

AGENDA.

Ordinary Council Meeting

25 June 2019

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 25 June 2019 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



MARK TAYLOR
ACTING CHIEF EXECUTIVE OFFICER

21 June 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

5. DECLARATIONS OF INTEREST

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 25 JUNE 2019

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

7. CONFIRMATION OF MINUTES AND NOTING BRIEFINGS AND OTHER MEETINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 May 2019

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 28 May 2019 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 18 June 2019

Officers of the City presented background information and answered questions on Items to be considered at the 25 June 2019 Ordinary Council Meeting at the Council Agenda Briefing held 18 June 2019.

Attachments

7.2.1 (a): 18 June 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
27 May 2019	Councillor Role and Information Briefing
27 May 2019	Large Scale Events Workshop
4 June 2019	Budget Workshop III and Corporate Business Planning Briefing
11 June 2019	South Perth Activity Centre Public Consultation

Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 18 June 2019
- 7.2.2 Concept Briefings and Workshops

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 Petition - Zoning of a Portion of Elizabeth Street in Draft Local Planning Strategy

A petition was received on 28 May 2019 from Eric Eisenmann of 40 Elizabeth Street, South Perth, together with 45 verified signatures in opposition of proposed rezoning in the Draft Local Planning Strategy.

The text of the petition reads:

'We the undersigned electors of the City of South Perth request: That the current proposal to rezone the portion of Elizabeth St from Lawler St down to Addison St to up to R50 not be proceeded with and specifically that the current R15 zoning remain.'

Officer Recommendation

That the petition received 28 May 2019 from Eric Eisenmann of 40 Elizabeth Street, South Perth, together with 45 verified signatures in relation to zoning of a portion of Elizabeth Street in the Draft Local Planning Strategy be forwarded to the relevant Director for consideration.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 18 June 2019.

8.4 COUNCIL DELEGATES REPORTS

Nil.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Endorsement of City of South Perth Community Recreation Facilities Plan

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-54000
Meeting Date:	25 June 2019
Author(s):	Jennifer Hess, Recreation Development Coordinator
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

- The City has 102 community facilities that are used for recreational purposes (or assist with the provision of recreation) with an estimated value of \$50million.
- These facilities are comprised of sports spaces, recreation spaces, nature spaces, pavilions, leisure centre, community halls, library buildings, seniors centres, heritage & arts buildings, kindergartens and public toilets.
- During 2018/19 the City undertook a review of its community recreation facilities to assess facility provision/identify gaps; develop a prioritised hierarchy for the facilities; provide recommendations regarding the current and future usage of the facilities; and produce an Action Plan that prioritises maintenance and capital investment in the facilities.
- The outcome of this project has led to the development of a Community Recreation Facilities Plan for the City, which is shown as **Attachment (a)**.

Officer Recommendation

That Council endorses the City of South Perth Community Recreation Facilities Plan, which is shown as **Attachment (a)** and by doing so, also endorses the:

1. Community Recreation Facility Priority Areas;
2. Community Recreation Facility Strategy and Seven Overarching Principles;
3. Community Recreation Facilities Action Plan, which is intended as a guide only to be delivered over a period of 15 years from 2019 to 2034 inclusive; and
4. Funding for each stage of the Plan to be requested as part of the annual operational budget process for assessment by Council.

Background

The City has 102 community facilities that are used for recreational purposes (or assist with the provision of recreation) with an estimated value of \$50million. These facilities are comprised of:

- 12 sports spaces (used for structured sport)
- 21 recreation spaces (used for passive, unstructured sport and recreation)
- 11 nature spaces (river foreshore, bushland, wetlands, geological and natural features)
- 19 sport/recreation pavilions
- Seven kindergartens/early learning centres
- Six community halls
- One leisure centre (George Burnett Leisure Centre)
- Three library buildings (including vacant former Manning Library)
- Three seniors centres (2 x senior citizen's centres and 1 x men's shed)
- Four heritage and arts buildings
- 15 public toilets (that assist with the nearby provision of recreation).

Many of the City's sport pavilions and halls were built between 1950 and 1990, with some facilities approaching the end of their lifecycle. Facility maintenance, facility renovations and/or complete facility replacements have occurred throughout the years. Recent examples include Bill Grayden Pavilion, WCG Thomas Pavilion, Manning Community Centre and John McGrath Hall and Pavilion.

Several concurrent requests are currently being received from clubs and community groups for significant structural and maintenance works for the community recreation facilities they occupy/utilise. Although the City has a general facility maintenance program, priorities for maintenance and redevelopment are relatively ad-hoc. The current process for assessing requests from clubs for building redevelopment exists through the State Government's Community Sporting Recreational Facilities Fund (CSRFF) process. However, this process considers individual facility requests in isolation as they are submitted, so a more strategic decision-making process is required that assesses/prioritises works involving all of the City's community recreation facilities.

During 2018/19 the City undertook a review of its community recreation facilities to assess facility provision/identify gaps; develop a prioritised hierarchy for the facilities; provide recommendations regarding the current and future usage of the facilities; and produce an implementation plan that prioritises maintenance and capital investment in the facilities. The outcome of this project has led to the development of a Community Recreation Facilities Plan for the City. The Plan will provide a strategic asset management framework that will guide the planning, construction, maintenance, and operation of community recreation infrastructure to best meet the community's sport, recreation and wellbeing needs.

On 28 May 2019, the City of South Perth Community Recreation Facilities Plan was presented to Council for endorsement. At that meeting, Council resolved that the Plan be deferred to the June 2019 Council meeting to allow detailed consideration by Councillors.

Comment

The Community Recreation Facilities Plan will assist with the delivery of the City's Strategic Community Plan 2017-2027 (i.e. the Community Recreation Facilities Plan aligns to 15 strategies within the Strategic Community Plan).

The Community Recreation Facilities Plan has been developed following a comprehensive process involving four main phases, as follows:

1. Research Phase;
2. Identification of Community Recreation Facility Priority Areas;
3. Development of Sport and Recreation Facility Provision Principles; and
4. Development of an Action Plan.

These four phases are outlined below.

1. Research Phase

Various areas of research were undertaken, including audit and assessment of the City's existing community recreation facilities; review of sport and recreation participation trends and opportunities; stakeholder consultation; comparison of facility plans by other local governments; review of existing City of South Perth and State Government documents and reports relevant to the development of community sport and recreation policy (local, state and national); and review of the City's Strategic Community Plan to determine Council's strategic direction relating to recreation facilities. The outcomes of the research phase are reflected in the Community Recreation Facilities Plan.

2. Identification of Community Recreation Facility Priority Areas

In reviewing the outcomes of the research phase, eleven key community recreation facility priority areas were identified, namely:

1. Sports Spaces (Playing Fields and Ovals)
2. Recreation Spaces (Open Parklands, Community Gardens)
3. Nature Spaces (River Foreshore, Bushland, Coastal areas, Wetlands and Riparian habitats, and Geological and Natural features)
4. Sport/Recreation Pavilions
5. Kindergartens/Early Learning Centres
6. Community Halls
7. Leisure Centre
8. Library Buildings
9. Senior Centres
10. Heritage and Arts Buildings
11. Public Toilets

3. Development of Overarching Sport and Recreation Facility Provision Principles with Strategic Alignment

The outcomes of the research phase and identification of the priority areas led to the development of seven key principles that are intended to provide guidance on sport and recreation facility provision within the City into the future, which are aligned to a Strategy as detailed below.

Strategy:

To provide a strategic framework to guide decision making for key community facility projects throughout the City over the next 15 years; which are based on:

- Seven key overarching principles;
- Alignment to the City's Integrated Planning and Reporting Framework (Strategic Plan);
- Key stakeholder consultation; and
- Annual measuring and review as part of the City's annual budget and business planning cycle.

Seven Principles:

The seven overarching principles to be endorsed by Council in setting the strategic direction of the City's community recreation facility projects into the future are:

1. Community Wellbeing - That Council endorses and supports the community's participation within its community recreation facilities to increase quality of life, encourage community cohesiveness and promote community wellbeing.
2. Facility Mix - That Council supports the provision and development of a range of community facilities at the local, neighbourhood, district and regional levels. Shared use/co-location and multifaceted design elements are considered as high priority. Consistency should be portrayed in the City's imaging including signage.
3. Access for All - That Council encourages access for all within its community recreation facilities, including specific population groups, such as: people with disabilities, the elderly and juniors.
4. Facility Provision Decision Making - That Council supports community participation in relevant decision making processes to guide current and future provision of the City's community recreation facilities.
5. Partnerships - That Council encourages the establishment of partnerships between the City and government, businesses, community groups, schools and other stakeholders to support the provision of community recreation opportunities for the community; including shared use agreements with local schools.
6. Facility Cost User Contribution - That Council supports a cost recovery model that contributes to lifecycle costing of facilities considering the following:
 - Whole of life facility costs;
 - Type of facility use (single versus shared);
 - User's specific facility requirements (e.g. below, on par or above the City's standard level of provision);
 - User's capacity to pay; and
 - Level of community benefit.

7. Facility Funding Prioritisation - That Council prioritise funding for the renewal of the City's existing community recreation facilities and/or provision of new facilities based on the following considerations:
- Available resources & cost recovery;
 - Community need;
 - Legislative requirements;
 - Industry best practice guidelines;
 - Australian standards;
 - Whole of life facility costs can be accommodated;
 - Shared use/co-location and multifaceted design elements;
 - External funding, partnerships or other facility opportunities can be demonstrated;
 - Obsolete, oversupply or duplicate facility provision may be addressed e.g. through down-sizing or rationalization;
 - Crime Prevention through Environmental Design (CPTED) principles;
 - Access and inclusion principles; and
 - Environmental Sustainable Design (ESD) principles.

4. Action Plan

The Action Plan is the final phase of the Community Recreation Facilities Plan and it incorporates the outcomes of the three earlier phases (i.e. research, priority areas and sport and recreation facility provision principles). The Action Plan is presented in a table format to clearly outline the level of priority; description of the actions; and the suggested implementation timeframes. The Action Plan should be read as a guide only. The Action Plan will be subject to an annual review to stay in tune with current and emerging community needs and organizational priorities. The associated timeframes will be adjusted accordingly. The outcomes of actions within the Plan will be measured and reviewed annually as a part of the City's annual business planning process. Measuring the success of the actions related to the delivery of the Community Recreation Facilities Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data.

As an outcome of the Council meeting on 28 May 2019 and subsequent Councillor feedback, the Community Recreation Facilities Plan has been amended to include the following projects in 2019/20:

- Manning Community Centre - Design work for an awning at Manning Community Centre Clubrooms Terrace (Manning Rippers Football Club);
- Manning Bowling Club - Design work for a universal toilet at Manning Bowling Club; and
- Como Bowling Club - Design work for kitchen and toilet upgrades at Como Bowling Club.

Funds are also listed in the City's draft 2019/20 Budget for the above projects, which is subject to Council approval.

Furthermore, as part of the City's Sports Oval Floodlight Plan, re-lamping, cleaning and re-aiming of sports lighting is planned to occur at Bill Grayden Oval, George Burnett Oval, Richardson Reserve and James Miller Oval in June/July 2019. The objective is to assist in addressing/minimizing dark spots on the sporting reserves. The City will also arrange for another lux lighting assessment on relevant sporting reserves.

Consultation

Thorough consultation has occurred during the development of the Community Recreation Facilities Plan, namely:

- local sporting and community groups that lease a City community recreation facility;
- relevant State Sporting Associations;
- relevant City departments involved in community recreation facilities; and
- Elected Members through a Councillor workshop held on 8 April 2019.

Feedback provided during the consultation sessions has been incorporated into the Community Recreation Facilities Plan.

Policy and Legislative Implications

Development and implementation of the Community Recreation Facilities Plan is aligned with:

- Policy P106 – Use of City Reserves and Facilities
- Policy P110 – Support of Community and Sporting Groups
- Policy P609 - Management of City Property
- Public Places and Local Government Property Local Law 2011

Financial Implications

The Community Recreation Facilities Plan is intended to be delivered over a period of 15 years from 2019 to 2034 inclusive. Funds required for the Actions will be sought using a combination of City funds, external funding and/or contributions from sport and recreation clubs and stakeholders; and will be requested as part of the annual operational budget process for assessment by Council.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Community infrastructure
Strategy:	Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs

Attachments

10.0.1 (a): Community Recreation Facilities Plan - Final

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Approval Process for Large Scale Events and Activations held on the South Perth Foreshore

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-54002
Meeting Date:	25 June 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 responds to a resolution of Council at the 23 April 2019 Ordinary Council meeting relating to large scale events held on City parkland.

Officer Recommendation

That Council approves amendments to Policy 106 – ‘Use of City Reserves and Facilities’ as shown in **Attachment (a)**.

Background

In October 2014 the Council endorsed a South Perth Foreshore (SPF) Strategy and Management Plan for the City. The SPF Plan categorises the foreshore area into 10 nodes/sections and includes activation strategies for these nodes under four whole of foreshore objectives, namely:

1. Transport and Access;
2. Infrastructure;
3. Activation; and
4. Culture, Heritage & Environment.

In particular, Node 9 (parklands in front of large flagpole/near Coode Street) and Node 10 (parklands near Ellam Street) have been categorised in the SPF Plan as being suitable for landmark events and recreational attractions.

At its meeting held 23 April 2019, Council resolved as follows:

“That Council resolve to authorise the City to develop a Draft Management Policy in relation to Reserve 34565. The Draft Policy shall be provided for Council consideration for the Ordinary Council Meeting in June 2019.”

The proposed Management Policy shall give consideration to such matters as the type of events and functions that are considered appropriate for the use of Crown Reserve 34565, and that are consistent with the Objectives of the South Perth Foreshore and Management Plan.

Also consideration shall be given to the duration of these events with respect to the impact on the Reserve; the residential amenity; and the commercial impact of such events on the established commercial infrastructure in the Precinct.

The Draft Policy will 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 a Council determination”.

Comment

On Monday 27 May 2019, a workshop was held with Councillors to discuss the types of events and functions to be held on the South Perth foreshore. At this workshop, it was explained that Crown Reserve 34565 only related to a small portion of the South Perth foreshore and that large scale events were generally not held there, but rather in zones 6,7,8 (near Coode Street end) and zones 13,14,15 (near Ellam Street end) of Sir James Mitchell Park. It was therefore suggested that any policy incorporate all of City owned and managed land to respond to the intent of the Notice of Motion.

South Perth foreshore is the main outdoor venue used for local large scale events. Each year the City receives approximately 200 bookings for use of the Foreshore. The majority of these booking requests are for smaller scale events and activities, such as birthday parties, picnics and social gatherings. A small number of booking requests (approximately 10 per year) relate to large scale events and activations, such as concerts, festivals and expos.

The City has Policy 106 - Use of City Reserves and Facilities, which currently relates to the use of the entire South Perth foreshore. It is therefore suggested that this policy be amended to include the provision for large scale event applications to be presented to Council for approval, rather than having a separate policy.

Policy 106 - Use of City Reserves and Facilities has been amended to include a definition for large scale events and the criterion used to determine the approval process. The following criterion is proposed in the policy:

<u>Type of Large Scale Event/Activity</u>	<u>Large Scale Event Approval Process</u>
1. Community Facilitated Large Scale Event/Activity	Event shall be determined by the City.
2. City of South Perth Facilitated Large Scale Event/Activity	Event shall be determined by the City. <i>Note: Council will also be involved in the approval process for the City's events as part of the annual budget submission process.</i>
3. Commercial Organisation Facilitated Large Scale Event/Activity	Event shall be referred to Council for its approval.

Large scale events and activities determined by 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.

As large scale events have a greater potential impact on the community, the City's management practice will also be amended to include 'event suitability criteria' and the 'event approval process' to guide the decision-making process regarding future large scale events on the South Perth foreshore.

A review of Policy 106 - Use of City Reserves and Facilities also identified a duplication of information already contained within the current associated management practice. Therefore, the duplicated information has been removed from the policy, so that it complements the management practice. The changes to the policy can be found in **Attachment (a)**.

Consultation

On 27 May 2019 the City facilitated a Councillor workshop on large scale events. Feedback provided by the Councillors at this workshop has been incorporated into the proposed amendments to Policy 106 - Use of City Reserves and Facilities.

Policy and Legislative Implications

Amended Policy 106 - Use of City Reserves and Facilities.

Financial Implications

Nil.

10.1.1 Approval Process for Large Scale Events and Activations held on the South Perth Foreshore

Strategic Implications

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

Strategic Direction: Community
Aspiration: A diverse, connected, safe and engaged community
Outcome: Culture and community
Strategy: Facilitate and create opportunities for social, cultural and physical activity in the City

Attachments

10.1.1 (a): Amended Policy P106 - Use of City Reserves and Facilities

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Final Adoption of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility

Location:	Land bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford
Ward:	Manning Ward
Applicant:	Dynamic Planning and Developments Pty Ltd
File Ref:	D-19-54005
Meeting Date:	25 June 2019
Author(s):	Matthew Andrews, Strategic 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

At its Ordinary Council Meeting held 30 October 2018, Council resolved to prepare and carry out consultation on proposed Amendment No. 60 to Town Planning Scheme No. 6 (the Scheme). The amendment relates to an area bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford (the amendment area), part of an area known as the 'Waterford Triangle'.

The amendment proposes to increase the residential density code of the amendment area from R20 to R100 and increase the building height limit from 7.0 metres (two storeys) to 17.5 metres (five storeys) while also introducing the provision for the land to be developed as a 'Purpose Built Student Accommodation Facility'. Additionally the amendment provides controls for a larger development site (greater than 3,000m² in area) to be considered for an increased building height up to 24.5 metres (seven storeys).

Following public advertising of the proposed amendment it is recommended that the Council support the proposed amendment subject to modifications, and forward the amendment to the Minister for Planning for final approval.

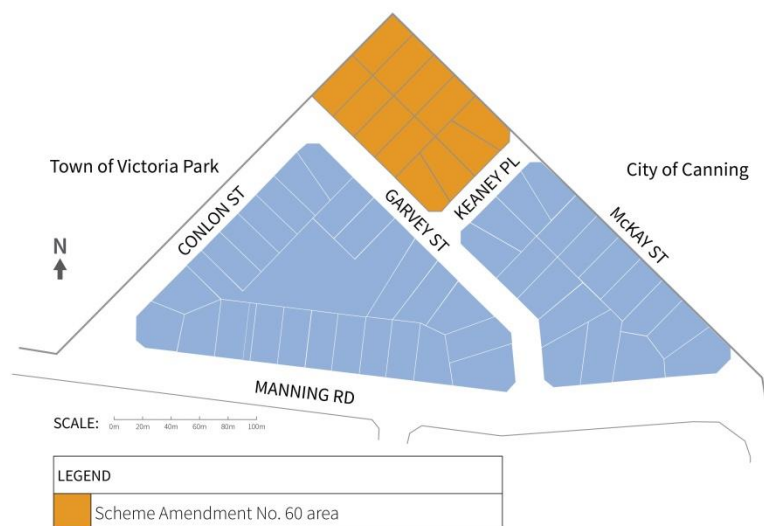
Officer Recommendation

That Council:

- a. Notes the submissions received as detailed in the Schedule of Submissions at **Attachment (a)**;
- b. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support Amendment No. 60 to the City of South Perth Town Planning Scheme No. 6, subject to modifications as set out in **Attachment (b)**;
- c. Authorises the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation and affix the common seal of the City of South Perth to the documentation; and
- d. Requests that the Minister for Planning grant final consent to proposed Amendment No. 60 to the City of South Perth Town Planning Scheme No. 6 as referred to in point 2 above.

Background

The proposed Amendment No. 60 relates to the northern portion of the area known as 'Waterford Triangle' being the land bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford as shown on the map below.



The amendment area consists of 12 lots with a mix of single houses, duplexes, and a low rise apartment building. The area is currently zoned Residential R20 and has a building height limit of 7.0 metres under the Scheme.

Final Adoption of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility

The proposed Amendment No. 60 was submitted by a landowner within the amendment area and proposes to implement the vision set out in the Waterford Triangle Urban Design Study. The Waterford Triangle Urban Design Study provided a conceptual framework for the redevelopment of the area and provided the basis for future town planning scheme amendments within the Waterford Triangle. The Waterford Triangle Urban Design Study was endorsed by Council in 2012 and comprehensively reviewed in 2017 prior to the progression of an amendment for the rest of the Waterford Triangle area (Amendment No. 59).

At its meeting held 30 October 2018 (refer item 10.3.2) the Council resolved to carry out consultation on the proposed Amendment No. 60. At this meeting the Council also resolved that the proposed amendment is complex as defined by the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). Detailed background information relating to the previous studies that have informed the proposed amendment are contained in the 'Background' section of the aforementioned item.

The proposed Amendment No. 60, as advertised, proposes to:

- Recode all properties from R20 to R100;
- Increase the building height limit on all lots within the amendment area from 7.0 metres (two storeys) to 17.5 metres (five storeys);
- Define the use of 'Purpose Built Student Accommodation Facility' that could be considered for approval within the amendment area;
- On sites greater than 3,000m² in area, allow for development up to 24.5 metres (seven storeys) in height subject to meeting specific criteria including increased street setback for upper floors, maximum floorplate size and minimum communal open space requirements;
- Provide additional requirements if the site is to be developed for 'Purpose Built Student Accommodation Facility' including the need to provide a Waste Management Plan and Parking Needs Study;
- Provide limits on the scale of non-residential uses that may be provided with, and compliment, a future Purpose Built Student Accommodation Facility; and,
- Prohibit the development of Grouped Dwellings within the amendment area.

Following the Council resolution to initiate the proposed Amendment No. 60, the amendment was forwarded to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) for consent to advertise. On 26 November 2018 the City was advised by the EPA that the proposed amendment did not require an environmental assessment. On 13 December 2018 the City was advised that the WAPC had granted consent to advertise the proposed amendment subject to minor administrative corrections. The amendment was subsequently advertised for a period of 64 days between 22 January and 26 March 2019, exceeding the minimum requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and Council Policy P301 – Community Engagement in Planning Proposals (P301).

Final Adoption of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility

Modifications to the Residential Design Codes

On 18 February 2019, the Minister for Planning released modifications to State Planning Policy 3.1 Residential Design Codes (R-Codes). Upon its gazettal on 24 May 2019, the existing R-Codes were renamed State Planning Policy 7.3 R-Codes Volume 1, retaining all existing content with the exception of Part 6 (multiple dwellings in areas coded R40 or greater). New State Planning Policy 7.3 R-Codes Volume 2 - Apartments replaces the content of Part 6.

The proposed Amendment No. 60 as advertised contains a number of provisions that differ from the updated R-Codes. These provisions have been reviewed in the context of the most up-to-date version of the R-Codes, resulting in a number of modifications to the proposed amendment being recommended.

Comment

Key issues resulting from public consultation

During the public consultation period the City received 11 submissions on the proposed Amendment No. 60, including those from State Government agencies and a submission on behalf of Curtin University. Further information regarding the outcomes of the public consultation is detailed in the 'Consultation' section of this report.

The key matters raised during public consultation are outlined in the table below and officer comments are provided in response to these key issues. A detailed officer response to each submission is contained in the Schedule of Submissions contained in **Attachment (a)** of this report.

Matter	Officer summary of key issue	Officer Comment
Support for the amendment	Supportive of the proposed amendment, including student accommodation and increase in the density within the Waterford Triangle area generally	Four of the 11 submissions received expressed support for the proposed amendment due to the close proximity of the area to Curtin University and/or the need for redevelopment within the Waterford Triangle area.
Supply of student accommodation	Additional student accommodation will impact on existing and proposed student accommodation development and create an oversupply in the market particularly in the short term.	The proposed amendment introduces the possibility of land within the amendment area being developed as a Purpose Built Student Accommodation Facility. However it does not preclude development of the land for traditional residential dwellings. The extent of demand for student accommodation in the future is a market consideration and is not relevant to the consideration of this amendment.

		<p>The proposed amendment considers whether a Purpose Built Student Accommodation Facility is an appropriate use for this location and whether the amenity of the area may be negatively impacted by this land use. The amendment has been modified to include consideration of the potential impact of a proposed Purpose Built Student Accommodation Facility on the Bentley/Curtin Specialised Activity Centre and to ensure that any Purpose Built Student Accommodation Facility is complimentary to the activity centre and provides an appropriate transition to the adjacent residential neighbourhood.</p>
Height	<p>The building height limit is greater than recommended in the Waterford Triangle Urban Design Study (maximum seven storeys in lieu of five storeys). The criteria for gaining additional height is insufficient.</p>	<p>Development up to seven storeys in height is only permitted on a site larger than 3,000m² and greater lot boundary setbacks apply to buildings greater than five storeys in height. While this differs from the Waterford Triangle Urban Design Study, the potential impact of additional height, bulk and scale is considered to be mitigated by the greater lot size and significantly greater lot boundary setback criteria.</p>
Traffic and parking	<p>Existing parking issues will be exacerbated with increased density and will create additional congestion on Manning Road.</p>	<p>The existing parking and traffic conditions within the area were considered as part of the preparation of the proposed amendment including the impact of parking by students on the local streets.</p> <p>The City may undertake a parking management strategy in the future if required/necessary and consideration will also be given to traffic and parking for any future development application.</p>

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		<p>All resident parking for future developments will be assessed in accordance with the R-Codes and any future Purpose Built Student Accommodation Facility will be required to undertake a Parking Needs Study (refer to Part 3 (l) (v) of Attachment (b)) to determine the minimum number of bays required to service the development.</p> <p>The City's Draft Local Planning Strategy estimates that approximately 150 additional dwellings will be provided in the Waterford Triangle area by 2031. This increase is not anticipated to result in a significant increase in local traffic volumes.</p>
<p>On street parking</p>	<p>The proposed amendment does not address provision of on-street parking.</p>	<p>Council resolved to progress infrastructure upgrades within the area at the December 2017 Council Meeting (refer item 10.3.2). These upgrades include narrowing of the existing road carriageways of most roads (to allow for formal on-street parking) and resurfacing of these roads. The City may undertake a parking management strategy in the future if required/necessary.</p>

<p>Built-form transition and impact on existing character</p>	<p>The proposed amendment does not adequately address the transition between the different forms and scale of development, in particular where a Purpose Built Student Accommodation Facility is proposed nearby or adjacent to existing single residential houses.</p>	<p>The proposed amendment is part of a wider study to improve and enhance the Waterford Triangle area and to increase density in accordance with the recommendations of Perth and Peel @3.5million and the City's Draft Local Planning Strategy.</p> <p>Development height is limited to five storeys to provide transition between the adjacent Curtin campus and the lower density single residential areas adjacent. The surrounding residential neighbourhood is proposed to be subject to a three storey building height limit under proposed Amendment No.59 (which applies to the remainder of the Waterford Triangle area).</p> <p>Additional height (up to seven storeys) is available only in instances where significant street and lot boundary setbacks are achieved. This will mitigate impacts on the lower-rise residential character adjacent.</p>
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As a result of the submissions received and further review of the content of the proposed amendment, a number of modifications to the amendment are recommended.

Discussion of Modifications

A number of modifications to the proposed amendment are recommended to both respond to the issues raised during consultation and to align the amendment with the updated R-Codes. These modifications set out in **Attachment (c)**, are further discussed below and are reflected in **Attachment (b)**.

Alignment with the Residential Design Codes

As discussed above, since initiation of the proposed amendment by Council in October 2018 the Minister for Planning released modifications to the R-Codes. Local governments are encouraged to maximise consistency with the modified R-Codes and only vary elements where it is necessary to respond to a specific, local circumstance. In reviewing the proposed amendment against the new gazetted R-Codes, the following modifications are recommended:

(a) Side and rear setbacks and building separation

The proposed amendment as advertised included four separate clauses relating to lot boundary setbacks including visual privacy, building separation and setbacks for upper floors. Under the amended R-Codes all of these matters are addressed by elements 2.4 – Side and Rear Setbacks, and 2.7 – Building Separation. Under element 2.7 setbacks distances between buildings on the same site and to those on adjoining properties are set based on building height and type of room/space. Figure 1 is an extract of the minimum building separation criteria of buildings in element 2.7 of the amended R-Codes.

	Separation between:	Building height		
		≤ 4 storeys (up to 12m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)
Within site boundary	Habitable rooms/balconies	12m	18m	24m
	Habitable and non-habitable rooms	7.5m	12m	18m
	Non-habitable rooms	4.5m	6m	9m
To adjoining property boundaries	Habitable rooms/balconies and boundary	Refer 2.4 <i>Side and rear setbacks</i> (Table 2.1) and 3.5 <i>Visual privacy</i> (Table 3.5)	9m	12m

Distances apply from major openings of rooms, or the inside of balustrading of balconies.
Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.

Figure 1: Extract from R-Codes Volume 2 – Apartments, Table 2.1 - Building separation.

Under element 2.4 of the amended R-Codes, for buildings four storeys or less the lot boundary setback distance at the R100 code is 3.0m or a minimum average setback distance of 3.5m for walls exceeding 16.0m in length.

Tables 1 to 3 set out the differences between the proposed amendment (as advertised) and the amended R-Codes.

Table 1 - Side boundary setback

Height metres/storeys	Side boundary setback		Difference between amendment and R-Codes
	Advertised amendment	R-Codes	
3.5m/1	3m	3-3.5m	R-Code requirement is up to 0.5m greater.
7.0m/2	3m	3-3.5m	
10.5m/3	3m	3-3.5m	
14.0m/4	6m	3-3.5m	R-Code requirement is up to 3.0m lesser.
17.5m/5	6m	9m	R-Code requirement is up 3.0m greater.
21.0m/6	9m	9m	No change.
24.5m/7	9m	9m	

Table 2 - Rear lot boundary setback

Height metres/storeys	Rear boundary setback		Difference between amendment and R-Codes
	Original amendment	R-Codes	
3.5m/1	3m	3.5-6m	R-Code requirement is at least 0.5m greater.
7.0m/2	3m	3.5-6m	
10.5m/3	3m	3.5-6m	
14.0m/4	6m	3.5-6m	R-Code requirement is up to 2.5m lesser.
17.5m/5	6m	9m	R-Code requirement is 3.0m greater.
21.0m/6	9m	9m	
24.5m/7	9m	9m	

Table 3 – Building separation (buildings within a site)

Height metres/storeys	Building separation		Difference between amendment and R-Codes
	Original amendment	R-Codes	
3.5m/1	6m-9m	4.5m-12m	R-Code requirement is up to 1.5m lesser, or 3.0m greater depending on the use of the space/room (refer Figure 1 above).
7.0m/2			
10.5m/3			
14.0m/4			
17.5m/5		6m-18m	R-Code requirement is up to 9m greater.
21.0m/6			
24.5m/7			

The proposed amendment is recommended to be modified by:

- Deleting Part 5(e) relating to lot boundary setbacks
- Modifying Part 5(f) to remove references to variations of minimum lot boundary setbacks
- Deleting Part 5(i) relating to building separation
- Deleting Part 5(j) relating to separation between major openings
- Inserting a new clause, Part 3(f) in **Attachment (b)**, that states the following:

'The setback to all side and rear boundaries, and distances between buildings on the same site shall be as per element 2.4 – Side and Rear Setbacks and 2.7 – Building Separation of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.'

The modification is recommended for the following reasons:

- The setbacks are more responsive to different built form scenarios. For example a wall up to four storeys in height is required to have a minimum side boundary setback of 3m, but this is increased to an average of 3.5m where walls greater than 16m in length are proposed. This will result in a built form that achieves greater setbacks where a wall is longer.
- The separation distances are significantly greater for buildings facing each other within a site and also significantly greater once a building exceeds four storeys in height.
- Aligning the lot setback and building separation criteria with the R-Codes allows consideration of the 'Element Objectives' and 'Design Guidance' criteria of the R-Codes when making an assessment of a building setback.

The addition of the matters listed in these objectives and guidance will enhance the ability for a decision maker to make a performance based assessment of a proposed setback.

(b) Minimum ground floor levels

Element 3.6 (Public domain interface) of the amended R-Codes contains provisions in respect to minimum ground levels. The criteria have the same intent as that contained in Part 5 (k) of the proposed amendment as advertised (now Part 3 (i) in **Attachment (b)**). For consistency, the wording of the proposed amendment has been modified to reflect that in the amended R-Codes; as follows:

'Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m'

(c) Application to a Purpose Built Student Accommodation Facility

The amended R-Codes apply to the assessment of multiple dwellings. As a Purpose Built Student Accommodation Facility does not meet the definition of a 'multiple dwelling' the provisions contained in the R-Codes do not strictly apply, except to the extent written into the Scheme. The amended R-Codes provide a comprehensive means of assessing the design quality of a development considering matters such as light access, managing impacts of noise, natural ventilation and design of communal open spaces. These matters are highly relevant to the assessment of a proposed Purpose Built Student Accommodation Facility.

To ensure these matters are given due consideration in the assessment of any future Purpose Built Student Accommodation Facility, it is recommended that the following additional clause be added to the proposed amendment:

'(l) In addition to clauses 5.4(14)(j) and 5.4(14)(k), any 'Purpose Built Student Accommodation Facility' on 'Site P' shall meet the following criteria:

(i) The development shall have due regard to the Element Objectives and Design Guidance for all elements of State Planning Policy 7.3 Volume 2 - Apartments.'

It is noted that this clause does not include reference to the 'acceptable outcomes' of the R-Codes. The acceptable outcomes act in a similar way to the previous 'deemed-to-comply' criteria and it is not appropriate to apply these criteria to a Purpose Built Student Accommodation Facility as they are designed specifically to set minimum standards for fully self-contained dwellings.

Considerations when approving a Purpose Built Student Accommodation Facility

A number of the submissions received raised concern with how the Purpose Built Student Accommodation Facility use may impact on the amenity of the area and potentially undermine the development of the adjacent Bentley/Curtin Specialised Activity Centre.

The amendment area is surrounded by residential land use and is on the periphery of the Curtin University campus. It is necessary to ensure that any future Purpose Built Student Accommodation Facility is at a scale and intensity that provides an appropriate transition between these two areas and, generally, does not undermine the future development of similar student accommodation uses within the adjacent Specialised Activity Centre.

Part 5 (l)(v)(H) of the advertised amendment contained two clauses relating to the assessment of the Purpose Built Student Accommodation Facility use. These clauses required any development to meet the objectives of the accompanying local planning policy (draft policy P351.20 – Design Guidelines for ‘Purpose Built Student Accommodation Facility’) and be consistent with any advice on design received from the City’s Design Review Panel.

These clauses, while important to the assessment of a future development, do not provide any performance-based measures of the context of ‘Site P’ in terms of the suitability or otherwise of a proposed Purpose Built Student Accommodation Facility. To ensure greater consideration of the potential amenity impacts of a Purpose Built Student Accommodation Facility use, particularly on the adjoining (currently) single residential area, the following additional clauses are proposed to be added to this Part (now Part 3 (k) in **Attachment (b)**), that require that regard be given to the following;

- (iii) The use generates a level of activity that provides an appropriate transition between the adjacent Bentley/Curtin Specialised Activity Centre and surrounding residential neighbourhood.*
- (iv) The use(s) proposed are complementary in scale and intensity to the range of accommodation facilities, commercial activities and community services envisioned within the adjacent Bentley/Curtin Specialised Activity Centre; and,*
- (v) Any matters listed in Clause 67 of the Deemed Provisions.*

Considerations when granting additional height

The proposed amendment allows, subject to a range of criteria, the development of a building greater in height than the 17.5 metre (five storey) height limit. These requirements allow for approval of a development up to seven storeys (24.5 metres) in height and include a minimum site area requirement and floor plate area limits designed to ameliorate potential impacts caused by the additional building height.

A number of submissions raised concern that developments above five storeys in height would negatively impact on the amenity of the surrounding neighbourhood. To address these concerns, the amendment is proposed to be modified to include the following criteria at Part 3 (j) (iii) of the modified amendment text (**Attachment (b)**);

‘Portions of building above 17.5 metres (5 storeys) shall be contained beneath an angled plane extending from a height of 1.6 metres above ground level measured from the street boundary of any residential property directly opposite ‘Site P’, to a height of 17.5 metres measured 6.0 metres inside the street boundary of ‘Site P’.’

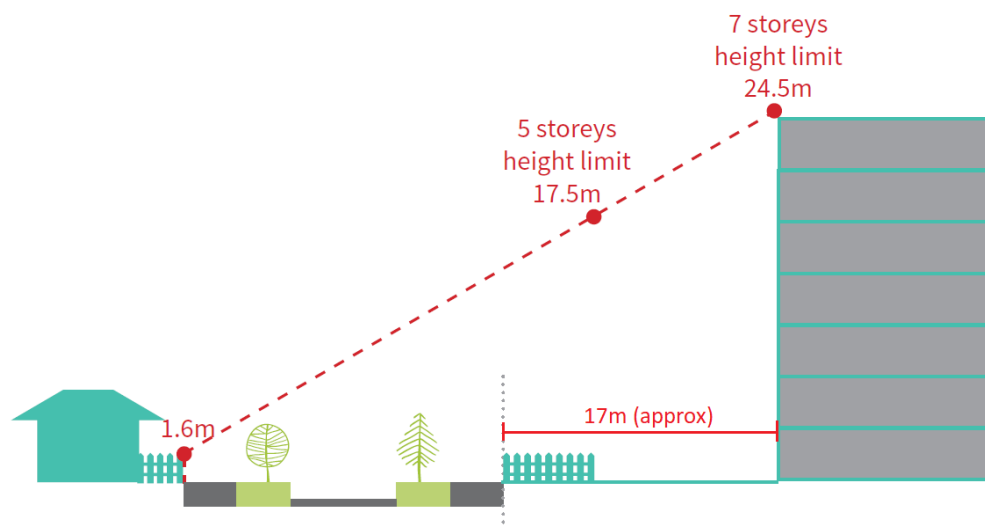
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This modification ensures that any portions of building above 17.5 metres are setback from the street a significantly greater distance than 6.0 metres. A building constructed to the maximum height of 24.5 metres would be required to be setback (approximately) 17.0 metres from the street boundary to satisfy the above criteria. This will significantly diminish the potential impact of building height and scale from the surrounding streets. The above criteria is similar to that of clause 5.4(7)(b)(ii) of the Scheme, which relates to development on 'Site G' (Penhros College).

While this may result in some portions of buildings above the fifth storey being visible from sites on the other side of the street, the provision will;

- Ensure these taller buildings are setback considerably from street boundaries; and,
- Discourage a continuous five storey façade at the 6.0 metre setback distance in order to obscure views of any storey(s) above.

Two diagrams are provided below that depict two examples of how a building could be designed to comply with the recommended clause.



Definition of 'Purpose Built Student Accommodation Facility'

The amendment as advertised proposed to introduce the definition of 'Purpose Built Student Accommodation Facility' to the general definitions section of the Scheme (Schedule 1 – Definitions); and also add the use to Table 1 – Zoning (Land Use). This approach would allow the consideration of Purpose Built Student Accommodation Facility on any similarly zoned site within the City. The Scheme does not contain any specific objectives or assessment criteria for Purpose Built Student Accommodation Facility. This could therefore lead to the development Purpose Built Student Accommodation Facility in other areas in the City, potentially in an ad-hoc fashion.

The proposed amendment is recommended to be modified to remove the definition of Purpose Built Student Accommodation Facility from Table 1 and Schedule 1 and relocate the definition to a new Part 3(m). This modification means that the Purpose Built Student Accommodation Facility land use can occur within the amendment area only. The amendment area is considered appropriate for a Purpose Built Student Accommodation Facility use owing to its location adjacent to Curtin University.

Structural modifications and re-numbering

The amendment text as advertised has been re-numbered and reordered to ensure that the proposed amendment is clear and concise. The recommended modifications makes it clear that a Purpose Built Student Accommodation Facility shall not be automatically approved and due regard must be given to the transition between the scale and intensity of the adjacent Bentley/Curtin Specialised Activity Centre area and the surrounding residential neighbourhood when considering approval of the Purpose Built Student Accommodation Facility use on the site.

Clause numbering and terminology

References to previous clause numbers and descriptions have been replaced with the most up-to-date descriptions and/or to refer to the equivalent clause in the amended R-Codes. Other terminology has been modified to align with the Model Provisions (i.e. 'City of South Perth' replaced with 'the local government').

Draft Local Planning Policy P351.20 – Design Guidelines for 'Purpose Built Student Accommodation Facility' on 'Site P'

At its October 2018 Council meeting (refer item 10.3.2) Council also resolved to advertise a draft local planning policy P351.20. The draft policy provides design guidelines for the development of a Purpose Built Student Accommodation Facility on the amendment site. The design guidelines aim to ensure that the future development is consistent with the vision set out in the Waterford Triangle Urban Design STUDY by providing guidance on built form, vehicle access and parking, services, landscaping, sustainability and streetscape. This draft policy was advertised in conjunction with the proposed Amendment No. 60.

A report on P351.20 will be presented to Council for final adoption once the outcome of proposed Amendment No. 60 becomes more certain. P351.20 will likely require further modification to achieve greater alignment with the R-Codes and to reflect any modifications made to the proposed amendment.

Consultation

The proposed amendment was advertised for a period of 64 days, between 22 January 2019 and 26 March 2019, in accordance with the Regulations (which requires a minimum 60 day period) and local planning policy P301. This consultation involved:

- Two notices in the Southern Gazette newspaper, appearing on 22 January 2019 and 5 February 2019;
- Two 'drop-in' sessions at the George Burnett Leisure Centre; one after hours on a weekday; and one on a weekend day. These sessions were attended by a total of approximately 10 members of the public;
- Three advertising signs erected in strategic locations throughout the amendment area for the duration of the consultation period;
- Notice and copies of the amendment documents being published on 'Your Say South Perth' for the duration of the consultation period;
- Hard copy notices and copies of the proposed amendment being available at the City's Civic Centre and libraries for the duration of the consultation period; and
- Mail notices being sent to property owners and occupiers within the amendment area and approximately 100 metres around the amendment area.

At the conclusion of the consultation period a total of 11 submissions were received. The positions expressed in the submissions are summarised as follows:

- Four submissions supported the proposed amendment;
- Three submissions objected to the proposed amendment; and
- Four submissions were unqualified, indicating neither support nor objection to the proposed amendment.

A detailed officer response to each submission is contained in the Schedule of Submissions contained in **Attachment (a)** of this report.

Policy and Legislative Implications

The Council has undertaken public consultation as required by the Regulations, the Scheme and local planning policy P301, and must now consider whether to recommend to the Minister for Planning to approve the proposed Amendment No. 60, with or without modifications, or not approve it. The recommendation is to support the proposed amendment **subject to modifications**.

Should the Minister approve proposed Amendment No. 60, the City will arrange for notice of the Minister's approval to be published in the Government Gazette newspaper. The amendment provisions will then become operative as part of Town Planning Scheme No. 6.

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Final Adoption of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place and McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility

The statutory scheme amendment process is set out below, together with a date for each stage. The stages which have been completed are shown shaded:

Stage of Amendment	Estimated Time
Council resolution to adopt proposed draft Amendment for advertising purposes.	October 2018
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	November 2018
Public advertising period of not less than 60 days.	22 January – 26 March 2019
Council consideration of Report on Submissions and resolution on whether to support or not support the amendment.	June 2019
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Schedule on Submissions; • Council’s recommendation on the proposed Amendment inclusive of this report; and • Three signed and sealed copies of amendment documents for final approval. 	July 2019
Minister’s final determination of amendment and publication in Government Gazette	Late 2019

Financial Implications

There will be costs associated with the gazettal of the amendment should the Minister approve it. These costs are proposed to be included in the 2019/2020 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: 3.2 Sustainable built form
 Strategy: (A) Develop a local planning framework to meet current and future community needs and legislative requirements

Attachments

- 10.3.1 (a): Schedule of Submissions
- 10.3.1 (b): Scheme Amendment Text
- 10.3.1 (c): Summary of Modifications to Amendment Text

10.3.2 Proposed Amendment to Approved Four, Three Storey Grouped Dwellings. Lots 10, 11, 12 and 13 Nos. 18, 18A, 18B and 18C Coode Street, South Perth

Location: Lots 10, 11, 12 and 13 Nos. 18, 18A, 18B and 18C Coode Street, South Perth

Ward: Mill Point Ward

Applicant: Prestige Homes WA Pty Ltd

File Reference: D-19-54007

DA Lodgement Date: 11 April 2019

Meeting Date: 25 June 2019

Author(s): Victoria Madigan, 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 proposed amendment to approved four, three storey Grouped Dwellings on Lots 10, 11, 12 and 13 Nos. 18, 18A, 18B and 18C Coode Street, South Perth. Council is being asked to exercise discretion.

Element on which discretion is sought	Source of discretionary power
Boundary walls	Discretionary criteria of clause 2.0 of Policy P350.02
Open space	Design Principles of Clause 5.1.4 of R-Codes WA
Outdoor living Area	Design Principles of Clause 5.3.1 of R-Codes WA

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a proposed amendment to approved four, three storey Grouped Dwellings on Lots 10, 11, 12 and 13 Nos. 18, 18A, 18B and 18C, Coode Street, South Perth **be approved** subject to:

- a. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
- b. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
- c. Prior to the issue of a building permit, the applicant is required to pay a sum of \$22,658.90 as detailed on the tax invoice that will be issued by the City for the cost of removing and replacing two existing street trees that are in conflict with the proposed crossover.

- d. Prior to the issue of a building permit, the applicant is required to pay a sum of \$40,000 as detailed on the tax invoice that will be issued by the City for the cost of removing and replacing an existing median within Coode Street that is in conflict with the proposed crossovers.
- e. Prior to occupation of the dwelling, all visual privacy screening to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City.
- f. Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
- g. The surface of the boundary wall(s) to the Entry area of units 1 and 4 visible from the street, on the northern and southern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
- h. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
- i. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
- j. 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.

Note: City officers will include relevant advice notes on the recommendation letter.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R50
Lot areas	4x 215m ² (860m ² metres total)
Building height limit	10.5 metres

The location of the development site as shown in **Figure 1** below:



Figure 1: Location of 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:

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings; and
- (c) Development of the kind referred to in items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.

Comment

(a) Background

A subdivision application was received in October 2017, to subdivide the parent lot (No. 18 Coode Street) comprising 860m² into four individual green title lots, each proposed to be 215m² in area. The subdivision application was deferred by the City pending a development application being submitted and approved.

In May 2018 Council approved an application for four, three storey Grouped Dwellings with roof terraces on Lot 18, No. 18, Coode Street, South Perth (the **site**). In June 2018, a subdivision of four green title lots was approved by the Western Australian Planning Commission for Lots 10, 11, 12 and 13 corresponding to Nos. 18, 18A, 18B and 18C Coode Street, South Perth.

In April 2019, the City received an amendment to the previously approved application, which proposes to remove the approved roof deck, amend boundary walls to the north and south on Lot 10, No. 18 and Lot 13, No. 18C, and to increase the garage and ground floor levels.

(b) Existing Development on the Subject Site

The site currently features a vacant residential block.

(c) Description of the Surrounding Locality

The site has a frontage to Coode Street to the west, located adjacent to eight, two storey grouped dwellings to the north, a five storey multiple dwelling development to the south (bounded by Mill Point Road) and associated car parking to the east, as depicted in **Figure 2** below:



Figure 2: Aerial of Development Site.

(d) Description of the Proposal

The proposal involves the amendment to approved four, three storey Grouped Dwellings.

The proposed amendments to the previously approved grouped dwellings include the following:

- Finished floor level of garage increased by 0.942 metres in height;
- Finished floor level of theatre increased by 0.86 metres in height;
- Rear courtyard increased by 0.86 metres in height;
- Removal of roof deck; and
- Boundary wall reduction in length by 0.52 metres and increased in height by 0.23 metres (relating to No. 18 and No. 18C only).

The development plans can be found at **Attachment (a)** in this report. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (b)**.

The following components of the proposed development require discretion under the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) the Residential Design Codes (Volume 1) (**R-Codes**) and/or Council Policy requirements:

- (i) Boundary walls (north and south);
- (ii) Open space;
- (iii) Outdoor living area.

The proposal is considered to satisfy the relevant Design Principles or discretionary criteria of the Scheme, R-Codes and relevant Council policies. The various discretionary assessments are discussed in further detail below.

(e) **Boundary Walls – Ground Floor North and South**

Element	Deemed-to-Comply Provision	Proposed
Boundary Wall Height of Entry Area on Lot 10, No 18 (north dwelling) and Lot 13 No 18C (south dwelling)	Maximum height – 3.5 metres Average height – 3.0 metres	<u>North</u> Maximum height – 6.02 metres Average height – 6.01 metres <u>South</u> Maximum height – 5.37 metres Average height – 5.295 metres
<p><i>Discretionary Criteria:</i> <i>Policy P350.02, Clause 2.0</i></p> <ul style="list-style-type: none"> (a) <i>Streetscape character;</i> (b) <i>Outlook from:</i> <ul style="list-style-type: none"> (i) <i>the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</i> (ii) <i>any habitable room window of an adjoining dwelling;</i> (c) <i>Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</i> (d) <i>Amount of overshadowing of a habitable room window or outdoor living area on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing caused by the boundary wall does not exceed the overshadowing caused by a wall that conforms to the Residential Design Codes 'deemed-to-comply' setback.</i> 		

The proposed boundary walls to the garages and entry areas of Lot 10, No. 18 and Lot 13, No. 18C of the development site have maximum and average heights, which exceed the deemed-to-comply requirements of the R-Codes. However, the proposal meets with the length and street setback elements of the deemed-to-comply requirements. The applicant has also provided relevant justification with respect to the boundary walls as provided at **Attachment (c)**.

The proposed northern (Lot 10, No. 18) and southern (Lot 13, No. 18C) boundary walls are considered to satisfy the discretionary criteria of Policy P350.02, Clause 2.0 for the following reasons:

North (Lot 10, No.18)

- The proposed boundary wall exceeds the deemed-to-comply requirements on the north of the development site and is proposing an additional height increase of 0.23 metres from the previously approved development application. The minimal height increase of 0.23 metres is not considered to result in any adverse building bulk impact or significantly impact the view from the adjoining neighbour's front garden at No. 16 Coode Street.
- The proposed setback of the boundary wall is located 10.3 metres from the street boundary and is therefore not considered to dominate the streetscape.
- The proposed boundary wall does not impact any major openings or outdoor living areas and is adjacent to a 3 metre wide driveway, thereby creating a buffer and reducing the bulk impact of the boundary wall onto the adjacent property.
- The boundary wall meets with the solar access requirements of the deemed-to-comply provisions of the R-Codes.

South (Lot 13, No.18C)

- The proposed boundary wall to the south of the development site is similar in height, width and depth to the proposed boundary wall to the north, and also proposes an additional height increase of 0.23 metres from the previously approved development application.
- The variation is adjacent to a 4 metres wide driveway and a 1.5 metre access leg for residents, thereby creating a 5.5 metre buffer between the buildings, which reduces the impact of bulk onto the adjoining property.
- The boundary wall does not impact any major openings or outdoor living areas.
- The boundary wall meets with the solar access requirements of the deemed-to-comply provisions of the R-Codes.

Further to the above and as per the City's Consultation Policy P301 (Community Engagement in Planning Proposals) adjoining neighbours were consulted on the proposal and two objections were received with respect to the boundary walls in relation to building height and bulk. This will be discussed further in the consultation section of this report.

(f) Outdoor Living Areas

Element	Deemed-to-comply	Provided
Outdoor Living Area	OLA to be provided: <ul style="list-style-type: none"> • 16m² per dwelling; • Street setback minimum of 2m • Directly accessible from a habitable room of the dwelling; • Minimum length and width dimension of 4m; and • 10.6m² without permanent roof cover. 	<u>Lot 10 - No.18, Lot 11 - No.18A, Lot 12 - No.18B and Lot 13 - No.18C</u> <ul style="list-style-type: none"> • Between 27.5m² & 31.5m² per dwelling; • Street setback greater than 2m; • Directly accessible from a habitable room; • Minimum dimension between 6m & 7.5m in width and 2.6m in length; and • 0m² without permanent roof cover.
<p><i>Design Principles</i> <i>Clause 5.3.1 of R-Codes:</i> <i>P1.1 Outdoor living areas which provide spaces:</i></p> <ul style="list-style-type: none"> • <i>capable of use in conjunction with a habitable room of the dwelling;</i> • <i>open to winter sun and ventilation; and</i> • <i>optimise use of the northern aspect of the site.</i> <p><i>P2.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</i></p>		

The proposed outdoor living areas are considered to satisfy the design principles of the R-Codes for the following reasons:

- All outdoor living areas are capable of use in conjunction with habitable rooms in each dwelling on the ground and first floor, and is open to winter sun and ventilation.
- The dwellings are within 20 metres of Sir James Mitchell Park and the South Perth foreshore and is within 60 metres to Clydesdale Park, which are readily available for access and use by the residents occupying the dwellings.
- The applicant has proposed a 'Vergola' roof system which allows for louvered roof panels to open and close as required. This process will allow sunlight to penetrate into the balconies on the upper floors and when closed will provide shelter during the winter months. This will allow these balconies to be capable for use throughout the year.
- The proposal is adjacent to car parking and vehicle access ways and does not abut any habitable or sensitive areas.

(g) Open Space

Element	Deemed-to-comply	Provided
Open Space	<ul style="list-style-type: none"> 40% (86 m²) 	<u>Lot 10 - No.18, Lot 11 - No.18A, Lot 12 - No.18B and Lot 13 - No.18C</u> <ul style="list-style-type: none"> Between 19% (41m²) & 25% (54m²)
<p><i>Design Principles:</i> <i>Clause 5.1.4 of R-Codes:</i> <i>Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> <i>provide access to natural sunlight for the dwelling;</i> <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i> <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i> <i>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i> <i>provide space for external fixtures and essential facilities.</i> 		

The proposed open space is considered to satisfy the design principles of the R- Codes for the following reasons:

- There are multiple areas of open space accessible for use from each dwelling including areas at the rear of the property, and balconies addressing the street.
- Solar access meets with the deemed-to-comply requirements of the R-Codes.
- The outdoor living areas and light wells have access to northern sunlight and are well ventilated.
- The dwellings are within 20 metres of Sir James Mitchell Park and the South Perth foreshore and within 60 metres to Clydesdale Park. These parks are readily available for the access and use of residents occupying the dwellings.
- The proposed 'Vergola' roof system can still be used as capable areas of open space given the ability to open and close the louvered roof panels.
- The external fixtures and facilities of the dwelling are concealed appropriately and will not detract from the streetscape.

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

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

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

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

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

In considering an application for development approval, the local government is to have due regard to the 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. An assessment of the proposal against Clause 67 is considered through the planning assessment above. 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
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	For reasons outlined in the report, the development is considered to be consistent with the aims and provisions of the Scheme, particularly the following: Clause 1.6 (f): <i>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.</i>
(f) <i>Any policy of the state;</i>	For reasons outlined in the report, the development is considered to meet the relevant design principles within the R-Codes, being a state planning policy.
(g) <i>Any local planning policy for the Scheme area;</i>	For reasons outlined in the report, the development is considered to address the relevant boundary walls local planning policy.

<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The development is considered to be compatible in its setting. Four, three storey dwellings are appropriate in this location, including the removal of the previously approved roof deck which now reduces building bulk impact on adjoining properties, and is compliant with the building height limit.
<i>(y) any submissions received on the application;</i>	As discussed further in the Consultation section of this report, the concerns raised by surrounding neighbours have been taken into consideration as part of the officer's assessment. The applicant has amended the development plans to address the overshadowing and building bulk concerns as discussed earlier in the report.

Consultation

(j) Neighbour Consultation

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

During the advertising period, a total of eight consultation notices were sent, and two submissions were received, both objecting to the application. Notwithstanding, the initial concerns raised by this neighbour are addressed below.

Submitters' Comments	Officer's Responses
Building Height Limit	The building height limit in the amended drawings are still compliant with the City's Town Planning Scheme No. 6. The comment is NOT UPHELD .
Boundary Wall(s) – Building Bulk	For the reasons outlined in the report, the boundary walls are considered to satisfy the applicable design principles in respect to building bulk. The comment is NOTED .

Over Development of Site and Setback Variations	The development is proposed at a density which is applicable to the City's TPS6 and R-Codes. As discussed in the previous report approved in May 2018, the setback variations satisfied the applicable design principles. The comment is NOTED .
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(k) Engineering Infrastructure

Engineering Infrastructure was invited to comment on issues relating to general comment, property line levels, verge treatment, crossing design and drainage.

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

(l) City Environment

The City Landscapes Officer provided comments with respect to the removal of the existing street trees.

Accordingly, planning conditions and important notes are recommended to address issues raised by the City Environment.

(m) External Agencies

Comments were also invited from the Department of Water and Environmental Regulation.

The Department of Water and Environmental Regulation supported the ground levels being raised as part of an amended application. This agency raises no objections to the approval.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of approval, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

10.3.2 Proposed Amendment to Approved Four, Three Storey Grouped Dwellings. Lots 10, 11, 12 and 13 Nos. 18, 18A, 18B and 18C Coode Street, South Perth

Strategic Implications

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

Strategic Direction: Environment (Build and Natural)
Aspiration: Sustainable urban neighbourhoods
Outcome: 2.3 Sustainable built form
Strategy: Promote and facilitate contemporary sustainable buildings and land use

Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the balconies along the streetscape and a number of north facing windows have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours and streetscape. Notwithstanding the number of the areas of the development seeking use of discretion the site contains four narrow lots located between two adjoining access legs and a car park. The site is being developed to a density compliant with the City's Town Planning Scheme No. 6 and R-Codes. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

Attachments

- 10.3.2 (a): Development Plans - No. 18 Coode Street, South Perth
- 10.3.2 (b): Site Photographs - No. 18 Coode Street, South Perth
- 10.3.2 (c): Applicant Justification - No. 18 Coode Street, South Perth

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - May 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-54008
Meeting Date:	25 June 2019
Author(s):	Elizabeth Smith, Financial Coordinator
Reporting Officer(s):	Colin Cameron, Director Corporate Services Andre Brandis, Manager Finance
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 May 2019 and 31 May 2019 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(547)	\$4,839,085.52
Cheque Payment to Creditors	(12)	\$42,665.21
Total Monthly Payments to Creditors	(559)	\$4,881,750.73
Cheque Payments to Non-Creditors	(69)	\$70,363.10
Total EFT & Cheque Payments	(69)	\$70,363.10
Credit Card Payments (May 2019)	(7)	\$14,907.58
Total May Payments	(635)	\$4,967,021.41

Officer Recommendation

That the Council receives the Listing of Payments for the month of May 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

10.4.1 (a): Payment Listing

10.4.2 Monthly Financial Statements - May 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-54009
Meeting Date:	25 June 2019
Author(s):	Elizabeth Smith, Financial Coordinator
Reporting Officer(s):	Colin Cameron, Director Corporate Services Andre Brandis, Manager Finance
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 May 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 May year-to-date (YTD) is \$56.80m in comparison to budget of \$58.11m. Actual expenditure from operating activities for May is \$55.66m in comparison to budget of \$55.61m. The May net operating position was \$1.368m unfavourable with higher actual expenditure against budget of \$0.053m and lower revenue of \$1.315m than planned.

The YTD expenditure is higher as a result of the 1System project design and implementation costs being expensed to the Operating Statement, rather than Capitalised. As presented to the Councillor Briefing session on 7 May 2019, following recent discussions with the Office of the Auditor General, the 1System project will be expensed as incurred, rather than the past accounting treatment of capitalising and the amortising the expense over the life of the contract.

Lower revenue is primarily due to Parking Management (\$0.271m), lower net Grant Proceeds/Financial Services income (\$0.421m), net revenue timing of grant receipts for Development & Community Services (\$0.410m), and lower Infrastructure Revenue recoveries (\$0.213m).

Actual Capital Revenue YTD is \$1.411m in comparison to the budget of \$0.904m. Actual Capital Expenditure YTD is \$9.058m in comparison to the budget of \$15.374m.

Cash and Investments balance is \$52.269m. May 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 54.06% 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

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

10.4.3 Adoption of the Annual Budget 2019/20

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-54010
Meeting Date:	25 June 2019
Author(s):	Elizabeth Smith, Financial Coordinator
Reporting Officer(s):	Colin Cameron, Director Corporate Services Andre Brandis, Manager Finance
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents the Draft Annual Budget 2019/20, as attached, for adoption by Council.

Officer Recommendation

That Council adopts the Annual Budget 2019/20 for the City of South Perth which includes the following:

- a. a General Rate in the Dollar of 6.7545 cents is applied to the GRV of all rateable property within the City for the year ending 30 June 2020;
- b. a Minimum Rate of \$998.00 be set for the year ending 30 June 2020 notwithstanding the General Rate set out in part (a) above;
- c. the following rubbish service charges be applied for the year ending 30 June 2020:
 - (i) a standard Rubbish Service Charge of \$325.00;
 - (ii) a non-rateable property Rubbish Service Charge of \$448.00;
 - (iii) a standard 1,100 litre bin Rubbish Service Charge of \$1,625.00;
 - (iv) a non-rateable property 1,100 litre bin Rubbish Service Charge of \$2,240.00;
- d. the Swimming Pool Inspection Fee for the year ending 30 June 2019 of \$30.00;
- e. the following dates be set for payment of rates by instalments:

First instalment	28 August 2019
Second instalment	6 November 2019
Third instalment	8 January 2020
Fourth instalment	11 March 2020
- f. an Administration Charge of \$10.00 per instalment for payment of rates by instalments be applied to the second, third and fourth instalment in accordance with Section 6.45(3) and (4) of the *Local Government Act 1995* and Regulation 67 of the Local Government (Financial Management) Regulations;

- g. an Interest Rate of 5.5% be imposed on payment by instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the Local Government (Financial Management) Regulations;
- h. an Interest Rate of 11% be imposed on overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations;
- i. an Interest Rate of 10% is imposed on unpaid Underground Power (UGP) Service Charges in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations;
- j. an Interest Rate of 11% be imposed on outstanding debtors in accordance with Section 6.13(1) of the *Local Government Act 1995*.
- k. a Monthly Maintenance Fee of \$425.00 (treated as 'Input Taxed' for the purposes of the GST) is applied to all units in the Collier Park Village for the period July 2019 to September 2019 inclusive;
- l. a Monthly Maintenance Fee of \$440.00 (treated as 'Input Taxed' for the purposes of the GST) is applied to all units in the Collier Park Village for the period from October 2019 to June 2020 inclusive;
- m. the Statutory Annual Budget for the year ending 30 June 2020 comprising Section 2 of the 2019/20 Annual Budget as distributed with this Agenda and tabled at this meeting, be adopted;
- n. the Management Account Summary Budget Schedules for the financial year ending 30 June 2020 as set out in Section 3 of the Annual Budget be endorsed;
- o. the Capital Expenditure Budget for the financial year ending 30 June 2020 as set out in Section 2, Note 4 of the Annual Budget is adopted;
- p. the Reserve Fund transfers for the financial year ending 30 June 2020 as set out in Section 2, Note 7 of the Annual Budget be approved;
- q. the Schedule of Fees and Charges as set out in the Fees & Charges Schedule for the year ending 30 June 2020 be adopted, including State Government Statutory Fees which are still to be determined at a later date than this Report;
- r. the effective date for all items detailed in the 2019/20 Schedule of Fees & Charges is 1 July 2019.
- s. Council adopt a definition of 'significant (material) variances' of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item.

Absolute Majority Required

Background

The preparation of the Annual Budget is both a statutory requirement of the *Local Government Act 1995* and a responsible financial management practice. The development of the budget has been influenced by the City's Strategic Plan, Corporate Plan and Long Term Financial Plan (LTFP) - as well as the prevailing economic climate. The Annual Budget has been prepared in accordance with the requirements of Part 3 of the Local Government (Financial Management) Regulations.

Comment

In framing the Annual Budget 2019/20, Council considered the new Strategic Community Plan 2017-2027 (SCP) adopted in September 2017, with the need to continue to deliver quality services to the community. Council were conscious of the community expectations in relation to household budgets

The 2016/17 Annual Report described the impact of the downturn in the WA economy on the City finances, particularly relating to the flattening of revenue streams and increased expenditure pressure, that has seen the City Financial Health Indicator (FHI) score deteriorate. A program was undertaken during the 2017/18 financial year, to improve the results at each half year review and Annual Budget.

Notwithstanding the significant progress to reduce costs, additional infrastructure (river walls) has been added to the Balance sheet, thereby increasing depreciation. Recent changes to Regulations require the City to write off all assets worth less than \$5,000, therefore these purchases will no longer be included in the Capital Budget and expensed immediately when purchased. In addition, the 1System Project will now be expensed rather than capitalised and amortised over the life of the contract. Each of these issues has had a significant impact on the FHI, increasing the challenge of improving the Operating Surplus Ratio, one of the main ratios to the FHI score.

The 1System Project has just completed its first year and has two more years to run and once completed will result a significant reduction in the Operating Expenditure of approximately \$2m, thereby improving the Operating Surplus Ratio. As was the case for the 2017/18 Annual Financial Statements, it is expected the WA Auditor General will comment in relation to the adverse trend of the Operating Surplus Ratio and given the issues described above, is likely to continue through to the Annual Budget 2020/21.

In terms of Revenue, the largest component relates to Rates and the Waste service charge. The Waste service charge operates through a reserve, so the service charge aligns to costs incurred. The City currently has one of the lowest Waste service charges in the Metropolitan area. Cost pressure has impacted on this fee for the coming year resulting in an increase from \$305 to \$325. This increase is due in part to an increase in 2.5% in waste collection charges under the new contract approved by Council in April 2019. In addition, the City listed the construction of a wash-down bay for \$0.5M in the Capital Expenditure budget. This facility is important to ensure the City is appropriately managing road sweepings and other waste collected on vehicles when they are cleaned.

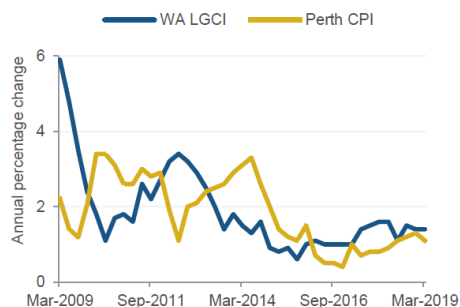
For the Annual Budget 2018/19 deliberations, Council considered a range of options to inform the rating strategy. Many of the City's costs do not align to a single Index, either due to the nature of the Index, or the cycle. By way of example, the media focus on Consumer Price Index (CPI), a measure representing the basket of goods of a household, calculated by the Australian Bureau of Statistics (ABS).

A Local Government Authority basket of goods is very different to a household. Local Government costs are influenced by wages, construction costs and State Government charges (power and street lighting). For many years WALGA have published a Local Government Cost Index quarterly, based on a range of Indices provided by the ABS.

The feedback received during the Annual Budget 2018/19 Workshops included the importance of the City to live within its means, being mindful of household pressures and that the Local Government Cost Index was considered an appropriate index to develop the rating strategy. In terms of the Local Government Cost Index, the March Local Government Cost Index which is based on the March quarter statistics from the ABS, was considered to be appropriate as it is available May each year, the most recent statistics available prior to Budget adoption.

Table 1 LGCI by component, March 2019

Index	Quarterly change (%)	Annual change (%)
Wages (WA Wage Price Index)	0.3	1.6
Road and Bridge Construction	0.2	2.0
Non-residential Building	0.0	0.0
Other costs (Perth CPI)	-0.1	1.1
Machinery and Equipment	0.0	-0.3
Electricity and street lighting	0.0	5.8
Local Government Cost Index	0.2	1.4



The table above was published in the WALGA Economic Briefing – 24 May 2019, publically available from the WALGA website. The graph above illustrates the Local Government Cost Index and CPI for Perth, in more recent years being quite closely aligned. The City's costs vary from all Indices, including the LGCI, by way of example the Annual Wages Index was 1.6%, whereas the City had a 2.25% increase in line with the Enterprise Agreement.

In line with Council decision for the Annual Budget 2018/19, it is recommended Council adopt a 1.4% rate increase for Annual Budget 2019/20, the March 2019 Annual Local Government Cost Index.

One component included in the Rate Notice, is the Emergency Services Levy (ESL), a State Government Levy Local Government is forced to collect on behalf of the State. In May 2019 the McGowan Government announced a 2.7% increase to the ESL for 2019/20, significantly less than previous years, including 10% increase in 2018/19.

In terms of Statement of Comprehensive Income, the Annual Budget 2019/20 includes Revenue (Operating) of \$58.7M, Expenses (Operating) of \$62.3M and Non-Operating of \$4.27M in comparison to the 2018/19 Budgeted Revenue (Operating) of \$57.5m, Expense (Operating) of \$59.1M and Non-Operating of \$0.99M.

The Capital Works (Part 4 – Fixed Assets) total is \$16.49M, funded from funded from Grants/Trade-in (\$4.41M), Reserves (\$4.03M) and Municipal funds (\$8.05M).

Rates

Rates are calculated by using the Gross Rental Value (GRV), provided by Landgate, multiplied by the rate in the dollar, adopted by Council. GRV is an estimation of the likely annual return on a property; for example a property with a \$26,000 GRV is equivalent to earning \$500 per week (\$500 x 52 weeks).

Landgate provide a GRV for every property, undertaking a revaluation every three years; that occurred for the Annual Budget 2017/18. These GRV revaluations caused fluctuations between properties resulting in some individual properties with higher or lower than the adopted increase. As the revaluation occurred for the 2017/18 Budget and therefore a revaluation will not occur for this Budget, the rate increase will be consistent for all rate payers for 2019/20.

The recommended 1.4% rate increase, in line with the Local Government Cost Index for March 2019 would result in the Rate in the Dollar being 6.7545 cents (6.6612 cents for 2018/19). The Minimum Rate would increase to \$998.00 (2019/20) from \$984.00 (2018/19). Approximately 1,815 properties (8.9%) are expected to be minimum rated this year.

In benchmarking against our metropolitan Local Government Authorities (LGA), the City continues to be competitive with its peers. Those LGAs with a lower rate in the dollar tend to have a large industrial and/or commercial rate base. In comparison, the City of South Perth commercial properties represent 13.1% of the total Rates.

Rubbish Charges

The standard domestic rubbish service charge increase from \$305.00 (2018/19) to \$325.00 (2019/20), remaining one of the lowest of all metropolitan LGAs that charge a separate fee.

This service includes weekly rubbish pick-up, fortnightly recycling collection and three verge-side rubbish collections per year. 1,100 litre rubbish services for rateable commercial properties are \$1,625.00 (\$1,454.00 2018/19). Non-rateable properties will pay \$448.00 (\$415.00 2018/19) per standard rubbish service and \$2,240.00 (\$2,004.00 2018/19) for 1,100 litre bin services.

Resident ratepayers will continue to receive two green waste and one general waste pass to the Recycling Centre. These will form part of the Rates Notice rather than being separate passes. Two green waste and one general waste bulk verge-side rubbish collection funded by the City will again be provided to ratepayers this year.

Emergency Services Levy (ESL)

The State Government ESL charge will again appear on all local government rate notices in 2019/20. This charge will be calculated based on the GRVs supplied to the City using a rate nominated by the Fire & Emergency Services Authority.

The ESL rate has been determined to be 1.4839 cents in the dollar (1.4486 cents in 2018/19). FESA has indicated that the levy will be capped on residential properties at \$441.00 (\$430.00 for 2018/19) for 2019/20. This charge is outside the control of local governments, is set by the state government and is not retained as revenue by the City.

Employee Information

Salary and wages are included for all approved staff positions in the Annual Budget 2019/20, includes 232 FTE approved positions (232 FTE in 2018/19).

Staffing levels proposed in the budget reflect an appropriate mix of resources across the organisation to match our capacity with service expectations. The total payroll budget has increased to make allowances for the 2.25% pay increase as per the Enterprise Agreement (EA). In addition to staff employed under the terms of the EA, some staff are employed on fixed term contracts, in accordance with *Local Government Act 1995*, as well as staff employed on fixed terms for the duration of a project (e.g. 1System project).

Loan Borrowings

The City does not plan to undertake borrowings in the 2019/20 year. Information is provided at Note 6 of the Statutory Budget.

Reserve Funds

In terms of total Reserves, the estimated net reduction is \$2.3m, including the interest earned, transfers in and funds applied. Of this, \$2.4m relates to General Reserves, with an increase of \$0.3m expected for Restricted Reserves.

As has occurred in previous years, for the 2019/20 three existing Reserves will be collapsed into one Reserve. The Major Community Facilities Reserve (to be renamed to the Community Facilities Reserve) will include transfers from the Sustainability Infrastructure Reserve and the Railway Station Precinct Reserve. The purpose of the renamed Community Facility Reserve will accommodate the purpose of the three previous separate Reserves.

The intended purposes of the various Reserves are disclosed in the Statutory Budget at Note 7, which includes the detail of the major transfers to and from those Reserves and the projected year end balances of each Reserve (and the aggregate movements to and from the Reserves).

Schedules of Capital Projects

The total Schedule of Capital Projects is \$16.5M, funded from municipal funds, reserves and grants.

Fees & Charges Schedule

The attached Fees & Charges Schedule reflects an assessment of the costs of providing services to our community whilst recognising community service obligations. As appropriate, the fee schedule recognises fees determined on a variety of fee bases:

- Full cost recovery,
- Benchmarked / reference pricing,
- Statutory fees, and
- Partial recovery, based on community service obligations.

Collier Park Village (CPV) Maintenance Fees

CPV residents have a three month moratorium on the fee increase, consistent with previous years to allow time to implement the alternative payment method that allows the residents to pay a lesser amount in cash each month, the remaining amount deducted each month from the refundable monies held on their behalf by the City in the Collier Park Village Residents Loan Offset Reserve.

In 2019/20, the four different pricing arrangements available to CPV residents are:

- \$425 per month to 30 September 2019, proposed increase to \$440 from 1 October 2019.
- \$325 per month and have the remaining \$100 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30 September 2019. Proposed increase to \$340 from 1 October 2019.
- \$315 per month and have the remaining \$110 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30 September 2019. Proposed increase to \$330 from 1 October 2019.
- \$270 per month and have the remaining \$155 deducted from Refundable Monies held in the CPV Residents Offset Reserve. Proposed increase to \$285 from 1 October 2019.

The Annual Amenities Charge is \$499.00 for the 2019/20 year (\$492.00 2018/19), being half the minim Rates.

Underground Power

The City has liaised with Western Power in relation to the four proposed Underground Power installations within the City. Unfortunately, Western Power were not able to provide sufficient reliable prices in time for the adoption of the 2019/20 Budget. Depending on the timing of Western Power providing the final estimates, the alterations to Budget; in terms of Capital costs, Loans and Invoicing properties, will be accommodated through a separate report to Council during the 2019/20 financial year, or form part of the 2020/21 Annual Budget.

Statutory Budget

The Statutory Budget is prepared in accordance with all relevant professional accounting pronouncements. It contains all statutory statements and supporting schedules including:

- Comprehensive Income Statement by Nature or Type
- Comprehensive Income Statement by Reporting Program
- Statement of Cash flows
- Rate Setting Statement
- Notes to and forming part of the Budget

Monthly/Annual reporting of significant (material) variances

Regulation 34 of the Local Government (Financial Management) Regulations 1996, requires a financial activity statement to be prepared each month, with Regulation 34 (5) stating: “Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances”.

Therefore it recommended that Council adopt a definition of ‘significant (material) variances’ of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item.

Consultation

In developing the Budget, the City has given due consideration to the Community Strategic Plan, the Long Term Financial Plan, Corporate Business Plan, Council Member and community feedback received by the City through various forums.

Policy and Legislative Implications

The development of the Annual Budget has been conducted in accordance with the *Local Government Act 1995* and Regulations, the City’s Policy P601- Long Term Financial Plan & Annual Budget Preparation and Policy P604 - Use of Debt as a Funding Option.

Financial Implications

The financial implications of adopting the 2019/20 Budget are as disclosed in **Attachment (a)** of this report.

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

10.4.3 (a): Draft Annual Budget 2019/20

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Policy Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-54332
Meeting Date:	25 June 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its policies each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies.

A number of Council policies within the Governance business unit have been reviewed and are now presented for the consideration of the Committee and referral to Council for adoption.

Committee Recommendation

Moved: Councillor Greg Milner

Seconded: Ms Shona Zulsdorf

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes that the following policies having been reviewed with 'no changes' being proposed:
 - P665 Use of Council Facilities
 - P668 Mayoral Portraits
 - P672 Agenda Briefings, Concept Forums and Workshops
 - P673 Audio Recording of Council Meetings
 - P687 Development of Council Owned Land
 - P693 Retiring Elected Member Gifts
 - P403 Charity Bins on City Managed Land
2. Adopts the amended Code of Conduct as contained in **Attachment (a)**.
3. Defers consideration of amended Policy P695 Risk Management to a future Audit, Risk and Governance Committee Meeting as contained in **Attachment (b)** to allow further consideration by Committee Members.

Officer Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes that the following policies having been reviewed with 'no changes' being proposed:
 - P665 Use of Council Facilities
 - P668 Mayoral Portraits
 - P672 Agenda Briefings, Concept Forums and Workshops
 - P673 Audio Recording of Council Meetings
 - P687 Development of Council Owned Land
 - P693 Retiring Elected Member Gifts
 - P403 Charity Bins on City Managed Land
2. Adopts the amended Code of Conduct as contained in **Attachment (a)**.
3. Adopts amended Policy P695 Risk Management as contained in **Attachment (b)**.

Background

In line with contemporary organisational models, the policy framework aligns policies and delegations to the City's Strategic Directions.

During the review process, policies are considered by the custodian department having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The policy review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The policy review may identify a need to revise the policy or it may determine that no change is needed. The nature of the change, whether minor or major, is noted in the Comment section below. Minor changes usually consist of minor typographical or grammatical corrections or revisions due to minor legislative amendments. Major change will consist of significant revision to the content of the policy due to changes in the operational environment or because of more substantial legislative change.

Comment

Administrative changes

The policies listed below are considered to have only minor administrative changes and no change to content. Therefore, they are not included as attachments.

- P665 Use of Council Facilities
- P668 Mayoral Portraits
- P672 Agenda Briefings, Concept Forums and Workshops
- P673 Audio Recording of Council Meetings
- P687 Development of Council Owned Land
- P693 Retiring Elected Member Gifts

- P403 Charity Bins on City Managed Land

Minor Changes

Code of Conduct

The City of South Perth Code of Conduct has been updated with the City's new values. Other minor formatting has been undertaken that does not change the content. The Code of Conduct is included in **Attachment (a)**.

Major Changes

The policy listed below and at **Attachment (b)** is considered to have major changes to content. A small summary explaining the changes has been provided.

Strategic Direction – Leadership - P695 Risk Management

On 30 October 2018, Council endorsed a Risk Management Strategy. The objective of the strategy was to provide a structured organisational approach to identifying risks or potential risks with a view to implementing suitable treatments to responsibly control risk or exposure of risks. This Strategy contains most of the information contained within the Risk Management policy. Therefore, the policy has been amended so that it complements the Risk Management Strategy without a duplication of the information. It also provides clarity on the risk management responsibilities of people within the organisation.

Consultation

Consultation has occurred with officers of each of the relevant City Directorates.

Policy and Legislative Implications

The reviewed and new policies are consistent with the *Local Government Act 1995* and other City documents.

Financial Implications

Nil.

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

10.7.1 (a):	City of South Perth Code of Conduct
10.7.1 (b):	P695 Risk Management

10.7.2 City of South Perth Health Local Law Review

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-54335
Meeting Date:	25 June 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

In accordance with the *Local Government Act 1995*, local governments are required to review their local laws within a period of eight years. The City of South Perth Health Local Law 2002 was last reviewed in 2012 and now requires amendment.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Greg Milner
Seconded: Mr Steve Vanstan

That the Audit, Risk and Governance Committee recommends that Council gives Statewide and local public notice stating that it proposes to review and amend the City of South Perth Health Local Law 2002.

Officer Recommendation

That the Audit, Risk and Governance Committee recommends that Council gives Statewide and local public notice stating that it proposes to review and amend the City of South Perth Health Local Law 2002.

Background

In accordance with section 3.16 of the *Local Government Act 1995* (the Act), local governments are required, within a period of eight years, to review their local laws to determine whether or not it considers the local law should be repealed or amended.

The Health Local Law 2002 was published in the Government Gazette on 22 November 2002 and commenced on 6 December 2002. This local law has had one review in 2012 where Council resolved not to pursue the review until the Public Health Act was proclaimed. The Public Health Act was subsequently proclaimed in 2016 and a review of the Health Local Law 2002 has identified a need to amend the local law.

Comment

In accordance with the Act, a review was recently completed that identified amendments to the local law were necessary.

Some provisions of the local law have been superseded with the introduction of the *Public Health Act 2016* and the *Cat Act 2011*. To ensure the City of South Perth Health Local Law 2002 is in keeping with current legislation and administrative requirements, minor amendments are required.

The proposed changes to the City of South Perth Health Local Law 2012 include reference to the correct Act of Parliament and to the “City” rather than a specific officer title, removing the clauses relating to outdoor festivals as this is covered under other legislation and permit requirements, and reference to applications for septic tank pump outs. The proposed amendments also remove the requirements for butchers waste, some clauses within Part 5 – Nuisances and General and some clauses within Part 6 – Pest Control.

The proposed changes bring the local law into compliance with the *Local Government Act 1995*, the *Public Health Act 2016* and the *Cat Act 2011*.

The purpose and effect of the proposed local law are as follows:

Purpose: to provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well-being of the community

Effect: to allow health-related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

Consultation

To commence the local law making process, it is necessary for the City to give Statewide and local public notice of its intent to amend the Health Local Law 2002 and invite submissions for a period of no less than six weeks after the notice is given.

Policy and Legislative Implications

Section 3.12 of the *Local Government Act 1995* prescribes the process for the making of an amendment local law.

Financial Implications

The cost associated with amending the local law is already contained within the approved Governance 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

10.7.2 (a): City of South Perth Health Local Law 2002 - proposed amendments

10.7.3 Declarations of Interest on the City's Website

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-54339
Meeting Date:	25 June 2019
Author(s):	Toni Fry, Governance Coordinator
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report seeks to provide Council with an improved process for the reporting and recording of declarations of interest at Council and Committee meetings.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Greg Milner
Seconded: Mr Steve Vanstan

That the Audit, Risk and Governance Committee recommends to Council that Declarations of Interest at Council and Committee meetings be recorded in full in the minutes of the meeting rather than in a register on the City's website.

Officer Recommendation

That the Audit, Risk and Governance Committee recommends to Council that Declarations of Interest at Council and Committee meetings be recorded in full in the minutes of the meeting rather than in a register on the City's website.

Background

At its meeting held 17 October 2017 (Item 12.1), Council resolved as follows:

"That the City of South Perth:

- i) investigates how 'Declarations of Interest' can be made available on the City of South Perth website;*
- ii) implements a 'Declarations of Interest' register on the City of South Perth website by December 2017; and*
- iii) makes available all 'Declarations of Interest' from July 2017 on the City of South Perth website".*

Following Council's resolution, a Declarations of Interest Register was developed for public inspection on the website. This Register was a modified version of the Declarations of Interest Register that the City is also legally obliged to maintain under section 5.88 of the *Local Government Act 1995*.

At the time, declarations made at Council and Committee meetings were also recorded in the Minutes of the Meeting under Item 5 – Declarations of Interest, as the City was legally required to do. In the Minutes, item 5 identified the Councillor making the declaration and the relevant Agenda Item. The Minutes did not disclose whether the declaration was a proximity, financial or an impartiality declaration nor the reason for the interest. Rather, this information was disclosed in the public Declarations of Interest Register on the City's website and in the City's internal Declarations of Interest Register.

Comment

In late 2018, governance administrative processes were reviewed and a number of opportunities for improvement were identified. Then in February 2019, a change was made to the way declarations of interest were recorded in the Council Minutes.

Under Item 5 of the Agenda, declarations are still recorded as was the previous practice. However, the declaration also now details the type of declaration being made and the reason for the declaration. In addition to this, the declaration is repeated immediately above the related Agenda item. This provides improved transparency and accountability.

This is considered a more robust process as people reading the Agenda item would immediately see the declaration. This would not have been apparent under the previous system as a member of the public would have viewed the declaration under item 5 of the Minutes, then gone to the City's website to view the declaration, and then returned to the Minutes to view the full item. This is not user friendly and lacks rigour.

The Local Government Act is very prescriptive in how declarations are managed with the City compliant with section 5.73 and 5.88 of the Act. The City also maintains a hard copy register of the signed form completed by an Elected Member allowing members of the public access to view the document at any time. This process is in accordance with the provisions of the Act.

As the City is maintaining a hard copy register for public viewing, and have updated the governance processes to show improved transparency and accountability in the Minutes of Council and Committee meetings regarding declarations, the third register on the website is not needed. It is therefore recommended to remove the need for the public Declarations of Interest Register from the website.

Consultation

Nil.

Policy and Legislative Implications

Sections 5.73 and 5.88 of the *Local Government Act 1995*.

Financial Implications

Nil.

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

Nil

10.7.4 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-54345
Meeting Date:	25 June 2019
Author(s):	Vanessa Loncar, Manager Organisational Planning & Performance
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 provides an update on the progress of actions included in the Audit Register. The Audit Register includes all (open) audit findings that have previously been accepted by the Committee. It is recommended the Audit, Risk and Governance Committee review and accept the Audit Register Progress Report.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Councillor Greg Milner

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves all items marked as Completed (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

Officer Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves all items marked as Completed (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

Background

The attached confidential Audit Register lists Internal and external Audit findings and describes the progress of implementing the improvement, as well as a percentage of completion. This report has been prepared for consideration/noting the progress of completed since the last meeting.

Comment

A summary of the audit register is included below and has been amended to include past meetings to illustrate the trend of Audit actions that have been added, progress and completed. The new row (in blue) illustrates the actions that have been added as a result of an Internal Audit being completed and presented to the Committee. The Total (0% to 100%) represents the action items that have progressed since the last meeting occurred.

Status of actions	ARGC - Meeting Date				
	06/06/18	11/09/18	12/11/18	11/03/19	17/06/19
New actions added by ARGC	10	24	0	24	0
Not yet commenced = Less than 10%	10	0	0	4	1
Progressed = 10% to 95%	0	32	13	18	11
Completed = 100%	0	2	19	15	10
Total (0% to 100%)	10	34	32	37	22
Total Cumulative closed by ARGC	0	2	21	36	TBD

It is requested to note the progress and Officer comments. In addition, it is recommended all Completed (100%) items in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings. The closed items are available for the Internal and External Auditors and Committee/Council to review.

Consultation

No external consultation has occurred.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 7 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$35,000 for the 2018/19 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. Staff effort to undertake the improvements and report on progress has not been estimated.

The External Audit function has a budget of \$50,000 for the 2018/19 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. Staff effort to undertake the improvements and report on progress has not been estimated.

10.7.4 Audit Register – Progress Report

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

10.7.4 (a): Audit Register (*Confidential*)

11. APPLICATIONS FOR LEAVE OF ABSENCE
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
13. QUESTIONS FROM MEMBERS
14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

The Reports regarding these matters have been circulated separately to Councillors.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 49-51 Angelo Street, South Perth

*This item is considered **confidential** in accordance with the section 5.23(2)(e)(ii) of the Local Government Act 1995 as it contains information relating to "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government".*

Location:	49- 51 Angelo Street, South Perth
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-19-54017
Meeting Date:	25 June 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

15.1.2 Chief Executive Officer - Key Performance Indicator Report

*This item is considered **confidential** in accordance with section 5.23(2)(a) of the Local Government Act 1995 as it contains information relating to "a matter affecting an employee or employees".*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-53029
Meeting Date:	25 June 2019
Author(s):	Pele McDonald, Manager Human Resources
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

15.1.3 Chief Executive Officer Evaluation

*This item is considered **confidential** in accordance with section 5.23(2)(a) of the Local Government Act 1995 as it contains information relating to "a matter affecting an employee or employees".*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-53031
Meeting Date:	25 June 2019
Author(s):	Pele McDonald, Manager Human Resources
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Officer Recommendation

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

- 15.1.1 49-51 Angelo Street, South Perth
- 15.1.2 Chief Executive Officer - Key Performance Indicator Report
- 15.1.3 Chief Executive Officer Evaluation

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE