth Golf Club is aware of how many golf balls land in Labouchere Rd facing the golf course?	See above.
5. Does the City believe that golf balls being hit out of the golf course onto Labouchere Rd or adjoin properties a safety hazard to vehicles, pedestrians or residents?	Yes, this is a potential safety hazard.
6. Does the City know if the royal Perth golf Club Inc. believe that golf balls being hit out of the golf course onto Labouchere Rd or adjoin properties a safety hazard to vehicles, pedestrians or residents?	Yes they are aware of this. They keep insurance claims on record.
7. Has the City established what its liability is if someone is injured by a golf ball coming from the golf course?	<p>The City's advice from our insurers is as follows:</p> <p>Generally speaking if someone is hit by a golf ball, the view is that liability rests with the person who struck the ball.</p> <p>It is generally accepted that there is risk of golf balls leaving a course and that general knowledge of something does not lead to the City being liable for any eventuality that could or may occur.</p>

Building of Merit

Response provided by: Vicki Lummer, Director Development and Community Services

[Preamble]

The Building on the corner of Labouchere Rd and Millpoint Rd as part of its planning condition had to have a piece of “outstanding” public artwork.



8. To the City’s knowledge is this artwork marked on any tourist map?	No, it is on the City’s register of Public Art on the City’s web site.
9. Has the city had to install extra parking bays to cater for the tourist buses visiting the artwork?	No.
10. Are the numbers of visitors to this art work creating any issues with nearby residents?	Unknown.
11. Is the City aware if anyone has believed the “aluminium art work “ may be a surplus satellite dish that has fallen off a passing truck?	Unknown.

BUILDING HEIGHT - MILLPOINT	Response provided by: Vicki Lummer, Director Development and Community Services
12. Will the city initiate a town planning amendment setting the maximum height of buildings in the Mill Point Area?	The City is not currently proposing a scheme amendment in the South Perth Station Precinct area to set a maximum height.
CABLE CAR	Response provided by: Cliff Frewing, Chief Executive Officer
[Preamble] A few years ago it was proposed to build a cable car or flying fox from Kings Park to Mill Point. 13. Is the proposal still active?	A flying fox is part of a concept plan for the redevelopment of the Old Mill Precinct. No work is being performed on that part of the Plan at this time.
Questions relating to the proposed development at 74 Mill Point, South Perth were asked by three community representatives.	
5. Terry Hogan, 2B/73 Mill Point Rd, South Perth Received 28 April 2015	Response provided by: Vicki Lummer, Director Development and Community Services
1. Several high-rise buildings will be built in the South Perth Station Precinct area with the aim of substantially increasing the local population. What improvements in infrastructure have been made to accommodate this? i.e. road systems, utilities etc.	In developing the scheme provisions for the South Perth Station Precinct, a Transport and Access Strategy was prepared (May 2012). The infrastructure upgrades to roads recommended in this report are classified into short , medium and long term priorities and are planned to be implemented in accordance with this report. Individual developments are required to upgrade any services such as sewer and water to meet their own requirements, in conjunction with advice from the respective servicing authorities.
2. Plans to construct a 90 meter 29 storey building with zero street setback at 74 Mill Point Road on the South Perth Peninsula are currently being considered by JDAP. This project proposes five levels of car parks, two below and three above ground. Other recently approved projects all have car park levels below ground to avoid an otherwise inevitable unsightly street front appearance. Other urban renewal projects in Sydney and Melbourne also insist on below ground parking only. Why does the South Perth council support this development?	The City's report to the JDAP supported the proposal based on it's assessment against the provisions of the Town Planning Scheme. Advice from the City's Design Advisory Consultants and the City's Infrastructure Services was also taken into consideration. The Council, as such has not formed an opinion on the development.

<p>3. Related to the previous question: The water table on the peninsula is about 1 meter below the surface. A recent residential construction project close to 74 Mill Point Road had to abandon its plans to build below ground because of an inability to dispose of toxic water infiltration during construction. Subsequently the car park was built above ground. Predictably the same waste water problem will occur with the proposed project at 74 Mill Point Road. Will the developers then be allowed to construct all 5 levels of car park above ground without public consultation and formal approval?</p>	<p>All development applications in the precinct require formal approval. The development application must be formally approved, in this case by the JDAP, before any development can take place. This process includes advertisement for public comment.</p> <p>Councillor Reid sought further clarification regarding this question (see Appendix 2).</p>
<p>6. Wendy Hogan, 2B/73 Mill Point Rd, South Perth Received 28 April 2015</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p>4. Not all future residents at 74 Mill Point Road will have a parking bay and those who do will only have one. Where will they and visitors park, given that the Peninsula part of Mill Point Road is only a 2 lane minor road.</p>	<p>The development application provided more car bays than required for this development. The reciprocal use of visitor bays between commercial and residential bays for 8 bays was recommended for approval. The users of the development will park on site.</p>
<p>5. One important criterion for the approval of an “exceptional” building in the Special Control Area i.e. one that can exceed the otherwise prescribed maximum height limit, is that the plot size needs to be a minimum of 1700 square meters. The one at 74 Mill Point Road is only 1478 square meters and yet the planning application was supported by the council. Why was this? Are these criteria really more elastic than the rate payers currently appreciate?</p>	<p>The criteria for Minimum lot area and Frontage in Schedule 9, Table B of the scheme states that <i>“The development site is to have a minimum area of 1700m² and a minimum lot frontage of 25 m unless otherwise approved by the Council as a minor variation.”</i></p> <p>In this case the JDAP, not the Council would approve the variation.</p> <p>The application was recommended for support for a number of reasons described in the report to the JDAP, including the fact that the width of the lot was well over the minimum and the site has a regular shape.</p>

<p>6. In all good city planning schemes there is a step down in building height with the tallest buildings being the centre point gradually tapering down to a considerably lower height in the surrounding areas. Does such a Local Planning Strategy (LPS) exist for the South Perth Station Precinct and, if so, where can the rate payers find it? Where exactly can buildings of unlimited height be built and how do they relate to one another in the context of traffic, infrastructure, microclimate impact, overshadowing, evacuation planning etc. Without a LPS and proper public consultation, developments such as that planned at 74 Mill Point Road are clearly premature.</p>	<p>The strategic plan for this area is contained in the South Perth Station Precinct Plan dated January 2011. The plan was developed ahead of the new planning strategy and went through an equally robust process as a planning strategy does. The WAPC endorsed this plan and the process. It is available on the City's web site.</p> <p>The provisions of the Town Planning Scheme were subsequently amended to reflect the Precinct Plan and the Town Planning Scheme very clearly indicates where buildings of additional height can be proposed – in the area named the Special Design Area, indicated on plan 2, Schedule 9.</p>
<p>7. If approved, the project at 74 mill Point Road will take about 3 years to complete. How will the heavy construction equipment and building materials access the site given that Fraser Lane is very narrow and one way and Mill Point Road is already very congested at peak traffic hours. Also will the magnificent 100 year old Gum Tree at the back of the site be preserved and, if not, what is the penalty? I would suggest it should be 10 million dollars given the unique character of this tree which you should all go and take a look at.</p>	<p>One of the recommended conditions of approval is that a Construction Management Plan is provided to address noise, vehicle movements, dust suppression, traffic management, waste disposal, pedestrian safety, site security and any other construction management issues. This is a standard condition that has been imposed on other developments in the locality.</p> <p>The tree referred to is on private property and not protected under the City's requirements. No assessment of the tree has been undertaken.</p>
<p>7. Brian Richardson, 8A/73 Mill Point Rd, South Perth Received 28 April 2015</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p>8. Why was 74 Mill Point Road included in the South Perth Station Precinct when it clearly lies outside the 800 meter Hames Sharley Circle that was used by Council to determine which areas should be included? Why were other areas that lie within the circle not included? What were the criteria used and were rate payers consulted?</p>	<p>In June 2008 the South Perth Station Study brief states that the study focuses on an 800m radius from the proposed station near Richardson Street. The brief also stated that the study area boundary is not ridged and will be treated as a guide only.</p> <p>The notional 800 metre radius broadly represents a 10-minute walk to the future train station. This is generally regarded as the maximum distance that large numbers of potential train patrons would be prepared to walk. In this regard, it is important to appreciate that the future train station will have a long platform, extending northwards from Richardson Street to the vicinity of Hardy Street. From the northern end of the station, a pedestrian thoroughfare will extend still further northwards to Lyall Street. Lyall Street will then provide the most direct pedestrian linkage to the Mends Street</p>

	<p>shopping centre. Therefore, in terms of likely patronage of the train station, it is more correct to measure the 800 metre walking distance from the Melville Parade end of Lyall Street. Measured in this manner, the area as far north as Scott Street and Frasers Lane is comfortably within the 'walkable catchment' area.</p> <p>The second and third part of this question were taken on notice.</p>
<p>9. Are the Council aware that the architects engaged by the developer for 74 Mill Point Road have never built anything more than 6 storeys high? Have they seen any of the buildings they have built in East Perth? If not they should take a look because they are far from exceptional, rather they look cheap and ugly. Actually the proposed building bears a striking resemblance to Centre Point at 101-103 Oxford Street in London which was built in 1963 in the Brutalist Architectural Style, which is distinctly old hat!</p>	<p>The application is assessed on its merits in accordance with the Town Planning Scheme. Other projects, as mentioned have no relevance to this assessment.</p>
<p>10. What in the Council's opinion defines an "exceptional" building? The Oxford Dictionary defines exceptional as "unusually good, very unusual" synonym "outstanding". There have been at least 4 so-called "exceptional" buildings approved within an 800 meter area recently which means they are not very unusual and hence not exceptional by definition.</p>	<p>Table B of Schedule 9 of the Town Planning Scheme states that "The proposed development is (to be) of an exceptional architectural design quality". The officers, not being experts on architectural design, rely on advice from the Design Advisory Consultants group in regard to the quality of design.</p>
<p>11. We understand that the State Architect has issued a report on the planned skyscraper at 74 Mill Point Road requesting modifications to the proposal submitted by the developers. Obviously the developers have seen the report since they have agreed to respond to the State Architect's concerns. Why is it that South Perth rate payers have not been given access to the report, given the tight timeframe, and the fact that it will no doubt be discussed at the Special Council Meeting on May 18 or 20, 2015?</p>	<p>The Development Assessment Panel sought an independent review of the design. This has been undertaken, in this case by the Government Architect. The report prepared by the GA will be an attachment to the report prepared for the DAP and will be available publically at that time, which is generally 7 to 10 days before the meeting. The GA report was prepared for the DAP and it is the DAP decision whether to make it available beforehand.</p>

<p>8. Marcia Manolas, 193 Mill Point Road Tabled at the Council Meeting</p>	
<p><i>[Preamble] How and where has Council designated and highlighted the resumed lots in accordance with the Resumption Orders Gazetted in 1934 and 1940 in accordance with the November 2013 Resolution.</i></p> <p><i>Points: c) Existing land titles be reviewed to ensure they reflect their original intention of foreshore recreation and to be designated for that purpose use only.</i> <i>h) ensure that all existing policy documentation be altered to reflect the aforementioned issue and referred to a future Council meeting for approval.</i></p>	
<p>I. So how and where has Council reflected the original intention of resumed land?</p> <p><i>Reference material [para-phrased]</i></p> <ul style="list-style-type: none"> <i>(g) South Perth Foreshore Strategy and Management Plan – passed in September 2014, pages 91, 92 and 93 do not highlight or designate the Certificate of Titles of the resumed land comprising Sir James Mitchell Park for the purpose of use being Swan River Improvements and Foreshore Recreation grounds at South Perth</i> <i>(h) Vision ahead document – does not highlight the resumed lots in accordance with the resumption orders nor reflect the resumption order condition purpose of use.</i> <i>(i) Public Open Space Policy – does not state anywhere in the details relating to Sir James Mitchell Park, the resumed land lots – resumed in 1934 and 1940 with the specific condition of use.</i> 	<p>Taken on notice.</p>

9. Geoff Defrenne, 24 Kennard St, Kensington Tabled at the Council Meeting	
<p><i>[Preamble] I have just checked the Intra-maps after reading the article on “skyscraper battles” in this week’s Gazette. The Mayor is quoted as saying “the development is not a result of poor planning. Residents have had the opportunity to be involved and contribute to the amendment”. That is all very fine. The intra-maps quotes the building height for the Lot as 25m.</i></p>	
<p>1. Could the City please explain how a 29 storey building could be built where there is a 25 metre height limit?</p>	<p>Taken on notice.</p>
<p>2. In consulting during the amendment process has the city or council been deceptive in printing maps with a 25 metre height limit when in reality the minimum height for a 29 storey building is 25 metres?</p>	<p>Taken on notice.</p>
<p>3. Where a Town Planning map says “building height 25 metres” is it reasonable to assume a building height is limited to 25 metres?</p>	<p>Taken on notice.</p>
<p>4. Will any of these buildings showing merit be “world class” and become tourist attractions in their own right?</p>	<p>Taken on notice.</p>
<p>5. Will these “Tourist attractions” create more traffic problems with tourist buses parking in Mill Point Rd?</p>	<p>Taken on notice.</p>

APPENDIX 2: TABLE OF QUESTIONS FROM MEMBERS 28 APRIL 2015

1. Councillor Fiona Reid	
<p>In relation to Question 3, asked by Terry Hogan regarding the proposed development at 74 Mill Point Road.</p> <p>The question was:</p> <p><i>“Related to the previous question: The water table on the peninsula is about 1 meter below the surface. A recent residential construction project close to 74 Mill Point Road had to abandon its plans to build below ground because of an inability to dispose of toxic water infiltration during construction. Subsequently the car park was built above ground. Predictably the same waste water problem will occur with the proposed project at 74 Mill Point Road. Will the developers then be allowed to construct all 5 levels of car park above ground without public consultation and formal approval?”</i></p>	
<p>1. If such a change was necessary, i.e. to construct all 5 levels of the car park above ground, would they need to reapply ‘as a significant change’, and would further public consultation be required?</p>	<p>Taken on notice by the Director Development and Community Services.</p>
2. Councillor Kevin Trent	
<p>Asked in relation to Councillor Cridland’s Motion <i>12.1 Request to progress urgently the amendment to metropolitan region scheme reservation for Canning Highway</i></p>	
<p>1. Can you please advise how many timed bus stops there are within the City of South Perth, and specifically on Canning Highway?</p>	<p>Taken on notice by the Acting Director of Infrastructure Services.</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 26 May 2015.

Signed _____
Presiding Member at the meeting at which the Minutes were confirmed