

# AGENDA.

## Ordinary Council Meeting

23 April 2019

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 23 April 2019 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

18 April 2019

# Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past, present and future.

## Our Guiding Values



## 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.

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# Ordinary Council Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

Councillor Glenn Cridland (19 April 2019 to 27 April 2019 inclusive)

## 5. DECLARATIONS OF INTEREST

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Answers to questions taken on notice at the Ordinary Council Meeting held 26 March 2019 can be found in the **Appendix** of this Agenda.

### 6.2 PUBLIC QUESTION TIME: 23 APRIL 2019

*The Presiding Member to invite those members of the public who submitted questions to read their questions.*

## 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 26 March 2019

##### **Officer Recommendation**

That the Minutes of the Ordinary Council Meeting held 26 March 2019 be taken as read and confirmed as a true and correct record.

## 7.2 CONCEPT BRIEFINGS

### 7.2.1 Council Agenda Briefing - 16 April 2019

Officers of the City presented background information and answered questions on Items to be considered at the 23 April 2019 Ordinary Council Meeting at the Council Agenda Briefing held 16 April 2019.

#### Attachments

7.2.1 (a): 16 April 2019 - Council Agenda Briefing Notes

### 7.2.2 Concept Briefings and Workshops

Officers of the City and or Consultants provided Councillors with an overview of the following matters at Concept Briefings and Workshops:

| Date          | Subject   |
|---------------|---|
| 12 March 2019 | Customer Service Briefing   |
| 25 March 2019 | Preston Street Scheme Amendment Briefing  |
| 2 April 2019  | Differential Rates and Budget Workshop 1  |
| 8 April 2019  | Community Needs Assessment Project, Senior Citizens Centres Management, Draft Community Recreation Facilities |
| 9 April 2019  | LGIS Briefing, Waste to Energy – John McNally, CEO Rivers Regional Council Briefing                           |
| 15 April 2019 | Construction Compliance Policy and Waste Management Plan  |

#### Attachments

Nil

#### Officer Recommendation

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Council Agenda Briefing - 16 April 2019
- 7.2.2 Concept Briefings and Workshops

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

Nil

### **8.3 DEPUTATIONS**

*Deputations were heard at the Council Agenda Briefing held 16 April 2019.*

### **8.4 COUNCIL DELEGATES REPORTS**

### **8.5 CONFERENCE DELEGATES REPORTS**

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Parking Restrictions in Stone, Stirling and Scott Streets, South Perth

|                       |   |
|-----------------------|---|
| Location:             | South Perth Peninsula   |
| Ward:                 | Mill Point Ward   |
| Applicant:            | City of South Perth   |
| File Ref:             | D-19-33889  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Mark Taylor, Director Infrastructure Services                     |
| Reporting Officer(s): | Mark Taylor, Director Infrastructure Services                     |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.1 Connected & Accessible City                                   |

#### Summary

This report provides comment in respect to a Notice of Motion presented by Cr Ken Manolas to the February 2019 Council meeting about amending recently introduced parking restrictions in Stone, Stirling and Scott Streets, South Perth, due to resident complaints.

#### Officer Recommendation

That the existing parking restrictions in Stone, Stirling and Scott Streets, South Perth, remain in place until the Parking Management Action Plan has been reviewed and considered by Council at the May 2019 meeting.

#### Background

Cr Manolas raised the matter of existing parking restrictions in Stone, Stirling and Scott Streets as a Notice of Motion (NoM) at the February 2019 Council meeting.

The reasons for the NoM are as follows:

*“I have emails from residents living in the peninsular concerned that 4 hour parking restrictions have been imposed and they have nowhere to park their car during the day and have been receiving parking infringements.*

*This applies whether they own their residence or are leasing (on a 12 month lease).*

*These people have not been even given any grace period to try to organise alternative arrangements. Many of the older units have only one car bay, with two people living in the unit with two cars and one car being parked on the street.*

*There are no financial implications as these streets do not have paid parking.*

*This is to give the people living in these streets a grace period to make other arrangements.”*



At its meeting held 26 February 2019, Council resolved as follows:

*That the Item relating to Notice of Motion – Councillor Ken Manolas – Parking Restriction Signs on Stone, Stirling and Scott Streets, South Perth be deferred to the March Council meeting to allow a further report to be submitted detailing the costs of installing new parking restriction signs in Stone, Stirling and Scott Streets stating ‘Starting 1<sup>st</sup> July 2019 4P 8am-6pm Monday to Friday parking restrictions will apply’*

### Comment

The comment provided on behalf of the Chief Executive Officer in response to the Notice of Motion is provided below:

*The City has provided extensive communication and stakeholder management with residents, businesses and the greater community related to parking over a four year period commencing in February 2015. Communication commenced prior to and in conjunction with the ‘Luxmoore Parking and Safety’ report of the 12 May 2016 on the City of South Perth Parking Strategy. This was followed by the ‘Cardno’ Parking Management Action Plan of the 10 February 2017, which was adopted by Council on 17 October 2017. More recently and prior to the change to parking in the South Perth precinct a Review and Parking Strategy Workshop of Councillors was conducted on 8 October 2018.*

*In addition, extensive communication and consultation has been conducted throughout the South Perth area over a number of months prior to the installation of the parking changes in general, and the installation of parking ticket machines.*

*These changes have been given an extensive grace period, and the City has worked with residents on only a handful of complaints. It is pleasing to report that the change has been fairly well received, and now it is only individuals who may not have taken the time to be informed and to make alternative arrangements. It is difficult to justify a further delay when more than adequate time has been given to individuals.*

*With regard to Stone, Stirling and Scott Streets, commuter parking was competing with residential parking needs however with the introduction of 4P parking in conjunction with marked dedicated bays it has now reduced commuter parking, lessened congestion and made parking for residents more available and in a safer environment.*

In addition to the CEO comment provided above, the City considers the current 4P 8.00am-6.00pm Monday to Friday restrictions for Stone, Stirling and Scott Streets provides sufficient flexibility for local residents to manage their cars, for the following reasons:

- Residents are able to park their cars in these streets all morning up until midday and then again from 2.00pm in the afternoon;
- Residents can also park their cars in these streets all weekend with no restriction;
- Available parking in these streets is not taken up by commuters allowing more availability for residents.

In conclusion, the City does not recommend amending the existing parking restrictions in Stone, Stirling and Scott Streets, even for a short period of time.

**Consultation**

Nil.

**Policy and Legislative Implications**

City of South Perth Parking Local Law 2017

City of South Perth - Parking Strategy 2016 – (Luxmoore Parking and Safety)

City of South Perth - Parking Management Action Plan 2017 (Cardno)

**Financial Implications**

If Council resolves to amend the parking controls in Stone, Stirling and Scott Streets, there are 25 parking signs that will require replacement. The City's estimate for the manufacture of new signs and the removal and replacement of the existing signs is \$50 per sign. The cost implication of such a resolution would therefore be \$1,250.

If Council, resolved to undertake the change for a set period of time and the pre-existing signs are to be reinstated upon its expiry, then the labour cost to reinstate the signs would be approximately \$900.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built & Natural)

Aspiration: Sustainable urban neighbourhoods

Outcome: Connected and accessible City

Strategy: Facilitate a safe, efficient and reliable transport network

**Supplementary Comments – 16 April 2019**

At its meeting held 26 March 2019, Council resolved as follows in respect to parking in the South Perth Station Precinct following another NoM from Cr Manolas:

*That the City reports and reviews at the May Ordinary Council Meeting on how the current Parking Management Plan can be improved before implementation in the South Perth Station Precinct.*

In view of that resolution, the City believes that the best way for Council to consider this matter is in context of the overall parking plan for the Precinct. A workshop will be held with Councillors to consider amendments in other areas of the Precinct. It is therefore recommended that no action is taken in respect to parking in Scott, Stirling or Scott Streets until the May Council meeting when the Parking Management Action Plan has been reviewed and can be considered in its entirety by Council.

**Attachments**

Nil

## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

### 10.1.1 eQuotes 3/2019 and 4/2019, City's Waste Management Program

|                       |   |
|-----------------------|---|
| Location:             | Not Applicable  |
| Ward:                 | All   |
| Applicant:            | City of South Perth   |
| File Reference:       | D-19-33890  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Jac Scott, Manager Business & Construction                        |
| Reporting Officer(s): | Mark Taylor, Director Infrastructure Services                     |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.4 Resource Management & Climate Change                          |

#### Summary

Two eQuotes have been sought under the WA Local Government Association (WALGA) Preferred Supply Panel for the City's waste management program. They are:

1. eQuote 3/2019 - Provision of Waste Management Services
2. eQuote 4/2019 – Receiving of Municipal Solid Waste Services

The report will outline the assessment process used during evaluation of the eQuotes received and recommends approval of the two eQuotes which provide the best value for money and level of service to the City.

#### Officer Recommendation

That Council:

- a. Approves the eQuote submitted by Cleanaway Pty Ltd for the Provision of Waste Management Services in accordance with WALGA Preferred Supply Panel eQuote 3/2019 for a period of 12 months (1 July 2019 to 30 June 2020) with a possible 12 month extension if required (1 July 2020 to 30 June 2021), at the sole discretion of the City;
- b. Approves the eQuote submitted by Cleanaway Pty Ltd for the Receiving of Municipal Solid Waste Services in accordance with WALGA Preferred Supply Panel eQuote 4/2019 for a period of two years (1 July 2019 to 30 June 2021 with a possible 12 month extension if required (1 July 2021 until 30 June 2022), at the sole discretion of the City; and
- c. Notes the estimated schedule of rates prices for eQuotes 3/2019 and 4/2019 will be included in the Ordinary Council Meeting Minutes.

#### Background

The City utilises contractors for the majority of its waste management program. This includes the collection of kerbside waste and recycling and the receiving of waste at an approved facility.

The City has utilised the services of Cleanaway Pty Ltd since June 2011 for the collection of household waste and processing of recycling. The removal of municipal solid waste is currently undertaken by Suez Recycling and Resource Pty Ltd.

### Comment

The City's Waste to Energy contracts are expected to commence in late 2021 with completion of the plant in Kwinana. This will have a significant impact on the required contractual services. It is therefore recommended that the City seek e-quotes under the WALGA Supply Panel for the interim until there is more certainty on the specific details of the Waste to Energy contract arrangements. This report seeks award of the short-term contracts.

Considering the short term contract period, the City accessed the eQuotes process that is offered by the WALGA Preferred Supply Panel. The eQuotes tool provides Local Government officers with direct access to pre-qualified suppliers relevant to the industry. This includes being able to view company profiles, insurances, pricing and contact details. Relevant contract information such as price schedules, contract summaries and conditions of contract are also available within eQuotes. It is a particularly suitable tool for short-term complex contracts of this nature.

The City has sought eQuotes for the following two services:

1. eQuote 3/2019 for the 'Provision of Waste Management Services' was sought on 1 March 2019 and closed at 3.00pm on 21 March 2019. eQuote 3/2019 was invited as a schedule of rates contract under the WALGA Preferred Supply Panel for a period of 12 months (1 July 2019 to 30 June 2020) with a possible 12 month extension if required (1 July 2020 to 30 June 2021), at the sole discretion of the City. The eQuote used the same specifications as per the City's current contracts listed below:
  - 7/2011(Collection of household refuse)  
Collect the "green top" general / municipal waste mobile garbage bins (MGB) from residential and commercial properties.
  - 16/2011 (Collection of recyclable material)  
Collect the "yellow top" recycling MGBs from residential properties each fortnight.
  - 17/2011 (Receival and processing of recyclable material)  
Involves the receival and processing of comingled recyclable waste into separate parts and then dispose any residual waste. The contractor is required to own and operate an accredited Materials Recovery Facility.
2. eQuote 4/2019 for the 'Receival of Municipal Solid Waste Services' was sought on 11 March 2019 and closed at 3.00pm on 21 March 2019. The Contractor shall receive all Municipal Solid Waste (MSW) delivered by or on behalf of the City to the Materials Receival Facility.

eQuote 4/2019 was invited as a Schedule of Rates contract for a period of two years (1 July 2019 to 30 June 2021 with a possible 12 month extension if required (1 July 2021 until 30 June 2022), at the sole discretion of the City.

At the close of the advertising period one submission was received for eQuote 3/2019 and two submissions were received for eQuote 4/2019 as tabled below:

TABLE A

|                          |
|--------------------------|
| eQuote 3/2019 Submission |
| Cleanaway Pty Ltd        |

TABLE B

|                                     |
|-------------------------------------|
| eQuote 4/2019 Submissions           |
| Cleanaway Pty Ltd                   |
| Suez Recycling and Resource Pty Ltd |

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

TABLE C - Qualitative Criteria

| Qualitative Criteria  | Weighting % |
|---|-------------|
| Compliance with the documents   | 10%         |
| Contractor's demonstrated capacity to successfully carry out the services | 10%         |
| Contractor's relevant past experience, corporate structure and personnel  | 30%         |
| Price   | 50%         |
| <b>Total</b>  | <b>100%</b> |

Based on the assessment of the submission received for eQuote 3/2019 - 'Provision of Waste Management Services', it is recommended that the tender submission from Cleanaway Pty Ltd be approved by Council.

Based on the assessment of the two submissions received for eQuote 4/2019 - 'Receival of Municipal Solid Waste', it is recommended that the tender submission from Cleanaway Pty Ltd be approved by Council.

More detailed information about the assessment process can be found in the recommendation reports – **Confidential Attachments (a) and (b)**.

### Consultation

Two eQuotes were invited in accordance with the *Local Government Act 1995*.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* requires a local government to call eQuotes 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 eQuotes must be called and accepted.

#### 10.1.1 eQuotes 3/2019 and 4/2019, City's Waste Management Program

The following Council Policies also apply:

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

#### Financial Implications

The full cost of the works is reflected in the draft 2019/2020 budget and will be considered in future budgets. An escalation clause has been written into each contract based on CPI after the first year.

The rates under consideration represent good value when benchmarked against market rates, and align with the City's forward forecasts.

#### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Environment (Built and Natural)  |
| Aspiration:          | Sustainable urban neighbourhoods                                       |
| Outcome:             | Resource management and climate change                                 |
| Strategy:            | Promote sustainable water, waste, land and energy management practices |

#### Attachments

- 10.1.1 (a): eQuote 3/2019 Recommendation Report (*Confidential*)
- 10.1.1 (b): eQuote 4/2019 Recommendation Report (*Confidential*)

## 10.1.2 Tender 17/2018 - Provision of Electrical and Refrigeration Services for Collier Park Village

|                       |   |
|-----------------------|---|
| Location:             | City of South Perth                                       |
| Ward:                 | Moresby Ward  |
| Applicant:            | Not Applicable  |
| File Reference:       | D-19-33891  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Genevieve Mack, Collier Park Village Coordinator          |
| Reporting Officer(s): | Vicki Lummer, Director Development and Community Services |
| Strategic Direction:  | Leadership: A visionary and influential local government  |
| Council Strategy:     | 4.3 Good Governance                                       |

### Summary

This report considers submissions received from the advertising of Tender 17/2018 Provision of Electrical and Refrigeration Services for Collier Park Village.

This report outlines the assessment process used during evaluation of the tenders received and recommends approval of the tender that provides the best value for money and level of service to the City of South Perth.

### Officer Recommendation

That Council:

- a. Accepts the tender submitted by Hoskins Investments Pty Ltd (ATF M R Hoskins Family Trust trading as AE Hoskins Building Services) for the Provision of Electrical and Refrigeration Services for Collier Park Village in accordance with Tender Number 17/2018 for the period of three (3) years with the option to extend for an additional two (2) years; and
- b. At the tender price included in **Confidential Attachment (a)**; and
- c. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

### Background

A Request for Tender (RFT) 17/2018 for the Provision of Electrical and Refrigeration Services for Collier Park Village was advertised in The West Australian newspaper on 1 December 2018 and closed at 2.00pm on 15 January 2019.

Tenders were invited as a Schedule of Rates Contract. The contract is for the period of three (3) years with the option to extend for an additional two (2) years.

The provision of electrical and refrigeration services within the Collier Park Village facilitates the planned, emergency and reactive maintenance services, of the City's infrastructure contained at the Collier Park Village, including 169 independent living units, Community Centre and Workshop.

The City typically incurs costs to the approximate value of \$120,000 annually in association with the procurement of these services. The estimated value of the



contract over a three year period is approximately \$608,525.85 and therefore requires the establishment of a service supply contract via public tender in compliance with the City's Policy P605 Purchasing and Management Practice M605 Procurement, Purchasing and Invoice Approval.

### Comment

At the close of the tender advertising period nine submissions had been received and these are tabled below:

TABLE A – Tender Submission

| Tender Submission   |
|---|
| 1. Air Torque Pty Ltd   |
| 2. AMS Installation & Maintenance Solutions Pty Ltd   |
| 3. Australian HVAC Services Pty Ltd   |
| 4. D&L Electrical and Air Pty Ltd   |
| 5. David Holden Pty Ltd (Trading As Holden's Electrical Contracting)                                  |
| 6. Heru Holdings Pty Ltd (Trading As Mechanical and Electrical Services)                              |
| 7. OBAN Group Pty Ltd   |
| 8. Otto Olivier Pty Ltd (Trading As AIRCO)  |
| 9. Hoskins Investments Pty Ltd (ATF M R Hoskins Family Trust Trading As AE Hoskins Building Services) |

During the initial tender compliance check, one tender was assessed as non-conforming and consequently did not proceed to qualitative assessment. The conforming tenders were subsequently assessed by an Evaluation Panel in accordance with the qualitative criteria detailed in the RFT. The qualitative criteria and relative weighting are described in Table B below.

TABLE B - Qualitative Criteria

| Qualitative Criteria                         | Weighting % |
|--|-------------|
| Relevant Experience of Company and Personnel | 40%         |
| Key Personnel, Skills and Resources          | 30%         |
| Demonstrated Understanding                   | 20%         |
| Price  | 10%         |
| <b>TOTAL</b>                                 | <b>100%</b> |

Based on the assessment of all submissions received for RFT 17/2018 Provision of Electrical and Refrigeration Services for Collier Park Village, it is recommended that the tender submission from Hoskins Investments Pty Ltd (ATF M R Hoskins Family Trust trading as AE Hoskins Building Services) be accepted by Council.

More detailed information about the 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 1995* 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*
- Policy P607 - *Tenders and Expressions of Interest*

### Financial Implications

Funding to facilitate the delivery of the works provided via this service contract are included in the Collier Park Village 2018/19 Operating Budget. Similar funding is anticipated for the period of the contract.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Leadership   |
| Aspiration:          | A visionary and influential local government                 |
| Outcome:             | Good governance  |
| Strategy:            | Empower effective and quality decision-making and governance |

### Attachments

- 10.1.2 (a):** RFT 17/2018 - Provision of Electrical and Refrigeration Services for Collier Park Village - Recommendation Report (*Confidential*)

### 10.1.3 Senior Citizen's Centres Management Model Review Project Report

|                       |   |
|-----------------------|---|
| Location:             | City of South Perth   |
| Ward:                 | All   |
| Applicant:            | Not Applicable  |
| File Ref:             | D-19-33893  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Patrick Quigley, Manager Community, Culture & Recreation    |
| Reporting Officer(s): | Vicki Lummer, Director Development and Community Services   |
| Strategic Direction:  | Community: A diverse, connected, safe and engaged community |
| Council Strategy:     | 1.1 Culture & Community                                     |

#### Summary

This report provides the outcome of the management model review project that was undertaken by the City on its Senior Citizen's Centres.

#### Officer Recommendation

That Council:

1. Approves the continuation of a shared management structure with the Manning Senior Citizen's Centre Association and South Perth Senior Citizen's Centre Association for their use of the respective Senior Citizen's Centres.
2. Approves a new lease to the Manning Senior Citizen's Centre Association for the property located at House Number 3, Downey Drive, Manning with the following terms:
  - a. A term of five years with a five year extension option;
  - b. Annual rental fee;
  - c. All utility costs to be the responsibility of the Manning Senior Citizen's Centre Association;
  - d. Subject to approval by the Minister for Lands; and
  - e. That authority be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the documentation to effect the lease.
3. Approves a new lease to the South Perth Senior Citizen's Centre Association for the property located at Lot 101, House Number 53, Coode Street, South Perth with the following terms:
  - a. A term of five years with a five year extension option;
  - b. Annual rental fee;
  - c. All utility costs to be the responsibility of the South Perth Senior Citizen's Centre Association; and

- d. That authority be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the documentation to effect the lease.

### Background

There are two Senior Citizen's Centres located within the City of South Perth, namely:

1. Manning Senior Citizen's Centre – 3 Downey Drive, Manning; and
2. South Perth Senior Citizen's Centre – 53 Coode Street, South Perth.

Previous Memorandums of Understanding (MOUs) Agreements existed between the City and the Senior Citizen's Centre Associations regarding their use of the Centres. These MOUs are now expired, so new tenancy agreements are required.

The existing management model of the Centres involves a shared management structure between the City and the Associations. In particular, the City is currently responsible for the staffing, majority of building costs and capital works projects; and the Associations are responsible for the volunteers, programs/services, venue hire and some operating costs. The Associations also retain all Centre income generated through hall hire, activities, events, podiatry/hairdresser/naturopath fees, membership fees and fundraising.

Between October 2018 and February 2019 the City consulted with the Management Committees from the respective Senior Citizen's Centre Associations on several occasions to undertake a management model review of the Centres. This project involved facilitating tours to nearby Senior Citizen's Centres to examine their management models; discussing the management model options available into the future; and discussing the draft terms and conditions that should be considered for inclusion in a future management agreement for the Centres. Following this process, both Associations provided feedback to the City of their preference for continuation of a shared centre management model with the City into the future; and for no fees and charges to be levied on the Associations for their use of the Centres.

### Comment

New tenancy agreements are required to be developed to define the roles and responsibilities of the City and the Associations regarding the future usage and management of the Centres. It is recommended that the agreements should be in a lease agreement format in the future rather than an MOU, as a lease is the appropriate format for a tenancy arrangement between two parties (note: the Minister for Lands will require a lease agreement be drawn up for the Manning Senior Citizen's Centre as it is located on crown land, so it is a requirement under the vesting order to the City).

In relation to the payment of fees and charges, there are four main options, as follows:

1. No fees and charges – the City could waive all fees and charges on the Associations during the tenancy period.

2. Low fees and charges– the City could levy a minimum amount of fees and charges, such as rent and reimbursement of utility costs (water, gas and electricity). These costs are estimated at \$26,000 - \$28,000/year per Centre.
3. Medium fees and charges - the City could levy a moderate amount of fees and charges, such as rent and reimbursement of utility costs (water, gas and electricity); cleaning costs; alarm/security costs; rubbish costs and bus costs. These costs are estimated at \$62,000 - \$71,000/year per Centre.
4. High fees and charges - the City could levy a high amount of fees and charges, such as rent and reimbursement of utility costs (water, gas and electricity); cleaning costs; alarm/security costs; rubbish costs; bus costs; ground maintenance costs and building maintenance costs. These costs are estimated at \$83,000 - \$102,000/year per Centre.

There are arguments for and against the City levying fees and charges on the Associations for their use of the Centres, which are summarised in the table below.

| <b>Levying Fees and Charges (For)</b>  | <b>Levying Fees and Charges (Against)</b>  |
|--|--|
| <p><b>Council Policy Requirement</b> - P609 'Management of City Property' states that annual rental fee payable for City leased facilities should be: <i>0.1% of the insured value of the facility (or a min of \$1,000).</i></p> <ul style="list-style-type: none"> <li>• <i>Manning - \$1,132,746 x 0.001 = \$1,132 rent per year.</i></li> <li>• <i>South Perth - \$909,272 x 0.001 = \$909 (\$1,000) rent per year.</i></li> </ul> | <p><b>Council Policy Requirement</b> - P609 also states '<i>The City may by resolution of Council grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the community of South Perth.</i>'</p> <p><i>Note: The Associations have requested a \$0 (peppercorn) annual rental fee being applied to the Centres in recognition of the benefits provided for seniors in the community.</i></p> |
| <p><b>City Objective</b> – Cost recovery is one of the facility management objectives of the City.</p>   | <p><b>Other City Objectives</b> – Cost recovery is not the sole objective. Other facility management objectives include: optimizing usage; meeting community need; promoting access and inclusion etc.</p>   |
| <p><b>Fairness and Equity</b> – Cost recovery is levied by the City on other local sporting and community groups, such as: rent; utilities (electricity/water/gas), telephone etc.</p>   | <p><b>Fairness and Equity</b> – if a higher amount of cost recovery was applied by the City, it would not be fair and equitable on the Associations.</p>   |

Capacity to Pay

Both Associations are currently financially sustainable, as indicated by the financial positions summary attached.

In considering all of the above, the City has concluded that it would be fair and reasonable to levy annual fees and charges on the Associations for their use of the Centres into the future; and that the fees and charges should be levied at the minimum level (namely rent and reimbursement of utility costs only) to acknowledge the significant community benefits provided by the Associations through their delivery of local seniors programs and services.

**Consultation**

The City has undertaken recent consultation with the Associations regarding the proposed levying of fees for their use of the Centres, and the Associations have provided the following feedback:

- Limited income generation opportunities.
- Provide ongoing community service that would otherwise have to be met by the City.
- No capacity to make large financial contribution to the City on an annual basis.
- Imposition of Council Rates would be unfair.
- Could make small financial contribution to the City at the end of each financial year (subject to profit/loss performance).
  - Manning – if net profit result at the end of any financial year is up to \$15,000, it will pay the City \$0. If net profit is more than \$15,000, it agrees to pay the City 50% of the profit exceeding this amount. For example, if the Association generates a net profit of \$20,000, it will pay \$2,500 to the City (i.e.  $\$20,000 - \$15,000 = \$5,000$ ;  $\times 50\% = \$2,500$ ).
  - South Perth – if the Association did not make a net profit, then no payment would be made. Is willing to provide a 25% share of its annual surplus to the City with a cap of \$7,500. For example, if the Association generates a net profit of \$20,000, it will pay \$5,000 to the City (i.e.  $\$20,000 \times 25\% = \$5,000$ ).

This management model review was also the subject of an elected member briefing workshop held 8 April 2019.

**Policy and Legislative Implications**

P609 Management of City Property

**Financial Implications**

The City's 2018/19 Operating Budget includes the following expenditure allocations for the Centres:

- Manning Senior Citizen's Centre - \$297,847; and
- South Perth Senior Citizen's Centre - \$359,068.

Some cost recovery from the Associations will benefit the City's 2019/20 Annual Budget.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

**10.1.3 (a):** Senior Citizen's Centres Management Model Review Project – Summary of Financial Positions (*Confidential*)

## 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

### 10.3.1 Proposed Temporary Public Car Parking Station at Lot (6, 53, 54, 56 & 58) No. 9 & 11 Harper Terrace, South Perth

|                       |   |
|-----------------------|---|
| Location:             | South Perth   |
| Ward:                 | Mill Point Ward   |
| Applicant:            | Element   |
| File Reference:       | D-19-33895  |
| DA Lodgement Date:    | 1 April 2019  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Laura Kelliher, Senior Statutory Planning Officer                 |
| Reporting Officer(s): | Vicki Lummer, Director Development and Community Services         |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.2 Sustainable Built Form  |

#### Summary

To consider an application for development approval for a Temporary Public Parking Station on Lots (6, 53, 54, 56 & 58) No. 9 & 11 Harper Terrace, South Perth. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|-------------------------------|
| Temporary Land Use                    | TPS6 clause 72                |

#### Officer Recommendation

That Council, pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, approves this application for development approval for a Temporary Public Parking Station on Lots (6, 53, 54, 56 & 58) No. 9 & 11 Harper Terrace, South Perth subject to:

1. The approval of the Parking Station is valid for a period of three years (36 months) from the date of this determination.
2. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
3. All temporary structures including the trolley bay, ticket machine, lighting, car bays, signage and landscaping are to be removed from the site in their entirety no later than 36 months from the date of this determination above.
4. Prior to the submission of a building permit or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
  - a. public safety and amenity;
  - b. site plan and security;

- c. contact details of essential site personnel, construction period and operating hours;
  - d. community information, consultation and complaints management Plan;
  - e. noise, vibration, air and dust management;
  - f. dilapidation reports of nearby properties;
  - g. traffic, access and parking management;
  - h. waste management;
  - i. earthworks, excavation, land retention/piling methods and associated matters;
  - j. stormwater and sediment control;
  - k. street tree management and protection;
  - l. asbestos removal management Plan; and/or
  - m. any other matter deemed relevant by the City.
5. The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.
  6. All stormwater from the property shall be discharged into soakwells or sumps located on the site unless otherwise approved by the City.
  7. Prior to the submission of a building permit application, the applicant shall supply certification confirming the design of all car parks and vehicle accessways are compliant with Australian Standards AS2890.1.
  8. Prior to the commencement of use, the applicant shall supply certification confirming the constructed design of all car parks and vehicle accessways are compliant with Australian Standards AS2890.1 and the approved plans.
  9. The car parking bays and access-ways shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.
  10. All landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
  11. Any lighting installed is to achieve compliance with *Australian Standard 4282 - 1997 - Control of the obtrusive effects of outdoor lighting*, to the satisfaction of the City.
  12. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City of South Perth.
  13. The crossing must be constructed in line with the City's crossing requirements, which are provided in the Management Practice M353 'Crossing Construction'. A crossing application must be submitted and approved by the City prior to construction. The crossing will be checked for compliance during and post construction. A crossing inspection fee is payable at the time of construction.
  14. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City of South Perth.



15. The property shall not be used for the approval hereby granted until an inspection has been carried out by the City of South Perth and the City of South Perth is satisfied that the conditions of development approval have been complied with.

#### Specific Advice Note

The applicant is advised that:

- (i) The City is planning the delivery of a major road improvement project for Harper Terrace in the next Financial Year and as part of this project the boundary line level for undeveloped properties will be set. As a result prior to any approved development taking place the applicant must contact Infrastructure Services to confirm the boundary line level that any future development will need to adhere to.

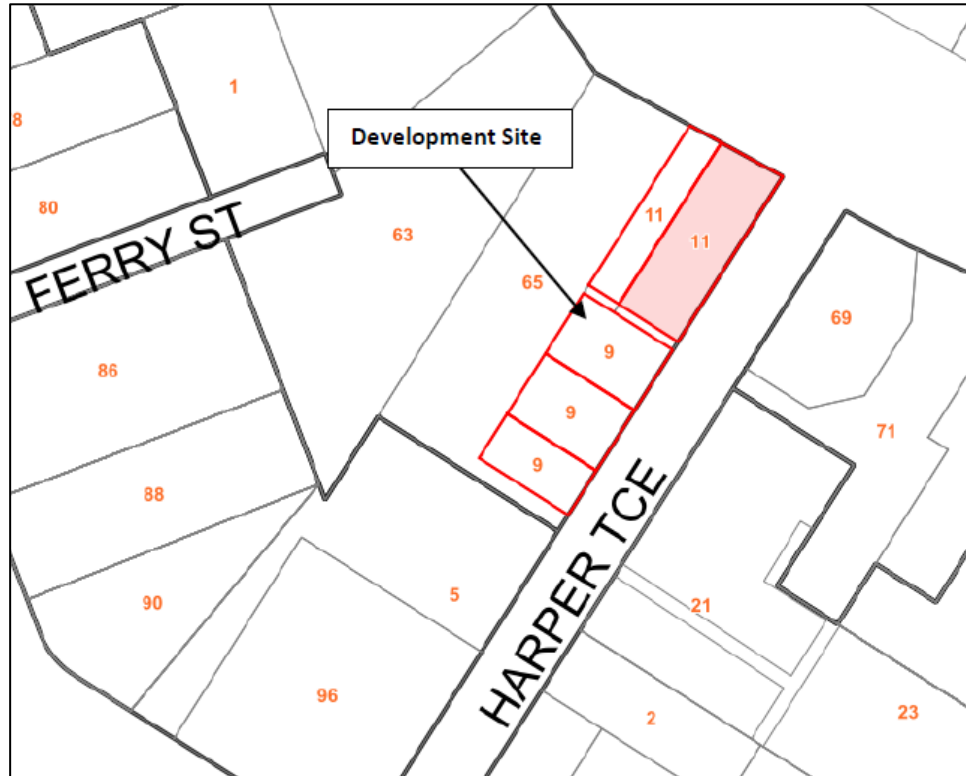
NOTE: City officers will include all other relevant advice notes on the recommendation letter.

#### Background

The development site details are as follows:

|                              |  |
|------------------------------|--|
| <b>Zoning</b>                | Residential (For Non Comprehensive New Development)<br><i>Note: located within Special Control Area 1 (SCA1)</i> |
| <b>Density coding</b>        | R80  |
| <b>Lot area</b>              | 1826 sq. metres  |
| <b>Building height limit</b> | Special Design Area  |
| <b>Development potential</b> | N/A  |
| <b>Plot ratio limit</b>      | N/A to this development  |

The location of the development site is shown below:



**Figure 1:** Development site

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. Developments involving the exercise of a discretionary power**

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

**Comment**

**(a) Background**

The application for the proposed Temporary Public Parking Station within the South Perth Station Precinct on Lots (6, 53, 54, 56 & 58) No. 9 & 11 Harper Terrace, South Perth was received by the City in December 2018. The site currently features a Single House, which is unoccupied, as depicted in the site photographs in **Attachment (c)**.

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

The Site has frontages to both South Perth Esplanade to the north and Harper Terrace to the east. The site is contained within the South Perth Station Precinct (Special Control Area 1) and is surrounded by high density residential dwellings, mixed use buildings and the Mends Street commercial precinct which is located approximately 110 metres to the south east of the subject site, see **Figure 2** below:



**Figure 2:** Aerial image of the subject site

In the past, part of this site has been used informally for car parking for workers relating to and site management for surrounding high rise development.

**(c) Description of the Proposal**

The proposal involves the creation of a public parking station at grade level with three (3) access points along Harper Terrace, comprising of 53 car parking bays, four (4) motorbike bays, landscaping, ticket machine, trolley bay, directional signage and lighting on Lots 6, 53 & 54 as depicted in the submitted site plan at **Attachment (a)**.

There are two existing crossovers to No. 9, both of which are proposed to be retained for the purposes of this application, the most southern of crossovers will be an 'exit only' and the most northern will be an 'entry only'. One additional crossover is proposed at No. 11 and this will also be an 'exit only' access point. While the existing on-street car bays need to be modified and adjusted slightly, the proposed access arrangements will allow for the retention of all existing four car bays which will be located between the 'entry only' crossover and the new additional 'exit only' crossover at No 11.

The public parking station is proposed to be open 24 hours a day to correspond with the nearby IGA hours of operation as the main patrons of the public parking station are intended to be IGA customers. While the parking station is primarily seen for the benefit of IGA customers, anyone will be free to use the parking station. It is likely that this public parking station will be operated by a private contractor. Further description of the proposal is contained within the applicant's supporting letter, **Attachment (b)**.

**(d) Scheme Provisions**

The site is zoned 'Residential R80' under the City's Town Planning Scheme No. 6 (TPS6) and is located within Special Control Area 1 (SCA1). The subject site is located within Precinct 15 – South Perth Station and falls under the Mends Sub-Precinct. Given the nature of this proposal the development is not considered a Comprehensive New Development and therefore the provision of Schedule 9A Special Control Area 1 do not apply.

While the proposed temporary public parking station is classified as discretionary under Element 1 of Schedule 9A, the proposed use is not permitted unless it satisfies Element 2 Guidance Statements a and b. As the proposal is not a Comprehensive New Development, the proposal is unable to address or be assessed against the requirements under Element 2 of Schedule 9A and therefore seeks temporary development approval under Clause 72 of the supplemental provisions to the deemed provisions in Schedule A of TPS6.

A 'Public Parking Station' is classified as an 'X' (Prohibited) land use in the Residential zone under Table 1 (Zoning – Land Use) and it is noted that it is a 'D' (discretionary) land use under Element 1: Land Uses – Preferred and Discretionary of Schedule 9A of TPS6.

In the case for temporary approvals, Clause 72 of TPS6 states as follows:

*'(1) Notwithstanding any other provision of the Scheme, the local government may grant development approval for land to be used temporarily for a purpose not otherwise permitted by the Scheme, provided that:*

- a) notice has been served in accordance with Deemed Provisions clause 64 advising of the nature of, and the time limitation on, the proposed use;*
- b) the local government is satisfied that the proposed temporary use will not have any adverse effect on the residents or amenity of the properties in the precinct; and*
- c) any proposed building to be erected or placed on the land is, in the opinion of the local government, of a temporary or transportable nature.'*

The proposed development satisfies the provisions, outlined above, in the following manner:

In relation to subclause (a): the City has carried out the required consultation and has received one formal submission outside of the consultation period; further details of this submission have been provided in the section below, 'Consultation'. The approval sought for the proposal is for a specific time period of five years as indicated in the applicant's supporting letter, **Attachment (b)**. The City does not support the proposed five year approval timeframe and instead considers a maximum period of three years to be appropriate. The reasons for this are discussed further in this report and the approval period will form a specific recommended condition of approval.

In relation to subclause (b): Noting the temporary use period of the proposed public parking station, the City's officers believe that the temporary use will not have an adverse effect on the residents or amenity of the properties in the precinct.

In relation to subclause (c): The approval is for the stated temporary use as a public parking station, and not for any other use. Upon the expiry of the period, a condition of approval requires the temporary use to be ceased and associated structures such as the proposed trolley bay, pay station, landscaping and car bays to be removed from the land.

In this circumstance, the temporary approval of these structures for a maximum period of three years is considered acceptable.

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

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

*(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 these matters, subject to the recommended conditions.

**(f) 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 matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:



| Matter  | Officer's Comment  |
|---|--|
| <p>(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i></p>  | <p>The development satisfies the requirements of Clause 72 of TPS6 as stated above.</p>  |
| <p>(m) <i>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;</i></p> | <p>As the proposal is not a comprehensive new development, it is therefore not reflective of the full potential under the current or proposed planning framework or consistent with existing surrounding development.</p> <p>However it is not reasonable to expect that every property will be developed to its maximum potential at the same time as each other. The proposed public parking station is an interim land use proposed with the only structures being a trolley bay and ticket machine.</p> <p>As there are no other structures proposed on site, there are no resultant impacts from height, overshadowing or building bulk to adjoining properties. The applicant has included some landscaping on the property to assist in providing a satisfactory level of visual amenity for the neighbouring property.</p> |
| <p>(n) <i>the amenity of the locality including the following –</i></p> <p>(i) <i>environmental impacts of the development;</i></p> <p>(ii) <i>the character of the locality;</i></p> <p>(iii) <i>social impacts of the development;</i></p>  | <p>It is noted that the existing amenity of this locality will change over the coming years as a result of ongoing development within the SCA1.</p> <p>The proposed development is considered to have a minimal impact on the amenity of the locality given the proposed temporary land use and temporary approval timeframe. The public parking station park has been proposed to provide additional car parking within the area to support nearby commercial uses while this</p>   |

| Matter   | Officer's Comment  |
|--|--|
|  | <p>special control area is undergoing transition.</p> <p>It is also noted that as the public parking station is open and at grade level, it is visible from surrounding properties and therefore afforded with good passive surveillance to ensure the risk of anti-social behaviour is minimised.</p> <p>Additionally any lighting provided in the public parking station is required to achieve compliance with Australian Standard 4282 - 1997 – Control of the obtrusive effects of outdoor lighting. The applicant has confirmed their agreement to this requirement and has included a notation relating to this on the site plan.</p> |
| <p>(s) <i>the adequacy of –</i></p> <p>(i) <i>the proposed means of access to and egress from the site; and</i></p> <p>(ii) <i>arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i></p> | <p>The City's Engineer has reviewed the plans and has confirmed that the proposed access and egress from the site is satisfactory and all car parking spaces are compliant.</p> <p>A planning condition has also been included requiring all car parking to comply with AS2890.1.</p>  |
| <p>(t) <i>the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</i></p>    | <p>The proposal has been reviewed by the City's Infrastructure Services department, who have confirmed that the surrounding road network can accommodate the extra vehicles resulting from the proposed development.</p>   |
| <p>(y) <i>any submissions received on the application;</i></p>   | <p>The submission received outside of the advertising period has been duly considered, as outlined in the 'Consultation' section of this report.</p>   |

## Consultation

### (g) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method advertising a temporary land use, individual property owners, occupiers and/or strata bodies, were invited by letter to inspect the proposal and provide comments during a minimum 28 day period (extended consultation period due to the Christmas period). All relevant materials were placed on the City's website for viewing by those interested. A total of 39 consultation notices were sent and no submissions were received during the consultation period. One submission was received outside of the consultation period, on 6 March 2019 raising objection to the application.

The comments from the submitter, together with officer responses are summarised below.

| Summary of Submitter's Comments  | Officer's Responses   |
|--|---|
| <p>Concerns that this proposal will cause the long term residents of South Perth Esplanade and surrounding residents have raised issues with this development and the area more generally regarding:</p> <ul style="list-style-type: none"> <li>• Traffic and car parking issues;</li> <li>• Noise, anti-social behaviour;</li> <li>• Environmental impacts, such as dirt, dust, unusable water supply, debris/materials;</li> </ul> <p>Concern that the proposed carpark has never been in any advertised Master Plan or component thereof over the entire period we have lived in the City. The proposed carpark is not in the current zoning nor has it ever been and do not support the car park being permitted under rezoning/amendments. Believes the temporary five (5) year</p> | <p>It is noted that the owners of the subject site are also long term landowners in the City for the last 20 years. As the proposal is for a temporary approval of a public parking station and not a comprehensive new development, the likelihood of any of these issues occurring are low. However to minimise and ensure measures are in place should any of these issues arise, a Construction Management Plan has been recommended as a condition of approval.</p> <p>'Public Parking Station' is a discretionary land use within the Mends Street Precinct of SCA1. The proposed development seeks temporary approval under Clause 72 of TPS6 and is not seeking to amend or rezone the property. The applicant has stated that the temporary approval is an interim land use until such time as the</p> |



|  |   |
|--|---|
| <p>approval sought is of no comfort and has concerns that this could be extended past five (5) years or become a permanent high rise car park.</p> <p>The car park is being promoted to service IGA customers which operates a 24 hour a day business, there is currently car parking available within the new building on Harper Terrace to service local business.</p> <p>A car park operating 24 hours a day will result in noise from traffic, invasion of privacy and light disturbance to the neighbouring residential properties.</p> <p>Questions how a car park fits within the City's green policy.</p> <p>Believes that the system is being abused and manipulated by 'stakeholders' determined to push</p> | <p>property owner is able to redevelop the land to its maximum potential. A condition of approval has been recommended for a maximum time period of three (3) years in lieu of the five (5) year approval sought.</p> <p>Any extension to that time period or amendment to the proposal would require a separate development application.</p> <p>While the primary user of the proposed public parking station is envisaged to be IGA customers, the parking station will be freely available for any other member of the public to use and it is considered that given its location, this may also be utilised by those who use the ferry to get to the City. It is acknowledged that there is existing car parking available within the new building on Harper Terrace, however this proposal is seen as additional car parking for residents and visitors of South Perth to utilise.</p> <p>It is not anticipated that there would be a high volume of cars which would use this parking station at night, therefore noise generated from the parking station is considered to be low. Additionally, light spill from headlights of a vehicle is expected to be minimal and not result in a detrimental impact on the adjoining residential properties.</p> <p>The proposed public parking station is proposed on an existing brownfield site, which is also proposing to retain existing vegetation where possible.</p> |
|--|---|

|   |  |
|---|--|
| their agenda through to the detriment of local residents. | Each development application submitted to the City of South Perth is considered on a case by case basis against the City's planning framework. |
|---|--|

The applicant has also provided a response to the submission which can be found at **Attachment (d)**

(h) **Other City Departments**

Engineering Infrastructure

The application was referred to the City's Engineering Infrastructure department. Comments were received in respect to parking on site, existing on street parking, vehicle access, crossover location, sightlines and draining. Further comments were received from this department after review of the amended site plan. This department is supportive of the proposal subject to appropriate planning conditions being imposed. The applicant has been informed of the City's planned works to the verge levels and the need for the car park to be raised to match the top of the kerb levels. The applicant has confirmed they agree to this requirement by submitting an amended plan with a notation reflective of this.

Network Operations

The application was referred to the City's Network Operations department for comment on traffic impacts relating to the proposed development. The response from Network Operations on the amended plan is that the roads within the vicinity would have the capacity to accommodate the extra number of vehicles. While supportive of the proposal, this is on the basis of a maximum three year approval time period so as to not impact negatively on the City's Car Parking Strategy which provides a strategic citywide parking framework for the next 15 years. This Parking Strategy was endorsed by Council in May 2016 and a main focus of which is to provide efficient and effective alternatives to car access within the City. To do so the City needs to promote high quality public transport as alternatives to car parking and ensure that an adequate parking supply is provided but not an oversupply of car parking.

It is for these reasons that the City's Infrastructure department recommends a maximum three year period as being more appropriate as this timeframe would provide additional short term car parking in the area for residents and visitors while the City begins implementing the recommendations of the car parking strategy, with a view to managing car parking in the medium to long term.

An advice note has been recommended by this department to be included which reads as follows:

*'The City is planning the delivery of a major road improvement project for Harper Terrace in the next Financial Year and as part of this project the boundary line level for undeveloped properties will be set. As a result prior to any approved development taking place the applicant must contact Infrastructure Services to confirm the boundary line level that any future development will need to adhere to.'*

The applicant has confirmed that they are aware and agree to this requirement.

### **Policy and Legislative Implications**

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

### **Financial Implications**

This determination has negligible financial implications.

### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods  
Outcome: 3.2 Sustainable built form  
Strategy: (A) Develop a local planning framework to meet current and future community needs and legislative requirements

### **Sustainability Implications**

This determination has negligible sustainability implications.

### **Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and the streetscape. The provision on site for at grade public parking will provide a benefit for the community within the Peninsula area. The site has potential for more intense development and therefore notwithstanding this benefit it is recommended that the approval be limited for a temporary period of no more than three years. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

### **Attachments**

- 10.3.1 (a): Site Plan - 9 & 11 Harper Terrace
- 10.3.1 (b): Applicant's Supporting Letter
- 10.3.1 (c): Site Photos

**10.3.1 Proposed Temporary Public Car Parking Station at Lot (6, 53, 54, 56 & 58) No. 9 & 11 Harper Terrace, South Perth**

**10.3.1 (d):** Summary of submission and applicant's response - 9 & 11 Harper Terrace

### 10.3.2 City of Melville's Proposed Modifications to the Canning Bridge Activity Centre Plan

|                       |   |
|-----------------------|---|
| Location:             | City of South Perth   |
| Ward:                 | Como, Moresby and Manning Wards                                   |
| Applicant:            | Council   |
| File Ref:             | D-19-33898  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Scott Price, Statutory Planning Officer                           |
| Reporting Officer(s): | Vicki Lummer, Director Development and Community Services         |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.2 Sustainable Built Form  |

#### Summary

The City of Melville has proposed amendments to the Canning Bridge Activity Centre Plan (CBACP) relating to the land within the H4 zone of the plan located in the City of Melville. The amendments proposed by the City of Melville, whilst not impacting land within the City of South Perth, require the submission of a report to the Western Australian Planning Commission (WAPC) from each local government affected by the Activity Centre Plan, pursuant to Regulation 36 of the Deemed Provisions. This report must provide a recommendation to the WAPC on whether the proposed modifications by the City of Melville should be approved. This report outlines the City of Melville's proposed amendments to the CBACP and recommends that Council advises the WAPC that the amendments should be approved.

#### Officer Recommendation

That Council:

1. Support the amendment report relating to the review of the Canning Bridge Activity Centre Plan H4 zoned areas of Kintail (Q1) and Ogilvie (Q2) prepared by the City of Melville included at **Attachment (a)**.
2. Recommend to the Western Australian Planning Commission in accordance with Schedule 2, Part 5, Clause 36(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 to approve the amendments to the Canning Bridge Activity Centre Plan as detailed in the amendment report prepared by the City of Melville included at **Attachment (a)**.
3. Advise the City of Melville of Council's resolution outlined in Points 1 and 2.

#### Background

The Canning Bridge Activity Centre Plan (CBACP) has been prepared in conjunction with the City of South Perth and City of Melville to provide guidance for development of the Canning Bridge Activity Centre Plan area. This area is recognised as an 'activity centre' under the Western Australian Planning Commission's State Planning Policy 4.2: Activity Centres for Perth and Peel.

The activity centre area comprises the walkable catchment of the Canning Bridge bus and rail interchange and includes land within the City of South Perth and the City of Melville.

The CBACP was developed over a number of years (2010 to 2015) and endorsed by the WAPC, with modifications, on 19 December 2015. The Minister for Planning approved the document subject to minor modifications in April 2016. The CBACP became operational in the City of Melville upon this approval, and operational within the City of South Perth following the gazettal of Amendment No. 47 in February 2017.

#### Previous minor review by City of Melville

Following the gazettal of the CBACP the City of Melville undertook a review of the plan and proposed a number of technical and administrative amendments, which were approved by the WAPC in June 2018. A summary of these technical amendments are listed below:

- Addition of ground floor preferred uses and removal of 'Corner Store' and 'Convenience Store' as preferred uses in H4 and H8 zones.
- Addition of provision to consider the height of the building and the impact that it may have on adjacent properties as forming part of the Desired Outcome assessment for 'Heights.'
- Addition of wording within the Desired Outcome provisions for 'Side and Rear Setbacks' to consider amenity impacts, specifically overlooking and overshadowing, when assessing variations.

A full schedule of these previously proposed amendments is within the Ordinary Council Meeting minutes for 24 April 2018 (refer item 10.3.3).

#### Current review by the City of South Perth

The City of South Perth is in the process of reviewing the CBACP for the areas of the plan within the City's local government boundary (Q3, Q4 & Q5). At its meeting held 28 August 2018, Council resolved to initiate a review of the CBACP that considered any deficiencies in the plan, focusing on the following matters:

- Overlooking in the H4 and H8 zones;
- Access to direct sunlight for adjacent properties;
- Lack of guidance in the application of discretion for certain matters;
- Potential lack of landscaping in side and rear setback areas;
- The reasonableness of sustainability requirements for smaller developments;
- The zoning of existing commercial properties on Ley Street;
- Potential issues with mandatory podium requirements; and
- Potential issues associated with parking management.

Preliminary consultation exercises are currently underway with a report to Council recommending any modifications to the CBACP expected in mid-2019.

#### City of Melville - Review of H4 areas of the Canning Bridge Activity Centre

In July 2018 the City of Melville resolved to commence public consultation on proposed amendments to the CBACP relating to building height, mezzanine levels, the permissibility of single dwellings, solar access/overshadowing and minimum lot sizes for buildings of certain sizes on land within the H4 zone under the plan.

As per the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), consultation was undertaken with affected landowners (including those on adjacent lots outside the plan area). At the conclusion of the consultation period, 87 submissions had been received.

At its meeting held 19 March 2019, the City of Melville resolved to support the proposed amendments, subject to modifications as a result of the outcomes of the community consultation. The amendments, as modified and endorsed by the City of Melville are discussed in the 'Comment' section of this report. The resolution of the City of Melville is included in this report at **Attachment (a)**.

As the CBACP includes land within both the City of Melville and the City of South Perth, the Department of Planning, Lands and Heritage (DPLH) have previously advised in March 2018 that both local governments should prepare a report in accordance with Schedule 2, Part 5, Clause 36(1) of the Regulations whenever an amendment is proposed to the CBACP.

### Comment

The abovementioned report should cover the following matters as listed in Schedule 2, Part 5, Clause 36(2) of the Regulations:

- (a) a list of the submissions considered by the local government, including if relevant, any submissions received on a proposed modification to the activity centre plan advertised under clause 35(2);
- (b) any comments by the local government in respect of those submissions;
- (c) a schedule of any proposed modifications to address issues raised in the submissions;
- (d) the local government's assessment of the proposal based on appropriate planning principles;
- (e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

As the proposed amendments do not have an impact on land within the City of South Perth, the City did not advertise the proposed amendments (refer to consultation section for further detail). Therefore, the report from the City need only consider the last two points.

#### Assessment of the proposed amendments to CBACP (Review of H4 areas)

The amendments proposed by the City of Melville, along with comments from officers of the City of South Perth are included in the below table. The proposed amendments to the plan provisions relate specifically to the H4 zone within the City of Melville only (Q1 and Q2 of the CBACP). A full copy of the review report produced by the City of Melville is included at **Attachment (a)**.



| # | Proposed Modification   | City's Comment   |
|---|---|--|
| 1 | Exempting any open roofed structure proposed in Q1 or Q2 designed in a manner in which it is open on three sides and does not exceed 3.0 metres in height as forming part of the overall building height.   | The amendment clarifies that a roof structure (a structure open on three sides) with a maximum height of 3 metres is not considered to form part of overall building height. This modification will encourage incorporation of shade structures on building roofs, resulting in greater use of these spaces for outdoor living.  |
| 2 | Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall have a minimum 6 metre setback to street boundaries, and an additional setback distance of at least 2.5 metres from the building edge to side and rear boundaries.   | As above, the proposed amendment provides further provision for roof structures and addresses the objective of limiting the number of storeys of a building viewed from ground level. The setback distances will diminish the view of these roof structures from adjoining sites and the street.   |
| 3 | Introduction of provisions that provide minimum setback distances for visual privacy for development within the H4 zone (Q1 & Q2). These provisions require windows, balconies and accessible roof spaces to be provided with separation distance to the side and rear boundaries for visual privacy or otherwise be screened. The amendment proposes a minimum 4.5m separation distance from a bedroom, study, living area or open access walkway and 6m minimum separation from a balcony or accessible roof area. The setback distances are similar to the R-Codes (the setback for bedrooms under the R-Codes is 3.0m). | The amendment seeks to address visual privacy concerns by requiring openings and balconies to be set back further from boundaries than otherwise required under the plan (typically 3-4m for most buildings). This is likely to further restrict development in the H4 zone and may have very limited impact in addressing the issue given the setback distances proposed. Notwithstanding, the amendment is an attempt to resolve a clear community concern with the CBACP. The City will be considering the best approach to deal with visual privacy concerns as part of its current review (Q3, Q4, Q5). At this stage it is not known what approach the City will take and further investigation is required. |
| 4 | Mezzanine floor levels excluded from constituting a 'storey' under the building height criteria.  | The CBACP expresses height limits in both storeys and meters. The amendment explicitly excludes mezzanine levels from forming part of a storey. Development irrespective of the number of mezzanines/storeys would still need to comply with the overall height limit expressed in meters. The amendment will not modify the possible overall building envelope.   |

|   |   |   |
|---|---|---|
| 5 | Relaxation of controls for purposes of single dwelling proposals within the H4 zone (Q1 & Q2) on the basis that the desired outcomes of Element 5 – Side and rear setbacks, Element 11 – Sustainability, and Element 13 – Adaptability, are adequately satisfied. Single House dwellings will remain a discretionary use, however the decision maker may approve such a development if it can be demonstrated that (a) the dwelling is a minimum of two storeys in height, and (b) can be converted to a more intensive development at a later stage. | The CBACP encourages development that reflects the objectives of the plan; that is, at an intensity to support use of the existing transport infrastructure and the creation of a vibrant activity centre. Lower density Single Houses may be considered incompatible with these objectives. However in the short-term and as the area transitions, Single House developments may provide a suitable interim development form. The amendment makes it clear that a Single House may be supported in instances where the intensity and/or adaptability of the building does not prejudice the ability for land to be more intensely developed in the future. |
| 6 | Development of 4 storey and 16m high buildings within Q1 and Q2 of the H4 Zone shall be restricted to sites that achieve a minimum 25 metre continuous street frontage and a minimum lot size of 1,200 square metres. Sites not achieving these requirements are restricted to a development height of three storeys and 12 metres.   | Restricting development of 4 storeys and 16m building height limit within Q1 and Q2 of the H4 zone to lots with a minimum frontage of 25m and minimum lot size of 1200m <sup>2</sup> is likely to encourage lot amalgamation. The amendment will reduce the development potential of narrow lots. However the amendment may result in developments on larger, wider lots which may result in wider, bulkier buildings. Despite this potential implication, this modification provides an acceptable response to managing transition in built form between properties by limiting the scale of buildings on smaller sites.                                   |
| 7 | Increasing the setback requirement of any third and fourth storey on a site in Q1 and Q2 to a minimum of 8m from a boundary to a lot <i>outside</i> the CBACP area to lessen overshadowing impacts.   | The amendment seeks to ensure generous separation between buildings subject to the plan and buildings on land adjacent, which may have significantly less development potential. The modification will assist in alleviating the impact of overshadowing between properties and provide transition at the edge of the activity centre.  |

The amendments to the CBACP ultimately do not affect land within the City of South Perth and while considered to be generally more restrictive on development compared to the current plan, are not considered to conflict with the objectives of the CBACP overall. It is considered that the proposed amendments will assist in reducing the impacts of bulk, overlooking and overshadowing on adjacent properties. For that reason the amendments to the CBACP are recommended to be supported.

### Consultation

The City is not required to advertise an amendment to an Activity Centre Plan if, in the opinion of the City, the amendment is of a minor nature as set out in Schedule 2, Part 5, Clause 45(3) of the Regulations. Given the modifications proposed to the CBACP only affect land within the City of Melville, the City considers advertisement of the proposed amendments to owners and occupiers within the City of South Perth to be unnecessary. This approach is consistent with the City's decision not to undertake public advertisement for amendments proposed to the CBACP by the City of Melville in March 2018.

### Policy and Legislative Implications

The processes relating to adopting and modifying activity centre plans are outlined in Part 5 of the Deemed Provisions. This report and the associated recommendations are required in accordance with Regulation 36 of the Deemed Provisions.

### Financial Implications

Nil

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Environment (Built and Natural)  |
| Aspiration:          | Sustainable urban neighbourhoods   |
| Outcome:             | 3.2 Sustainable built form   |
| Strategy:            | (A) Develop a local planning framework to meet current and future community needs and legislative requirements |

### Attachments

- 10.3.2 (a):** Ordinary Meeting of Council - 19 March 2019 - City of Melville - Minutes
- 10.3.2 (b):** City of Melville H4 Amendments Report Letter to WAPC

### 10.3.3 Clontarf Waterford Salter Point Foreshore Masterplan

|                       |   |
|-----------------------|---|
| Location:             | City of South Perth   |
| Ward:                 | Manning   |
| Applicant:            | Council   |
| File Ref:             | D-19-33901  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Yulia Volobeuva, City Environment Coordinator                     |
| Reporting Officer(s): | Mark Taylor, Director Infrastructure Services                     |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.3 Enhanced Environment & Open Spaces                            |

#### Summary

This report outlines the Clontarf Waterford Salter Point Foreshore Masterplan's series of management strategies for the whole foreshore and individual precincts, developed in consultation with internal and external stakeholders over 18 months.

#### Officer Recommendation

That Council adopts the Clontarf Waterford Salter Point Foreshore Masterplan.

#### Background

The City has in place a number of management plans across the Clontarf Waterford Salter Point Foreshore (Masterplan), and has been implementing numerous projects throughout this foreshore. The City however has recognised that in order to improve the foreshore in a holistic, sustainable and effective manner, that undertaking stand-alone projects is not a logical or cost effective way going forward.

In response to this need, a Masterplan for the Clontarf Waterford Salter Point Foreshore has been developed to drive effective coordination of investment and implementation of foreshore improvements, by synthesising all current work, community and stakeholder aspirations into a single document. This strategic document provides an integrated approach to project delivery across the foreshore into the future. It identifies the most appropriate combination of uses for the foreshore, while maintaining and preserving the environmental and heritage values of the area and its surrounds.

The Masterplan includes a series of management strategies that, due to the size of the foreshore, have been broken down into two inter-related approaches based on strategic 'themes' and geographical areas:

1. Whole of Foreshore strategies that apply to the whole foreshore area and intend to provide consistency in approach and delivery across all precincts.
2. Precinct strategies that are individual to each precinct area and are intended to address local needs and drive local identity.

The Masterplan has been designed around four precincts and four key themes:

- Precinct 1: Clontarf and Andrew Thomson Conservation Reserve
- Precinct 2: Bodkin Park
- Precinct 3: Sandon Park
- Precinct 4: Salter Point Reserve to Redmond Reserve

The four key themes are:

- Environment
- Culture and Heritage
- Access and Movement
- Recreation

There are 53 individual strategies that have been identified as relevant to the whole of the Masterplan and a number of key initiatives have been established to support the precinct strategies.

### Comment

To inform the Masterplan, the City embarked on a significant campaign of community and stakeholder consultation and engagement. The consultation was essential in developing a Masterplan that is comprehensive, robust and considerate of a broad range of ideas and community views.

Throughout the consultation and development process, respondents overwhelmingly reinforced that the following core principles need to be incorporated into the Masterplan:

1. Preservation of the natural environment
2. Protecting and enhancing the physical and visual connections to the Canning River
3. Maintaining and enriching character of 'the place'.

Whilst there was overall strong agreement on the core principles to guide future development and management of the foreshore, there was significant variance of opinion on how best to achieve the objectives. In response to this, the Masterplan targets a balanced middle ground, embracing best practice, embedded flexibility, and wherever possible, light but decisive interventions. In finalising the consultation for the Masterplan, internal and external stakeholders were provided the opportunity to comment on the draft version.

The City is now seeking Council adoption of the Masterplan. Following its adoption the City will commence planning for the implementation of the priorities for the project deliverables.

### Consultation

Prior to consulting with stakeholders and the community, the City's appointed consultancy (URBIS) completed a desk top review of previous studies, relevant literature and records of previous stakeholder engagement to form an overview of the likely issues and opportunities within the Masterplan area. A workshop was then held with City officers to build upon the initial review by providing additional depth and perspective. More than 30 officers from a broad range of managerial and operational roles contributed their collective knowledge and experience to this initial review.

The City of South Perth publicly launched the Masterplan project online in October 2017. Information about the project was published on the City's website and a consultation hub was established via the City's 'Your Say South Perth' platform. 'Your Say South Perth' presented project news, maps and technical reports. It also provided links to fly-through videos of the Masterplan area and a detailed public survey.

The online survey was held over five weeks to 4 December 2017. Respondents were asked to rate and add to a range of factors under the three key themes in terms of importance and priority for future planning. Other information including areas most visited and demographic data was collected. Comments were invited so that respondents could share hopes and ideas for the Masterplan area in their own words.

The survey was completed by 172 people, of which 148 visit the foreshore at least weekly. The most popular areas visited were Precinct 3: 'Sandon Park' followed by Precinct 4: 'Salter Point Reserve to Redmond Reserve'. Other consultation opportunities were provided at a community open day in November 2017, plus a community information session held in February 2018 and the second online survey.

In addition to consultation with the general public, interviews and meetings with key institutional and community stakeholders were held to collect input from groups with special interests in the Masterplan. These included government agencies with statutory roles in managing the area as well as community members representing groups with recreational, environmental or cultural interests.

The outcomes of the community consultation and stakeholder engagement process led to the identification of key themes that were highly favoured in the consultation feedback responses under the three identified categories ('natural environment', 'recreation and activities' and 'facilities and services').

Additionally, the consultation process raised some generalised and recurrent points that were pertinent to the Masterplan, including the following:

- A need for greater consideration for a sense of history, continuity and cohesion in strategic planning and management across all three categories;
- Consideration and fostering of people's personal emotional connections with the river and surrounds in establishing the strategic direction of the Masterplan;
- Strong support for finding ways to capture the environmental, social and cultural history via appropriate interpretive signage, and the use of community events and new technology to creatively communicate the Masterplan's heritage.

### 10.3.3 Clontarf Waterford Salter Point Foreshore Masterplan

These main points and several others have been incorporated into a number of project deliverables that will be incorporated into short and long term actions to guide future projects and financial planning.

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

The Masterplan will become the key strategy document for the City's management of the river foreshore from Clontarf to Salter Point.

#### **Financial Implications**

Following Council adoption of the Masterplan, City budgets in the following 10-20 years will be reviewed to accommodate the implementation of the strategies.

#### **Strategic Implications**

This matter relates to the following Strategic Direction identified within the [Strategic Community Plan 2017-2027](#):

|                      |   |
|----------------------|---|
| Strategic Direction: | Environment (Built and Natural)   |
| Aspiration:          | Sustainable urban neighbourhoods  |
| Outcome:             | Enhanced environment and open spaces  |
| Strategy:            | Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores |

#### **Attachments**

10.3.3 (a): Clontarf Waterford Salter Point Masterplan



### 10.3.4 Consent to Advertise - Draft Local Planning Policy P321 'South Perth Activity Centre Competitive Design Policy'

|                       |   |
|-----------------------|---|
| Location:             | South Perth Activity Centre                                       |
| Ward:                 | Mill Point Ward   |
| Applicant:            | Not Applicable  |
| File Ref:             | D-19-33904  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Elyse Maketic, Manager Strategic Planning                         |
| Reporting Officer(s): | Vicki Lummer, Director Development and Community Services         |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.2 Sustainable Built Form  |

#### Summary

This report provides an overview of the draft South Perth Activity Centre Competitive Design Policy. Undertaking a Competitive Design Process is a necessary requirement for seeking the highest level of discretion available under proposed Schedule 9B of Town Planning Scheme No. 6 (proposed to be introduced as part of amendment No. 61). The draft policy sets out the processes and requirements for undertaking a competitive design process in order to assist in satisfying the applicable design quality criteria. It is recommended that that Council consent to publically advertise the policy. The advertising will be undertaken in conjunction with the advertising of the South Perth Activity Centre Plan and associated amendment No. 61.

#### Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Consents to public advertising of draft local planning policy P321 – ‘South Perth Activity Centre Competitive Design Policy’ as set out in **Attachment (a)** for a period of not less than twenty one (21) days in accordance with P301 – ‘Community Engagement in Planning Proposals’, and in conjunction with the advertising of the South Perth Activity Centre Plan and Amendment No. 61 to Town Planning Scheme No. 6; and
2. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

#### Background

Council resolved to publically advertise the draft South Perth Activity Centre Plan (SPACP) and associated amendment No. 61 to Town Planning Scheme No. 6 (amendment No. 61) at a Special Meeting of Council held 6 March 2019. Amendment No. 61 proposes to introduce a new schedule 9B into the scheme, which includes the key built form criteria applicable to the SPACP area.

Proposed Schedule 9B includes a tiered system of building height and plot ratio limits. These requirements are intended to control the size of buildings, while also allowing for flexibility in response to individual site conditions and to promote variety in built form. Building height and plot ratio in the ACP area are controlled via a system of typologies (low, low-medium, medium, medium-high and high). Each typology has a system of 2 tiers (base and tier 1) which prescribe building height, plot ratio and tower gross floorplate area limits. The medium, medium-high and high typologies have an additional tier (tier 2) which is available on certain sites.

The tiered system is explained in the table below:

|               |  |
|---------------|--|
| <b>Base</b>   | Base limits (or as of right) apply to all properties within the ACP Area.  |
| <b>Tier 1</b> | All sites in the ACP area are able to be developed up to the applicable Tier 1 limits for height, plot ratio and tower gross floorplate area. Development may be approved up to these limits subject to: <ul style="list-style-type: none"> <li>• Satisfying all of the 'approval for additional development potential' and 'design quality' criteria contained in Elements 7 and 8 of Schedule 9B, including achieving design excellence; and</li> <li>• Not exceeding the applicable tower floorplate limit</li> </ul>   |
| <b>Tier 2</b> | Certain sites within the ACP area may be subject to further height and plot ratio bonuses. To develop at a building height and plot ratio greater than the Tier 1 limit development must: <ul style="list-style-type: none"> <li>• Be eligible for Tier 2 development bonuses as per Map 2 of Schedule 9B);</li> <li>• Satisfy all of the 'additional development potential' and 'design quality' criteria contained in Elements 7 and 8 of Schedule 9B, including achieving exemplary design and undertaking a competitive design process; and</li> <li>• Not exceed the applicable tower floorplate limit</li> </ul> |

The design quality criteria contained in Element 7 of Schedule 9B have been designed to become more stringent as discretion being sought becomes greater. Provision 5, Element 7.3 of proposed Schedule 9B specifies that any development seeking building height and/or plot ratio above the applicable tier 1 building height and/or plot limits is required to undertake a competitive design process in accordance with the relevant Policy of the City and achieve an exemplary standard of architectural design quality. In determining whether this clause is met the responsible authority is to have due regard to the outcomes of the competitive design process.

The purpose of the draft policy is to establish the processes an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process.

### Comment

The draft Policy has been modelled on the City of Sydney's competitive design policy and adapted to suit the City's and Western Australian planning framework. The Policy will apply to all development in the South Perth Activity Centre Plan area seeking building height and/or plot ratio in excess of the applicable tier 1 building height and/or plot ratio limits specified in proposed Schedule 9B. The objectives of the Policy are to:

- i. Establish the steps an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process
- ii. Ensure that the competitive design process works within the framework of an approved Design Excellence Strategy
- iii. Establish a competitive design process brief that ensures:
  - a. the design quality requirements of the Scheme and South Perth Activity Centre Plan are balanced with the developer's objectives; and
  - b. procedural fairness for competitors.
- iv. Set out the different requirements for architectural design competitions and alternative competitive design processes
- v. Detail the approach for assessment, decision-making and dispute resolution within the competitive design process
- vi. Ensure that design excellence integrity is continued into detailed development proposals.

The Policy Statement is split into five sections to achieve these objectives, which are summarised below.

#### *1.0 Demonstrating a Competitive Design Process*

This section outlines the types of competitive design process that can be undertaken, when a competitive design process is to be undertaken and requirements for competitors. This section includes the following provisions:

- The three types of competitive design process; an 'open' architectural design competition, an 'invited architectural design competition, or an 'invited' competitive design alternative process;
- The competitive design process is to be undertaken prior to the preparation and submission of a development application;
- Each competitor must be a person, corporation or firm registered and/or licensed as an architect pursuant to the *Architects Act 2004* and the *Architects Regulations 2005* or, in the case of interstate or overseas competitors, registered and/or licensed under their equivalent legislation; and
- The competitive design process is to be undertaken in accordance with a Design Excellence Strategy which is to be agreed with the City prior to undertaking the competitive design process.

*2.0 Documentation Requirements and Costs*

This section sets out the requirements for the competitive design process brief and clarifies that the cost of the process is to be borne by the developer. The section includes the following provisions:

- The brief must be in accordance with the City's model competitive design process brief;
- Mandatory requirements for the brief including allowing at least 28 days for entrants to complete their designs, stipulating fees and/or prizes, and assessment criteria;
- The brief is to be reviewed and endorsed by the City prior to distribution;
- Documentation of the process must be adequate to enable an audit to be carried out by an independent person or body;
- Clarification that for an open or invited architectural competition the City will convene the judging panel and be responsible for the administrative support required for the administrative processes associated with these types of competitive process.

*3.0 Process for 'Open' and 'Invited' Architectural Design Competitions*

This section includes the following provisions:

- The processes for notification of an architectural design competition:
  - In an 'open' architectural design competition the developer calls for expressions of interest and supplies respondents with the brief. In an 'invited' architectural design competition the developer invites a minimum of three competitors to participate.
- The process for considering submissions and determining a winner:
  - The City is to convene a judging panel with a minimum of four and a maximum of six members, which shall comprise half of the members from the City's Design Review Panel and half the members nominated by the developer.
  - Members are to represent the public interest, be appropriate to the type of development, have expertise and experience in design and construction, and not have a pecuniary interest in the development.
  - A minimum of three submissions must be considered.
  - Competition entrants are to present their submissions in person to the Panel.
  - Each submission is scored by the Panel according to the assessment criteria.
  - A winner is determined via majority vote having regard to the scores.
- The processes to be undertaken in the event a winner is not declared
  - The Panel may recommend that further refinements are to be made to one or more of the submissions.
  - The submissions are to be re-presented within 21 days.
  - The Panel will score each competition submission according to the assessment criteria and may declare a winner via a majority vote having regard to the score.
  - The Panel may decline to declare a winner. In the event this occurs the process concludes.

- Requirements for an architectural design competition report:
  - To be prepared by the City and approved by the Panel.
  - The report is to detail the competition process, the Panel's assessment, the rationale for the choice of the preferred design including how it best exhibits exemplary design, and an outline of any further recommended design modifications or proposed conditions of development approval that are relevant to the achievement of exemplary design.
- The Process where there is an outstanding resolution of a Preferred Design. Under certain circumstances highlighted in section 3.3(a), the City or developer may request the Panel reconvene and make a recommendation as to what further competitive processes or requirements would be necessary to permit an alternative or revised design to satisfy the design requirement provisions of Element 7 of Schedule 9B.
- Outlining when the architectural design process concludes; the issue of a report by the Panel, the completion of any further competitive processes following a requested review, or should the panel make no further recommendation 28 days after a request for review.

#### *4.0 Competitive Design Alternative Process*

This section includes the following provisions:

- The process for inviting competitors and clarification of the City's and developer's role:
  - The developer invites a minimum of three competitors with demonstrated experience in the design of high quality buildings.
  - The developer determines the outcome of the process.
  - The City will nominate at least one independent person with no pecuniary interests in the development or involvement in the assessment process as observer of the process. This is to ensure that the process has been followed appropriately and fairly.
- The process for assessment and decision:
  - A minimum of three submissions must be considered.
  - The developer is to convene a selection panel of a minimum of three people.
  - Members of the selection panel are to; be appropriate to the type of development proposed, include persons who have experience and expertise in design and construction, not have a pecuniary interest in the development, and be endorsed by the City.
  - A presentation of the design alternatives is made to the Panel. This is to be attended by the City's observer.
  - Each submission is scored according to the assessment criteria and having regard to the scores the selection panel may determine a winner via a majority vote.
  - In the event a winner is not selected the panel may recommend further refinements be made to the first and second ranked submissions.
  - These submissions are to be redesigned having regard to the panels feedback and re-presented within 21 days. The submissions are then rescored.

- Requirements for a Competitive Design Alternatives Report:
  - A report is to be submitted to the City prior to the submission of a development application. The City will advise the developer if it endorses the process and outcome, and whether it fulfils the requirements of the competitive design process in the form of pre-development application advice.
  - The Report shall include; each of the design alternatives considered, an assessment of each submissions, the rationale for the choice of preferred design including how it best exhibits exemplary design.

#### *5.0 Processes for Subsequent Development Application*

This section includes the following provisions:

- The designer of the winning scheme is to be appointed as the design architect and is responsible for preparing the development application, design drawings for the building permit and maintaining continuity during construction. The winning architect may work with other architectural practices but must maintain a lead role.
- The resultant development application from a competitive design alternatives process is to be referred to the City's Design Review Panel to determine whether the proposal exhibits exemplary design. This is to ensure an independent peer review of a developer led process. This is not required for competitions as the City is responsible for running this process and the Judging Panel is independent of the developer.
- The reports resulting from the competitive process will be included as an attachment to the RAR and appropriately referenced in the assessment of design quality provisions of Schedule 9B and the South Perth Activity Centre Plan.

#### *Summary*

The competitive design process is an integral component of the design quality criteria applicable to those developments seeking the highest level of discretion under proposed Schedule 9B. It is intended to facilitate iconic, exemplar development of the highest quality in the SPACP area, which will contribute to the overall vision for the SPACP and make a lasting contribution to the area.

The proposed policy clearly sets out the processes for undertaking a competitive design process in order to satisfy the relevant requirements of proposed Schedule 9B. It provides the City and applicants with a set of clear processes, expectations and criteria for undertaking a competitive design process. Ultimately it will be up to the Metro-Central Joint Development Assessment Panel (JDAP) to determine whether this criteria is satisfied, however, the policy includes clear provisions for incorporating the process into the assessment of resultant applications to assist the JDAP in its decision making.

It is recommended that the Council consent to publically advertise the draft Policy.

### Consultation

Should the Council resolve to adopt the policy for the purposes of public advertising it will be advertised for public comment in conjunction with the draft SPACP and amendment No. 61 for a period of 60 days. Advertising of the Policy will be undertaken in accordance with clauses 4(1) and 4(2) of the Deemed Provisions and P301 – Community Engagement in Planning Proposals.

The advertising period of 60 days is in excess of the 21 days stipulated in the deemed provisions, however, it is necessary to advertise the draft policy in conjunction with and for the same amount of time as the draft SPACP and amendment No. 61, as it is an integral component of these two documents. Notification of the advertising of the policy will be included in the notifications for the advertising of the aforementioned documents. This will include written notification to owners and occupiers of all properties within the policy application area.

At the completion of the public advertising period, a further report will be referred to Council outlining the outcomes of public consultation and with recommendations to address any comments received during the advertising period where considered appropriate. This report will be presented to the Council at the same meeting as the report outlining the outcomes of advertising of the draft SPACP and amendment No. 61.

### Policy and Legislative Implications

A planning policy does not form part of the Scheme, and cannot bind the decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the policy in its decision making. The policy will set out clear processes for undertaking a competitive design process for the purposes of satisfying Element 7.3 of proposed Schedule 9B. The policy will ensure a consistent approach for this process.

### Financial Implications

There will be a minor financial implication to the City in carrying out consultation on the draft policy. This cost is included in the 2018/19 operating budget. There will also be a financial implication for the City in administering the 'open' and 'invited' architectural design competitions as the members of the judging panel selected by the City will need to be remunerated and the City is responsible for providing administrative support services for the judging panel. It is not known at this stage what the total cost would be, however, it may be similar per application to the costs of administering the Design Review Panel. The annual costs would need to be incorporated into the City's operating budget.



**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods  
Outcome: Sustainable built form  
Strategy: (A) Develop a local planning framework to meet current and future community needs and legislative requirements

**Attachments**

**10.3.4 (a):** P320 - South Perth Activity Centre Competitive Design Policy

### 10.3.5 Tender 2/2019 - Provision of Olives Reserve Hydrozoning

|                       |   |
|-----------------------|---|
| Location:             | Olivers Reserve, Como   |
| Ward:                 | Como Ward   |
| Applicant:            | City of South Perth   |
| File Reference:       | D-19-33906  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Adele Scarfone, Project Officer<br>Jac Scott, Manager Business & Construction |
| Reporting Officer(s): | Mark Taylor, Director Infrastructure Services                                 |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods             |
| Council Strategy:     | 3.3 Enhanced Environment & Open Spaces  |

#### Summary

This report considers submissions received from the advertising of Tender 2/2019 for the Provision of Olives Reserve Hydro-zoning.

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

#### Officer Recommendation

That Council:

- a. Approves the tender submitted by Total Eden Pty Ltd for the Provision of Olives Reserve Hydro-zoning in accordance with Tender Number 2/2019; and
- b. Notes the tender price will be included in the Ordinary Council Meeting Minutes.

#### Background

Olives Reserve is located in the South Perth suburb of Como immediately to the east of the Kwinana Freeway. This reserve was identified for hydro-zoning and upgrades to improve its internal connectivity and usage. The upgrade project includes:

- A new water efficient irrigation system;
- Footpath installation;
- Replacement of turf with garden beds planted with water-wise native species;
- Installation of dog agility equipment – including turf mound;
- Seating and drink fountains;
- Preliminary works for path Lighting; and
- Tree planting.

A Request for Tender (RFT 2/2019) for the Provision of Olives Reserve Hydro-zoning was advertised in The West Australian on Saturday 26 January 2019 and closed at 2.00pm on 21 February 2019.

Tenders were invited as a Lump Sum Contract.

### Comment

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

TABLE A – Tender Submissions

| Tender Submission                                      |
|--|
| Brierley John Russel t/a Citywide Civil Contractors    |
| DB Cunningham Pty Ltd t/a Advantearing Civil Engineers |
| Environmental Industries Pty Ltd                       |
| 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. Relevant Experience               | 40%         |
| 2. Key Personnel, Skills & Resources | 40%         |
| 3. Demonstrated Understanding        | 20%         |
| <b>Total</b>                         | <b>100%</b> |

Based on the assessment of all submissions received for Tender 2/2019 Provision of Olives Reserve Hydro-zoning, it is recommended that the tender submission from Total Eden be approved by Council.

More detailed information about the assessment process can be found in the Evaluation Panel'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 1995* 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

### Financial Implications

The full cost of the works is included in the 2018/2019 Infrastructure Capital Works budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within the [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
 Aspiration: Sustainable urban neighbourhoods  
 Outcome: Enhanced environment and open spaces  
 Strategy: Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

### Attachments

10.3.5 (a): Evaluation Report (*Confidential*)

### 10.3.6 Draft Policy P511 - Road Thoroughfare Infrastructure Management

Location: City of South Perth  
 Ward: All  
 Applicant: City of South Perth  
 File Ref: D-19-33909  
 Meeting Date: 23 April 2019  
 Author(s): Geoff Eves, Acting Manager Engineering Infrastructure  
 Reporting Officer(s): Mark Taylor, Director Infrastructure Services  
 Strategic Direction: Leadership: A visionary and influential local government  
 Council Strategy: 4.3 Good Governance

#### Summary

This report aims to address a policy gap relevant to the protection of public infrastructure, required for the orderly and safe movement of pedestrians and vehicles within a public thoroughfare, which may be impeded or damaged as a result of building or development construction on property adjacent to a road reserve.

#### Officer Recommendation

That Council:

- a. Approves draft Policy P511; *Road Thoroughfare Infrastructure Management*; and
- b. Notes the City's intention to:
  - i. Develop a supporting information package which will provide greater clarity in relation to the requirements for the protection of public infrastructure assets and the orderly and safe movement of pedestrians and vehicles within the road reserve when impacted by urban development; and
  - ii. Revise procedures to ensure better management of building and demolition activities impacting on public infrastructure.

## Background

Traditionally, the oversight of impacts on public infrastructure from the development of residential homes, single, two storey and multi-unit development, has required the application of significant resources. This is now exacerbated by the advent of high density high rise developments. All development activity impacts the adjacent street verge and adjoining roadway, sometimes with little regard for the protection of public infrastructure.

This can result in community dissatisfaction with the presentation of the street environment and substantial costs to the City to rectify damage to roads and streetscapes. To address this gap it is proposed to introduce a policy which will assist in the management and control of development activity as it impacts public thoroughfare and community infrastructure.

There is also a need to provide greater clarity for stakeholders in relation to the City's expectations about the preservation and repair of infrastructure impacted during development. In addition, the City's requirement for the payment of bonds, licence fees and the recovery of costs, where the City is forced to intervene to ensure public safety and / or protect public infrastructure, also needs clarification.

## Comment

The Public Places and Local Government Property Local Law 2011 in conjunction with Management Practice M355 – Supplemental Charges – Building or Demolition Activities impacting on Public Place Infrastructure - provides some guidance in relation to managing the impact of development within the road reservation. A review of these documents has identified the requirement for supporting policy to enable compliance in a simple, efficient and cost effective manner.

The objectives of the new policy – P511 Road Thoroughfare Infrastructure Management **Attachment (a)** are to:

- Improve transparency in decision making,
- Provide certainty in relation to the management and application of fees and charges imposed for bonds and permits, and
- Provide explanatory information for stakeholders.

## Approvals, Permits & Licences

Currently a developer, builder or resident in preparing to carry out building construction activity in the City of South Perth is required to make application for development approval. There will generally subsequently be an application for (and issue of) a building approval (licence / permit).

Approval by the City of South Perth will result in planning permission being given and / or building permits issued. A permit is required for works involving the demolition, construction, alteration, and extension of structures. When issued a building permit, the applicant will also pay for road reserve access which will require payment of an infrastructure protection bond. In addition the applicant can apply for a verge occupation licence allowing storage of building material on the verge. The issue of a verge occupation licence requires payment of a calculated fee. Demolition licences include environment and health compliance conditions.

The road reserve access bond is a requirement to safeguard road reserve infrastructure, however its application is not a legal requirement as part of the building approval process, which is problematic. In the event that damage is not made good by the applicant, then and only then, the City will undertake repairs with the costs recovered against the bond. The process in finalising and recovering the cost of works by the City can be lengthy.

The practice in the past has been for City officers to request the builder to fix the damage or defects. The builder's priority however, is often the progression of the development and not the repair of public infrastructure. In addition it is not uncommon for the builder to require the client (property owner) to pay the building or demolition bond, or alternatively to include the bond cost as a provisional sum within the building contract.

In such circumstances the builder is less concerned with rectifying any damage as bond cost penalties are borne by the property owner not directly by the builder.

A further complication arises where a builder, or sub-contractor, may not be skilled in the delivery of public infrastructure remediation works to the standard specified by the City. Ensuring the satisfactory completion of rectification works often requires multiple compliance inspections and liaison with the builder resulting in substantial costs to the City. This cost is sometimes in excess of the value of the original bond.

The City has amended its current practice to require the builder to be responsible for the bond payment and therefore directly accountable for any infrastructure damage as a result of the building project. This would assist the City to recover costs associated with multiple inspections and any repairs necessary to address builder negligence directly from the builder / permit holder. It is recommended that costs incurred in rectifying builder's damage is reconciled against retained bond monies and that bond charges be periodically reviewed and modified to reflect average costs.

The City is currently liaising with its legal advisor to prepare a bond agreement (contract) that the builder/permit holder will be required to endorse, which will facilitate the legitimate drawdown of bond deposits or bank guarantees to recoup costs without the bond provider's prior consent.

#### Verge Storage and Protection

An application for a Licence to Deposit Building Materials on Verge is required where an applicant has a need to store materials on the street verge during construction works. There is a separate variable fee (\$/m<sup>2</sup>/month) for the licence, however the amount can be difficult to finally determine as construction and storage periods regularly extend. Alternatively, a fixed materials storage fee could be established and included with the Road Reserve Access Bond. The materials storage licence also provides an opportunity to further reinforce the applicant's responsibility for protection of street trees and the provision of temporary barricade fencing along the building site boundary to protect indiscriminate access across public infrastructure as required within the Road Reserve Access Bond agreement.

#### Roadside Traffic Management, Safety and Accessibility

The safe movement of vehicles and pedestrians is an essential requirement of roadside traffic management. This is particularly relevant for multi-unit and high-rise development construction.

The impact of construction, delivery and worker/contractor vehicles, including the temporary closing of parking embayments require detailed traffic management plans are approved and regularly audited.

In recent years the City has required a traffic management plan (TMP) for development within the South Perth Station Precinct (SPSP), which has included regular audit inspections where development activity is likely to impact on vehicle movements on a daily basis and for extended periods. These audit inspections are coordinated by the City's Infrastructure team and developers/builders are currently required to reimburse the City for these costs.

The TMP has generally been required for multi-use and high rise developments where building activity is accompanied by frequent truck movement and / or closure in full or part of roadways, footpaths and on-street parking bays. This is becoming a common requirement across the City.

Whilst the City includes these traffic audit fees in its Fees & Charges Schedule there is no legislative, regulatory or policy backing to support this impost on developers. The Public Places and Local Government Property Local Law 2011 does not contemplate the need for roadside traffic management over extended periods and apart from some loose association of activities permitted in a street under clause 6.2(1)(c), 6.2(1)(k), and 7.1(1) any requirements for a permit or fees and charges is potentially open to challenge. This would expose the City to considerable and on-going costs to continue to monitor the impact of traffic management at development sites.

#### Pedestrian Safety (Gantries)

A review of the impact of high-rise developments, particularly in high pedestrian traffic areas, or where narrow road reserve verge areas are prevalent, has highlighted the need for gantry structures to be established over walkways in some circumstances to facilitate pedestrian access and provide protection from construction activity. The proposed new policy will enable the further development of procedures (within the management practice) to respond to the need to install overhead gantries and for relevant fees and charges to be determined.

#### Conclusion

The draft Policy P511 will complement the Public Places and Local Government Property Local Law 2011, clauses 8.6(1) and 8.6(2), to control the impact of activities of property development during the construction phase.

Subject to Council adoption of the new policy it is proposed it will be supported with a comprehensive information pack *draft Information Pack for Applicants Attachment (b)* which can be issued with approvals and embedded with existing website information. The copy attached has been developed by another local authority and is supplied as an example.

#### **Consultation**



If the policy is approved the City will work towards a timetable to develop a supporting information pack, to be available on the City's website and a mail-out to stakeholders informing the community, developers and other interested parties of the new policy.

### **Policy and Legislative Implications**

- *Local Government Act 1995* – s.3.53;
- Local Government (Financial Management) Regulations 1996 - r22(1)(g), r25, r41;
- *Road Traffic Act 1974* – s.81A, s81B, s81C, s81D, s81E, s81F, s111;
- Road Traffic (Events on Roads) Regulations 1991 – r3, r4, r5, r6, r7, r8, r9, r10.
- City of South Perth Public Places and Local Government Property Local Law 2011.

### **Financial Implications**

Minimal costs associated with producing supporting documentation, updating the City web-site and in holding a workshop to inform applicants. Training of City employees will be included in the operational budget.

### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Leadership   |
| Aspiration:          | A visionary and influential local government                 |
| Outcome:             | Good governance  |
| Strategy:            | Empower effective and quality decision-making and governance |

### **Attachments**

- |                    |   |
|--------------------|---|
| <b>10.3.6 (a):</b> | P511 Road Thoroughfare Infrastructure Management (draft)                            |
| <b>10.3.6 (b):</b> | Guidelines for the Protection and Use of the Road Reserve and Verge Areas (example) |

### 10.3.7 Approval of the Waste and Resource Management Plan for Community Comment

|                       |   |
|-----------------------|---|
| Location:             | City of South Perth   |
| Ward:                 | All   |
| Applicant:            | City of South Perth   |
| File Ref:             | D-19-35085  |
| Meeting Date:         | 23 April 2019   |
| Author(s):            | Jac Scott, Manager Business & Construction                        |
| Reporting Officer(s): | Mark Taylor, Director Infrastructure Services                     |
| Strategic Direction:  | Environment (built and natural): Sustainable urban neighbourhoods |
| Council Strategy:     | 3.4 Resource Management & Climate Change                          |

#### Summary

This report presents the draft Waste and Resource Management Plan to Council seeking endorsement to release it for Community comment.

#### Officer Recommendation

That Council endorse the advertising of the draft Waste and Resource Management Plan for Community comment.

#### Background

At the 30 October 2018 Ordinary Council Meeting the Mayor moved the following Motion:

*That the City prepare a report to the November meeting of Council about reviewing its commitment to:*

- *Waste education;*
- *Sustainable living programme; and*
- *Demonstrating how the City can lead by example – e.g. recycling in City premises and events*

A report was issued to the November 2018 meeting following which Council endorsed that a draft Waste Management Plan be presented to the February 2019 meeting.

The draft Waste and Resource Management Plan (WRMP) has been drafted in response to that motion. The report was dependent on the publishing of the WA State Waste Strategy. This was not finalised by the State until February 2019, leading to a delay in the submission of this report.

Under Section 40 of the *Waste Avoidance and Recovery Act 2007* a local government's waste plan should achieve consistency with the State Waste Strategy.

## Comment

The Waste to Energy (WtE) plant has been the City's primary focus in recent years in seeking to reach an improved level of waste diversion from landfill. The City has now developed a Draft WRMP. This aligns with the State Waste Strategy 2030 as far as possible whilst also supporting the City's commitment to the WtE plant.

The draft WRMP seeks to achieve consistency with the State Waste Strategy as far as possible. However, with long-term contractual commitments to the WtE Plant full consistency will not be achieved within the term of those contracts.

The City's waste plan does not include an intention to move to the Better Bins system through the introduction of a Food Organics Garden Organics (FOGO) bin. The City manages residential greenwaste (garden organics) via the Recycling Centre and vergeside pick-ups. There is no viable option to accommodate Food Organics at this time. However the WtE plant does provide similar environmental outcomes, with lower emissions to composting, and the generation of energy.

This is not in line with the State Waste Strategy of recovering energy only from residual waste by 2020. This is an ideological disparity due to the Waste Authority not considering the WtE plant to represent material recovery classification of residual waste being aligned directly to the better bins system.

The proposed plan does however meet the broad strategic objectives of the State Waste Strategy of reducing waste, recovering additional value and resources and protecting the environment through the responsible management of waste.

The Plan focusses on 9 key action areas:

- Minimise Waste
- Maximise Benefits
- Accountability
- Collaboration
- Financial Responsibility
- Innovation
- Sustainability
- Shared Responsibility, and
- Equity.

A key outcome of the plan will be an improved focus on education allowing improved partnerships and collaboration with the community to achieve the best outcomes for waste and resource management together. It also includes a requirement to clarify the treatment of multi-use residential developments, to ensure that as the City grows that new development allows the effective and responsible treatment of waste on an ongoing basis.

## Consultation

The draft WRMP is proposed to be circulated for community comment, in line with best practice and the requirements for potential funding streams of state government.

The consultation would be open for a four week period. A report would be submitted to Council for endorsement of the finalised plan following consideration of the community comments.

## Policy and Legislative Implications

The draft WRMP and its principles must be integrated into relevant policies, strategies and planning decisions in order to be effective, and this will be underpinned by a strong education strategy. The WRMP will create the structure to define and support these activities and integration will commence following community consultation, finalisation and subsequent adoption of the WRMP by Council.

## Financial Implications

The development and adoption of the WRMP can be completed within the current operational budget allowance.

## Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Leadership   |
| Aspiration:          | A visionary and influential local government                 |
| Outcome:             | Good governance  |
| Strategy:            | Empower effective and quality decision-making and governance |

## Attachments

**10.3.7 (a):** Draft Waste and Resource Management Plan

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Monthly Financial Statements - March 2019

|                       |  |
|-----------------------|--|
| Location:             | City of South Perth                                      |
| Ward:                 | Not Applicable   |
| Applicant:            | Council  |
| File Ref:             | D-19-33911   |
| Meeting Date:         | 23 April 2019  |
| Author(s):            | Andre Brandis, Manager Finance                           |
| Reporting Officer(s): | Colin Cameron, Director Corporate Services               |
| Strategic Direction:  | Leadership: A visionary and influential local government |
| Council Strategy:     | 4.3 Good Governance                                      |

#### Summary

The monthly Financial Statements have been reformatted and incorporated in one package (**Attachments (a)–(i)**). High level analysis is contained in the comments of this report.

#### Officer Recommendation

That Council note the Financial Statements and Report for the month ended 31 March 2019.

#### Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each Local Government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, Regulation 34(5) requires a Local Government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2018/19 Budget, adopted on 26 June 2018, adopts a variance analysis for significant amount of \$10,000 or 10% for the 2018/19 financial year.

Each Financial Management Report contains the Original Budget and the Annual Budget, allowing a quick comparison between the adopted budget and any budget adjustments approved by Council.

#### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations. This Financial Report is unique to Local Government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding. The Statement of Financial Activity has commentary provided on variances in accordance with the Regulations.

Actual income from operating activities for March year-to-date (YTD) is \$54.42m in comparison to budget of \$55.42m. Actual expenditure from operating activities for March is \$44.56m in comparison to budget of \$45.73m. The March net operating position was \$0.17m favourable with lower actual expenditure against budget of \$1.17m offset against lower revenue of \$1m than planned.

Actual Capital Revenue YTD is \$0.924m in comparison to the budget of \$0.781m. Actual Capital Expenditure YTD is \$7.624m in comparison to the budget of \$13.179m.

Cash and Investments balance is \$60.1m. March Cash is reducing; following Rates Revenue being mostly received early in the year, with reduced non-rates income for the remainder of the year, and continued operating and capital costs being incurred until year-end. Declining Cash balances are normal at this time of the financial year cycle and are expected to continue declining through to year end.

The City 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 51.22% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, **Attachment (h)**, illustrates the percentage invested in each of the Non-Fossil Fuel institutions and the Short Term Credit Rating for each of the institutions.

### **Consultation**

No external consultation is undertaken.

### **Policy and Legislative Implications**

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

### **Financial Implications**

The preparation of the monthly Financial Reports occurs from the resources provided in the Annual Budget.

### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Leadership   |
| Aspiration:          | A visionary and influential local government                 |
| Outcome:             | Good governance  |
| Strategy:            | Empower effective and quality decision-making and governance |

## **Attachments**

- 10.4.1 (a):** Statement of Financial Position
- 10.4.1 (b):** Statement of Change in Equity
- 10.4.1 (c):** Statement of Financial Activity
- 10.4.1 (d):** Statement of Operating Revenue & Expenditure
- 10.4.1 (e):** Capital Summary
- 10.4.1 (f):** Significant Variance Analysis by Business Operating
- 10.4.1 (g):** Statement of All Council Funds
- 10.4.1 (h):** Statement of Cash Investments
- 10.4.1 (i):** Statement of Major Debtor Categories



## 10.4.2 Listing of Payments - March 2019

|                       |  |
|-----------------------|--|
| Location:             | City of South Perth                                      |
| Ward:                 | Not Applicable   |
| Applicant:            | Council  |
| File Ref:             | D-19-33913   |
| Meeting Date:         | 23 April 2019  |
| Author(s):            | Andre Brandis, Manager Finance                           |
| Reporting Officer(s): | Colin Cameron, Director Corporate Services               |
| Strategic Direction:  | Leadership: A visionary and influential local government |
| Council Strategy:     | 4.3 Good Governance                                      |

### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 March 2019 and 31 March 2019 for information. During the reporting period, the City made the following payments:

| EFT | Payments                                   | to           | Creditors             |
|-----|--|--------------|-----------------------|
|     |  | (490)        | \$6,221,251.2         |
| 9   |  | q\$,,6       |                       |
|     | Cheque Payment to Creditors                | (9)          | \$26,010.21           |
|     | <b>Total Monthly Payments to Creditors</b> | <b>(499)</b> | <b>\$6,247,261.50</b> |
|     | Cheque Payments to Non-Creditors           | (100)        | \$94,552.43           |
|     | <b>Total EFT &amp; Cheque Payments</b>     | <b>(599)</b> | <b>\$6,341,813.93</b> |
|     | Credit Card Payments (March 2019)          | (7)          | \$15,264.77           |
|     | <b>Total March Payments</b>                | <b>(579)</b> | <b>\$6,357,078.70</b> |

### Officer Recommendation

That the Council receive the Listing of Payments for the month of March 2019 as detailed in **Attachment (a)**.

### Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment. These controls are documented in Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

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. Payments in the attached listing are supported by vouchers and invoices.

From the July 2018 Listing of Payments Report, the attachment was changed to exclude the description relating to the individual payment, as in the majority of cases the description was misleading in that the Report:

- is system generated from a free text field, entered by an officer (over 100 people) for internal purposes;

- only includes the first line of a vendor payment that may include multiple invoices, with multiple lines of goods or services for each invoice; and
- the first line may relate to the smallest component (value) of the payment.

In addition to the information described above, the description may also include information that is confidential or private. Due to system limitations, the only way to rectify misleading, confidential or private data was manual intervention, requiring significant resources.

At the August 2018 and the March 2019 Council Meetings, the Director Corporate Services advised the changes implemented were in accordance with the *Local Government Act 1995* and Local Government (Administration) Regulations 1996. In addition, he advised Council it was important to acknowledge that Council do not approve payments at an Ordinary Council Meeting as payment approval had already occurred under delegated authority.

The City has received legal advice confirming the City was compliant with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, with the Listing of Payments Report format provided for months, July 2018 to February 2019, inclusive. Compliance was confirmed with Regulation 13(1)(d), that sufficient information to identify the transaction was provided on the reports during this period.

On 26 March 2019, Council resolved as follows:

*“The City’s payment listing report to Council meetings is to revert back to what was done in the past showing a description column.”*

### **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 included at **Attachment (a)**.

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.

In accordance with the Council Resolution on 26 March 2019, the attached report includes a “Description” for each payment. Officers provide a public disclaimer in that the information contained within the “Description” is unlikely to accurately describe the full nature each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**  
These include payments by both Cheque and EFT that are regular suppliers with whom the City transacts business. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number.

- **Non Creditor Payments**

The payments are one-off payments to individuals / suppliers who are not listed as regular suppliers. These payment listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held.

- **Credit Card Payments**

Credit Card Payments are not processed in Authority Finance System as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided.

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.

### **Consultation**

Nil.

### **Policy and Legislative Implications**

Regulation 11 of the Local Government (Financial Management) Regulations 1996.  
Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

### **Financial Implications**

The payment of authorised amounts is within existing budget provisions.

### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

|                      |  |
|----------------------|--|
| Strategic Direction: | Leadership   |
| Aspiration:          | A visionary and influential local government                 |
| Outcome:             | Good governance  |
| Strategy:            | Empower effective and quality decision-making and governance |

### **Attachments**

**10.4.2 (a):** Listing of Payments - March 2019

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

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

### 12.1 NOTICE OF MOTION - COUNCILLOR TRAVIS BURROWS - AMENDMENT 61

#### **Motion (suggest Amended Motion, page 73)**

I move that submissions for Scheme Amendment 61 are:

1. Recorded and reported to Council in accordance with Policy P301-Community Engagement in Planning Proposals.
2. A summary of submissions is provided in the report for the public listing those for and against and should include, but not be limited to showing geographical areas of submissions from residents in the ACP area, residents from the city, owners of property in the ACP area, business owners, visitors to the area and foreign entities and individuals.
3. A copy of all submissions is provided for elected members on a confidential basis.
4. In assessing the submissions more weight is given to comments from submitters in close proximity to the Amendment area than to the comments from more remote submitters.

#### **Reasons for the Motion**

1. The recording and reporting of submissions should be consistent with Policy P301 'Community Engagement in Planning Proposals' clause 6.3(b)(vi). That is *'the councils primary consideration is the validity of the submitters comments in relation to the amenity impact of the Planning proposal. In arriving at an opinion in this respect, the Council will have regard to the relative proximity of submitters' properties to the development site. The respective numbers of submissions supporting or opposing a proposal are generally of a secondary importance in the decision-making process'*.
2. Regardless of the submitter's views, whether they are informed or not, it is appropriate that when the report comes to Council for consideration that they are recorded and reported in an open and transparent manner. It should not matter what the submitter's views are.

## **Director Development and Community Services Comment**

In considering this notice of motion it is important to highlight that community engagement in any planning proposal is only one input into the development of a plan and the decision making process. Although community engagement is an important part of the decision making process, planning for the future is not a popularity contest or a consensus building exercise. There are overarching considerations that need to be taken into account when making a decision on any strategic plan such as; state policy and strategies, what the evidence tells us we need to plan for, and the needs of the future residents. Whilst public participation helps to shape the overall outcome of any planning exercise, it is not the determining factor in decision-making and must be appropriately balanced with the abovementioned considerations.

It should be noted that the City is seeking comment on both the draft Activity Centre Plan and amendment No. 61 so any report on the submissions that is prepared will consider feedback received on both documents. With respect to the consideration of submission for any scheme amendment Officers would ordinarily:

- Prepare a summary of submissions as required by legislation (Planning and Development (Local Planning Schemes) Regulations, 2015). The summary of submissions includes the following information; name of the submitter, address of submitter, interest in the amendment, submitter comment, local governments response to the submission; and
- Follow the relevant, albeit limited, requirements of P301 when reporting and recording submissions for scheme amendments.

Notwithstanding due to the complex and contentious nature of this matter, and the large volume of submissions expected, the administration has developed an extended community engagement plan to provide further opportunity for community contribution. As part of this, the City is in the process of engaging the services of an external consultant to analyse and prepare a report on the submissions received for both documents. This will allow an independent, objective analysis of submissions, which is considered beneficial for such a complex and highly contentious matter and further demonstrate open and transparent recording and reporting.

The feedback forms are being designed to enable submitters to make an informed comment on the draft ACP and/or amendment and to enable appropriate analysis of the submissions. The report on submissions will include an analysis of submissions received on both projects, including a breakdown of submitter's demographic information and interest in the amendment and/or draft ACP (residents in the area, owners of property in the area, business owners, visitors and residents of the City).

It is recommended to remove the reference to foreign entities and individuals from point 2 as it would add little value to the report due to the following:

- The City does not have the capacity to readily determine from a submission whether the submitter is a foreign entity.
- Further foreign entities can be current or potential future owners and/or residents in the area, which would be noted on the submission. This also means that they are stakeholders entitled to have a say in the planning of an area.

With respect to point 4 this is not something that is ordinarily done in assessing submissions for strategic planning documents. This is primarily due to the following:

- Planning for the future, such as through activity centre plans, means that the needs of both current and future residents must be considered and balanced, therefore current residents views cannot be considered to be of higher importance;
- The results of community engagement are not a “vote” and therefore mathematical weighting is not appropriate. All submission are considered on their merit;
- All stakeholders have an interest in the future planning of an area, whether current or future, and contribute to the area in different ways. It is not equitable to weight submissions from a particular cohort higher than others. Of most importance is balancing the needs of all stakeholders with other relevant planning considerations;
- Due to the competing interests of different stakeholders weighting submissions is highly contentious and subjective. All stakeholders consider their comments to be of high importance; and
- Feedback is only one input into the planning process and must be considered and balanced with other relevant planning considerations. Therefore determining what weight to give to one cohort of submitters is difficult and highly subjective.

As weighting is not normal or recommended practice, there is no industry standard methodology (that we are aware of) for weighting submissions for officers to utilise. If this approach is adopted as proposed, further consideration would also need to be given to how other submissions are weighted such as, the younger demographic (as this a mid to long term Plan), landowners with multiple properties, business owners and groups representing more than one person. It is therefore recommended to delete point 4.

Should Council wish to proceed with point 4 the following additional guidance must be included in the Council resolution:

- a methodology and formula for the weighting of submissions
- a definition of “close proximity”

The financial implications of this motion have largely already been budgeted for in regards to the community engagement process and commencement date for this project.

The following amended motion takes into account the issues raised above.

#### **SUGGESTED AMENDED MOTION**

**Submissions for Scheme Amendment 61 are:**

- 1. Recorded and reported to Council in accordance with Policy P301- Community Engagement in Planning Proposals.**
- 2. A summary of submissions is provided in the report for the public listing those for and against and should include, but not be limited to showing geographical areas of submissions from residents in the ACP area, residents from the city, owners of property in the ACP area, business owners, and visitors .**
- 3. A copy of all submissions is provided for elected members on a confidential basis.**



## 12.2 NOTICE OF MOTION - MAYOR SUE DOHERTY - DESIGN REVIEW PANEL

### **Motion**

That Council reviews the Policy P303 Design Review Panel including Terms of Reference, by August 2019.

### **Reasons for the Motion**

The Western Australian Planning Commission recently released Design WA Guidelines to assist with good design in development, particularly apartments. A key document under Design WA is the “Design Review Guide.” It is therefore timely for the City to review its own policy on design review, known as Policy P303 Design Review Panel.

The State are also in the process of announcing its State Design Review Panel and will have standard processes and procedures applicable to all Design Review Panels within the State.

Inclusion of people with expertise and experience in the design industry who have had experience in urban infill integrating new buildings into existing areas, and the associated complexity.

### **Director Development and Community Services Comment**

Policy P303 Design Review Panel, was last reviewed by Council in June 2017.

This review followed the release of the Draft Design Review Guide by the Western Australian Planning Commission (WAPC). The WAPC released the draft for public comment and has finalised the document with the final version being published on 1 February 2019. The Guide provides a Model Terms of Reference for Design Review Panels.

There are a number of differences between the P303 Terms of Reference and the model Terms of Reference, for example under the headings:

- Remuneration,
- Membership Eligibility; and
- Timing and Number of Reviews.

The proposed motion is not explicit however seems to suggest the review should bring the City’s policy and process more in line with the States process and Terms of Reference. On this basis, there is no objection to the motion.

The review will be undertaken in house and anticipated additional financial implications are the cost of advertising the reviewed policy, which is generally allocated in the annual budget.

## 12.3 NOTICE OF MOTION - COUNCILLOR TRAVIS BURROWS - SMART CITIES

### **Motion**

I move that a workshop with Council be held on technology opportunities, including but not limited to Smart Cities, to explore and investigate Council's technological strategic direction.

### **Reasons for the Motion**

1. It's appropriate that the City explore and investigate what these opportunities are now and into the future. The City should be pro-active in demonstrating to the community that there is technology and solutions available that will not only greatly assist with many present issues such as parking management, but also the future needs of the community, some which we don't know what they may be, while also being an opportunity for operational improvement and potential cost savings.
2. Smart Technologies are being introduced globally into every facet of our lives, in WA and on our doorstep is Main Roads Smart Freeway's project and few people have any appreciation of what the possibilities are or where this sector is going. This is too important to not proceed down this avenue of activity and determine what the opportunities are.
3. Aligned to this should be an analysis of external funding opportunities. Many of the technologies available are considered best practise and there are large numbers of uses of technology that can be implemented at local government to increase efficiency that will result in longer term cost reduction and better service provision.

### **Director Corporate Services Comment**

The City commenced the 1System – Enabling Innovation project in March 2018, with the first phase scheduled to go live on 1 July 2019, resulting in the first ERP cloud based solution in WA Local Government.

In addition to the innovation that will occur as a result of the change in systems strategy and the 1System project, the City in collaboration with Curtin University has submitted proposals for the Smart Cities grant funding. Work will continue by the City in this regard within existing budget and to seek federal funding as both the major political parties policies include funding for innovation.

A workshop with Council can be arranged to describe the City's journey to date, as well as exploring the present and future opportunities.

## 12.4 NOTICE OF MOTION - COUNCILLOR GREG MILNER - CEO EVALUATION COMMITTEE

### **Motion**

I move that Councillor Greg Milner be appointed to the CEO Evaluation Committee.

### **Manager Human Resources Comment**

The Chief Executive Officer's Evaluation Committee consists of Mayor Sue Doherty, Cr Colin Cala, Cr Travis Burrows and Cr Tracie McDougall. Elected Members who are not Members of the Committee are able to attend as observers. The Committee has no delegated power and any recommendations from this Committee are submitted to Council for determination.

## 12.5 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - LARGE-SCALE EVENTS

### **Motion**

That Council resolves that any Large-Scale Events to be held on City Parkland be approved by Council prior to any such events being held.

### **Reasons for the Motion**

Definitions:

“Large-Scale Events” means any event at which has the capacity to accommodate 500 or more people at any given time.

“City Parkland” means any parks, reserves or green space under the control, management or authority of the City of South Perth.

1. The administration presently has the ability to approve Large-Scale Events on City Parkland.
2. Recent examples include South Perth Sounds, A Day on the Green and Hello Manning.
3. The administration has recently sent a survey to residents living near Sir James Mitchell Park, canvassing residents’ views on holding additional Large-Scale Events at Sir James Mitchell Park.
4. Feedback from residents indicates that holding additional Large-Scale Events within the City can have adverse impacts on nearby residents such as noise and traffic congestion.
5. At present, there is no requirement for the administration to seek Council’s approval before approving Large-Scale Events on City Parkland.
6. Furthermore, there is no requirement for the administration to brief Council on the costs and benefits associated with a proposed Large-Scale Events on City Parkland.
7. It is appropriate that any proposal for holding a Large-Scale Event on City Parkland be brought to Council for approval, so that Council may determine/consider whether any such proposal is appropriate.

### **Director Development and Community Services Comment**

There are various positive impacts on the community resulting from use of the City's reserves and facilities for large scale events, such as:

- Activation of public spaces;
- Improves social connectedness;
- Promotes participation in physical activity;
- Commercial trade opportunities for local business; and
- Enhances overall community health and wellbeing.

Events held in the City are assessed in relation to the impact it may have on the venue and surrounding area. Consideration is given to the number of people attending the event; other activities taking place in the area; the availability of parking facilities; and the possible impact of the event on the facility itself, facility users and local residents.

### **Background Information on Related Notices of Motion**

- *Policy for Ticketed Functions Involving Bands* - A similar Notice of Motion was submitted by Cr Ken Manolas in November 2017 regarding large scale events held in the City. In December 2017 Council subsequently endorsed a recommendation from the Audit, Risk and Governance Committee that procedures be developed into a Policy for all ticketed functions involving bands on local reserves or parks to ensure minimal impact to the community. Following this Council resolution, *Council Policy 106 'Use of City Reserves and Facilities'* was reviewed and amended to include more comprehensive event management requirements; and then resubmitted to the Audit, Risk and Governance Committee for its consideration.

The event management requirements added into Policy 106 were: Site Plan, Risk Management Plan, Noise Management Plan, Public Liability Insurance Coverage, Resident Notification Letter, Parking and Traffic Plan, Crowd Control Plan, First Aid Plan, Food and Beverage Plan, Amenities/Toilets Plan and Waste Management Plan.

In March 2018, the Audit, Risk and Governance Committee made a recommendation to Council that it adopt the amended Policy 106, which was subsequently endorsed by the Council on 27 March 2018.

- *Policy for Changing Designated Purpose of Sir James Mitchell Park* - In addition, a Notice of Motion was submitted by Cr Colin Cala in September 2017 regarding developing a new Policy in relation to an application to the Department of Lands requesting the Department change the designated purpose of a portion of Sir James Mitchell Park (Reserve 34565) to Recreation and Impermanent Food, Beverage and other Entertainment Events. The proposed Policy was to provide criteria that can be used to assess the type and duration of events and functions that could be approved under delegated authority and what would require Council determination.

This Motion was deferred (administratively) until the City received advice on its submissions from the Department of Lands. On 6 March 2019 the City received approval from the Department regarding its change of designated purpose request for Reserve 34565. It is now considered appropriate to develop the proposed policy and a well-developed policy, endorsed by Council, should supersede the need for the currently proposed motion (above). Accordingly the following motion (alternative) is recommended:

#### **Alternative Motion**

**That Council:**

**Request the development of a new policy or amended policy to provide criteria for the assessment of the type and duration of events and functions that are held on Reserve 34565. The policy will consider the matter of events to be approved under delegated authority and events for Council determination**

**Reason:**

**The City has recently received approval from the Department of Planning, Lands and Heritage regarding its change of designated purpose for Reserve 34565 and hence can now formulate the appropriate policy.**

#### *Additional Information – Events on Sir James Mitchell Park*

#### Approval of Large Scale Events

There are two main facilitators of local large scale events, namely:

1. City of South Perth – these large scale events are free community concerts/festivals held by the City. Recent examples were South Perth Sounds Concert held in February 2019 and Hello Manning Festival held in March 2019.

There are various existing laws, regulations, policies and event management resources to provide guidance on the approval process for large-scale events held by the City, such as:

- Public Places and Local Government Property Local Law 2011;
- Environmental Protection (Noise) Regulations 1997;
- Swan and Canning Rivers Management Regulations 2007;
- Policy 106 Use of City Reserves and Facilities; and
- Department of Health Guidelines for Concerts, Events and Organised Gatherings.

The City reviews all of the above before approving its large scale events.

2. External Provider – these large scale events are generally ticketed concerts. A recent example was the Kylie Minogue Concert held in March 2019, which was managed effectively to minimise negative impacts on the community. These events held by external providers are bound by the same laws, regulations, policies and other documents/resources detailed above to ensure effective event management. Similarly, the City reviews all of the above before approving externally facilitated large scale events.

Feedback from Residents regarding Large Scale Events

The City generally receives some community feedback following the provision of local large scale events. As an example, the City received 15 emails/social media posts after the recent Hoodoo Gurus Concert and Kylie Minogue Concert, with the majority of the feedback being positive; and a minor amount being constructive feedback (the table below provides a summary of the community feedback provided for these events).

| <u>Compliments</u>  | <u>Complaints</u>   |
|---|---|
| <ul style="list-style-type: none"> <li>• Absolutely great event, thank you City of South Perth.</li> <li>• Thanks for an awesome night South Perth. Loved it</li> <li>• So awesome that you had interpreters guys! Such a fantastically inclusive community event! We will see you all next year!</li> <li>• A wonderful family event. Thank you everyone involved and thank you to Hoodoo Gurus for helping to educate our children in the way of good music!</li> <li>• A really good night, great community spirit, no anger, no unpleasant behavior, no ugly language, happy kids, happy parents, happy everyone. Well done South Perth on such a good event, the activities for the kids was genius.</li> <li>• The traffic/parking wardens did a fantastic job of directing the traffic and overall it was a fantastic evening. Thanks again to the City of South Perth for putting it on!</li> </ul> | <ul style="list-style-type: none"> <li>• Not enough food trucks and not enough toilets. We didn't end up buying food as the queues were too long. There were also long queues for the toilets.</li> <li>• There really needed to be a third or fourth set of speakers projecting the sound further away from the stage.</li> <li>• Also double the number of public toilets would probably have been better for the size of the crowd.</li> <li>• The only downer was for the people who got there early and thought they got a great spot only to have the mosh pit opened and the crowd trample all their belongings and totally obscure their view especially after waiting patiently for a few hours, very disappointing for those folks who were mainly older</li> </ul> |



- Maybe eliminate the standing room area or put it side of stage so other people behind could actually see the stage. This was echoed from not only myself and my girlfriend but others that were in the same area. It was rather annoying that we had to rely on video screens, which were blocked sometimes by the growing mosh pit.
- Really awesome event. Please don't ever get rid of standing room at front of stage. Maybe rope off a larger area so people don't sit & set up so close to stage.
- Congratulations to everyone involved in the organization of the event at Sir James Mitchell on February 23 rd. Fantastic concert and family event. Particularly impressed by how smoothly it ran, without obvious or heavy handed security, and without restrictions on people bringing their own food, drinks etc. It was a great showcase for South Perth; even friends who attended from NOR were very impressed ;) I didn't see a single incidence of anti- social behaviour and it was great to see people of all ages really having a great time. Hoodoo Gurus and Hot Sand were perfect choices for entertainment. Well Done!
- While I have verbal expressed to you my thoughts on the very successful 'South Perth Sounds' event on Saturday, I would like you to extend my appreciation to all staff involved.
- It was fantastic to see so many families, both local residents and those from other areas attend and enjoy what I believe was the most successful event we have had for quite some time.

- Its events like these that are part of building a stronger community and part of the broader community activities the City does provide for our residents. I look forward to a similar event next year as I'm sure the vast majority of the community do
- Thank you so very much, everyone had a great night. We all left home a little early as we thought Mill Point Road would be banked up - but the traffic management was excellent, parking was quick and easy and the signage was easy to follow, and the atmosphere was just lovely.

In summary, the above feedback indicates that the City's large scale event approval process is working effectively based on the majority of the feedback being positive.

### Large Scale Events Survey

#### Background

Each year the City receives hundreds of booking requests for the hire of its reserves and community facilities for events. A small number of these requests are for large scale events such as concerts (approx. 4-6 requests per annum), whereby the anticipated noise levels may exceed the limits defined in the Regulations. Sir James Mitchell Park is the most requested site for these types of events; with two main venues on the Park predominately used for hosting large scale events, namely event zones 6, 7 & 8 (near Coode Street); and event zones 13, 14 & 15 (near Ellam Street).

The State legislation and regulations which set limits on noise emissions are the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. In particular, Division 7 of the Environmental Protection (Noise) Regulations 1997 provides regulations relating to noise from sporting, cultural and entertainment events, such as concerts. Under the Regulations a local government CEO is not to approve the holding of more than two approved events at a particular venue in any 12 month period, unless the CEO is satisfied that the majority of occupiers on whom the noise emissions will impact have no objection to the holding of the additional events.

In relation to Sir James Mitchell Park, **four large scale events** is the current maximum number of these types of events that can be held on the Park over a 12 month period as per the Regulations (i.e. two large scale events in zones 6, 7 & 8; and two large scale events in zones 13, 14 & 15).

#### Survey Results

In line with the Regulations, the City sent a survey to residents who live in the vicinity of the two event zones on Sir James Mitchell Park in February 2019 to invite community feedback on the number of large scale events they would support at this venue over a 12 month period into the future. The intent of the survey was to gauge community support to aid a decision on any potential additional events above the already approved number.

A total of 486 surveys were returned to the City. As a result of the survey feedback received from the community, **four large scale events** will remain the maximum number of these types of events that will be approved on Sir James Mitchell Park for the next 12 month period (i.e. two large scale events in zones 6, 7 & 8; and two large scale events in zones 13, 14 & 15).

A range of responses were received about the type of large scale events that residents would like to see; and this feedback will be considered by the City when planning for future events on Sir James Mitchell Park.

In accordance with the above Regulations, the City plans to invite community feedback on this topic again in the future to stay in tune with the community's views regarding large scale events at the Park.

#### Council Involvement in Large Scale Events

- City Facilitated Large Scale Events - The City's large scale events are required to be presented to Council each year as part of the annual budget process. Recent examples were South Perth Sounds Concert held in February 2019 and Hello Manning Festival held in March 2019. Both of these events were discussed at the Council budget workshop held on 5 June 2018 (i.e. prior to the events being facilitated) to provide an opportunity for Councillor input. The Council subsequently approved these events on adoption of the City's 2018/19 Operating Budget.
- Externally Facilitated Large Scale Events - Councillors receive prior notification of upcoming large scale events via the Councillor Bulletin. If required, the City can also provide post-event information via the Councillor Bulletin detailing event summary, income achieved, community benefits etc.

## 12.6 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - ACCESS TO INFORMATION S5.92

### Motion

That Council resolves that without limitation to section 5.92 of the *Local Government Act 1995* (WA), Council Members be granted access to any information held by the local government relevant to reviewing and/or investigating prior decisions made by, or actions taken by, the administration under delegated authority.

### Reasons for the Motion

Section 2.10(a) of the LGA states that the role of a Councillor is to “represents the interests of electors, ratepayers and residents of the district”.

2. Section 2.7 of the LGA states:

“(1) *The council:*

(a) *governs the local government’s affairs; and*

(b) *is responsible for the performance of the local government’s functions.*

(2) *Without limiting subsection (1), the council is to:*

(a) *oversee the allocation of the local government’s finances and resources; and*

(b) *determine the local government’s policies.”*

3. To:

(a) effectively oversee the allocation of the local government’s finances and resources; and

(b) determine whether new policies are required, or existing policies amended or revoked,

Council Members must be capable of reviewing decisions taken by the administration, and actions taken by the administration.

4. Because many decisions are taken and actions are performed under delegated authority, Council Members must necessarily be able to review decisions and actions that have been taken in the past.

5. For any such reviews to be effective, Council Members must have access to information held by the local government relating to any such decisions or actions taken by the administration.

### CEO Comment

The City obtained legal advice from Neil Douglas from McLeods regarding the Notice of Motion. There are fundamental misconceptions underpinning and serious flaws with the request which has potential substantial impacts for the efficient running of the City. As with all legal advice, it has been marked confidential by the CEO.

Firstly and at the outset, the terms of the motion are inconsistent with section 5.92 of the *Local Government Act 1995*. Section 5.92 specifies the test that applies to an individual Council member's entitlement to have access to information held by a local government. That test is that the information must be –

‘relevant to the performance by the person of any of his or her functions under this Act or under any other written law’.

This Notice of Motion purports to substitute a different test of entitlement. It is whether – ‘any information held by the local government [is] relevant to reviewing and/or investigating prior decisions made by, or actions taken by, the administration under delegated authority’.

To change the test in section 5.92, representations should be made to the Minister for Local Government to support an amendment to section 5.92 of the Act. It is the duty of Council members and employees of local governments to comply with the law as it is currently in force.

Secondly, section 2.7 of the *Local Government Act 1995* applies to the Council, not individual Council members. The reason provided in the Notice of Motion is – ‘Council Members must be capable of reviewing decisions taken by the administration, and actions by the administration’.

Under the current terms of the Local Government Act, it is not a function of an individual Council member, otherwise than participating in a decision making process at a Council or committee meeting, to ‘review decisions taken by the administration, and actions taken by the administration’ – whether under delegated authority or otherwise.

Thirdly, the rationale that is said to be behind the motion ie the administration acting ‘under delegated authority’ is fundamentally misconceived and wrong. It is the Council that has the power (exercisable by an absolute majority) to delegate through the CEO (section 5.42). In exercising that power, the Council may impose whatever condition, qualification, limitation or exception it considers to be appropriate (section 5.42 of the *Local Government Act 1995* and section 59 of the *Interpretation Act 1984*).

These provisions provide no support for the proposition that, because the Council has delegated a power to the CEO, any individual Council member ‘must necessarily be able to review decisions and actions that have been taken in the past’ and ‘must have access to information held by the local government relating to any such decisions or actions taken by the administration’.

The City's delegations are regularly reviewed and a yearly Compliance Audit Return is submitted to the Department of Local Government, Sport and Cultural Industries (Department). The 2018 Audit was completed in March 2019 and presented to the Audit, Risk & Governance Committee. The Audit identified that the City was compliant with the delegations of power. The Compliance Audit Return was subsequently adopted by Council in March 2019 and submitted to the Department. In addition, the City was audited by the Auditor General in 2018 and no governance issues relating to delegations were identified.

Fourthly, delegations are necessary to facilitate and improve decision making and to enable a local government to function more efficiently and effectively. Delegations by the Council to the CEO are consistent with the principal objectives of the Local Government Act which include –

- (1) 'better decision-making by local governments'; and
- (2) 'more efficient and effective local government' (section 1.4(2)(a) and (d)).

It would be a major impediment to the achievement of these objectives if every individual Council member had the power to conduct his or her own individual 'review and/or investigation into any prior decisions made by, or any actions taken by, the administration under delegated authority'. No organisation could operate efficiently or effectively under these arrangements where there is the potential of delving into matters at any time. The financial consequences could be very significant in respect of the potential diversion of resources that may result from this motion.

Local Government Operational Guidelines Number 17 – January 2007 identify that Council is unable to deal with all of the numerous issues and duties concerning the local government. As far as is possible and reasonable, the Council should be predominantly concerned with dealing with higher level policy matters. Duties and powers which are operational in nature, but exercise a discretion should be delegated to the CEO. Powers and duties can be delegated to the CEO with comprehensive conditions attached that can limit the exercise of powers or the discharge of duties.

All of the City's delegations were reviewed in 2019 and a report presented to the March 2019 Council Meeting recommending new and amended delegations and revoking others. Council endorsed the recommendation without amendment.

Should Council require information on the exercise of a particular delegation, a report can be submitted to a future Audit, Risk & Governance Committee meeting.

**13. QUESTIONS FROM MEMBERS**

Responses to questions from members taken on notice at the Ordinary Council Meeting held 26 March 2019 can be found in the **Appendix** of this Agenda.

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

**15. MEETING CLOSED TO THE PUBLIC**

**16. CLOSURE**



## APPENDIX

### RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD 26 MARCH 2019

|   |   |
|---|---|
| <p>1. Vicki Redden, 14/63 Mill Point Road, South Perth<br/>Received: 26 March 2019</p>  | <p>Question 1 - Response provided by: Vicki Lummer, Director Development and Community Services<br/>Question 2 – Response provided by Mayor Sue Doherty<br/>Question 3 – Response provided by Geoff Glass, Chief Executive Officer</p>  |
| <p><i>[Preamble to Question 1]</i><br/><i>As has been acknowledged many times over the years – it is imperative that normal people reviewing the LPS and the ACP need to be able to clearly see what the future build out will look like. I have been criticised by staff for producing our own in the absence of anything from the department. Without these clear images you are hiding the true vision of these plans.</i><br/><i>“Even though they will scare the pants off the community.”</i></p> |   |
| <p>1. When is the City going to produce 3d images showing the true full build out of the LPS and the ACP?</p>   | <p>The draft Local Planning Strategy (LPS) is a high level strategic document containing a series of strategies and actions to 2031. It provides actions for transport, infrastructure, housing and parklands amongst others. This strategic document does not provide details of how future development will be built as this is the purpose of the further planning that takes place in the Managed Growth Areas, for example the activity centres. At the time of the future planning, if appropriate, 3D images may be produced.</p> <p>This question demonstrates a lack of understanding of the purpose of the LPS. Detailed information is available on the City’s website and through the community engagement for the LPS and I encourage you to make use of this.</p> |

In regard to the South Perth Activity Centre Plan (ACP), the City will prepare 3D images to illustrate the potential outcomes of the ACP and inform stakeholders during the public consultation period. Two sets of images will be produced, as follows:

1. Overall aerial views of the precinct to show the amount of development that is expected over time. This series of images will show a number of scenarios of how development could proceed in accordance with the forecast amount of growth for the ACP area to the year 2051. It is important to note that as it is impossible to predict what sites will develop over time, these images will illustrate hypothetical scenarios only of how the forecast amount of growth could be distributed.
2. Potential development scenarios on individual sites. This series of images will help to show the scale of development that could be approved under the draft ACP requirements and the key built form elements (heights, setbacks, podium size etc.) that would apply in each character area on a range of lot sizes.

*[Preamble to Question 2]*

*Last week representatives from some SP community groups met with David Caddy the Chair of the WAPC and John Carey former mayor of Vincent and now Secretary to Planning Minister, Rita Saffioti seeking clarification of many of the critical issues we have been raising here in this chamber over the past months. Of note we were told in no uncertain terms by Mr Caddy that he did not pressure the council to approve the ACP 2 weeks ago and were reassured that the decision was always the democratic right of councillors to make, independently. I might add Mr Caddy also remarked that he could not comment on the ACP – as he had not read it.*

*That leaves only the Minister who could intervene IF there was an unusual delay and that is not possible, as the ACP is way ahead of schedule.*

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| <p>2. So, did councillors believe that if they had not approved the ACP for comment that it was in jeopardy of being removed from the City’s control? If this was the case – where exactly did that threat come from and in what form?</p>  | <p>The Minister for Planning had received several Section 76 requests, however the Council was not pressured to approve the ACP for advertising.</p> <p>The Council acknowledged the significance of the ACP and had conducted a number of workshops so that they would be in a position to submit the plan to the WAPC prior to formal public comment being sought.</p>   |
| <p><i>[Preamble to Question 3]</i></p> <p><i>It is noted that Cr Milner will move a motion later to change the composition of the reference group for the Local Government Review. Currently the reference group consists of self-concerned employees and those who benefit from the status quo – akin to the foxes in charge of security on the henhouse.</i></p> <p><i>The CEO has made comments, repeating the WALGA statements which reiterate that there are NO elected member representatives and no members of community groups on this reference group and this is acceptable!!??</i></p> |  |
| <p>3. Can the CEO please tell us when and what input the City has sought from the South Perth Community for this very important review? Can the CEO please explain why he supports the contention that ratepayer and residents input is unnecessary and irrelevant in a review of the government body which affect their daily lives more than any?</p>   | <p>The preamble contains incorrect claims.</p> <p>The review of the Local Government Act is an initiative of the State Government and the City of South Perth resolved at its February meeting to forward its position in relation to the review. It is considered that it is the State’s responsibility to seek and encourage public input into the review. It has been actively doing that and publicly promoting submissions from any interested member of the public since August 2018.</p> <p>At the Council’s consideration of this review at the February 2019 meeting there were no deputations made or questions asked by any member of the public where that opportunity existed to assist shaping Council’s deliberation of its position.</p> |

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|   | <p>The statement that the CEO ‘supports the contention that ratepayer and residents input is unnecessary and irrelevant’ is patently wrong. The CEO, like the Council and like the State Government, strongly encourages individual ratepayers and residents to make a contribution as that opportunity exists to the review.</p>  |
| <p><b>2. Craig Dermer, 14/63 Mill Point Road, South Perth</b><br/> <b>Received: 26 March 2019</b></p>   | <p><b>Question 1 - Response provided by: Mark Taylor, Director Infrastructure Services</b></p> <p><b>Question 2 – Response provided by: Danielle Cattalini, Acting Director Corporate Services</b></p>   |
| <p><i>[Preamble to Question 1]</i></p> <p><i>I have sent a number (~25) questions concerning the content of the GTA Civic Triangle Transport Impact Assessment – you all received a copy. It beggars belief that a document with so many alleged mis-directions, errors and omissions was accepted as input to the DA.</i></p> <p><i>But it seems to follow a pattern of traffic studies which ebb and flo with each DA. The Flyt report in the ACP relied on some of these past journalistic expressions – but still came to the conclusion that the one saving grace for traffic chaos would be that there would be so much ‘Inconvenience’ that people won’t want to venture out – and so the worst case may not actually arise. ‘Hoping’ is far from good planning.</i></p> <p><i>Planners have eagerly documented astounding increased in population and density growth for the ACP, but have totally omitted the estimate of corresponding Vehicle Movement growth.</i></p> |  |
| <p>1. When will Council commission a study which will incorporate not just a few buildings, but the expected build-out for the 4800 new resident enumerated in the ACP, so that there can be more meaningful discussion and decision-making with more realistic Vehicle Movement issues available?</p>  | <p>The Transport and Movement Analysis for the South Perth Activity Centre Plan was prepared by expert consultants based on a very large amount of traffic modelling and other studies that have been completed in the area over a number of years. The advice of these experts is that there is sufficient information to inform the preparation of the draft South Perth Activity Centre Plan.</p> |



The Transport and Movement Analysis takes into consideration the expected population growth within the activity centre plan area and the impact that this will have on the road network.

Overall, the street network in the activity centre area performs well under forecast growth scenarios and its configuration supports existing and future development as well as use by all transport modes. However, traffic forecasts show that the majority of road links in the area will be operating over capacity in peak times by 2031 unless a greater proportion of trips are made by non-car transport modes.

In order to address this issue a strong focus of the draft ACP is on reducing car use and increasing the use of non-car transport modes such as public transport, walking and cycling to ensure that the transport network remains efficient as the local area and wider city grow.

The draft South Perth Activity Centre Plan is informed by a forecast growth of approximately 4,800 additional residents by the year 2041. Over the 22 year period between now and 2041 there will be numerous changes that will affect transport, driven by the growth of the local area and Perth as a whole, development of infrastructure and new technology. The draft ACP and supporting studies will also be reviewed numerous times over this period and traffic will continue to be monitored and modelled to inform upgrades to the movement network as required.

*[Preamble to Question 2]*

*Listing of Payments as per Motion by Cr Manolas*

*It was noted that with some dismay and scepticism that Council, perhaps coincidentally, reacted to some of our questions around the accounts by removing the descriptions.*

*Clearly the fact that there are poor descriptions at time is a process issue which could be ameliorated without avoiding scrutiny, and the very few issues that arise from poor descriptions can be handled on an as required basis.*

2. When the payments are posted in Council accounts – a description must be included – is it the now ‘hidden’ description?

The Local Government (Financial Management) Regulations 1996 do not require descriptions to be provided for the Monthly Payment Listing. The March decision to revert to a Payment Listing report to Council Meetings, consistent with what was done in the past showing a description column has been provided in the April 2019 Council Agenda Briefing.

a. If so, why can't they be made available to the councillors and public?

Confidentiality is required to be maintained, and as advised in the Item 10.4.2 Listing of Payments, in the April 2019 Agenda Briefing:

*“In addition to the information....., the description may also include information that is confidential or private. Due to system limitations, the only way to rectify misleading, confidential or private data was manual intervention,”*

*“In accordance with the Council Resolution on 26 March 2019, the attached report includes a “Description” for each payment. Officers provide a public disclaimer in that the information contained within the “Description” is unlikely to accurately describe the full nature each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.”*

b. If not, what descriptions will be used in the accounts postings?

Expenditure posting in the General Ledger are to natural accounts, with traditional Income Statement or Statement of Financial Position account names. The descriptions provided in this report are the narrative to the expenditure.

c. If Council is to continue to hide descriptions, why not display the description referred to by the reference number?

Payment Reference Numbers are provided in each Monthly Payment Listing to Council. A description column has been included in the Payment Listing in this April 2019 Agenda Briefing.



## RESPONSES TO QUESTIONS BY MEMBERS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD 26 MARCH 2019

**Cr Glenn Cridland**

*[Preamble] I refer to my previous questions regarding the Como Bowls Club.*

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| <p>1. If the City is going to require the Como Bowls Club to make good breakages to gas fixtures, will the City also require the Como Bowls Club to repair the floor or the ceiling if that falls in? Or the water pipes if they explode? Or will the City take some responsibility for the condition of the fixtures in the Como Bowls Club building?</p> | <p>The City confirms that in its capacity as owner and lessor of the Como Bowling Club it continues to accept liability for the repair of the built fabric of the building and its services. That liability extends to collapsed ceilings, floors and burst water pipes.</p> <p>In relation to the previous advice that the City had considered and rejected the Como Bowling Club's claim to be reimbursed for the repair to the cool room refrigerant pipe as the cool room was assessed as being an item of equipment within the club house, Council is further advised that the City has reviewed the design and character of the cool room installation and is now satisfied that the cool room forms part of the fabric of the building and has subsequently invited the Bowling Club to submit an invoice to the City for reimbursement of the pipeline repair costs.</p> |
| <p>2. Noting that the removal of the Como Bowls Club from the EJ Master Plan had a linkage with a proposal to move the Croquet Club into a facility with the Bowls Club, noting that Croquet Club will now not be moving, will there be a revisiting of a City recommendation to take the Bowls Club out of the EJ Master Plan?</p>                        | <p>The City has recently developed a draft Community Recreation Facilities Plan that is aimed to provide strategic guidance about current and future decision-making regarding the City's community recreation facilities. The draft Plan includes a recommendation for the City to undertake master planning of the Como Bowling Club and Como Croquet Club sites. The draft Plan is scheduled to be discussed at a Council workshop on 8 April 2019 to invite Councillor input that will assist with the development of the final Plan.</p>  |