

AGENDA

Ordinary Council Meeting

28 July 2015

Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 28 July 2015 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER

24 July 2015



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7.00pm 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 meetings of Council and its Committees available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

www.southperth.wa.gov.au/Our-Council/

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Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The meeting will be audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007.

3.2 PUBLIC QUESTION TIME FORMS

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

3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Mayor's Activities Report for the month of June 2015 can be found at **Appendix One**.

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

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.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 28 JULY 2015

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23 June 2015

Recommendation

That the Minutes of the Ordinary Council held 23 June 2015 be taken as read and confirmed as a true and correct record.

7.1.2 CEO Recruitment Committee Meeting Held: 13 July 2015

Recommendation

That the Minutes of the CEO Recruitment Committee Meeting held 13 July 2015 be taken as read and confirmed as a true and correct record.

7.1.3 Special Council Meeting Held: 13 July 2015

Recommendation

That the Minutes of the Special Ordinary Council held 13 July 2015 be taken as read and confirmed as a true and correct record.

7.1.4 Special Council Meeting Held: 21 July 2015

Recommendation

That the Minutes of the Special Ordinary Council held 21 July 2015 be taken as read and confirmed as a true and correct record.

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.2 Council Briefings

Officers of the City provided Council with an overview of the following topics:

- July 2015 Agenda Briefing – Briefing Held 21 July 2015
- Millers Pool, Parking Strategy and Mends Street – Briefing held 20 July 2015
- CEO Recruitment – Briefing held 22 June 2015
- Draft Budget – Briefing held 16 June 2015
- Long Term Financial Plan and Capital Works – Briefing held 27 May 2015

Attachments

- 7.2.2 (a):** July 2015 Agenda Briefing – 21 July 2015 - Notes
- 7.2.2 (b):** Millers Pool, Parking Strategy, Mends Street - 20 July 2015 - Notes
- 7.2.2 (c):** CEO Recruitment - 22 June 2015 - Notes
- 7.2.2 (d):** Draft Budget - 17 June 2015 - Notes
- 7.2.2 (e):** Long Term Financial Plan and Capital Works - 27 May 2015 - Notes

Officer Recommendation

That the notes of the following Briefings be noted:

- July 2015 Agenda Briefing – Briefing Held 21 July 2015
- Millers Pool, Parking Strategy and Mends Street – Briefing held 20 July 2015
- CEO Recruitment – Briefing held 22 June 2015
- Draft Budget – Briefing held 16 June 2015
- Long Term Financial Plan and Capital Works – Briefing held 27 May 2015

8. PRESENTATIONS

8.1 PETITIONS

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

8.2.1 Certificate of Appreciation - Local Chambers

The City received a *Certificate of Appreciation* at the Chamber of Commerce and Industry Dinner held on 26 June 2015 for *Major Sponsorship of the 2015 City of South Perth Award of Business Excellence and Support of Local Chambers City of Lights Business Dinner of the Year*

8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing held 21 July 2015.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegates Reports

The Delegates' Reports summarising the following meetings are attached:

- WALGA South East Metropolitan Zone Meeting – Held 24 June 2015
- Rivers Regional Council Meeting – Held 18 June 2015
- Perth Airports Municipalities Group Ordinary General Meeting – Held 4 June 2015

Attachments

- 8.4.1 (a):** WALGA South East Metropolitan Zone Meeting - Held 24 June 2015 - Delegate Report
- 8.4.1 (b):** Rivers Regional Council Meeting - Held 18 June 2015
- 8.4.1 (c):** Perth Airports Municipalities Group Ordinary General Meeting – Held 4 June 2015

Officer Recommendation

That the Delegates' Reports summarising the following meetings be received:

- WALGA South East Metropolitan Zone Meeting – Held 24 June 2015
- Rivers Regional Council Meeting – Held 18 June 2015
- Perth Airports Municipalities Group Ordinary General Meeting – Held 4 June 2015

8.5 CONFERENCE DELEGATES REPORTS

8.5.1 Conference Delegates Reports

The Delegate's Report summarising the following conference is attached:

- 2015 The Future of Local Government National Summit – Held 28 and 29 May 2015

Attachments

- 8.5.1 (a):** 2015 The Future of Local Government National Summit - Held 28 and 29 May 2015 - Delegate Report

Officer Recommendation

That the Delegate's Report on the following conference be noted:

- 2015 The Future of Local Government National Summit – Held 28 and 29 May 2015

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 South Perth Aquatic Centre - Feasibility Study

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-48940
Date:	28 July 2015
Author:	Jennifer Hess, Recreation Development Coordinator
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	1.3 Create opportunities for social, cultural and physical activity in the City.

Summary

The City has completed the South Perth Aquatic Centre Feasibility Study. The purpose of this report is to discuss the key findings of the Study and recommend a course of action for Council to take moving forward.

Officer Recommendation

That:

1. The South Perth Aquatic Centre Feasibility Study be received; and
2. Council discusses the project as an 'emerging opportunity' during the next Strategic Plan review, due to commence in 2016/2017.

Background

At the July 2011 meeting following consideration of a notice of motion, Council resolved the following:

"That

- (a) a community survey be carried out to establish whether ratepayers want an Aquatic Centre to be established within the City of South Perth. The cost of the community survey be capped at \$10,000; and*
- (b) the outcome of the survey be the subject of a report to the earliest available Council meeting."*

The resultant Family and Children's Services Study (2011) indicated there was some data to support the provision of aquatic facilities in the City.

In November 2012, the City engaged Jill Powell & Associates to develop a feasibility study for the redevelopment of the "dry" facilities (sports courts, gym and fitness centre) of George Burnett Leisure Centre (GBLC), in preparation for a funding application to the Department of Sport and Recreation (DSR). The report stated there were members of the community in the City who wished to see the development of a swimming pool at GBLC.

10.1.1 South Perth Aquatic Centre - Feasibility Study

The consultant advised at the time that it would be essential that a detailed feasibility study was undertaken to assess the potential capital and operational costs and that this would assist in determining the priority of such a facility over the development of other community facilities and services.

In 2013 the City was advised by Steve Irons MP that the federal government had made available a grant of \$45,000 to complete the aquatic centre feasibility study.

In response, at the February 2014 meeting, Council resolved:

*That the Council determines that under the circumstances, the City should **accept** the grant offered by the Assistant Minister:*

- (a) the Hon Jamie Briggs, Assistant Minister for Infrastructure and Regional Development and the Member for Swan, Steve Irons be thanked for their advice that the City has been successful in obtaining funding for an aquatic centre feasibility study; and*
- (b) Council members hold an informal briefing session to determine:
 - (i) the form and content of the feasibility study; and*
 - (ii) how the study should be conducted.**

The \$45,000 grant to complete the Aquatic Centre feasibility study was awarded in May 2014. The City subsequently appointed Jill Powell and Associates to complete the study.

Comment

The South Perth Aquatic Centre Feasibility Study (**Attachment (a)**) involved a comprehensive review of literature, consultation with neighbouring local governments and other stakeholders, an analysis of demographics and social and participation trends as well as a survey of 650 randomly-selected residents across all suburbs in the City:

The Study covers the following:

- Aim and methodology of the study
- Review of existing reports impacting the study
- Information regarding existing facilities within a 5km catchment of the City of South Perth
- Market assessment
- Consultation
- Survey results
- Concept plans and costings
- Key findings

The key findings of the Study were presented to Council at a briefing on 3 June 2015 – the notes of which are contained in this July 2015 Agenda (**Attachment (b)**).

The survey of 650 households, returned 201 surveys (31.5% return rate) and identified the potential frequency of use of a pool, some willingness to pay extra rates to cover the estimated operating deficit and the type of facility expected to be developed if the project went ahead.

In addition to the survey, interviews and meetings were held with representatives from Swimming WA, Water Polo WA, Curtin University, Town of Victoria Park, City of Canning, Department of Sport and Recreation; and Mr Steve Irons MP.

10.1.1 South Perth Aquatic Centre - Feasibility Study

The Study indicates a number of possible options incorporating an indoor 50m lap pool with alternative options to include informal “leisure water”. It is generally acknowledged that the vast majority of aquatic centre visitors do not attend to swim laps, instead to ‘cool down’, have fun, be seen, etc. It is doubtful therefore whether a single ‘lap’ pool would be attractive and if the City was to proceed in this direction, more research should be conducted as to the most appropriate configuration of the pool facility.

In summary, the Study identified the following:

- Six (6) aquatic facilities exist within a 5km catchment area of the City of South Perth including four (4) facilities within the catchment of the preferred proposed site at GBLC;
- The proposed site for a swimming pool at the GBLC falls within the direct catchment of four other local government aquatic facilities; these being Leisurefit Booragoon (City of Melville), Aqualife (Town of Victoria Park), Cannington Leisureplex and Riverton Leisureplex (City of Canning);
- Wesley College pool is an alternative facility but it has limited public access;
- Consultation via the survey, individual meetings, a public meeting and public submissions has resulted in contradictory feedback. While there are a number of people who would like a pool, there are also a number of people who do not see the need for a pool for a variety of reasons. Namely, they are not interested in swimming at all, are happy using other pools or are not prepared to pay for a further facility;
- Costs:
 - Capital cost of \$16.42 million (upgrade of GBLC plus a 50m lap pool);
 - Additional \$6 million capital cost to include leisure water facilities;
 - Projected annual operating deficit of between \$461,000 and \$735,000;
- The DSR has advised it is not likely to offer funding or support for the facility given the number of aquatic facilities located in the region;
- The development and management of the aquatic centre would not be as financially viable as the development of the “dry” facilities and therefore it would be more appropriate to develop the “dry” facilities prior to the aquatic facilities as they will aid the financial viability of the development.

Consultation

As part of the study a random survey of 650 households, returning 201 surveys (31.5% return rate) identified the potential frequency of use of a pool, willingness to pay additional rates and the type of facility expected to be developed if the project went ahead. The survey was equally distributed across the seven suburbs of the City of South Perth.

In addition to the survey, interviews and meetings were conducted with Swimming WA, Water Polo WA, Curtin University, Town of Victoria Park, City of Canning, Department of Sport and Recreation and Mr Steve Irons MP.

Eighty seven residents attended a public meeting that was held on Wednesday 11 March 2015 to present the results of the survey. In addition to the residents, there were three industry representatives; these being Royal Life Saving Association, Water Polo WA and Synchronised Swimming Australia; and a commercial entity (Wavepark Australia). An overview of the project findings was presented to the meeting and advice given about the next stage of the project. All of the residents in attendance at the meeting wanted their desire for a swimming pool conveyed to the Council.

10.1.1 South Perth Aquatic Centre - Feasibility Study

Information regarding the study has been made available on the City's website and social media sites.

As at 18 June 2015, a total of 90 submissions have been received by the City in support of aquatic facilities within the City of South Perth.

Policy and Legislative Implications

The redevelopment of "dry" facilities at the George Burnett Leisure Centre is identified in the City's Strategic Plan, Corporate Plan, and Long Term Financial Plan for 2018/2019 and 2019/2020. There is currently no specifically identified allocation in these plans for an aquatic facility.

Financial Implications

If the City was to proceed with the development of aquatic facilities at GBLC, it is considered prudent the 'dry' facilities are redeveloped first to improve the financial viability of the facility.

Operating Costs

GBLC currently has an annual operating deficit of approximately \$274,000. On completion of the redevelopment of "dry" facilities, it is anticipated to operate a surplus of approximately \$43,000 by the third year.

The addition of aquatic facilities is estimated to result in an annual operating deficit of between \$461,000 and \$735,000.

Capital costs:

The Feasibility Study recommends the project is staged in four stages as follows:

1. Stage one - \$2.15 million
 - Development of a gymnasium/fitness centre;
 - Development of a new entry statement and external courtyard;
 - Development of a new office.
2. Stage two - \$5.15 million
 - Development of a new sports hall, and
 - An extension to the existing hall to provide for 2 x netball courts, 8 x badminton courts, 2 x basketball courts multi marked, a crèche area, meeting room and new change rooms.

Total cost (dry side) = \$7.30 million

3. Stage three - \$220,000
Additional 24 car parking bays
4. Stage four - \$8.90 million
New indoor pool 9 lanes x 50m

Project total = \$16.42 million

These figures allow for a basic one dimensional pool only. Should additional areas be required such as leisure water space and a program pool (swimming lessons, fitness classes), an additional \$6.00 million would be required.

All-inclusive cost = 22.42 million.

10.1.1 South Perth Aquatic Centre - Feasibility Study

The City's Long Term Financial Plan has allocated \$3.75M in 2018-2019 and \$3.75M in 2019/2020 for the redevelopment of the "dry" facilities of GBLC (stages 1-3). There are currently no funds provided in the Long Term Financial Plan for the provision of an aquatic facility.

Similar facilities within the surrounding area have estimated operating deficits of approximately \$1.5M - \$2.5M and this is despite some already being redeveloped (Town of Victoria Park).

Conclusion

The information received from surveys, reports and various written submissions from the community indicate there is a "wanted" demand by the general community.

Based on the information provided in the feasibility study, the "needed" demand and priority for aquatic facilities is not supported given:

- Aquatic facilities have not been identified in the City's strategic plan, corporate plan and forward financial plan;
- There are no identified gaps for provision of aquatic facilities in the regional area;
- The state government Aquatic Strategic Facilities Plan 2012 does not identify a need or priority for aquatic facilities within the City of South Perth or immediate areas;
- The DSR has written to the City indicating its unlikely support for funding for any aquatic facility in the City of South Perth;
- There are six (6) existing aquatic facilities currently in nearby areas offering a variety of usage options.

Should Council determine the need to proceed further with planning for an aquatic facility, it is recommended that:

- The City explore opportunities for Federal funding to subsidise the capital cost to construct a potential aquatic facility;
- The City would need to investigate in more detail whether the ratepayers of the City of South Perth want a swimming pool; and
- Council discusses the project as an 'emerging opportunity' during the next Strategic Plan review, due to commence in 2016/2017.

Sustainability Implications

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

Attachments

- 10.1.1 (a):** South Perth Aquatic Centre Feasibility Study - Jill Powell and Associates
- 10.1.1 (b):** Aquatic Sports Centre - Briefing Notes

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Four (4) x Two-Storey Grouped Dwellings - Lot 326 (No. 346) Mill Point Road

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Anderson Toh Architect
File Ref:	D-15-48925
Lodgement Date:	22 July 2015
Date:	28 July 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 four (4), two-storey Grouped Dwellings on Lot 326 (No. 346) Mill Point Road, South Perth. It is proposed to replace the four (4) existing single storey grouped dwellings on the lot with four (4) two-storey grouped dwellings under the provisions of Clause 6.2A 'Special Provisions for Pre-Scheme Developments' of Town Planning Scheme No. 6. Whereby the pre-scheme development exceeds the number of dwellings permitted by the Scheme associated provisions allow them to be replaced with the same number of dwellings.

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

Element on which discretion is sought	Source of discretionary power
Density – replacement of four (4) existing Single Storey Grouped Dwellings with four (4) Two-Storey Grouped Dwellings	TPS clause 6.2A(1)
Building setbacks	R-Codes Design Principles 5.1.3 P3.1

Officer Recommendation

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 Four (4) Two-Storey Grouped Dwellings on Lot 326 (No. 346) Mill Point Road, South Perth **be approved** subject to the following reasons:

(a) Standard Conditions	
340B Boundary wall - neighbour	393 verge & kerbing works
210 screening- permanent	625 sightlines for drivers
455 dividing fences- standards	510 Tree planted on site
456 dividing fences- timing	355 Landscaping, - 1.5 metres wide
352 car bays- marked and visible	445 stormwater infrastructure
353 visitor bays- marked and visible	377 screening- clothes drying
354 car bays- maintained	550 plumbing hidden
515 Lighting – Communal Areas	471 retaining walls- timing
390 crossover- standards	660 expiry of approval
410 crossover- affects infrastructure	

(b) Specific Conditions

- (1) In accordance with Clause 6.4.6 of the R-Codes, external fixtures such as air-conditioning infrastructure shall be installed and 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	790	minor variations- seek approval
720	strata note- comply with that Act	795B	appeal rights- council decision
716	fences note- comply with that Act		

(d) Specific Advice Notes

- (1) The applicant / owner are advised to consider compiling a dilapidation survey report with regards to the adjoining existing buildings. Additionally, noise, vibrations and dust generated from demolition and construction activities should comply with the relevant building and environmental health legislations. Associated information could be obtained from the City's Building Services and Environmental Health Services.
- (2) The development is located within the Hurlingham Drainage Precinct; an approved 'Stormwater Drainage for Proposed Buildings' application is required prior to construction in accordance with Management Practice M354. The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure Department requirements. Please find enclosed the memorandum dated **23 March 2015** to this effect. In addition to details contained in this memo, the applicant is advised of the need to comply with the following:
- The building permit must contain a condition stating that no building activity or works associated with the development can be undertaken from the street without an approved Traffic Management Plan. The requirements for traffic management are detailed in the MRWA Code of Practice "Traffic Management for Works in the Street".
 - The building permit must include reference that "A licence to Store Materials on the Verge" will not be issued for this development due to the narrow verge and the likelihood of obstructing the road or footpath.

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

Background

The development site details are as follows:

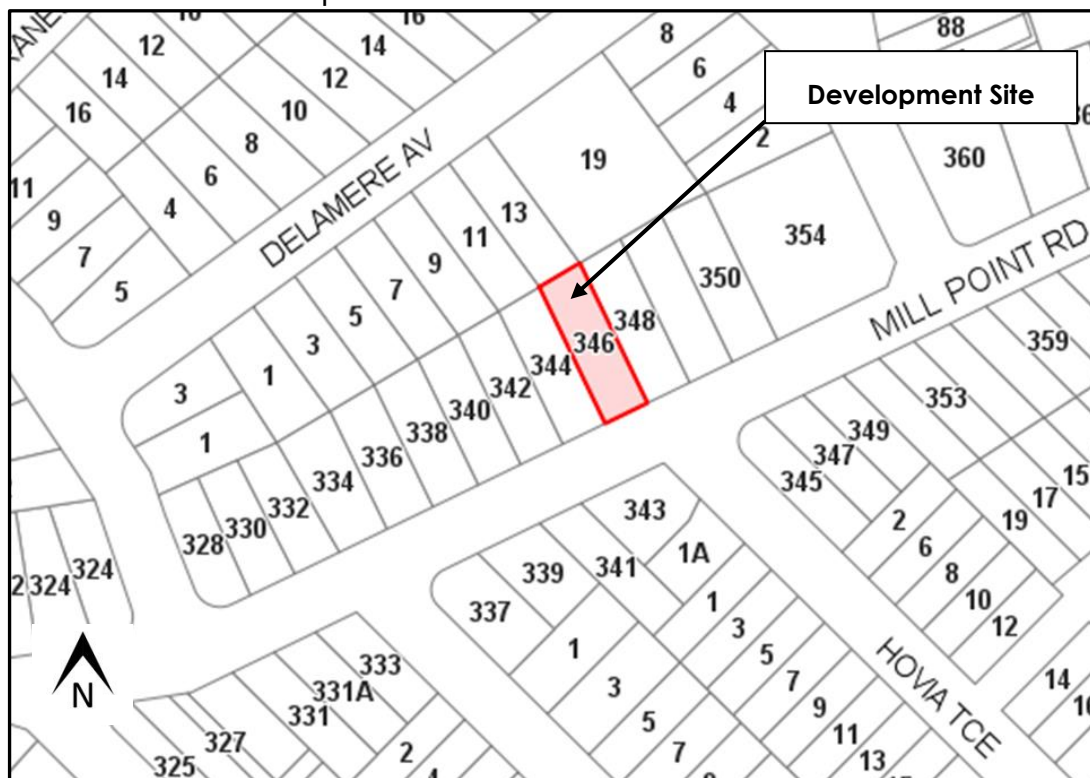
Zoning	Residential
Density coding	R15/R40
Lot area	763 sq. metres
Building height limit	7.0 metres
Development potential	<ul style="list-style-type: none"> • Single House at R15 Density • Three (3) Grouped Dwellings at R40 Density • Four (4) Grouped Dwellings (in accordance with cl. 6.2A of TPS6)
Plot ratio limit	Not Applicable

10.3.1 Proposed Four (4) x Two-Storey Grouped Dwellings - Lot 326 (No. 346) Mill Point Road

This report includes the following attachments:

Attachment (a)	Plans of the proposal
Attachment (b)	Site photographs
Attachment (c)	Engineering Infrastructure Memo
Confidential Attachment (d)	Submission

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

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

- (b) *Applications involving the exercise of discretion under Clauses 6.2A of the Scheme.*

The applicant is seeking approval to replace four existing single-storey grouped dwellings with four (4) two-storey grouped dwellings under Clause 6.2A of the Scheme.

Comment

(a) Existing Development on the Subject Site

The existing development on the subject site currently features four (4) single storey Grouped Dwellings, as depicted in the site photographs at **Attachment (b)**.

(b) Description of the Surrounding Locality

The site has a frontage to Mill Point Road to the south, located adjacent to a 8 x Multiple Dwellings in a Two-Storey Building, a two storey Mixed Development is located to the north-east, three (3) Two-Storey Grouped Dwellings are located to the south-west, a Single House is located at the rear which is north-west, and is opposite a Single House to the south-east, as seen in **Figure I** below:



(c) **Description of the Proposal**

The proposal involves demolition of the existing four (4) x single storey grouped dwellings (with the exception of the floor slab) and replacement with four (4) x two-storey grouped dwellings (with additional site cover) on Lot 326 (No. 346) Mill Point Road, South Perth (the site), as depicted in the submitted plans at **Attachment (a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment as illustrated in **Attachment (b)**.

(d) **Scheme and R-Codes Provisions**

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

- Land use – “Grouped Dwelling” is a “P” (Permitted) land use on the subject site zoned “Residential” with a density coding of R15/R40 (Table I of TPS6);
- Building height limit (TPS6 Clause 6.1A);
- Street setback (R-Codes Clause 5.1.2);
- Wall setback ground storey (R-Codes Clause 5.1.3)
- Boundary walls (Council Policy P350.2 “Residential Boundary Walls”)
- Open Space (R-Codes Clause 5.1.4);
- Street surveillance (R-Codes Clause 5.2.3;
- Outdoor living area (R-Codes Clause 5.3.1);
- Landscaping (R-Codes Clause 5.3.2);
- Parking and vehicle access (R-Codes Clause 5.3.3, 5.3.4 and 5.3.5, TPS6 Clause 6.3(8) and Schedule 5, and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Pedestrian Access (R-Codes Clause 5.3.6);
- Minimum and maximum floor levels, site works and retaining walls (TPS6 Clause 6.9 and 6.10, R-Codes Clause 6.3.6 and 6.3.7, and Council Policy P350.7 “Fencing and Retaining Walls);
- Stormwater management (R-Codes Clause 5.3.9);

10.3.1 Proposed Four (4) x Two-Storey Grouped Dwellings - Lot 326 (No. 346) Mill Point Road

- Solar access for adjoining sites (R-Codes Clause 5.4.2);
- Utilities and facilities (R-Codes Clause 5.4.5);
- Street Walls and Fences (Council Policy P350.7 “Fencing and Retaining Walls”); and
- Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6 (Council Policy P350.13).

The following planning matters, which require further discussion, are listed below:

- Amenity Considerations (as identified in Clause 6.2A(4) of TPS6);
- Wall setbacks – First floor (side boundaries) (R-Codes Clause 5.1.3); and
- Visual privacy (R-Codes Clause 5.4.1).

(e) Land Use

The proposed land use of Grouped Dwellings is classified as a ‘P’ (Permitted) land use in Table I (Zoning - Land Use) of TPS6. In considering this permitted use, it is observed that the Site adjoins residential land uses, in a location with a residential streetscape. Accordingly, the use is regarded as complying with the Table I of the Scheme.

(f) Residential Dual-Density Coding

Residential dual-density coding of the subject site is R15/R40 however the development is assessed under Clause 6.2A “Special Provisions for Pre-Scheme Developments”. It is considered that as the pre-scheme development is developed to a R40 density, Council Officers consider that the R40 provisions for setbacks, open space and outdoor living areas are appropriate for the proposed development.

(g) Amenity Considerations (pre-Scheme Development)

The proposal involves demolition of the existing four (4) x single storey grouped dwellings (with the exception of the floor slab) and replacement with four (4) x two-storey grouped dwellings (with additional site cover) in accordance with the provisions of Clause 6.2A ‘Total replacement of pre-Scheme developments’. Sub-clause (1) states that (emphasis added with bold and underline where provisions apply to the development):

- (a) *on a site containing a pre-scheme development, the Council may approve redevelopment of that site as follows:*
- (i) *where the pre-Scheme development exceeds the Building Height Limit prescribed by the Scheme;*
 - (ii) **where the pre-Scheme development exceeds the number of dwellings permitted by the Scheme** or by Table 3 of the Codes: **with the same number of dwellings as the pre-Scheme development**; or
 - (iii) *where the pre-Scheme development exceeds:*
 - (A) *the prescribed Building Height Limit; or*
 - (B) *the maximum permissible number of dwellings; or*
 - (C) *the maximum plot ratio prescribed in Table 3 or 4 or Schedule 2 of the Scheme or in Table 4 of the Codes; or*
 - (D) *any combination of (A), (B) and (C):*

to the same plot ratio as the pre-Scheme development, or a greater plot ratio;

- (b) On a site containing a pre-Scheme development, the Council may permit a replacement development to be used for:
- (i) the same use as the pre-Scheme development; or
 - (ii) any use which is permissible under the Scheme.
- (c) An application for planning approval submitted under clause 6.2A(1) shall meet all of the following requirements:
- (i) **The pre-Scheme development is to remain on the site at the time of determination of an application for planning approval made under this sub-clause.**
 - (ii) **The pre-Scheme development is to be demolished as part of the proposed redevelopment.**
 - (iii) In comparison with the design of the pre-Scheme development, the plot ratio area of the portion of the replacement building located above the Building Height Limit is to be:
 - (A) no more than 10 square metres greater; and
 - (B) located in the same position unless otherwise approved by the Council.
 - (iv) **No external wall of the replacement building is to extend higher than the highest point of the corresponding external wall of the pre-Scheme development.**

In relation to Clause 1(c)(iv), the intent of this clause was to apply to pre-scheme developments where they were already over height relative to Town Planning Scheme No. 6. The proposed development has been assessed by Council Officers as being compliant with the current Scheme provisions in relation to height, therefore this provision is deemed compliant or not applicable particularly as the criteria that makes this development a pre-scheme development under the definition of TPS6 is that the existing building exceeds the maximum number of dwellings permitted by the Scheme and Table 1 of the Codes. The definition of pre-scheme development states that:

'pre-Scheme development' : means an existing development comprising one or more buildings which was approved and lawfully constructed before the date of gazettal of this Scheme, and which exceeds:

- (a) the building height limit prescribed by this Scheme; or
- (b) **the maximum number of dwellings permitted by the Scheme and Table 1 of the Codes;** or
- (c) the maximum plot ratio prescribed in Tables 3 and 4 and Schedule 2 of the Scheme or Table 4 of the Codes; or
- (d) any combination of (a), (b) and (c).

Sub-clause (2) applies to Additions and Alterations to pre-Scheme developments, and therefore is not applicable to the current proposal. Sub-clause (3) applies when the pre-Scheme development building height exceeds the current Scheme heights, and therefore is not applicable to the current proposal.

Amenity Considerations

Sub-clause (4) states (emphasis added with bold and underline where provisions apply to the development):

- (a) The power conferred by sub-clauses (1) and (2) may only be exercised if:
 - (i) the proposed development has been advertised in accordance with the provisions of clause 7.3; and

10.3.1 Proposed Four (4) x Two-Storey Grouped Dwellings - Lot 326 (No. 346) Mill Point Road

- (b) *In the Council's opinion, the proposed development:*
- (i) *will enhance the streetscape and improve the amenity of the locality; and*
 - (ii) *in the case of additions and alterations to pre-Scheme developments, will contribute positively to the visual enhancement of the building; and*
 - (iii) **will not significantly:**
 - (A) overshadow an adjoining property;**
 - (B) adversely affect visual privacy; or**
 - (C) impede significant views;**

To a greater extent than was caused by the pre-Scheme development.

In accordance with sub-clause (4), the proposed replacement of the four (4) single-storey grouped dwellings with four (4) two-storey grouped dwellings is observed to contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area in the following terms:

- (i) Replacement of the existing 1950s grouped dwelling building with the proposed building is observed to contribute positively to the visual amenity of the streetscape character as there are similarly designed buildings with similar setbacks within the focus area.
- (ii) The proposed building orientation (including the open carport structure at the front of the site) is seen to be compatible to a number of grouped dwellings and multiple dwellings in the street, in particular the adjacent building at No. 348 Mill Point Road of which the main building is setback a further 3 metres from the setback of the building on the subject site and includes carports forward of the building.

A grouped dwelling replacement at No. 338 Mill Point Road was designed by the same Architect as the subject development which gained approval in 2013. The original development at No. 338 Mill Point Road included a single-storey with the approved development adding a second storey and carports towards the front of the site.

- (iii) Even though the proposed development is situated further away from the street when compared to the existing development and with parking bays at the front, the proposed setback is observed to be compliant with the provisions of Clause 5.1.2 of the R-Codes and is observed to have regard to the setbacks of the existing buildings on the same side of the subject site.
- (iv) The grouped dwellings also provide better amenity for the future residents of these dwellings who will have access to sufficient floor area for family living and associated activities. These dwellings also have direct access to their private outdoor living areas.
- (v) Where the current development has a total of five (5) informal car parking spaces on site for the residents as well as for the visitors, the proposed development will have a total of six (6) car parking bays (five (5) for the residents of the dwellings and one (1) for visitors).

10.3.1 Proposed Four (4) x Two-Storey Grouped Dwellings - Lot 326 (No. 346) Mill Point Road

The proposal will result in increasing the on-site parking capacity above what is required by the R-Codes.

(vi) In considering Clause 4(b)(ii), the proposed development will not significantly affect overshadowing, visual privacy or impede significant views to a greater extent which is explained as follows:

- the shadow will fall over the subject site and the driveway of the site to the left (south-west) and will overshadow only 12.25% of that site of which the R-Codes allows 35% overshadowing;
- visual privacy has been assessed and considered by Council Officers to meet the requirements of the R-Codes as the upper level bedrooms have been provided with appropriate screening devices to prevent overlooking to neighbouring buildings; and
- As the subject site and properties to either side are relatively flat and those neighbouring properties include buildings that are two-storey, Council Officers consider that views will not be affected as a result of this development.

(h) **Wall Setback - 1st floor to Side Boundaries**

Deemed-to-Comply requirement C2.1 of Section 5.1.2 of the R-Codes requires that for an R40 site, the development complies with minimum lot boundary setback requirements as set out in Table 2a and 2b of the R-Codes. The non-compliance is explained via a Design Principles assessment and is explained below:

North-eastern Boundary

The proposed wall setbacks generally comply, however the north-eastern wall to Units 2 and 3 are set back 3.2 metres from the boundary in lieu of 3.3 metres based on the bulk calculation of that side of the building. Therefore, the proposed development does not comply with Tables 2a/2b of the R-Codes. On design principles assessment City Officers consider that the minor variation of 100mm is acceptable as the courtyards to units at No. 348 Mill Point Road will access the northern sun during winter and will not be overshadowed. Furthermore screening to the upper level windows will prevent overlooking to that property. It is considered that the walls, being offset at 2.0 and 3.2 metres, breaks up the building bulk therefore reducing the impact on the adjoining property.

South-western Boundary

The proposed wall setbacks generally comply, however the south-western wall to Units 4 is set back 3.2 metres from the boundary in lieu of 3.3 metres based on the bulk calculation of that side of the building. Therefore, the proposed development does not comply with Tables 2a/2b of the R-Codes. On design principles assessment, as with the north-eastern boundary, City Officers consider that the minor variation of 100mm is acceptable as the rear dwelling at No. 344 Mill Point Road that is opposite has no major openings to their closest walls which are 1.2 and 1.9 metres from the boundary on the upper level.

Unit 1 on the subject site is also setback 3.2 metres from the side boundary but is compliant with the Deemed-to-Comply requirements due to the 'communal street' of the adjoining property units being located adjacent the

boundary. Screening to the upper level windows will prevent overlooking to that property. It is considered that the walls, being offset at 2.0 and 3.2 metres, breaks up the building bulk therefore reducing the impact on the adjoining property.

(i) Visual Privacy Setback - ground floor, north

The required minimum visual privacy setbacks for the Living Room and Study of Unit 4 at ground level to the north is 6.0 metres and 4.5 metres respectively as these habitable rooms have a finished floor level greater than 0.5 metres above ground level, and the proposed setbacks are 3.2 metres and 3.8 metres respectively. The applicant has proposed screening to the dividing fence by adding an additional 350mm of horizontal slat screening to the top of the fence for the full length of the boundary. The neighbours of the affected property have provided their consent to the additional screening; therefore the development is able to achieve compliance of the Visual Privacy requirements of the R-Codes. A condition of approval will ensure the screening devices are installed in accordance with the approved drawings.

(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 (considered not to comply in bold):

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

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

(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 (considered not to comply in bold):

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

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May 2015. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
The Design Advisory Consultants observed that the solid 1.8 metre high solid courtyard walls on the western side of the building causes a poor entry design to the dwellings. The Advisory Consultants recommended that these courtyard walls	Plans amended to include aluminium slats to left hand side courtyard fencing.	Provision of the slats now allows surveillance from the units for the pedestrian approach. NOTED

should be made visually permeable, to improve passive surveillance and pedestrian amenity on the common footpath, noting that private courtyards are provided on the eastern side of the building for each dwelling.		
The Advisory Consultants were favourable towards the curved roof design.	No Comment	NOTED
The applicant should reconsider the necessity and design of the window screening devices, particularly on the street elevation.	No comments.	The drawings have been modified to address this matter. NOTED
The air conditioning units should not be located on the roof and should be provided at ground level concealed from public space.	A/C units shown on amended plans being located in the courtyards of the units.	NOTED
The Advisory Consultants recommended that the applicant should consider total replacement of the existing building, rather than the proposed substantial alterations and additions, as a new building would enable better building design opportunities.	Client decided to retain the existing building.	While some of the floor slab has been retained, everything else is of new construction. NOTED

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 344 and 348 Mill Point Road and Nos 11, 13 and 15 Delamere Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 46 consultation notices and five (5) information notices were sent and one (1) submission was received, against the proposal. The comment(s) of the submitter, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Loss of privacy to particularly, ground floor unit holders unless adequate screening is enforced to new upstairs rooms overlooking No. 348 Mill Point Road.	Details of screening have been provided and are considered appropriate to prevent overlooking as required by Clause 5.4.1 of the R-Codes. A condition of approval will ensure that they are installed as presented on the approved plans. NOTED
The loss of some sunlight from new structure to Unit 4, affects Unit 3 and 4 of No. 348 Mill Point Road and to some degree Units 7 and 8.	The proposed development will not overshadow No. 348 Mill Point Road as this property is located on the north-east side of the subject site. NOT UPHELD.
The reflective properties of aluminium slats facing our property.	The applicant has nominated that the aluminium slats will be dark grey and non-reflective although this is not a planning consideration. NOTED
Colour and texture of building walls in particular, the Store walls immediately on the boundary of No. 346/348 which will be above fence height. The colour and textures should be in keeping with the affected buildings, i.e. No. 348 Mill Point Road.	Condition of approval can include the requirement to match the colours of the building on the neighbouring property. NOTED
Noise and dust from construction activities.	Construction Noise will be administered under a Condition of the Building Permit limiting the hours of construction. NOTED
Damage to structures of No. 348 Mill Point Road and its boundary fences.	An Important Note will be included advising the applicant to undertake a dilapidation survey report of adjoining buildings. This will ensure that any damage will be at the cost of the developer. NOTED

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

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. His comments are as follows:

- (i) Layout and design of on-site parking and access 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).
- (v) The City will require as part of the restoration works to remove the existing crossing, that a nominal 1000mm radius turnout be constructed to the east side of the crossing at No. 344 Mill Point Road which must be referenced in a condition of approval.
- (vi) No building activity or works associated with the development can be undertaken from the street without an approved Traffic Management Plan.
- (vii) The City will not be able to issue a 'Licence to Store Materials' on the verge due to the narrow verge and the likelihood of obstructing road or footpath which must be reference in a condition of approval.

Accordingly, planning conditions and important notes are recommended to deal with matters raised by the Manager, Engineering Infrastructure and are shown in **Attachment (c)**.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 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 favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal does not meet all of the 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):** Final Development Plans - Proposed Four Two Storey Grouped Dwellings - Lot 326 (No. 346) Mill Point Road - 11.2015.120.1
- 10.3.1 (b):** Site Photos - No. 346 Mill Point Road
- 10.3.1 (c):** Combined Engineering Comments for Council Report - Lot 326 (No. 346) Mill Point Road
- 10.3.1 (d):** Submission (*Confidential*)

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point

Location: Salter Point
 Ward: Como Ward
 Applicant: Nexus Home Improvements
 File Ref: D-15-48962
 Lodgement Date: 22/07/2015
 Date: 28 July 2015
 Author: Siven Naidu, Senior Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for a third storey addition to a two storey Single House on Lot 216 (No. 78) River Way, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Development of Properties Abutting River Way	Council Policy P306 clause 1(b) & (c)

Officer Recommendation

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 third storey addition to a two storey single house on Lot 216 (No. 78) River Way, Salter Point **be approved** subject to the following conditions and advice notes:

(a) Standard Conditions / Reasons

210	screening- permanent	660	expiry of approval
425	external materials		

(b) Standard Advice Notes

700A	building licence required	790	minor variations- seek approval
795B	appeal rights- council decision		

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

Background

The development site details are as follows:

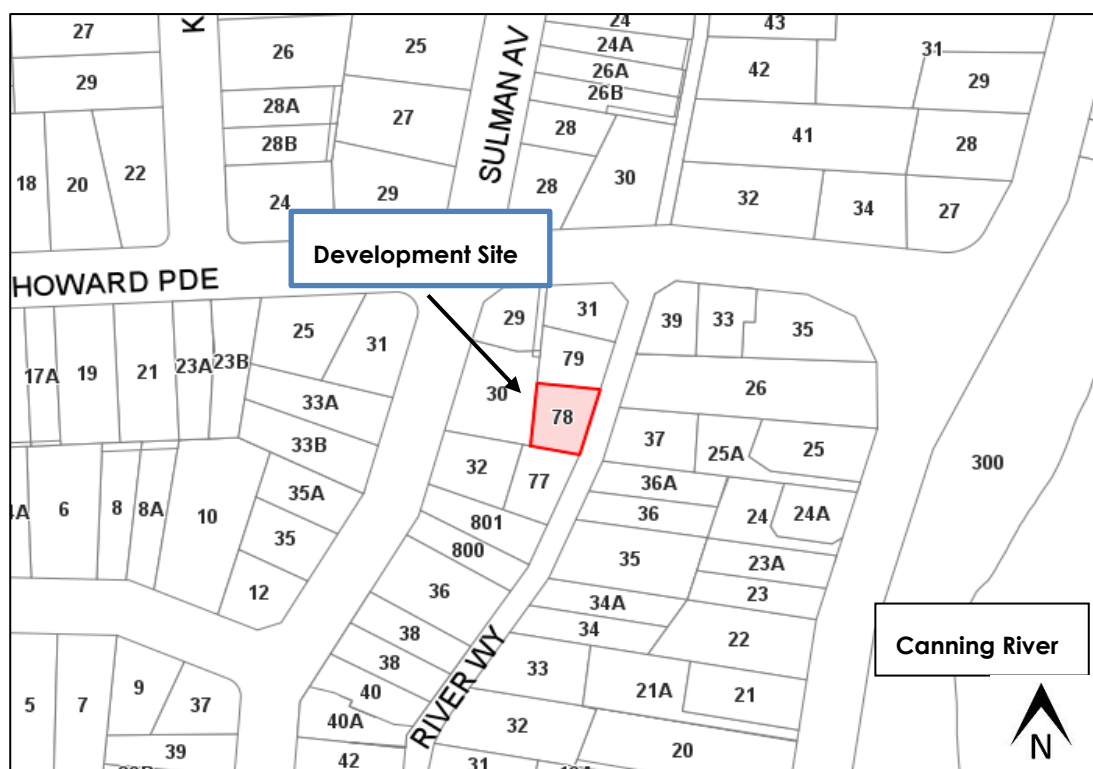
Zoning	Residential
Density coding	R20
Lot area	455m ²
Building height limit	7.0 metres

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Site photographs, including street montage.
- Attachment 10.3.2(c)** Applicant's supporting report.
- Confidential Attachment 10.3.2(d)** Confidential email correspondence – Mr Carl Erbrich – 77 River Way
- Confidential Attachment 10.3.2(e)** Confidential email correspondence – Mrs Helen Evers – 32 Sulman Ave

The location of the development site is shown below:



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

- 3. The exercise of a discretionary power**
 - (b) Applications on lots with a building height limit of 7.0 metres, having a boundary to River Way, and where the proposed building height exceeds 3.0 metres.

Comment

(a) Background

In June of 2014, the City received a similar application for a third storey addition; however the development application was refused by officers under delegated authority as the proposal exceeded the building height limit.

In accordance with the Town Planning Scheme No. 6 (TPS6) clause 7.8(2)(a) "Discretion to Permit Variations from Scheme Provisions", Council has no discretionary power to vary the building height limit.

The applicant has since considered their design and in March 2015 re-submitted an application for a third storey addition to a two storey single house on Lot 216 (No. 78) River Way, Salter Point (the Site).

(b) Description of the surrounding locality

The site has a frontage to River Way to the east and is located adjacent to residential development, as seen in **Figure I** below:

**(c) Description of the Proposal**

The proposal involves the addition of a third storey to the two storey single house on the site, as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. Furthermore the site photographs, referred to as **Attachment 10.3.3(b)**, show the relationship of the site with the surrounding built environment.

The following aspects of the proposal are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6), *Residential Design Codes of WA 2010* (R-Codes) and Council policy requirements:

- Building setbacks to the sides and rear boundaries (R-Codes Tables 2a and 2b);
- Visual privacy (R-Codes 5.4.1).
- Solar access to adjoining sites - South (R-Codes 5.4.2).

The following aspects of the proposal considered to comply with the applicable discretionary clauses, however require further discussion in this report:

- Development of Properties Abutting River Way (Council Policy P306 – Clause I “Street Setbacks – Buildings other than carports and garages”);
- Significant views (Council Policy P350.09)

The following aspects of the proposal considered to comply, however have been discussed further:

- Building height (TPS6 Clause 6.1A); and

(d) Street Setback (Policy 306 Clause I(b) and (C) - 3rd storey, west**Third Storey street setback**

Clause I(b) and I(c) of City Policy P306 state the following:

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point

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

1(c) – “In the case of dwellings having three storeys above the adjacent River Way street level, the uppermost storey shall be set back a minimum of 9.0 metres from the River Way boundary.”

Clause 1(c) prescribes a 9m setback of the uppermost storey to the River Way boundary. The proposed setback to the balcony is 5.1m and to the enclosed areas is 7.4m. These do not comply with the prescribed setback.

Accordingly, this street setback variation was assessed against the provisions of Clause 1(b) that takes into account the other existing setbacks of adjoining properties and the existing streetscape. As described below in detail, the proposed street setbacks of the balcony and enclosed parts of the building are greater than those of the existing buildings.

As a response to the above policy provisions, the applicant has submitted comments in support of their application, referred to as **Attachment 10.3.3(c)**.

In considering Clause 1(b), the following table presents the existing setbacks of the adjoining dwellings (Nos. 77 & 79 River Way) on either sides of the site, as well as the proposed setbacks of the subject development in order to demonstrate how these were observed to meet the requirements of this clause. An aerial photo has also been included to provide additional clarity.

Storeys	77 River Way	79 River Way	Average setback	The Site–78 River Way
Ground F	4.7m - Existing	4.5m - Existing	4.6m	6.1m - Existing
Second F - Balcony	3.6m - Existing	3.2m - Existing	3.4m	5.1m - Existing
Second F – Enclosed areas	4.9m - Existing	3.8m - Existing	4.4m	6.2m - Existing
Third F - Balcony	N/A	3.2m - Existing	3.2m	5.1m - Proposed
Third F - Enclosed areas	N/A	4.3m - Existing	4.3m	7.4m - Proposed
Another 3 storey house in close proximity along the River Way streetscape				
Storeys	34 Sulman Ave			
Third - Balcony	1.5m - Existing			
Third - Enclosed areas	5.1m - Existing			



As observed from the information provided above, setbacks of the proposed third storey demonstrate compatibility with the existing setbacks on the street, and are in fact greater than the setbacks of existing developments. The proposal is seen to be in keeping with the existing streetscape in relation to the bulk and scale of existing buildings along River Way and is therefore recommended for approval by City officers.

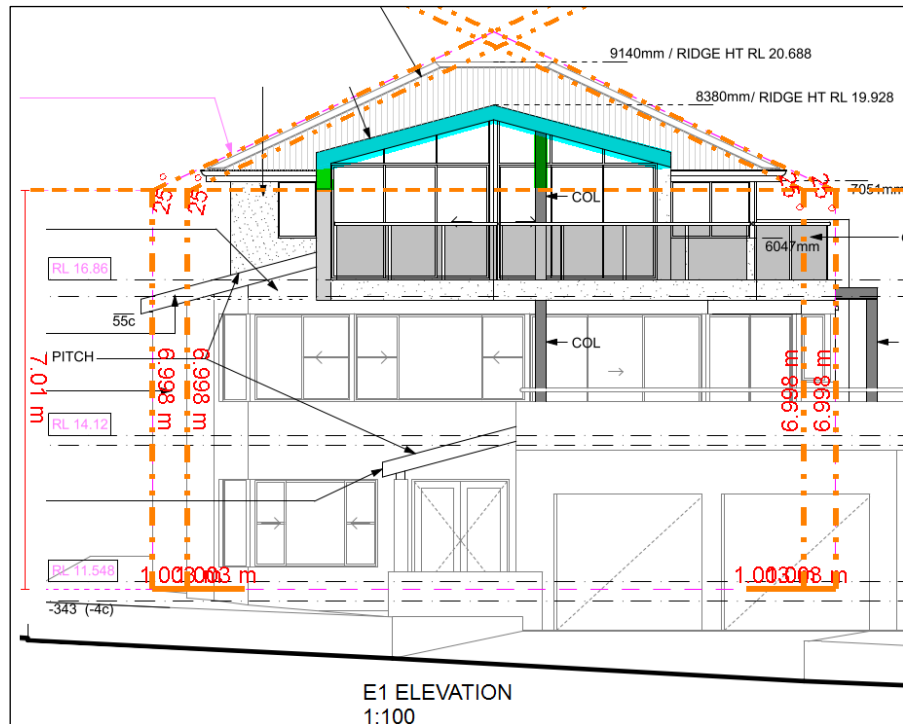
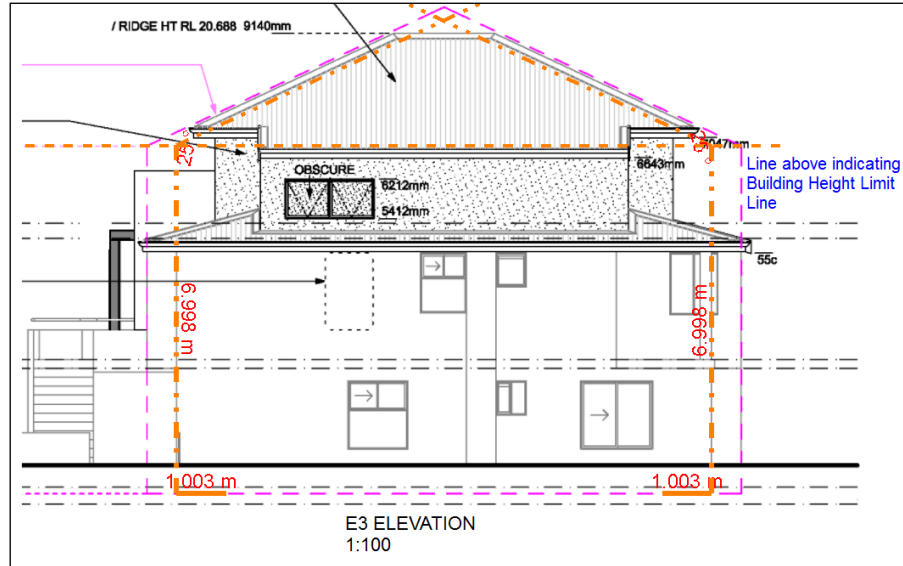
(e) Building Height

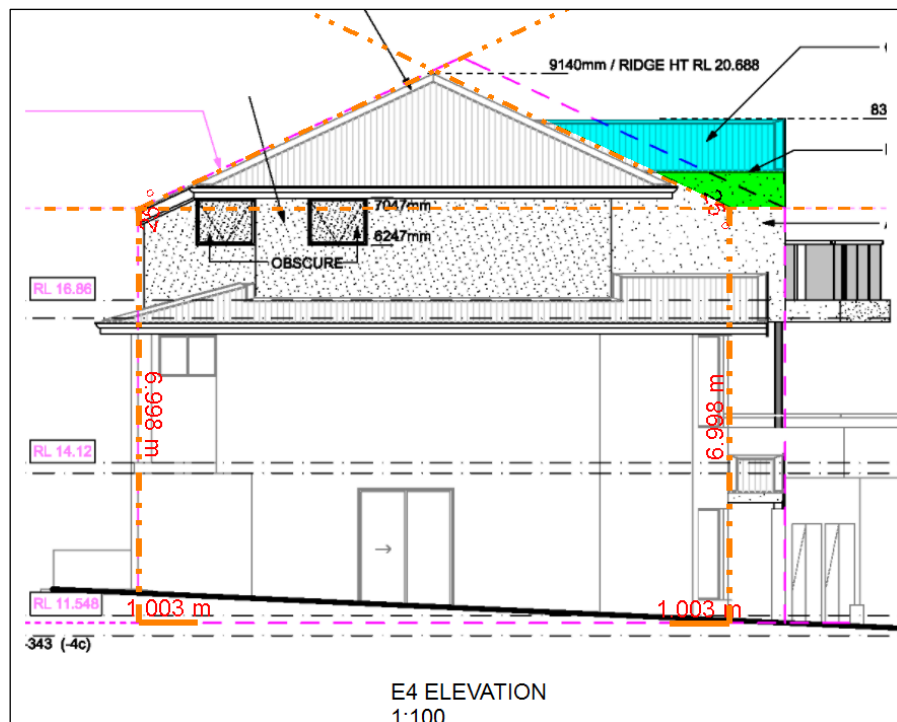
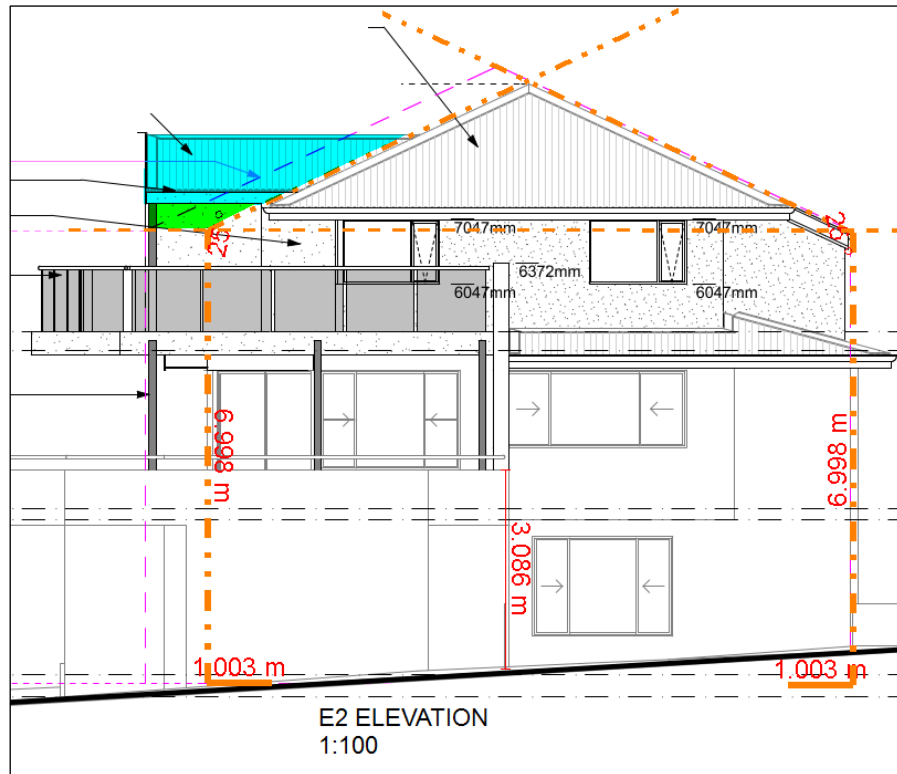
The provisions of the TPS6 Clause 6.1A “*Building Height Limit and Method of Measuring Height*” clause (4)(a) exclude roof from the measurement of the building height. The portion of roof shown in blue in the drawings is accordingly seen to comply.

Clause (5)(b) indicates that portions of the building may extend beyond the prescribed building height limit provided these portions are contained within the nominal 25 degree roof pitch. The notional roof pitch has been drawing in orange in the drawings below.

Clause (5)(e) permits minor projections outside the building height envelope. The portions shown in green in the drawings are such minor projections, hence observed to comply.

Following an assessment of this upper floor it was found that the building is contained within the 25 degree nominal roof pitch, and complies with the above scheme requirements, as indicated in the drawings below.





The blue high-light portion in the elevation drawings shows the roof that projects outside of the 25 degree notational pitch. In accordance with building height limit provisions of the TPS6, roof height is excluded from the building height measurement, hence is observed to be compliant.

Additionally, the portion of visual privacy screen wall & column, indicated in green in the drawing, are located outside of the 25 degree nominal roof pitch. These are observed as minor projections outside the building height limit. The initially proposed 1.6 metre high privacy screening was replaced with a screen wall, based on a

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point

recommendation by the City’s Design Advisory Consultants (DAC), who considered that this modification will create an improved built outcome.

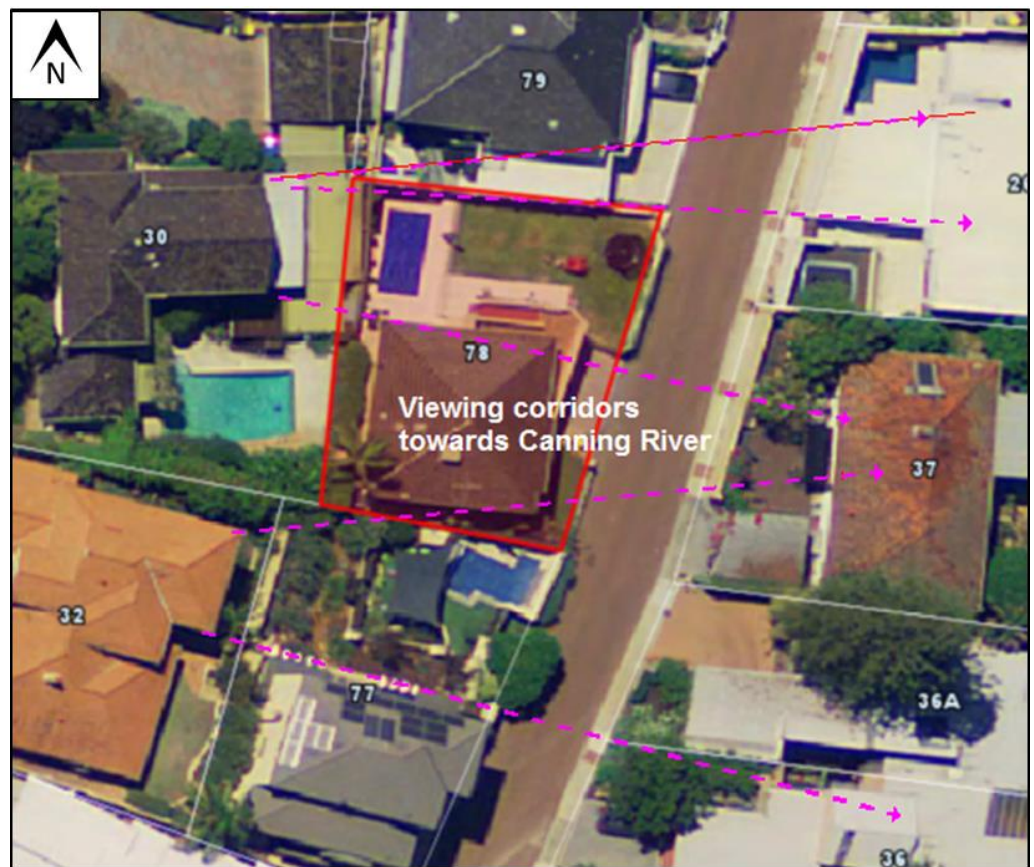
Accordingly, it is observed that the building complies with the height limit.

(e) Significant Views

Council Planning Council Policy P350.9 (Significant Views) at times requires the consideration for the loss of significant view from neighbouring properties.

The neighbouring properties to the rear of the site currently enjoy views of the Canning River (significant view); however upon consultation regarding their views, no written objections on the loss of their views were submitted to the City.

Officers have provided photos and illustrations on the images below, which show views from rear lots along Sulman Avenue:



Intramaps Image showing the viewing corridors from the adjoining rear lots (30 & 32 Sulman Avenue) towards the Canning River

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point



Sightlines from the rear upper lever at 32 Sulman Avenue



The view from the rear verandah at 32 Sulman Avenue

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point



The view from the rear ground floor terrace at 32 Sulman Avenue



The view from the rear ground floor sun porch at 32 Sulman Avenue

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point



The view from inside the home on the 1st Floor at 32 Sulman Avenue



10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point



The panoramic view from the rear 1st Floor balcony at 32 Sulman Avenue



Sightlines from the rear ground and upper levels at 30 Sulman Avenue

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point



The view from the rear verandah at 30 Sulman Avenue



Views from the upper lever balcony at 30 Sulman Avenue. The yellow outline indicates the offices representation of the projected building additions (should the building permits be granted to develop). The proposed additions are shown on the right hand side building.

The rear lots are located at a higher natural ground level compared to the site, hence are able to maintain views of the Canning River. Significant views also take into account any setback variations which could restrict significant views along these corridors, however the proposal meets the rear and side setbacks requirements.

As demonstrated in the photos above, the views to Canning River (significant views) from the both the adjoining rear lots will not be significantly impacted by the proposed development and are therefore supported by officers.

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

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

(g) 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;*
- (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; and*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

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

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May 2015. The proposal was favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
<p>Applicant to consider matching the roof pitches: over the balcony and that of the dwelling.</p> <p>Resolving the small sections of roofs at the second floor level, visible in the elevations, to make them visually appealing.</p> <p>The consultants recommended that the small skillion roof over the entry porch at the ground level be replaced with a horizontal projection, to match with the theme of other horizontal projections in the dwelling.</p>	<p>The balcony roof pitch is designed to match the ground and first floor, given the skillion / barge ends to the front elevation of all three levels it is favourable for these pitches to be consistent.</p> <p>Please note our design has been considered, the roof design is consistent with the remaining of the dwelling.</p> <p>Please note our design has been considered, the skillion roof to the porch is in theme with the skillion roof end to the first floor and second floor balcony, and all pitches are consistent as mentioned in item.</p>	<p>Varying roof pitches are observed on the building. Applicant's comments are supported.</p>
<p>Aligning the gutter and fascia of the roof above balcony with those of the dwelling.</p>	<p>The balcony does not have a gutter and fascia so the suggestion for aligning the balcony and dwelling gutter and fascia is not achievable.</p>	<p>Applicant's comments are supported.</p>
<p>Extending the roof cover over the balcony along its side to form a visual privacy screen of the same material.</p>	<p>Revised drawings submitted with the obscure privacy screen removed and façade simplified.</p>	<p>Drawings have been amended to reflect this.</p>

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, individual property owners at Nos. 30 and 32 Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period. The consultation was in relation to the significant view of Canning River.

During the advertising period, a total of 2 consultation notices and 3 information notices were sent. One submission was received during this time; however the questions asked of the officers were in related to the permitted building height limit (discussed earlier in the report) and the impact on property values.

City officer have provided relevant responses in April 2015 with no further response by the affected owner.

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.

10.3.2 Proposed Third Storey additions to Existing Single House on Lot 216 (No. 78) River Way, Salter Point

Strategic Implications

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

Accommodate the needs of a diverse and growing population.

Sustainability Implications

Noting the orientation of the lot, officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

Attachments

- 10.3.2 (a):** Plans (*Confidential*)
- 10.3.2 (b):** Site Photos
- 10.3.2 (c):** Applicants supporting documents
- 10.3.2 (d)** Confidential email correspondence – Mr Carl Erbrich – 77 River Way (*Confidential*)
- 10.3.2 (e)** Confidential email correspondence – Mrs Helen Evers – 32 Sulman Ave (*Confidential*)

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Perth and Peel @3.5Million - Submission to the Western Australian Planning Commission

Location:	City wide
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-48890
Date:	28 July 2015
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community 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:	6.5 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 Draft Perth and Peel@3.5million suite of documents. Of these documents the draft Perth and Peel@3.5million report (the Report) and the draft Central Sub-Regional Planning Framework – Towards Perth and Peel@3.5million (the Framework) are most relevant to the City of South Perth. The Report provides detailed information with regard to the challenges facing Perth in the next 35 years as the population continues to grow towards 3.5 million people. The document indicates that a 'business as usual' approach, will fail the Perth and Peel regions as it will have negative impacts on society, the environment and the economy.

The Framework provides detail as to how the population targets outlined in the Report can be met. It promotes an increase in residential population and employment opportunities in activity centres, public transport corridors and station precincts in order to minimise the impact of growth on existing suburbs. This approach is consistent with the City's efforts in promoting growth in the activity centres of South Perth and Canning Bridge Station precincts and along Canning Highway as a part of the Canning Highway#Shapeourplace project.

City officers are generally supportive of the proposed Central Sub-Regional Planning Framework and draft Perth and Peel@3.5million report, however consider improvements could be made as outlined in the summary below and the attached submission (**Attachment (a)**).

City officers have collaborated with colleagues at the City of Canning and the Town of Victoria Park in order to compile a joint submission relating to the provision of public transport links within the three local governments. This submission is contained in **Attachment (b)**. The joint submission recommends the regional structure plans be updated to show all locations for future public transport services, in accordance with the Draft Public Transport for Perth 2031, July 2011.

Officer Recommendation

That Council endorse the attached submissions to the Western Australian Planning Commission via the Department of Planning.

Background

The Report provides detailed background into the formulation of the Perth and Peel@3.5million suite of documents, including the historical planning context, the need for change, potential growth patterns, economy, urban environment and natural environment.

Once formalised the individual frameworks for the Central, South Metropolitan, North East and North West sub regions will become regional structure plans, to be taken into consideration by local governments when preparing a local planning strategy and local planning scheme.

The Western Australian Planning Commission through the Department of Planning is now seeking comments on Draft Perth and Peel@3.5million suite of documents. The WAPC is seeking public comment on the documents by Friday 31 July 2015 with all comments being considered before the draft sub-regional planning frameworks are finalised as sub-regional structure plans. It is requested that submissions:

- identify which sub-region your comments relate to;
- include the section and/or page number;
- clearly state your opinion and the reasons for your opinion;
- if possible, outline alternative solutions to your areas of interest; and
- provide any additional information to support your comments.

In preparing the attached submission, City officers have taken the above request into consideration.

Comment

The full submission is contained in **Attachment (a)**. The main points are summarised below:

- The City is generally supportive of the vision of a more consolidated urban form with increased residential density and employment opportunities situated around activity centres and activity corridors. This approach has many potential benefits including increased dwelling diversity, reduced car dependency and protection of environmental assets with minimal impact on the established suburban form
- The suite of documents has the potential to be improved through the following measures;
 - A wider community engagement program;
 - Commitment through all levels of government to the provision of improved infrastructure – particularly public transport and the depiction of this infrastructure on the Framework maps;
 - Deletion of the Labouchere Road, and Mill Point Road/Angelo Street/Sandgate Street corridor as the City can accommodate the projected population growth in the South Perth and Canning Bridge Activity Centres and the Canning Highway Corridor.
 - Generally improvements to the mapping;
 - Clear implementation program; and
 - Clear method of monitoring and reporting progress at the state and local government level.

Consultation

Elected members were consulted through the Bulletin in May 2015 seeking comments. No comments were received.

10.6.1 Perth and Peel @3.5Million - Submission to the Western Australian Planning Commission

Policy and Legislative Implications

As stated on page 13 of the Report, the sub-regional planning frameworks, will be taken into account when preparing and reviewing strategies, policies and plans. They will provide guidance to government agencies, and local government on land use, land development, environmental protection and infrastructure investment and therefore should be taken into account by the City in the preparation of its Planning Strategy and future Town Planning Scheme.

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](#). Perth and Peel@3.5million aims to achieve a more consolidated urban form, with 47% of new dwellings being in infill locations, increase housing diversity, reduce water use, protect environmental assets and reduce car dependency. Each of these goals aligns with the City's sustainability strategy.

Attachments

10.6.1 (a): Perth and Peel@3.5million - City of South Perth Submission to the WAPC

10.6.1 (b): Joint Submission for Perth and Peel @3.5 Million

10.6.2 Monthly Financial Management Accounts - June 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-48941
Date:	28 July 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 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

That the monthly Statement of Financial Position, Financial Summaries, Schedule of Budget Movements and Schedule of Significant Variances for the month of June 2015 be presented to the first meeting of Council after their completion in order to allow the final year end position to be accurately and completely disclosed.

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

Whilst acknowledging the very important need for Council and the community to be provided with a 'final' year-end accounting of the City's operating performance and financial position; the 2014/2015 year end financial accounts for the City are yet to be completed - in either a statutory or management account format. This is because the City is still awaiting supplier's invoices and other year-end accounting adjustments before finalising its annual accounts ready for statutory audit. It is considered imprudent to provide a set of 30 June Management Accounts at this time when it is known that the financial position disclosed therein would not be final - and would be subject to significant change before the accounts are closed off for the year.

It is proposed that a complete set of Statutory Accounts and a set of Management Accounts as at year end would be presented to Council at the first available meeting of Council after their completion - ideally the September or October 2015 meetings if possible. Such action is entirely consistent with Local Government Financial Management Regulation 34(2)(b), responsible financial management practice - and the practice of this City in previous years.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Sustainability Implications

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

Attachments

Nil

10.6.3 Monthly Statement of Funds, Investments and Debtors at 30 June 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-48942
Date:	28 July 2015
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

Summary

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

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

Officer Recommendation

That Council receives the 30 June 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)**

Background

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

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

10.6.3 Monthly Statement of Funds, Investments and Debtors at 30 June 2015

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 \$73.42M (\$75.72M last month) compare favourably to \$47.29M at the equivalent stage of last year. Reserve funds are \$23.1M higher overall than the level they were at the same time last year - largely as a result of receiving the sale proceeds from the Civic Triangle site when settlement was effected in September 2014. The Reserve fund balances show that the Asset Enhancement Reserve is \$21.2M higher as a result of the receipt of major land sale proceeds.

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

There are also \$1.3M higher holdings of cash backed reserves to support CPV refundable monies but \$0.2M less for the CPV Reserve after allowing for the year's operating result and capital reimbursements. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the River Wall Reserve is \$1.3M lower as funds have been deployed to fund major capital works. The Waste Management Reserve is \$0.5M higher. The IT Reserve is \$0.5M higher as funds are quarantined for major technology infrastructure projects in the next year. The Future Building Projects Reserve is \$0.8M higher. Various other reserves are modestly changed.

Municipal funds are some \$5.9M higher due to very good rates collections, a strong opening position, cash receipt for the second instalment of the Ray St land sale proceeds and less than anticipated cash draw down for capital works to date. Some \$4.0M of these funds relate to carry forward works.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$16.1M (compared to \$19.0M last month). It was \$10.4M 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 \$69.6M compared to \$43.8M at the same time last year. There is a \$3.0M higher level of cash in Municipal investments. Cash backed reserves are \$23.0M higher as discussed above.

10.6.3 Monthly Statement of Funds, Investments and Debtors at 30 June 2015

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year.

Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

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

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

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

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

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

Total interest revenues (received and accrued) for the year total \$2.32M. This compares to \$1.67M at the same time last year despite the historically low interest rates. The prevailing interest rates appear likely to continue at current low levels in the short to medium term.

Investment performance will be closely monitored given recent interest rate cuts to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we 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 3.20% with the anticipated weighted average yield on investments yet to mature now sitting at 2.97%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 1.75% since the May RBA decision.

(c) Major Debtor Classifications

Effective debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates, general debtors & underground power).

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(c)**. Rates collections to the end of June 2015 represent 99.4% of rates collectible (excluding pension deferrals) compared to 99.6% 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 \$2.40M at month end (\$1.49M last year). GST Receivable is \$1.4M higher than the balance at the same time last year whilst Sundry Debtors is \$0.3M lower. Most other Debtor categories are at fairly similar levels to the previous year. The GST refundable was received in full on 3 July 2015.

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), \$7.40M was collected by month end with approximately 99.8% of those in the affected area having now paid in full. The remaining 12 property owners have made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

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

10.6.3 Monthly Statement of Funds, Investments and Debtors at 30 June 2015

Since the initial \$4.59M billing for the Stage 5 UGP Project, some \$4.57M (or 99.2% of the amount levied) has already been collected with 98.4% of property owners opting to settle in full. A further 17 or 1.6% who were expected to pay the final instalments on 19 December missed the instalment date. Since December a number of these residual debt amounts have been cleared. 16 property owners are on extended payment arrangements and legal proceedings are progressing for 1 property owner who has not made any payments to date.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Sustainability Implications

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

Attachments

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

10.6.4 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-48944
Date:	28 July 2015
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 June 2015 and 30 June 2015 is presented to Council for information. During the reporting period, the City made total payments by EFT of \$9,018,041.05 and by cheque payment of \$813,073.37 giving total monthly payments of \$9,831,114.42.

Officer Recommendation

That the Listing of Payments for the month of June 2015 as detailed in **Attachment 10.6.3(a)**, be received.

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.

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

Consultation

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

10.6.4 Listing of Payments

Policy and Legislative Implications

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

Financial Implications

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

Sustainability Implications

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

Attachments

10.6.4 (a): Listing of Payments

10.6.5 Acting Chief Executive Officer

Location:	N/A
Ward:	Not Applicable
Applicant:	N/A
File Ref:	D-15-48945
Date:	28 July 2015
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

This report considers the appointment of an Acting Chief Executive Officer until the commencement of a new Chief Executive Officer at the City of South Perth.

Officer Recommendation

That the Council appoint Michael Kent as Acting Chief Executive Officer for the period 1 August 2015 to 30 August 2015, Mark Taylor as Acting Chief Executive Officer for the period 31 August 2015 to 30 September 2015 and Vicki Lummer as Acting Chief Executive Officer for the period 1 October 2015 to 31 October 2015.

Background

With the Chief Executive Officer's contract of employment concluding 31 July 2015, the Council resolved in March 2015 to adopt a formal process for the recruitment of a new Chief Executive Officer.

In May 2015 the Council resolved that City Directors be placed on a monthly rotational basis in the position of Acting Chief Executive officer, commencing 1 August 2015.

Comment

The Council is presently in the process of recruiting a new Chief Executive Officer. At this stage, it is anticipated that the recruitment process will be concluded early August 2015.

The selected candidate would then be required to give notice to their employer, ranging from four weeks to twelve weeks. Dependant on individual circumstances, a new Chief Executive Officer could commence with the City from September 2015 through to November 2015.

In line with the May 2015 Council resolution, it is recommended that Michael Kent as Acting Chief Executive Officer for the period 1 August 2015 to 30 August 2015, Mark Taylor as Acting Chief Executive Officer for the period 31 August 2015 to 30 September 2015 and Vicki Lummer as Acting Chief Executive Officer for the period 1 October 2015 to 31 October 2015.

10.6.5 Acting Chief Executive Officer

In the event that the new Chief Executive Officer commences during this period, than the Acting role would be concluded.

Consultation

This matter has been the subject of consultation at a previous CEO Recruitment Committee meeting in May 2015, with Lester Blades also providing advice to the Committee.

Policy and Legislative Implications

The *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* prescribes requirements relating to the appointment and employment of an Acting Chief Executive Officer. An Acting Chief Executive Officer can be appointed for a maximum period of one year without the Council being required to advertise the position state-wide.

5.36. Local government employees

- (1) A local government is to employ —
(a) a person to be the CEO of the local government; and

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
(a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
(b) a person who will be acting in the position for a term not exceeding one year.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
(b) ensure that advice and information is available to the council so that informed decisions can be made; and
(c) cause council decisions to be implemented; and
(d) manage the day to day operations of the local government; and
(e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
(f) speak on behalf of the local government if the mayor or president agrees; and
(g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
(h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
(i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Financial Implications

There will be minimal financial implications as the Acting Chief Executive Officer salary is provided for within the CEO Office salary and wages budget.

Sustainability Implications

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

Attachments

Nil

10.6.6 Proposed Incorporation of Forum of Regional Councils (FORC) with WA Local Government Association / Municipal Waste Advisory Council (WALGA / MWAC) Structure

Location:	N/A
Ward:	Not Applicable
Applicant:	N/A
File Ref:	D-15-48946
Date:	28 July 2015
Author / Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

This report seeks Council's position on the proposed incorporation of Forum of Regional Councils (FORC) from a 'stand-alone' independent group to being incorporated into the WA Local Government Association / Municipal Waste Advisory Council (WALGA / MWAC) structure.

Officer Recommendation

That:

- Council supports the proposed incorporation of Forum of Regional Councils (FORC) with the WA Local Government Association / Municipal Waste Advisory Council (WALGA / MWAC) structure; and
- Council's feedback on the matter be forwarded to the Rivers Regional Council (RRC) to be included in an Item to its Special Council meeting scheduled for Thursday 30 July 2015.

Background

At the Rivers Regional Council (RRC) Ordinary Council Meeting held on Thursday 18 June 2015, Council resolved:

"That each Member Council provides feedback to Rivers Regional Council on the proposed incorporation of FORC with MWAC."

Feedback was sought of City of South Perth Members on the proposed incorporation of FORC with MWAC so that comments can be included in an Item to a Special RRC Council Meeting on Thursday 30 July 2015.

Members were provided with background information for consideration (**Attachment (a)**) which included the RRC Agenda Item and Attachments (including the FORC Agenda Item at Attachment 1 and the Discussion Paper at Attachment 2).

The proposed merger was developed and supported by MWAC and FORC CEO's at a meeting on 18 February 2015. Both the Southern Metropolitan Regional Council (SMRC) and Mindarie Regional Council (MRC) have supported the proposal. The RRC supports the proposal.

10.6.6 Proposed Incorporation of Forum of Regional Councils (FORC) with WA Local Government Association / Municipal Waste Advisory Council (WALGA / MWAC) Structure

Comment

The Governance model proposed by the Department of Environmental Regulation was not supported by WALGA and in their submission put forward an alternative model - WALGA in their draft submission proposed an alternative governance model based on a Waste Management Group (WMG) overseeing three management groups that individually are responsible for one of the waste streams. The MSW stream would maintain the Municipal Waste Advisory Committee (MWAC) with three Regional MSW groups. The representation of the regional groups would be as Regional Subsidiaries established on a geographic basis.)

The WALGA submission was heavily referenced in the City's submission and in particular the City's endorsement of the WALGA alternative Governance Model.

The following are the extracts from the RRC February 2015 Council meeting:

- *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.*

There has always been a strong alignment between FORC and the MWAC, as the MWAC membership includes all FORC members and the overall objectives of each organisation are similar. However, in a practical sense, ongoing communication to ensure that this alignment was reflected in positions and advocacy has been key to presenting a united front to Government.

Consultation

The local government sector was approached for this proposal.

Policy and Legislative Implications

The incorporation of FORC into the WALGA / MWAC structure is in line with the WALGA Review Submission on the Waste Avoidance and Resource Recovery Act.

Financial Implications

Nil.

Sustainability Implications

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

Attachments

- 10.6.6 (a):** Proposed Incorporation of FORC with WALGA/MWAC Structure

10.6.7 Rivers Regional Council Membership Withdrawal - Shire of Waroona

Location:	N/A
Ward:	N/A
Applicant:	N/A
File Ref:	D-15-48947
Date:	28 July 2015
Author / Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

The purpose of this report is to consider an application from the Shire of Waroona to withdraw from membership of the River's Regional Council on the 16th of October 2015.

Officer Recommendation

That Council advise the Shire of Waroona and the Rivers Regional Council that it agrees to the withdrawal of the Shire of Waroona from the Rivers Regional Council as of the 16 of October 2015.

Background

The first establishment agreement which formed the then South East Metropolitan Council was approved by the Minister for Local Government in July 2001. At this time neither of the City of Mandurah, Shire of Murray, Shire of Serpentine Jarrahdale or the Shire of Waroona were members of the regional council.

In 2008 the initial member councils (City of Armadale, City of Gosnells and City of South Perth) agreed to allow Mandurah, Murray and Serpentine Jarrahdale as members.

In 2009 the member councils then agreed to admit the Shire of Waroona to become a member of the Regional Council.

A letter dated 1 July 2015 has now been received from the Shire of Waroona seeking withdrawal from the Rivers Regional Council (**Attachment (a)**).

Comment

The establishment agreement as amended allows for the withdrawal of member councils by giving appropriate notice having regard for the financial impact of the decision.

Although a member of Rivers Regional Council, the Shire was not party to the Waste to Energy Proposal currently being finalised by the regional council. The regional council holds no assets or liabilities of significance, therefore withdrawal from the regional council by the Shire of Waroona is a straight forward matter.

The Shire will pay its full year's levy of \$10,209 to the regional council when the regional council budget is adopted later this month. A pro-rata adjustment will be refunded to the Shire for the unexpired portion of the year i.e. 17 October 2015 – 30 June 2016.

Consultation

All member local governments are required to adopt a resolution and sign an agreement amending the establishment agreement. No disagreement is expected from member councils. The Rivers Regional Council is also aware of the proposal and has no concerns regarding the withdrawal.

Policy and Legislative Implications

Member councils to the regional council are required to agree to the withdrawal request and execute an agreement amending the membership of the regional council.

Financial Implications

There will be little or no financial implications of this arrangement given the very small membership fee that Waroona contributes to the revenue of the regional council. The refund will amount to approximately \$7,224 which will be offset by savings in member attendance fees. This cost will be shared by remaining members of the regional council and is negligible.

Sustainability Implications

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

Attachments

10.6.7 (a): Letter from the Shire of Waroona seeking withdrawal from the RRC

10.6.8 Development Assessment Panels - Submission to the Parliamentary Committee

Location:	City of South Perth
Ward:	N/A
Applicant:	N/A
File Ref:	D-15-48948
Date:	28 July 2015
Author / Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

A Parliamentary Committee was recently formed to inquire into the Planning and Development (Development Assessment Panels) Regulations 2011. The Committee is chaired by the Hon. Kate Doust MLC, Member for the South Metropolitan area.

The purpose of this report is to seek endorsement of the City's submission which was made on Friday 10 July 2015, prior to it being endorsed by Council.

Officer Recommendation

That Council endorse the submission made to the Parliamentary Committee to inquire into the Planning and Development (Development Assessment Panels) Regulations 2011.

Background

A Parliamentary Committee was recently formed to inquire into the Planning and Development (Development Assessment Panels) Regulations 2011. The Committee is chaired by the Hon. Kate Doust MLC, Member for the South Metropolitan area.

The purpose of this report is to seek endorsement of the City's submission which was made on Friday 10 July 2015, prior to it being endorsed by Council.

Comment

The City became aware that a Parliamentary Committee had been formed to examine the Development Assessment Panels Regulations 2011 and as a consequence a submission was formed with input from officers and elected members. A copy of the submission can be found at **Attachment (a)**. The submission was delivered by the nominated date, Friday 10 July 2015 and as a consequence Council's endorsement of the submission is now required.

Consultation

Offices and elected members were invited to make contributions to the submission.

Policy and Legislative Implications

Comments were required to be made in relation to the Development Assessment Panels Regulations 2011.

10.6.8 Development Assessment Panels - Submission to the Parliamentary Committee

Financial Implications

Nil.

Sustainability Implications

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

Attachments

10.6.8 (a): Development Assessment Panels - Submission to the Parliamentary Committee

10.6.9 City of Perth Bill

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-49571
Date:	28 July 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 Council with information on the City of Perth Bill (the Bill) and seeks agreement on possible advocacy initiatives that could be progressed in relation to the Bill.

The Bill is currently progressing through parliament, having just had its second reading. The Bill, if passed, will put in place special provisions for the City of Perth, recognising and establishing it as the 'primary' local government within the Perth Metropolitan network of local governments. Whilst the exact timing of the Bill is unknown (it has priority 22/24 on the Government Orders Notice Paper), it is likely it will be debated when the Legislative Assembly sits again in August with an opportunity for amendments and changes to be made.

Officers have reservations regarding the Bill which are discussed in this report. Officers propose possible advocacy steps that could be taken in relation to the Bill and seek Council resolutions regarding these actions.

Officer Recommendation

That Council:

- a) notes the contents of the City of Perth Bill introduced to the House on 21 May 2015;
- b) authorises the Chief Executive Officer to write to:
 - i. the Department of Local Government and Communities;
 - ii. the Minister for Local Government and Communities;
 - iii. the Shadow Minister for Local Government and Communities;
 - iv. the Members of Parliament for the South Metropolitan Region;
 - v. the Member of Parliament for South Perth.

seeking deletion of clause 37 from the City of Perth Bill, and providing commentary on other aspects of the Bill as outlined in the officer report.

Background

In late 2014, an Advisory Committee comprising the Department of Local Government and Communities (the Department), and the Cities of Perth and Vincent was established and tasked with the development of a City of Perth Act. A City of Perth Bill (the Bill) was drafted by the Committee as part of the overall local government reform program.

During January and February 2015 the Department co-ordinated stakeholder consultation on a 'City of Perth Act' position paper. The City of South Perth was given less than 2 weeks in which to respond to this paper. The City made a submission to the Department within the allotted timeframe – a copy of the submission can be found at **Attachment (a)**. Due to the tight turn around period, Councillor input into the submission was facilitated through the Councillor Bulletin.

The Bill has now been drafted (**Attachment (b)**), and introduced to the Lower House (Legislative Assembly). It had its second reading speech on 21 May 2015, and has now been put on the Government Orders Notice Paper at priority 22/24.

City of Perth Bill

In summary, the Bill:

- recognises Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that;
- redefines the boundaries of the City of Perth to take-in portions of Subiaco and Nedlands from 1 July 2016;
- establishes a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth; and
- makes consequential and other amendments to the Botanic Gardens and Parks Authority Act 1998, the Local Government Act 1960 Part VIA and the Local Government Act 1995.

A clause by clause explanatory memorandum, obtained from the parliamentary website, is provided at **Attachment (c)**.

In general the provisions of the Bill are relatively conservative, with no considerable shifts from the accepted local government powers or voter franchise model. The Bill is significantly different to the stakeholder consultation paper that was circulated in January 2015. However, there are a number of clauses that are of concern and/or interest to officers – these are discussed below.

Schedule 2.1, clause 5 amended (Section 37)

Section 37 of the City of Perth Bill proposes that in considering any future boundary adjustment proposal, the Local Government Advisory Board (the LGAB) must have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia. This provision will form a new clause in Schedule 2.1 of the Local Government Act.

“After Schedule 2.1 clause 5(2) insert:

- (3) In carrying out a formal inquiry into a proposal that directly affects the district of Perth, the Advisory Board is also to have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.”*

Comment

Exactly what “having regard to the special significance” involves is unclear. However, a reasonable interpretation of this would likely refer to the ‘objects’ of the City of Perth Act, which are set out in Section 8 of the Bill. The most relevant being:

- a) “to recognise, promote and enhance
- i. the special social, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and
 - ii. the important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level.”

It seems clear that the addition of this clause is intended to give the LGAB scope to recommend boundary changes that it would not currently be able to recommend – based on the existing criteria that it is able to consider.

Given the comments of the Premier during the State Government’s Reform Program, it is not difficult to reach the conclusion that such a clause may be used by the City of Perth to lobby the LGAB to take control over areas of interest – such as the Burswood Peninsula, or even possibly the South Perth Peninsula.

The explanatory note for this new clause provides very little justification or reasoning for its necessity, apart from saying that the Board should take into consideration the ‘unique status’ of the City of Perth.

The Metropolitan Local Government Review Panel (the Robson Committee), appointed by the State Government to provide independent advice on the current structures and arrangements for local government in Perth, and improvements to maximise benefits to the Perth community, did not recommend any changes to Schedule 2.1 of the Local Government Act 1995.

It is of concern to officers that this clause may be used to justify the annexation of just about any area that the City of Perth may decide that it wants. The provisions of Schedule 2.1, clause 5(2) are already wide ranging, and include consideration of:

- Community of interests;
- Physical and topographic features;
- Demographic trends;
- Economic factors;
- The history of the area;
- Transport and communications;
- Matters affecting the viability of local governments; and
- The effective delivery of local government services.

These clauses provide ample capacity for the reasonable justification for boundary changes and amalgamations. Officers do not consider that there is any need for the City of Perth to be given special consideration over and above the existing provisions, and recommend deletion of the section from the City of Perth Bill.

Electoral matters (Sections 19-21)

Section 20 of the City of Perth Bill change the enrolment eligibility claim of an occupier of property who is eligible to be enrolled to vote in City of Perth elections on the basis of occupation of rateable property, and has applied to be on the electoral roll, does not expire.

Section 21 of the City of Perth Bill makes it an offence for an owner/occupier to fail to notify becoming ineligible as an elector. Notification must be provided in writing within three months of the date on which the person ceases to be eligible to vote in City of Perth elections. A maximum penalty of \$500 is established.

Comment

No justification or rationale is provided in the explanatory note as to why the City of Perth should have different provisions in respect to voter eligibility or penalties than any other local government.

City of Perth Committee (Sections 12-15)

Sections 12 to 15 of the City of Perth Bill establish a City of Perth Committee with functions that include facilitation of collaboration between the State and the City of Perth on issues and projects of interest to both, and sets out its membership. The Committee will be advisory only, and will be chaired by either the Premier or another Minister nominated by the Premier. The Committee will meet at least twice per year.

Comment

The Metropolitan Local Government Review Panel (the Robson Committee) made a number of recommendations to the State Government in relation to greater collaboration, co-ordination and partnership between the State and local governments on strategic issues.

These recommendations were relevant to all local governments, not just the City of Perth. Whilst officers have no objection to the establishment of a City of Perth Committee, the broader recommendations of the Panel should not be overlooked.

Officers note that one of the functions of the Committee is to:

“identify and promote opportunities to improve, simplify and streamline the requirements and processes of the City of Perth with respect to development applications under the Planning and Development Act 2005”

Clearly such an arrangement would be of benefit to all local governments. Officers would like to see a similar forum, or partnership arrangement established allowing all local governments to work with the State.

Proposed Action

The Bill is currently awaiting further debate in the Lower House – the ‘*Consideration in Detail*’ stage. During this stage of the Bill’s progression through the House it may be amended. The City, therefore, still has an opportunity to lobby for changes to the Bill. Officers propose that Council resolves to advocate for changes to the Bill – as outlined above – by writing to:

- the Department of Local Government and Communities;
- the Minister for Local Government and Communities;
- the Shadow Minister for Local Government and Communities;
- the Members of Parliament for the South Metropolitan Region; and
- the Member of Parliament for South Perth.

Consultation

The Town of Victoria Park Council considered a report on the City of Perth Bill at its June Ordinary Council Meeting. The Town’s response to the Bill was taken into account in the preparation of this report.

10.6.9 City of Perth Bill

Policy and Legislative Implications

There are no direct policy or legislative implications from the proposed legislation or the recommendations made in this report (other than those detailed).

Financial Implications

There are no immediate financial implications to the City of South Perth from the proposed legislation or the recommendations made in this report. However, if the proposed legislation is used by the State Government to excise parts of existing local governments this could result in significant financial impacts for those local governments affected.

Sustainability Implications

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

Attachments

- 10.6.9 (a):** City of Perth Act Submission - February 2015
- 10.6.9 (b):** City of Perth Bill 2015
- 10.6.9 (c):** City of Perth Bill Explanatory Notes

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUESTS FOR LEAVE OF ABSENCE

The following Members hereby apply for Leave of Absence from all Council Meetings as follows:

- Cr Veronica Lawrance for the period 26 August 2015 – 2 September 2015 inclusive
- Mayor Sue Doherty for the period 30 July 2015 – 4 August 2015 inclusive

Recommendation

That Leave of Absence be granted to:

- Cr Veronica Lawrance for the period 26 August 2015 – 2 September 2015 inclusive
- Mayor Sue Doherty for the period 30 July 2015 – 4 August 2015 inclusive

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

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

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.

16. CLOSURE

APPENDIX ONE



MAYOR'S ACTIVITY REPORT – JUNE 2015

Date	Activity	Attendee(s)
Friday, 26 June	Mill Point Rotary Handover	Mayor Sue Doherty
	Councils for Democracy meeting at City of Subiaco	Mayor Sue Doherty + Strategic Urban Planning Adviser
	WA Police - Meeting	Mayor Sue Doherty, Cr Glenn Cridland & Phil McQue
Thursday, 25 June	Soklich & Co - Pearls & Diamond evening	Mayor Sue Doherty
	Parks & Leisure Australia WA Awards of Excellence	Mayor Sue Doherty
	CfP:Annual Chairman's lunch - Density is not a dirty word - Hotel development	Mayor Sue Doherty
Wednesday, 24 June	South Perth Burswood Rotary Changeover	Mayor Sue Doherty
	Pioneers and Elders' Luncheon	Mayor Sue Doherty
Tuesday, 23 June	June Council meeting	Mayor Sue Doherty + Cliff Frewing
	Meeting with Minister Simpson @ Parliament House	Mayor Sue Doherty + Cliff Frewing
	Mayor/CEO weekly meeting	Mayor Sue Doherty + Cliff Frewing
Monday, 22 June	CEO Recruitment Committee Briefing by Lester Blades	Mayor Sue Doherty
	Meeting resident re: Como Hotel/Dan Murphy's	Mayor Sue Doherty
Saturday, 20 June	Lions Club of South Perth Changeover night	Mayor Sue Doherty
Friday, 19 June	Curtin Uni Boat Club & Curtin AHEAD Boat Naming Ceremony	Mayor Sue Doherty
	LGMA Integrated Planners Network @ City of Melville	Mayor Sue Doherty
Thursday, 18 June	City of South Perth Historical Society 2015 Phillip Pental Young Heritage Award and Exhibition	Mayor Sue Doherty

Date	Activity	Attendee(s)
	Legal Review meeting with McLeod's re: Dan Murphy's	Mayor Sue Doherty & Phil McQue
	Collier Primary school - meet principal Kevin Saunders	Mayor Sue Doherty
	Southern Gazette photoshoot - Women in Local Government	Mayor Sue Doherty
	Community News: 'Your Generation - Favourite Things' photoshoot	Mayor Sue Doherty
Sunday 14/6 – Wednesday 17/6 June	NGA (National General Assembly of Local Government)	Mayor Sue Doherty + Cliff Frewing
Friday, 12 June	Mayor Meet the Community	Mayor Sue Doherty
Thursday, 11 June	Meeting Geoff Ogden – Windsor Hotel	Mayor Sue Doherty
Wednesday, 10 June	Curtin Primary school meeting with Jennifer Broz	Mayor Sue Doherty
	Outlook Training	Mayor Sue Doherty
Tuesday, 9 June	Mr Henry Boston speech at Karrakatta Club	Mayor Sue Doherty
	Mayor/CEO weekly meeting	Mayor Sue Doherty + Cliff Frewing
		Mayor Sue Doherty
Monday, 8 June	Aboriginal Reference Group meeting	Mayor Sue Doherty
Friday, 5 June	Steve Irons ICE Forum	Mayor Sue Doherty
	Manning Hub – Turning the Soil event	Mayor Sue Doherty + Crs Kevin Trent, Fiona Reid and Sharron Hawkins-Zeeb & Michael Huston
Wednesday, 3 June	Briefing: South Perth Pool Study Briefing & Scheme Amendment 46	Mayor Sue Doherty
	Mayor/CEO weekly meeting	Mayor Sue Doherty + Cliff Frewing
	Department of Local Government & Communities	Mayor Sue Doherty
	Como Primary school - meeting Principal Andrew Malcolm	Mayor Sue Doherty

COUNCIL REPRESENTATIVES' ACTIVITY REPORT

Date	Activity	Attendee(s)
Monday, 29 June	Speak with Confidence Awards	Crs Glenn Cridland, Sharron Hawkins-Zeeb & Fiona Reid+
Monday, 29 June	Intercultural Harmony Society Ramadan Iftar Dinner	Cr Kevin Trent
Thursday, 25 June	Neighbourhood Watch meeting at City of Canning	Cr Kevin Trent
Thursday, 18 June	LEMC Meeting	Cr Kevin Trent
Thursday, 4 June	AIIA (Australian Information Industry Association) Sundowner	Cr Sharron Hawkins-Zeeb