

# MINUTES

## Ordinary Council Meeting

24 February 2015

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 24 February 2015 in the 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 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

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

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# Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Corner Sandgate Street and South Terrace, South Perth at 7.00 pm, Tuesday 24 February 2015.

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

The Presiding Member opened the meeting at 7.02 pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

## **2. DISCLAIMER**

The Presiding Member read aloud the City's Disclaimer.

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

### **3.1 NOTICE OF INTENTION TO MOVE A MOTION AT THE MARCH 2015 ORDINARY COUNCIL MEETING**

The Presiding Member announced that she intends to move a Notice of Motion at the next Ordinary Council meeting for a review by the officers of the advantages and disadvantages of the City being a member of the Western Australian Local Government Association (WALGA).

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

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

She then requested that all electronic devices be turned off or on to silent.

### **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 December 2014 / January 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
M Huston	Mill Point Ward
C Irons	Mill Point Ward
K Trent, OAM, RFD	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
S Kent	Governance Officer

### Gallery

There were 14 members of the public and 1 member of the press present.

### 4.1 APOLOGIES

V Lawrance, JP      Como Ward

### 4.2 APPROVED LEAVE OF ABSENCE

Nil

## 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 the following a Declarations of Interest had been received:

- Mayor S Doherty – Impartiality Interest in relation to Agenda Item 10.3.3 'Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course'.
- Cr C Irons – Impartiality Interest in relation to Agenda Item 10.3.3 'Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course'.
- Mr C Frewing – Impartiality Interest in relation to Agenda Item 10.3.3 'Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course'.
- Cr S Hawkins-Zeeb – Financial Interest in relation to Agenda Item 10.3.1 'proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning'.

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 these Declarations would be read out immediately before the particular Item was discussed.

## **6. PUBLIC QUESTION TIME**

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

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

### **6.2 PUBLIC QUESTION TIME: 24 FEBRUARY 2015**

The Presiding Member stated that public question time is operated in accordance with the *Local 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.

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

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

Written Questions were received prior to the meeting from:

- Geoff Defrenne of 24 Kennard Street, Kensington in relation to:  
Item 10.3.3 'Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth';
- Keryn McKinnon of 25 Todd Avenue, Como in relation to:  
Item 10.3.2 'Proposed Family Day Care Addition to Single House – Lot 514 No. 32 Todd Avenue, Como';
- Tracey McNabb of 31 Todd Avenue, Como in relation to:  
Item 10.3.2 'Proposed Family Day Care Addition to Single House – Lot 514 No. 32 Todd Avenue, Como';
- Tim Tyler of 31 Todd Avenue, Como in relation to:  
Item 10.3.2 'Proposed Family Day Care Addition to Single House – Lot 514 No. 32 Todd Avenue, Como'; and
- Marianne Taylor of 3/46 Alston Avenue, Como in relation to:  
Item 10.3.2 'Proposed Family Day Care Addition to Single House – Lot 514 No. 32 Todd Avenue, Como'; and

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

The Presiding Member closed Public Question Time at 7.17 pm.

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

The Presiding Member advised that with the exception of the Items identified to be withdrawn for discussion that the remaining Officer Recommendations under 7. will be adopted en bloc, i.e. all together.



## 7.1 MINUTES

### 7.1.1 Ordinary Council Meeting - 9 December 2014

### 7.1.2 Annual Electors' meeting - 15 December 2014

### 7.1.3 Special Council Meeting - 22 December 2014

There being no Items withdrawn for discussion, the Presiding Member put that the Officer Recommendations in relation to Items 7.1.1, 7.1.2 and 7.1.3 be carried en bloc:

#### EN BLOC MOTION AND COUNCIL DECISION

**Moved:** Cr Huston

**Seconded:** Cr Hawkins-Zeeb

That the Officer Recommendations in relation to Items 7.1.1, 7.1.2 and 7.1.3 be carried en bloc.

**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.

### 6.2.1 Agenda Briefing - 2 December 2014

### 6.2.2 Canning Highway Density Study - 10 February 2015

### 6.2.3 Parking Strategy Concept Briefing - 10 February 2015

There being no Items withdrawn for discussion, the Presiding Member put that the Officer Recommendations in relation to Items 6.2.1, 6.2.2 and 6.2.3 be carried en bloc:

#### EN BLOC MOTION AND COUNCIL DECISION

**Moved:** Cr Cala

**Seconded:** Cr Huston

That the Officer Recommendations in relation to Items 6.2.1, 6.2.2 and 6.2.3 be carried en bloc.

**CARRIED 8/0**

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

The Presiding Member advised that Cr M Huston gave notice that he will be presenting a petition. We have received that petition on behalf of Mark Day of 4/31 South Perth Esplanade, South Perth with 32 signatures in relation to mobile food vans on the South Perth Esplanade. The Presiding Member read aloud the petition:

*“Request: The immediate relocation of mobile food trucks from 1-31 South Perth Esplanade to a more appropriate location without the disturbance to residences. Eg. Narrows Bridge location”.*

The Presiding Member advised that this matter is in the process of being addressed by the Administration and the use of these vans will be reviewed after the City’s “Fiesta” event in March.

## **8.2 PRESENTATIONS**

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

Nil.

## **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 17 February 2015 – the notes of which can be found in the Attachments document.

## **8.4 COUNCIL DELEGATES REPORTS**

The Presiding Member advised that with the exception of the Items identified to be withdrawn for discussion that the remaining Officer Recommendations under 8.4. will be adopted en bloc, i.e. all together.

### **8.4.1 Arts Advisory Group - 9 February 2015**

### **8.4.2 Rivers Regional Council - Ordinary General Meeting - 18 December 2014**

### **8.4.3 Local Implementation Committee (LIC) - 16 December 2015**

### **8.4.4 Perth Airport Municipalities Group (PAMG) Meeting - 4 December 2014**

### **8.4.5 WALGA South East Metropolitan Zone Meeting - 26 November 2014**

### **8.4.6 Local Emergency Management Committee (LEMC) - 18 November 2014**

There being no Items withdrawn for discussion, the Presiding Member put that the Officer Recommendations in relation to Items 8.4.1, 8.4.2, 8.4.3, 8.4.4, 8.4.5 and 8.4.6 be carried en bloc:

#### **EN BLOC MOTION AND COUNCIL DECISION**

**Moved:** Cr Trent  
**Seconded:** Cr Huston

That the Officer Recommendations in relation to Items 8.4.1, 8.4.2, 8.4.3, 8.4.4, 8.4.5 and 8.4.6 be carried en bloc

**CARRIED 8/0**

## **8.5 CONFERENCE DELEGATES REPORTS**

Nil

## 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 17 February 2015.

The Chief Executive Officer confirmed that this was correct.

### **ITEMS WITHDRAWN FOR DISCUSSION**

The following Items were withdrawn for discussion:

- Item 10.3.1 Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning
- Item 10.3.2 Proposed Family Day Care Addition to Single House – Lot 514 No. 32 Todd Avenue, Como
- Item 10.3.3 Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth
- Item 10.6.3 Listing of Payments
- Item 10.6.6 Local Government Reform following the City of South Perth Amalgamation Poll Results

### **EN BLOC MOTION AND COUNCIL DECISION**

**Moved:** Cr Trent

**Seconded:** Cr Irons

That with the exception of Withdrawn Items 10.3.1, 10.3.2, 10.3.3, 10.6.3 and 10.6.6, the Officer Recommendations in relation to Agenda items:

- Item 10.2.1 Waste Avoidance and Resource Recovery Act – Review Submission
  - Item 10.2.2 Rivers Regional Council Tender 2013/1 – Receipt and Processing of Waste for Resource Recovery
  - Item 10.2.3 Sir James Mitchell Park Viewing Platform
  - Item 10.6.1 Monthly Financial Management Accounts – January 2015
  - Item 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2015
  - Item 10.6.4 Budget Review for the Period ended 31 December 2014
  - Item 10.6.5 Planning and Development (Local Planning Schemes) Regulations 2014 – Submission to the Western Australian Planning Commission.
  - Item 10.6.7 Council Meeting Schedule 2015 – Review following the Poll
- be carried en bloc.

**CARRIED 8/0**

## **10. REPORTS**

### **10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

Nil

### **10.1 STRATEGIC DIRECTION 1: COMMUNITY**

Nil

## 10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

### 10.2.1 Waste Avoidance and Resource Recovery Act - Review Submission

Location: City of South Perth  
Ward: All  
Applicant: Council  
File Ref: D-15-12856  
Date: 24 February 2015  
Author: Les Croxford, Manager Construction and Maintenance  
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services  
Strategic Direction: Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment  
Council Strategy: 2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

#### Summary

This report outlines the process undertaken to assess and then develop a response to the Department of Environment Regulation's invitation to comment on the Discussion Paper titled Review of Waste Avoidance and Resource Recovery Act 2007. The closing date for submissions to be received at the Department is 23 February 2015.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Trent

**Seconded:** Cr Irons

That Council endorse the submission Waste Avoidance and Resource Recovery Act – Review detailed as **Attachment 10.2.1(a)**.

**CARRIED EN BLOC 8/0**

#### Background

The Department of Environment Regulation (DER) has prepared and distributed a discussion paper – “Review of the Waste Avoidance and Resource Recovery (WARR) Act 2007”. DER invites written submissions on the reform proposals in Part 3 of their paper. Submissions are to be received by the DER before Monday 23 February. In general DER considers the “Act contains the necessary head powers to support its objectives. The paper presents a case for coordination and performance of waste collection and processing and planning and infrastructure establishment through amendments to the WARR Act.”

WALGA has prepared a draft submission on the Review and has circulated the document to participating local governments who have been involved in various workshops. The cutoff date for comments to WALGA is Monday 9 February. Rivers Regional Council at its Ordinary Council meeting Thursday 19 February will be requested to consider a response to the Review.

#### Comment

A working group comprising Councillors Trent and Cala (delegates to the Rivers Regional Council) and Councillors Reid and Hawkins-Zeeb (deputy members respectively to Rivers Regional Council) were invited to attend a session to address any issues arising from the Discussion Paper. Councillor Hawkins-Zeeb was unable to attend due to a previous engagement.

The working group along with the Chief Executive Officer and the Manager Engineering Infrastructure met on Tuesday 20 January 2015. Part 3 of the Discussion Paper formed the basis of a wide ranging discussion from which a Draft Submission was developed. The Draft was distributed to the working group on Friday 30 January. Comments from members have been included in the Submission detailed now as **Attachment 10.2.1 (a)**.

In general the City's submission is aligned to the Draft submission from WALGA.  
The City:

- Strongly supports the view that the State Government should ensure a higher allocation of the landfill levy to the WARR account to provide the waste industry with the means to achieve "enhanced strategic waste management outcomes". The State Government has a further role at a national level with Product Stewardship arrangements and Extended Producer Responsibility for problematic products. The Discussion Paper identified that the existing product stewardship and EPR provisions of the WARR Act have not been applied to date. The opportunity is there and funding from the WARR Account must be used on these priority products;
- Does not support the Governance model proposed in the Discussion Paper due in part to the uncertainty of what constitutes the Waste Groups but equally because the model is silent on private sector involvement particularly with Commercial and Industrial Waste and Construction and Demolition Waste which together make up 70% of the waste;
- Supports the WALGA model of the Waste Management Group overseeing three management groups that individually are responsible for one of the waste streams. The MSW stream would maintain the Municipal Waste Advisory Committee with three Regional MSW groups; and
- Has some reservations over the WALGA comments in respect to the standardisation of collection systems and the implementation of cash for containers scheme.

The Review Discussion Paper was released in December 2014. It has not been possible to get the Submission to the Council prior to the closing date. The endorsement of Council is requested for the Submission which has been presented on its behalf.

#### **Consultation**

Only the Working Group has been consulted in the development of this submission.

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

There are no Policy or Legislative Implications with the submission as presented.

#### **Financial Implications**

There are no Financial Implications with the submission as presented.

#### **Strategic Implications**

The report is consistent with the City's Strategic Community Plan 2013–2023 Direction 2 – Environment *"Enhance and develop public open spaces and manage impacts on the City's built and natural environment"*.

#### **Sustainability Implications**

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

The State Government has a significant role in waste management. The changes sought generally by local government through a greater percentage of the Landfill Levy being directed to the WARR Account will provide the waste industry with the means to achieve "enhanced strategic waste management outcomes".

**10.2.1 Waste Avoidance and Resource Recovery Act - Review Submission**

The RRF represents Best Practice Integrated Waste Management. Converting a waste source into energy has long term benefits for the environment and provides a substantial cost saving as landfill or alternative waste treatment rates continue to rise.

**Attachments**

**10.2.1 (a):** Waste Avoidance and Resource Recovery Act- Review Submission

### 10.2.2 Rivers Regional Council Tender 2013/1 - Receipt and Processing of Waste for Resource Recovery

Location: City of South Perth  
Ward: All  
Applicant: Council  
File Ref: D-15-12858  
Date: 24 February 2015  
Author: Les Croxford, Manager Construction and Maintenance  
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services  
Strategic Direction: Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment  
Council Strategy: 2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

#### Summary

Council at the July 2014 Special Meeting of Council agreed to advise the Rivers Regional Council its willingness to enter in to a Services Agreement and Participants Agreement on the basis of the Services Agreement being awarded to Phoenix Energy.

The Rivers Regional Council at its December 2014 Council meeting agreed to accept the Tender from Phoenix Energy as detailed in its tender submission and through the subsequent clarification process. The RRC has authorised the Chief Executive Officer to finalise the Services agreement and the associated plans and protocols in accordance with the Tender and to make further non-material changes to the Services Agreement as the CEO considers are required.

This report discusses non-material changes made in the amended draft Services Agreement, being the relationship of committed waste and optional waste and to the amount of waste collected from the City's various services and recommends their approval by Council.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Trent

**Seconded:** Cr Irons

That Council:

1. Notes the Services Agreement associated with Rivers Regional Council's Tender 2013/1 - *Receipt and Processing of Waste for Resource Recovery* will include the words "...the Principal will procure the delivery of wastes to the Resource Recovery Facility of all wastes collected by or on behalf of the participants and generated within their respective districts";
2. Notes that the Principal must procure the delivery of at least the Committed Waste in each financial year; and
3. Authorises the Mayor and Chief Executive Officer to execute the amended Services Agreement and the Participants Agreement as presented by the Rivers Regional Council.

**CARRIED EN BLOC 8/0**



**Background**

At the July 2014 Special Meeting, Council resolved as follows:

1. Notes the recommendation of the Rivers Regional Council 19 June 2014, RRC with regard to Tender 2013/1 - Receipt and Processing of Waste for Resource Recovery;
2. Advises the Rivers Regional Council its willingness to enter in to the Services Agreement and Participants Agreement on the basis of the Services Agreement being awarded to the preferred tenderer; and
3. Confirms the tonnages to be delivered to the proposed waste plant be 12,000 tonnes of committed waste and 8,000 tonnes of optional waste for the proposed 20 year term of the agreement plus the two optional 5 year terms.

This decision followed a detailed assessment by the RRC of submissions received for Tender 2013/1 Receipt and Processing of Waste for Resource Recovery.

The RRC at its December 2014 meeting agreed to accept the tender from Phoenix Energy as detailed in its tender submission and through the subsequent clarification process. The RRC has authorised its Chief Executive Officer (CEO) to finalise the Services Agreement and the associated plans and protocols in accordance with the Tender and to make further non-material changes to the Services Agreement as the CEO considers are required.

The Request for Tender documentation included the quantity of waste each participating local government would contribute to the Resource Recovery Facility (RRF). Committed waste is the amount of waste the Principal must deliver to the RRF under the Waste Delivery Plan for each financial year. Optional waste is the amount of waste the Principal may deliver to the RRF. At its July Special meeting Council resolved the tonnages to be delivered to the RRF would be 12,000 tonnes of committed waste and 8,000 tonnes of optional waste each year for the proposed term of the agreement.

**Comment**

It has been requested by Phoenix Energy and accepted as a non-material change to the Services Agreement that the Principal will procure the delivery to the RRF of all wastes collected by or on behalf of the Participants and generated within their respective districts. Underlying this request is the waste is to be 'acceptable', or not required for another 'higher' process. Without very effective source separation, verge side and bulk collections would be considered an unacceptable waste and source separated organics or green waste from a third bin would be excluded from the amount of waste to the RRF. Waste considered to be required for a 'higher' process would be recyclables.

In 2013/2014 the City collected 15,800 tonnes of 'acceptable' and not able to be used for a 'higher' purpose waste for disposal to landfill through its weekly residential general waste collection, commercial residential bulk bin services and public places and street bins contract with Cleanaway. The quantity is unlikely to change significantly for 2014/2015 (~15,600 tonnes).

The amended wording in the Services Agreement would have had the City nominating 15,600 tonnes for inclusion by the Principal into the Waste Delivery Plan for the financial year. Only committed tonnes will be included in any table within the documents. The Principal must then procure the delivery of at least the committed waste tonnes in each financial year. A shortfall fee together with a liquidated damages payment would result if the tonnages failed to meet the requirement under the agreement. While reference to optional tonnes remains within the documentation, quantification of these will be removed from any of the supporting tables.

**Conclusion**

The non-material changes to the draft Services Agreement and the Participants Agreement do not impact on the City, but ensure a level of certainty to the RRF operator (Phoenix Energy). The intention is to ensure that all 'acceptable' waste collected by or on behalf of a participant from within their district will be delivered to the RRF.

**Consultation**

There has been no further briefing of Council about this matter since the July 2014 Council meeting.

**Policy and Legislative Implications**

There are no Policy or Legislative implications.

**Financial Implications**

There are no financial implications in the non-material changes to the Draft Services Agreement and the Participants Agreement by the drafting changes. It was demonstrated in the July Report that the cost to dispose through the RRF is less than any comparable option and that retaining committed tonnes less than the actual tonnes being collected will ensure that the City does not incur a Shortfall Fee if it fails to meet the committed tonnes.

**Strategic Implications**

The report is consistent with the City's Strategic Community Plan 2013–2023 Direction 2 – Environment “*Enhance and develop public open spaces and manage impacts on the City's built and natural environment*”.

**Sustainability Implications**

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

The RRF represents Best Practice Integrated Waste Management. Converting a waste source into energy has long term benefits for the environment and provides a substantial cost saving as landfill or alternative waste treatment rates continue to rise.

**Attachments**

Nil

### 10.2.3 Sir James Mitchell Park Viewing Platform

Location:	Sir James Mitchell Park
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-15-12860
Date:	24 February 2015
Author:	Geoff Colgan, Acting Manager City Environment
Reporting Officer:	Mark Taylor, Acting Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.4 Improve the amenity of our streetscapes and public open spaces while maximising their environmental benefits.

#### Summary

The City has received a complaint about the suitability for disability access of the deck on the recently completed viewing platform on the South Perth foreshore. This report discusses the requirement to replace the deck, the need to support the City's disability policy and *Access and Inclusion Plan* and recommends the deck be replaced with a quality product.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Trent  
**Seconded:** Cr Irons

That...

- a) The deck of the viewing platform on the South Perth foreshore be replaced by a grating product that complies with Australian Standard AS 1428.1 – 2009 Design for access and mobility; and
- b) A project budget of \$125,000 for supply and installation of a replacement deck be approved by Council to be taken from the surplus in the current budget review process.

**CARRIED EN BLOC 8/0**

#### Background

In 2009/2010 a viewing platform was completed by the City on the South Perth foreshore near the eastern end of the South Perth Esplanade. The platform was designed for the City by a landscape architecture consultancy. Due to its cantilevered design, the deck required an open grating to allow wave action to flow through in the event of a high tide and storm surge.

The platform was designed with disability access in mind by the inclusion of access ramps on either side. The deck grating was considered suitable for disability access by the landscape architect consultant and the City, in the absence of a relevant Australian standard for outdoor surfaces.

Following completion of the platform, the City received a letter from a local resident and disability advocate arguing the deck grating used is unsuitable for wheelchair access. The resident considered a front wheel of a chair could get caught in the grating which would result in the chair user becoming stuck.

The resident's case was taken up by the City's *Inclusive Community Action Group* (ICAG), of which the Mayor is a member. The ICAG believes the deck should be modified or replaced by the City.

The ICAG has referred the City to a section of the Australian Standard AS 1428.1 – 2009 *Design for access and mobility Part 1: General requirements for access—New building work*. This standard describes basic minimum technical details for accessible buildings. The Building Code of Australia (BCA) and Disability (Access to Premises—Buildings) Standards (Premises Standards) provides information on which classes of buildings are to be made accessible and prescribes the specific areas within those buildings where access must be provided.

The BCA and Premises Standards refer to this standard and other standards as a means of compliance with the deemed-to-satisfy access provisions of the BCA and Premises Standards.

*Section 7.5 Grates: Grates shall comply with the following:*

- b) *Slotted openings shall be not greater than 13mm wide and be oriented so that the long dimension is transverse to the dominant direction of travel. NOTE: Where slotted openings are less than 8mm, the length of the slots may continue across the width of paths of travel.*

#### **Comment**

The problem with the current deck is that the grating complies if the user travels in one direction only. Obviously, users on the viewing platform will be travelling in many different directions meaning that the deck does not comply with AS 1428.1 for this use.

The City has requested several metal fabrication companies provide a product that meets AS 1428.1 while maintaining the quality aesthetics of the viewing platform as far as possible. Only one company can supply a grating product that meets the criteria. The product is made of stainless steel and has a square opening of 5mm. The estimated cost to fabricate and supply this product is \$100,000+GST. To remove and dispose of the existing deck and install the new deck is estimated to be \$25,000+GST.

There are other cheaper alternatives available however City Officers believe these products are not conducive to aesthetic look the current structure.

#### **Consultation**

City officers have sought consultation from members of the ICAG, disability professionals and consulting coastal engineers in preparing this report.

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

By replacing the deck of the viewing platform, the City is complying with Policy P107 *Disability Access* and the City's *Disability Access and Inclusion Plan 2012 – 2016*.

#### **Financial Implications**

The estimated cost to replace the current deck with the product recommended is \$125,000 plus GST. The City currently has no budget for this work in the 2014/2015 Infrastructure Capital Works program. If Council approves the replacement of the deck then a budget can be considered in the current budget review process from the expected surplus.

#### **Sustainability Implications**

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

#### **Attachments**

Nil

### 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

The Presiding Member read aloud a Declaration of Financial Interest received for this Item from Cr S Hawkins-Zeeb:

*"I wish to declare I have a Financial and Proximity Interest in Agenda Item 10.3.1 on the Council Agenda of 24 February 2015. I live at 6 Downey Drive, which is next to the development of 4 Downey Drive, Manning. I consider that my interest is substantial and I will vacate the Chamber before the Item is discussed and voted on."*

At 7.25 pm Cr Hawkins-Zeeb left the Chamber, prior to discussion and voting on this Item.

#### 10.3.1 Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning.

Location: Manning  
Ward: Manning Ward  
Applicant: Department of Housing  
File Ref: D-15-12862  
Lodgement Date: 18/02/2015  
Date: 24 February 2015  
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 Nine (9) Multiple Dwellings in a Three-Storey Building on Lot 98 (No. 4) 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
Car parking provision	R-Codes Design Principle 6.3.3 P3.1
Building height	No discretionary power available
Boundary walls	City Policy P350.2
Building setbacks	R-Codes Design Principles 6.1.3 P3 and 6.1.4 P4.1
Open Space	R-Codes Design Principle 6.1.5 P5

#### Officer Recommendation

**Moved:** Cr Cala  
**Seconded:** Cr Trent

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, Council recommends to the Western Australia Planning Commission that this application for planning approval for Nine (9) Multiple Dwellings in a Two-Storey Building Plus Mezzanine on Lot 98 (No. 4) Downey Drive, Manning **be approved** subject to:

**(a) Standard Conditions**

427	colours & materials - details	471	retaining walls- timing
415	street tree- fee yet to be paid (\$874.50)	455a	Dividing fences - Standards
340A	parapet walls- finish from street	456	Dividing fences - Timing
340B	parapet walls- finish from neigh.	455	Fence – Primary Street Setback
510	Landscaping Plan – Private Tree	455b	Fencing Materials – Primary Street Setback
210	screening- permanent	625	sightlines for drivers
650	inspection (final) required	416	street tree- not to be removed
390	crossover- standards	377	screening- clothes drying
393	verge & kerbing works	515	Lighting – Communal Areas
352	car bays- marked and visible	550	plumbing hidden
353	visitor bays- marked and visible	445	stormwater infrastructure
354	Car bays - Maintained	560	Rubbish storage area screened
025	Verge storage licence	650	Inspection (final) required
470	retaining walls- if required	660	Expiry of approval

**(b) Specific Conditions**

- (i) The applicant is to pay the City \$17,100 to cover the costs to construct two (2) parking bays within Public Car Park No. 33 at No. 3 Downey Drive in lieu of the shortfall of car parks on site, prior to issue of a Building Permit. A tax invoice to this effect will be issued by the City.
- (ii) In accordance with Clause 6.4.6 of the R-Codes, external fixtures such as air-conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.

**(c) Standard Advice Notes**

700A	building permit required	766	landscaping- general standards
706	applicant to resolve issues	709	masonry fences require BA
708	Boundary wall surface finish process	790	Minor variations – seek approval
716	Dividing Fence – Comply with that Act	795B	appeal rights- council decision
720	strata note- comply with that Act	766	landscaping- general standards

**(d) Specific Advice Notes**

- (i) The applicant is advised as follows:
  - (A) The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure department requirements. Please find enclosed the memorandum dated 27 November 2014 to this effect.
  - (B) To liaise with the City's Environmental Health Services to ensure satisfaction of all of the relevant requirements, specifically:
    - (i) **Noise generally** - All mechanical ventilation services, motors, pumps e.g. air-conditioners, to be located in a position to not create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.

(ii) **Number of Bins** – A minimum of eight (8) bins (four (4) general waste bins (collected weekly) and four (4) recycling bins (collected fortnightly) are to be provided for this development.

(iii) **Bin Enclosure** – The bin enclosure is to be constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate; containing a smooth and impervious floor of not less than 75 millimetres in thickness; which is evenly graded to an approved liquid refuse disposal system; which is easily accessible to allow for the removal of the receptacles, without negotiating steps or uneven surfaces; and provided with a tap connected to an adequate water supply.

(C) To liaise with the City's Parks and Environment Services with regard to the proposed landscaping plan and an appropriate tree species.

(D) 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.

**(e) Council's Advice Notes to the Western Australian Planning Commission**

(i) The power conferred by Clause 7.8(1) of the City of South Perth Town Planning Scheme No. 6 (Discretion to Permit Variations from Scheme Provisions) shall not be exercised by the Council with respect to:

(A) Building height limits referred to in Clause 6.2; and

(B) Development requirements for certain lots referred to in Clause 5.4 in accordance with Clause 7.8(2) of the City of South Perth Town Planning Scheme No. 6.

(ii) Where the Commission includes any conditions of approval recommended by the Council in the Notice of Determination and the Council's recommended condition is subject of an appeal to the State Administrative Tribunal, City officers are available to assist the Commission during the appeal process.

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

**AMENDMENT**

**Moved:** Cr Huston

**Seconded:** Cr Reid

That the figure of \$17,100 in part (b)(i) of the Specific Conditions is deleted and replaced with the figure \$18,800, as follows:

**(b) Specific Conditions**

(i) The applicant is to pay the City ~~\$17,100~~ \$18,800 to cover the costs to construct two (2) parking bays within Public Car Park No. 33 at No. 3 Downey Drive in lieu of the shortfall of car parks on site, prior to issue of a Building Permit. A tax invoice to this effect will be issued by the City.

**CARRIED 6/1**



Reason for Amendment

The value of each car bay should be individually applied to ensure the bays can be individually constructed in the City's owned Public Car Park No.33 next to Manning Senior Citizen's Centre, at no cost to the City.

The Amendment then became the substantive.

**COUNCIL DECISION**

**Moved:** Cr Cala

**Seconded:** Cr Trent

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, Council recommends to the Western Australia Planning Commission that this application for planning approval for Nine (9) Multiple Dwellings in a Two-Storey Building Plus Mezzanine on Lot 98 (No. 4) Downey Drive, Manning **be approved** subject to:

**(a) Standard Conditions**

427	colours & materials - details	471	retaining walls- timing
415	street tree- fee yet to be paid (\$874.50)	455a	Dividing fences - Standards
340A	parapet walls- finish from street	456	Dividing fences - Timing
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210	screening- permanent	625	sightlines for drivers
650	inspection (final) required	416	street tree- not to be removed
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393	verge & kerbing works	515	Lighting – Communal Areas
352	car bays- marked and visible	550	plumbing hidden
353	visitor bays- marked and visible	445	stormwater infrastructure
354	Car bays - Maintained	560	Rubbish storage area screened
025	Verge storage licence	650	Inspection (final) required
470	retaining walls- if required	660	Expiry of approval

**(b) Specific Conditions**

- (i) The applicant is to pay the City \$18,800 to cover the costs to construct two (2) parking bays within Public Car Park No. 33 at No. 3 Downey Drive in lieu of the shortfall of car parks on site, prior to issue of a Building Permit. A tax invoice to this effect will be issued by the City.
- (ii) In accordance with Clause 6.4.6 of the R-Codes, external fixtures such as air-conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.

**(c) Standard Advice Notes**

700A	building permit required	766	landscaping- general standards
706	applicant to resolve issues	709	masonry fences require BA
708	Boundary wall surface finish process	790	Minor variations – seek approval
716	Dividing Fence – Comply with that Act	795B	appeal rights- council decision



720 strata note- comply with that Act 766 landscaping- general standards

**(d) Specific Advice Notes**

(i) The applicant is advised as follows:

- (A) The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure department requirements. Please find enclosed the memorandum dated 27 November 2014 to this effect.
- (B) To liaise with the City's Environmental Health Services to ensure satisfaction of all of the relevant requirements, specifically:
  - (i) **Noise generally** - All mechanical ventilation services, motors, pumps e.g. air-conditioners, to be located in a position to not create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.
  - (ii) **Number of Bins** – A minimum of eight (8) bins (four (4) general waste bins (collected weekly) and four (4) recycling bins (collected fortnightly) are to be provided for this development.
  - (iii) **Bin Enclosure** – The bin enclosure is to be constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate; containing a smooth and impervious floor of not less than 75 millimetres in thickness; which is evenly graded to an approved liquid refuse disposal system; which is easily accessible to allow for the removal of the receptacles, without negotiating steps or uneven surfaces; and provided with a tap connected to an adequate water supply.
- (C) To liaise with the City's Parks and Environment Services with regard to the proposed landscaping plan and an appropriate tree species.
- (D) 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.

**(e) Council's Advice Notes to the Western Australian Planning Commission**

- (i) The power conferred by Clause 7.8(1) of the City of South Perth Town Planning Scheme No. 6 (Discretion to Permit Variations from Scheme Provisions) shall not be exercised by the Council with respect to:
  - (A) Building height limits referred to in Clause 6.2; and
  - (B) Development requirements for certain lots referred to in Clause 5.4 in accordance with Clause 7.8(2) of the City of South Perth Town Planning Scheme No. 6.
- (ii) Where the Commission includes any conditions of approval recommended by the Council in the Notice of Determination and the Council's recommended condition is subject of an appeal to the State Administrative Tribunal, City officers are available to assist the Commission during the appeal process.

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

**LOST 3/4**

Cr S Hawkins-Zeeb returned to the Chamber at 7.49 pm.

*Note: During discussion and voting on the next Item, the Director Development and Community Services raised the concern that a decision had yet to be made on this Item. Councillors voted not to approve the Officer's Recommendation with amendment but had not voted on a refusal. At 8.03 pm the Item was revisited and Cr S Hawkins-Zeeb was asked to vacate the Chamber once more.*

At 8.03 pm Cr S Hawkins-Zeeb vacated the Chamber prior to further discussion and voting on this Item.

### **MOTION AND COUNCIL DECISION**

**Moved:** Cr Cridland

**Seconded:** Cr Huston

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, Council recommends to the Western Australia Planning Commission that this application for planning approval for Nine (9) Multiple Dwellings in a Two-Storey Building Plus Mezzanine on Lot 98 (No. 4) Downey Drive, Manning **be refused** for the following reasons:

- a) it does not comply with the City's Parking Scheme requirements for this development;
- b) setbacks to the eastern boundary do not comply with setback requirements.

**CARRIED 7/0**

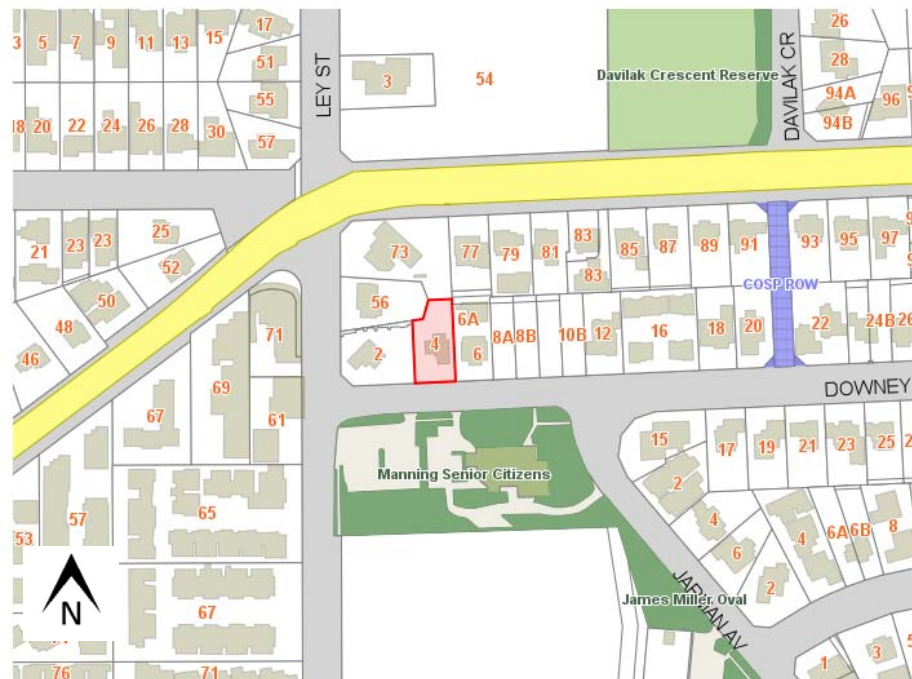
Cr S Hawkins-Zeeb returned to the Chamber at 8.13 pm.

### **Background**

The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	808 sq. metres
<b>Building height limit</b>	7 metres
<b>Residential Development potential</b>	808 sq. metres of plot ratio area for Multiple Dwellings (R-Codes Table 4) – Approximately 10 medium sized dwellings.
<b>Plot ratio limit</b>	1.0 (R-Codes Table 4)

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:

**4. Applications previously considered by Council**

*Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*

**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.*

Lot 98 is currently owned by the Department of Housing. The proposed development is a public work that requires planning approval under the Metropolitan Region Scheme. Council does not have delegation from the Western Australian Planning Commission to determine planning applications involving the development of public housing. Council's recommendation will be sent to the Commission for their determination.

**Comment**

**(a) Background**

In April 2011, the City received an application for Six (6) Multiple Dwellings and an Office in a three storey building on Lot 407 (No. 4) Downey Drive, Manning (the site) which was presented to a Council meeting in November of that year with a recommendation by the officer that the development be approved subject to conditions however the Council at its meeting recommended refusal. The Western Australian Planning Commission approved the application following receipt of Council's recommendation.

The previous approval lapsed and as a result the revised development application was received in November 2014. Revised plans were submitted in January, 2015 to address the City's request for further information. These plans have been modified to include screening to protect visual privacy to the neighbours, a street montage to demonstrate that the boundary wall was consistent with the streetscape and provide further clarity in relation to hard landscaping at the front of the site.

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

The subject site is located at Lot 98 (No. 4) Downey Drive, Manning (the site). The subject site is currently vacant.

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

The site has a frontage to Downey Drive to the south, located adjacent to an office building to the north-west, a two storey Mixed Development consisting of Shops and Offices to the west, a single storey service station to the north, one and two storey single houses to the east, and is opposite a single storey Senior Citizens' Centre, as seen in Figure 1 below:



**(d) Description of the Proposal**

The proposal involves the construction of Nine (9) Multiple Dwellings in a three storey building on the site comprising 4 x 2 Bedroom and 5 x 1 Bedroom Units of which two incorporate a second level located on the front western side of the site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**.

The Applicant's letter, **Attachment 10.3.1(b)**, describes the proposal in more detail.

The proposal complies with the Scheme, the R-Codes and relevant Council policies, with the exception of the remaining non-complying aspects, with other significant matters, all discussed below.

**(e) Compliant aspects**

The development demonstrates compliance with these planning aspects:

- Plot Ratio (R-Codes Table 4)
  - Plot ratio that is provided is 0.789 and the permitted plot ratio is 1.0.
- Street setback - Ground, and second floor, south
  - The proposed street setback at ground level is 2.6 metres and on the second level is 2.8 metres of which the R-Codes require 2.0 metres.
- Finished ground and floor levels - Minimum (Clause 6.9(2) of TPS6)
  - As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply.
- Finished ground and floor levels - Maximum (Clauses 6.10(1) and 6.10(3) of TPS6).
  - The maximum finished floor level permitted is RL 5.57 metres above AHD, and the proposed finished floor level is 5.5 metres.
  - The maximum finished ground level permitted is RL 5.47 metres above AHD, and the proposed finished ground level is 5.4 metres.
- Visual Privacy – Clause 6.3.3 of the R-Codes
  - Where balconies and windows are setback less than the required distance for visual privacy, screening has been applied to ensure sensitive areas are protected.
- Fencing – Council Policy P350.7
  - All fencing in the front setback area is compliant with the visually permeable requirements of City Policy P350.7 “Fencing and Retaining Walls”.
- Landscaping – Clause 6.3.2 of the R-Codes
  - Area of landscaping in the setback is provided with a maximum of 50% hard surface when excluding the driveway and path and therefore contributes to the streetscape.
- Development Requirements for Certain Sites – (Clause 5.4(4) of TPS6)
  - Section (e) of Clause 5.4(4) sets out items that Council shall have regard to, of which item (iv), (vi) and (vii) would be appropriate to this site in terms of preference of location for residential development over the whole of Site D, provision of a landscape strip of 2.0 metres to the eastern and northern boundaries and construction of a 1.8m brick screen fence along the eastern boundary. The intent of the requirements of (vi) and (vii) was to provide a buffer between the commercial use and neighbouring residential sites. Due to the site being developed as residential only, the City officers' opinion is that Council does not need to have regard to (vi) and (vii) of Clause 5.4(4) of TPS6.

**(f) Land Use**

The proposed land use of Multiple Dwellings are classified as a 'D' (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6 and is subject to the requirements of Clause 5.4(4)(b). In considering this discretionary use, it is observed that the site adjoins residential and non-residential land uses, in a location with a residential and non-residential



**10.3.1 Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning.**

streetscape. Accordingly, the use is regarded as complying with Table I of the Scheme.

The development site forms part of "Site D", in accordance with Clause 5.4(4) of TPS6, which states:

- (a) *In this subclause, "Site D" means all the land comprised in:*
  - (i) *Lot 409 (No. 56) Ley Street, Como ("Lot 409");*
  - (ii) *Lot 408 (No. 2) Downey Drive corner Ley Street, Como ("Lot 408"); and*
  - (iii) *Lot 407 (No. 4) Downey Drive, Manning ("Lot 407").*
- (b) *None of the land comprised in Lot 407 may be used for the purposes of:*
  - (i) *Non-residential development;*
  - (ii) *Mixed Development;*
  - (iii) *Grouped Dwellings; or*
  - (iv) *Multiple Dwellings;**unless such use is part of an integrated development encompassing all of the lots comprised in Site D.*

City officers consider that this development forms part on an integrated development, as the design of the proposed development on Lot 98 (previously Lot 407) is similar to the design of the constructed building on Lot 97 (previously Lot 408), as indicated on **Confidential Attachment 10.3.1(a)**, which was considered by Council to form part of an integrated development with Lot 97. Accordingly, the use is regarded as complying with Clause 5.4(4)(b) of TPS6.

**(g) Building height**

The building generally complies with the building height limit for the site, being 7.0 metres. The proposed building height is 7.0 metres (12.50m AHD), measured to the top of the main wall of the first floor of the building. The following external wall of the building is proposed to be constructed above the 7.0 metre horizontal plane and the notional 25 degree hip roof shape:

- I. Apartment 3 western boundary wall - Second / mezzanine level (maximum 14.7m AHD).

After assessing the plans first submitted, City officers recommended to the applicant that the second-storey be redesigned to fit within the 25 degree roof envelope.

In response the applicant provided plans that proposed the installation of cladding on the western boundary wall above the 7.0 metre horizontal plane to match the material of the roof. The applicant has expressed the following opinion:

- *This site is being developed in conjunction with the two (2) adjoining lots as an integrated proposal and as such we are attempting to marry our roof forms in with the existing buildings at 56 Ley Street and 2 Downey Drive, which has a clear curved roof shape.*
- *The plans clearly indicate the western elevation as a gable with corrugated cladding to the top section.*
- *The building heights will exactly align with No. 2 Downey Drive to ensure the design achieves the "Integrated Development" as required by 5.4(4)(b) of TPS6.*

**Western Aspect**

City officers consider that the western boundary wall (Item 1) is compliant with the building height limit as the lower one-third of the metal cladding does not exceed the 7.0 metre horizontal plane. The upper two-thirds of the vertical height of a gable, where the gable forms a vertical extension of the external wall, is permitted to project above the building height limit, in accordance with Clause 6.1A(3)(b) of TPS6. City officers are of the view that the curved metal cladding wall can be considered a gable as it was considered on the previous application, for the purposes of calculating the building height limit. In addition, City officers note that the proposed western boundary wall would not have a detrimental impact to the street or the adjoining property, as the design of the proposed development has been influenced by the design of the approved building at 2 Downey Drive.

**Southern Aspect as seen in the Downey Drive street elevation**

In relation to the Building Height Limit envelope, as seen in the Downey Drive street elevation (southern elevation), when applying a notational 25° pitch hip roof, the portion of the curved roof that is located towards the rear of the third storey projects above the building height limit which can be seen in **Confidential Attachment 10.3.1(a)**, in particular Drawing AS-01 (South Elevation). This section of the roof sits outside the notional roof envelope. This position of the roof is considered not to have an adverse impact in terms of building bulk and scale. Since the curved roof rises gradually from the street façade towards the rear of the building, the higher end of the curve will not be visible from the street. This portion is approximately 21 metres away from the adjoining eastern residential development, hence does not impact on it in any manner. It sits adjacent to similar boundary walls on the western boundary, hence does not impact on this property in any manner. Additionally, the roof has been designed to match the adjoining property at No. 2 Downey Drive, thereby providing an integrated development as required by Clause 5.4(4) of TPS6. The City officers support this section of the curved wall and ask that Council recommend approval to the Western Australian Planning Commission.

**(h) Car Parking**

The required number of car bays is 13 as the site is considered by City officers to be situated within Location 'B' in accordance with Deemed-to-Comply requirements of Section 6.3.3 of the R-Codes, whereby six (6) of the units (<75m<sup>2</sup> or 1 bedroom) would require six (6) bays for the residents (rate of one (1) per dwelling), three (3) of the units (75-110m<sup>2</sup>) would require four (4) bays (rounded up from 3.8) for residents (rate of 1.25 per dwelling) and that the visitors spaces required at a rate of 0.25 per dwelling would require 3 bays (rounded up from 2.25).

To be considered in Location 'A' the site must be within 250 metres of a **high frequency bus route** which must include timed stops that run at least every 15 minutes during week day peak periods (7am to 9am and 5pm to 7pm) as required by the R-Codes. If Location 'A' were applicable to this site, the number of car parks required to be provided would be eight (8) for residents (rounded up from 7.5) and three (3) for visitors (rounded up from 2.5). R-Code rates for Location A are in the order of 0.75 per dwelling for units <75m<sup>2</sup> or one (1) bedroom, one (1) per dwelling for units 75-110m<sup>2</sup> and 0.25 for visitors. The plans indicate nine (9) car parks for residents and two (2) car parks for visitors. The *Residential Design Guidelines* provide an explanation to how car parks are calculated which states, "Where Deemed-to-Comply provisions for on-site parking require a fraction of a space, it must be

*rounded up to the nearest higher whole number".* The applicant maintains that the car park numbers are rounded up after establishing the total number of car parks required (including visitors) using the rates/unit noted above. City officers, when assessing car parking requirements for such developments do not apply this method. They calculate them separately and then round up.

The attached bus schedule shows the applicable times and the closest bus stop to the Ley Street stop (of which the nearest stop to the development site is approximately 90 metres away) in that schedule is Stop 12039 (**Attachment 10.3.1(c)**) and includes several pick-up times that exceeded the minimum required 15 minutes, whereby three (3) out of the eight (8) identified in the morning have intervals of 30, 17 and 16 minutes with an additional timed stop that is not accessible by disabled persons. The afternoon pick-up times include three (3) out of the nine (9) timed stops with intervals of 16, 20 and 18 minutes with an additional timed stop that is not accessible by disabled persons. The applicant is of the opinion that the number of stops meets the intent of the Design Principle of Section 6.3.3 of the R-Codes and has therefore based the layout on Location A.

Council discretion - Clause 6.3.3 of R-Codes

Council has discretionary power under Clause 6.3.3 of the R-Codes to approve the proposed car parking provided Council is satisfied that the layout is consistent with the Design Principles of the R-Codes.

It is the Council officers' opinion that the applicant has not satisfied Design Principle 6.3.3 of the R-Codes as outlined below due to the noted stops not fitting in with the definition of a high frequency bus route:

*"Adequate car and bicycle parking provided on-site in accordance with projected need related to:*

- *The type, number and size of dwellings;*
- ***The availability of on-street and other off-site parking; and***
- ***The location of the proposed development in relation to public transport and other facilities."***

**On-Street Parking**

There are three (3) on-street marked car parks on the southern side of the road directly opposite No. 2 Downey Drive which are there to service No. 2 Downey Drive and were implemented specifically for that development. Based on this information it is the City officers' opinion that there are no available on-street car parks to cater for this development in Downey Drive.

**Off-Site Parking**

Other off-site parking facilities nearby, in particular, Public Car Park No. 33 next to the Manning Senior Citizens Centre is provided for the purposes of accommodating, in part, an overflow for the Centre and the more recently approved Men's Shed and is also available to the general public. It is the City Officers' opinion that the use of this car park should not be compromised as a result of this development and after consultation with the Manager of Engineering Infrastructure it was suggested that it was possible to construct two (2) car parks in Public Car Park No. 33 in order to provide the additional bays required for this development, but would need to be at the developers expense.

**Location in Relation to Public Transport and other Facilities**

Although the site is located in close proximity to existing shops in Ley Street, these shops do not cater for day to day requirements particularly as there



**10.3.1 Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning.**

are no convenience stores or supermarkets. This precinct includes uses such as offices, hairdresser, cafes and take-away restaurants.

Comments have been received from the neighbours objecting to discretion being exercised to vary the car parking requirements (see “Neighbour consultation”).

It must be noted that the assessment of the previous approval was based on the layout being consistent with Location ‘B’ and that concessions were given to the parking numbers based on the commercial aspect of the development whereby reciprocal parking could occur between the two uses as well as provision of on-street parking.

It is recommended that a condition be included that the Council construct the two (2) additional required car parks within the existing Public Car Park No. 33 at No. 3 Downey Drive at the developers cost as required by 6.3.3 Design Principle P3.4 of the R-Codes which allows some of the required car parking spaces to be located off-site provided that those spaces are sufficiently close to the development and convenient for use by residents and/or visitors with permanent legal right of access being established for all users and occupiers of dwellings for which the respective car parking space is to be provided. It is the City Officers’ opinion that the public car park is sufficiently close to the development therefore convenient for use by residents and/or visitors and that legal access can be gained from Downey Drive. A cash payment in lieu of the shortfall can be applied in order to satisfy the Design Principle as noted above.

**(i) Street setback - First Floor, South**

The prescribed minimum street setback is defined for this site in accordance with Table 4 of the R-Codes which requires a 2 metre setback. The proposed setback of the first floor from the street (from west to east) is 0.150 metres to the external walls of the balconies to Apartments 3 and 4 which is consistent with the setback of balconies at No. 2 Downey Drive. Although the balcony of Apartment 5 is setback the same distance, the impact of this balcony on the boundary is reduced as it is completely open (with the exception of required screening in the form of obscured glass to 1.650 metres) and therefore does not adversely affect the streetscape.

The external walls of the building are set back further from the street, being 2.8 and 5.6 metres on the eastern side of the site (Apartment 5) to reflect the greater street setbacks required on the adjoining properties zoned Residential R20.

It is considered that the proposed development is consistent with Design Principle 6.1.3 of the R-Codes and is supported by City officers.

**(j) Wall Setbacks to Side and Rear Boundaries**

Deemed-to-Comply requirement C4.2 of Section 6.1.4 of the R-Codes requires that for an R80 site, the development complies with minimum lot boundary setback requirements as set out in Table 5 which requires a 4.0 metre setback for the subject site. The non-compliance is explained via a Design Principles assessment and is explained below:

**Eastern Boundary**

The proposed wall setbacks (with the exception of the boundary wall), if applying setbacks of Table 2a and 2b of the R-Codes relative to an R20 coding (of which No. 6 and 6A next door are coded) the setbacks would be compliant with the exception of a small section of wall of the kitchen on the first floor of Apartment 5 (a 3.8 metre length of wall) which is setback 1.160 metres in lieu of 1.2 metres (a variation of 40mm). This setback is supported by City officers due to the separation of the site with the adjoining property by a 4.0 metre wide driveway which is the battle-axe access leg to No. 6A Downey Drive with a further 1.5 metres from the dwelling on No. 6 Downey Drive providing a total separation distance of 6.6 metres to the nearest building on the adjacent site. The rear portion of the site behind the boundary wall (Apartment 9) is setback 1.0 metre from the eastern boundary and is a single storey building located adjacent to the outdoor area of No. 6A Downey Drive and this setback would be consistent with a single storey building on a lot with an R20 coding. These variations are supported by City officers as the building will not cast shadow onto that property due to the north-south orientation and the varied setbacks on the second storey reduces visual impact of building bulk to the neighbouring property.

**Northern Boundary**

The wall setback at the rear of Apartment 9 is 1.9 metres to the northern boundary. The officer supports this setback as the adjacent site to the north is a commercial use and will therefore not impact residential amenity.

**Western Boundary**

With the exception of the boundary walls which are discussed in **Item (k)** below, the setback provided on the western boundary includes a 3.87 metre setback to the Lobby of the units on the first floor. This setback is supported by City officers as the layout is considerate of setbacks on the adjoining property at the same location allowing access to light and ventilation to the closest units on that site as well as on the subject site.

**(k) Boundary wall - Ground floor, east, stores and first floor support columns and Ground, first and second floor east**

Under City Policy P350.02, the boundary walls have been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the Council policy. City officers note the following:

- Minor effect on the existing streetscape character, being 4 support columns that are 3.1 metres in height and 0.3 metres in width and the large setback from the street of the stores boundary wall;
- Minor outlook from the front of the adjoining dwelling and garden (6 Downey Drive) forward of the proposed support columns’ parapet wall as the neighbouring residence is separated by a 4.0 metre wide driveway access leg;
- Minor outlook from the front of the adjoining dwelling (6A Downey Drive) forward of the proposed support columns’ parapet wall due to the large setback of the front habitable rooms of the neighbouring residence and the 3.0 metre wall height;
- No overshadowing of adjoining habitable room windows or outdoor living areas;
- No impact of bulk on adjoining outdoor living areas; and
- Comments from the neighbours have been received (see section “Neighbour consultation”).

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

In relation to the western boundary wall in terms of streetscape, this wall was observed to project vertically beyond the adjoining boundary wall. The wall is not considered to adversely affect the amenity of the adjoining building at No. 2 Downey Drive, particularly the residential dwelling units on the first floor whereby the boundary walls include relief where necessary to allow light and ventilation to those units. As the City was concerned in regard to streetscape, the applicant provided a perspective in this respect (refer **Confidential Attachment 10.3.1(a)**, in particular Drawing A3-02). The perspective demonstrated to City officers that the boundary wall would not impact the streetscape particularly as it integrated with the design of No. 2 Downey Drive as required by Clause 5.4(4) of TPS6.

**(l) Open Space**

R-Codes clause 6.1.5 C5 and Table 4 specify that the minimum provision of open space is as specified in a local structure plan or local development plan. As the City has not prepared a local structure plan or local development plan for this precinct, there is no Deemed-to-Comply minimum open space requirement. The City has calculated the provision of open space on the site to be 140.2m<sup>2</sup>, being 17.4% of the site area. In relation to the Design Principles assessment, the proposed development provides large areas of open space at the front, internal and rear of the site to cater to the residents. The provision of open space on this site is observed to be compatible with other developments in the area (in particular, No. 2 Downey Drive) and the sites close proximity to James Miller Oval will provide additional recreation space for the needs of the residents.

The City officers consider that the provision of open space complies with the Design Principles requirements.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development; and*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (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;*
- (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;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

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

**Consultation****(a) Neighbour Consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies at Nos. 2, 3, 6, 6A, 8A, 8B, 10, 10A, 12, 16, 17, 18, 19 and 20 Downey Drive, No. 1 Jarman Avenue, Nos. 1/56, 2/56, 3/56, 4/56 and 61 Ley Street and Nos. 1/71, 2/71, 3/71, 4/71, 5/71 and 73 Manning Road were invited to inspect the plans and to submit comments during a minimum 21-day period. In addition, one sign was placed on-site inviting comment from any other interested person.

During the advertising period, a total of 38 consultation notices were sent and three (3) submissions were received; all against the proposal. The comments of the submitters, together with officer responses are summarised below:

Submitters' Comments	Officer's Responses
Privacy from the Two-Storey building overlooking our property.	All areas of concern have been addressed and appropriate screening in accordance with the R-Codes has been provided on the plans. City officers do not consider that this development will have a significant detrimental impact to the general privacy of the occupiers of the adjoining residential properties.  The comment is <b>NOTED</b> .
Traffic - adverse impact from noise from tenants and their cars.	The R80 density coding permits higher density development and the site is located within a commercial area. The noise impact from the tenant's car movements is unlikely to affect the neighbouring property as the car park is located behind the boundary walls and separated by storerooms. Where cars exit the car park and continue along the driveway adjoining the 4 metre wide access leg of No. 6A Downey Drive, there is a 1.8m Colorbond fence separating the properties which would assist to buffer noise of cars exiting the site.  Noise from tenants can be managed by the strata company or the Department of Housing and is not a planning matter.  The comment is <b>NOTED</b> .

How will Council manage the road congestion as a result of this development including that the driveway is opposite the Senior Citizens Centre driveway.	<p>The Manager of Engineering Infrastructure has provided comments in relation to traffic and has advised that the street is capable of handling the traffic generated by the development as well as there being sufficient traffic controls already in place to ensure vehicle and pedestrian safety.</p> <p>The comment is <b>NOTED</b>.</p>
Neighbours preference for the boundary wall to be as high as is permissible and made of brick or concrete for sound proofing and finished in rough sand render of a colour to match the walls of the adjoining property at No. 6B Downey Drive.	<p>The height of the wall along the driveway is approximately 3 metres which is an acceptable height in terms of residential development.</p> <p>A condition will be recommended that the treatment of the boundary wall is to be to the neighbours' satisfaction.</p> <p>The comment is <b>NOTED</b>.</p>
There must be adequate parking for the development. Visitors and the like should not park at the Senior Citizens Centre across the road, including construction vehicles as it is being built as there are 32 different activities at the centre each week, some involving after hours hall hire. The area is Crown Land vested in the City of South Perth for use by seniors. The City has leased the car park to our organisation for use by seniors.	<p>The public car park (Car Park No. 33) at No. 3 Downey Drive is available for use by all members of the public and is sufficiently close enough for the development to utilise these off-site car parks without affecting the car parking area associated with the Senior Citizens Centre.</p> <p>The comment is <b>NOTED</b>.</p>
Based on the re-zoning the development has to have a commercial element and therefore are not supportive of the development having none at all.	<p>The commercial element is required as an integrated development over the whole of the three sites identified as Site 'D' in Clause 5.4 of TPS6 which includes 56 Ley Street and 2 and 4 Downey Drive.</p> <p>Section (4)(e)(iv) of Clause 5.4 states that Council shall have regard to residential development being preferably situated on the Downey Drive frontage and that Section (b) states that none of the land comprised in 4 Downey Drive may be used for Multiple Dwellings unless it is part of an integrated development encompassing all of the lots comprised in Site D.</p> <p>It is officers' opinion that the development complies with Clause</p>

	<p>5.4 of TPS6 as the design will integrate with the overall three sites.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
Issues associated with the development in terms of state housing and private ownership working harmoniously in the same building complex.	<p>The mix of ownership (i.e. private and DoH) has no impact on the officers' assessment of the application or recommendation. The apartments are defined as Multiple Dwellings, regardless of public or private ownership.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
Risk of creating a social ghetto at the corner of Ley and Downey Drive particularly as there are schools, a church, men shed and senior citizens centre in close proximity.	<p>The site was always intended to include residential development and the Town Planning Scheme No. 6 permits this site to be developed for such purposes. The term 'Ghetto' would imply that residents at this development site, due to social or economic restrictions would display unsavoury behaviour within the public realm of the immediate area. Loitering and displaying of unacceptable behaviour in a public place would be enforced by the Police and is not considered to be a planning matter. There have been no issues raised in this respect with the existing residential component of No. 2 Downey Drive.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
Normal plot ratio and setbacks need to be respected in regards to the mere residential character of Downey Drive.	<p>Plot ratio is compliant with the R-Codes and the setbacks have been considered by officers not to have a negative impact on the neighbouring property or the streetscape.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
High density next to low density impairs street character.	<p>The site has been assigned an R80 coding to allow this type of development. The extent of discretion recommended to be exercised by Council is not considered by officers to have a significant detrimental impact to the adjoining properties.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
Boundary walls are to be within the guidelines.	<p>The boundary walls have been assessed and considered to meet the objectives of Council Policy P350.7.</p> <p>The comment is <b>NOTED</b>.</p>



A copy of the neighbours' submissions has been provided in **Confidential Attachment 10.3.1(d)**.

**(b) Comments from City Departments**

Comments were invited from Engineering Infrastructure, Environmental Health and City Environment of the City's administration. Their comments are summarised below.

**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. His comments are as follows:

- (i) *Cash-in-Lieu payment from the developer to construct two (2) additional car parks at Car Park No. 33;*
- (ii) *Layout and design of on-site parking OK;*
- (ii) *Conditions required for detention and disposal of stormwater;*
- (iii) *No change to verge or footpath level; and*
- (iv) *The plans detail a bitumen surfaced crossing that is not in accordance with the Crossing Policy and Management Practice and therefore unacceptable to Engineering Infrastructure. New crossover to City requirements (M353).*

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure.

**Environmental Health**

The Environmental Health section provided comments with respect to bins and noise. This section raises no objections while recommending important notes in relation to the number of bins, construction of the bin enclosure and noise.

**City Environment**

The City Environment section provided comments with respect to the removal of one (1) street tree for the construction of the proposed crossover. This section raises no objections and has provided the following comments:

- *The street tree is in good condition.*
- *Remove one (1) tree and replace after construction or re-home elsewhere at owners cost, as per City Policy P350.5 Clauses 8(b), 8(g) and 9.*

The cost of street tree removal and replanting for one (1) tree is **\$874.50**. Standard conditions are recommended to address this matter.

Accordingly, planning conditions and / or important notes are recommended to respond to the comments from the above City Departments.

**(d) External agencies**

The application has been referred to the Western Australian Planning Commission (WAPC) for determination. The department has not provided the City with any comments on this proposal. The WAPC will determine this application following receipt of the Council's recommendation.



**10.3.1 Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning.**

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

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

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

**Sustainability Implications**

Noting the proximity of the subject Highway Commercial lot to Manning Road, as well as to the surrounding high density non-residential developments, the applicant has successfully designed a building that compliments the streetscape. Even though all balconies do not have access to the northern sunlight, they are of a reasonably large size thus providing the required balance between indoor and outdoor activities for each of the dwellings.

**Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions. However, provided that all conditions are applied as recommended, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.1 (a):** Plans (*Confidential*)
- 10.3.1 (b):** Applicant Letter
- 10.3.1 (c):** Bus Timetable Route 30 and 31 effective 1 February 2015
- 10.3.1 (d):** Submissions (*Confidential*)
- 10.3.1 (e):** 4 Downey Drive Comparison Plans for Council Meeting of 24 February 2015 (*Published Separately*)

### 10.3.2 Proposed Family Day Care Addition to Single House - Lot 514 No. 32 Todd Avenue, Como - 11.2014

Location: Lot 514 No. 32 Todd Avenue, Como  
Ward: Moresby Ward  
Applicant: Julie Avenita  
File Ref: D-15-12865  
Lodgement Date: 18/02/2015  
Date: 24 February 2015  
Author: Trinh Nguyen, Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Trinh Nguyen, Planning Officer  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for a family day care business at the single house on Lot 514 No. 32 Todd Avenue, 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

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Cr Reid  
**Seconded:** Cr Trent

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 514 No. 32 Todd Avenue, Como **be approved** subject to:

**(a) Standard Conditions**

661 Expiry of approval

**(b) Specific Conditions**

- (i) The family day care shall not operate until such time that all the structures on site comply with the relevant planning and building regulations.
- (ii) The maximum number of children approved to attend the Family Day Care Centre is 4 children per day.
- (iii) The hours of operation are limited to the following: Monday to Sunday 7:30am – 5:30pm.

**(c) Standard Advice Notes**

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

**(d) Specific Advice Notes**

- (i) A site inspection by City officers shall be carried out and all outstanding matters resolved to the officers' satisfaction prior to the clearance of Condition No. (bi).

- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Section to ensure satisfaction of all of the relevant requirements, with regard to the attached memorandum dated 9 December 2014.

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

**CARRIED 5/3**

### I. Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	1012 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling
<b>Plot ratio limit</b>	Not applicable

The location of the development site is shown below:



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

#### 1. Specified uses

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

#### 6. Amenity impact

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

#### 7. Neighbour comments

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

**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 514 (No. 32) Todd Avenue, Como (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 House', as depicted in the plans at **Confidential Attachment 10.3.1(a)**.

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

The Site has a frontage to Todd Avenue to the south and is located adjacent to single houses to the north, east and west. Single houses are also located opposite the site aerial photograph as seen in **Figure 1** below, shows surrounding development:

**(d) Description of the Proposal**

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

The applicant has 3 of her own children and is proposing to provide care for 4 other children on site. A representative from the Nature Alliance Family Day Care Service explains that the regulatory body for Family Day Cares is the Education and Care Regulatory Unit (ECRU). 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 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.”*  
[\(<http://www.communities.wa.gov.au/education-and-care/ecru/introduction-to-legislation-administered-by-the-education-and-care-regulatory-unit/Pages/Family-day-care-services.aspx>\)](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)

In relation to these proposed hours, it has been explained that 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. The family day care is proposed to care for up to four children between 7:30am – 5:30pm Monday to Sunday. Parents will pick up and drop off according to their own individual working hours.

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

**(e) Land Use**

The proposed land use of Family Day Care is classified as a ‘DC’ (Discretionary with Consultation land use in Table 1 ‘Zoning – Land Use’) of TPS6. In considering this discretionary with consultation use, it is observed that the Site adjoins residential land uses and is located in relatively close proximity to Como Primary School, Collier Primary School and Penrhos College.

**(f) Landscaping**

The required minimum landscaping area is 405m<sup>2</sup> (40 percent), and the proposed landscaping area is approximately 800m<sup>2</sup> (79 percent), therefore the proposed development complies with the landscaping requirements of Table 4 of TPS6.

**(g) Car Parking**

The required number of car bays under TPS6 is nil beyond the normal residential parking provision. The Single House requires 2 bays, which are provided under the existing carport and hard stand driveway. The applicant has recently applied for and constructed a double crossover to alleviate any issues with street parking from parents. There is sufficient room for at least one vehicle to park on the driveway or crossover for parents dropping off and picking up their children. It is expected that the parents will be dropping off and picking up their children at different times, rather than 4 additional 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 5 minutes at a time. Officers are of the opinion that these visitors to the site are within that figure expected for a normal residence.

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

**(h) Vehicle movements**

Vehicle movements into and out of the site and the crossover are not observed to pose any significant vehicle access or traffic issues 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.

**(i) External Playing Spaces**

The development provides the minimum external playing space required by Table 4 of TPS6 (40m<sup>2</sup> with a minimum dimension of 6m). There is a back verandah immediately adjacent to the rear of the dwelling. This playing space is directly accessible from the kitchen.

Council Policy P307 'Family Day Care and Child Day Care Centres' requires the external playing space to be arranged so as to minimise noise penetration to neighbouring dwellings. The existing boundary fencing 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, the adjoining dwellings are observed to be setback sufficiently away from the proposed external playing spaces.

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

**(j) Internal Playing Spaces**

Council Policy P307 'Family Day Care and Child Day Care Centres' requires the internal playing spaces to be arranged so as to minimise noise penetration on neighbouring dwellings. The existing dwelling has a Dining Room 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 and/or adjoining properties. Therefore, the proposed development is observed to comply with clause 2 of Council Policy P307.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (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, 12 property owners were consulted. Individual property owners at Nos 27, 28, 29, 30, 31, 33, 34, 35 and 36 Todd Avenue and Nos 21, 23A and 25 Bessell Avenue 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 11 submissions were received objecting to the proposal. Additionally a petition was submitted by petition organiser Mrs Keryn McKinnon with 24 signatures objecting to the proposal (**Confidential Attachment 10.3.1(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.  Already difficult for residents to get out of one's driveway due to the high speed of passing vehicles.	<ul style="list-style-type: none"> <li>• There is adequate off-street parking to accommodate the need for dropping/collecting children, at differing times, should have no impact on street traffic.</li> <li>• The driveway can accommodate up to 6 vehicles if necessary,</li> <li>• Vehicles will NOT be parked on the verge or street.</li> <li>• Vehicles will usually be at the house for short periods during transition</li> </ul>	As discussed in detail under section (g) of this report the traffic volumes associated with the proposal are low as the expected number of visitors is considered by officers to be consistent with that of a single residence. The risk to child safety in this regard is considered to be low in this instance. The comment is <b>NOTED.</b>
Street parking for the proposal would reduce the road to one lane and cars parked on the street would restrict visibility for other road users as the site is on a crest in the road.	<ul style="list-style-type: none"> <li>• Please note that this is a family home, therefore visitors/friends/family will also visit for longer duration.</li> <li>• I will endeavour to ensure that the neighbourhood is not put at a disadvantage.</li> <li>• All daycare families will receive written instruction regarding safety procedures, and keeping the neighbourhood peaceful.</li> </ul>	Any street parking associated with the proposal will be only for a short period of time each day. The risk to vehicle safety in this regard is conserved to be low in this instance. The comment is <b>NOTED.</b>
There already is a Family Day Care on Todd Avenue.	<ul style="list-style-type: none"> <li>• This property will be my principal place of residence for my family</li> <li>• The service will not impose a load on any utility greater than normally required for domestic use</li> </ul>	TPS6 does not take into account the proximity of similar businesses/facilities as a planning consideration. The comment is <b>NOT UPHELD.</b>
Concern about a non-residential land use in the street.	<ul style="list-style-type: none"> <li>• It is small in scale, unobtrusive and compatible with surrounding buildings in the suburb, thus protecting the character and amenities of the local area</li> <li>• Policy P307 Family Day Care, of Strategic Direction 3. Under TPS No.6 which allows for private residence to conduct cottage type</li> </ul>	The proposed family day care is a 'DC' Discretionary Use with Consultation under TPS6. The comment is <b>NOTED.</b>



	services of a domestic nature, which is not disruptive to the local neighbourhood. In accordance with the Education & Care Services National Regulations 2012	
Concern about decrease in property values of adjoining neighbours.	<ul style="list-style-type: none"> <li>• I believe that the extent and costs involved in making improvement to the property will result in added value to the suburb. The first visible impression of the front façade has already given the house a more appealing look.</li> <li>• As this cleanup and repairs phase is still a work in progress, I seek your patience in allowing this phase to progress through the cleanup stage to reveal the finished project, to which I feel you will be pleasantly surprised.</li> <li>• There are nearly 2,000 Family Day Care services scattered throughout suburbs in WA, and they are not visible, because they blend with the general environment and do not detract or cause any disruption to the local neighbourhoods, they are an invisible gem within the local community in keep children safe, and providing a high quality program of care &amp; education.</li> </ul>	Impact to property values is not a planning consideration. The comment is <b>NOT UPHELD</b> .
What areas of the house will be used as part of the family day care?	Children will be able to access all areas of the house with supervision.	The definition of family day care in TPS6 "means child care service provided to children in a private dwelling in a family or domestic environment but does not include Child Day Care Centre". Officers consider that children

		being able to access all areas of the house fit in with the definition of family day care.  The comment is <b>NOTED.</b>
The application makes no reference to how the owners will control noise levels, which would have an effect on the immediate neighbours' health and living standards. This is particularly the case as the application requests permission to house farm animals.  Additionally, there are also concerns about having farm animals on site.	<ul style="list-style-type: none"> <li>• The noise level will be no different than that of a young family home with toddlers playing and chattering.</li> <li>• The service provides care for 4 toddlers, mainly being inside involved in educational activities</li> <li>• Unlike some families that may have 4 teenagers, my 4 children are nowhere near as loud as them.</li> <li>• Originally proposing to have chickens as pets but due to neighbour concerns will no longer be having chickens. There will only be my pet cat.</li> </ul>	<p>The keeping of chickens does not require planning approval.</p> <p>In relation to noise, the City's Health Department has provided appropriate recommended important notes for the applicant.</p> <p>The comment is <b>NOTED.</b></p>

There is also a concern from neighbours that the large shed at the back of the property has been torn down and asbestos exposed/removed without a sign at the front of the property and no prior Council involvement for asbestos removal prior to this application being lodged. Additionally, neighbours are also concerned as it appears there may be existing unapproved structures on the site.

In relation to concerns about asbestos, the City's Health Department advises as follows:

In relation to the comment below, in accordance with the Occupational Safety and Health Regulations 1996, if greater than 10m2 of asbestos is removed, then a licenced asbestos removalist must be used.

WorkSafe licence all asbestos removalists in WA and they are all required to comply with the Code of Practice for the Safe Removal of Asbestos, whereby ideally signs should have been placed.

There is no requirement for the City to be notified of asbestos removal, unless there is a demolition application or a structural change.

The City's officers have investigated the extent of the existing structures on site in relation to Council approved plans. Officers advise as follows:

- There are unauthorised structures on the site which appear to have been constructed prior to the current owner occupying the property.
- Officers are currently liaising with the owner as part of the City's planning and building compliance process to resolve this matter.

The applicant confirms the site works carried out by her are as follows:

“Internal:

- Cleaning, removing of wallpaper, painting, repairs, tiling, addition of down lights by licensed electrician, wood floors (sanding, polishing).
- Skirting boards – replacing damaged items
- Windows – repairing damaged frames & latches, ensuring safety of residents.
- Front Entry door – required replacement as the original was in a serious state of disrepair.

External:

- Installation of a New driveway/double crossover, shire approved.
- Front yard, in progress of cleanup when trades finish.
- Back yard, specialist Asbestos Removal in according with Legal Requirements.
- Removal of overgrown cactus, roses and footings of previous owners intended construction. Foundations that look like second building was in preparation stage.”

In relation to the unauthorised works on site, the applicant provides the following comments:

*“The makeover of this property is still a work in progress, which is a difficult and messy phase, and I appreciate your patience and tolerance while all this is occurring, as I too want to the streetscape to look smart and appealing.*

- *This house was built in 1941, with many years of accumulated and excess materials which needed to be removed, which takes time & energy.*
- *The work undertaken to bring this property to a reasonable standards has been onerous because many sections of the house had fallen into disrepair.*
- *Insulation has been added in essential areas with a focus on comfort and energy conservation.*
- *Energy efficient appliances – upgrade to taps, showerheads and dual flushing toilets, and solar powered hot water system.*
- *There has been NO additions or extensions to the building.*
- *The Previous owner was very elderly and accumulated a lot of excess material, which needed removal to ensure safety for residents.*

*I am working collaboratively with the City of South Perth Council to ensure compliance, so that any changes does not adversely affect the neighbourhood in any way.*

*Furthermore I am working with an independent building surveyor to confirm the building and additions, have been constructed in accordance with the relevant building permits and are safe, and if necessary seek retrospective approval of any unauthorised building or construction works by the previous owners.”*

Given the extent of the unauthorised works, officers recommend a specific condition stating that the Family Day Care shall not operate until such time that this matter is resolved to the satisfaction of the City.

**(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.
- The application states hours of operation 7:30am-5:30pm daily. 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(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 may have financial implications, if the application is subject to an appeal to the State Administrative Tribunal.

**Strategic Implications**

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

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

**Sustainability Implications**

Being a non-residential 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):** Application and Plans (*Confidential*)

**10.3.2 (b):** Petition

The Presiding Member read aloud Declarations of Impartiality Interests received for this Item from Mayor Doherty, Cr C Irons and the CEO, Mr Cliff Frewing:

Cr C Irons:

*"I wish to declare I have an Impartiality Interest in Agenda Item 10.3.3 on the Council Agenda of 24 February 2015. I disclose I am a member of the Club. I consider that my interest is impartial and I seek Council's agreement that I stay in the Chamber when this Item is discussed and voted on."*

Mayor Doherty and CEO Cliff Frewing:

*"I wish to declare I have an Impartiality Interest in Agenda Item 10.3.3 on the Council Agenda of 24 February 2015. I disclose I am an honorary member of the Club. I consider that my interest is impartial and I seek Council's agreement that I stay in the Chamber when this Item is discussed and voted on."*

### **10.3.3 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth.**

Location:	Lot 1 Labouchere Road, South Perth
Ward:	Mill Point Ward
Applicant:	Brad Dawson (General Manager) - Royal Perth Golf Course
File Ref:	D-15-12866
Lodgement Date:	18/02/2015
Date:	24 February 2015
Author:	Trinh Nguyen, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services Trinh Nguyen, Planning Officer
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### **Summary**

To consider an application for planning approval for a proposed 24 metre high and 160 metre long safety screen fence to the Royal Perth Golf Course on Lot 1 Labouchere Road, South Perth. Council is being asked to exercise discretion in relation to the following:

<b>Element on which discretion is sought</b>	<b>Source of discretionary power</b>
Fences	TPS6 Clause 6.7

Council does not have delegation for the Western Australian Planning Commission (WAPC) to determine this planning application. As the proposal is located within the Metropolitan Region Scheme Reserve, Council provides a recommendation to the WAPC for determination.

#### **Officer Recommendation**

**Moved:** Cr Trent

**Seconded:** Cr Irons

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6 (TPS6)* and the *Metropolitan Region Scheme*, Council recommends to the Western Australian Planning Commission that this application for planning approval for a 24

metre high and 160 metre long safety screen fence to Lot 1 Labouchere Road, South Perth (Royal Perth Golf Course) **be approved** subject to:

**(a) Standard Conditions**

470 retaining walls – if required 660 expiry of approval

**(b) Specific Conditions**

- (i) The approved drawings show that the proposed fence will interfere with existing City trees. The City Environment Department of the City requires:
  - (a) All costs involved in removing the City's trees, to install the fence is to be borne by the Royal Perth Golf Course.
  - (b) All care to be taken to minimise damage to remaining trees.
  - (c) Replacements trees to be planted to replace removed trees.
  - (d) City land must be left in a satisfactory condition.

**(c) Standard Advice Notes**

700A building licence required

**(d) Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City Environment Department to ensure compliance with Condition No. 1 to the satisfaction of the City.

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

**LOST 3/5**

**Alternative Motion**

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

That:

- a) the Officer's Recommendation not be adopted and:
- b) consideration of approval for this item be deferred pending:
  - i) wider consultation than presently undertaken; and
  - ii) legal advice be obtained with respect to liability should council choose to refuse the application.

**CARRIED 5/3**

Reason for Alternative Motion

Given the special iconic status and history of the RPGC; before proceeding with any consideration of this Application for a proposed 24 metre high safety fence for 160 metres along Amherst Street, feedback from a wider section of residents of the City than presently undertaken will provide council with a broader field of community views. Also, more time can be provided to further investigate any legal aspects associated with liability should the City choose to refuse the Application.

10.3.3 **Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth.**

**I. Background**

The development site details are as follows:

<b>Zoning</b>	None
<b>Density coding</b>	None
<b>Reservation</b>	Parks and Recreation (MRS)
<b>Lot area</b>	336,444 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development Potential</b>	Development which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.
<b>Plot ratio limit</b>	None

The location of the development site is shown below:



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

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

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

**6. Amenity impact**

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



**Comment**

**(a) Background**

In September 2014, the City received an application for a proposed 24 metre high and 160 metre long safety screen fence on Lot 1 Labouchere Road, South Perth (Royal Perth Golf Course) (the **Site**).

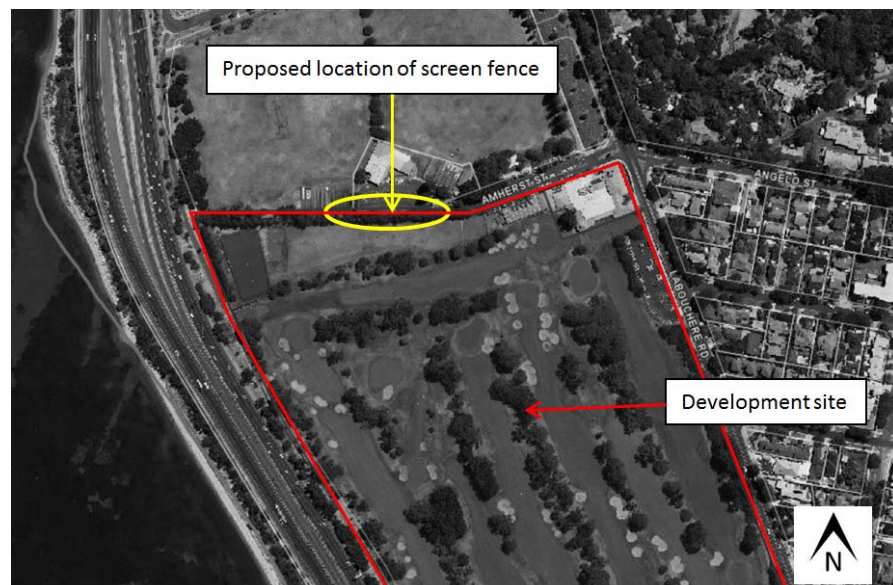
An initial letter was sent to the WAPC advising that due to the height and length of the proposed fence the City's recommendation will be pending endorsement from the Council in accordance with Council delegation.

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

The existing development on the site currently features a golf course, as depicted in the site photographs in **Attachment 10.3.3(b)**.

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

The site has a frontage to Labouchere Road to the east, Richardson Park and Amherst Street to the north, Perth Zoo to the north-east corner and Kwinana Highway and the Swan River to the west, with residential lots on the opposite side of Labouchere Road, as seen in **Figure 1** below:



**(d) Description of the Proposal**

The proposal involves the construction of a 24 metre high and 160 metre long safety screen fence as depicted in the Figures below:





The applicant's report, contained in **Attachment 10.3.3(a)**, provides a detailed list of all works proposed in this application. The proposed developed is summarised as follows:

- I. Removal of 59 City trees to accommodate the construction of the safety screen fence.

The applicant states that of the 59 trees, 13 are juvenile trees situated on the City's land. In addition the applicant advises there are a number of other trees situated on the City's land and the Royal Perth Golf Club land that will require as a minimum, canopy pruning and possibly further removal depending on the final location and installation requirements of the Safety Screen infrastructure. This matter is discussed further in the body of this report.

The proposal generally complies with the Scheme and relevant Council policies. Further comment on compliance with the policy requirements, with other significant matters are provided below.

#### (e) Land Use

As the site is not zoned land, Table 1 (Zoning – Land use) of TPS6 does not apply. The *Metropolitan Region Scheme* reserved the land for Parks and Recreation. In accordance with Clause 12 of the *Metropolitan Region Scheme*, the purpose for which land is reserved is "Parks and Recreation area". This reservation refers to land of regional significance for ecological, recreation or landscape purposes.

In considering whether the safety screen fence can be approved in a Parks and Recreation Reservation, the proposal needs to demonstrate that it is development which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.

The applicant advises that their statistics show that there is a number of errant golf balls leaving the driving range and landing in the Amherst Street Parking Station car park or the adjacent sporting club facilities. The applicant concludes that the proposed safety screen fence is essential to further mitigate the risk of injury to members of the three sporting clubs sharing the use of the car park and sporting facilities or additionally general public visitors and now gym users (at times when parking cards are not required in this parking facility).

Officers consider that the proposed safety screen fence is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes. Accordingly, the proposal is considered to comply with the purpose of the reservation.

**(f) Street and lot boundary setback**

TPS6 does not specify specific minimum street or lot boundary setbacks for developments on reserved land. The proposed safety screen fence is situated off Labouchere Road, and starts at the end of Amherst Street.

**(g) Landscaping**

There is no minimum landscaped area for this site in TPS6. The proposal includes the removal of City trees which will reduce the total landscaped area for the site.

**(h) Fencing, Visual Impact and Amenity**

Clause 6.7(2) of TPS6 states as follows:

*"...Council shall not give its consent unless it is satisfied that the fence will not adversely affect the amenity of any property in the locality and will not clash with the exterior design of buildings in the locality".*

Additionally Council Policy P350.7 'Fencing and Retaining Walls' states a higher fence may have an adverse amenity impact in terms of:

- "(a) excessively dominant and unattractive visual impact;*
- (b) increased shadow effect;*
- (c) restriction on sunlight penetration; and*
- (d) restriction on views."*

The applicant has provided the following justification in support of their proposal:

In relation to Clause 6.7(2) of TPS6, we confirm that the Safety Screen will not adversely affect any amenity of any property in the locality as the Safety Screen is proposed to positively provide protection and safety to the adjacent Clubrooms and Sporting Practice facilities and its Members and visitors. Additionally, the construction will not clash with the exterior design of buildings in the locality as the area is predominately a sporting precinct for golf, cricket, hockey and gym users with a substantial amount of netting already in place. There is no residential or commercial property in the immediate locality apart from those of the sporting Clubs.

Council Policy P350.7 requires the issue of adverse amenity impact to be addressed. The contractor who has been involved with providing the quotation which was submitted as part of our Application, has addressed many issues such as those raised. That is, similar screening is evident in other locations and the visual impact is reportedly minimal, with Wembley Public Golf Course being the local example. The proposed design structure of slender poles and wide pole spacing, along with 92% sheer in the netting itself, means that the screening is almost translucent.

Therefore, the Safety Screen is expected to provide no shadow effect and likely to provide additional sunlight to the area as a result of the some of the tree removal. Additionally, it will not restrict any views, nor we believe that it will have a dominant or unattractive visual impact.

As such, we are confident that the proposed Safety Screen will not have an adverse impact in any manner.

Given the location of the proposed safety screen fence in relation to residential properties, the proposal is considered by officers as complying with clause 6.7(2) of TPS6 as well as the amenity factors listed Council Policy P350.7 'Fencing and Retaining Walls' for high fencing.

**(i) Trees**

As the proposal affects a number of the City's trees, comments were sought from the City's City Environment Department. This Department has provided the following recommendation:

1. All costs involved in removing the City's trees, to install the fence are to be borne by RPGC.
2. All care to be taken to minimise damage to remaining trees.
3. Replacement trees to be planted to replace removed trees.
4. City land must be left in a satisfactory condition.

Accordingly, associated planning conditions and important notes are recommended.

**(j) 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;*
- (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;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (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, subject to the recommended conditions.

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;*



- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (g) *in the case of land reserved under the Scheme, the purpose of the reserve;*
- (h) *the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*
- (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;*
- (o) *the cultural significance of any place or area affected by the development;*
- (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;*
- (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**

As the site adjoins City owned land consultation is not required in accordance with Council Policy P301 'Consultation for Planning Proposals'.

The City sent notification letters to the President, South Perth Cricket Club and the President, Wesley South Perth Hockey Club.

There were no submissions made on this proposal.

#### **(b) Internal Administration**

Comments were invited from the City's Senior Strategic Planning Officer for Heritage related comments, as well as the City Environment Department for parks-related comments. Comments from the City Environment Department have been discussed in detail under section (i) of this report.

The Senior Strategic Planning Officer, Development Services advises from the point of view of the Municipal Heritage Inventory (MHI) and local heritage significance, the proposed structure is acceptable.

#### **(c) External Agencies**

This application was referred to the WAPC. The WAPC has not provided any comments.

**10.3.3 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth.**

**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**

The President of Royal Perth Golf Club, President of the South Perth Cricket Club and President of the Wesley South Perth Cricket Club have requested financial assistance from the City with the proposal.

The total proposed cost is estimated at \$428,160 and Royal Perth Golf Club has indicated that it is willing to fund 50% of the installation cost, and the three presidents jointly apply to the City of South Perth to assist by contributing the balance of 50%.

The requested contribution from the City is not part of this application, and will be subject of a separate application.

**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 removal of the on-site and City trees does have some short term sustainability implications however this is offset as officers recommend replacement trees be planted for the removed trees. Additionally, the proposal is seen to enhance social sustainability by mitigating the risk of injury to people.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. Accordingly, it is considered that the application should be recommended for approval subject to conditions.

**Attachments**

**10.3.3 (a):** Applicant's report and Plans

**10.3.3 (b):** Site photographs

#### **I0.4 STRATEGIC DIRECTION 4: PLACES**

Nil

#### **I0.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT**

Nil



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

### 10.6.1 Monthly Financial Management Accounts - January 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-12867
Date:	24 February 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services 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

**Moved:** Cr Trent

**Seconded:** Cr Irons

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 8/0**

#### Background

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

managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report reflects the structure of the budget information provided to Council and published in the Annual Management Budget.

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

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% 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 January 2015 is \$45.72M which represents some 101% of the \$45.16M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement revenue is 15% under budget after four months of low activity. Meter parking revenues are 4% under budget to date. Interest revenues are now 9% above budget expectations now that the proceeds from the sale of the Civic Triangle land have been received and invested. Rate revenue from interim rates is some \$100,000 higher than was modelled for budget purposes due to interim rate activity. These variances have been addressed in the Q2 Budget Review (presented as agenda item 10.6.4).

Planning revenues are 33% ahead of budget due to receipt of planning fees for large developments at Hardy St, Mill Pt Road, Charles St and Mary St. Collier Park Village revenues are on budget with slightly less than budgeted maintenance fees offset by additional rental revenue and interest revenue. Fees for food vendor licenses also exceed budget by some \$15K.

City Environment contributions revenue reflects a year to date variance for unbudgeted event hire fees that is addressed in the Q2 Budget Review. There are also favourable variances for crossover revenue, Trust fund retentions in the Infrastructure area and better than anticipated trade-ins on fleet vehicles. Other than the small favourable difference on rubbish service charges and strong performance on CPGC green fees, Infrastructure Services revenue overall is close to budget for the year to date.

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

Operating Expenditure to 31 January 2015 is \$29.23M which represents 92% of the year to date budget of \$31.841M. Operating Expenditure shows as 7% under budget in the Administration area. Operating costs are 2% over budget for the golf course and show as 10% under in the Infrastructure Services area (although this largely relates to non-cash accounting entries for depreciation). The adjustment for infrastructure asset depreciation is addressed in the Q2 Budget Review.

Other than the differences noted in the Schedule of Significant Variances, variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and differences in budget phasing or matters that are addressed in the Q2 Budget Review. These variances are not considered significant at this stage of the year.

In the Infrastructure Services operations area, parks maintenance is currently 6% below budget. Streetscape maintenance is currently 8% over budget due to an acceleration of the program. City environment asset holding costs reflect what appears to be a significant (non-cash) over-budget position in relation to depreciation (the opposite scenario applies to Engineering Infrastructure asset holding costs). This occurs as a consequence of new 'fair value' valuations applied to our assets. The anomalies are addressed in the Q2 Budget Review without impost on the City's cash position.

Overheads currently reflect as being under-recovered for the month. This is not unusual in that overheads are applied based on direct labour costs - and since a significant portion of our field staff take annual leave over the December / January

period, an under-recovery at this time is not unexpected providing it is corrected in future months.

Maintenance activities for paths, drains and street sweeping now reflect a 15% 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.

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 0.48% under 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 and reform related actions. 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 \$25.62M at 31 January - 1% under the year to date budget of \$25.77M. This value consists largely of land sales proceeds and the lease premiums on CPV units leased.

Capital Expenditure at 31 January is \$7.25M representing 74% of the year to date budget of 9.80M after the inclusion of the carry forward projects. The total budget for capital projects for the year is \$30.67M - with the two major projects (Manning Hub & 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 tender processes, there will be a significant carry forward component in relation to these projects, 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 eagerly awaited major community facility initiatives.

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 1 - CAPITAL EXPENDITURE BY DIRECTORATE**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	522,500	574,646	110%	617,500
Major Community Projects	1,127,300	923,674	91%	15,897,300
Financial & Information	267,000	241,620	90%	876,500
Develop & Community	380,500	198,089	52%	645,000
Infrastructure Services	6,719,700	4,858,043	69%	11,689,600
Waste Management	465,450	140,386	30%	520,450
Golf Course	314,925	312,308	99%	421,115
UGP	0	0	-%	0
<b>Total</b>	<b>9,797,375</b>	<b>7,248,766</b>	<b>74%</b>	<b>30,667,465</b>

**Consultation**

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

**Policy and Legislative Implications**

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

**Financial Implications**

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

**Strategic Implications**

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

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

**Sustainability Implications**

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

**Attachments**

- 10.6.1 (a):** Statement of Financial Position
- 10.6.1 (b):** Statement of Financial Position
- 10.6.1 (c):** Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d):** Summary of Operating Revenue & Expenditure - Infrastructure Services
- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (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 January 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-12869
Date:	24 February 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services 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 and General Debtors.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Trent

**Seconded:** Cr Irons

That Council receives the 31 January 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 8/0**

### Background

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

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

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

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

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

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 \$84.2M (\$85.5M last month) compare favourably to \$54.5M at the equivalent stage of last year. Reserve funds are \$28.7M higher overall than the level they were at the same time last year - largely as a result of receiving the sale proceeds from the Civic Triangle site when settlement was effected in September. The Reserve fund balances show that the Asset Enhancement Reserve is \$29.0M higher mainly through 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 \$1.1M higher holdings of cash backed reserves to support refundable monies at the CPV but \$1.1M less for the CPH as the reserve is now redundant. The Sustainable Infrastructure Reserve is \$0.3M higher whilst the River Wall Reserve is also \$0.6M lower as funds have been deployed to fund major capital works. The Waste Management Reserve is \$0.3M higher. The Future Building Reserve is \$0.1M higher whilst the Future Municipal Works Reserve is \$0.3M lower. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is fully depleted after funding the 2014 operating deficit and is now redundant.

Municipal funds are some \$1.1M higher due to very good rates collections, a strong opening position 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 \$20.6M (compared to \$21.8M last month). It was \$19.5M 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 \$83.1M compared to \$53.7M at the same time last year. There is a \$1.0M higher level of cash in Municipal investments. Cash backed reserves are \$28.7M higher as discussed above.

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 31 January, 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)**.

Total interest revenues (received and accrued) for the year to date total \$1.36M. This compares to \$1.05M at the same time last year. 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 3.41% with the anticipated weighted average yield on investments yet to mature now sitting at 3.42%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.25%.

### **(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 January 2015 (after the due date for the third instalment) represent 87.9% of rates levied compared to 88.1% 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 \$2.3M at month end (\$1.7M last year). GST Receivable is \$0.5M higher than the balance at the same time last year whilst Sundry Debtors is slightly higher. 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 31 January with approximately 99.7% of those in the affected area having now paid in full. The remaining 15 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 \$4.52M (or 98.3% of the amount levied) has already been collected with 96.2% of property owners opting to settle in full. A further 35 or 3.4% 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. Six property owners are on extended payment arrangements and legal proceedings are about to be initiated for 4 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

## **10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2015**

DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report - as is the DOLG Operational Guideline 19.

### **Financial Implications**

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

### **Strategic Implications**

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

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

### **Sustainability Implications**

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

### **Attachments**

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

### 10.6.3 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-12871
Date:	24 February 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services 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 January 2015 and 31 January 2015 is presented to Council for information.

#### Officer Recommendation

**Moved:** Cr Huston

**Seconded:** Cr Trent

That the Listing of Payments for the month of January 2015 as detailed in **Attachment 10.6.3**, be received.

#### Amendment to Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Huston

**Seconded:** Cr Trent

That a part (b) be added to the Officer Recommendation so that it reads as follows:

#### *Officer Recommendation*

- a) That the Listing of Payments for the month of January 2015 as detailed in Attachment 10.6.3 be received; and
- b) The Listing of Payments for the period from 1 December 2014 to 31 December 2014 totalling \$7,020,800.04 (as circulated via the Council Hub on 4 February 2015) be received.

**CARRIED 8/0**

#### Reason for change

In the interim audit for 2014, the auditors made the following observation:

*Regulation 13(3) of the Local Government (Financial Management) Regulations 1996 states that a list of accounts paid by the CEO prepared under sub regulation (1) or (2) is to be -*

- (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

*The auditors noted that the list of payments for December 2013 was not presented to the*

*Council and recorded in the minutes of that meeting but were instead forwarded to the elected members via an information bulletin.*

*The auditors recommended that the list of payments for that month also be presented to the Council and be recorded in the minutes of the meeting to meet the requirements of the regulation.*

In December, the Council meeting was moved forward very early in the month - and because of the Christmas / New Year recess the next available meeting would have been February 2015. This would make the information several months old and of limited value at that time.

From December 2014 onwards, the City intends to circulate the December payment listing via the Council Hub - but will at the February 2015 meeting, include a further clause to the Council resolution advising that the listing of payments for the period from 1 December 2014 to 31 December 2014 as circulated via the Council Hub be received.

In this way, technical compliance with the regulation as well as the existing accountability and transparency will be achieved.

### **Background**

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

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

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

### **Comment**

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

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

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

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned

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

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

- **Non Creditor Payments**

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

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

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

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

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

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

### **Sustainability Implications**

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

### **Attachments**

**10.6.3 (a):** Listing of Payments

#### 10.6.4 Budget Review for the Period ended 31 December 2014

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-12872
Date:	24 February 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services 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 December 2014 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

**Moved:** Cr Trent

**Seconded:** Cr Irons

That, following the detailed review of financial performance for the period ending 31 December 2014, 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)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4 (c)**.

**Absolute Majority Required**

**CARRIED EN BLOC 8/0**



**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 are required to be forwarded to the Department of Local Government for their review after they are 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 December 2014.

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:

- 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.

It is acknowledged that, as a consequence of the ‘No Vote’ in the poll on local government reform on 7 February 2015, an assessment will need to be made of the expenditure incurred to date in relation to local government reform and recommendations made to Council in relation to the (potential) re-deployment of those funds in the light of the poll.

It is however, also acknowledged that:

- This event is outside the reporting period addressed by this budget review
- It is necessary to establish the accurate and final position of in-progress reform related costs (notwithstanding that ‘new’ costs will not be incurred)
- There needs to be a carefully considered view on what initiatives (particularly technology related) may still be worthwhile to continue irrespective of the reform poll where such initiatives still deliver a value-adding outcome to our South Perth community.

### **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**

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$230,250) to the projected 2014/2015 Budget Closing Position as a consequence of the review of operations. In addition a further (\$1.50M) adjustment is made to budgeted transfers of funds from Reserves.

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 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 \$1,991,000 net amount relating to carry forward items).

Excluding the carry forward items brings this figure back to \$4,339,550. Adjusting for the actual carry forward items, the change in the estimated Budget Opening Position, the Q1 Budget Review amendments and adding back the non-cash realised loss on disposal of previously revalued assets derives a revised estimated Closing Position of \$3,901,183 before the Q2 Budget Review.

The Budget Opening / Closing Position (calculated as per DOLG guidelines) is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds. It is essential that this is clearly understood - as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The adopted budget at 14 July showed a projected Closing Position at the conclusion of the 2014/2015 year (excluding any carry forward works) of \$4,339,550. Whilst this figure 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 has triggered a technical non-compliance with a financial management regulation.

The relevant regulation states 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 means 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.

Unfortunately, the drafting of this regulation does not contemplate the type of situation that City of South Perth faces in completing a multi-million dollar land sale transaction in one year but applying only part of the proceeds in that year and then drawing down the remainder in the next. In fact were letter of the law compliance with the regulation effected, the City would have raised far less rates than were required in this year, and then had a large compensating rates increase in the next year to allow us to fund the projects in the Long Term Financial Plan.

Negotiations between the City and the Department of Local Government about this issue (in the light of the prevailing circumstances), have resulted in an agreed resolution - being that the City will 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 is changed - other than the timing of the cash flows and the reduced 2014/2015 Closing Position.

After adopting the changes recommended in this Budget Review (including an adjustment to revise the projected closing position down to meet the requirements of the Financial Management Regulations), the projected 2013/2014 Closing Budget Position will be \$2,170,934.

The impact of the proposed amendments in the Q2 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 I: (Q2 BUDGET REVIEW ITEMS ONLY)**

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	72,500	(279,500)	(207,250)
Financial & Information Services	172,500	(115,000)	57,500
Development & Community Services	135,000	(50,000)	85,000
Infrastructure Services	428,000	(593,500)	(166,500)
Special Review Items	0	(0)	0
Opening Position	0	(0)	0
Adjustment to Closing Position (via Reserve Transfers)	0	(1,500,000)	(1,500,000)
<b>Total</b>	<b>808,000</b>	<b>(2,538,250)</b>	<b>(1,730,250)</b>

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	72,500	(384,750)	(312,250)
Financial & Information Services	289,538	(189,260)	100,278
Development & Community Services	215,700	(117,000)	98,700
Infrastructure Services	2,123,000	(2,372,500)	(249,500)
Special Review Items	0	(1,065,828)	(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
<b>Total change in Adopted Budget</b>	<b>\$2,743,038</b>	<b>(\$4,911,654)</b>	<b>(\$2,168,616)</b>

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 \$668,616 from the estimated Closing Position [other than the (\$1.50M) adjustment required for statutory compliance purposes] to the revised Budget Closing Position of \$2,170,934 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.

### Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - 'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'.

### 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.

### Attachments

- 10.6.4 (a):** Amendment identified from 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

### **10.6.5 Planning and Development (Local Planning Schemes) Regulations 2014 - Submission to the Western Australian Planning Commission**

Location: City Wide  
Ward: All  
Applicant: City of South Perth  
File Ref: D-15-12874  
Date: 24 February 2015  
Author: Mark Scarfone, Senior Strategic Projects Planner  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Mark Scarfone, Senior Strategic Projects Planner  
Governance, Advocacy and Corporate Management --  
Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan  
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

#### **Summary**

The purpose of this report is for Council to consider and endorse a submission in response to the discussion paper 'Planning and Development (Local Planning Schemes) Regulations 2014'. The closing date for submissions, is 30 January 2015, however the Department has agreed to extend this deadline until after the February Council meeting to give Council time to consider and endorse the submission.

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

**Moved:** Cr Trent

**Seconded:** Cr Irons

That Council endorse the submission to the Department of Planning.

**CARRIED EN BLOC 8/0**

#### **Background**

In September 2009 "Planning Makes Its Happen" was launched setting out a first round of planning reforms. This included Development Assessment Panels, Multi Unit Housing Codes and Directions 2031 and Beyond strategy, amongst other reforms.

In October 2013, the Department of Planning (DoP) released 'Planning makes it happen: phase two', the next set of planning reform initiatives and Council endorsed a submission on this document in November 2013.

The Department of Planning is now seeking comments on their discussion paper 'Planning and Development (Local Planning Schemes) Regulations 2014' (the Regulations). The regulations will replace the Town Planning Regulations 1967 and the Model Scheme Text and allow the DoP to progress some of the reforms, proposed as a part of 'Planning makes it happen: phase two'.

#### **Comment**

The full submission is contained in **Attachment 10.6.5** The main points are summarised below:

- The City is generally supportive of the proposed changes. The revised layout and wording of the regulations and associated Model Scheme Text is a vast improvement on previous versions;

**10.6.5 Planning and Development (Local Planning Schemes) Regulations 2014 - Submission to the Western Australian Planning Commission**

- The Regulations do not include timeframes for the WAPC and Minister to perform various tasks in relation to new town planning schemes, local planning strategies or the various amendment categories. In order to ensure these tasks are performed in a timely manner, timeframes should be included in the Regulations.
- The Regulations should be updated to provide greater clarity in relation to the referral of proposed scheme amendments to the Environmental Protection Agency.
- Several modifications are suggested to the wording of the Model provisions for local planning schemes (MST) to ensure this document is easy to understand and apply.
- The operation of the proposed 'Deemed Provisions' needs to be clarified.
- The terms 'building height' and 'wall height' should be included in the MST not the 'deemed provisions' to ensure local governments will retain the flexibility to suggest modifications to these terms to better suit the local characteristics. Moving these terms into the MST provisions will also allow the City's current scheme provisions relating to 'Building Height' to operate as intended.
- The regulations propose that single residential houses, ancillary dwelling, outbuilding, external fixture, patios, pergola, veranda or swimming pool are exempt from planning approval providing that it satisfies: -
  - Deemed to comply requirements of the R-Codes
  - Not subject to heritage requirements.Without an understanding of how single house and minor development will be assessed and certified as being compliant with the deemed provisions, the City of South Perth is not supportive of this clause.
- A detailed schedule of modifications has been provided to assist with the fine tuning of the document and well as clarifying the future operations.

**Consultation**

Elected members were consulted through the Bulletin in mid-December 2014 seeking comments. No comments were received.

**Policy and Legislative Implications**

There are no legislative or policy implications to the City in making this submission.

**Financial Implications**

There are no financial implications to the City in making this submission.

**Sustainability Implications**

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

**Attachments**

- 10.6.5 (a):** Planning and Development (Local Planning Schemes) Regulations 2014 - Submission to the Western Australian Planning Commission



### 10.6.6 Local Government Reform following the City of South Perth Amalgamation Poll Results

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-15-12877  
Date: 24 February 2015  
Author: Amanda Albrecht, Executive Officer  
Reporting Officer: Cliff Frewing, Chief Executive Officer  
Strategic Direction: Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan  
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

#### Summary

This report provides a brief history of the key Council resolutions relating to the Local Government Reform Program; presents the results of the recent Local Government Reform Amalgamation Poll held for the City of South Perth; and discusses the next steps.

#### Officer Recommendation

**Moved:** Cr Reid  
**Seconded:** Cr Trent

That Council

- (a) notes and accepts the Western Australian Electoral Commission Amalgamation Poll Results for the City of South Perth;
- (b) notes and accepts the Minister for Local Government and Communities letter of 19 February 2015 (**Attachment 10.6.6 (a)**) advising that he has rejected the Local Government Advisory Board's recommendation to amalgamate the City of South Perth and Town of Victoria Park;
- (c) notes that the City of South Perth has commenced the close down of the Reform Program and agrees that no new work will be commenced, and no new expenditure committed, in relation to the Reform Program;
- (d) notes that a further report will be provided to Council regarding any work that should continue to be progressed in collaboration with the Town of Victoria Park and any identified opportunities for business improvements;
- (e) notes that a further report will be provided to Council regarding the distribution of remaining funds allocated to the Reform Program in the 2014/2015 Budget;
- (f) authorises the Chief Executive Officer to prepare a funding application to the State Government for the recovery of eligible costs incurred in implementing the State's Reform Program;
- (g) agrees that the Local Implementation Committee should continue until such time as the funding applications (for the City and Town) have been endorsed by the Local Implementation Committee (in accordance with the State Government Funding Guidelines) and submitted to the Department of Local Government and Communities;
- (h) authorises the Chief Executive Officer to write to the Department of Local Government and Communities advising that the City of South Perth will no longer participate in the MetRIC; and

- (i) notes that a further report will be provided to Council on the establishment of a new joint Elected Member forum with the Town (and other neighbouring Councils).

*Note: The Presiding Member advised that she had proposed to move an Alternative Motion but that this was no longer on the table and will be looking to move an Amended Motion. Cr Reid then sought the agreement of Cr Trent and the Presiding Member that the Amended Motion become the substantive.*

With the agreement of both Cr Trent and the Presiding Member, the Amended Motion then became the substantive.

### **AMENDMENT TO OFFICER RECOMMENDATION**

**Moved:** Cr Reid

**Seconded:** Cr Trent

That the Officer's Recommendation be amended to read as follows:

- (a) notes and accepts the Minister for Local Government and Communities letter of 19 February 2015 (**Attachment 10.6.6 (a)**) advising that he has rejected the Local Government Advisory Board's recommendation to amalgamate the City of South Perth and Town of Victoria Park;
- (b) recognises and thanks the incredible efforts and participation of:
  - (i) the City of South Perth residents and ratepayers - who displayed remarkable grassroots democracy by volunteering their own time and financial resources to conduct campaigns to vote and also presented a case for the "no" vote; and
  - (ii) the individuals and community groups across the Perth metropolitan area who kept local government reform in the public eye and ensured the success of the polls in South Perth, Kwinana and East Fremantle on 7 February 2015.
- (c) thanks the staff of the City for their efforts in ensuring the poll was held effectively;
- (d) confirms that the City of South Perth has commenced the close down of the Reform Program and agrees that no new work will be commenced, and no new expenditure committed, in relation to the Reform Program;
- (e) requests a report be provided to Council in April on steps taken to achieve closure of the Reform Program
- (f) requests a further report will be provided to Council in April regarding any work that should continue to be progressed in collaboration with the Town of Victoria Park and any identified opportunities for business improvements;
- (g) requests a further report will be provided to Council regarding the distribution of remaining funds allocated to the Reform Program in the 2014/2015 Budget;
- (h) authorises the Chief Executive Officer to prepare a funding application to the State Government for the recovery of eligible costs incurred in implementing the State's Reform Program;
- (i) agrees that the Local Implementation Committee should continue until such time as the funding applications (for the City and Town) have been endorsed by the Local Implementation Committee (in accordance with the State Government Funding Guidelines) and submitted to the Department of Local Government and Communities;
- (j) authorises the Chief Executive Officer to write to the Department of Local Government and Communities advising that the City of South Perth will no

longer participate in the MetRIC; and

- (k) requests that a further report will be provided to Council in April on the establishment of a new joint Elected Member forum with the Town (and other neighbouring Councils).
- (l) authorises the Chief Executive Officer to provide written feedback to the WA Electoral Commission on its conduct of the poll on behalf of the City and improvements that might be made.

With the agreement of the Mover and Seconder, Cr Cala sought a minor amendment to the Amended Recommendation to add to part (b)(i) the following:

- (b) Recognises and thanks the incredible efforts and participation of:
  - (i) the City of South Perth residents and ratepayers - who displayed remarkable grassroots democracy by volunteering their own time and financial resources to conduct campaigns to vote and also presented a case for the “no” vote *with special acknowledgement given to the City of South Perth Residents’ Association, in particular Ms Cecilia Brooke*; and

This then became the substantive.

### COUNCIL DECISION

**Moved:** Cr Reid

**Seconded:** Cr Trent

That the Officer’s Recommendation be **amended** as follows:

- (a) notes and accepts the Minister for Local Government and Communities letter of 19 February 2015 (**Attachment 10.6.6 (a)**) advising that he has rejected the Local Government Advisory Board’s recommendation to amalgamate the City of South Perth and Town of Victoria Park;
- (b) recognises and thanks the incredible efforts and participation of:
  - (i) the City of South Perth residents and ratepayers - who displayed remarkable grassroots democracy by volunteering their own time and financial resources to conduct campaigns to vote and also presented a case for the “no” vote with special acknowledgement given to the City of South Perth Residents’ Association, in particular Ms Cecilia Brooke; and
  - (ii) the individuals and community groups across the Perth metropolitan area who kept local government reform in the public eye and ensured the success of the polls in South Perth, Kwinana and East Fremantle on 7 February 2015.
- (c) thanks the staff of the City for their efforts in ensuring the poll was held effectively;
- (d) confirms that the City of South Perth has commenced the close down of the Reform Program and agrees that no new work will be commenced, and no new expenditure committed, in relation to the Reform Program;
- (e) requests a report be provided to Council in April on steps taken to achieve closure of the Reform Program
- (f) requests a further report will be provided to Council in April regarding any work that should continue to be progressed in collaboration with the Town of Victoria Park and any identified opportunities for business improvements;
- (g) requests a further report will be provided to Council regarding the distribution of remaining funds allocated to the Reform Program in the 2014/2015 Budget;
- (h) authorises the Chief Executive Officer to prepare a funding application to the State Government for the recovery of eligible costs incurred in implementing

the State's Reform Program;

- (i) agrees that the Local Implementation Committee should continue until such time as the funding applications (for the City and Town) have been endorsed by the Local Implementation Committee (in accordance with the State Government Funding Guidelines) and submitted to the Department of Local Government and Communities;
- (j) authorises the Chief Executive Officer to write to the Department of Local Government and Communities advising that the City of South Perth will no longer participate in the MetRIC; and
- (k) requests that a further report will be provided to Council in April on the establishment of a new joint Elected Member forum with the Town (and other neighbouring Councils).
- (l) authorises the Chief Executive Officer to provide written feedback to the WA Electoral Commission on its conduct of the poll on behalf of the City and improvements that might be made.

**CARRIED 8/0**

Comment

The recommendations of the Officer's Report need to go beyond the administrative aspects of the outcome of the Amalgamation Poll results. The results of the Polls that were allowed to occur among the metropolitan councils, demonstrated the depth of interest residents have in their local governments and have further brought about the unraveling of the State Government's forced amalgamation process through boundary changes. When presented with all the issues associated with the State Government's amalgamation proposals, the resounding vote was NO.

Many individuals and community groups who were actively engaged in this process were part of ensuring local government reform remained in the public eye. The poll turnout over a school holiday period is an outcome which needs to be celebrated in the South Perth community. It was not expected by commentators or the Minister. It would be mistake to think this turnout was simply a result of council expenditure and endeavours. The unity of the community under strong voluntary leadership of a concerted "no" campaign, along with the City's 30 banners and posters distributed by some Councillors displayed in prominent positions in the City encouraging people to exercise their democratic right and simply "Vote" ensured that South Perth had a binding Poll.

Closing down the Reform Program of work is important both at governance level and to show the community that the State Government has heard them and the Council is taking action to cease the reform work. This requires the Chief Executive Officer and staff to stop all work with the Town of Victoria Park on amalgamation.

The City's Chief Executive Officer advised all Councillors internally on 8<sup>th</sup> February 2015 that he had put a brake on any new expenditure in the reform process two weeks ago when the votes started to come in for the Poll.

Identification of what Reform Program work has been undertaken and committed to needs to be made very clear. For example in relation to merging business systems, clarification is required on what was authorized as it has many flow on effects. Until all of this is clear, there should be no merger of business systems.

Specific dates for reports to Council set out in the above Alternative Recommendation are critical to ensure the Council can progress the City's Strategic

and Corporate Plans which have been placed on hold while the State Government's forced reform was the focus. These documents need to be updated and reflect preparation for the future and what our direction will be.

In respect to the Poll, it is important that the City both thanks the WAEC for carrying out the contracted service on behalf of the City being a Poll which the City alone was required to carry out. Additionally feedback needs to be provided to the WAEC on how the Poll was conducted and any improvements that might be made are recommended. Specifically information is sought from the WAEC on the substantial number of postal votes returned to the WAEC because they were marked as "not at this address" – how many were there; what happened to those returned votes (e.g. has the elector's registration thereby been challenged, will those electors be removed from the elector's roll {for that address}); were those votes removed from the total number of voters in South Perth before the 50%+1 number was calculated? Also, a substantial number of returned votes were deemed invalid by the WAEC without any input from the City – why was the City's input not sought on the question of validity given it was the City's Poll; how many votes were deemed invalid by the WAEC; what has happened to those deemed invalid votes, where are they located; what provision of what statute did the WAEC rely on for its unilateral deeming decision; what provision of what statute did the WAEC rely on as the contractor to refuse to reveal to the City as its principal, and notably the party responsible for the election, the identity of the electors who had made deemed invalid votes so they could be contacted to see if they wished to vote again; and in the context of the WAEC refusal to reveal to the City the identity of the electors who had made deemed invalid votes so they could be contacted to see if they wished to vote again, what provision of what statute did the WAEC rely on to make the decision not to make any effort to contact those electors to see if they wished to cast another valid vote even though the WAEC had been requested to do so.

### Background

In July 2013, the Premier announced the State Government's proposal for Local Government Structural Reform for the Metropolitan area, whereby the number of Local Governments would be reduced from 30 to 16 by 1 July 2015. Local Government authorities were invited to make submissions to the Local Government Advisory Board (LGAB) about proposed boundary changes.

Since this time, the Council has received numerous reports on the topic of Local Government Reform, and has adopted a series of resolutions in relation to the State Government's Reform Program. A summary of the key decisions is as follows:

Date	Key Decision
2 October 2013	Joint proposal to the LGAB to amalgamate with the Town and that part of Canning north-west of Leach Highway. Conditional on: <ul style="list-style-type: none"> <li>➤ Retaining the Burswood Peninsula</li> <li>➤ Voluntarily Amalgamating</li> <li>➤ State Funding</li> </ul>
25 February 2014	Authorised joint submission to the LGAB <u>against</u> the Minister's Proposal \$250K allocated in 2013/2014 Budget
27 May 2014	Suspended participation with the State Government with respect to the Local Government Reform process, including participation through the MetRIC and a LIC. This was in response to the government renegeing on its promise to fund its Reform Program.

24 June 2014	Put forward recommendation to the LGAB on name, wards, elected member numbers, method of electing the Mayor
	Joined Supreme Court Action against the Minister and the LGAB \$150K for legal fees allocated in 2014/2015 Budget
14 July 2014	\$750K allocated in the 2014/2015 Budget for Reform costs \$250K for Reform costs from previous year also carried forward to new budget
22 July 2014	Decision to withdraw support for the 'joint proposal', if the Minister's proposals were deemed to be unlawful, or the process adopted by the Board was deemed to be unlawful as a result of the Supreme Court Action.
4 November 2014	Endorsed a Change Management Plan and the completion of Stage One of the Reform Program "Toolkit". Agreed to take a neutral but informing role in advising residents of their right to vote in a poll on amalgamation. Authorised officers to commence with Stage 2 of the Reform Program and expenditure on technology related works of up to \$685,000.
25 November 2014	Re-established the LIC
9 December 2014	Declared WAEC responsible for conducting the poll Agreed to contribute to legal advice regarding appealing the Supreme Court Decision
22 December 2014	Resolved not to provide funding to community groups to campaign for/against amalgamation

Officers have implemented the above resolutions in pursuit of an amalgamation with the Town and that part of the City of Canning north-west of Leach Highway

Most recently, in December 2014 the electors of South Perth requested, through a valid petition, that the Local Government Advisory Board (LGAB) recommendation for the City of South Perth (the City) and the Town of Victoria Park (the Town) to be amalgamated, to be put to a poll. The Minister for Local Government and Communities (the Minister) must reject the recommendation put forward by the LGAB if, as a result of the poll, 50 percent of electors vote, and if the majority of those electors that vote, vote against the recommendation.

#### Comment

A poll of South Perth electors was held Saturday 7 February 2015. The results of the poll were as follows:

Results	
Number of YES votes	3,026
Number of NO votes	10,572
Number of Informal votes	18
Total number of valid votes received	13,616
Total electoral packages sent	26,789
Voter turnout percentage	50.83%

As over 50 percent of all electors participated in the poll, the Minister is bound by the result (Schedule 2.1, clause 10(2) of the Local Government Act 1995 refers). This means that the proposal for the City of South Perth to amalgamate with the Town of Victoria Park (and part of the City of Canning) will not proceed.



The Minister has now written to the City of South Perth advising that he has rejected the Local Government Advisory Board's recommendation in accordance with clause 10(2), Schedule 2.1 of the Local Government Act 1995 (**Attachment 10.6.6 (a)** refers).

Polls held by the Town of East Fremantle and the City of Kwinana also resulted in the amalgamations planned for their areas no longer proceeding.

As a consequence of the three amalgamation proposals failing (in addition to the Minister already rejecting the proposal relating to the western suburbs), the WA Local Government Association (WALGA) and the Local Government Managers Association (LGMA) withdrew their support for the State Government's Reform Program, calling on the State Government to abandon the process and reverse the Governor's Orders that have been issued for Councils where mergers are being enacted through boundary changes.

#### **State Government commentary**

The Minister has now announced (on Tuesday 17 February 2015) that the State Government will not force Councils to merge. The Minister has said that he will meet with individual Councils who wish to be amalgamated on a case-by-case basis, but that no Council will be forced to change. Where agreement cannot be reached by both Councils, the Minister has agreed to rescind the existing Governor's Orders.

A number of the affected Councils have already resolved against boundary changes that would have resulted in a merger with the adjoining Council, including the City of Canning.

The Premier has indicated that he will now focus on the City of Perth Act. However, the success of this Bill (in its current form) also seems in doubt with National, Labour and the Greens all opposing it, and the Cities of Perth and Vincent no longer supporting an amalgamation.

#### **City of Canning**

In response to the Minister's announcement on Tuesday 17 February 2015, the City of Canning has resolved to remain as it is. It is anticipated that the Governor's Orders relating to the City of Canning will now be rescinded. This means that the area north-west of Leach Highway that was to become part of the new City of South Park, and would have been 'stranded', will now remain part of the City of Canning.

#### **Next steps**

The City and the Town have been working together, in preparation for an amalgamation, for over a year. This has been necessary given the complexities and workload involved in combining two multi-million dollar businesses together (along with a part of the City of Canning), and the deadline imposed by the State Government of 1 July 2015. (The combined total assets of the 'City of South Park' would have been in excess of \$1 Billion).

In particular, over the last few months, work to merge business systems has had to commence, despite the uncertainty surrounding the outcome of the City's legal action and the poll. Both the Town and the City have incurred costs in undertaking this work (these are discussed in further detail below).



Officers at the City and the Town will now need to consider what work should continue to be progressed, where identified opportunities for improvement or resource sharing can be captured and implemented, and how work that has already been completed can be capitalised.

The project teams established to implement the Reform Program, have been asked to commence project closure, this will include consideration of:

- Project Status (where things were up to)
- Lessons learnt
- Key achievements/outputs
- Opportunities for business improvements (including ongoing collaboration)
- Final costs
- Feedback regarding the process

A further report will be provided to Council in due course on this subject.

#### ***Funding application***

As discussed in previous reports to Council, the State Government has made available a funding package of \$15 million in grants and \$45 million in loans, to be available over the next three years. The Department has previously advised the City that applications for funding for the 2014/2015 year may include expenditure that has already been incurred, so long as it meets the funding criteria.

It is unclear whether or not this funding will still be available to the City, given that the City will no longer be amalgamating with the Town and part of Canning. The Premier initially made comments to the effect that Councils may “make the case”, but he does not see the grounds for reimbursement. He has now more emphatically stated that Councils that are not amalgamating or merging will not be eligible for funding.

However, 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 at least eligible for consideration in the allocation of the first year of grants funding. The State Government refused to move its 1 July 2015 deadline for reform, despite the need to hold the poll, forcing the City to begin implementing the program.

On this basis, officers have commenced preparation of a funding application for recovery of our Reform Program costs from the State. (Information regarding the total costs incurred is provided below).

#### ***Local Implementation Committee***

The Local Implementation Committee (LIC) was established to oversee and drive planning and implementation of the Reform Program (at an Elected Member level), act as a conduit to Council, and to facilitate decision making. The LIC was attended by Elected Member representatives from the City and the Town, the Commissioner from the City of Canning, CEOs and Reform Office Staff.

Having a LIC established as a governance mechanism to progress the Reform Program was one of the criteria set out by the Department for grant funding. On this basis, officers recommend the continuation of the LIC until such time as funding applications (from the City and Town) have been considered by the LIC (as proposed by the Department) and submitted to the Department (due 31 March 2014). However, officers recommend that the City of South Perth now formally withdraw from the MetRIC.

Officers from the City and Town will also prepare advice to Council on whether or not there is merit in continuing to convene a new joint forum (with Elected Member representatives), where further resource sharing and collaborative initiatives with the Town can be considered.

### **Consultation**

No consultation was undertaken in the preparation of this report. Officers will be working with the Town of Victoria Park in the coming weeks to close off the Reform Program. Discussions regarding the progression of some elements of the Reform Program will be reported back to Council at a later stage.

### **Policy and Legislative Implications**

Under section 4.80 of the Local Government Act 1995, a person who is dissatisfied with the result of an election or with the way in which an election was conducted may make an invalidity complaint. An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election (section 4.81(1) refers).

### **Financial Implications**

Expenditure in responding to the State Government's Reform Program has occurred over a number of years. Over the last few years, officers estimate that approximately \$500,000 has been spent on consultants, reform office staff, technology, legal action, communication campaigns, and the conduction of the poll. In addition to this, staff at the City of South Perth have spent over 7,500 hours since May 2014 working on the Reform Program. This represents a further indirect cost to the City of approximately \$500,000.

This expenditure has been necessary to implement the actions set out in the Department's Local Government Reform Toolkit in order to meet the State's deadline of 1 July 2015.

In July 2014, the Council allocated \$750,000 in the 2014/2015 Budget towards the Reform Program. \$250,000 was also carried forward from the 2013/2014 for this work. Some of this funding has already been spent, some allocated to initiatives that may need to continue in a limited form, and the balance (when known) can be re-distributed to other projects. A further report will be provided to Council with a detailed acquittal against the Reform Program budget and options for the redistribution of the unspent funds.

As much as possible, the City has taken a cautious and responsible approach to the spending of this funding, given the uncertainties surrounding the amalgamation. Most of the significant anticipated expenditure has not occurred and will now not occur. As noted above, officers have commenced work on a funding application to the State Government to recover costs already incurred in implementing the State's Reform Program.

### **Sustainability Implications**

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

### **Attachments**

**10.6.6 (a):** Letter from Minister Simpson - Poll Results - 19 February 2015  
(Published Separately)

### 10.6.7 Council Meeting Schedule 2015 - Review following the Poll

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-12879
Date:	24 February 2015
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration Sharron Kent, Governance Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

#### Summary

The purpose of this report is to adopt the City of South Perth Council Meeting Schedule for July 2015 to December 2015, incorporating the schedule adopted for the period January 2015 to June 2015 at the 28 October 2014 Ordinary Council Meeting, in light of the recent Local Government Reform Poll results.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Cr Trent

**Seconded:** Cr Irons

That:

- a) Council retain the City of South Perth Meeting schedule for the period January 2015 to June 2015 as adopted at the 28 October 2014 Ordinary Council Meeting; and
- b) The proposed City of South Perth Meeting schedule for the period July 2015 to December 2015, as detailed within this report, be adopted and advertised.

**CARRIED EN BLOC 8/0**

#### Background

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

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

#### Comment

On 28 October 2014 Council adopted the City of South Perth Council Meeting Schedule for the period January – July 2015 only, due to the pending announcement of metropolitan local government reform. The following ‘exceptions’ were agreed to:

#### Exceptions for 2015:

- In January, when the Council is in recess, any urgent matters that may arise that the Chief Executive Officer does not have authority to deal with will be the subject of a Special Meeting of Council. Part 3 of the Standing Orders Local Law

2007 'Calling and Convening Meetings' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government, as he is empowered to do, in accordance with the *Local Government Act*; and

- Beyond 1 July 2015, when the proposed local government amalgamations will require the new entity adopt a meeting schedule for the period July 2015 – December 2015.

Following the results of the 4 February 2015 Poll, the Premier has conceded that the Government's reform agenda has failed. Whilst no official statement has been released by the Premier, Minister or Department of Local Government and Communities to date, it now seems likely that neither amalgamations nor boundary changes will go ahead.

In light of this the adopted meeting schedule has been reviewed and amended to include the period July 2015 to December 2015 for Council consideration, as follows:

Report Deadline	Agenda Briefing Meeting	Ordinary Council Meeting
January Recess	January Recess	January Recess
6 February	17 February	24 February
6 March	17 March	24 March
10 April	21 April	28 April
8 May	19 May	26 May
5 June	16 June	23 June
10 July	21 July	28 July
7 August	18 August	25 August
4 September	15 September	22 September
25 September	6 October	13 October
6 November	17 November	24 November
27 November	8 December	15 December

Note: Council Elections – Saturday 17 October 2015  
Swearing-In Ceremony – Monday 19 October 2015

There is minimal public impact expected and state and national public holidays do not interfere with the proposed meeting schedule for 2015.

Council is being asked to consider the above meeting schedule with the following exceptions for the July 2015 to December 2015 period:

- In October when the Council Elections take place. Meetings have been set forward two weeks to allow for the Council Elections and Swearing-in Ceremony.
- In December when Council Meetings have been set forward one week to allow for the Christmas holiday period.

#### **Special Council Meetings**

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

#### **Consultation**

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

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

Adopting the Council Meeting schedule for the forthcoming year is in common with past practice and in line with the *Local Government Act Regulations* r.12(1) (Act s5.25(1)(g)) which state that:

- (1) "At least once each year a local government is to give local public notice of the dates on which and the time and place at which
- (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
- are to be held in the next 12 months."

#### **Financial Implications**

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

#### **Sustainability Implications**

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

#### **Attachments**

Nil

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

Nil

## **11. APPLICATIONS FOR LEAVE OF ABSENCE**

Applications for Leave of Absence were received from:

- Cr G Cridland for the period Thursday 26 February 2015 – Wednesday 4 March 2015 inclusive and Wednesday 6 May 2015 – Tuesday 12 May 2015 inclusive;
- Mayor Doherty for the period Friday 6 March – Sunday 8 March 2015 inclusive; and
- Cr C Irons for the period Wednesday 18 March 2015 – Monday 4 May 2015 inclusive.

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

**Moved:** Cr Trent

**Seconded:** Cr Hawkins-Zeeb

That the applications for Leave of Absence received from:

- Cr G Cridland for the period Thursday 26 February 2015 – Wednesday 4 March 2015 inclusive and Wednesday 6 May 2015 – Tuesday 12 May 2015 inclusive;
  - Mayor Doherty for the period Friday 6 March 2015 – Sunday 8 March 2015 inclusive; and
  - Cr C Irons for the period Wednesday 18 March 2015 – Monday 4 May 2015 inclusive.
- be approved.

**CARRIED 8/0**

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

## **13. QUESTIONS FROM MEMBERS**

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

At the December 2014 Ordinary Council Meeting a question was taken on notice. The question and the response provided can be found at the Appendix of these Minutes.

At the December 2014 Annual Electors' Meeting and Special Council Meeting there were no questions taken on notice.

### **13.2 QUESTIONS FROM MEMBERS**

There were two questions by Members. A table of questions received and answers provided can be found in the Appendix 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.*

Nil.

## **16. CLOSURE**

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.00 pm.



## 17. RECORD OF VOTING

24/02/2015 7:18:33 PM

### **Item 7.1 Minutes Carried En Bloc**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

24/02/2015 7:19:24 PM

### **Item 7.2 Briefings Carried En Bloc**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

24/02/2015 7:21:36 PM

### **Item 8.4 Delegates Reports Carried En Bloc**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

24/02/2015 7:24:15 PM

### **Item 9 Officer Recommendations Carried En Bloc**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

24/02/2015 7:37:46 PM

### **Item 10.3.1 – Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning**

Motion Passed 6/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Glenn Cridland

Absent: Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance

24/02/2015 7:48:26 PM

**Item 10.3.1 – Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning**

Motion Lost 3/4

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

No: Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

Absent: Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance

24/02/2015 8:02:41 PM

**Item 10.3.2 – Proposed Family Day Care Addition to Single House – Lot 514 (No. 32 Todd Avenue, Como – 11.2014**

Motion Passed 5/3

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

No: Cr Sharron Hawkins Zeeb, Cr Michael Huston, Cr Cheryle Irons

Absent: Cr Veronica Lawrance

24/02/2015 8:13:10 PM

**Revisited Item 10.3.1 – Proposed Nine (9) Multiple Dwellings in a Three-Storey Building. Lot 98 (No. 4) Downey Drive, Manning**

Motion Passed 7/0

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

Absent: Cr Sharron Hawkins Zeeb, Cr Veronica Lawrance

24/02/2015 8:31:25 PM

**Item 10.3.3 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth**

Motion Lost 3/5

Yes: Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

No: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Fiona Reid

Absent: Cr Veronica Lawrance

24/02/2015 8:45:55 PM

**Item 10.3.3 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth**

Motion Passed 5/3

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

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

Absent: Cr Veronica Lawrance

24/02/2015 8:49:30 PM

**Item 10.6.3 Listing of Payments**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

24/02/2015 8:53:24 PM

**Item 10.6.6 Local Government Reform following the City of South Perth Amalgamation Poll Results**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

24/02/2015 8:54:30 PM

**Item 11 - Applications for Leave of Absence**

Motion Passed 8/0

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

Absent: Cr Veronica Lawrance

## APPENDIX

### 6.2 PUBLIC QUESTION TIME: 24 FEBRUARY 2015

1. Geoff Defrenne, 24 Kennard Street, Kensington Received 24 February 2015	Response provided by: Vicki Lummer, Director Development and Community Services and Cliff Frewing, Chief Executive Officer
<i>Item 10.3.3 Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course</i>	
1. Is any of the proposed 24 m fence on land not owned or leased by the RPGC.	No. The applicant has confirmed that the safety screen will be located entirely within the Royal Perth Golf Club boundaries.
2. Is any of the proposed fence to be positioned on a council road way.	No. Refer answer to question 1.
3. Is any of the proposed fence to be positioned on any council land?	On land vested in Council. Refer answer to question 1.
4. If the proposed fence is to be on a road way, has the council staff brought this to the attention of the council?	N/A. Refer answer to question 1.
5. If any of the proposed fence is on council land will a lease be negotiated for the land being used?	Land already subject to lease. Refer answer to question 1.
6. If it is a on a roadway, is it permissible to build a private fence on a roadway?	N/A. Refer answer to question 1.
7. What has this proposed fence got to do with the neighbouring cricket clubs?	The applicant notes that both clubs (as neighbouring park users) are supportive of the proposal with the common view being that the installation is in the best interests of all the sporting clubs.
8. As the council is aware of a lack of safety by its tenant, what is the potential liability of the council in allowing its tenant operating from its land in an unsafe manner?	Legal advice will be sought on this issue.
9. What is the current annual lease fee of the golf course?	A base lease fee is currently \$11,040 per annum.

10. Approximately how much is annual lease fee per member?	This information is not available.
11. Before considering the request for the council to pay for half the cost of the proposed fence, a subsidy of about \$100 per golf club member, will the council advertise its willingness to offer grants of up to \$50 per member for clubs operating within the COSP if the application has merit?	Council is not proposing to contribute towards the cost of the fence.
12. If, say pelicans start hitting the fence and injuring themselves, will the club be required to modify or remove the fence?	This question is not relevant.
<b>2. Keryn McKinnon, 25 Todd Avenue, Como Received 24 February 2015</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<i>Item: 10.3.2 Proposed Family Day Care Addition to Single House – 32 Todd Avenue, Como</i> [Preamble] A traffic frequency survey found 143 cars travelled the street over an hour long period (one every 25 seconds) during peak hour on 19 February 2015. The most recent accident occurred on 6 February 2015 where an 89 year old woman had her car written off, beyond repair, after it was hit by a taxi reversing out of 38 Todd Avenue.	
1. In their deliberations can Councillors please give due consideration to the very high volume of traffic using Todd Avenue, particularly at peak times, and the obstructed view caused by the gradient at the location of the proponent's property?	Council is aware of the traffic implications associated with this application.
2. <i>(this question was additional to the written questions submitted)</i> In their deliberations can Councillors please give due consideration that throughout the day there may be before and after school drops offs and visits to the zoo or the like and that there may be more than those eight?	There is no answer applicable. Councillors are aware, as discussed at the Briefing, about traffic movements.
<b>3. Tracey McNabb, 31 Todd Avenue, Como Received 24 February 2015</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<i>Item: 10.3.2 Proposed Family Day Care Addition to Single House – 32 Todd Avenue, Como</i>	
1. Are the Councillors aware that neighbours do not believe their concerns raised during the consultation period have been fully addressed by the City Council staff?	Yes, the Councillors have been made aware of this, through the submission of a "supplementary information" document sent by email from Brian McNab to all elected members on Sunday 22 February 2015. The document states that you are in support of it as well.

<b>4. Tim Tyler, 38 Todd Avenue, Como Received 24 February 2015</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<i>Item: 10.3.2 Proposed Family Day Care Addition to Single House – 32 Todd Avenue, Como</i>	
1. Can you confirm that any increase in child numbers at the family day care would require additional approval from the City of South Perth after further consultation with neighbours?	The maximum number of preschool children the applicant is licenced for is four. This is the same number that the City has conditioned (Condition b(ii)), hence there can be no increase in the number of children.
2. Is it possible for the family day care licensee to increase her hours of operation (ie. to overnight stays, or until 7pm) without seeking further approval from the City of South Perth Council?	If the applicant wanted to significantly increase her hours of operation, she would have to seek further approval from the City.
<b>5. Marianne Taylor, 3/46 Alston Avenue, Como Received 24 February 2015</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<i>Item: 10.3.2 Proposed Family Day Care Addition to Single House – 32 Todd Avenue, Como</i>	
1. Is the Council aware that Julie [the applicant] is only allowed to have four children per day, not twenty (as stated by some of the people opposing her application)?	Yes they are.
2. Is the Council aware that Julie picks children up from school for after school care, so there will not be extra cars at her house after school (ie. that we are looking at four cars per day, twice a day, staggered, not four cars in the morning, then four cars after school, then four cars at the end of the day)?	Yes they are.
3. Is the Council aware that four children do not make a lot of noise while playing, and that the sound of playing will be during daylight hours, not night time (which happens when people have loud parties)?	Yes.
4. Is the Council aware of the difference between a Family Daycare and a Daycare Centre?	Yes, Council is aware of the difference.

<b>6. Geoff Defrenne, 24 Kennard Street, Kensington</b> <b>Received at the meeting as a follow-up question</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services and Cliff Frewing, Chief Executive Officer</b>
<i>Item 10.3.3 Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course</i> <i>Perceived discrepancy between the Report and Item 4. Page 182 of the Attachments.</i>	
Which is correct – the Report or the Attachment at Item 4. Page 182?	Taken on Notice.



### 13.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE: 15 DECEMBER 2014

1. Cr Kevin Trent – Moresby Ward	Response provided by: Les Croxford – Manager Engineering Infrastructure
<p><i>Bins on First Avenue</i></p> <p>[Preamble] The issues associated with the application of development properties in First Avenue have arisen and I asked that consideration be given to reducing the number of waste disposal bins going out into the street on collection day.</p>	
<p>Has any further action taken place to address the issues, namely 360 litre bins to be shared with the property itself to receive the rates notice and then be distributed by the body corporate amongst the tenants. Has anything happened?</p>	<p>The City is finalising a Document” for the delivery of Waste Services to multiple dwelling developments that has been based on Eastern States “Best Practice” (Melbourne and Sydney). While the Document dwells on the high rise multiple dwellings there is sufficient scope within the guidelines to address the multiple dwelling developments such as First Avenue or even smaller developments. The document will address the quantity of waste expected to be generated from a complex with the intention of eliminating unused capacity within the existing bin arrangement. The existing arrangement would be replaced with an alternative that will reduce overall the number of bins needed to be put out weekly. The cost of a combined service will need to be assessed in time for Council to consider the waste charge that will be set in the 2015/16 Budget.</p> <p>The service could include fewer or larger bins being collected more frequently from a collection point within the complex. The Document will address the need for most multiple dwelling development to submit a Waste Management Plan as part of the development process.</p>

### 13.2 QUESTIONS FROM MEMBERS: 24 FEBRUARY 2015

<b>1. Cr Fiona Reid – Moresby Ward</b> <b>Asked during discussion of Item 10.3.3</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<i>Item 10.3.3 proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth</i>	
If the application was received in September 2014, why has it taken so long for this Report to come to Council?	Taken on Notice.
<b>2. Cr Kevin Trent – Moresby Ward</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<i>Town Planning Guidelines / Policy Development for Alcohol Outlets</i>	
With reference to the town planning guidelines for alcohol outlets (raised at the hearing for the proposed Dan Murphy's development at the Como Hotel site) how long would it take for a policy to be prepared for Council adoption?	The City has started investigating the development of a policy/guidelines and it should have something to take to Council approximately May 2015.
<b>3. Cr Michael Huston – Mill Point Ward</b>	<b>Response provided by: Cliff Frewing, CEO</b>
<i>Standing Orders / Code of Conduct</i>	
[Preamble] This is considered a serious matter and relates to our Standing Orders which prevents us from reflecting adversely on a senior member or colleague and it is a matter that I intend to take up through the Code of Conduct.	
With reference to the petition that was presented earlier in the meeting (food vending on The Esplanade) and the fact that the media gave coverage to the petition (subsequently the newspaper received great pressure that it should not have done that) in order that interested members of the community can respond: <ul style="list-style-type: none"> <li>• Are these actions ever those that the Council would consider taking?</li> <li>• Is it in fact an action that the Council could take without it first coming to Council?</li> <li>• Is it something senior officers deem should be taken to the Department (DLGC) as a complaint?</li> </ul>	I am not aware of such a threat being made and any threat was not made by Administration (CEO's Office, Governance Team nor the Marketing Team) as it is outside of their area of operation. I am at a loss to know where a threat would have come from. It would not be the sort of act that would be made by the Administration without coming to Council first, particularly given the Southern Gazette has a monopoly in our City (there is nowhere else for us to advertise). I am not aware if it was referred from elsewhere.

## 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 24 March 2015.

Signed \_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed