

MINUTES.

Ordinary Council Meeting

28 February 2017

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 28 February 2017 in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

3 March 2017

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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Minutes

Minutes of the Ordinary Council Meeting held in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 28 February 2017.

1. DECLARATION OF OPENING

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

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law 2007 which provides rules and guidelines which apply to the conduct of meetings.

3.2 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007 'Recording of Proceedings'.

She then gave her permission for the Administration to record proceedings of the Council meeting and requested that all electronic devices be turned off or on to silent.

3.3 ACKNOWLEDGEMENT OF SERVICE –DIRECTOR INFRASTRUCTURE AND INFORMATION SERVICES - MR MIKE KENT

The Presiding Member acknowledged the services of Mr Mike Kent, Director of Financial and Information Services who has served the City for over 20 years. She described Mike as an enormous contributor to the City's growth through his work and his commitment to his colleagues. Mike commenced with the City in 1997 in the role of Manager Financial Services and in 2001 took on the role of the City's Director Financial & Information Services, a role he remained in until now.

Mike's achievements at the City include, the \$27 million iconic Civic Triangle land sale, Mike was the joint lead on this. Mike was the client project manager for the \$12 million South Perth library, hall and community centre redevelopment. A huge project and one that has brought huge public benefit to our community.

The Presiding Member, on behalf of the Elected Members wished him every success and all the best for his future endeavours.

3.4 INTRODUCTION OF INTERIM ACTING DIRECTOR OF FINANCIAL AND INFORMATION SERVICES – MR COLIN CAMERON

The Presiding Member introduced Mr Colin Cameron who is filling the role of Acting Director Financial and Information Services until an appropriate appointment is made to the position.

4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

Councillors

| | |
|----------------------|-----------------|
| Glenn Cridland | Como Ward |
| Jessica Black | Como Ward |
| Colin Cala | Manning Ward |
| Sharron Hawkins-Zeeb | Manning Ward |
| Travis Burrows | Moresby Ward |
| Cheryle Irons | Mill Point Ward |
| Ken Manolas | Mill Point Ward |

Officers

| | |
|------------------|--|
| Geoff Glass | Chief Executive Officer |
| Vicki Lummer | Director Development and Community Services |
| Michael Kent | Director Financial and Information Services |
| Mark Taylor | Director Infrastructure Services |
| Phil McQue | Manager Governance and Administration |
| Stevan Rodic | Manager Development Services |
| Colin Cameron | Acting Director Financial and Information Services |
| Sharron Kent | Governance Officer |
| Christine Lovett | Corporate Support Officer |
| Christine Vass | Executive Assistant to the Chief Executive Officer |

Gallery

There were approximately 15 members of the public present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Fiona Reid Moresby Ward

5. DECLARATIONS OF INTEREST

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

The Presiding Member advised that a Declaration of Interest had been received from Cr Ken Manolas in relation to Agenda Item 15.1.3 The Westralian Centre.

In accordance with the *Local Government (Rules of Conduct) Regulations 2007* this declaration would be read out immediately before Item 15.1.3 was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the 13 December 2016 Ordinary Council Meeting questions were received at the meeting. These questions were answered at the meeting and included in those Minutes.

6.2 PUBLIC QUESTION TIME: 28 FEBRUARY 2017

Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law.

The Presiding Member advised the meeting that questions are to be in writing and submitted 24 hours prior to the meeting. Forms are available on the City's website and at the City's Reception. Questions can also be submitted electronically via the City's website. Questions received 24 hours prior to the meeting would be dealt with first. Questions received less than 24 hours prior to the meeting would be taken on notice and the response provided in the Minutes of the next month's Council meeting.

The Presiding Member then opened Public Question Time at 7.07.

There being no questions, the Presiding Member closed Public Question Time at 7.07pm.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting - 13 December 2016

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Colin Cala

That the Minutes of the Ordinary Council Meeting held 13 December 2016 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

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

7.2.1 BRIEFINGS

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

7.2.1 Council Agenda Briefing - 21 February 2017

Officers of the City presented background information and answered questions on items to be considered at the February 2017 Ordinary Council Meeting at the Council Agenda Briefing held 21 February 2017.

Attachments

7.2.1 (a): Council Agenda Briefing - Notes - 21 February 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Cheryle Irons

That the Notes of the Council Agenda Briefing held on 21 February 2017 be noted.

CARRIED (8/0)

8. PRESENTATIONS

8.1 PETITIONS

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

A petition was received on 28 February 2017 from Paul and Hazel Noble of 20 Mends Street, South Perth together with 439 signatures in relation to the closure of the Mends Street car park adjacent to the Windsor Hotel.

The text of the petition reads:

"Car Park Closure Adjacent to Windsor Hotel Mends Street South Perth:

We the undersigned demand that the Mayor and the City of South Perth Council take immediate action to rectify the problems the above-mentioned closure will have in the area of Mends Street, South Perth. The area has seen serious decline of retail outlets and businesses over recent years due to the direct result of lack of parking and the introduction of paid parking – (while other areas of South Perth ie. Angelo Street have free parking for all)."

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Cheryle Irons

That the petition received 28 February 2017 from Paul and Hazel Noble of 20 Mends Street, South Perth, together with 439 signatures in relation to the car park closure adjacent to the Windsor Hotel, Mends Street, South Perth be forwarded to the relevant Officer for consideration.

CARRIED (8/0)

8.2 PRESENTATIONS

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

Nil

8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing of 21 February 2017.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 WALGA South East Metropolitan Zone (SEMZ) Meeting held 6 December 2016 and State Council Meeting held 7 December 2016

A report summarising the WALGA South East Metropolitan Zone (SEMZ) Meeting held 6 December 2016 and State Council Meeting held 7 December 2016 is attached.

Attachments

8.4.1 (a): WALGA SEMZ Delegates Report - 6 December 2016

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Sharron Hawkins-Zeeb

Seconded: Cr Travis Burrows

That the report on WALGA South East Metropolitan Zone (SEMZ) Meeting held 6 December 2016 and State Council Meeting held 7 December 2016 be received.

CARRIED (8/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Council Agenda Briefing held on 21 February 2017

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.5** Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth
- Item 10.6.6** Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission
- Item 10.6.8** Development Assessment Panel - Nominations for Local Government members

9.1 EN BLOC MOTION

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That the Officer Recommendations in relation to the following agenda items be carried en bloc:

- Item 10.1.1** Community Sporting Recreation Facilities Fund (CSRFF) - Small Grant Funding
- Item 10.2.1** Tender 26/2016 "Collier Park Golf Course Irrigation Upgrade"
- Item 10.3.1** Proposed Single House (Two-Storey) with Undercroft. Lot 19 (No. 124) River Way, Salter Point
- Item 10.3.2** Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point
- Item 10.3.3** Proposed Amendments to Strata Lot 2 development provisions of Local Development Plan for Lot 240 (No. 57) Swanview Terrace, South Perth
- Item 10.3.4** Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point
- Item 10.6.1** Management Account Summaries
- Item 10.6.2** Statement of Funds, Investments and Debtors at 31 January 2017
- Item 10.6.3** Listing of Payments
- Item 10.6.4** Budget Review for the Period ended 31 December 2016
- Item 10.6.5** Design WA - Submission to the Western Australian Planning Commission
- Item 10.6.7** 2017 Ordinary Council Election

CARRIED (8/0)

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Community Sporting Recreation Facilities Fund (CSRFF) - Small Grant Funding

| | |
|----------------------|--|
| Location: | City of South Perth |
| Ward: | Manning Ward |
| Applicant: | Council |
| File Ref: | D-17-18028 |
| Date: | 28 February 2017 |
| 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 purpose of this report is to consider one application for the 2017/2018 Community Sporting Recreation Facilities Fund (CSRFF) Small Planning Grants.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That:

- (a) the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Small Grants 2017/18, be submitted to the Department of Sport and Recreation together with the comments from the officer report and the following ranking and rating:

| Applicant | Project | Ranking | Rating |
|-------------------------------|------------------------------------|---------|--------|
| Manning Memorial Bowling Club | Bank Plinth replacement – 3 greens | 1 | A |

- (b) subject to this application being successful with the Department of Sport and Recreation, a provisional amount of \$10,275 is considered in the 2017/2018 annual budget as the City's contribution as follows:

- (i) Manning Bowling Club \$10,275 (excl. GST)

CARRIED EN BLOC (8/0)

Background

The Department of Sport and Recreation (DSR) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation.

Table 1 CSRFF Grant Categories

| Grant category | Total Project Cost Range | Standard DSR Contribution | Frequency |
|-------------------------|--------------------------|---------------------------|-----------|
| Small grants | \$7,500 - \$150,000 | \$2,500 - \$66,666 | Bi-annual |
| Annual Grants | \$200,001 - \$500,000 | \$66,667 - \$166,666 | Annual |
| Forward Planning Grants | \$500,001 + | \$166,667 - \$1 million | Annual |

The maximum grant awarded by DSR will be no greater than one-third of the total cost of the project up to a maximum of \$1M. The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any shortfall. The local government is not obliged to contribute funding to the projects. As stated in the CSRFF guidelines, small grants for this round of applications require an implementation period of one year. Therefore grant applications in this round must be claimed by 15 June, 2018.

Comment

One project is being proposed by the City for the 2017/2018 CSRFF Small Grants:

(i) Manning Bowling Club (bank plinth replacement)

CSRFF Grant sought \$10,275 (ex GST)

Manning Bowling Club's contribution \$20,275 (ex GST)

City's contribution \$10,275 (ex GST)

Estimated Total Project Cost \$40,826 (ex GST)

Assessment

A panel comprising the City Environment Coordinator, Recreation Development Coordinator and Club Development Officer assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

| | |
|---|--|
| A | Well planned and needed by municipality |
| B | Well planned and needed by applicant |
| C | Needed by municipality, more planning required |
| D | Needed by applicant, more planning required |
| E | Idea has merit, more preliminary work required |
| F | Not recommended |

The results are summarised below:

2016/2017 CSRFF small grants

| Applicant | Project | Ranking | Rating | City's Contribution | Total project cost |
|----------------------|------------------------------------|---------|--------|---------------------|--------------------|
| Manning Bowling Club | Bank plinth replacement – 3 greens | 1 | A | \$10,275 | \$40,826 |
| TOTAL | | | | \$10,275 | \$40,826 |

Manning Bowling Club

Manning Bowling Club is located on Lot 300 on Deposited Plan 45674 held on Crown land title volume 3136 folio 436 and is vested in the City of South Perth for the purpose of recreation, with a power to lease and or sub lease. The lease with the club was recently renewed in 2015 for a period of five years, with an option for another five years. The club resurfaced a synthetic bowling green in 2014/15 via CSRFF, to which the City contributed \$41,000 (ex GST).

The club is affiliated with Bowls WA and has 214 members, a slight increase on membership compared to 2014/15 (209). It is primarily used by club members (96%) and local schools. The clubs net income as at 30 April 2016 is \$61,099.

Replacement of Bank Plinths

The club requires plinth replacement on three greens (6 banks). The green bank plinths are the edge of the green which adjoin the ditch (kerb). According to the club the replacement of green bank plinths is required for the following reasons:

- It is a requirement cited in the Bowls WA 2016 Greens Inspection Report;
- They are ageing and despite regular maintenance are in danger of rebounding bowls;
- It is a potential safety hazard for spectators and bowlers;
- Members with walking aids and/or impaired vision are especially vulnerable;
- If not replaced, rinks will need to be closed affecting participation

The Bowls WA Strategic Facilities Plan was developed in 2010. Based on its metropolitan facilities hierarchy, Manning Memorial Bowling Club is considered a small local club with a medium level of sustainability, defined as:

“The grassroots for bowls in WA but is also the most likely to be at risk of financial failure and hence relocation, amalgamation or closure. However, a well-managed, promoted and attended club provides the local community with a wide range of benefits. Small clubs often have not taken advantage of the growth of community bowls competitions or other sources of revenue which are required to ensure club facilities are maintained and replaced when necessary”.

The Plan goes on to say there are no identified gaps or requirements for local level clubs at the present time but this may change with increasing population and densities. The lawn bowls playing population in the central Perth metropolitan area is expected to marginally increase from 13,580 in 2010 to 14,400 in 2021, to 15,300 in 2031.

It is recommended this project is rated ‘A -Well planned and needed by the municipality and in making this assessment the panel noted:

- Manning Memorial Bowling Club submitted a sound application;
- Manning Memorial Bowling Club shows good signs of growth and increased participation;
- Manning Memorial Bowling Club demonstrates it is a sustainable club; and is a good tenant of the City.

Officers support the club in replacing the bank plinths, especially in light of safety concerns around members with walking aids and visual impairment.

Consultation

Initial consultation was undertaken with the City via the Recreation Development Coordinator and Club Development Officer. The City advertised the funding round by direct email to clubs.

Manning Memorial Bowling Club has advised City Officers and DSR about its intention to submit an application. The club has also discussed its application with Bowls WA.

Policy and Legislative Implications

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

Financial Implications

The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community. There is no obligation on the local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Sport and Recreation of up to one-third of the total cost of successful project within its boundaries.

The City supports the application and therefore the provisional amount has been proposed to be included in the upcoming annual budget.

The total project cost is estimated at \$40,826 (ex GST). The total contribution being requested from the City is \$10,275 (ex GST). Subject to DSR approval, it is proposed that \$10,275 (excl. GST) is provisionally allocated in the 201/2018 annual budget.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Tender 26/2016 Collier Park Golf Course Irrigation Upgrade

| | |
|------------------------|--|
| Location: | Collier Park Golf Course |
| Ward: | Moresby Ward |
| Applicant: | Bruce Moorman |
| File Reference: | D-17-17398 |
| Meeting Date: | 28 February 2017 |
| Author(s): | Bruce Moorman, Manager City Environment |
| Reporting Officer (s): | Mark Taylor, Director Infrastructure Services |
| Strategic Direction: | Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment |
| Council Strategy: | 2.2 Foster and promote sustainable water, waste management and energy management practices. |

Summary

This report considers submissions received from the advertising of Tender 26/2016 for the "Collier Park Golf Course Irrigation Upgrade".

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

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That Council approves the tender submitted by Total Eden Pty Ltd for the *Collier Park Golf Course Irrigation Upgrade* as per their schedule of rates of approximately \$377,630 excluding GST for the period of supply until the end of the project (approximately November 2017) in accordance with Tender Number 26/2016.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 26/2016 for the 'Collier Park Golf Course Irrigation Upgrade' was advertised in the West Australian on Saturday 26 November 2016.

Tenders were invited as a *Lump Sum Contract*.

The Tender closed on Tuesday 13 December 2016

The RFT is for the Collier Park Golf Course Irrigation Upgrade.

10.2.1 Tender 26/2016 "Collier Park Golf Course Irrigation Upgrade"

Comment

At the close of the tender advertising period four (4) submissions had been received and these are tabled below:

TABLE A - Tender Submission

| Tender Submission |
|---|
| Argonaut Engineering and Construction Pty Ltd |
| LD Total |
| Think Water |
| Total Eden Pty Ltd |

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

| Qualitative Criteria | Weighting % |
|-------------------------------|-------------|
| 1. Methodology | 30% |
| 2. Demonstrated Understanding | 20% |
| 3. Key Personnel | 20% |
| 4. Company similar experience | 10% |
| 5. Skills | 10% |
| 6. Resources | 10% |
| Total | 100% |

Based on the assessment of all submissions received for Tender 26/2016 'Collier Park Golf Course Irrigation Upgrade', it is recommended that the tender submission from Total Eden Pty Ltd be approved by Council.

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

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

10.2.1 Tender 26/2016 "Collier Park Golf Course Irrigation Upgrade"

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

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

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

Financial Implications

The full cost of the works is reflected in the 2016/2017 Capital Works budget.

Strategic Implications

The report is consistent with the [City's Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

10.2.1 (a): CPGC Irrigation Upgrade Evaluation Report (*Confidential*)

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Single House (Two-Storey) with Undercroft. Lot 19 (No. 124) River Way, Salter Point

| | |
|------------------------|---|
| Location: | 124 River Way, Salter Point |
| Ward: | Manning Ward |
| Applicant: | Bacic Group |
| File Reference: | D-17-16741 |
| DA Lodgement Date: | 4 October 2016 |
| Meeting Date: | 28 February 2017 |
| Author(s): | Matthew Andrews, Statutory Planning Officer |
| Reporting Officer (s): | 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 Review and establish contemporary sustainable buildings, land use and environmental design standards. |

Summary

This report seeks Council's consideration of an application for planning approval for a Two-Storey Single House with Undercroft on Lot 19 (No. 124) River Way, Salter Point. Council is being asked to exercise discretion on the following matters:

| Element on which discretion is sought | Source of discretionary power |
|--|--|
| Setbacks of Garages and Carports (Council Policy P306) | Residential Design Codes (Design Principles of Clause 5.2.1) |

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

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 Two-Storey Single House with Undercroft on Lot 19 (No. 124) River Way, Salter Point **be approved** subject to:

(a) Standard Conditions

| | | | |
|-----|---------------------------|------|------------------------------|
| 210 | screening- permanent | 470 | retaining walls- if required |
| 377 | screening- clothes drying | 471 | retaining walls- timing |
| 390 | crossover- standards | 455b | dividing fences- standards |
| 393 | verge & kerbing works | 456 | dividing fences- timing |
| 625 | sightlines for drivers | 445 | stormwater infrastructure |
| 510 | private tree | | |

(b) Specific Conditions

- (i) Prior to demolition of the buildings on the development site, the applicant shall provide the City with a detailed electronic photographic record, for inclusion in the City's local heritage archive, of the following:
- the exterior of the buildings, with emphasis on the street frontage and those parts of the building visible from the street;
 - any internal features of architectural or historic interest; and

- c. contextual images of the buildings showing adjoining buildings in the same street.
- (ii) The garage door shall be minimum ‘visually permeable’ as defined in the R-Codes in accordance with clause 2.3(b) of Council Policy P350.3 “*Car Parking Access, Siting and Design*”

(c) Standard Advice Notes

700A building licence required 790 minor variations- seek approval
 795B appeal rights- council decision Note 1-2 Validity (2 years)

(d) Specific Advice Notes

As advised by the applicant, minor amendments to privacy screening and internal retaining are being made at the request of adjoining property owners. Amended plans detailing these changes shall be submitted prior to the lodgement of a Building Permit application.

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

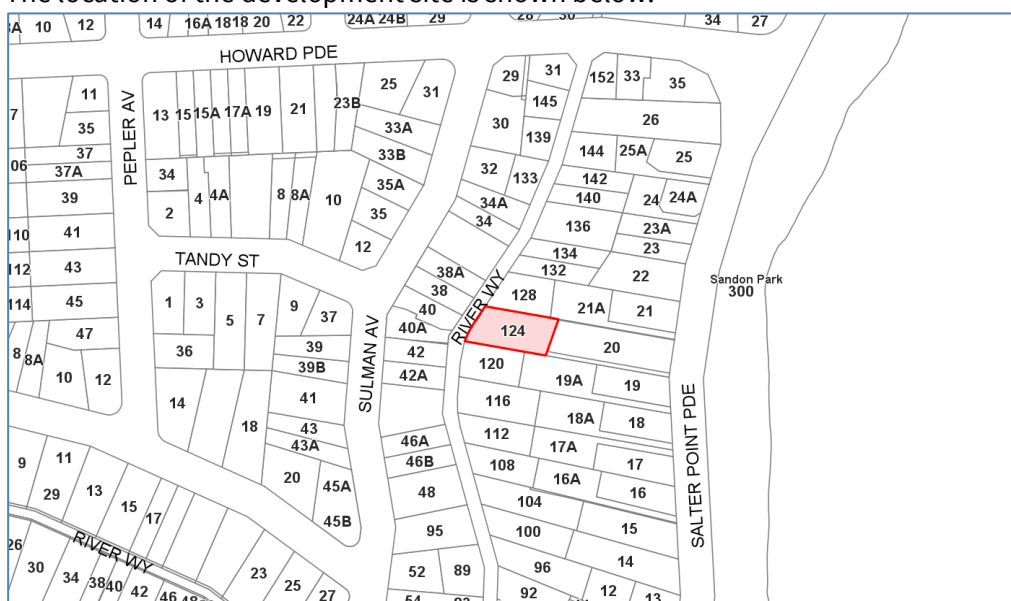
CARRIED EN BLOC (8/0)

Background

The development site details are as follows:

| | |
|------------------------------|-------------------------|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 1,023 sq. metres |
| Building height limit | 3.0 meters / 6.5 metres |
| Development potential | 2 dwellings |
| Plot ratio limit | N/A |

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

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
- (i) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and
 - (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.1A(9) of the Scheme.

6. Amenity impact

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

Comment

(a) Background

In October 2016, the City received an application for Two-Storey Single House with Undercroft on Lot 19 (No. 124) River Way, Salter Point (the **Site**). The existing building on the site was constructed in approximately 1967.

(b) Existing Development on the Subject Site

The existing development on the Site currently features a land use of Single House, as depicted in the site photographs at **Attachment (c)**. The existing house is proposed to be demolished, subject to development approval.

(c) Description of the Surrounding Locality

The Site has a frontage to River Way to the west and is located adjacent to single residential dwellings to the north, east and south as seen in **Figure 1** below:



10.3.1 Proposed Single House (Two-Storey) with Undercroft. Lot 19 (No. 124) River Way, Salter Point

Views of the Canning River are present to the east as can be seen in the Site Photographs at **Attachment (c)**.

(d) Description of the Proposal

The proposal involves the demolition of the existing development and the construction of a Two-Storey Single House with Undercroft, double garage and double carport on the Site, as depicted in the submitted plans at **Attachment (a)**.

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

- Land use – “P” (Permitted) (TPS6 clause 3.3 and Table 1).
- Street setbacks (R-Codes 5.1.2 and Council Policy P306 clause 1).
- Lot boundary setbacks (R-Codes clause 5.1.3 and Tables 2a/2b)
- Lot boundary setbacks – Boundary Walls (Council Policy P350.02 clause 1.1)
- Building height limit – 3.0 metres (TPS6 clause 6.1A).
- Open space (R-Codes clause 5.1.4).
- Garage width (R-Codes clause 5.2.2).
- Street surveillance (R-Codes clause 5.2.3).
- Street walls and fences (R-Codes clause 5.2.4 and Council Policy P306 clause 5).
- Finished floor and ground levels (TPS6 clause 6.10)
- Sight lines (R-Codes clause 5.2.5).
- Outdoor living area (R-Codes clause 5.3.1).
- Parking (R-Codes clause 5.3.3; Council Policy P306 clause 3 and TPS6 clause 6.3(8)).
- Vehicular access (R-Codes clause 5.3.5 C5.2-3).
- Driveway gradient (TPS6 cl. 6.10(2)).
- Visual privacy (R-Codes clause 5.4.1)
- Solar access for adjoining sites (R-Codes Clause 5.4.2).
- The following compliant planning aspect is compliant with the provisions of TPS6, however is discussed further in the report:
 - Building height limit – 3.0 metres (TPS6 clause 6.1A).
 - Building height restrictions in Precinct 13 ‘Salter Point’ (TPS6 cl. 6.1A(9)).

The following planning aspect does require the exercise of discretion to be approved and is discussed further in the report:

- Street Setback – Carports and Garages – (Council Policy P306 clause 2).

These discretionary matters are also addressed by the applicant in their justification report, contained in **Attachment (b)**.

(e) Setback of Garage and Carport

As the site abuts River Way, Salter Point, the minimum street setback provisions for carports and garages for this site are specified in clause 2 of Council Policy P306 ‘*Development of Properties abutting River Way*’. This policy replaces the deemed-to-comply standards of the R-Codes that would otherwise apply. The prescribed minimum street setback for any garages

10.3.1 Proposed Single House (Two-Storey) with Undercroft. Lot 19 (No. 124) River Way, Salter Point

and carports from River Way is 4.5 metres. The proposed setbacks are 1.22 metres to the garage and 1.5 metres to the carport, therefore the proposed development does not comply with clause 2 of Council Policy P306 'Development of Properties Abutting River Way'.

The Council can approve the proposed setback (or an alternative setback that is less than specified in clause 2) if Council is satisfied that the development demonstrates compliance with the street setback design principles listed in clause 5.2.1 of the R-Codes. The applicant has submitted written justification to address the street setback requirements.

The relevant design principles for Council's Consideration are copied below:

P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

The applicant has provided the following justification in support of the proposed variation:

"Given the steep slope of the site it is not possible to set the carports and garages back by 4.5m without impacting significantly on the development potential of the site and the BHL. The proposed garage and carports are located in the same location as those existing.

The intent of the 4.5m setback is to allow for visitor parking within the street setback and to provide adequate visual connection between vehicles and pedestrians to ensure safe manoeuvring of vehicles. As required by this policy (P306), the proposal provides two visitor car bays in a carport structure plus two owner bays within the garage. In requiring this, the City has already fulfilled the intent of the 4.5m setback. There is clear visibility for both pedestrians and drivers with 1.5m visual truncations observed, in accordance with the R-Codes."

The following matters should be noted in considering this application:

- This development proposes a substantial variation to the Council Policy requirements, which were prepared and implemented to address the bulk and scale concerns raised by the community.
- If the Council Policy requirements are applied consistently, the River Way streetscape will, over time, reflect the objectives within the current Council Policy, as properties are redeveloped.

Taking the above matters into account, it is noted that the proposed development has a similar building bulk impact to River Way as many other existing buildings on River Way. However this established character is largely inconsistent with the Council's current objectives for new development on River Way.

10.3.1 Proposed Single House (Two-Storey) with Undercroft. Lot 19 (No. 124) River Way, Salter Point

The site has a significant slope of approximately 12 metres from east to west, which creates a challenge in terms of design. To facilitate a 4.5 metres setback for the required occupier bays, and visitor bays an extensive amount of fill would be required directly behind the existing carports. Although possible, it would negatively impact the adjoining properties and is unlikely to comply with clause 6.10(3) of the Scheme in relation to equal cutting below and filling above the natural ground level.

The existing carports are setback between nil and 1.3 metres from the street boundary, which is consistent with the existing streetscape in this section of River Way, as can be seen in the site photograph below.



View of the existing development from River Way



View of the adjoining residential developments on River Way



View of the residential developments opposite development on River Way

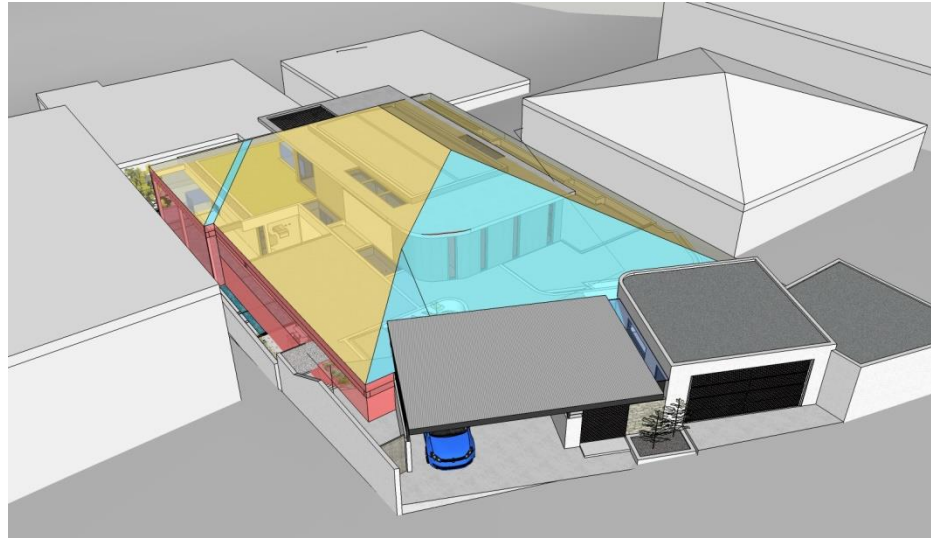
The proposed garage and carport is seen to create a lesser impact than that of the existing carport structures. The bulk impact of the garage has been ameliorated through requiring a visually permeable opening and the impact of the carport has been ameliorated through providing a permeable roof structure. The visually permeable nature of these structures will allow for sightlines through to the building thereby reducing the building bulk impact on the streetscape.

Accordingly it is recommended that the proposed development satisfies the design principles of the R-Codes for the following reasons:

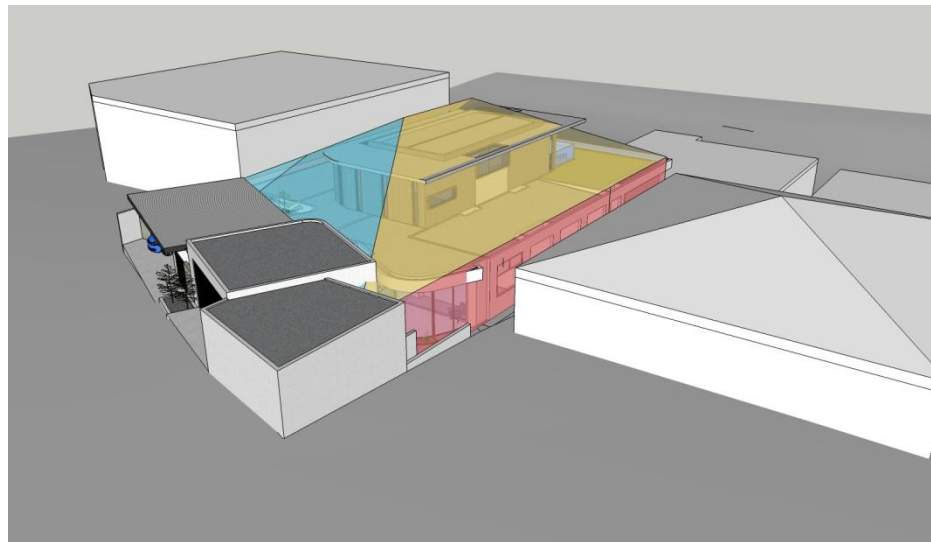
- The setback of the garage and carport does not detract from the streetscape; and
- The setback of the garage and carport does not impact the street in terms of bulk and scale.

(f) Building Height

The building height limit for the Site is 3 metres (24.9m AHD). The dwelling has been designed to comply with building height limit with the upper floor walls contained entirely within the 25 degree nominal roof pitch as prescribed in clause 6.1A(5)(b) of the Scheme. The below three dimensional (3D) diagrams provided by the applicant demonstrate the building height limits in relation to the proposed dwelling measured from the top of the BHL Walls as per clause 6.1A(3) of the Scheme.



3D building height diagram (facing east)



3D building height diagram (facing north)

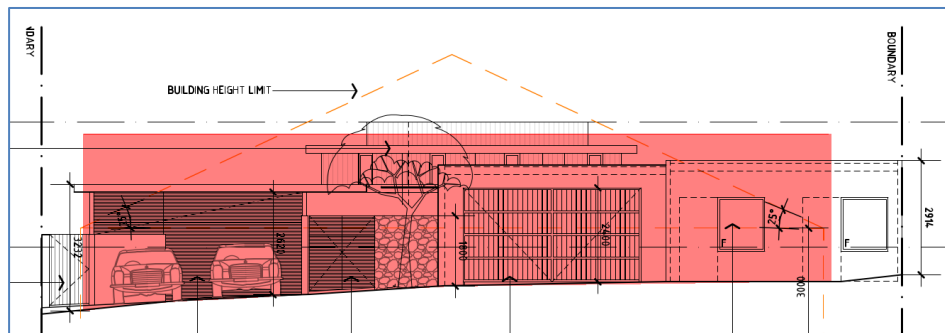
The projections outside the 25 degree nominal roof pitch are sections of roof, which do not form part of the building height limit calculation. Additionally, these projections have no adverse impact on adjoining residents, on any significant views, or considered to be out of character with the precinct as these minor projections meet the requirements of clause 6.1A(4)(b) of the Scheme and are considered compliant.

(g) Significant Views

The proposed dwelling will cause less of an obstruction to views of the Canning River than the existing dwelling. Due to the gable end design of the existing dwelling, the roof structure was a consistent height for the width of the block. The proposed dwelling provides variation in the wall height and roof forms therefore increasing the capacity for adjoining residents to view the Canning River. The below diagrams illustrate the height of the existing dwelling which is to be demolished (in red) in relation to the proposed dwelling.



Existing dwelling with gable end roof design



Comparison of existing dwelling and proposed dwelling in relation to obstructing views of the Canning River

It has been demonstrated that the proposed dwelling will not obstruct the views of the Canning River from buildings on neighbouring lands.

(h) 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:

- (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 the above matter, subject to the recommended conditions.

(i) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the following matters that are, in the opinion of the local government, relevant to the development the subject of the application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

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

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 '*Consultation for Planning Proposals*'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos. 120 and 128 River Way 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). Neighbour Notification letters were also sent to property owners of 19A, 20 & 20A Salter Point Parade and 38, 40 & 40A Sulman Avenue in accordance with Council Policy P301.

During the advertising period, a total of 10 consultation notices were sent (4 advertising and 6 notifications) and 4 submission(s) were received; 1 against the proposal, and 3 raising general concerns. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

| Submitters' Comments | Officer's Responses |
|--|---|
| The building height and setback restrictions are not complied with. | Information regarding the building height and the setbacks are discussed elsewhere in this report. The comment is NOTED |
| The existing shed/storeroom abutting River Way, although noted as being retained, will require modifications, which will impact on the height. | The proposal does not indicate any modification to the height of the existing storeroom adjacent to River Way. The comment is NOT UPHELD. |
| The height of the northern boundary fence is excessively high. | In accordance with clause 4.1 of Council Policy P350.7 ' <i>Fencing and Retaining Walls</i> ', a written request must be made with the City for any proposed fence over 1.8m in height. This request must be submitted by all owners. The height of the fence was raised with the applicant and as a result amended plans, along with consent from the adjoining property owner, has been submitted to the City. A copy of the adjoining property owners consent can be seen at Attachment (d) . The height of the fence is not considered to adversely affect the amenity of the adjoining property in relation to visual impact, shadowing, sunlight penetration or restriction views. The City is satisfied that the proposal meets the requirements of clause 4.1 of Council Policy P350.7. The comment is NOTED |
| There will be overlooking from the upper deck in to the currently being constructed rear outdoor living area of the adjoining property to the north. | The upper deck setback is now compliant with the deemed-to-comply requirements of the R-Codes (7.5m). The comment is NOTED |

| | |
|--|--|
| There will be overlooking from the ground floor living room in to the currently being constructed rear outdoor living area of the adjoining property to the north. | Privacy screening has been added at the fence line to eliminate the overlooking from the living room to any adjoining property. The screening is shown on the fence diagram approved by the adjoining land owner at Attachment (d) . The comment is NOTED |
| Concerns regarding potential damage to adjoining properties as a result of the demolition process. | Damage to surrounding buildings during demolition is not a planning consideration. Resident advised to organise a dilapidation report for their property or to contact the builder directly closer to the demolition date regarding their concerns about damage during demolition and/or construction. The comment is NOT UPHELD . |
| The proposed development is not being built in order to minimise blockage of neighbour's views. | Whist views are extremely desirable and universally sort-after, they are not a property right in WA, and should not be a means to stop other landowners realising their potential views. Current Planning theory suggests that only through standardised building-height restrictions can the maximum benefit be gained by the maximum proportion of the community, to which this proposal complies. Based on the existing dwelling and the natural slope of the lot the significant views will not be affected. The comment is NOT UPHELD . |

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, 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 2015-2025: "Accommodate the needs of a diverse and growing population".

10.3.1 Proposed Single House (Two-Storey) with Undercroft. Lot 19 (No. 124) River Way, Salter Point

Sustainability Implications

Noting the constraints posed by the development Site with respect to the significant slope of ground levels, as well as not a very favourable orientation of the lot, the outdoor living areas at the ground level as well as on the roof top have been design to have access to winter sun. Accordingly, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

Attachments

- 10.3.1 (a):** Plans
- 10.3.1 (b):** Justification Letters
- 10.3.1 (c):** Site Photographs
- 10.3.1 (d):** Adjoining owner consent for Boundary Fence over 1.8m in Height

10.3.2 Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point

Location: Salter Point
 Ward: Manning Ward
 Applicant: Enter Projects
 File Reference: D-17-16709
 DA Lodgement Date: 4 August 2016
 Meeting Date: 28 February 2017
 Author(s): Kevin Tang, Statutory Planning Officer
 Reporting Officer (s): 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

This report seeks Council's consideration of an application for planning approval for a Single House (Two-Storey) on Lot 31 (No.144) 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 |
|--|---|
| Building height (roof balustrade) | TPS No. 6 clause 6.1A (5) (b) |
| Significant views (Salter Point) | TPS No. 6 clause 6.1A (9) |
| Special provisions for pre-scheme developments (carport) | TPS No.6 clause 6.2A (1) |
| Setback of garages and carports | Council Policy P306 clause 2 and R-Codes clause 5.2.1 (P1) |
| Boundary wall | Council Policy P350.2 clause 1 |
| Street walls and fences | Council Policy P350.07 clause 1 and R-Codes clause 5.2.4 (P4) |

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Single House (Two-Storey) on Lot 31 (No.144) River Way, Salter Point, **be approved** subject to:

(a) Standard Conditions

| | | | |
|------|-----------------------------------|-----|----------------------------------|
| 210 | screening- permanent | 470 | retaining walls- if required |
| 377 | screening- clothes drying | 471 | retaining walls- timing |
| 390 | crossover- standards | 455 | dividing fences- standards |
| 340B | parapet walls- finish from neigh. | 456 | dividing fences- timing |
| 445 | stormwater infrastructure | 353 | visitor bays- marked and visible |
| 507 | Protect trees | 625 | sightlines for drivers |

(b) Specific Conditions

- (i) Revised drawings shall be submitted to the satisfaction of the City, prior to the submission of the Building Permit application, and such drawings shall incorporate the following:
 - a. privacy screening shall be provided along the full length of the proposed balcony on the second storey on all sides;
 - b. the roof balustrade shall be modified to comply with clause 6.1A (5)(b) of the TPS6;
- (ii) Prior to demolition of the buildings on the development site, the applicant shall provide the City with a detailed electronic photographic record, for inclusion in the City's local heritage archive, of the following:
 - a. the exterior of the buildings, with emphasis on the street frontage and those parts of the building visible from the street;
 - b. any internal features of architectural or historic interest; and
 - c. contextual images of the buildings showing adjoining buildings in the same street.
- (iii) No more than 60 days after Notice of Completion is submitted to the City, the landowners shall engage a licensed land surveyor to produce surveying plans to demonstrate the completed building is consistent with the planning approval documents and the requirements of other relevant statutes.
- (iv) The driveway shall be set back at least 0.5 metres from the southern lot boundary.

(c) Standard Advice Notes

| | | | |
|------|-----------------------------------|-----------|---------------------------------|
| 700A | building licence required | 709 | masonry fences require BA |
| 725 | fences note- comply with that Act | 790 | minor variations- seek approval |
| 795B | appeal rights- council decision | Notes 1-2 | Validity (2 years) |

(d) Specific Advice Notes

- (i) Dilapidation Survey Report;
- (ii) Stormwater Management;

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

CARRIED EN BLOC (8/0)

Background

The development site details are as follows:

| | |
|------------------------------|-------------------|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 597m ² |
| Building height limit | 3.0 metres |

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

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
- (i) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and
 - (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.1 A(9) of the Scheme.
- (d) Applications involving the exercise of discretion under Clauses 6.2A or 6.11 of the Scheme.

6. Amenity impact

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

Comment

(a) Background

In August 2016, the City received an application for a Single House (Two-Storey) on Lot 31 (No. 144) River Way, Salter Point (the **Site**). Currently, there is an existing two storey brick and tile single house on the subject site.

(b) Description of the Surrounding Locality

The Site contains an east-west drop of 6.1m, has a site area of 597m² and a frontage to River Way to the west, located adjacent to residential development, as seen in **Figure 1** below:



(c) Description of the Proposal

The proposal involves the demolition of the existing development and the construction of a two-storey single house on the Site. The proposed house is featured by non-conventional architectural design with a large sloping concrete roof and contains rumpus room workshop and storage on the lower floor, and two bedrooms, study, dining area and living area on the upper floor. A glass balustrade outdoor living area is also being proposed to be erected on the top of the roof. The proposal has been amended a few times due to different interpretations regarding the Building Height Limit requirement under TPS 6 and comments received from the Design Advisory Consultants. The latest development plans have been provided at **Attachment (a)**. Furthermore, the site photographs show the existing condition 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 either compliant with the provisions of TPS6, the R-Codes and relevant Council policies or able to be resolved through the imposition of planning conditions, and therefore have not been discussed further in the body of this report:

- Land use – “Single House” is a “P” (Permitted) land use on the subject site zoned “Residential” with a density coding of R20 (Table 1 of TPS6);
- Wall setback lower and upper storeys (R-Codes Clause 5.1.3);
- Street setback (Council Policy P306);
- Open space (R-Codes Clause 5.1.4);
- Street surveillance (R-Codes Clause 5.2.3);
- Sight lines (Council Policy P350.07)
- Outdoor living area (R-Codes Clause 5.3.1);
- Parking (R-Codes Clause 5.3.3);
- Street setback (Council Policy P306);
- Visitor parking (Council Policy P306);
- Design of car parking spaces and accessways (TPS6 Clause 6.3(8) and Council Policy P350.03);
- Driveway gradients (TPS6 Clause 6.10.2);

10.3.2 Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point

- Car parking (TPS6 Clause 6.3);
- Minimum ground and floor levels (TPS6 Clause 6.9);
- Maximum ground and floor levels (TPS6 Clause 6.10);
- Stormwater management (TPS Clause 6.8);
- Visual privacy (R-Codes Clause 5.4.1);
- Solar access for adjoining sites (R-Codes Clause 5.4.2);
- Essential facilities (R-Codes Clause 5.4.5);
- Trees (Council Policy P350.05);
- Vehicular access (R-Codes Clause 5.3.5);

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

- Building height (roof balustrade) (TPS6 Clause 6.1A(5)(b));
- Significant views (TPS6 clause 6.1A (9));
- Special provisions for pre-scheme developments (carport) (TPS6 Clause 6.2A);
- Street setback - garages and carports (Council Policy P306);
- Street walls and fences (Council Policy P350.07);
- Boundary wall (Council Policy P350.02)

(e) **Building height (roof balustrade)**

Clause 7.8 (2) of TPS6 stipulates that Council's discretionary power shall not be exercised with respect to Building Height Limits referred to in clause 6.1A.

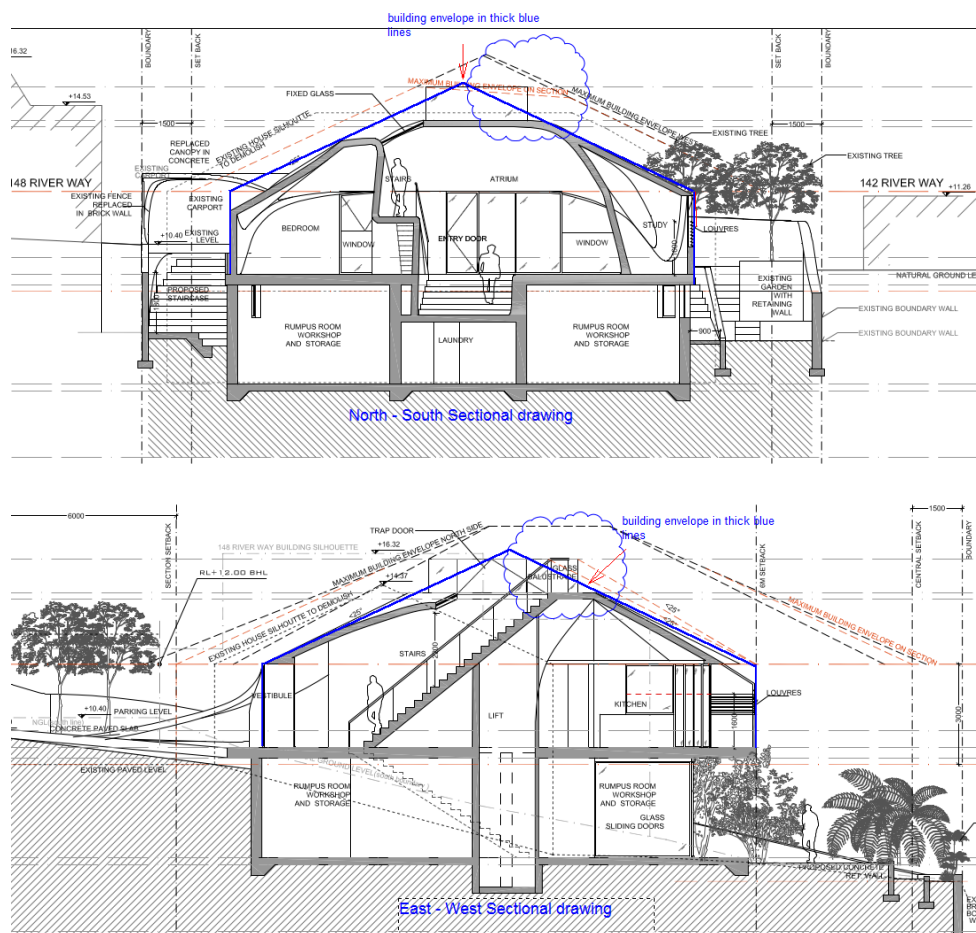
In accordance with Clause 6.1A (5) of TPS6, the following projections are permitted above the 3m existing Building Height Limit applicable to the Site:

(b) any wall contained within a space enclosed by a notional hip roof shape formed by planes pitched off the outer face of each BHL wall at 25 degrees commencing at the level of the Building Height Limit...

The "wall" is defined under the R-Codes as following:

The vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies.

While the majority of the proposed building complies with the Building Height Limit under TPS6, the proposed roof balustrade would project over the 25 degree notional pitched roof space in addition to the Building Height Limit. It therefore does not comply with building height requirements. Two sectional drawings below illustrate the extent of projection:



It is considered that the proposed roof balustrade can only be supported once it has been modified to comply with the relevant Building Height Limit provisions. In order to achieve this it is likely the effective size of the outdoor living area will be reduced. A planning condition has been recommended to be imposed requiring modifications prior to the submission of building permit application.

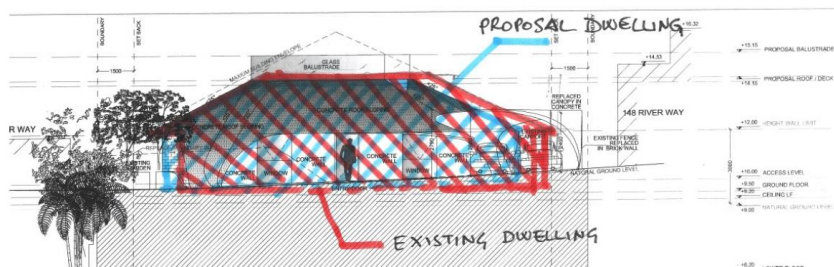
(f) Significant views

Clause 6.1A(9) of TPS6 requires Council be satisfied that views of the Canning River (significant views) from any buildings on the neighbouring land will not be significantly obstructed when it considers a planning proposal in Salter Point where the Building Height Limit is 3.0 metres, 3.5 metres or 6.5 metres.

The neighbouring properties to the west of the site currently enjoy views of the Canning River (significant view); upon consultation regarding their views, one written objection on the loss of their views was submitted to the City.

The applicant has provided the following diagram to demonstrate the proposed house in comparison to the existing house and a broader context analysis has also been provided on the development plans (refer to Attachment (a)).

10.3.2 Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point



As can be seen from the diagram above, the proposed house will be slightly lower than the existing house (except for the glass balustrade) and set back further from the street, but the building will be wider.

Officers have provided photos and illustrations on the images below, which show viewing corridors from rear lots along River Way and Sulman Avenue that would be potentially affected by the proposed development:



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

The viewing corridors of the following properties would potentially be affected:

- 30 Sulman Avenue
- 32 Sulman Avenue
- 139 River Way
- 145 River Way

Photos of site visit have been provided as **Attachment (c)**. The potential view impacts on the above properties are further discussed below:

30 Sulman Avenue – the proposed house is barely visible at the ground floor. The potential view loss will be minimal mainly due to the increased depth of the building. The obstruction of view is not considered to be significant;

10.3.2 Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point

32 Sulman Avenue – the proposed building will be barely visible from lower floors. In comparison to the panoramic river views on the upper floors, the loss of view will be minimal. The obstruction of view is not considered to be significant;

139 River Way – The front view from the first floor balcony may be improved due to lower building ridge. A large portion of river view from this property is to the northeast while the view to the southeast has been blocked. The obstruction of view is not considered to be significant;

145 River Way – The front view to Canning River may be affected by increased building bulk and depth on the east, while the majority of river view will be retained. The obstruction of view is not considered to be significant;

Based on the above visual assessment, it is considered that the proposed building will not significantly obstruct views to Canning River from the neighbouring land. A planning condition has also been recommended to be imposed to request a site survey to be conducted after the completion of the building, which will ensure the building is contained under the mandatory Building Height Limit.

(g) Special provisions for pre-scheme developments (carport)

Clause 6.2A(1) of TPS6 permits a total replacement of a pre-scheme development that will involve any proposed external walls to be no higher than the highest point of any external wall of the pre-Scheme development. Clause 6.2A (4) further adds that the conditions to allow the additional height equivalent to the pre-scheme development are that:

- (i) The proposal will enhance the streetscape and improve the amenity of the locality;
- (ii) The proposal will not significantly overshadow an adjoining property, adversely affect visual privacy or impede significant views to a greater extent than was caused by the pre-Scheme development.

The existing carport can be considered as pre-scheme development and was approved and built in the 1970s to a height of 2.13 metres measured from the existing carport ground level at AHD 10.4 metres. The existing carport height projects over the 3-metre Building Height Limit by 0.53 metres. The applicant proposes to build the carport to the same height as the existing carport.

The Council can approve this alteration to the existing carport if Council is satisfied that the development will meet the conditions under Clause 6.2A (4). The proposed development will replace a 30 year old carport. Combined with more street setback for the main building and the front landscaping area, the proposal will enhance the streetscape and improve the amenity of the locality. In accordance with section (f) of this report, the proposed replacement of the carport will also not result in more obstruction of significant views than the existing development. The overshadowing and visual privacy aspects of the overall development were found to be either compliant or able to be addressed through the imposition of planning conditions. Hence, it is recommended that the proposed carport be approved.

(h) Setback of garage and carport

Clause 2 of Council Policy P306 requires a minimum of 4.5 metres setback for garages and carports from the River Way street boundary. The proposed carport will replace the existing carport and will only be setback 1.8 metres from the street boundary, thus seeking a variation under P306.

The Council can approve this variation to the street setback if Council is satisfied the proposed carport will comply with design principle 5.2.1 P1 of the R-Codes, which states:

The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

A 1.8 metres setback will satisfy the R-Codes requirements in relation to sight line. The proposed carport will be an improvement to the existing streetscape and appearance of the dwelling. No views will be affected as the proposal has the same height as the existing carport. It is recommended that this variation be approved.

(i) Boundary wall, street wall and fencing

Council Policy P350.02 – Boundary Walls requires all boundary walls to be setback in accordance with the primary street setback, a 6 metres primary street setback is required for the Site. Council Policy P350.02 – Fencing and Retaining Walls only allows solid fences within the front setback area be no more than 1.2 metres. The proposed carport includes a concrete boundary wall with a height of 2.13 metres and 1.8 metres street setback, thus seeking a variation under both council policies.

While design principle clause 5.2.4 Street Wall and Fencing P4 of the R-Codes is to be used to assess the proposed fencing variation, clause 2 of P350.02 is require to be used to assess the boundary wall variation. The Council can approve this variation if Council is satisfied the proposed boundary wall complies with clause 2 of P350.02 and design principle clause 5.2.4 P4 of the R-Codes.

Clause 2 of P350.02 includes an Amenity Factors assessment for a non-compliant boundary wall. The Amenity Factors assessment is provided below:

- Streetscape character – The existing streetscape along River Way is varied and there is no consistent identifiable character in the area. As discussed in previous sections of the report, the proposed house will see the replacement of a 1970s house with a non-conventional architecturally-designed house, which is considered to be a renewal to the existing streetscape;
- Outlook from the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or any habitable room window of an adjoining dwelling – the proposed boundary wall will be built against a visitor parking area and should therefore have limited impact on any habitable room windows;

- Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot – The proposed boundary wall is situated alongside a visitor’s parking area;
- Overshadowing – the shadow from the proposed house is compliant with the relevant deemed-to-comply provisions of the R-Codes;

Should a front fence not be compliant with the deemed-to-comply provisions of R-Codes, design principle clause 5.2.4 P4 should be used to assess the proposal and the clause outlines the following:

Front fences are low or restricted in height to permit surveillance and enhance streetscape, with appropriate consideration to the need:

- *For attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *For necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.*

The proposed boundary wall only occupies the front section of a side boundary and the proposed remaining front fence will be 1.2 metres in height, which will create more openness than the existing front fence (**refer to Attachment (a)**). On the whole, the proposed front fence will produce an enhanced streetscape outcome and it is therefore recommended that the variation be approved.

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

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

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

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

(k) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (g) *any local planning policy for the Scheme area;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (p) *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;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (y) *any submissions received on the application;*
- (zb) *any other planning consideration the local government considers appropriate.*

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 meetings a number of times. At the latest DAC meeting held on 22 November 2016, the Advisory Consultants provided the following comments:

- *DAC members are generally satisfied with the appearance of the dwelling, although are still finding it difficult to understand how some of the proposed built structures will work/function, however, more of an engineer's problem.*
- *Development will likely bring a unique/character design to the area.*

10.3.2 Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point

- *Officer to assess conformity to visual privacy and height requirements. Regarding visual privacy, consider if the rear fence provides adequate privacy to adjoining lot, or use of planter boxes at balcony level.*

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Design Advisory Consultants.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 ‘Community Engagement in Planning Proposals’. Under the standard consultation method, individual property owners, occupiers at Nos 148, 142, 133, 139 and 145 River Way and Nos 25A, 26 Salter Point Parade and Nos 30 and 32 Sulman 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 nine (9) consultation notices were sent and three (3) submissions were received. Further consultation was conducted by way of inviting the submitters to comment on the amended plans. One (1) further submission was received. A full copy of all submissions is provided in **Attachment (d)**. The comments of the submitters, together with officer responses are summarised below.

| Submitters' Comments | Officer's Responses |
|---|---|
| <p>Privacy concerns over the proposed roof outdoor living area and balcony from No. 25A Salter Point Parade, No. 142 River Way and No. 32 Sulman Avenue</p> | <p>The first floor balcony and roof outdoor living area, with no privacy screening, on the originally proposed plans provided insufficient setback from lot boundaries. However, on the amended plans, the roof outdoor living area is proposed to be reduced in area to comply with the minimum 7.5m setback to all lot boundaries and the balcony is proposed to be provided with 1.6m high louvre privacy screen on all sides. A planning condition has been recommended to be imposed requiring the balcony be screened on all sides. In addition, the applicant has agreed, as suggested by DAC, to erect a row of mature trees to provide visual privacy buffer between City Officers are of the view that privacy concerns regarding these two areas have been properly addressed.</p> <p>The comment is NOTED.</p> |

| | |
|--|--|
| <p>Objection to the proposed roof outdoor living area due to its potential noise, light spill and the possibility of having a clothes drying facility from No. 32 Sulman Avenue.</p> | <p>The proposed roof outdoor living area is the subject of discussion in a previous section of this report and its approval is subject to Council's discretion in relation to Building Height Limit. Should Council support, the proposed outdoor living area is no different than any other outdoor living area, which is a common occurrence in a residential area. It will still be subject to compliance with the Environmental Protection (Noise) Regulations 1987 and <i>Health Act 1911</i>, which controls noise and nuisances aspects of the development. Any clothes drying area in public view will be required to be screened. A planning condition has been recommended to be imposed to ensure there is no permanent shading structure to be erected that will potentially obstruct the river views.</p> <p>The comment is NOTED.</p> |
| <p>Objection to the proposed roof outdoor living area due to its impact on river views from No. 32 Sulman Avenue.</p> | <p>Please refer to Significant View section of this report for discussion.</p> <p>The comment is NOTED.</p> |
| <p>Concerns over construction activities that may affect an existing Norfolk Pine tree on No. 142 River Way.</p> | <p>The Norfolk Pine tree is not listed in Council's Register of Tree Preservation Orders and is therefore not afforded to any legal protection under planning laws. Furthermore, the Norfolk Pine has already been removed by the landowner at the time of writing this report.</p> <p>The comment is NOT UPHELD.</p> |
| <p>Access between the proposed roof outdoor living area and internal building space.</p> | <p>This is primarily an architectural design matter and not a planning consideration though the applicant advised a trap door will be installed.</p> <p>The comment is NOT UPHELD.</p> |
| <p>Concerns over excavation, retaining walls and construction clearances for the lower floor and its impacts on No. 142 River Way</p> | <p>The Applicant advised that all of the excavation taking place has happened already with the existing basement and the new development is not going any lower. This is a construction matter that will be dealt with at Building Permit stage. An</p> |

| | |
|--|--|
| | <p>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.</p> <p>The comment is NOTED.</p> |
| Concerns over boundary fence between No. 142 River Way and the Site. | <p>Should a boundary fence be no more than 1.8m in height measured from the higher ground level, it is primarily governed under <i>Dividing Fences Act 1961</i>. An Important Note advising the applicant of the rights and obligations regarding boundary fence has been recommended to be added.</p> <p>The comment is NOTED.</p> |
| Glass balustrade be contained under the Building Height Limit | <p>Please refer to the Building Height section of this report for detailed discussion.</p> <p>The comment is NOTED.</p> |

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to vehicle movements, onsite parking, crossover design and stormwater, arising from the proposal. His comments are in relation to the following matters:

- (i) *Stormwater management;*
- (ii) *Vehicle Movements;*

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure, which are provided in **Attachment (e)**.

(d) Other City Departments

The application did not require referrals to the other departments of the City's administration.

(e) External Agencies

The application did not require referrals to any external agencies.

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.

10.3.2 Proposed Single House (Two-Storey). Lot 31 (No. 144) River Way, Salter Point

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025: “*Accommodate the needs of a diverse and growing population*”.

Sustainability Implications

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 Council Policy provisions and requirements, as it will not have a detrimental impact on adjoining residential neighbours and the streetscape. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.2 (a):** Final Development Plans - Single House (Two Storey) at Lot 31 (No. 144) River Way, Salter Point - 11.2016.293.1
- 10.3.2 (b):** Site Photos
- 10.3.2 (c):** Photos for Significant Views assessment
- 10.3.2 (d):** Submissions (*Confidential*)
- 10.3.2 (e):** Engineering Comments

10.3.3 Proposed Amendments to Strata Lot 2 development provisions of Local Development Plan for Lot 240 (No. 57) Swanview Terrace, South Perth

| | |
|------------------------|---|
| Location: | 57 Swanview Terrace |
| Ward: | Mill Point Ward |
| Applicant: | Grey and Lewis Land Use Planners |
| File Reference: | D-17-16708 |
| DA Lodgement Date: | 12 December 2016 |
| Meeting Date: | 28 February 2017 |
| Author(s): | Erik Dybdahl, Statutory Planning Officer |
| Reporting Officer (s): | Vicki Lummer, Director Development and Community Services |
| Strategic Direction: | Housing and Land Uses -- Accommodate the needs of a diverse and growing population |
| Council Strategy: | 3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery, cognisant of the local amenity. |

Summary

This report seeks Council's consideration of proposed amendments to Strata Lot 2 development provisions of the approved Local Development Plan prepared for parent Lot 240 (No. 57) Swanview Terrace, South Perth.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, the *Metropolitan Region Scheme* and the Planning and Development (Local Planning Schemes) Regulations 2015 (*Deemed Provisions 2015*), this application for amendments to the Strata Lot 2 Development Provisions of the Local Development Plan prepared for Lot 240 (No. 57) Swanview Terrace, South Perth **be approved** subject to:

(a) Specific Conditions

- (i) This approval relates to amendments to the Local Development Plan provisions for strata lot 2 only, all other strata lot provisions for parent lot 240 Swanview Terrace shall remain as previously approved.
- (ii) All subsequent development on strata lot 2 and other approved strata lots (WAPC Ref: 1367-15) shall adhere to the development provisions specified and detailed in the approved local development plan for the site.
- (iii) A Revised Local Development Plan is to be provided which amends development provisions 7 of the Local Development Plan to remove the permissibility of a balcony, roofed or unroofed, to project into the required 6.0 metre setback from Sir James Mitchell Park. The permissibility of an alfresco structure, to a setback of no less than 4.0m, is to remain as proposed.

(c) Standard Advice Notes

| | | | |
|------|---------------------------------|------|---------------------------------|
| 700A | building licence required | 766 | landscaping- general standards |
| 790 | minor variations- seek approval | 795B | appeal rights- council decision |
| 720 | comply with Strata Titles Act | | |

(d) Specific Advice Notes

- (i) The Applicant is advised of the need to uphold and incorporate any development controls or relevant requirements into the Local Development Plan with regard to comment from the Department of Parks and Wildlife as per the memorandum, dated 1 February 2017, attached to this approval.

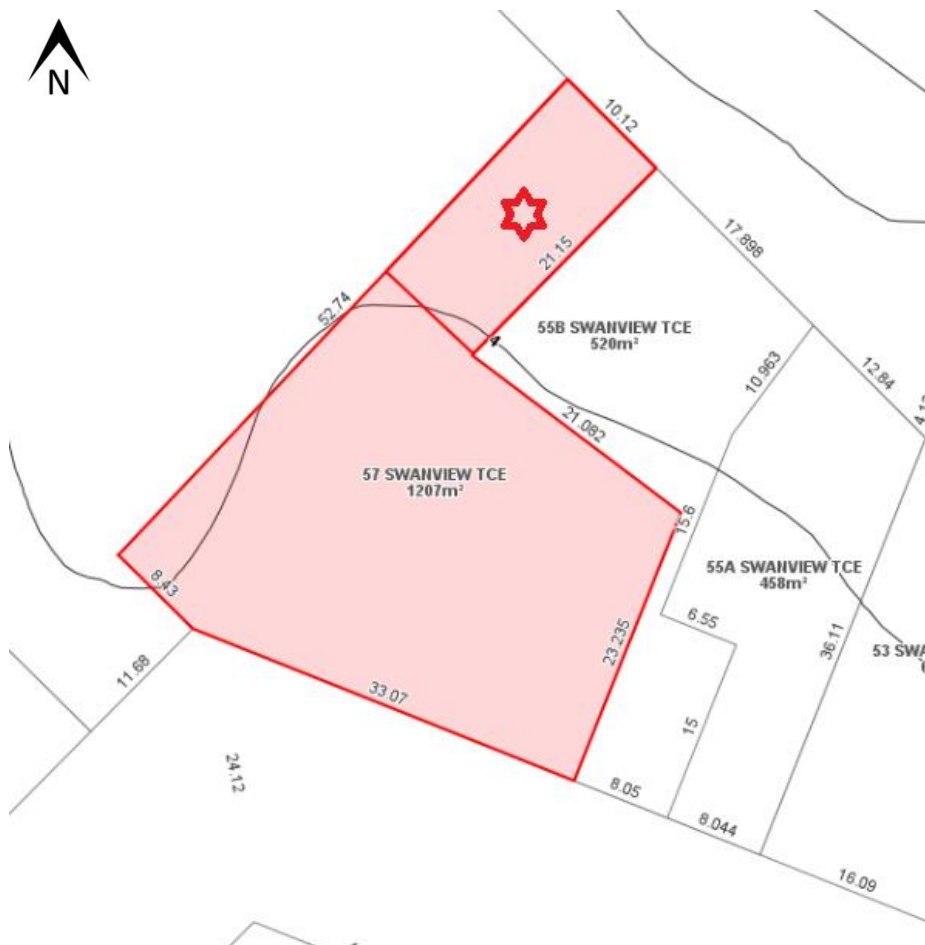
CARRIED EN BLOC (8/0)

Background

The development site details are as follows:

| | |
|------------------------------|-----------------|
| Zoning | Residential |
| Density coding | R40 |
| Lot area | 1207 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | 5 dwellings |
| Plot ratio limit | N/A |

The location of the development site is shown below:



10.3.3 Proposed Amendments to Strata Lot 2 development provisions of Local Development Plan for Lot 240 (No. 57) Swanview Terrace, South Perth

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

4. Applications previously considered by Council

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

Comment

(a) Background

In December 2016, the City received an application for proposed amendments to the development provisions affecting the rear Strata Lot 2 (abutting Sir James Mitchell Park) of the previously approved Local Development Plan for parent Lot 240 (No. 57) Swanview Terrace.

The Local Development Plan provides an indicative plan for future development of the approved survey strata lots, addressing the location of parking structures, visitor parking, vehicle and pedestrian accessways, indicative landscaping areas and other specific development controls for Strata Lots 1 through 5 of parent Lot 240 (No. 57) Swanview Terrace. The Local Development Plan was initially required as a condition of subdivision approval (WAPC Ref: 1367-15) given the proposed lots were to be smaller than 260m² and furthermore, to demonstrate to the City that the associated TPS6 dual-density criteria (Hurlingham Precinct - R20/40) could be achieved to consider development of the site at the higher density (R40).

The original Local Development Plan and associated development controls were previously unanimously determined for conditional approval at the Council Meeting held on the 26th of April 2016 (previously approved Local Development Plan forms part of **Attachment C** to this report).

Any variations to the development provisions of the Local Development Plan requires a formal amendment to the approved Local Development Plan itself, as is the subject of this application and report which seeks to amend provisions affecting strata lot 2 only (see **Attachment A**, latest revision of Local Development Plan, dated 31 January 2017).

(b) Existing Development on the Subject Site

Lot 240 Swanview Terrace has recently been cleared of all previous development and subdivided into 5 survey strata lots as well as a common property accessway servicing strata lots 1, 2 & 3. While all strata lots are currently vacant, some of which have already obtained or are in the process of attaining development approval.

(c) Description of the Surrounding Locality

The site has frontage to Swanview Terrace to the south and abuts Sir James Mitchell Park reserve to the north of the site (rear strata lot 2). Surrounding development is characterised by lower density single dwelling development to the south of the site along Swanview Terrace (east) and larger grouped and multiple dwelling developments (R60) to the west of the site, as shown below:



(d) Description of the Proposal

The proposal involves amendments to the development provisions applicable to Strata Lot 2 within the Local Development Plan for parent Lot 240 Swanview Terrace (see amended local development plan, **Attachment (a)**, latest revision 31 January 2017). All other provisions of the Local Development Plan affecting other strata lots are to remain as previously approved. A summary of the proposed amendments to the development controls for Strata Lot 2, as per latest revisions 31 January 2017, are summarised as follows:

- Provision for minimum 2.5m setback of future dwelling from the common property vehicle accessway which provides vehicular access to the rear strata lot 2 from Swanview Terrace;
- Provision for nil setback of a future garage from the common property vehicle access way for strata lot 2;

10.3.3 Proposed Amendments to Strata Lot 2 development provisions of Local Development Plan for Lot 240 (No. 57) Swanview Terrace, South Perth

- Provision for a two-storey boundary wall (max 7000mm high) to the north-western boundary of strata lot 2 (notwithstanding required minimum 6.0m setback from Sir James Mitchel Park Reserve to any dwelling as per clause 4.3(1)(f) of the City's Town Planning Scheme No. 6);
- Provision for a single storey boundary wall (max 3500mm high) to the south eastern lot boundary of strata lot 2 (notwithstanding required minimum 6.0m setback from Sir James Mitchel Park Reserve to any dwelling as per clause 4.3(1)(f) of the City's Town Planning Scheme No. 6);
- Provision for a two storey boundary wall (max 6000mm high) above future garage only on south-eastern lot boundary of strata lot 2;
- Provision for a reduced rear setback to any future covered, unenclosed alfresco area to no less than 4.0m from the rear lot boundary of strata lot 2 abutting Sir James Mitchell Park Reserve (maintain required minimum 6.0m setback to any dwelling as per clause 4.3(1)(f) of the City's Town Planning Scheme No. 6).

Further information on the proposed amendments can be found in the applicants supporting report; forming **Attachment (b)** to this report. Please note amendments have since been made to the initially proposed provisions as per City Officer request; the latest provisions recommended for approval are detailed above and in the revised Local Development Plan (dated 31st January) forming **Attachment (a)** of this report. The latest revision of the proposed Local Development Plan provisions for strata lot 2 are generally considered to satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)*, the *Residential Design Codes of WA 2008 (R-Codes)* and/or Council Policy requirements; however, where varied, the proposed amendments will be discussed in greater detail in the following sections of the report.

(e) 2.5 Metre Minimum Setback of Dwelling to Common Property Accessway for Strata Lot 2 of Local Development Plan

The applicant has proposed that the minimum front setback of any future dwelling on strata lot 2 from the communal accessway be no less than 2.5m

This proposed front setback is consistent with section 5.1.2 C2.1(iv) of the Deemed-to-Comply requirements of the R-Codes which allow for street setbacks where a dwelling has its main frontage to a communal street, which in this case for strata lot 2, to be reduced to 2.5m.

Given the proposal satisfies the Deemed-to-Comply requirements of the R-Codes this amendment is supported.

(f) Nil Setback of Future Garage to Common Property Accessway for Strata Lot 2 of Local Development Plan

The applicant is proposing that any future development on strata lot 2 be afforded the right to have a nil setback (built up to the boundary) of the garage to the communal accessway servicing strata lot 2.

The proposed nil setback of the garage to the common property accessway is consistent with clause section 5.2.1 C1.3 of the R-Codes which provides that garages may be built up to the boundary abutting a private street (common property accessway) which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m.

The Local Development Plan provides a minimum 6 metre reversing depth within the common property accessway serving strata lot 2 and vehicle manoeuvring has also been deemed acceptable by the City's Infrastructure Services; see comment dated 10th January 2016 (**Attachment (d)**). As such, this provision is supported by the City.

(g) Two Storey Boundary Wall (7000mm high) to north-western lot boundary of strata lot 2 (notwithstanding required minimum 6.0m rear setback from Sir James Mitchel Park Reserve to any dwelling as per clause 4.3(1)(f) of the City's Town Planning Scheme No. 6)

This provision seeks to vary the generally maximum permissible height and length of boundary walls on such a development site as is provided in the R-Codes and City Policy.

However this variation is considered acceptable as such a wall is seen to have a negligible amenity impact upon the adjoining/affected site which contains 188 multiple dwellings, the closest of which is setback a minimum of 12.0 metres from the subject development site and is separated by a wide car park and vehicle accessway, affecting no sensitive living area or habitable space. Furthermore, such a wall is seen to satisfy the design principles of the R-Codes:

- located on the northernmost boundary, not contributing to overshadowing of the adjoining site;
- the adjoining development setback sufficiently (>10m) so as not to impose building bulk nor affect ventilation; and
- enhance privacy between the sites as a number of balconies do face the proposed development site.

For these reasons, the provision is supported.

*Note: See yellow dotted line along north western lot boundary of strata lot 2 indicating proposed location of boundary wall in proposed Local Development Plan **Attachment (a)**.*

- (h) **Single Storey Boundary Wall (max 3500mm high) to the South Eastern Lot Boundary of Strata Lot 2 (notwithstanding required minimum 6.0m setback from Sir James Mitchel Park Reserve to any dwelling as per clause 4.3(1)(f) of the City's Town Planning Scheme No. 6) and Two Storey Boundary Wall (max 6000mm high) above garage only.**

The initially proposed amended Local Development Plan (see within **Attachment (b)**) sought also to provide for a two storey boundary wall along the length of the south eastern lot boundary of strata lot 2 (notwithstanding the required rear setback from Sir James Mitchell Park) similar to that proposed along the north western boundary. However, following Officer assessment and consultation with the adjoining/affected landowner it was deemed that such a wall could produce adverse amenity impacts upon the affected adjoining landowner by potentially overshadowing and imposing building bulk where abutting the adjoining balcony outdoor living area and ground floor openings as well as potentially restricting ventilation between the sites.

In resolution to this matter, the applicant organised an on-site meeting with the responsible Planning Officer, the affected landowner and themselves at the respective lot to discuss this aspect of the provisions and find an outcome acceptable to all parties; this meeting occurred on the 23rd January 2016.

At the meeting, the landowner advised he would have no issue with a single storey boundary wall (max 3500 high) along the length of the lot boundary along with a two storey portion above the indicated garage location only as this portion adjoined an unused section of his dwelling with a negligible amenity impact upon their upper floor balcony and other living areas. It was agreed that any walls above the single storey boundary wall would simply be setback in accordance with deemed-to-comply requirements of the Residential Design Codes as would normally be applied. All relevant parties were agreeable to these provisions and the Local Development Plan was subsequently amended to incorporate these resolved provisions in the latest revision, dated 31 January 2017 (see **Attachment (a)**). Given these provisions were agreed to by all affected parties and greatly reduce potential amenity impact; they are supported as amended.

*Note: see light and dark blue dotted lines along south eastern lot boundary indicating boundary wall heights in relevant locations along the length of the lot (**Attachment (a)**).*

- (i) **Reduced Rear Setback (Sir James Mitchell Park) to Future Covered, Unenclosed Alfresco Area, No Less Than 4.0 metres (Maintaining Required Dwelling Setback of No Less than 6.0m as per TPS6 Cl. 4.3(1)(f))**

Rear strata lot 2 has its rear boundary abutting the Swan Canning Development Control Area (SCDCA) and as such, along with other properties on Swanview Terrace, development is required to be setback no less than 6.0m from Sir James Mitchell Park in accordance with TPS6 Clause 4.3(1)(f) as is demonstrated in the amended Local Development Plan, the dwelling itself is to be setback in accordance with this provision. However, the

10.3.3 Proposed Amendments to Strata Lot 2 development provisions of Local Development Plan for Lot 240 (No. 57) Swanview Terrace, South Perth

Department of Parks and Wildlife Policy SRT/D3 – ‘*Development Setback Requirements*’ outlines Parks and Wildlife’s requirements with respect to the location of and design of retaining walls and other landscape elements/structures which may be considered acceptable within the setback area. The policy stipulates that covered alfresco areas are required to be no closer than 4.0m, while other landscape features which are not elevated above natural ground level can be located within the setback area.

As the lot abuts the SCDCA boundary, the application was referred to the Department of Parks and Wildlife for comment, with particular emphasis on this aspect of the proposal; the response from the Department of Parks and Wildlife provided that:

“Officers have considered the proposed revision and have no objection to the future alfresco area on Lot 2 being setback no less than 4.0m from the Swan Canning Development Control Area (DCA) boundary”.

Full details of these comments form **Attachment (e)** to this report and are also recommended to form an attachment to the approval as the document contains other standard advice notes regarding future development of the lot.

Given the Department of Parks and Wildlife are supportive of the provision and the dwelling itself will be setback in accordance with the TPS6 Cl. 4.3(1)(f) 6.0m requirements, this amendment to the Local Development Plan is supported.

Development provisions 7 of the LDP also make reference to a balcony, roofed or unroofed, extending into the 6.0 metre setback area. However, this provision is not supported as it is seen to conflict with the intent of the 6.0 metre rear setback requirement as it has the potential to impose bulk into the setback area and potentially restrict views for adjoining properties, conflicting with the objective of the setback requirement from Sir James Mitchell Park Reserve. As such, a recommended condition of approval is provided requiring revision the LDP removing this provision.

(j) Request for Removal or Significant Pruning of Tree to Rear of Strata Lot 2

The applicants supporting report and initially proposed amended Local Development Plan (contained within **Attachment (b)**) indicated a large tree north west of the strata lot 2 development site is to be removed or pruned (subject to neighbour consultation).

This aspect of the proposal was deemed irrelevant to development on strata lot 2 (as it is not located on the site) nor relevant to the purpose of the Local Development Plan and therefore it was recommended all reference to the tree be removed from the Local Development Plan, and for the matter to be considered independently by respective landowners. The latest revision of the Local Development Plan (dated 31st January 2017) reflects this recommendation and the tree is to be considered separately to this application.

It should be noted that City Environment Officers confirmed via email that the tree in question was not City property nor was it contained on the City's significant tree protection register so will be a matter for landowners to resolve, independently of the City.

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

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

- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

(l) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;

(iii) social impacts of the development;

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

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals' and in accordance with Clause 50 of the *Deemed Provisions 2015*. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 119 consultation notices were sent and 2 submission(s) were received. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

| Submitters' Comments | Officer's Responses |
|--|--|
| <i>We believe the tree referred to in the plan should remain and will not need to be removed due to its overhang which is only marginal and could be addressed with minimal pruning;</i> | <p>As discussed above, all reference to the tree has been requested to be removed from the Local Development Plan, which has since been completed as per the latest revision, dated 31 January 2017.</p> <p>The tree is considered irrelevant to the purposed of the Local Development Plan and will be a matter to resolve separately between respective landowners.</p> <p>The Comment is NOTED</p> |
| <i>Any two storey boundary wall adjacent to this area would significantly impact on our sun light, ventilation and building bulk.</i> | <p>Subsequent to these comments and as discussed above, the applicant, affected landowner and officer met on site to discuss revised provisions with respect to this lot boundary that were suitable to all parties.</p> <p>The Local Development Plan has since been amended to reflect this resolution, as per latest revision, dated 31 January 2017.</p> <p>Comments were UPHELD and have since been addressed via the revised Local Development Plan (Attachment A)</p> |

(b) Infrastructure Services

Infrastructure Services were invited to comment on issues relating to car parking and vehicle manoeuvring, arising from the proposal. This section was supportive of the amended provisions stating that:

“No Issues with 0m setback to private ROW/Road. Allowed in Planning Codes and meets 6m+ manoeuvring depth for egress”.

These comments also form **Attachment (d)** to this report. As they are supportive, no additional conditions or requirements are applicable in this circumstance from the Infrastructure Services section.

(c) Department of Parks and Wildlife

Comments were also invited from the Department of Parks and Wildlife (DPAW) given the site (specifically strata lot 2) abuts the Swan and Canning Development Control Area (SCDCA).

The department has advised that it is supportive of the amended provisions of the Local Development Plan as is consistent with their policy SRT/D3. Full details of the comments, dated 1 February 2017, can be found as part of **Attachment (e)** to this report.

These comments and advice are also recommended to form an attachment to the approval as it contains some standard advice informing future development of the site.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025: “Accommodate the needs of a diverse and growing population”.

Conclusion

It is considered that the latest revision of the Local Development Plan provisions (dated 31 January 2017), generally 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. Where variations have been proposed to these policies, they have been adequately justified and deemed acceptable as the amenity impacts are considered negligible in this circumstance. The original proposal has also been amended in accordance with resolutions made with the adjoining/affected landowner following an on-site meeting and the provisions are now considered acceptable to all parties and therefore, the approval of the Local Development Plan provisions affecting strata lot 2, as amended, is supported (**Attachment A**).

10.3.3 Proposed Amendments to Strata Lot 2 development provisions of Local Development Plan for Lot 240 (No. 57) Swanview Terrace, South Perth

Attachments

- 10.3.3 (a):** Amended Local Development Plan Affecting Strata Lot 2 Provisions (latest revision 31 January 2017) - Lot 240 Swanview Terrace
- 10.3.3 (b):** Applicants Supporting Report - Proposed Amendments to Local Development Plan - Lot 240 No. 57 Swanview Terrace.PDF
- 10.3.3 (c):** Existing Approved Local Development Plan - Lot 240 Swanview Terrace.PDF
- 10.3.3 (d):** Infrastructure Services Comment - Proposed Amendments to Local Development Plan Provisions for Strata Lot 2 of Lot 240 Swanview Terrace, South Perth.pdf
- 10.3.3 (e):** Department of Parks and Wildlife Comment - Proposed Amendments to Local Development Plan - Strata Lot 2, Lot 240 Swanview Terrace, South Perth.pdf

10.3.4 Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point

Location: 28 Edgewater Road
 Ward: Como Ward
 Applicant: Gareth Rain
 File Reference: D-17-16917
 DA Lodgement Date: 16 January 2017
 Meeting Date: 28 February 2017
 Author(s): Valerie Gillum, Planning Officer Development Services
 Reporting Officer (s): 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

To consider an application for planning approval for a front boundary fence addition to a single house, exceeding a height of 1.8 metres on Lot 87 (No. 28) Edgewater Road, Salter Point. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|---|---------------------------------|
| Fence on the Primary Street Boundary Exceeding a height of 1.8 metres | Council Policy P350.07 Clause 4 |

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

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 front fence addition on Lot 87 (No. 28) Edgewater Road, Salter Point **be approved** subject to:

(a) Standard Conditions

455b Permitted fencing materials 626 Permitted pier within truncation area
 625 Sight Lines

(b) Specific Conditions

(i) The proposed fence within the primary street setback area shall be constructed in accordance with the approved plan of which the infill panels are to be 80% visually permeable as prescribed in Table 1 of Council Policy *P350.07 "Fencing and Retaining Walls"*.

(c) Standard Advice Notes

700A building permit required 709 masonry fences require BA
 716 fences note- comply with that Act 790 minor variations- seek approval
 Notes 1-2 Validity (2 years)

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

CARRIED EN BLOC (8/0)

Background

The development site details are as follows:

| | |
|------------------------------|-------------------|
| Zoning | Residential |
| Density coding | R15 |
| Lot area | 750 Square Metres |
| Building height limit | 7.0 metres |
| Development potential | Single House |
| Plot ratio limit | N/A |

The location of the development site is shown below:



In accordance with Council Delegation DM690, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

1. Specific Uses

(k) Any fence which:

- (a) requires planning approval under clause 6.7(1) of the scheme; and
- (b) exceeds a height of 2.0 metres along any part of its length, measured to the top of infill panels between supporting piers.

Comment

(a) Background

On 15 December 2016, the City received an application for planning approval for a front fence addition to single house over 1.8 metres in height at Lot 87 (No. 28) Edgewater Road, Salter Point (the **Site**).

10.3.4 Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point

(b) Existing Development on the Subject Site

The existing development on the Site currently features a residential land use, being an existing single house constructed in 1973.

(c) Description of the Surrounding Locality

The Site has a frontage to Edgewater Road to the south, located adjacent to residential dwellings to the north, east and west, as seen in **Figure 1** below:



(d) Description of the Proposal

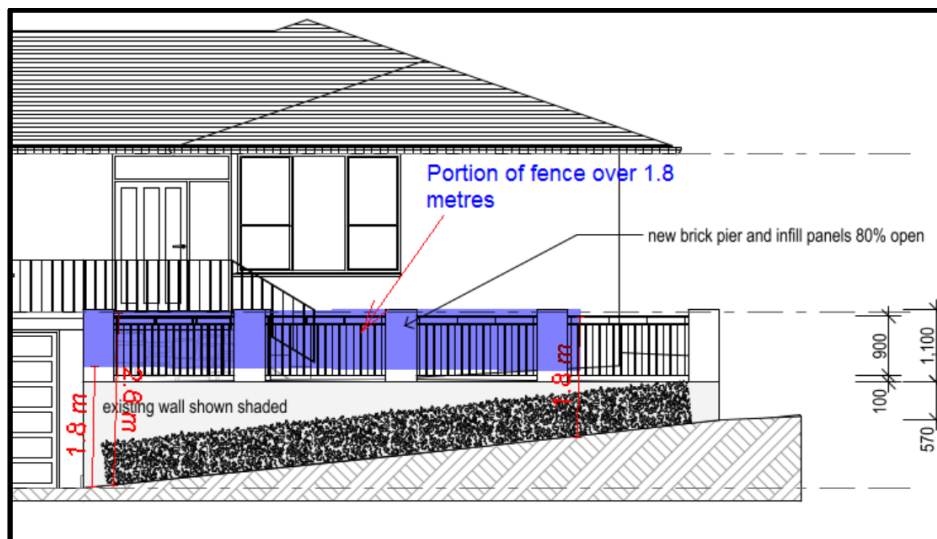
The proposal involves the construction of a front fence above an existing retaining wall located on the street boundary, as depicted in the submitted plans at **Attachment (a)**. The existing retaining wall is, at its highest point, 1.6 metres above the ground level of the street. The open style fence addition above is 1.1 metres.

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* the *Residential Design Codes of WA (R-Codes)* and/or Council Policy requirements which is further discussed below:

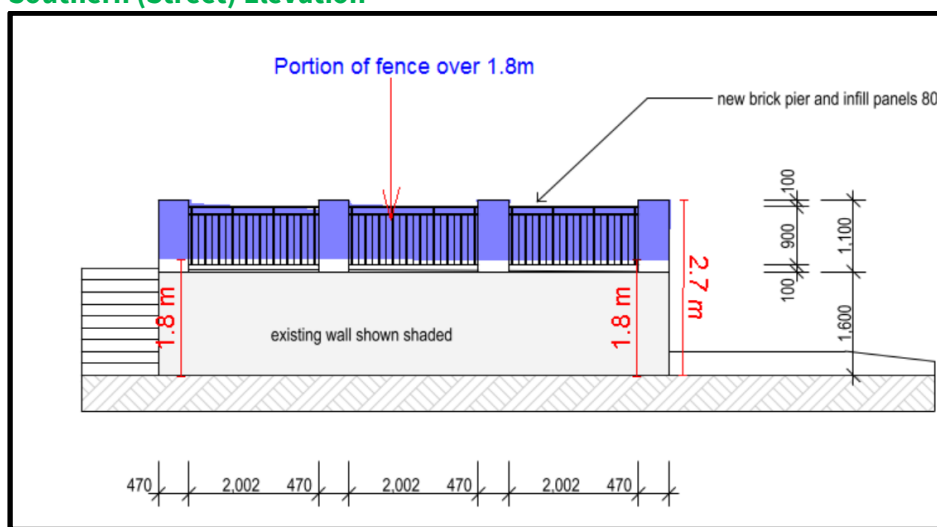
- (i) Boundary fence height on the primary street boundary and in the primary street setback area over 1.8 metres (refer *Clause 4.2 of Council Policy P350.07*).

A diagram below indicates the portion of boundary fence that is over 1.8m in height (shaded on diagrams below). At its highest point measured from the verge the fence is approximately 2.6 metres high measured to the top of the infill panels between supporting piers which can be seen in the diagrams below.

Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point



Southern (Street) Elevation



Western Elevation

(e) Boundary Fence Height

Fences within the primary street setback are permitted up to a maximum height of 1.8m. In accordance with *Clause 4.2 of Council Policy P350.07 'Fencing and Retaining Walls'*, a height greater than 1.8 metres may be approved if the City is satisfied that the proposed fence will not adversely affect the amenity of any property in the locality or be out of character with the streetscape.

The Applicant provided the following justification for the height of the proposed fence:

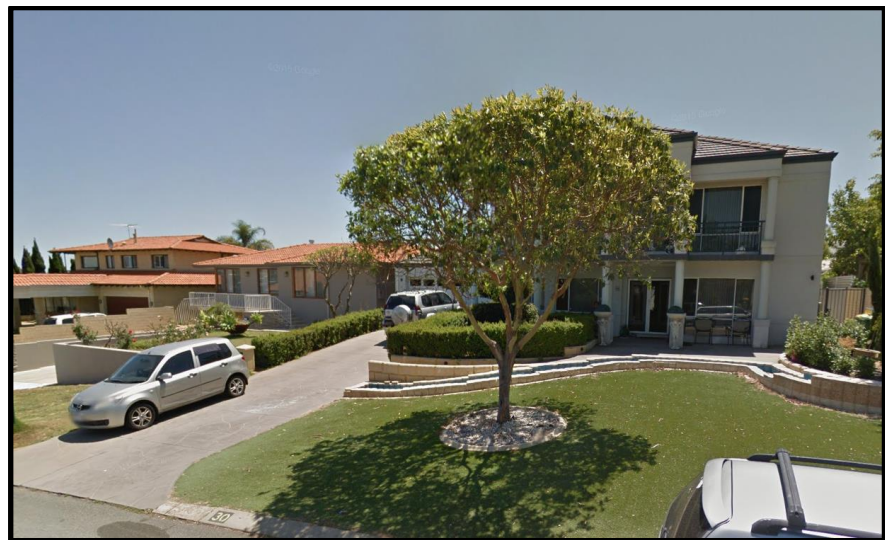
"The main factors for requiring the proposed fence are foremost to provide safety to the household residents and visitors due to existing retaining wall heights, differential reduced levels and lack of fall prevention undertaken during the initial house construction as well as to provide security."

When assessing a boundary fence over 1.8 metres in height, the Assessing Officer shall have due regard to Local Policy P350.07 'Fencing and Retaining Walls'. In this respect the following comments and observations are provided

Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point

for purposes of addressing Clause 4.2 of Council's Policy and the overarching objectives of the policy:

- (i) Excessively dominant and unattractive visual impact on the streetscape;
City Officers consider that the proposed fence is not overly dominant on the streetscape as the proposed fence permits surveillance to the street and vice versa due to the inclusion of 80% visually permeable open grille infill panels and thereby preserving an open front garden streetscape character.
- (ii) Increased shadow effect;
The subject site is north/south orientated, therefore the proposed fence will only create an increased shadow effect onto the street verge.
- (iii) Restriction on sunlight penetration; and
North/south orientation of the site and the inclusion of open style fencing ensure that sunlight will not be restricted to neighbouring properties.
- (iv) Restriction on views.
The optimal views to the river are to the south-west of the subject site, therefore the only property potentially affected by the proposed fence would be the neighbouring property to the east of the site at No. 30 Edgewater Road which is a more elevated site (refer photo below). This property will still maintain their current views as the proposed fence will be less than 1.0 metre in height due to the difference between ground levels. Furthermore, no comments were received from neighbours during the consultation period.



In this instance, it is considered that the proposal complies with the Policy Objectives for the following reasons:

- the proposed fence is considered to preserve an 'open front garden' streetscape character which also promotes casual surveillance of the public and private realm with its open design; and

10.3.4 Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point

- will increase on-site and neighbourhood safety and security.

The proposed fence addition is therefore supported by City 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:

- (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;*
- (ii) the preservation of the amenity of the locality;*

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

(g) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (zb) any other planning consideration the local government considers appropriate.

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

10.3.4 Proposed Front Boundary Fence Addition (exceeding 1.8 metres in Height) to Single House - Lot 87 (No. 28) Edgewater Road, Salter Point

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 *'Community Engagement in Planning Proposals'*. The adjoining property owners at Nos 26 and 30 Edgewater Road were sent 'Information Only' notices in which they were invited to inspect the plans during a minimum 14-day period.

At the expiry of the 14-day period on 19 January 2017, the City did not receive any comments from the adjoining property owners.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The fence is still seen to provide access to winter sun within the front setback area while ensuring the safety to users. The recommendation is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

Attachments

10.3.4 (a): Development Application Plans

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

Location: 26 Brandon Street, South Perth
 Ward: Mill Point Ward
 Applicant: Mr Adam Goodwin
 File Reference: D-17-16643
 DA Lodgement Date: 7 October 2016
 Meeting Date: 28 February 2017
 Author(s): Victoria Madigan, Statutory Planning Officer
 Reporting Officer (s): 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

This report seeks Council's consideration of an application for planning approval for Additions and Alterations (Two Storey) to a Single House on Lot 54 (No.26) Brandon Street, South Perth. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|--------------------------------------|
| Lot Boundary Setbacks | R-Codes Design Principles 5.1.3 P3.1 |
| Building Design (Rear Additions) | Council Policy P350.04 |

Officer Recommendation

Moved: Cr Glenn Cridland
Seconded: Cr Sharron Hawkins-Zeeb

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for Additions and Alterations (Two Storey) to a Single House on Lot 54 (No. 26) Brandon Street, South Perth **be approved** subject to for the following reasons:

(a) Standard Conditions

| | | | |
|------|-----------------------------------|-----|------------------------------|
| 210 | screening- permanent | 456 | dividing fences- timing |
| 340A | parapet walls- finish from street | 470 | retaining walls- if required |
| 445 | stormwater infrastructure | 471 | retaining walls- timing |
| 455 | dividing fences- standards | 625 | sightlines for drivers |

(b) Specific Conditions / Reasons

Nil

(c) Standard Advice Notes

| | | | |
|----------|----------------------------|--------|---------------------------------|
| 700A | building permit required | 790 | minor variations- seek approval |
| 716 | Comply Dividing Fences Act | Note 3 | appeal rights |
| Note 1-2 | Validity (2 years) | | |

(d) Specific Advice Notes

Nil

(e) Specific Advice Notes

Nil

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

Amended Motion**Moved:** Cr Ken Manolas**Seconded:** Cr Cheryle Irons

To add a Specific Condition to the Officer Recommendation as follows:

(b) Specific Conditions / Reasons

- (i) The upper floor setback to the wall containing the master bedroom and bathroom being set back a minimum of 1.5 metres from the south east lot boundary. Details to be provided at building permit stage to the satisfaction of the City.

Reasons for Amended Motion

In order to reduce the impacts of building bulk onto the adjoining neighbour, due to the reduced rear setback of 3.8 metres in lieu of 6.0 metres and the variation to the side setback, it is recommended that the upper floor setback to the south east lot boundary be increased.

CARRIED (8/0)

The substantive then became the Amendment.

COUNCIL DECISION**Moved:** Cr Glenn Cridland**Seconded:** Cr Sharron Hawkins-Zeeb

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for Additions and Alterations (Two Storey) to a Single House on Lot 54 (No. 26) Brandon Street, South Perth **be approved** subject to for the following reasons:

(a) Standard Conditions

| | | | |
|------|-----------------------------------|-----|------------------------------|
| 210 | screening- permanent | 456 | dividing fences- timing |
| 340A | parapet walls- finish from street | 470 | retaining walls- if required |
| 445 | stormwater infrastructure | 471 | retaining walls- timing |
| 455 | dividing fences- standards | 625 | sightlines for drivers |

(b) Specific Conditions / Reasons

- (i) The upper floor setback to the wall containing the master bedroom and bathroom being set back a minimum of 1.5 metres from the south east lot boundary. Details to be provided at building permit stage to the satisfaction of the City.

(c) Standard Advice Notes

| | | | |
|----------|----------------------------|--------|---------------------------------|
| 700A | building permit required | 790 | minor variations- seek approval |
| 716 | Comply Dividing Fences Act | Note 3 | appeal rights |
| Note 1-2 | Validity (2 years) | | |

(d) Specific Advice Notes

Nil

(e) Specific Advice Notes

Nil

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

CARRIED (8/0)**Background**

The development site details are as follows:

| | |
|------------------------------|----------------|
| Zoning | Residential |
| Density coding | R15 |
| Lot area | 491 sq. metres |
| Building height limit | 7 metres |
| Development potential | Single House |
| Plot ratio limit | Not Applicable |

The location of the development site is shown below:

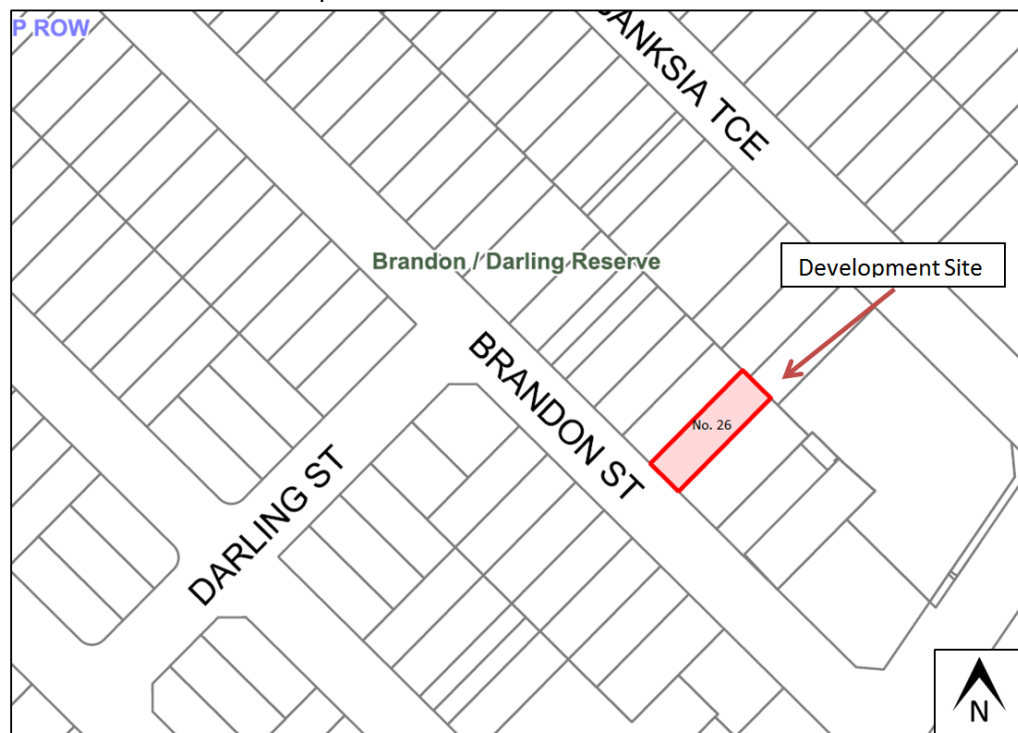


Figure 1 – Location Plan

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

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

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

Comment

(a) Background

The application for proposed additions and alterations (two storey) to a single house on Lot 54 (No.26) Brandon Street, South Perth (site) was submitted to the City in October 2016. Between October 2016 and February 2017, revised plans and additional information was submitted by the applicant in response to the City's assessment of the application. The application is now presented to Council for determination.

(b) Existing Development on the Subject Site

The existing development site currently features a land use of a two storey Single House, as depicted in **Figure 2** below. The existing house is proposed to be refurbished with additions to the rear and two storey level.

(c) Description of the Surrounding Locality

The Site has a frontage to Brandon Street to the south west. This section of the street is characterised by single houses. **Figure 2** below depicts the subject site surrounds:



Figure 2 – Aerial Image of Surrounding Locality

(d) Description of the Proposal

The proposal involves the additions and alterations of the existing single house with a proposed upper storey level to the rear of the development site, new carport roof and store along with associated landscaping of open space as depicted in the submitted plans at **Attachment (a)**.

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth



Figure 3 – Aerial Image and Light Table of No. 26 Brandon Street against adjoining property.

The following planning aspects have been assessed and found to be compliant with the Provisions of TPS6, the R – Codes Deemed to Comply and/ or Design Principles and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Land Use – “P” (Permitted) (TPS6 Clause 3.3 and Table 1).
- Building Height Limit (TPS6 Clause 6.1A).
- Open Space (R- Codes Clause 5.1.4).
- Outdoor Living Area (R- Codes Clause 5.3.1).
- Finished Floor and Ground Levels (TPS6 Clause 6.10).
- Street Setbacks (R – Codes 5.1.2 and TPS6 Clause 4.1).
- Street Surveillance (R – Codes Clause 5.2.3).
- Street Walls and Fences (R – Codes Clause 5.2.4 and Council Policy P306 Clause 5).
- Sight Lines (R- Codes Clause 5.2.5).
- Visual Privacy (R- Codes 5.4.1).
- Design Policy (Carport)(Council Policy P351.5)
- Building Design (Council Policies P350.03, P350.04).
- Significant Views (Council Policy P350.09).
- Solar access for adjoining sites (R- Codes clause 5.4.2).

The applicant provided a detailed report in relation to the solar access provision for the site and neighbouring property as depicted in **Attachment (b)**. Due to the orientation of the lot the amount of shadow cast is limited to a proportionate percentage of the neighbouring property’s northern boundary. Under the deemed to comply provision 17.75% of the adjoining property to the south can be overshadowed at midday on the 21 June. The proposed development overshadows 17.5% of the adjoining property. It is therefore considered that the solar access for the development and neighbouring property satisfies the deemed to comply provisions of the R – Codes.

The following planning aspect requires the exercise of discretion to be approved and is discussed further in the report:

- Lot boundary setbacks (side and rear building setbacks) R – Codes clause 5.1.3 and Tables 2a/b; and
- Council Policy P350.04 Additions to Existing Dwellings.

(e) Lot Boundary Setbacks (South East Upper Floor Bedrooms)

Clause 5.1.3 and Tables 2a and 2b of the R-Codes specify minimum lot boundary setbacks for the building. The proposed wall setbacks generally meet the minimum deemed- to- comply requirements. The following setbacks, however, do not comply with the deemed – to – comply standards:

- Rear Setback to north eastern boundary (Master Bedroom -first floor) - 3.8 metres in lieu of 6 metres.
- Side Setback to south eastern boundary (Bedrooms 3 – 5 - first floor) ranging from 1.2 -1.7 metres in lieu of 2.2 metres.

The Council can approve the proposed setbacks (or an alternative setback that is less than specified in Tables 2a/b of the R – Codes) if Council is satisfied that the development demonstrates compliance with the Design Principles listed in *Clause 5.1.3 P3.1 of the R-Codes*.

The relevant design principles for Councils consideration are copied below:
P3.1 Buildings set back from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The applicant has provided justification in support of the proposed variation as depicted in **Attachment (c)**.

Rear Setback (north east)

The subject site is zoned Residential R15 and therefore requires a 6.0 metre rear setback under Table 1 of the R-Codes. The proposal has an upper level rear setback of 3.2 – 3.8 metres and ground level setback of 8.0 metres. The subject lot is 12.3 metres wide, the Master Bedroom having a length of 6.8 metres and therefore only occupies 55% of the width of the lot.

The adjoining rear property at No. 26 Banksia Terrace has a 4.1 metre upper floor setback to a non-habitable room of the building. This property has a Density Coding of R80 and contains a four storey multiple dwelling development. The distance between both buildings on the upper level is 7.3 metres.

The subject Site is located to the south of the adjoining rear property and therefore has no impact in terms of solar access to that property. There are no major openings facing the rear property on the first floor level.

In light of the above points, the rear setback variation is supported.

Side Setback (south east)

The proposed upper wall to the south eastern side is staggered and contains two sections of wall. As the walls are not separated by more than 4.0 metres, due to the location of the minor incursions extending from the bedrooms, the walls are assessed as being one wall for the purposes of setback. Having regard to the R-Codes Figure Series 4 diagrams, with a wall length of less than 18m and height of less than 6.5m with no major openings, the wall requires a setback of 2.2 metres in lieu of the 1.2 - 1.7 metres proposed.

The wall containing the Master Bedroom is positioned adjacent to the side and rear setback area, and abuts part of an outdoor living area (pool) of the affected joining property (No. 28 Brandon Street see **Figure 3** above). This wall is proposed to be setback 1.2 metres from the boundary. Assessed independently of the other portion of the wall, given a wall height less than 7m and length less than 9m with no major openings, this component of the proposed building would meet the deemed- to-comply 1.2m setback.

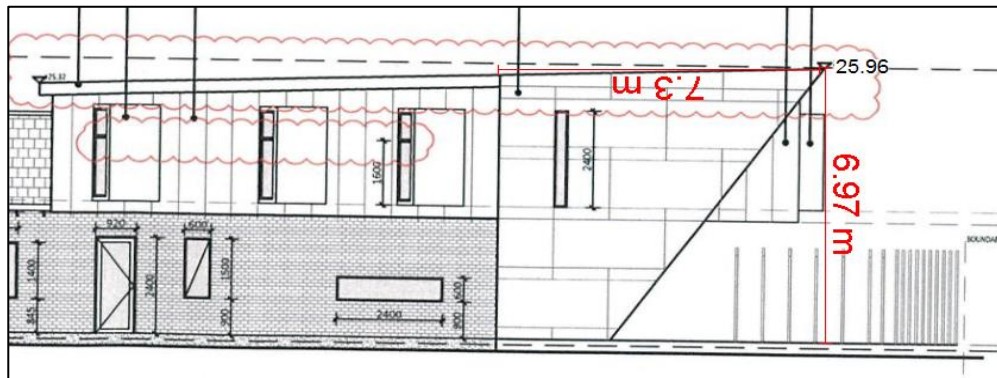


Figure 4 – Master Bedroom Wall Height and Length

This proposed section of wall containing Bedrooms 3 – 5 is positioned adjacent to the side setback area, side external walls, habitable room windows facing the boundary, non-habitable rooms (upper floor, bathroom and staircase) and part of an outdoor living area (pool) of the affected joining property (No. 28 Brandon Street). This wall is setback 1.7metres from the boundary (and a 1.1m setback for the minor incursions).

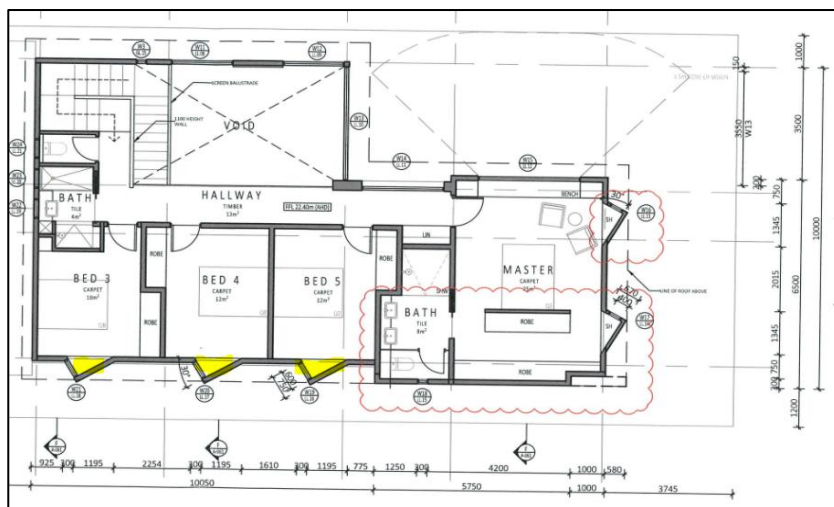


Figure 5 – Minor Incursions of Bedrooms 3-5 Wall Height and Length First Floor

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

The impact of building bulk on the adjoining property has been reduced by the minor incursions proposed on Bedrooms 3 -5 breaking up the whole wall as seen in **Figures 4 and 5**. Additionally, the proposed flat roof minimises the two storey impact of the addition.

The retention of existing housing stock is encouraged and where additions are proposed to an existing dwelling some consideration needs to be taken into account with regard to the existing setbacks and the functionality of the dwelling. It is noted that the proposed development is in line with the existing dwelling setback from the south eastern boundary. This allows for the central hall entry to be maintained through to the rear addition.

Overshadowing of the adjoining property satisfies deemed-to-comply requirements and is depicted in **Attachment (b)**. It is acknowledged that the pool area of the adjoining property will be impacted by shadowing at certain times of the year due to the orientation of the lot, however, the flat roof design is considered to minimise this impact. The development satisfies the Visual Privacy deemed- to- comply requirements of the R- Codes as there are no major openings overlooking the adjoining property to the south east.

Accordingly it is recommended that the proposed development satisfies the design principles of the R-Codes for the following reasons:

- the rear setback to the upper floor has limited bulk impact on the adjoining property to the north east and does not have any impact on direct sun; and
- the side setback to the south eastern boundary maintains the setback of the existing dwelling and the staggered setback together with the flat roof has limited impact in terms of building bulk.

(f) Building Design

The building design requirements contained in Council Policy P351.05 Streetscape Compatibility – Precinct 5 Arlington and Precinct 6 Kensington and Council Policy P350.04 Additions to Existing Dwellings are applicable to this development site. The portion of the proposed development within 12 metres from the street is compliant with the above Policy.

Policy P350.04 requires additions forming part of an existing dwelling to externally match the existing dwelling with respect to design, colours and materials.

The proposal is seeking a variation to the above policy; as the colours, materials and design of the rear addition do not match the existing house as depicted in **Figure 6** below.

The DAC provided favourable comments in relation to this proposal. A copy of these comments is listed in the DAC section of this report.



Figure 6 – Perspectives of Proposed Colours and Materials to Rear Addition

The applicant has provided the following justification in support of the variation as depicted in **Attachment (c)**. A summary is provided below:

- *3 tone façade to articulate internal spaces of building.*
- *Brick to be restored to mimic 1930's originality.*
- *Colour tones of brick to complement additions of house and tie in together.*
- *Proposed roof shadow toned charcoal to blend in colour.*

Taking the above matters into account, it is noted that the whole development is a favourable concept. In this instance there is merit not applying Council Policy P350.04 for the rear portion of the site. The front portion has addressed the standard requirements of the Council policy. The building is considered to apply with building design and form of the deemed provisions.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which*

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

retain the desired streetscape character and, in the older areas of the district, the existing built form character;

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

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

(h) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (p) 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;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (w) the history of the site where the development is to be located;

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in December 2016. The proposal was favourably received by the Consultants. Their comments are copied below:

- (i) The Advisory Architects considered the design intent between the existing development and the proposal look like 2 separate houses, although the element of material linkage ties in well with the existing building.
- (ii) It sits well within the street with very little impact.
- (iii) The overshadowing was considered to be appropriate. It may be worthwhile getting the applicant to show the neighbouring outdoor area / pool in relation to the shadow diagram provided.
- (iv) The existing and proposed materials break up the bulk and scale, as the façade is not excessively bulky or high - The applicant has demonstrated sufficient colour pallets and incursions to break up the building bulk, considering there is a two-storey house next door.
- (v) Considering the many elements and taking in account the neighbour's concerns, the proposal was generally considered well designed and appropriate - There are plenty of examples already established in South Perth.

(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 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 24 and 28 Brandon Street and Nos 24, Units 1-4/26 and Unit 2/28 Banksia Terrace were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 15 consultation notices were sent and 1 submission(s) was received, against the proposal. The comment(s) of the submitter(s) and the amendments advertised to the submitters are summarised below.

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

The comments objecting to the proposal can be categorised into the following general topics, although they are more specifically referred to in the Schedule of Submissions contained in **Attachment (d)**:

| Table of Summary | Officer Comment |
|---|---|
| Objects to side setback of scale, design, visual impact and height | Meets design principles under the R Codes (refer to setback section of the report). Comments NOTED |
| Objects to visual privacy specifically not screening a non-habitable room (ensuite) window. | Meets the deemed -to-comply requirements of the R – Codes. |

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. However, if the development is refused or required to be substantially modified, the determination will have some financial implications to the City, in the event an application to the State Administrative Tribunal is lodged.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025: “*Accommodate the needs of a diverse and growing population*”.

Sustainability Implications

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

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 an adverse detrimental impact on adjoining residential neighbours, or building bulk factors given the proposed design elements. It is considered that the application should be conditionally approved.

Attachments

- 10.3.5 (a):** Development Plans No. 26 Brandon Street, South Perth - 11.2016.361.1
- 10.3.5 (b):** Solar Access Report No. 26 Brandon Street, South Perth - 11.2016.361.1
- 10.3.5 (c):** Applicant Justification No. 26 Brandon Street, South Perth - 11.2016.361.1
- 10.3.5 (d):** Neighbour Objection No. 26 Brandon Street - South Perth - 11.2016.361.1

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Management Account Summaries

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-17-17380 |
| Date: | 28 February 2017 |
| Author / Reporting Officer: | Michael J. 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 (in accordance with legislative requirements). |

Summary

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

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That:

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater)
- (b) the monthly Statement of Financial Position and Financial Summaries for January 2017 provided as **Attachment (a) - (e)** be received
- (c) the Schedule of Significant Variances for January 2017 provided as **Attachment (f)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34
- (d) the Schedule of Movements between the Adopted & Amended Budget for January 2017 provided as **Attachment (g) & (h)** be received
- (e) the Rate Setting Statement for January 2017 provided as **Attachment (i)** be received
- (f) the monthly financial reports for the month of November 2016 previously circulated as **Attachments (a) - (i)** during the Council Meeting Recess period be received
- (g) the monthly financial reports for the month of December 2016 previously circulated as **Attachment (a) - (i)** during the Council Meeting Recess period be received.

CARRIED EN BLOC (8/0)

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles.

A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget.

The information provided to Council is a summary of the more than 120 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) will be provided each month from October onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2016/2017 Adopted Budget and the 2016/2017 Amended Budget including the introduction of the unexpended capital items carried forward from 2015/2016.

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

Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments (a) & (b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment (c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment (d)**
- Summary of Capital Items - **Attachment (e)**
- Schedule of Significant Variances - **Attachment (f)**
- Reconciliation of Budget Movements - **Attachments (g) & (h)**
- Rate Setting Statement - **Attachment (i)**

Operating Revenue to 31 January 2017 is \$48.68M which represents almost 100% of the \$48.91M year to date budget. Revenue performance is close to budget in most areas other than items identified below.

Rates revenue reflects as being ahead of budget after the recent interim rates billing. Investment revenues are 15% under budget for the Municipal Fund whilst Reserve Funds are 8% under budget. Animal control revenue is 18% favourable due to better than budgeted animal care, impound and licencing fees. Parking revenue is 2% ahead of budget targets following a quieter than expected January period.

GBLC Revenue is 8% ahead of budget expectations whilst facility booking revenues and minor lease revenue are all close to budget expectations to this stage of the year.

Planning revenues are 44% under budget (despite one downwards budget revision to date) due to the slowing of activity particularly in the station precinct. Building Services revenue is 1% under budget. These revenues will need to be carefully monitored in future months to assess further impact on the attainment of the (revised downwards) full year budget targets.

Waste management revenues are less than 1% under budget expectations and Collier Park Golf Course revenue continues to track at 8% under budget.

Comment on the specific items contributing to the revenue variances may be found in the Schedule of Significant Variances - **Attachment (f)**. Where appropriate, adjustments are put forward for consideration in the Q2 Budget Review.

Operating Expenditure to 31 January 2016 is \$31.69M which represents 98% of the year to date budget of \$32.50M. Operating Expenditure shows as 1% under budget in the Administration area. Operating costs are 5% under budget for the golf course and show as being 3% under budget in the Infrastructure Services area.

10.6.1 Management Account Summaries

In addition to the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers, savings on consultancy or vacant staff positions.

In the Infrastructure Services operations area, there are some favourable variances at the end of the month that relate to timing differences on maintenance activities and these are expected to continue to reverse out. Major infrastructure expenditure areas such as parks and grounds maintenance and also road, path and drainage maintenance are representative of this issue. There are some areas such as nursery operations that reflect offsetting unfavourable timing variances.

Fleet operations currently show that whilst cash costs are being effectively managed well within budget, recovery of plant charge-out against jobs remains problematic. A different strategy is being progressively implemented to try to better understand and manage plant charge recoveries.

As would be expected in any entity operating in today's economic climate, there are some budgeted staff positions across the organisation that are necessarily being covered by agency staff (potentially at a higher hourly rate). Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently showing as 4.4% under the budget allocation for the positions approved by Council in the budget process. This reflects several staff vacancies (including 2 recently filled managerial positions and others vacant ones provided for in anticipation of the organisational structural review).

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

Where appropriate, relevant expenditure adjustments are put forward for consideration in the Q2 Budget Review.

Capital Revenue is disclosed as \$4.10M at 31 January which is 20% over the year to date budget of \$3.42M. This difference relates almost entirely to the recognition of the insurance recovery proceeds from the WCG Thomas fire. This item is adjusted in the Q2 Budget Review at the February council meeting.

Capital Expenditure to 31 January is \$13.18M representing 88% of the year to date budget of \$12.10M. The total budget for capital projects for the year is now \$34.18M after the inclusion of carry forward projects into the budget in September.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented from October onwards each year once the final Carry Forward Works are confirmed after completion of the annual financial statements.

Consultation**TABLE 1 - CAPITAL EXPENDITURE BY SERVICE AREA GROUPING**

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|--------------------------|-------------------|-------------------|---------------------|---------------------|
| CEO Office | 219,000 | 222,425 | 101% | 1,184,000 |
| Major Community Projects | 4,095,000 | 3,696,550 | 90% | 14,850,000 |
| Financial & Information | 709,500 | 515,870 | 73% | 2,185,000 |
| Development | 120,000 | 118,787 | 99% | 250,000 |
| Community Services | 537,000 | 514,013 | 96% | 725,000 |
| Infrastructure Services | 8,889,400 | 7,715,136 | 98% | 13,390,550 |
| Waste Management | 104,000 | 61,373 | 59% | 665,000 |
| Golf Course | 371,855 | 331,043 | 89% | 936,612 |
| Total | 15,045,755 | 13,175,197 | 87% | 34,186,162 |

A Schedule showing the movements in the budget since adoption is also presented from the November meetings onwards. That is, after the Q1 Budget Review adjustments have been incorporated.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

10.6.1 Management Account Summaries

Attachments

- 10.6.1 (a):** Statement of Financial Position
- 10.6.1 (b):** Statement of Financial Position
- 10.6.1 (c):** Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d):** Summary of Operating Revenue & Expenditure - Infrastructure Services
- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Schedule of Movements between the Adopted & Amended Budget for January 2017
- 10.6.1 (h):** Schedule of Movements between the Adopted & Amended Budget for January 2017
- 10.6.1 (i):** Rate Setting Statement

10.6.2 Statement of Funds, Investments and Debtors at 31 January 2017

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-17-17381 |
| Date: | 28 February 2017 |
| Author / Reporting Officer: | Michael J. 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 (in accordance with legislative requirements). |

Summary

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

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

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That Council receives the 31 January 2017 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC (8/0)

Background

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

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

10.6.2 Statement of Funds, Investments and Debtors at 31 January 2017

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 are \$76.91M which compares unfavourably to \$84.03M at the equivalent time last year. This is largely the result of planned drawdowns from Reserves as contributions towards the Manning Hub project. Last month, total funds were \$78.527M.

Municipal funds represent \$25.46M of this total, with a further \$50.51M being Reserve Funds. The balance of \$0.94M relates to monies held in Trust. The Municipal Fund balance is some \$1.30M higher than last year which relates to the timing of cash outflows on the capital works program.

Reserve funds are \$8.505M lower overall than the level they were at the same time last year as a result of funds drawn down for major discretionary capital projects such as Manning Hub, SJMP Foreshore Promenade and River Walls.

In July 2015, the previous 24 reserves were consolidated into just 15 with this consolidation being effected with the transfer of funds from the Future Municipal Works Reserve and Future Building Works Reserve into the Major Community Facilities Reserve; from the Parks and Streetscapes Reserve into the Reticulation & Pump Reserve; and from the Paths and Transport Reserve into the Sustainable Infrastructure Reserve.

The current Reserve fund balances show that other than the \$2.0M contribution to the Millers Pool project from the Major Community Facilities Reserve; the only significant reserve movements since 30 June 2016 have related to movements of leaseholder funds associated with the Collier Park Village and transfers reflecting the operating results of the Collier Park Village and Golf Course.

The largest Reserve balance is the Major Community Facilities Reserve, but the land sale proceeds currently quarantined in that reserve do not represent 'surplus cash'. These funds are being progressively utilised as 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.

Details of cash holdings (disclosed by fund) are presented as **Attachment (a)**.

(b) Investments

Total investment in money market instruments at month end was \$75.43M compared to \$78.67M at the same time last year. There is \$4.00M more cash in Municipal investments whilst cash backed Reserve Fund investments are \$8.50M lower as discussed above.

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

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

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the global financial and corporate environment.

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.

Analysis of the composition of the investment portfolio shows that at reporting date, 68.6% of the funds were invested in securities having a S&P rating of A1 (short term) or better.

The City also holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 31.4% of its investments in such institutions.

In meeting this objective, the City has necessarily invested 13.3% of its funds in investments rated at BBB+.

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 (b)**.

10.6.2 Statement of Funds, Investments and Debtors at 31 January 2017

Interest revenue (received and accrued) for the year totals \$1.18M. This compares to \$1.36M at the same time last year as a consequence of 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 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. Current Department of Local Government guidelines prevent investment of funds for periods longer than one year.

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 a modest 2.74% with the anticipated weighted average yield on investments yet to mature now sitting at 2.59%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of 1.25% since the 3 August 2016 RBA decision.

Currently Department of Local Government Guidelines (presently withdrawn for revision) provide very limited opportunities for investment diversity as they emphasise preservation of capital. Unfortunately, there is a large pool of local government investment funds and a rather limited demand for deposits - so investment opportunities are both modest and scarce.

(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 and general debtors).

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment (c)**. Rates collections to the end of January 2017 (1 instalment remaining) represent 87.0% of rates collectible (excluding pension deferrals) compared to 87.7% at the same time last year. This is adversely impacted by the significant interim rates revenue levied in to date.

This reflects a slightly lesser collection profile compared to the previous year - broadly reflecting the weakening economy but also impacted by the debt collection process commencing a few weeks later than in the previous year.

The City still expects to maintain a strong rates collection profile in respect to the 2016/2017 rates notices - assisted by a good acceptance of our rating strategy, communications strategy and our convenient, user friendly payment methods. The instalment payment options and, where

appropriate, ongoing collection actions will also provide encouragement for ratepayers to meet their rates obligations in a timely manner.

(ii) General Debtors

General debtors stand at \$2.14M at the end of the month (\$1.01M last year). Last month debtors were \$1.77M. Most debtor balances are not materially different to last year's comparatives other than Balance Date debtors which are \$0.69M higher - largely due to the month end accrual for the WCG Thomas building insurance recovery and GST Receivable.

Continuing positive collection results are important to effectively maintaining our cash liquidity. 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.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). 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.

Sustainability Implications

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

Attachments

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

10.6.3 Listing of Payments

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-17-17383 |
| Date: | 28 February 2017 |
| Author / Reporting Officer: | Michael J. 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 (in accordance with legislative requirements). |

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 November 2016 and 31 January 2017 is presented to Council for information. During the reporting period, the City made the following payments:

| | | |
|--|----------------|------------------------|
| EFT Payments to Creditors | (1,253) | \$15,574,716.98 |
| Cheque Payment to Creditors | (99) | \$542,373.26 |
| Total Monthly Payments to Creditors | (1,352) | \$16,117,090.24 |
| Cheque Payments to Non Creditors | (351) | \$1,388,996.38 |
| Total Payments | (1,703) | \$17,506,086.62 |

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That the Listing of Payments for the months of November, December and January 2017 as detailed in **Attachments (a), (b) and (c)**, be received.

CARRIED EN BLOC (8/0)

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval.

They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

10.6.3 Listing of Payments

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. The payment listing is now submitted as **Attachments (a), (b) and (c)** to this Agenda.

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.

10.6.3 Listing of Payments

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 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 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 facilitates 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.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

- 10.6.3 (a):** Listing of Payments - November 2016
- 10.6.3 (b):** Listing of Payments - December 2016
- 10.6.3 (c):** Listing of Payments - January 2017

10.6.4 Budget Review for the Period ended 31 December 2016

| | |
|-----------------------------|--|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | City of South Perth |
| File Ref: | D-17-17384 |
| Date: | 28 February 2017 |
| Author / Reporting Officer: | Michael J. 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 (in accordance with legislative requirements). |

Summary

A comprehensive review of the 2016/2017 Adopted Budget for the period to 31 December 2016 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That following the detailed review of financial performance for the period ending 31 December 2016, the budget estimates for Revenue and Expenditure for the 2016/2017 financial year (adopted by Council on 12 July 2016 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

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

ABSOLUTE MAJORITY REQUIRED

CARRIED EN BLOC (8/0)

Background

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

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

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

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 December 2016.

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

The Budget Review is typically presented in three parts:

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

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

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

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

10.6.4 Budget Review for the Period ended 31 December 2016

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

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 12 July 2016. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

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

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

The projected Budget Opening Position for 2016/2017 (and therefore, by logical extension, the Closing Position) was necessarily adjusted to reflect the actual figure achieved at year end rather than the ‘estimated’ figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$313,955 (decrease) to the projected 2016/2017 Budget Closing Position as a consequence of the review of operations.

At the Q1 Budget Review, a downwards adjustment was also made to the estimated 2016/2017 Budget Opening Position - a difference which arose as a consequence of calculating the Budget Opening Position in accordance with the Department of Local Government's guideline using the final audited figures from the annual financial statements rather than the estimated numbers used in determining the Budget Position at budget adoption date.

Budget Review amendments made by Council in September in relation to the review of City events, the inclusion of the carry forward items and the adjustments made in the Q1 review of operations result in a revised estimated Closing Position of \$1,084,146. This has since been revised to \$1,024,146 to accommodate some unanticipated legal expenses.

The impact of the proposed amendments in this Q2 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not to any previous amendments).

Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2015/2016 year end accounts.

TABLE 1: (Q2 BUDGET REVIEW ITEMS ONLY)

| Service Grouping Area | Increase Surplus | Decrease Surplus | Net Impact |
|----------------------------------|--------------------|----------------------|--------------------|
| Office of CEO | 151,250 | (163,000) | (11,750) |
| Financial & Information Services | 235,000 | (144,500) | 90,500 |
| Community Services | 56,000 | (31,000) | 25,000 |
| Development Services | 16,250 | (232,000) | (215,750) |
| Infrastructure Services | 1,354,400 | (1,556,355) | (201,955) |
| Special Review Items | 0 | (0) | 0 |
| Opening Position Adjustment | 0 | (0) | 0 |
| Total | \$1,812,900 | (\$2,126,855) | (\$313,955) |

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

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

TABLE 2: (CUMULATIVE IMPACT OF ALL 2016/2017 BUDGET ADJUSTMENTS)

| Service Grouping Area | Increase Surplus | Decrease Surplus | Net Impact |
|---------------------------------------|--------------------|----------------------|--------------------|
| Office of CEO | 305,250 | (308,000) | (2,750) |
| Financial & Information Services | 280,000 | (144,500) | 135,500 |
| Community Services | 56,000 | (101,000) | (45,000) |
| Development Services | 20,250 | (412,000) | (391,750) |
| Infrastructure Services | 1,857,628 | (1,755,355) | 102,273 |
| Special Review Items | 0 | (0) | 0 |
| Opening Position Adjustment | 0 | (363,968) | (363,968) |
| Total Change in Adopted Budget | \$2,519,128 | (\$3,064,823) | (\$565,695) |

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

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated Budget Closing Position has moved in net terms by (\$565,695) to a Closing Position of \$710,191 after including all budget movements to date. This is relative to the initial estimated Closing Position at budget adoption date of \$1,275,886. Whilst this projected revised closing position contributes to an acceptable set of key financial ratios, it is recommended

10.6.4 Budget Review for the Period ended 31 December 2016

nonetheless that the estimated Budget Closing Position continue to be closely monitored during the remainder of the year. This is because the closing position is now just 56% of that which was initially modelled as a consequence of reduced revenue streams in several areas and additional projects added into the capital program after budget adoption.

Financial Implications

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

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

Sustainability Implications

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

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Attachments

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

10.6.5 Design WA - Submission to the Western Australian Planning Commission

| | |
|----------------------|--|
| Location: | Not Applicable |
| Ward: | Not Applicable |
| Applicant: | City of South Perth |
| File Ref: | D-17-17400 |
| Date: | 28 February 2017 |
| Author: | Mark Carolane, Senior Strategic Projects Officer |
| 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 Design WA suite of documents. Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia. The following documents were released for public comment in October 2016 as part of this initiative:

- State Planning Policy 7 – Design of the Built Environment
- Design Review Guide
- Design Skills Discussion Paper
- Apartment Design Policy

The first three documents provide a set of design principles, a design review process for complex developments and discussion of the use of appropriately skilled design professionals respectively. The Apartment Design Policy is the key operational document and is intended to replace the Multi Unit Housing Codes (Part 6 of the Residential Design Codes). The Apartment Design Policy covers a wider range of topics in greater detail than the current R-Codes and therefore provides a higher level of design guidance. There are some aspects of the Policy that the City recommends be further clarified, refined and/or reviewed relating to planning approval processes, the application of discretion in the assessment of development applications and some development standards. The main concern relates to the high level of discretion that is required to be applied by decision makers and planning staff.

Further details are provided below and at **Attachment (a)**.

City officers are generally supportive of the intent to improve the design of the built environment, particularly with regards to multiple dwelling developments. However the submission at **Attachment (a)** includes a number of comments, which are intended to assist with the refinement and further development of the documents.

Officer Recommendation AND COUNCIL DECISION**Moved:** Cr Jessica Black**Seconded:** Cr Colin Cala

That Council endorse the attached submission to the Western Australian Planning Commission on the Design WA Suite of documents contained in **Attachment (a)**.

CARRIED EN BLOC (8/0)**Background**

In 2014 the Western Australian Planning Commission and Department of Planning published *Planning makes it happen – Phase 2 Blueprint for Planning Reform*, with recommended initiatives and actions to improve design and development. This is now being delivered through Design WA, which is a State Government initiative to ensure good design is at the centre of all development in Western Australia. Stage one included a suite of documents that were released for public comment in October 2016:

- State Planning Policy 7 – Design of the Built Environment
- Design Review Guide
- Design Skills Discussion Paper
- Apartment Design Policy

State Planning Policy 7 – Design of the Built Environment (SPP7) is the overarching document that promotes good design outcomes through the implementation of an overarching framework of three fundamental mechanisms:

- A universal set of design principles that can be used to prepare plans and write policy;
- An integrated design review process for complex development types to streamline early stages of design before proposals get too advanced to change;
- The use of skilled design practitioners who understand how to make projects respond to established and emerging neighbourhoods.

These are intended to combine to create a flexible, performance based approach to achieve improved design outcomes

Underpinning the overarching policy will be the following supplementary documents. The first three have been released for public comment as part of stage one and the latter three are yet to be released (expected later in 2017):

Design Review Guide

This document provides a practical guide for local governments, which primarily sets up the administrative framework for establishing and operating design review panels. The Guide also covers the role of design review in the planning system and proposes the timely assessment of applications through a scalable design review process:

- State Design Review Panel - design review of complex types of development and support for local government design review process across the State;
- Local Government Design Review Panel - a critical component to ensure the performance based approach of the Apartment Design Guide is properly applied; and
- In-house architect or consultant architects – for local governments where developments that meet the design review threshold are rarely received.

Design Skills Discussion Paper

The Design Skills Discussion Paper is a response to the Blueprint for Planning Reform recommendation to consider the policy and legislation requirements to mandate that complex developments be designed by qualified, registered architects or other licensed design professionals. The Discussion Paper presents three options for consideration; threshold based regulation, competency standards and no additional regulation.

Apartment Design Policy

The Apartment Design Policy, officially referred to as Volume Two of State Planning Policy 7.3 Residential Design Codes – Apartment Design, is intended to replace the Multi Unit Housing Codes (Part 6 of the Residential Design Codes). The document comprises four main sections:

- Part 1: Introduction - Provides background and statutory context. The intent is for Local governments to maximise consistency of Local Planning Schemes with the Apartment Design policy. There is scope for local variations, consistent with guidance in the Apartment Design policy, but WAPC approval is required for any change to the primary controls or planning criteria;
- Part 2: Primary controls - Manages the form and scale of new development through the control of building envelopes (height and setbacks) and building massing (plot ratio, depth, building separation). These controls can generally be altered through Local Planning Schemes or Local Development Plans. These controls do not override any corresponding provisions already contained in Town Planning Scheme No. 6, such as in Schedules 9 and 12 (South Perth Station Precinct and Canning Bridge Activity Centre);
- Part 3: Siting the building - Addresses the concept design of apartment projects, including analysing and responding to the site context, interface with neighbours and the public domain, and measures to achieve quality open spaces and maximise residential amenity. This section covers matters such as building orientation, tree retention, privacy, streetscape, parking and access; and
- Part 4: Designing the building - Informs the design development of apartment projects, including building form, layout, functionality, landscape design, environmental performance and residential amenity. This section covers matters such as natural ventilation, apartment size, energy efficiency and waste management.

House Design Policy

Intended to replace Part 5 – Single Houses and Grouped Dwellings of the Residential Design Codes and will be officially referred to as Volume One of State Planning Policy 7.3 Residential Design Codes – House Design. This document has not been released for public comment as part of stage one of Design WA.

Precinct Design

This will be a new design guide for mixed use and activity centre development. This document has not been released for public comment as part of stage one of Design WA.

Neighbourhood Design

This document will replace the existing Liveable Neighbourhoods guideline document and upgrade it to state policy status. Liveable Neighbourhoods generally pertains to subdivision design at a suburban scale, mostly relating to new development areas and has minimal application to the City of South Perth. This document has not been released for public comment as part of stage one of Design WA.

All the Design WA documents are founded on and refer to ten principles of good design, which are intended to better define and guide the delivery of high quality places and spaces; Context and Character, Landscape Quality, Sustainability, Functionality and Build Quality, Community, Amenity, Legibility, Built Form and Scale, Safety and Aesthetics.

Comment

The City's full submission to the Western Australian Planning Commission is at **Attachment (a)**. The City is generally supportive of the intent to improve the design of the built environment, particularly with regards to multiple dwelling developments. However the submission at **Attachment (a)** includes a number of comments, which are intended to assist with the refinement and further development of the documents.

The main points raised in the City's submission are summarised below.

State Planning Policy 7: Design of the Built Environment

The ten principles of good design listed in SPP7 appropriately and succinctly summarize the qualities of good design and are broadly accepted. Having these principles set out in a State Planning Policy will assist the City in preparing and assessing plans and development applications. The City is therefore supportive of the intent of SPP7 and the associated design principles.

Design Review Guide

The Design Review Guide is intended to provide guidance for local governments to set up and operate robust and consistent design review processes. The importance Design review is an integral part of the development assessment process for significant applications. The City's Design Advisory Consultants (DAC) group has provided design advice to the City since the early 1960s and is an integral part of the City's development assessment process. The City's policy P303 Design Advisory Consultants supplements this process by providing guidelines for the selection and appointment of members to the DAC group and for the operation of the group.

The Design Review Guide is detailed and provides common sense recommendations for the establishment and operation of design review panels. The City is supportive of the intent and content of the Design Review Guide and will seek to implement the recommendations into its design review processes, as appropriate, through review of policy P303.

Design Skills Discussion Paper

The discussion paper addresses concerns that, in some instances, designers with only basic skills and training are designing complex developments, leading to poor quality built outcomes and less effective review and assessment processes. This is becoming a more prominent issue as development intensifies across the metropolitan area. The discussion paper has been prepared with extensive input from government and regulatory agencies, and the architecture and development industries. The City is generally supportive of the intent of the Design Skills Discussion Paper and does not have any further comment at this time.

Apartment Design Policy

The Apartment Design Policy would apply to all multiple dwelling development proposals within the City. However, the major activity centres of South Perth Station Precinct Canning Bridge Activity Centre have the key development controls relating to height, plot ratio and setbacks contained in the Scheme and an activity centre plan respectively. The Scheme also prohibits multiple dwelling development in areas code R-40 or lower and includes height provisions for all precincts. The provisions in the Scheme and Canning Bridge Activity Centre Plan will override the provisions of this Policy.

There is a strong need for a policy that provides more detailed planning and design standards for residential apartments (defined as all 'multiple-dwelling development') to replace Part 6 of the current R-Codes. The new draft Apartment Design Policy covers a wider range of topics in greater detail than the current R-Codes and therefore provides a higher level of design guidance, which is necessary and supported.

Notwithstanding, there are some aspects of the Policy that the City recommends be further clarified or reviewed. These relate to planning approval processes, the application of discretion in assessment of development applications and some development standards. The comments in full are contained in attachment (a) but the key issues are outlined below:

- The policy should include maximum building height in storeys and metres.
- Consideration should be given to introducing thresholds in Table 1 in relation to minimum rear and side setbacks based on the height of the building and/or the size of the lot.
- There should be the opportunity for minimum street setbacks to be dependent on lot length and existing adjoining development. Table 1 should therefore include appropriately worded criteria to enable this.
- It is recommended that plot ratio controls are not necessary if the building envelope is clearly defined via height and setback controls.
- A clear mechanism should be introduced to require appropriately detailed site analysis
- Incentive-based development standards may result in proponents seeking higher plot ratio or height than would otherwise apply, and with no guidance for decision-makers this may result in ad-hoc and inconsistent granting of bonuses. Bonus development potential should only be considered where there is clear guidance for decision making and granted only in return for a well-defined community benefit.

- The document provides a high level of discretion but lacks clear guidance for the application of this discretion. In general, the Policy would benefit by providing more definitive design criteria or standards that must be met where possible across all elements;
- Clarification is required on the relative importance and status of design guidance statements in decision making. It is suggested that guidance be provided in similar manner to the existing R – Codes where it is clearly outlined that the design principles must be met in order to meet the objective/s;
- Guidance in the application of the design guidance statements to assist in determining if they have been satisfactorily met should be provided;
- The number of provisions, combined with the subjective nature of some design criteria, could make development applications much more time consuming to assess than they are currently. This will impact on local government resources, particularly where assessment timeframes are constrained by the Development Assessment Panel regulations.
- It is unclear from the Apartment Design Policy which local policy provisions will be overridden by the adopted policy and which will remain. This should be made clear

Conclusion

The City is generally supportive of the intent to improve the design of the built environment, particularly with regards to multiple dwelling developments. The City is supportive of the intent of SPP7 and the associated design principles and of the intent and content of the Design Review Guide and Design Skills Discussion Paper.

However there are various aspects of the Apartment Design Policy that the City recommends be further clarified as detailed above. In particular, the City is concerned that the performance based approach of the Apartment Design Policy requires a high level of discretion to be applied by assessing officers and decision makers with very little guidance on the application of discretion. Whilst the City recognises the benefits of the performance based approach, it is important that the right balance between providing an appropriate level of certainty through clear measurable design criteria and flexibility through subjective yet measurable design guidance statements is achieved. Overall, the policy requires further clarification of how design guidance statements and objectives are to be applied in development assessment. It is also recommended that wherever possible elements contain clear and definitive design criteria which would demonstrate one way of achieving the design guidance statements.

Consultation

The draft set of stage one documents were released for public comment in October 2016. The public comment period closed on 20 December 2016; however the City was granted permission to make this submission after the closing date for public comment in email correspondence with the Department of Planning dated 18 November 2016.

City officers attended a workshop with the Department of Planning and officers from a number of inner metropolitan local governments on 14 November 2016 to review the documents and provide preliminary verbal feedback.

Elected members were consulted through the Bulletin in October 2016 seeking comments. No comments were received.

Policy and Legislative Implications

Design WA is part of the Western Australian Planning Commission and Department of Planning *Planning makes it happen – Phase 2 Blueprint for Planning Reform* program, which began in 2014. The wider planning reform project includes a number of significant changes to the planning system. Further details are available at www.planning.wa.gov.au/Planning-makes-it-happen.

The House Design and Apartment Design policies will replace the R-Codes Part 5 (single houses and grouped dwellings) and R-Codes Part 6 (multiple dwellings) respectively.

As mentioned above, and in the submission at **Attachment (a)**, there is a need for the City to review policy P303 Design Advisory Consultants, in light of the recommendations contained in the Design Review Guide.

Financial Implications

There are no financial implications to the City in making this submission. However, as detailed in **Attachment (a)**, there is potentially a significant resourcing burden for local governments if the draft documents are finalised in their current form.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). This report and the associated submission at **Attachment (a)** contribute to item 6.5 Advocate and represent effectively on behalf of the South Perth community.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Design WA aims to ensure good design is at the centre of all development in Western Australia. Good design can lead to improved liveability and sustainability of development and this aligns with the City's sustainability strategy.

Attachments

10.6.5 (a): Design WA Stage One- submission to Western Australian Planning Commission

10.6.6 Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission

| | |
|----------------------|--|
| Location: | Bentley Technology Park and Karawara |
| Ward: | Manning Ward and Moresby Ward |
| Applicant: | City of South Perth |
| File Ref: | D-17-17403 |
| Date: | 28 February 2017 |
| Author: | Mark Carolane, Senior Strategic Projects Officer |
| 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 Bentley-Curtin Specialised Activity Centre Structure Plan. The area covered by the draft structure plan is shown at **Attachment (a)**.

The draft structure plan sets a vision for Bentley-Curtin and is intended to guide planning and development by informing local planning scheme reviews, amendments and further detailed planning.

The City officers are generally supportive of the overall vision to develop the area with efficient public transport and a range of academic, work and living opportunities. However, officers have a number of concerns regarding the community consultation undertaken in preparation of the draft structure plan, the content of the plan itself, and the insufficient guidance regarding the implementation of the structure plan. These concerns are detailed in the submission at **Attachment (b)**.

Officer Recommendation

Moved: Mayor Sue Doherty

Seconded: Cr Sharron Hawkins-Zeeb

That Council endorse the submission to the Western Australian Planning Commission via the Department of Planning detailed in **Attachment (b)**.

Amended Motion

Moved: Cr Colin Cala

Seconded: Cr Travis Burrows

That the Officer's Recommendation be amended as follows:

That Council endorse the submission to the Western Australian Planning Commission via the Department of Planning detailed in Attachment (b), with the following sentence under Section 11 paragraph 3 of the submission being removed:

“However, the Henley Street and Jackson Road (misnamed on page 46 as Jackson Avenue) bus corridor is not supported at this time as the preferred route between Curtin University and Canning Bridge.”

and replaced with:

“However, the Henley Street and Jackson Road (misnamed on page 46 as Jackson Avenue) bus corridor has not been supported previously by the City of South Perth when similar proposals were presented to the City and this remains the position of the City with respect to the Draft’s preferred route between Curtin University and Canning Bridge.”

CARRIED (7/1)

Reasons for Amended Motion

By including in the submission the historical position held by the City when considering similar applications to connect these roads on this proposed route, there is added weight given to the present position held by the City.

This is the fifth time that a similar proposal has been brought before the Council in the last 27 years and it is important that any other relevant government body is made aware that it has been rejected on the previous four occasions.

While it may not have been considered appropriate to put in the Submission why the City holds this present position, the arguments against this proposal still remain. How can the present proposal for a rapid transit, high frequency bus route be seriously considered given the speed restrictions already in place and necessary to protect the institutions on route (schools, kindergarten and an aged care facility), wild life corridors and the residential environment bordering the route? It would also bypass important infrastructure like Waterford Plaza Shopping Centre and the George Burnett Leisure Centre.

The Amendment then became the substantive.

COUNCIL DECISION

Moved: Mayor Sue Doherty

Seconded: Cr Sharron Hawkins-Zeeb

That Council endorse the submission to the Western Australian Planning Commission via the Department of Planning detailed in **Attachment (b)**.

CARRIED (8/0)

Background

The Bentley-Curtin Specialised Activity Centre includes land between George Street, Anketell Street and Kent Street, Department of Agriculture and Department of Parks and Wildlife land, Bentley Technology Park, Curtin University, land east of Walanna Drive in Waterford and land west of Jarrah Rd in the Town of Victoria Park (refer **Attachment (a)**). The Centre includes land within both the City of South Perth and the Town of Victoria Park. The total area of the centre is 345 hectares. The draft structure plan estimates that the area has a working population of more than 8,000 people but only a small residential population of 2,300 people.

10.6.6 Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission

The centre is one of five specialised activity centres identified in the Western Australian Planning Commission's draft *Perth and Peel@3.5million* suite of documents. Specialised centres focus on regionally significant economic and/or institutional activity that generate many work and visitor trips and require a high level of transport accessibility. The other four specialised centres are University of Western Australia/QE2, Murdoch University, Perth Airport and Jandakot Airport.

The draft structure plan is the latest in a number of planning projects for the Activity Centre, including:

- Bentley Technology Precinct Masterplan, 2008 (not finalised)
- Curtin Town Development Plan, 2010
- Greater Curtin: Curtin University Masterplan, 2013

The draft structure plan was prepared by the Department of Planning and its preparation commenced in January 2013. Representatives from the City of South Perth, the Town of Victoria Park, Curtin University, Public Transport Authority and the departments of Transport, Commerce and Agriculture have contributed to the preparation of the plan via a project working group since 2013, which met through 2013 and 2014. The City was not involved in drafting the document that was released for public comment.

The draft structure plan can be accessed at www.planning.wa.gov.au/bentleycurtin.

The plan promotes an urbanised environment with improved public amenity and an increased mix of land uses. The document includes introduction and context sections, followed by four main parts:

- Planning Framework, including the vision and principles, economic development, housing and employment scenarios, and the landscape and public realm concept.
- Structure Plan, including the structure plan map, landscape and public realm, open space concept, street network, car parking, walking and cycling, public transport, servicing infrastructure, community facilities, resource and biodiversity conservation plans.
- Development and Precincts, including built form and precinct development concepts and conceptual redevelopment concepts for each of eight precincts within the structure plan area.
- Implementation, including description of the primary mechanisms to implement the plan.

Three appendices provide background technical, governance and reference information.

The purpose of the draft structure plan is to provide a broad overarching framework and vision to confirm Bentley-Curtin as a specialised activity centre within the State planning framework, identify precincts within the structure plan area, identify features and opportunities for the planning of the area, provide information as a basis for more detailed planning and improvements to transport and movement to the activity centre.

Comment

The City's full submission to the Western Australian Planning Commission is included at **Attachment (b)**. The City is generally supportive of the overall vision to develop the area with efficient public transport and a range of academic, work and living opportunities. However, the City has a number of concerns regarding the community consultation undertaken in preparation of the draft Structure Plan, the content of the plan itself, and lack of guidance regarding the implementation of the Structure Plan. In summary:

- The arrangements for public advertising and consultation did not reflect the importance of the draft structure plan and a wider community engagement program should be undertaken.
- The draft structure plan does not follow the guidance on format and content set out in the *Structure Plan Framework* (2015). As set out in the Framework, a structure plan or activity centre plan is to comprise of a structure plan report, a structure plan map along with supporting plans, technical investigations and studies. The document should comprise three main components – Executive summary, Implementation (Part One) and Explanatory and Technical Appendices (Part Two). Further, if the Plan is intended to be an activity centre plan then it should also meet the additional requirements for such a Plan contained in Schedule 2 of the Regulations, *State Planning Policy 4.2 Activity Centres for Perth and Peel* and the *Structure Plan Framework*.
- The purpose of the draft structure plan and its status within the planning framework are unclear, specifically whether it is a Structure Plan or Activity Centre Plan (as defined by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations)), or a non-statutory strategy. At present the the structure and content of the document are consistent with what would be expected from a strategy as it provides broad high level guidance but does not contain any statutory provisions or follow the required structure outlined above.
- The draft structure plan does not include any commitment or specific actions from the State Government towards implementation or infrastructure provision.
- The City is generally supportive of the vision and overarching principles set out at part 3.1. However the subsequent lists of projects and catalyst infrastructure do not relate to the actions in the implementation section of the document.
- It is unclear how the three economic and employment scenarios outlined on page 24 of the draft structure plan relate to the implementation actions at part 6.1. The housing and employment growth outlined in the draft structure plan at sections 3.3 and 3.4 is not considered to be a realistic forecast or sound basis for planning.
- Additional specific comments regarding details within the draft structure plan document.

In light of the above, it is not recommended the draft structure plan be finalised in its current form. The intent and status of the document need to be clarified, specifically whether it is a strategy with no statutory status in the planning framework or a structure plan/activity centre plan. If the document is the latter it should be redrafted to comply with the Regulations and follow the guidance of the *Structure Plan Framework*. The document could then be readvertised and then finalised in light of any other feedback received.

10.6.6 Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission

SPP4.2 requires the preparation of an activity centre plan for specialised activity centres. Given the status and importance of such centres as well as the large land holdings within state government ownership within them it is important for the State Government to be the lead agency in the high level and detailed planning of them. It would therefore be the City's preference that the document be considered an activity centre plan that provides high level guidance as well as statutory provisions as opposed to a Strategy that relies heavily on the affected local governments to amend their framework in order for implementation to occur.

Consultation

Elected members were consulted through the Bulletin in December 2016 seeking comments. The received comments are incorporated in the submission at **Attachment (b)**.

The Department of Planning advertised the draft structure plan as follows:

- Mail out to land owners within the structure plan area;
- Mail out to land owners surrounding the structure plan area; and
- Advertising twice in the Southern Gazette newspaper.

In addition the City made copies of the documents available for viewing at the Civic Centre and the City's libraries throughout the advertising period and placed notices on the City's website and in the fortnightly e-newsletter.

Policy and Legislative Implications

As stated on page 2 of the draft structure plan, the document *sets a long-term vision for Bentley-Curtin and is intended to guide planning and development by informing local planning scheme reviews, amendments and further detailed planning*. Once finalised, the structure plan will need to 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.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). This report and the associated submission at **Attachment (b)** contribute to item 6.5 Advocate and represent effectively on behalf of the South Perth community.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The draft structure plan promotes an urbanised environment with improved public amenity, an increased mix of land uses, residential diversity close to places of employment and education and improved public transport. These aims are consistent with the City's sustainability strategy.

Attachments

- 10.6.6 (a):** BCSAC Structure Plan November 2016 draft boundary map.PDF
- 10.6.6 (b):** Bentley Curtin Specialised Activity Centre Structure Plan Draft for Public Comment - submission to WAPC

10.6.7 2017 Ordinary Council Election

| | |
|----------------------|--|
| Location: | City of South Perth |
| Ward: | All |
| Applicant: | Council |
| File Ref: | D-17-17406 |
| Date: | 28 February 2017 |
| Author: | Phil McQue, Manager Governance and Administration |
| Reporting Officer: | Geoff Glass, 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 recommends that the Western Australian Electoral Commissioner be appointed to conduct a postal election for the 2017 City of South Perth Ordinary Council Election.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Jessica Black

Seconded: Cr Colin Cala

That the Council:

- a) declare, in accordance with section 4.20(4) of *the Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may be required
- b) decide, in accordance with section 4.61(2) of *the Local Government Act 1995*, that the method of conducting the election will be as a postal election.

ABSOLUTE MAJORITY REQUIRED

CARRIED EN BLOC (8/0)

Background

The 2017 Ordinary Council Election is scheduled to be held on Saturday 21 October 2017 with a vacancy in each of the four wards in the City of South Perth. Should the Council wish to conduct the election by postal vote, with the Western Australian Electoral Commissioner responsible for the conduct of the Ordinary Council Election, it is required to move a formal resolution as outlined in the Officer Recommendation.

Comment

The City has been in consultation with the Western Australian Electoral Commission (WAEC) who have agreed to assume responsibility for the conduct of the 2017 Ordinary Council Election on behalf of the City of South Perth, on the proviso that the election be conducted as a postal election.

The WAEC is required under the *Local Government Act 1995* to conduct any local government election on a full cost recovery basis. They have advised that the City of South Perth postal election is estimated to cost \$113,000 inc. GST, based on the following assumptions:

- 29,500 electors
- 33% response rate
- 4 vacancies
- Count being conducted at the City of South Perth
- Regular Australian Post delivery service

The WAEC has advised that the South Perth Council can opt for a \$6,475 Australia Post Priority Service to ensure efficient and prompt delivery of electoral packages. The City has utilised this priority service in the past and proposes to opt for this service for the 2017 Ordinary Council Election.

Consultation

The City has consulted with the WAEC on the proposed 2017 Ordinary Council Election.

Policy and Legislative Implications

The conduct of local government elections is prescribed by Part 4 of the *Local Government Act 1995*. Section 4.20(4) enables the Council to appoint the Electoral Commission to be responsible for the election and section 4.61(2) permits the Council to determine that the election be conducted as a postal election.

Financial Implications

Funding for the 2017 Ordinary Council Election will be provided for in the 2017/18 Annual Budget.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

Nil

10.6.8 Development Assessment Panel - Nominations for Local Government members

| | |
|-----------------------------|---|
| Location: | N/A |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-17-17408 |
| Date: | 28 February 2017 |
| Author / 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: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

Summary

The term for the current Development Assessment Panel (DAP) members expires on 26 April 2017. The Department of Planning now requests Council to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the City's DAP as required. This report seeks to appoint these four members from the Council.

Officer Recommendation

Moved: Cr Travis Burrows

Seconded: Cr Jessica Black

Nominations for the positions of Delegate and Deputy Delegate were received from:

Delegates

| | |
|-------------------------------------|---------------|
| Cr Glenn Cridland renominated | himself |
| Cr Glenn Cridland renominated | Cr Colin Cala |
| Cr Cheryle Irons renominated | Cr Colin Cala |
| Cr Sharron Hawkins-Zeeb renominated | Cr Colin Cala |

All nominees accepted the nominations.

Cr Glenn Cridland and Cr Colin Cala were duly appointed Delegates to the Development Assessment Panel.

Deputy Delegates

Nominations for the positions of Deputy Delegate were received from:

| | |
|-------------------------------------|--|
| Cr Sharron Hawkins-Zeeb renominated | herself |
| Cr Travis Burrows nominated | Cr Fiona Reid |
| Cr Jessica Black nominated | herself (Cr Fiona Reid, currently on a Leave of Absence, accepted the nomination in writing) |

Given more than 2 nominations were received a ballot was held with the following results:

| | |
|-------------------------|---|
| Cr Sharron Hawkins-Zeeb | 6 |
| Cr Fiona Reid | 6 |
| Cr Jessica Black | 4 |

Cr Sharron Hawkins-Zeeb and Cr Fiona Reid were duly appointed Deputy Delegates to the Development Assessment Panel.

COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Jessica Black

That Council appoints Cr Glenn Cridland and Cr Colin Cala to the position of Delegate and Cr Sharron Hawkins-Zeeb and Cr Fiona Reid to the position of Deputy Delegate to the Development Assessment Panel.

CARRIED (8/0)

Background

DAPs were introduced in 2011 as part of the Government's efforts to streamline and improve the planning approvals process in Western Australia. DAPs comprise a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority.

Under the *Planning and Development (Development Assessment Panel) Regulations 2011* local governments have to submit to the Minister nominations for 2 DAP members and 2 alternate members for up to a three-year term, expiring on 26 April 2020.

If a local government fails to provide the requisite nominations, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established.

Comment

All DAPs comprise:

- 3 specialist members. One is the presiding member with planning qualification and experience the second is the deputy member also with planning qualifications and experience and the third must possess relevant qualifications and/or expertise.
- Two local government representatives.

Members whose term has expired are eligible for renomination.

Local Government DAP members must complete mandatory training before sitting as a member. Current members are not required to repeat the training.

Local Government members are entitled to be paid for attendance at DAP training and DAP meetings, unless they fall within a class of persons excluded from payment. Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and Local Government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister's consent, and that consent can only be given with the prior approval of Cabinet.

10.6.8 Development Assessment Panel - Nominations for Local Government members

This position is in accordance with the Premier's Circular – State Government Boards and Committees Circular.

DAPs meetings are scheduled on an as needs basis. The City of South Perth members had 10 DAP meetings in 2014, 18 meetings in 2015 and 20 meetings in 2016.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. When selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the Council will need to re-nominate for the Minister's consideration.

The City of South Perth is within a Joint Development Assessment Panel (JDAP) along with the local governments of Bassendean, Bayswater, Belmont, Canning, Melville and Victoria Park. Two local government representatives are required from each local government included in the JDAP. Local Government members rotate on and off the panel, so that the two local government members from South Perth will only sit on the panel when an application for development within the City of South Perth is being determined. This means that South Perth members are not required every month and sometimes if applications from more than one local government are being determined at the same meeting, local government members from more than one local government will rotate on and off during a single meeting.

Consultation

Elected members were advised by means of the Councillor Bulletin on 13 January 2017 that appointments would be sought at the February Ordinary Council Meeting.

Policy and Legislative Implications

The appointment of local government members to the DAP is in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.

Financial Implications

There are no financial implications for the City

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUESTS FOR LEAVE OF ABSENCE

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

- Cr Fiona Reid – requests an extension of an existing Leave of Absence to Sunday 12 March 2017, inclusive
- Mayor Sue Doherty - requests a Leave of Absence for the period Saturday 11 March to 6 April 2017, inclusive
- Cr Cheryle Irons for the period Wednesday 29 March to Monday 24 April 2017, inclusive
- Cr Glenn Cridland for the period Wednesday 8 and Thursday 9 March 2017.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Hawkins-Zeeb

Seconded: Cr Colin Cala

That Leave of Absence be granted to:

- Cr Fiona Reid – an extension of an existing Leave of Absence to Sunday 12 March 2017, inclusive
- Mayor Sue Doherty for the period Saturday 11 March to 6 April 2017, inclusive
- Cr Cheryle Irons for the period Wednesday 29 March to Monday 24 April 2017, inclusive.
- Cr Glenn Cridland for the period Wednesday 8 and Thursday 9 March 2017.

CARRIED (8/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the December 2016 Ordinary Council Meeting there were no questions from Members Taken on Notice.

13.2 QUESTIONS FROM MEMBERS

Nil

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

Nil

15. MEETING CLOSED TO THE PUBLIC

Reports regarding these matters have been circulated separately to Councillors.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Audit, Risk and Governance Committee - External Membership

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to "the personal affairs of any person"*

| | |
|----------------------|--|
| Location: | South Perth |
| Ward: | Not Applicable |
| Applicant: | City of South Perth |
| File Ref: | D-17-17385 |
| Date: | 28 February 2017 |
| Author: | Phil McQue, Manager Governance and Administration |
| Reporting Officer: | Geoff Glass, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

15.1.2 Property Committee - External Membership

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to "the personal affairs of any person"*

| | |
|----------------------|--|
| Location: | South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-17-17449 |
| Date: | 28 February 2017 |
| Author: | Phil McQue, Manager Governance and Administration |
| Reporting Officer: | Geoff Glass, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

15.1.3 The Westralian Centre

This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"

Location: South Perth
Ward: Mill Point Ward
Applicant: City of South Perth
File Ref: D-17-16598
Date: 28 February 2017
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Geoff Glass, Chief Executive Officer
Strategic Direction: Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy: 4.4 Engage the community to develop a plan for vibrant activities and uses on and near foreshore areas and reserves around the City.

At this stage Cr Ken Manolas read aloud his Declaration of Interest at Item 15.1.3 The Westralian Centre:

"I wish to declare an impartiality interest in confidential Agenda Item 15.1.3 The Westralian Centre on the Ordinary Council Meeting Agenda of 28 February 2017.

I declare that I reside at and am a joint owner of 193 Mill Point Road South Perth, and that the proximity of this property to the South Perth foreshore could lead to a perception that my impartiality on this item may be affected.

In accordance with section 5.65 of the Local Government Act 1995, I acknowledge that there may also be a perception that I have a proximity interest and /or financial interest regarding the Westralian Centre Concept, the subject of confidential item 15.1.3.

In accordance with section 5.60B of the Local Government Act 1995, I wish to declare that I do not have a proximity interest as my property does not adjoin or have a common boundary with the proposed location for the Westralian Centre.

In accordance with section 5.60A of the Local Government Act 1995, I wish to declare that I do not have a financial interest, as I do not believe that the proposed Westralian Centre development proceeding would result in a financial impact (negative or positive) on the value of my property.

It is also my view that the proposed Westralian Centre Concept is an item that is common with a significant number of electors and /or ratepayers.

In the event that the Council do not concur with the above declarations, I request the Council to allow me to participate in Item 15.1.3 The Westralian Centre in accordance with section 5.68 of the Local Government Act 1995."

MOTION TO CLOSE THE MEETING TO THE PUBLIC

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Jessica Black

That the following Agenda Items be considered in closed session, in accordance with *s5.23(2) of the Local Government Act 1995*:

15.1.1 Audit, Risk and Governance Committee - External Membership

in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to "the personal affairs of any person"

15.1.2 Property Committee - External Membership

in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to "the personal affairs of any person"

15.1.3 The Westralian Centre

in accordance with the Local Government Act 1995 section 5.23(2) (c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

CARRIED (8/0)

At 7.42pm the Presiding Member invited the Gallery to vacate the Chamber.

At 8.15pm the Presiding Member invited the Gallery back to the Chamber for public reading of Council Resolutions.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15.1.1 Audit, Risk and Governance Committee - External Membership

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Sharron Hawkins-Zeeb

That the Council appoint Shona Zulsdorf and Steve Vanstan to the Audit, Risk and Governance Committee for a period of 2 years.

CARRIED (8/0)

Note: this Resolution is no longer confidential

15.1.2 Property Committee - External Membership

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Travis Burrows

Seconded: Cr Cheryle Irons

That the Council appoint Lewis Brock to the Property Committee for a period of 2 years.

CARRIED (8/0)

Note: this Resolution is no longer confidential

15.1.3 The Westralian Centre

Note: the following Officer Recommendation and Council Resolution are considered no longer confidential

Officer Recommendation

Moved: Cr Glenn Cridland

Seconded: Cr Jessica Black

That the Council:

- Support in principle the Westralian Centre Concept to be located at the Flagpole Node 9, South Perth Foreshore;
- Authorise the Chief Executive Officer to:
 - commence community and stakeholder consultation;
 - commence investigations and preparatory works pertaining to statutory approvals and proposed operational management requirements for the Westralian Centre Concept;
 - commission a business plan on the Westralian Centre Concept;
 - investigate capital funding for the Westralian Centre Concept with public and private sources;
- Note that a progress report on the business plan, community and stakeholder consultation, investigation and preparatory works and potential external capital funding sources will be provided to Council by June 2017 and;
- Allocate an additional \$50,000 from municipal funds for the Westralian Centre Concept investigations and preparatory works with the following adjustment:

| Ledger Account | Account Description | Item Type | Current Budget | Amended Budget | Decrease Surplus |
|----------------|---------------------|----------------------|----------------|----------------|------------------|
| 8967.5831 | Westralian Centre | Expenditure Increase | 25,000 | 75,000 | 50,000 |

ABSOLUTE MAJORITY REQUIRED

Amended Motion AND COUNCIL DECISION

Moved: Cr Colin Cala

Seconded: Mayor Sue Doherty

That the Officer Recommendation be amended as follows in red:

That:

- the Council support in principle the Westralian Centre Concept to be located on the South Perth Foreshore **in accordance with the South Perth Foreshore Plan (the preferred location at this time being Node 9)**;
- the Council authorise the Chief Executive Officer to:
 - commence community and stakeholder consultation
 - commence investigations **and preparatory works** pertaining to statutory approvals and proposed operational management requirements for the Westralian Centre Concept
 - commission a business plan on the Westralian Centre Concept
 - investigate capital funding for the Westralian Centre Concept with public and private sources
- **Note that** a progress report on the business plan, community and stakeholder consultation, site and management investigations and **preparatory works** potential external capital funding sources will be

provided to Council by June 2017 for the purposes of an initial review before proceeding to any further stage of the Proposed Project and;

- the Council allocate an additional \$50,000 from municipal funds for the Westralian Centre Concept investigations and preparatory works with the following adjustment:

| Ledger Account | Account Description | Item Type | Current Budget | Amended Budget | Decrease Surplus |
|-----------------------|----------------------------|----------------------|-----------------------|-----------------------|-------------------------|
| 8967.5831 | Westralian Centre | Expenditure Increase | 25,000 | 75,000 | 50,000 |

- the Council resolution of this Item be no longer deemed confidential.

CARRIED (7/1)

Reasons for Amended Motion

- It is important that any proposal for the foreshore be clearly in accordance with the South Perth Foreshore Plan that has been adopted by the City after extensive consultation and therefore should form part of any motion.
- The Motion should be clear that the Project is only a proposal at this stage and following a review of the feedback from the community and investigations undertaken, a review will be undertaken before any endorsement is given by the Council.
- The Report can remain confidential if it is thought there are commercial in confidence issues, but I believe the Council Motion should be made public.

The Amendment then became the substantive.

COUNCIL DECISION

Moved: Cr Glenn Cridland

Seconded: Cr Jessica Black

That:

- the Council support in principle the Westralian Centre Concept to be located on the South Perth Foreshore in accordance with the South Perth Foreshore Plan (the preferred location at this time being Node 9);
- the Council authorise the Chief Executive Officer to:
 - commence community and stakeholder consultation
 - commence investigations pertaining to statutory approvals and proposed operational management requirements for the Westralian Centre Concept
 - commission a business plan on the Westralian Centre Concept
 - investigate capital funding for the Westralian Centre Concept with public and private sources
- a progress report on the business plan, community and stakeholder consultation, site and management investigations potential external capital funding sources will be provided to Council by June 2017 for the purposes of an initial review before proceeding to any further stage of the Proposed Project and;
- the Council allocate an additional \$50,000 from municipal funds for the Westralian Centre Concept investigations and preparatory works with the following adjustment:

| Ledger Account | Account Description | Item Type | Current Budget | Amended Budget | Decrease Surplus |
|----------------|---------------------|----------------------|----------------|----------------|------------------|
| 8967.5831 | Westralian Centre | Expenditure Increase | 25,000 | 75,000 | 50,000 |

- the Council resolution of this Item be no longer deemed confidential.

CARRIED (7/1)

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.19pm.

17. RECORD OF VOTING

7.1.1 Ordinary Council Meeting Held: 10 February 2017

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

7.2.1 Council Agenda Briefing - 21 February 2017

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

8.1 Petitions

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

8.4.1 WALGA South East Metropolitan Zone (SEMZ) Meeting held 6 December 2016 and State Council Meeting held 7 December 2016

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

9.1 En Bloc Motion

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

10.3.5 (Amendment) Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

10.3.5 Proposed Additions and Alterations (Two Storey) To Single House. Lot 54 No. 26 Brandon Street, South Perth

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

10.6.6 (Amendment) Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas

Against: Cr Glenn Cridland

Absent: Cr Fiona Reid

10.6.6 Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

10.6.8 Draft Bentley-Curtin Specialised Activity Centre Structure Plan - submission to the Western Australian Planning Commission

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

11.1 Requests for Leave of Absence

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

Motion to Close the Meeting to the Public

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

15.1.1 Audit, Risk and Governance Committee - External Membership

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

15.1.2 Property Committee - External Membership

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland

Absent: Cr Fiona Reid

15.1.3 (Amendment) The Westralian Centre

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Glenn Cridland

Against: Cr Ken Manolas

Absent: Cr Fiona Reid

15.1.3 The Westralian Centre

For: Mayor Sue Doherty, Cr Jessica Black, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Cheryle Irons, Cr Glenn Cridland

Against: Cr Ken Manolas

Absent: Cr Fiona Reid

DISCLAIMER

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

These Minutes were confirmed at a meeting on Tuesday 28 March 2017.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed