

# AGENDA.

## Ordinary Council Meeting

25 February 2020

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 25 February 2020 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at **5.30pm**.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

21 February 2020

# 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 and present.

## 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

Welcome to Country by Matthew McGuire.

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

## 5. DECLARATIONS OF INTEREST

- Councillor Mary Choy has disclosed an Impartiality Interest in relation to Item 10.3.2 as the owners of the subject property are known to her.
- Councillor Stephen Russell has disclosed a Proximity Interest in relation to Item 10.3.4 as the road survey may have included the thoroughfare bordering his property.

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Responses to questions taken on notice at the December 2019 Ordinary Council Meeting can be found in the Appendix of this Agenda.

### 6.2 PUBLIC QUESTION TIME: 25 FEBRUARY 2020

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 17 December 2019

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 17 December 2019 be taken as read and confirmed as a true and correct record.

## 7.2 CONCEPT BRIEFINGS

### 7.2.1 Council Agenda Briefing - 18 February 2020

Officers of the City presented background information and answered questions on Items to be considered at the 25 February 2020 Ordinary Council Meeting at the Council Agenda Briefing held 18 February 2020.

#### Attachments

7.2.1 (a): Council Agenda Briefing Notes - 18 February 2020

### 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
3 February 2020	Policy Workshop
4 February 2020	Reconciliation Action Plan Briefing
	Canning Bridge Activity Centre Plan Briefing
6 February 2020	Mini Golf Business Plan Briefing
	Parking Strategy and Plan Briefing
10 February 2020	Architect Tender for Recreation and Aquatic Facility Briefing
	Risk Management Workshop
11 February 2020	Local Planning Strategy Workshop

#### Officer Recommendation

That Council notes the following Briefings/Workshops were held:

- 7.2.1 Council Agenda Briefing - 18 February 2020
- 7.2.2 Concept Briefings and Workshops

## 8. PRESENTATIONS

### 8.1 PETITIONS

### 8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

### 8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 18 February 2020.

8.4 COUNCIL DELEGATES REPORTS

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Tender 19/2019 Provision of Architectural Services for the Recreation and Aquatic Facility

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12540
Meeting Date:	25 February 2020
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report considers submissions received from the advertising of Tender 19/2019 for the provision of Architectural Services for the Recreation and Aquatic Facility.

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

#### Officer Recommendation

That Council:

1. Accepts the tender submitted by Christou Design Group Pty Ltd for the supply of Architectural Services for the Recreation and Aquatic Facility in accordance with Tender 19/2019. The initial appointment to be for the business case development phase, with the option to extend to further phases of the project should the project receive Council approval to proceed;
2. Accepts the tender price as detailed in the **Confidential Attachment (a)**; and
3. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

#### Background

The development of an aquatic facility within the City of South Perth (the City) has been the subject of a range of proposals dating back many years. More recently, an integrated, larger scale Recreation and Aquatic Facility (RAF) was incorporated into the Council's Strategic Community Plan.



On 17 April 2019, Federal Treasurer, Hon Josh Frydenberg MP announced a \$20 million election commitment as part of a West Australian pre-election visit at the Collier Park Golf Course. Following the election of the coalition Government, this Federal Government contribution was subsequently confirmed.

At its meeting held on 24 September 2019, Council resolved to advance the feasibility business case on the basis of the preferred site of the Collier Park Golf Course, north of the existing clubhouse. The business case is to include stakeholder and funding strategy, estimates on capital and operational costs, delivery and operational procurement models, delivery risk assessment, facility scope and accommodation plans and any required commercial and partner agreements.

In order to progress this business case the City invited tenders for a number of consultants, including the architect. Tender 19/2019 for the Provision of Architectural Services for the Recreation and Aquatic Facility was advertised in the West Australian on Saturday 23 November 2019 and tenders closed at 2.00pm on Tuesday 17 December 2019.

### Comment

At the close of the tender advertising period eight submissions had been received as listed in Table A below:

TABLE A – Tender Submissions

Tender Submissions	
1.	Bollig Design Group Pty Ltd
2.	MODE Design Corp Pty Ltd
3.	Michael Davies Architecture Pty Ltd
4.	DWP Australia Pty Ltd
5.	COX Architecture Pty Ltd
6.	Christou Design Group Pty Ltd
7.	Carabiner Pty Ltd (with Gresley Abas)
8.	APOD Pty Led T/A Donovan Payne Architects

Tenders were evaluated by the City supported by project management company NS Group. The tenders were assessed according to the qualitative criteria detailed in the request for tender (RFT), as per Table B below:

TABLE B – Qualitative Criteria

Qualitative Criteria	Weighting %
1. Recent Relevant Experience	40%
2. Key Personnel, Skills & Resources	30%
3. Demonstrated Understanding	30%

Based on the assessment of the submissions received it is recommended that the tender submission from Christou Design Group Pty Ltd be accepted by Council, as this submission represents the best value for money.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

### Financial Implications

The current services to be awarded are for the business case phase only. The tender allows for the retention of the architect for the future stages. Continuation of the services beyond the business case phase will be dependent on Council endorsement of the project following business case development and the satisfactory performance of the architect.

The cost of these services to the end of the business case phase are included in the City's annual budget with \$600,000 allowed. The current forecast out-turn for the full business case is \$450k with \$350k forecast to be complete this financial year.

### 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

10.1.1 (a): Recommendation Report (*Confidential*)

### 10.1.2 Tender 20/2019 Provision of Quantity Surveying Services for the Recreation and Aquatic Facility

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12543
Meeting Date:	25 February 2020
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report considers submissions received from the advertising of Tender 20/2019 for the provision of Quantity Surveying Services for the Recreation and Aquatic Facility.

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

#### Officer Recommendation

That Council:

1. Accepts the tender submitted by Rider Levett Bucknall for the supply of Quantity Surveying Services for the Recreation and Aquatic Facility in accordance with tender 20/2019. The initial appointment to be for the business case development phase, with the option to extend to further phases of the project should the project receive Council approval to proceed;
2. Accepts the tender price as detailed in the **Confidential Attachment (a)**; and
3. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

#### Background

The development of an aquatic facility within the City of South Perth (the City) has been the subject of a range of proposals dating back many years. More recently, an integrated, larger scale Recreation and Aquatic Facility (RAF) was incorporated into the Council's Strategic Community Plan.

On 17 April 2019, Federal Treasurer, Hon Josh Frydenberg MP announced a \$20 million election commitment as part of a West Australian pre-election visit at the Collier Park Golf Course. Following the election of the coalition Government this Federal Government contribution was subsequently confirmed.

At its meeting held on 24 September 2019, Council resolved to advance the feasibility business case on the basis of the preferred site of the Collier Park Golf Course, north of the existing clubhouse. The business case is to include stakeholder and funding strategy, estimates on capital and operational costs, delivery and operational procurement models, delivery risk assessment, facility scope and accommodation plans and any required commercial and partner agreements.

In order to progress this business case the City has invited tenders for a number of consultants, including a Quantity Surveyor. Tender 20/2019 for the provision of Quantity Surveying Services for the Recreation and Aquatic Facility was advertised in the West Australian on Saturday 23 November 2019 and tenders closed at 2.00pm on Tuesday 17 December 2019.

### Comment

At the close of the tender advertising period seven submissions had been received as listed in Table A below:

TABLE A – Tender Submissions

Tender Submissions	
1.	WT Partnership Australia Pty Ltd
2.	Turners and Townsend Pty Ltd
3.	Slattery Australia Pty Ltd
4.	SJA Construction Services Pty Ltd
5.	Rider Levett Bucknall
6.	Rawlinsons (WA)
7.	Altus Group Consulting Pty Ltd

Tenders were evaluated by the City supported by project management company NS Group. The tenders were assessed according to the qualitative criteria detailed in the request for tender (RFT), as per Table B below:

TABLE B – Qualitative Criteria

Qualitative Criteria	Weighting %
1. Recent Relevant Experience	40%
2. Key Personnel, Skills & Resources	30%
3. Demonstrated Understanding	30%

Based on the assessment of the submissions received it is recommended that the tender submission from Rider Levett Bucknall be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

### Financial Implications

The current services to be awarded are for the business case phase only. The tender allows for the retention of the quantity surveyor for the future stages. Continuation of the services beyond the business case phase will be dependent on Council endorsement of the project following business case development and the satisfactory performance of the quantity surveyor.

The full cost of the quantity surveyor service for the business case development phase is included in the City's annual budget. For the full the business case phase the City's annual budget has \$600,000 allowed. The current forecast out-turn for the full business case is \$450k with \$350k forecast to be completed this financial year.

### 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

10.1.2 (a): Recommendation Report (*Confidential*)

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

### 10.3.1 Consideration of Outcomes of Consultation on Amendments to Canning Bridge Activity Centre Plan

Location:	Not Applicable
Ward:	Como, Manning, Moresby
Applicant:	Not Applicable
File Ref:	D-20-12545
Meeting Date:	25 February 2020
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

The Canning Bridge Activity Centre Plan (CBACP) provides guidance and development standards for new buildings within the Canning Bridge Activity Centre area. The CBACP became operational in the City of South Perth on February 2017. In August 2018 Council resolved to endorse a formal review that would focus on the following matters:

- overlooking and overshadowing
- open space, landscaping and sustainability requirements
- application of discretion for non-residential uses
- commercial zoning on Ley Street
- transition between zones
- issues with podium requirements, and
- parking management.

Stakeholder engagement was undertaken on the above matters. Feedback from this engagement helped to inform a number of proposed modifications to improve the CBACP. In September 2019 Council resolved to formally advertise these modifications and, following this advertising, receive a further report outlining the outcomes of this advertising.

This report provides a summary of the engagement that was undertaken and reports on the outcomes of the feedback received.

#### Officer Recommendation

That Council:

1. Notes the submissions received on the proposed amendments to the Canning Bridge Activity Centre Plan contained in the Schedule of Submissions at **Attachment (a)**;

2. Notes the Summary Engagement Report at **Attachment (b)**;
3. Endorses the proposed modifications as set out in the Schedule of Modifications at **Attachment (c)**; and
4. Requests that the Western Australian Planning Commission amends the Canning Bridge Activity Centre Plan as set out in the Schedule of Modifications at **Attachment (c)** having regard to this report, **Attachment (a)**, and **Attachment (b)**.

## Background

### Preparation and adoption of the CBACP

The CBACP was prepared jointly by the City of South Perth and City of Melville to provide guidance for development of the Canning Bridge Activity Centre Plan area.

The Activity Centre area comprises the walkable catchment of the Canning Bridge bus and rail interchange and includes land within the City of South Perth and the City of Melville. This area is recognised as an 'activity centre' under the Western Australian Planning Commission's State Planning Policy 4.2: Activity Centres for Perth and Peel (SPP4.2).

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

### Resolution by the City of South Perth Council to review the CBACP

In adopting the CBACP, the Council resolved to review the Plan after one year of operation to address any issues that arose during early operation.

At its meeting held 28 August 2018, Council resolved to initiate a review of the CBACP that considered any improvements and/or noted deficiencies in the plan, focusing on the following matters:

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

The review concerns the development of land in Q3, Q4 and Q5 of the CBACP only; being those quarters located within the City of South Perth. It is not the intent of the review to affect land within the City of Melville.



Following Council's resolution to review the CBACP, the City engaged consultants Shape Urban to (in cooperation with City officers) undertake a review of the operation of the Plan. This review included background analysis of the plan, review of all development applications submitted within the CBACP area, and significant community and stakeholder engagement. The outcomes of this review are discussed in further detail in the September 2019 Council Minutes (refer item 10.0.1).

From this review a suite of recommended modifications to the CBACP were developed and endorsed by Council in September 2019 for the purpose of formal advertising, subject to minor modifications.

### Comment

#### Outcomes of Advertising

Formal advertising of proposed modifications to the CBACP was undertaken for a period of 28 days between 30 October 2019 and 27 November 2019. A total of 44 submissions were received during this time. Details of the full range of engagement activities that were undertaken are discussed in the 'Consultation' section of this report.

The online survey asked respondents to indicate their level of support for each modification from 'strongly do not support' to 'strongly support'. Respondents were also able to provide comment on each modification to support their response. In total 34 online surveys were submitted. The feedback from the surveys was generally in support of the advertised modifications.

Another 10 responses were received via email. These responses are summarised separately as this data does not have a quantitative component and therefore cannot be directly compared to the online responses.

Each of the proposed modifications are explained below along with a summary of the feedback provided and a recommendation. A graph is also provided for each modification that illustrates the level of support based on results from the online survey.

#### Setbacks and Additional Building Height in H4

This proposed modification seeks to align setback requirements with those contained in State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (SPP7.3).

Based on the feedback received it is recommended the City proceed with this modification.

The table below sets out the differences between the existing setbacks and those prescribed in SPP7.3.

Building height	CBACP Setbacks	R-Codes Setbacks
Up to 4 storeys (H4 zone)	3-4m depending on the lot width.	3.0m minimum, 3.5m average
Storeys 5 to 8 (H4, H8 zone)	3-4m depending on the lot width.	9.0m

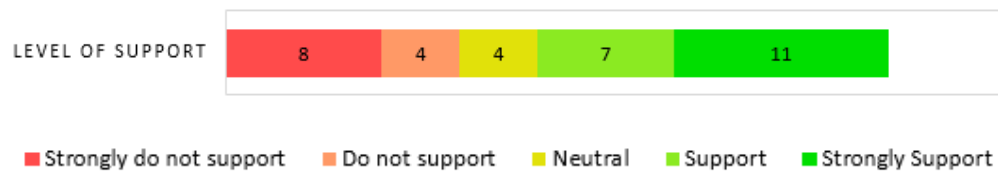


Storeys 9 and above (M10, M15)	4.0m	12.0m
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This modification will require greatly increased setbacks for the upper floors of new buildings. It will in most instances however restrict development on smaller sites to a maximum of 4-storeys. The likely effect of this modification is that to achieve a building height of greater than 4-storeys, amalgamation will generally be required. However, this is not the case in the H4 zone where the setbacks are similar to those contained in SPP7.3. To encourage amalgamation in the H4 zone and promote a diversity in a range in the scale of buildings, an additional two storeys is recommended to be permitted in the H4 zones where the site is 1,200sqm or greater.

The modification relating to bonus height was linked with the modification relating to setbacks in the online survey.

The graph below illustrates the level of support for the modification.



Feedback on these modifications was supportive. Concerns were expressed in both supportive and not supportive submissions that the proposed modifications to the setback requirements were too onerous. The main comments were that this change would result in a reduction in development potential.

The concerns raised in regards to the setback requirements being too onerous are noted. Notwithstanding, it is recommended the City proceed with this modification due to the following reasons:

- A main reason for this modification was the identification that the existing setback controls do not provide adequate separation between buildings
- It will align the setback requirements with those contained in SPP7.3 which requires increased setbacks as buildings get taller
- Although this may reduce development potential for individual sites, the additional proposed height for larger sites in H4 will compensate for possible loss of development potential.

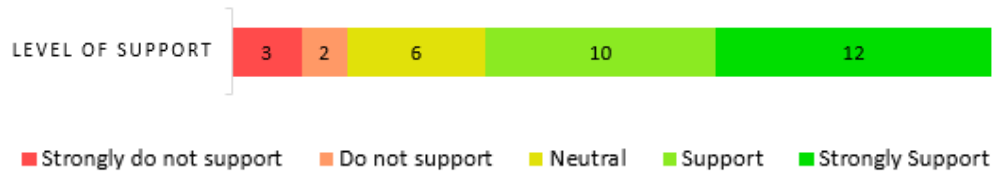
#### Building depth

This proposed modifications seeks to introduce controls on building depth.

Based on the feedback received it is recommended the City proceed with this modification.

This modification seeks to align the CBACP with SPP7.3 which specifies that buildings should generally be no deeper than 20 metres. Restricting building depth assists in breaking up building bulk and limiting the scale of buildings, and also helps provide sufficient light and ventilation access to buildings.

The graph below illustrates the level of support for the modification.



This modification received a high level of support with 67% of responses supporting the proposed modification. No justification was provided for those respondents that did not support the modification.

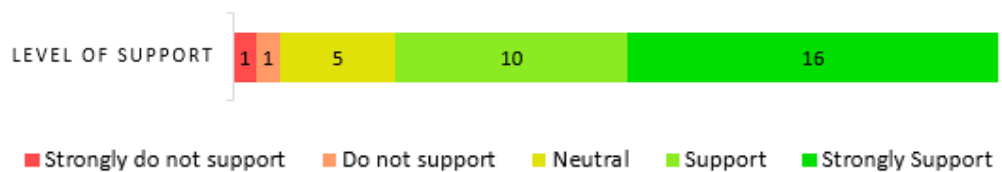
#### Deep Soil Areas

This modification seeks to ensure development protects existing trees and provides sufficient area for new trees on development sites.

Based on the feedback received it is recommended the City proceed with this modification.

The modification will align the CBACP with SPP7.3 which specifies that 10% of the site area should be provided as a deep-soil zone and planted with sufficient trees (or 7% if existing trees are retained on site).

The graph below illustrates the level of support for the modification.



This modification was overwhelmingly supported. Those who did not support or were neutral regarding this modification did not make any further comment or give reason for their answer.

#### Podiums in M10

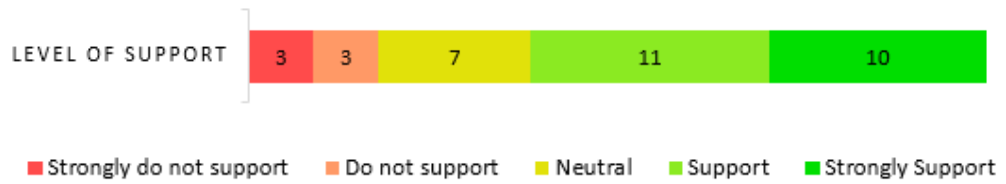
The proposed modification introduces an average 4.0m setback for podiums to side and rear boundaries for lots that do not adjoin Canning Highway.

Based on the feedback received it is recommended the City proceed with this modification.

Currently The CBACP mandates that development in the M10 or M15 Zone have a 'podium' of a minimum height of 7.0m (2 storeys) and a maximum height of 13.5m (about 4 storeys). This is further reinforced by the requirement that podiums are to be built up to all side boundaries, right-of-ways and possibly to rear boundaries. With the exception of Canning Highway, the character of the streets in the M10 zone is considered to be more suburban and lower density with many single and two storey houses. Mandating the development of substantial podiums in this location is out-of-character with the prevailing built form and scale and results in an unnecessarily severe built-form transition.

Consideration of Outcomes of Consultation on Amendments to Canning Bridge Activity Centre Plan

The graph below illustrates the level of support for the modification.



This modification was strongly supported. Notwithstanding this support, some comments (6%) believed that podiums were a positive feature of development within the CBACP area and should be encouraged, particularly in mixed use zones.

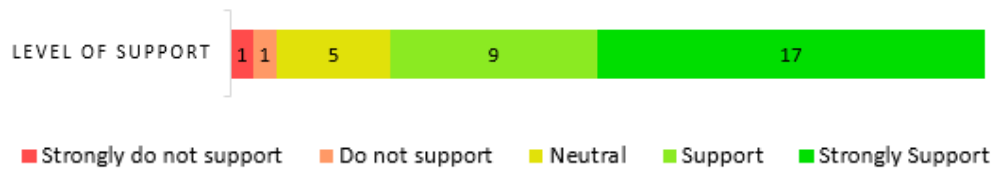
Privacy and Solar Access/Overshadowing

The proposed modification seeks to introduce controls relating to privacy, solar access and overshadowing. The proposed modification would introduce the criteria relating to these matters contained in SPP7.3.

Based on the feedback received it is recommended the City proceed with this modification.

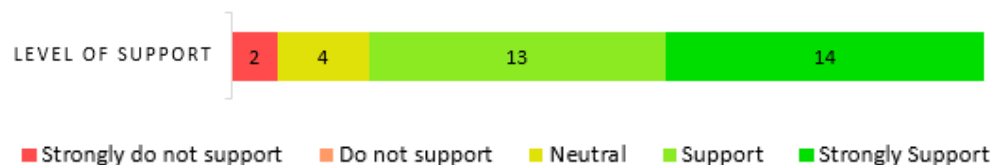
SPP7.3 provides guidance on design elements that can be used to minimise visual privacy and solar access impacts. These criteria require that a building is designed to minimise direct overlooking to sensitive areas of neighbouring properties and minimise overshadowing of habitable rooms and solar collectors.

The below graph illustrates the level of support for the modification to introduce privacy controls.



The modification for introducing privacy requirements received significant support. In particular, this modification was seen to be important in addressing the potential loss of visual privacy at existing lower density dwellings as the CBACP area goes through transition. Some comments doubted whether the criteria would effectively resolve protection of privacy to adjoining properties.

The below graph illustrates the level of support for the modification to introduce overshadowing and solar access controls.



The modification for introducing overshadowing and solar access requirements received significant support. Responses raised that impact on existing solar collectors should be protected. This is addressed by the relevant Element Objectives of SPP7.3.

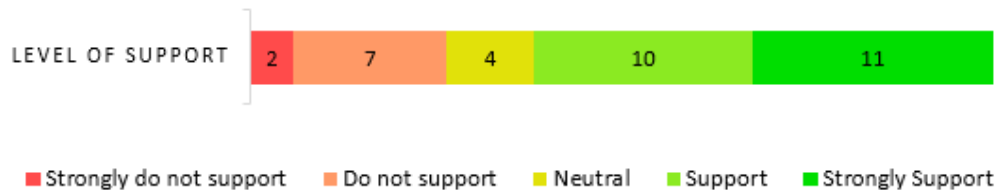
Visitor Parking

This modification seeks to introduce visitor parking requirements. The CBACP does not currently contain criteria for the provision of visitor parking to new residential developments.

Based on the feedback received it is recommended the City proceed with this modification.

A key attitude expressed during the preliminary engagement was a concern that parking for visitors to the precinct was not being appropriately catered for. To address this, the CBACP is proposed to be modified to include a requirement to provide one visitor parking bay per eight 8 dwellings in developments greater than 12 dwellings.

The graph below illustrates the level of support for the modification.



This proposed modifications were supported overall. The comments from those not supporting the modification were mixed with some not wanting parking requirements increased because it is a transit oriented precinct whilst others wanted more parking than proposed because of a fear that parking will spill onto the streets. A number of comments received raised the existing street parking as a problem.

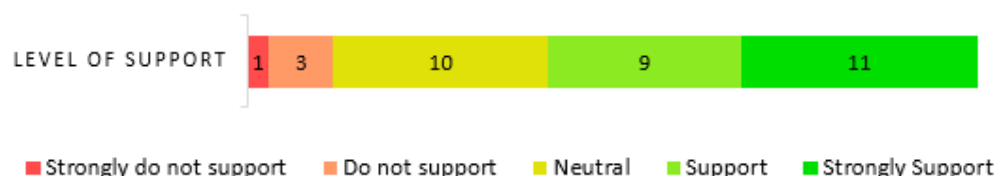
Dwelling Diversity

This modification seeks to alter the dwelling ratios contained in the CBACP to reduce the minimum number of one and two-bedroom dwellings to allow for an increased number of larger dwellings.

Based on the feedback received no change is proposed to this modification.

For buildings with 10 or more dwellings, the CBACP currently specifies the minimum number of one and two-bedroom apartments within a building. A key attitude identified during the preliminary consultation was that there were too many smaller dwellings being constructed within the CBACP area and insufficient opportunities for larger households (families) to live in the area.

The graph below illustrates the level of support for the modification.



Feedback on this modification was mixed. Comments were mostly in support however there was a large number of neutral responses with comments indicating that respondents were unsure why this provision is required. There was a general understanding that a mix of apartments was necessary and that more three and four-bedroom apartments was supported.

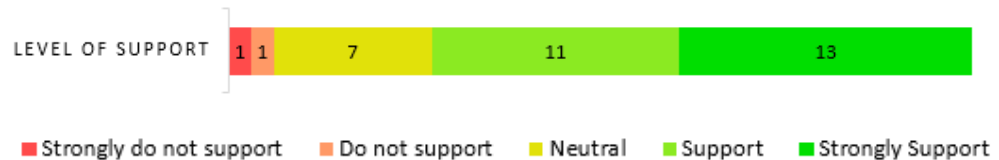
Front Setbacks and Colonnades on Canning Highway

This modification seeks to ensure that a colonnade be provided for all buildings fronting Canning Highway.

Based on the feedback received no change is proposed to this modification.

Feedback received from the preliminary engagement indicated support for nil setbacks along Canning Highway. This was subject to the inclusion of a requirement to provide a colonnade that provides weather protection and relief from the busy traffic environment.

The graph below illustrates the level of support for the modification.



This modification was strongly supported. Of those responses that did not support the modification the main concern was that Canning Highway was not a pedestrian friendly environment and that providing a colonnade would likely not improve the situation.

Other modifications

Further modifications are proposed relating to waste management, sustainability and development intensity. The online survey only provided opportunity for a written response. A summary of the responses received is detailed below.

*Waste Management*

Currently the CBACP does not require on-site collection for any buildings in the H4 zone. This modification seeks to ensure that waste is collected on-site for larger developments in the H4 zone.

Based on the feedback received no change is proposed to this modification.

The proposed modification requires waste to be collected on-site for buildings in the H4 zone that are three or more storeys in height and on sites greater than 800sqm. The intent of this modification is to ensure waste is collected from the street for smaller developments only.

Submissions received on this advertised modification were generally positive with approximately 75% of responses being supportive of the modifications.

Respondents that were not supportive of this modification raised that reversing of waste vehicles on a site would increase the risk of accidents and that a majority of land on the ground floor level would be lost to allow for manoeuvring of waste vehicles. It was also raised that significant headway clearance would be required on the ground floor (up to 4.5 meters in height) to allow space for a waste truck to circulate and operate within a site.

In addition to these points, the following limitations on servicing small sites were raised in the report to Council presented at the September 2019 Council Meeting:

- The WALGA 'Multiple Dwelling Waste Management Plan Guidelines' indicate that in most circumstances waste collection vehicles require swept circles measuring at least 21.5m in depth to enable internal site circulation. This makes circulation impracticable on smaller lots, especially those with frontage less than 21.5m. It would also result in significantly constrained ground floor areas of sites which will have a significant impact on the ability to provide sufficient parking, communal areas, open space and deep-soil areas
- It is unsafe for large waste collection vehicles to safely reverse into a development without the use of 'spotters' on each side of the vehicle. Collection in this manner means three persons must man the vehicle
- The width of some of the streets within the CBACP area make manoeuvring waste vehicles in reverse unsafe and/or difficult
- Narrow site frontages limit space for street collection of bins, especially when mature trees are present. The presence of such trees impacts the ability of waste vehicles to collect using a 'side-arm' mechanism.

Due to the issues above, there is a risk that the modification will restrict development on existing single lots to two-storeys to avoid on-site waste collection requirements. Amalgamation of two or more lots would therefore be required in most cases to build higher than two-storeys throughout the entire activity centre. This is inconsistent with the objectives of the Plan, which is to enable higher density development in mid-rise buildings.

The recommendation made in the September 2019 Council Report to address these issues was that on site collection should only be required where it is more practical and possible being those sites of 1,200sqm or greater and greater than 4 storeys.

Alternatively some comments suggesting that utilising smaller trucks could make servicing smaller sites more feasible as less space would be required for clearances and turning. This would however require further investigation from the City into the practicality and financial implications.

It is considered that the advertised modification serves the intent of why it was introduced which was to limit the number properties that were serviced by on-street collection and reducing the cumulative visual impact of bins being located on verges. As such, no amendment is proposed to this modification.

#### *Sustainability*

This modification seeks to remove the requirement for minor developments to achieve a 5-Star Green Star rating.

Based on the feedback received no change is proposed to this modification.

The CBACP currently requires 'all development' within the Q3, Q4 and Q5 to meet a 5-star Green Star rating. This includes the development of single houses and grouped dwellings, and any minor additions. It is not considered appropriate to apply the Green Star rating requirements to smaller developments as this tool is suited to larger multi-residential, commercial and community scaled developments.

The feedback received showed strong support with 65% of respondents supporting the modification. Respondents reiterated the importance of new buildings being built to a high environmental standard.

#### *Development Intensity*

This modification seeks to ensure that all new development, regardless of form, are of a density that helps achieve the overall vision of the CBACP.

Based on the feedback received a minor change is proposed to this modification as outlined below.

Since adoption of the CBACP there have been a number of applications received for battle-axe subdivision, duplex developments and single house developments. Although these land uses are contemplated by the Plan, these types of development often do not produce dwelling densities lower than contemplated by the Plan overall. The modification provides more guidance on these varied housing typologies and identifies that these types of development should achieve a dwelling density reflective of the objectives of the Plan overall.

Feedback on this modification was overwhelmingly supportive. Some respondents did however feel that it would be “odd” to refuse a development application on the basis of underdevelopment. It was also noted that this requirement was unclear and open to interpretation.

A minor change is proposed to this modification to ensure the modification applies only to quarters (Q3, Q4 & Q5) of the City of South Perth only.

#### General Comments and Written Submissions

The general comments received through the online survey generally reflected feedback received on the survey questions with many providing general support for the proposed modifications.

The written submissions were generally more site or issue specific.

Two respondents in particular made comment on the uniqueness of their individual sites; one in Roberts Rd, and one in Ley Street. Both sites are within the M10 zone and both respondents raised concerns on how the modifications would impact on their development potential. The key concern was in regards to the proposed modifications to setbacks.

The opportunity to update maps, clause numbers, and out-of-date references to planning framework documents was also raised.

In responses to this feedback the following modifications are proposed:

- A new development requirement that will require that a Local Development Plan or similar be prepared to guide and coordinate development on sites greater than 5,000sqm where considered necessary by the City
- Undertake minor modifications to ensure consistency in language, to improve clarity and to update references to legislation that is out of date.

#### Infrastructure Provision

A number of responses raised the existing infrastructure as being a potential limiting factor on the density that the area can accommodate. Respondents raised servicing infrastructure (water, power, etc.), Canning Bridge Station Interchange, traffic and parking matters and open space as areas that may need addressing.



Introduction of a Developer Contribution Scheme (DCS) was envisioned as part of preparation of the CBACP however implementation under the current framework is not possible. To implement a DCS it must first be proven that upgraded infrastructure is required and secondly that the specific development is a direct cause of the need to upgrade infrastructure. In infill settings this is difficult to establish given the pre-existing need for infrastructure caused by existing development. Some investigations have however been undertaken as part of the preparation of the CBACP. This will form the basis of any future investigations.

The State government has recognised the issue of implementing a DCS within established urban areas and is currently reviewing State Planning Policy 3.6 - Infrastructure Contributions. This review may identify new methods for providing for infrastructure in infill environments.

### Consultation

Significant consultation has been undertaken in preparing the recommended modifications including extensive preliminary consultation and formal advertising required under the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).

Preliminary engagement was undertaken between February 2019 and May 2019 to gather opinions on the plan and to workshop a number of potential modifications. During this period members of the community were able to provide feedback through a survey, by attending one of two information and feedback sessions or registering their interest to be part of the Citizen Stakeholder Group. A full summary of the preliminary engagement activities are included in the minutes for the September 2019 Ordinary Council Meeting (item 10.0.1).

From the preliminary engagement a number of recommended modifications were prepared and endorsed by Council for formal advertising in September 2019. In accordance with the Regulations, formal advertising was carried out for a period of 28 days between 29 October 2019 and 27 November 2019. City officers undertook a number of engagement activities to raise awareness of the project and to encourage feedback from as many stakeholders as possible including:

- Direct written notice to all owners and occupiers within the CBACP area
- Email notice inviting comment on the proposed modifications to the City's email database and those who have previously registered for updates via Your Say South Perth
- A notice in the Southern Gazette newspaper, e-news and the City's social media platforms giving notice of the advertising period
- Summary and explanatory documents setting out the proposed modifications (and any accompanying material) being made available for inspection at the City's Civic Centre
- Two community drop-in sessions held on Tuesday 12 November 2019 at Neil McDougall Park and on Saturday 23 November 2019 at Manning Farmers Markets (adjacent to George Burnett Leisure Centre).

In addition to the above, an online survey was prepared to assist community members and other stakeholders in submitting a response. The survey provided a brief overview for each of the proposed modifications and asked respondents to indicate their level of support from 'strongly do not support' to 'strongly support'.



### 10.3.1 Consideration of Outcomes of Consultation on Amendments to Canning Bridge Activity Centre Plan

Respondents were also able to provide comment on each of the modifications to explain their level of support.

Overall there were 44 submissions made during the advertising period including 34 online survey responses and 10 direct submissions (email and mail). All responses received are included in the Schedule of Submissions at **Attachment (a)**.

Overall, during this project there were:

- over 2000 individual visits to the project page on Your Say South Perth
- 235 participants to drop-in sessions and information sessions
- 321 survey responses during the preliminary engagement
- 44 responses during the formal advertising.

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

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

#### **Financial Implications**

There are no further financial implications associated with this report.

#### **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:	Promote and facilitate contemporary sustainable buildings and land use

#### **Attachments**

<b>10.3.1 (a):</b>	Schedule of Submissions
<b>10.3.1 (b):</b>	Engagement Summary Report
<b>10.3.1 (c):</b>	Schedule of Modifications

### 10.3.2 Proposed Three-Storey Single House on Lot 10 (No. 24) Jubilee Street, South Perth

Location:	South Perth
Ward:	Mill Point
Applicant:	Brian Burke Homes
File Reference:	D-20-12547
DA Lodgement Date:	1 October 2019
Meeting Date:	25 February 2020
Author(s):	Kevin Tang, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

This report seeks Council's consideration of a development application to grant consent for a three-storey single house on Lot 10, No. 24 Jubilee Street, South Perth.

The item is referred to Council as it is considered to be a Major Development relating to a residential dwelling in excess of 9 metres in height under Council's delegation policy.

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions and will not have a detrimental impact on adjoining residential neighbours and streetscape. It is noted that the proposed dwelling is consistent in building bulk and mass as compared to the existing residential dwellings along Jubilee Street, and is also consistent with the prescribed building height limit. Visual privacy concerns have been largely addressed via the installation of privacy screens with minimal overlooking into the neighbouring areas that are in public view. Accordingly, it is recommended that the proposal be approved subject to conditions.

#### 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 Three-Storey Single House on Lot 10 No. 24 Jubilee Street, South Perth, **be approved** subject to the following conditions:

- (1) The development shall be in accordance with the approved plans unless otherwise authorised by the City;
- (2) Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City;
- (3) Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City;

- (4) The surface of the boundary wall to the Gymnasium visible from the street, on the north eastern 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;
- (5) Prior to occupation of the dwelling, a minimum of one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site. The tree/s shall be maintained in good condition thereafter;
- (6) The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City (Director Infrastructure Services);
- (7) The front fence shall achieve 80% visual permeability where above 1.20 metres in height up to a maximum height of 1.80 metres;
- (8) External clothes drying facilities shall be provided for the dwelling, and shall be screened from view from all streets or any other public place;
- (9) 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;
- (10) Prior to occupation of the dwelling, all obscure glazing and privacy screens 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; and
- (11) In accordance with written correspondence from the Department of Biodiversity, Conservation and Attractions (DBCA), dated 27 November 2019, the following conditions are to be satisfied by the applicant on advice from the DBCA prior to the submission of a building permit application:
  - i. No water from a dewatering system is to be discharged directly or indirectly (e.g. via the stormwater system) into the river unless a dewatering management plan has been approved by the City of South Perth, on advice from the Department of Biodiversity, Conservation and Attractions.
  - ii. The applicant shall take appropriate preventative measures during the works to ensure that no construction material, soil, rubbish, or deleterious matter is allowed to enter the Parks and Recreation reserve, river or stormwater system.
  - iii. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.
  - iv. No wastewater/backwash from the swimming pool shall be discharged onto the Parks and Recreation reservation, into the river or into the local government drainage system.

Note: City officers will include relevant advice notes in the determination notice.

**Comment****(a) Background**

In October 2019, the City received an application for a three-storey single house on Lot 10 No. 24 Jubilee Street, South Perth (the site).

The site is currently vacant and fenced on the front and rear boundaries.

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

The site has a frontage to Jubilee Street to the southeast, located adjacent to the Sir James Mitchell Park to the northwest and two residential properties to the southwest and northeast respectively, as seen in **Figure 1** below:



**Figure 1:** Aerial image of subject site

**(c) Description of the Proposal**

The proposal involves the construction of a three-storey Single House on the site, as depicted in the development plans at **Attachment (a)**.

The following components of the proposed development require discretionary assessments against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) the Residential Design Codes of WA 2019 (R-Codes) and Council Policy requirements:

- (i) Lot boundary setbacks
- (ii) Boundary wall
- (iii) Street wall and fences
- (iv) Sight lines
- (v) Visual privacy
- (vi) Maximum ground and floor levels

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

**(d) Lot boundary setbacks**

The proposal is seeking lot boundary setback variations on the first and second floors from the deemed to comply provisions of R-Codes. The variations are considered compliant with design principles 5.1.3 P3.1 and P3.2.

First floor (Balcony 1)

Balcony 1 on the first floor does not meet the deemed-to-comply lot boundary setbacks to northeast and southwest boundaries. However, it is considered that these variations satisfy relevant design principles for the following reasons:

- Being a 0.8m wide open structure, Balcony 1 would have no imposing building bulk impact on the adjoining properties and would also allow adequate direct sun and ventilation to travel through the building and open space;
- The proposal meets the overshadowing requirement of the deemed-to-comply provisions of R-Codes;
- Balcony 1 is considered to meet relevant design principles in relation to visual privacy for the reasons discussed in Section (h) of the report.

Second floor

The proposal contains a number of lot boundary setback variations from the deemed-to-comply provisions, however these are considered to meet relevant design principles for the following reasons:

- The proposed three-storey building presents a building bulk that is consistent with the prescribed 10.5 metres building height limit and the majority of the existing buildings along Jubilee Street;
- The proposal meets the overshadowing requirement of the deemed-to-comply provisions of R-Codes;
- The minimum 2.2 metres setback to both side boundaries combined with the existing building setbacks on neighbouring properties would allow adequate solar access and ventilation to travel through;
- The proposal is considered to meet relevant design principles in relation to visual privacy for the reasons discussed in Section (h) of the report.

**(e) Boundary Wall**

Variations are sought in relation to the gymnasium boundary wall on the ground floor from the deemed to comply provisions of R-Codes. The variations are considered compliant with design principles 5.1.3 P3.2 and clause 2 of Council Policy P350.2.

The Gymnasium boundary wall is considered to meet relevant design principles for the following reasons:

- The proposed boundary wall is single storey. According to the R-Codes Explanatory Guidelines, a single storey building would not have a significant building bulk impact. Additionally, the proposed boundary wall is not located alongside an existing outdoor living area;
- The northern adjoining property would not be impacted by overshadowing (as per the R-Codes measurement);

- There is considered to be sufficient open space on the northern boundary to allow for ventilation with no major openings being affected by the boundary wall;
- There are no visual privacy concerns as there are no major openings being proposed on the boundary wall;
- No major opening would be restricted from direct sun access;
- The proposed boundary wall meets the street setback requirement of the deemed-to-comply provisions of the R-Codes;
- It is considered that the outlook from the front garden would still be acceptable as the proposed boundary wall lines up with the existing Garage structure on the neighbouring site.

**(f) Street Walls and Fences**

The proposal is seeking a street wall and fence variation from the deemed to comply provisions of R-codes. The variation is considered compliant with design principles 5.2.4 P4.

The proposal includes front fence brick piers of 0.89m wide in lieu of 0.47m and is considered to meet the design principles for the following reasons:

- The height of the brick piers meets the City's policy requirements of 1.8 metres; and
- The proposed front fence includes open metal fence panels that are highly permeable to permit surveillance.

**(g) Sight Lines**

The proposal is seeking a sight lines variation from the deemed to comply provisions of the R-codes. The variation is considered compliant with design principles 5.2.5 P5.

The applicant has submitted a traffic engineer report addressing the sight line requirement in accordance with the design principle. The report has been reviewed by the City's Assets and Design department who had no objection to the report. A copy of the report is provided at **Attachment (b)**.

**(h) Visual Privacy**

Terrace 1 (ground floor), Terrace 2 and Balcony 1 (first floor), Terrace 3 and Balcony 2 (second floor) of the proposed development seek visual privacy variations from the deemed to comply provisions of the R-Codes. The variations are considered compliant with design principles 5.4.1 P1.1 and P1.2.

Ground floor (Terrace 1)

Terrace 1 on the ground floor of the proposed dwelling is raised more than 0.5 metres above the existing natural ground level and therefore visual privacy assessment is applicable to this area. No visual privacy screens are proposed on both northeast and southwest sides of the Terrace 1 area. The extent of overlooking by way of cone of vision from Terrace 1 to No. 22 and 26 Jubilee Street on the ground floor is provided in red on **Figure 2** below:



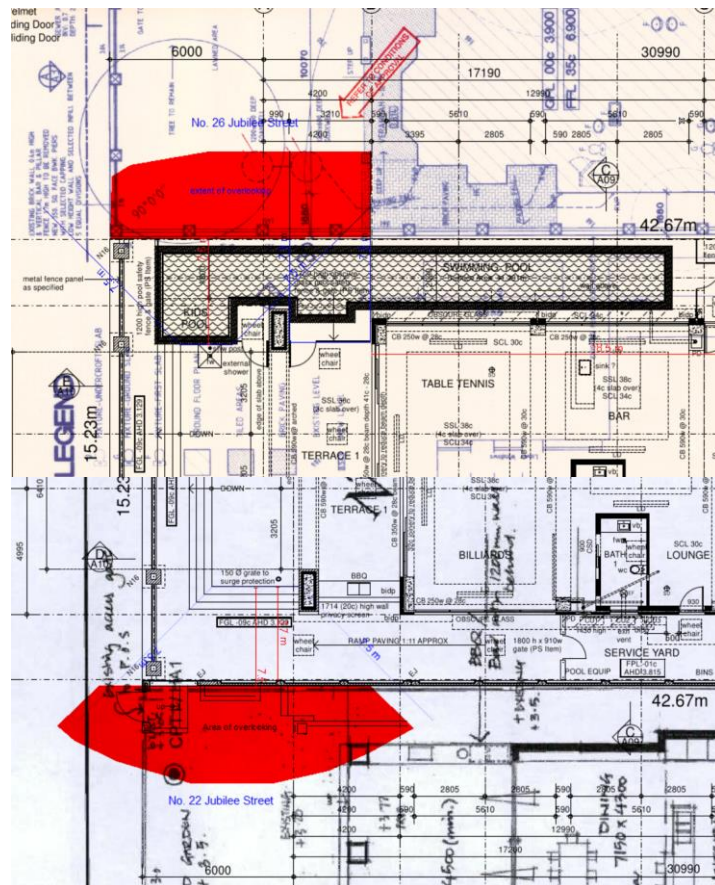


Figure 2: Overlooking from Terrace 1 on the ground floor

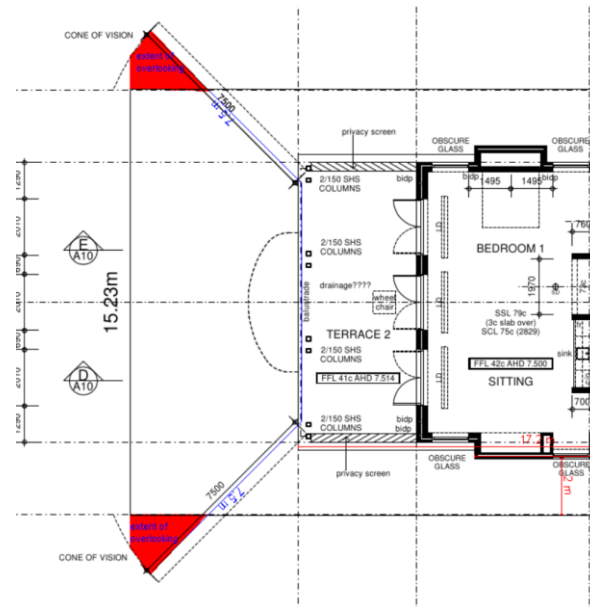
Most properties along Jubilee Street generally have open backyards that allow uninterrupted access to view the Perth CBD and Swan River. No. 22 and 26 Jubilee Street contain visually permeable rear fences adjacent to the Sir James Mitchell Park reserve. The rear part of these properties are therefore visible from public domain. It is noted that the extent of overlooking from Terrace 1 would only affect a small portion of the rear indentation of the adjoining properties that are presently visible from the public reserve. The R-Codes Explanatory Guideline provides further explanation on the interpretation of R-Codes and states:

*“A lesser need for privacy protection is usual in the case of front gardens and areas visible from the street, and this principle should also be carried over to other public places, such as parks. The basis for this acceptance is that control of overlooking for areas visible from public places would be largely ineffective in terms of privacy protection.”*

On this basis, it is considered that the proposed visual privacy variation from the Terrace 1 area on the ground floor satisfies relevant design principles.

### First floor (Terrace 2 and Balcony 1)

Terrace 2 on the first floor contains privacy screens on the northeast and southwest sides, however, the cone of vision still encroaches onto a small portion of adjoining properties as depicted in red on **Figure 3** below:



**Figure 3:** Overlooking from Terrace 2 on the first floor

For similar reasons discussed above (Ground Floor), the affected areas are presently visible from the public reserve. This variation is considered to satisfy relevant design principles.

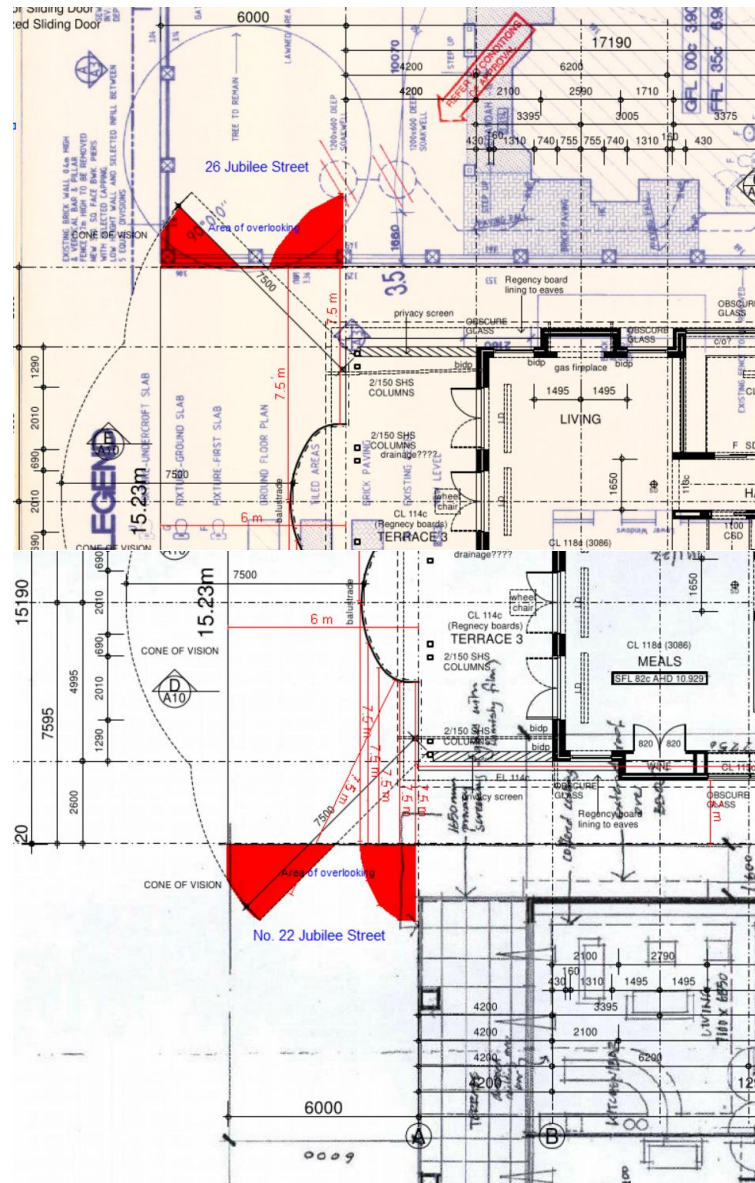
Balcony 1 on the first floor is raised more than 0.5m above natural ground level and no privacy screens are provided on the northeast and southwest sides. The variation sought is considered to satisfy relevant design principles for the following reasons:

- Balcony 1 is a front balcony with the main view corridor predominantly straight ahead rather than towards the side boundaries;
- Balcony 1 is only 0.5m wide on the northeast and southwest ends, which are confined spaces for any active or extended use. The potential for overlooking is minimal;
- Balcony 1 would confine overlooking onto a small portion of the front garden area of No. 26 Jubilee Street and overlooks the roof of the existing garage of No. 22 Jubilee Street.



Second floor (Terrace 3 and Balcony 2)

Terrace 3 on the second floor contains privacy screens on the northeast and southwest sides, however, cone of vision encroachment still affects the neighbouring properties on both sides. The extent of overlooking by way of cone of looking onto No. 22 and 26 Jubilee Street from Terrace 3 is depicted in red on **Figure 4** below:



**Figure 4:** Overlooking from Terrace 3 on the second floor

For similar reasons discussed above (Ground Floor and First Floor), overlooking from Terrace 3 onto the neighbouring properties would only affect areas that are presently in public view. These variations are considered to satisfy the relevant design principles.

Balcony 2 on the second floor is raised more than 0.5m above natural ground level and no privacy screens are provided on the northeast and southwest sides, and a variation is therefore sought from the deemed-to-comply provisions. The variations are considered to satisfy relevant design principles for the following reasons:

- Balcony 2 is a front balcony with the main view corridor predominantly straight ahead rather than towards the side boundaries;
- Balcony 2 is only 0.5m wide on the northeast and southwest ends, which are confined spaces for any active or extended use. The potential for overlooking would be minimal;
- Balcony 1 would confine overlooking onto the front garden area of No. 26 Jubilee Street. Overlooking from Balcony 1 into a high-sill window on the first floor of No. 22 Jubilee Street is oblique rather than direct.

On the basis of the above analysis, it is considered that all visual privacy variations from the proposal meet relevant design principles.

**(i) Maximum Ground and Floor Levels**

The proposal is seeking a maximum ground and floor levels variation from the deemed to comply criteria of TPS6.

The proposal has been assessed against the discretionary criteria of Clause 6.10(1) of TPS6 and is considered to satisfy the discretionary criteria for the following reasons:

- The proposed variation is minor in nature, being 0.03m above the deemed-to-comply standard;
- The proposed building is considered to have similar building bulk and visual presence as the existing buildings along Jubilee Street and is considered to be consistent with the 10.5m building height limit;
- The proposal meets the overshadowing requirement of the deemed-to-comply provisions of the R-Codes.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

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

**(j) 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.

It is considered that the proposal satisfies the relevant sections of Clause 67.

### Consultation

#### (k) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, a total of 11 consultation/information notices were sent, with relevant property owners, occupiers and/or strata bodies being invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, one submission was received. The comments from the submitters together with a response are provided in the table below.

Submitters' Comments	Officer's Responses
<p><u>Privacy issues</u></p> <p>There are major privacy issues.</p> <p>There is no annotation to indicate the windows have obscure glass on the South West Elevation on either side of the lift shaft on the first &amp; second levels.</p> <p>There is potential for overlooking from the rear semi-circle balcony (Terrace 3) – the residents at 24 Jubilee Street can look directly into our rear yard &amp; pool area.</p> <p>There is potential for overlooking from the rear alfresco (Terrace 1) – the residents at 24 Jubilee Street can look directly into our rear yard &amp; pool area. At the rear of our property, the fence is 1.27m high. The northern part of Terrace 1 at 24 Jubilee Street is 0.8m from the ground level (4 brick steps). Therefore the residents at 24 Jubilee Street can easily look directly into our rear yard &amp; pool area.</p> <p>There should be privacy screens at the ground floor Terrace 1.</p>	<p>The “obscure glass” annotations are provided on the floor plans on the first and second floors.</p> <p>Visual privacy issues related to Terrace 1 and 3 are discussed in greater details in Section (h) of the report. These variations are considered to satisfy relevant design principles.</p> <p>The comment is <b>NOTED</b>.</p>

<p><u>Lot boundary setbacks</u></p> <p>Garage &amp; utility room boundary parapet wall (ground floor) is too high at 4.0 metres &amp; looks unsightly. Max height should be 3.5 metres &amp; average height 3.0 metres.</p> <p>Lounge to Terrace 1 wall (ground floor) proposed 2.6 metres is too close &amp; should be 5.4 metres</p> <p>Front balcony wall (first floor) proposed 2.2 metres is too close &amp; should be 3.5 metres</p> <p>Rear balcony wall (first floor) proposed 2.4metres is too close &amp; should be 3.3 metres</p> <p>Kitchen wall (second floor) proposed 2.0 metres is too close &amp; should be 3.0 metres</p> <p>Meals to WIR4 wall proposed 3.6 metres is too close &amp; should be 5.0 metres</p> <p>Front balcony wall (second floor) proposed 2.3metres is too close &amp; should be 4.8 metres</p> <p>Rear balcony wall (second floor) proposed 2.2 metres is too close &amp; should be 4.3 metres.</p>	<p>Lot boundary setbacks are discussed in greater details in Section (d) of the report. The variations are considered to satisfy the relevant design principles.</p> <p>The comment is <b>NOTED</b>.</p>
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(l) **External Agencies**

Comments were also invited from the Department of Biodiversity, Conservation and Attractions (DBCA).

The DBCA provided comments with respect to the potential effect of the development upon the Swan River. This agency raises no objections and recommends standard conditions and/or notes be placed on the determination. A copy of advice from this department is provided at **Attachment (c)**.

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

**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.

### 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 proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, and will not have a detrimental impact on adjoining residential neighbours and streetscape. It is noted that the proposed dwelling is consistent in building bulk and mass as compared to the existing residential dwellings along Jubilee Street and is also consistent with the prescribed building height limit. Visual privacy concerns have been largely addressed via the installation of privacy screens with minimal overlooking into neighbouring properties that are presently in public view. Accordingly, it is recommended that the proposal be supported subject to conditions.

### Attachments

- 10.3.2 (a): Planning Report and Development Plans - 24 Jubilee Street
- 10.3.2 (b): Traffic Engineer Report - 24 Jubilee Street
- 10.3.2 (c): DBCA advice - 24 Jubilee Street

### 10.3.3 Proposed Three-Storey Single House on Lot 801 (No. 15) King Edward Street, South Perth

Location:	Lot 801, No. 15 King Edward Street, South Perth
Ward:	Mill Point Ward
Applicant:	Colin & Fiona Davidson
File Reference:	D-20-12550
DA Lodgement Date:	28 October 2019
Meeting Date:	25 February 2020
Author(s):	Cameron Howell, Senior Urban Planner
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 three-storey Single House on Lot 801, No. 15 King Edward Street, South Perth.

This item is referred to Council as the building height is outside of the delegation to officers, being greater than 9 metres. The building height of the proposed building is compliant with the TPS6 Building Height Limit prescribed in clause 6.1A.

It is considered that the proposed development achieves compliance with all of the discretionary considerations and does not pose any adverse amenity impacts to the future occupants, neighbouring properties or the locality.

It is recommended that the application be approved, subject to conditions.

#### 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 three-storey Single House on Lot 801, No. 15 King Edward Street, South Perth **be approved** subject to:

- (1) The development shall be in accordance with the approved plans unless otherwise authorised by the City;
- (2) Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City;
- (3) Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City;
- (4) The surface of the boundary wall(s) to the garage/store visible from the street, on the western 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;



- (5) Prior to occupation of the dwelling, a minimum of one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site. The tree(s) shall be maintained in good condition thereafter;
- (6) Prior to occupation of the dwelling, all obscure glazing 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. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City;
- (7) External clothes drying facilities shall be provided for the dwelling, and shall be screened from view from all streets or any other public place;
- (8) 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;
- (9) 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; and
- (10) In accordance with written correspondence from Western Power, dated 11 December 2019, the following conditions are to be satisfied by the applicant:
  - i) The proposed installation on the site is to comply with the following:
    - To relocate, remove or reconfigure the overhead lines, underground cables or existing point of supply, the customer will need to submit a request to Western Power, at a cost to the customer.
    - Western Power easement to be established for the 66kV transmission line CL-VP 71 along span 0003-0004 as required.
    - For any planned construction within easement:
      - o Customer to undertake transmission line survey at cost to customer.
      - o Western Power to complete clearance assessment to AS/NZS 7000 based on customer provided drawings and survey data at cost to customer.
    - The distribution earthing is at an isolation distance of not less than 15m from the transmission line pole CL-VP 71-0003 with down earthwire.
    - The contractor shall comply with WA Occupational Safety & Health Regulation 3.64 for the restriction on working in vicinity of overhead power lines.
  - ii) Any development on the subject site shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Proponents should refer to <https://westernpower.com.au/safety/360-aware/industry-safety/>

- iii) Prior to the submission of a building permit application, the applicant must be in receipt of all required Western Power approvals, to the satisfaction of the City.

Note: City officers will include relevant advice notes in the determination notice.

#### Comment

##### (a) Background

In October 2019, the City received an application for a three-storey Single House on Lot 801, No. 15 King Edward Street, South Perth.

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

The site has a frontage to King Edward Street to the east and Clarence Street to the south, located adjacent to a two storey Single House to the north, vacant land to the west and is generally surrounded by residential developments, as seen in **Figure 1** below:



**Figure 1:** Aerial photograph of the subject site (2019).

##### (c) Description of the Proposal

The proposal involves the construction of a three-storey Single House on the site, as depicted in the submitted plans at **Attachment (a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment 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) Lot boundary setback
- (ii) Open space
- (iii) Outdoor living area
- (iv) Site works / Retaining walls / Maximum ground and floor levels



- (v) Visual privacy
- (vi) Fence height

The proposal is considered to meet the relevant Design Principles or discretionary criteria of the Scheme, R-Codes and relevant Council policies.

**(d) Lot Boundary Setbacks**

The northern neighbouring property has a two storey Single House, with its street setback area (including a carport and verandah) and a small portion of its side setback area being located immediately adjacent to the common lot boundary with the development site. The setbacks to the northern boundary are considered to satisfy the clause 5.1.3 design principles of the R-Codes for the following reasons:

- The design includes features that assist in reducing the perceived building bulk impact including varying setbacks, inclusion of windows and varying materials. In addition, the proposed building is obscured from view at ground level from the front of the neighbouring property from their carport and verandah roofs.
- The proposed building does not overshadow the northern neighbouring property. The proposed building is not expected to significantly affect the provision of ventilation to either neighbouring property.
- The ground and first floors do not facilitate any overlooking of the neighbouring property. There is some overlooking from the second storey windows and terrace, though this is not expected to facilitate any substantive visual privacy impact to this property having regard the height of the viewing position and the layout of the dwelling on the neighbouring property.

The western neighbouring property is vacant, however a development approval for a two-storey Single House was granted in December 2019. Based upon this approval, the western side of the proposed building would be adjacent to a boundary wall, two living/dining room windows and a side setback area at ground level. The upper level of this approval only contains non-major openings. The setbacks to the western boundary are considered to satisfy the clause 5.1.3 design principles of the R-Codes for the following reasons:

- The building bulk impact is only visible from the two windows along that common boundary. It is considered that the walls of the proposed building do not pose an adverse amenity to the adjoining property.
- The proposed building is not expected to overshadow the western neighbouring property due to the lot orientation. The proposed building is not expected to significantly affect the provision of ventilation to either property.
- There is no overlooking of the neighbouring property from this elevation.

The Garage/Store boundary wall is considered to satisfy the clause 5.1.3 design principles of the R-Codes for the following reasons:

- The boundary wall enables a more effective use of space. There are no resultant privacy impacts for either property.

- The proposal is considered to demonstrate compliance with the three design principles as discussed in the previous paragraph.
- The only impact of any significance would be the visual impact from the habitable rooms of the approved neighbouring building. It is considered that the wall does not pose an adverse amenity to the neighbouring property, as the windows are seen to be providing a secondary outlook from these rooms, with the primary outlook being out onto their courtyard in the north eastern corner of their property (i.e. opposite side of the room). In addition, the affected landowner made a submission on the proposal, which had no relevant comments relating to amenity impacts.
- The lot orientation does not cause overshadowing of the western neighbouring property during the middle of the day. Any overshadowing cast over the neighbouring property would largely be from the upper storeys rather than the boundary wall.
- The boundary wall setback from the street boundary is greater than the R60 density deemed-to-comply requirements for both primary and secondary streets. The setback is consistent with the setback of the approved neighbouring dwelling.

**(e) Open Space**

The proposed development has technical non-compliance with deemed-to-comply requirements due to roofing being proposed over open spaces elevated greater than 0.5 metres above natural ground level, that being the front porch and the roof top balcony.

The provision of open space is considered to satisfy the clause 5.1.4 design principles of the R-Codes for the following reasons:

- The proposed building is compliant with the deemed-to-comply street setback requirements.
- The proposed building is expected to receive a substantive level of sunlight noting the lot orientation and the existing and approved neighbouring buildings.
- Building Bulk:
  - South – The proposed building is compliant with the secondary street setback requirements.
  - East – The proposed building is compliant with the primary street setback requirements.
  - North – The proposed building is partly obscured from view at ground level from the front of the neighbouring property from their carport and verandah roofs. It is considered that the building does not pose an adverse amenity to the neighbouring property.
  - West – Based on the approved development, the building bulk impact is only visible from the two windows on the ground floor level referenced in the lot boundary setbacks section. It is considered that the building does not pose an adverse amenity to the neighbouring property.
- A landscaping plan has been provided, which includes two trees and small shrubs in the street corner setback area at ground level.

- The provided open space includes the ground level landscaping, the courtyard (including a swimming pool), the roof-top balcony and the rear utility area (including a clothesline).
- The provided open space includes space for external fixtures on the building and other facilities including a clothesline, air conditioning units and bin store.

**(f) Outdoor Living Area**

The provision of outdoor living areas is considered to satisfy the clause 5.3.1 design principles of the R-Codes for the following reasons:

- Both outdoor living areas are linked to a habitable room. The ground floor courtyard can be accessed from the Lounge room door that opens into the side setback area directly next to the courtyard. Direct access is provided to the second floor balcony / roof-top terrace from the Living/Meals room. Both outdoor spaces are large enough to be useful and functional.
- Both outdoor areas have access to sunlight and ventilation in winter and are on the northern side of the development.

**(g) Site Works / Retaining Walls / Maximum Ground and Floor Levels**

The extent of fill is considered to satisfy the clause 5.3.7 design principles of the R-Codes for the following reasons:

- The existing site levels fall by about 1 metre from the highest to lowest points on the site. The proposed levels of the development generally align with the verge levels of Clarence Street (the higher end of the site).
- Fill is necessary for this site, noting the small size of the lot and the variation in natural ground levels. Considering the site characteristics, it is considered the proposed levels respect the streetscape and do not pose an adverse amenity impact to the locality.

The retaining walls adjacent to the western boundary satisfy the deemed-to-comply requirements. The retaining wall on the northern boundary is considered to satisfy the clause 5.3.8 design principles of the R-Codes for the following reasons:

- The retaining wall on the northern boundary facilitates a level exit from the ground floor of the dwelling into the side setback area, which provides access to the ground floor courtyard at the north eastern corner of the site and to a utilitarian area at the north western corner of the site.
- The retaining wall height is not seen to pose adverse building impacts to the northern neighbouring property or cause any overshadowing of this property.
- The retaining wall does not cause any visual privacy impacts, due to the use of the infrequent use of the side setback area and the provision of a standard height dividing fence above that functions as an effective privacy screen.

The raised finished floor level and the raised ground levels are considered to satisfy the TPS6 discretionary provisions for the following reasons:

- All floor levels are compliant with TPS6 clause 6.9.

- The visual impact of the development is considered to not adversely affect the amenity of any neighbouring properties. The shadow cast from the development is primarily over the street and therefore does not adversely affect the amenity of any neighbouring properties.
- The floor level is seen to be sufficiently consistent with the existing and approved neighbouring dwellings to maintain a visually balanced streetscape.
- The ground levels do not cause visual privacy impacts, as effective screening is provided on the boundaries through the provision of a standard height dividing fence.

**(h) Visual Privacy**

The overlooking from the courtyard is considered to satisfy the clause 5.4.1 design principles of the R-Codes, as the area of the northern neighbouring property visible through the open fencing is the front setback area, being a garden and carport visible from the street. The overlooking poses no privacy impacts.

The overlooking from the living/meals room is considered to satisfy the clause 5.4.1 design principles of the R-Codes. The area of the western neighbouring property visible, based upon the development approval granted in December 2019, is a small portion of an east facing ground floor level living room window/door, the adjacent side setback area and the roof above. The privacy impacts to the neighbour's living room are expected to be minimal considering the limited extent of the window and indoor living space visible, having regard to horizontal and vertical viewing angle – approximately 45 degrees to the side and two-storeys below the living/meals window. The other spaces overlooked are not active habitable spaces or outdoor living areas.

The overlooking from the balcony is considered to satisfy the clause 5.4.1 design principles of the R-Codes, as the area of the northern neighbouring property visible is the front setback area, being a garden and carport visible from the street and some of the street elevation of the dwelling. The overlooking poses no privacy impacts.

**(i) Fence Height**

A 2.2 metre high fence is proposed for the rear section of the western lot boundary behind the boundary wall, a distance of 1.5 metres. The affected neighbouring site is vacant, however a development approval for a two-storey Single House was granted in December 2019. Based upon this approval, the proposed fence would be adjacent to a portion of a living room window and a side setback area at ground level.

The fence height is not seen to pose adverse visual bulk impacts to the western neighbouring property or cause any adverse overshadowing of this property. The City did not receive any relevant comments regarding this fence from the landowner of the neighbouring property. The City has not identified any other likely impacts to the western neighbouring property. As such, the fence is considered to be acceptable and appropriate for approval.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

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

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

In considering an application for development approval, the local government is to have due regard to the 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.

It is considered that the proposal satisfies the relevant matters of clause 67.

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

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. The owners of the two adjoining properties, No. 13 King Edward Street and No. 14 Clarence Street, were invited to inspect the plans and to submit comments during a minimum 14-day period. The City received one submission, summarised below.

Submitters' Comments	Officer's Responses
The preferred finish to the garage/store boundary wall is rendered preferred rather than exposed brick.	The applicant subsequently amended their plans to reflect the neighbour's preference. The proposal is consistent with Policy P350.02 'Lot boundary setbacks (boundary walls)'  The comment is <b>NOTED</b> .

**(b) External Referrals**

The City referred the development plans to Western Power due to the site being adjacent to the high voltage power lines on Clarence Street. Western Power had no objection to the proposed development and provided a number of comments and recommendations. These comments are incorporated into the officer recommendation.

**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 an approval granted, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

### 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, officers observe that the proposed outdoor living areas and indoor living areas are located on the northern side of the building to obtain winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. In particular, where the proposal requires the exercise of discretion to be considered, that being the lot boundary setbacks, open space and outdoor living area provision, floor and ground levels, visual privacy setbacks and fence height, the proposal is considered to satisfy the relevant considerations and demonstrate compliance. In addition, the proposal will not have a detrimental impact on adjoining residential neighbours and the streetscape. Accordingly, it is considered that the application should be conditionally approved.

### Attachments

- 10.3.3 (a): Development Plans - 15 King Edward Street
- 10.3.3 (b): Site Photographs - 15 King Edward Street

### 10.3.4 264-270 Canning Highway, Como - Road Safety and Farmer Jack's

Location:	Lots 181, 803, 804, 805, 806 and Part Lot 182 Canning Highway, Como
Ward:	Como Ward
Applicant:	Not Applicable
File Ref:	D-20-12551
Meeting Date:	25 February 2020
Author(s):	Chris Jansen, Manager Assets and Design
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

This report is in response to Council's resolution from July 2019 in relation to the City's role in overseeing the performance of relevant conditions of the Metro Central Joint Development Assessment Panel (MCJDAP) approval on 14 June 2019 of the development application (**DAP/17/01314**) for a Farmer Jack's at 264 Canning Highway, Como.

#### Officer Recommendation

That Council notes the documentation received and the actions undertaken to fulfil conditions of approval for the development approval issued by the Metro Central Joint Development Assessment Panel for the Farmer Jacks development. (**DAP/17/01314**).

#### Background

The Metro Central Joint Development Assessment Panel (MCJDAP) approved an application for a single storey commercial development (Farmer Jack's supermarket) with a basement at Lots 181, 803, 804, 805, 806 and Part Lot 182, Canning Highway on 14 June 2019. The approval is subject to 39 conditions, a number of which relate to the ongoing traffic management of the development and cash in lieu for car parking (onsite and on street). This report relates to the enforcement and clearance of several of these conditions.

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

*I move that in the carrying out of the City's role in overseeing the performance of relevant conditions of the Metro Central Joint Development Assessment Panel (MCJDAP) approval on 14 June 2019 of the development application (MCJDAP/347) for a Farmer Jack's on Canning Highway, Como, the Chief Executive Officer take the following actions:*

- 1. Ensure that the Road Safety Audit required by condition 34 meets the requirements of Main Roads Policy and Guidelines for Road Safety Audit including an actual physical traffic count;*



2. *Anticipating the possibility of it becoming an issue for the Road Safety Audit, liaise with Main Roads WA as to the possible need for and nature of measures to limit right-turns and U-turns from the Canning Highway northbound lane into the development site;*
3. *Anticipating the possibility of it becoming an issue for the Road Safety Audit, to liaise with appropriate representatives of Collier Primary School to investigate options to improve traffic flow around the school during pick up and drop off times, including the option for a kiss and drop facility; and*
4. *Before the issuing of a building licence to the applicant, the City provide a report to Council on:*
  - a. *the above three matters including any proposed City responses; and*
  - b. *the City's processes in place for ensuring the cash payments and legal expenses payable to the City in conditions 12 and 13 are recorded as payable, paid and recovered by the City if not voluntarily paid.*

#### **Comment**

The traffic impacts and traffic management associated with this development were a key issue raised through submissions and a key consideration of the development assessment. The reasons given for the resolution - to provide transparency in the clearance of the conditions relating to traffic management and parking - are noted. The City cannot amend or add to conditions of approval by the JDAP or vary the requirements for a road safety audit mandated by Main Roads. The City has processes in place to ensure that any conditions are adequately considered and met in a transparent manner.

Planning condition 34 of the approval states:

Prior to the issue of a building license, the applicant at its cost, shall prepare and submit to the City of South Perth a Road Safety Audit with respect to the proposed development, with particular and specific reference to the anticipated impact of traffic generated by the proposal upon the operations of Collier Primary School. This condition shall be satisfied upon the City advising the applicant of its satisfaction with that audit.

1. *Ensure that the Road Safety Audit required by condition 34 meets the requirements of Main Roads Policy and Guidelines for Road Safety Audit including an actual physical traffic count;*

The Road Safety Audit prepared by SJR Civil Consulting PTY LTD (Revision 1 of Audit is attachment a) was peer reviewed by an external senior road safety auditor for compliance with the Main Roads Policy and Guidelines for Road Safety Audit. The review raised a number of points which were then resolved through a process of working with the proponent. This process addressed the issues raised and the Road Safety Audit was amended to revision 1.

2. *Anticipating the possibility of it becoming an issue for the Road Safety Audit, liaise with Main Roads WA as to the possible need for and nature of measures to limit right-turns and U-turns from the Canning Highway northbound lane into the development site;*

The Road Safety Audit action report finding 2.2 explicitly addresses this concern site by recommending a median island on Canning Highway. While initial approval from MRWA has been provided, the applicant committed to present a further design to MRWA at detailed design stage.

In addition City Officers will meet with Main Roads WA prior to the development of detailed access design. Canning Highway is solely under control and jurisdiction of Main Roads WA. However, the City will request Main Roads WA to take the Road Safety Report finding 2.2 into consideration with the proposed treatment for Canning Highway.

3. *Anticipating the possibility of it becoming an issue for the Road Safety Audit, to liaise with appropriate representatives of Collier Primary School to investigate options to improve traffic flow around the school during pick up and drop off times, including the option for a kiss and drop facility;*

The Road Safety Audit concluded in finding 2.8 that, "It is therefore considered unlikely that traffic from the development would have any material impact on the traffic generated by the school, both in terms of safety and traffic flow".

City Officers will meet with Collier Primary School representatives to discuss the findings of the Road Safety Audit and also to consult with the school in relation to pre-existing issues during peak times. Once the issues are clearly understood, City representatives will implement any proposed modifications that are deemed both necessary and practicable.

4. *Before the issuing of a building licence to the applicant, the City provide a report to Council on:*

- a. *the above three matters including any proposed City responses; and*
- b. *the City's processes in place for ensuring the cash payments and legal expenses payable to the City in conditions 12 and 13 are recorded as payable, paid and recovered by the City if not voluntarily paid.*

The *Building Act 2011* does not permit the City to withhold a building permit in order to report to Council. To date a demolition permit has been issued. It is likely that the building permit will be in two parts, one for the forward works and one for the remainder. Neither application has yet been submitted to the City (as at 12 February).

Part (a) has been addressed above.

Condition 12 states:

Prior to the submission of a building permit, a legal agreement is to be prepared for the cash payment to the local government in lieu of providing 2 deficit car parking bays. The cash-in lieu payment shall be payable at the time the land within the Metropolitan Region Scheme Primary Regional Roads reservation is required for the widening of Canning Highway (or an earlier time with the consent of the City of South Perth). The legal agreement is to be prepared at the owner's expense and to the satisfaction of the City of South Perth.

Condition 13 states:

Prior to the submission of an occupancy permit, the applicant is to make a cash payment to the local government for the commercial value of any public car parking bays lost in Hobbs Avenue to accommodate service or delivery vehicle movements into the development site, to the satisfaction of the City of South Perth.

Part (b). In regard to condition 12, McLeod's Barrister and Solicitors is preparing an agreement at the applicant's expense, to ensure fulfilment of this condition.

In regard to condition 13, the City will issue an invoice for the required amount which will be paid prior to occupation of the development.

### **Consultation**

The City liaised with the applicant in order to ensure that the matters in the Council resolution are adequately addressed. The City will also meet with Main Roads WA and Collier Primary school to discuss the results of the Road Safety Audit.

### **Policy and Legislative Implications**

The City cannot amend or modify conditions of approval of the JDAP. A Road Safety Audit must comply with Main Roads Policy and Guidelines for Road Safety Audit. Additional matters and considerations not covered by the aforementioned document cannot be added to a Road Safety Audit.

A Road Safety Audit is required to be undertaken by an independent, qualified expert. It cannot be undertaken by the traffic consultant originally used for the development application.

### **Financial Implications**

There is a financial implication for the City in terms of the resources required to clear and enforce the conditions. This is required for all development applications that are granted conditional approval.

**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: Connected and accessible City  
Strategy: Facilitate a safe, efficient and reliable transport network

**Attachments**

**10.3.4 (a):** Road Safety Audit

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - December 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12553
Meeting Date:	25 February 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

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

EFT Payments to Creditors	(294)	\$4,970,895.65
Cheque Payment to Creditors	(8)	\$16,592.97
<b>Total Monthly Payments to Creditors</b>	<b>(302)</b>	<b>\$4,987,488.62</b>
EFT Payments to Non-Creditors	(65)	\$338,651.95
Cheque Payments to Non-Creditors	(8)	\$4,900.29
<b>Total EFT &amp; Cheque Payments</b>	<b>(375)</b>	<b>\$5,331,040.86</b>
Credit Card Payments	(7)	\$13,054.35
<b>Total Payments</b>	<b>(382)</b>	<b>\$5,344,095.21</b>

#### Officer Recommendation

That the Council receives the Listing of Payments for the month of December 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 has been matched to a correct Goods Receipt Note in the financial system, 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.

### 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 for December 2019 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 of 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 to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

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 directly 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.

10.4.1 Listing of Payments - December 2019

**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): Listing of Payments December 2019



## 10.4.2 Listing of Payments - January 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12555
Meeting Date:	25 February 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 January 2020 and 31 January 2020 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(307)	\$3,811,787.02
Cheque Payment to Creditors	(1)	\$18,812.98
<b>Total Monthly Payments to Creditors</b>	<b>(308)</b>	<b>\$3,830,600.00</b>
EFT Payments to Non-Creditors	(58)	\$172,831.03
Cheque Payments to Non-Creditors	(19)	\$153,225.61
<b>Total EFT &amp; Cheque Payments</b>	<b>(385)</b>	<b>\$4,156,656.64</b>
Credit Card Payments	(6)	\$11,586.51
<b>Total Payments</b>	<b>(391)</b>	<b>\$4,168,243.15</b>

### Officer Recommendation

That the Council receives the Listing of Payments for the month of January 2020 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 has been matched to a correct Goods Receipt Note in the financial system, 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.

### 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 for January 2020 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 of 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 to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

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 directly debited from the City’s bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

### **Consultation**

Nil.

### **Policy and Legislative Implications**

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

### **Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Strategic Implications**

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

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

**Attachments**

**10.4.2 (a):** Listing of Payments January 2020

### 10.4.3 Monthly Financial Statements - December 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12557
Meeting Date:	25 February 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

The monthly Financial Statements are provided within the **Attachments (a)–(i)**, with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated. Report refinement is an ongoing task.

#### Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 December 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 2019/20 budget adopted by Council on 25 June 2019, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains the Original Budget and Revised (Adjusted) 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 1996. 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.

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently, report refinement is an ongoing task.

This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments, with nil effect on the closing position, have been presented for Council approval.

Actual income from operating activities for December year-to-date (YTD) is \$51.96m in comparison to budget of \$51.56m. Actual expenditure from operating activities for December is \$29.27m in comparison to budget of \$32.18m. The December Net Operating Position of \$22.69m was \$3.31m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.084m in comparison to the budget of \$1.882m. Actual Capital Expenditure YTD is \$6.183m in comparison to the budget of \$9.396m. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there are a number of capital projects that will require a budget adjustment as they were not re-budgeted for in 2019/20.

Cash and Investments balance is \$65.1m. The December cash balance is traditionally higher following the collection of rates revenue in the beginning of the 2019/2020 financial year. Consistent with previous monthly reports, this information is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

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 46.45% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors (S&P) for each of the institutions.

Please note that due to the timing between preparing month end reports and the compilation of the Agenda, the Monthly Financial Statements for January 2020 will be presented directly to the Ordinary Council Meeting to be held 25 February 2020.

### **Consultation**

Nil.

### **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

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



#### 10.4.4 Budget Review for the Period ended 31 December 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12563
Meeting Date:	25 February 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

##### Summary

A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments, in other words is it receiving income and incurring expenditure in accordance with the adopted budget.

A comprehensive review of the 2019/2020 Adopted Budget, based on actual results for the period to 31 December 2019 has been undertaken. Comments on the identified variances are included. Lower interest rates, a slower economy and a reduction in parking revenue has had an impact on operating revenue. City officers are continually looking for opportunities to reduce operating expenditure. Some potential savings have been identified to improve the overall financial position of the City.

A Statement of Financial Activity is included and it is based on the statements of financial activity which have been presented to Council each month of this financial year. It compares the original adopted budget to the reviewed budget and illustrates the high level financial movements of the Review. In addition, a summary of the forecasted Financial Ratios has been included, illustrating the need for continued effort to focus on improving the Operating Surplus Ratio over time.

Schedules attached to this report detail the adjustments. The underlying theme of the review was to deliver an improved budget outcome. Wherever possible, business units seeking additional funds have been encouraged to generate funding or savings in their own areas.

##### Officer Recommendation

That Council adopts the mid-year budget review and changes as noted in this report, the Statement of Financial Activity (**Attachment (a)**) and changes as detailed in **Attachments (b), (c) and (d)** to this Agenda.

**Absolute Majority required**

### Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, a local government is required to review the Adopted Budget and consider its financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year. The results of this Budget Review are forwarded to the Department of Local Government after adoption by Council.

A Statement of Financial Activity is included and it is based on the statements of financial activity which have been presented to Council each month of this financial year. It compares the original adopted budget to the reviewed budget and illustrates the high level financial movements of the Review. It is recommended this report be reviewed before considering the detail within the schedules, illustrating the challenge to deliver an improved position. In addition, a summary of the forecasted Financial Ratios has been included, illustrating the need for continued effort to focus on improving the Operating Surplus Ratio over time.

- All amendments are included in an adjusted Budget Review Statement of Financial Activity as **Attachment (a)**.

The Reviewed Statement of Financial Activity is presented with the following attachments:

- Amendments identified from operating activities in the 31 December 2019 Budget Review (**Attachment (b)**). Comments are made on variances that have either crystallised or are quantifiable as future items but not on items that reflect timing difference.

A detailed examination of operating revenue and expenditure accounts along with capital revenue and expenditure has been undertaken to identify the required adjustments. The impact of these items on the budget closing position is balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained.

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

- Capital income and expenditure items are shown as **Attachment (c)**.

Where savings have arisen from completed capital projects, funds may be redirected towards other proposals. Projects and funding not carried forward from the prior financial year are also now included in this section. Funding sources such as capital grants are also reviewed.

- Items funded by transfers to / from Reserves are also shown in **Attachment (c)**.

These items reflect transfers to the Municipal Fund of funds in Cash-Backed Reserves or planned transfers to Reserves. Where funds have been provided for projects scheduled in the current year, and the review has identified a change - for example savings, postponement or cancellation - the unused funds are returned to the Reserve for use in a future year.

- Amended Ratios based on these adjustments are included at **Attachment (d)**.

The projected Budget Opening Position for 2019/2020 was adjusted to reflect the actual figure at year end rather than the 'estimated' figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report.

As has been described in each monthly Financial Statements report to Council, from 1 July 2019 the City implemented a new Enterprise wide information system (1System project) incorporating a financial module as part of Phase I. This has created some challenges as the 2019/20 Budget was created within the old chart of accounts and then translated into the new 1System chart of accounts. In addition, the City needs to reengineer its cost allocation method to better reflect contemporary practice. The cost allocation method affects internal allocations and therefore does not impact at the organisational level. However, these two issues have resulted in a significant number of budget line item adjustments. I have described many of these adjustments which are creating a lot of 'noise'. Overall the City's financial position has improved since the adoption of the Budget.

### Consultation

No external consultation has occurred.

### Policy and Legislative Implications

*Local Government Act 1995* and Regulations.

### Financial Implications

The Budgeted Net Operating Deficit is forecasted to decrease from \$3,760,291 by \$988,537 to a Net Operating Budget deficit of \$2,771,754. Therefore the Operating position has improved but not yet reached the positive result required to obtain a positive Operating Surplus Ratio.

As a result of this it is anticipated that the FHI score will remain stable for the foreseeable future, in comparison to the 2018/19 yearend result. More detail is provided below and in the attachments. The estimated Budget Closing Position will continue to be closely monitored during the remainder of the year.

The projected (at Budget adoption) Opening Net Current Assets for 2019/2020 was \$1,854,624. This figure was adjusted to reflect the actual figure of \$7,619,157 at yearend rather than the 'estimated' figure that was used in formulating the budget. The forecasted net current assets closing position is \$3,395,539, a reduction on the actual opening position.

Although all Operating Revenue and Expenditure adjustments are detailed in **Attachment (b)** the significant Operating Budget adjustments are detailed below for ease of reference. As can be seen from the attachments, a significant amount for reallocations were required, reallocations have no direct impact on overall costs.

## Net Operating Position

### Operating Revenue

Interim rates assessments increased rates revenue by \$540k offset by the reversal of the \$412k yearend adjustment that recognised rates received in advance, resulting in a net increase in rates revenue of \$128k. The removal of an internal revenue item relating to the capital loan repayment of Collier Park Golf Course reduced revenue by \$323k. The impact of lower interest rates resulted in reduction of \$96k in interest revenue. Rubbish service charges revenue is forecasted to increase by \$451k in comparison to the original budget. The City is anticipating receiving \$160k more in operating grants. Parking revenue is expected to be under budget by \$460k. As a result of reduced economic activity building and development fees are expected to be lower by \$135k. Revenue generated from activities at Collier Park Golf Course is expected to be lower by \$97k. Along with other smaller adjustments the variances as articulated above resulted in the forecasted reduction in operating revenue of \$367k.

### Operating Expenditure

Overall operating expenditure is anticipated to decrease by \$1.356m. The most significant contributor to this reduction is a net decrease in the depreciation and amortisation charges totalling \$1.153m. This decrease follows the review of the estimated useful lives of City assets as part of the 2018/19 financial yearend process. Net movements in the Salaries and Wage, Utility costs and Materials and Contracts Budgets are responsible for the net difference of \$203k.

As previously described, there were many reallocations required for the operating expenditure accounts. For example in certain instances budgeted salaries with all related costs were allocated to a singular general ledger account in a single project, instead of to multiple projects within the correct component accounts e.g. superannuation, overtime etc. The same practice as articulated above were followed with respect to many other accounts. As an illustration, repairs and maintenance miscellaneous other \$2.1m allocated, ground and garden maintenance \$3m allocated, instead of a detailed allocation to the specific expense type. Details of all adjustments are attached. It is an ongoing task to refine and improve these allocations, including actual expenditure. At a higher level the City is set to achieve an improved position as forecasted.

## Capital income and expenditure

### Capital Grants

Expected grant revenue has been reduced by a total of \$1.19m. The original budget included grant revenue of \$2.5m relating to the Connect South project. The revised budget takes into account that \$1.25m of this revenue was received in the prior financial year and adjust the budget down accordingly. Minor net movement in other grants resulted in the balance \$60k movement. Included here is \$100k of a \$700k Black Swan Habitat Grant to be recognised this year. Detailed adjustments are contained in **Attachment (c)**.

### Capital Expenditure

Overall Capital expenditure is anticipated to be lower than the original budget by \$42k. Building capital expenditure reduced mainly due to the cancellation of the Recycling Centre Washdown Bay (\$508k) for this year. This reduction is mainly offset by \$147k for the Old Mill Building and Roof works that should have been carried forward from last year, but was not. Computer equipment capital outlays increased as result of \$142k as the Council approved work was not finalised by 30 June 2019. The acquisition of artworks has been reduced by \$200k as the RAC Intellibus Artwork project is now deferred to the next financial year.

Capital outlays required for infrastructure Assets increased by \$351k. The Connect South project for this financial year increased by \$500k, the overall project budget (spanning several years) has a slight increase (\$135k) due to variations, most of these funds should have been carried forward from the prior year. As mentioned above a new project Black Swan Habitat with \$100k funding allocated has been budgeted for. These costs are partially offset by various delays and minor savings, most significant is a deferral of \$130k related to the South Terrace, Melville Parade paved entry off Kwinana Freeway project. Complete detailed adjustments are contained in **Attachment (c)**.

### Reserve transfers

Transfers to reserves increased mainly due to the better than expected Waste Revenue as mentioned above, this resulted in an increase of the transfer to the Waste Reserve (\$460k). Which is offset by reduced interest (\$68k) to be transferred and the lower than anticipated balance of the Sustainable Infrastructure Reserve that was closed and transferred to the Major Community Facility Reserve (\$265k). Transfer from reserves have reduced mainly due to the removal of capital projects funded from reserves, as mentioned above the major contributors are the cancellation of the Recycling Centre Washdown Bay (\$508k) for this year and the postponement of the RAC Intellibus project (\$100k). As mentioned above the closure of the Sustainable Infrastructure Reserve also impacts this balance (\$265k). Complete detailed adjustments are contained in **Attachment (c)**.

### Sustainability Implications

The aim of the Budget Review was to assess the year to date actual results compared to the original adopted budget. Effectively the short term financial sustainability of the City based on year to date actual results. The aim was to improve the financial sustainability of the City. The Council has set a short to medium term (two to four years) goal of improving its Financial Health Indicator score (FHI), by specifically targeting the Operating Surplus Ratio.

As has been discussed over the past year, various factors including the economic conditions have led to a reduction of expected revenue over the past few years, leading to a deterioration of the Operating Surplus Ratio. An improved economy, as well as prudent financial management will see this ratio improve over time, and ultimately improve the Financial Health Indicator (FHI) score. This review has resulted in an improved Net Operating Position, \$989k lower deficit. Regardless of Operating Revenue reducing due to challenging circumstances, the City was able to forecast \$1.356m of operating cost savings, showing progress on the road to an improved FHI score.

### 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

- 10.4.4 (a):** Budget Review 2019-20 Statement of Financial Activity
- 10.4.4 (b):** Amendments identified from normal operations in the 31 December 2019 Budget Review
- 10.4.4 (c):** Amendments identified from capital operations in the 31 December 2019 Budget Review
- 10.4.4 (d):** Financial Ratios

## 10.4.5 Endorsement of the Rivers Regional Subsidiary Business Plan and Charter for advertising

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-12564
Meeting Date:	25 February 2020
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

This report seeks Council endorsement to advertise the Rivers Regional Subsidiary Business Plan and Charter.

Following the advertising period a report will be presented to Council for approval. Acceptance of all constituent councils will allow the wind-up of the Rivers Regional Council and the transition to a regional subsidiary: the Rivers Regional Subsidiary, as resolved previously by Council.

### Officer Recommendation

That Council endorses the advertising of the Rivers Regional Subsidiary Business Plan and Charter in the Southern Gazette for six weeks seeking submissions about the proposal.

### Background

At its meeting held 28 May 2019, Council resolved as follows:

- 1. Resolve to approve the windup of the Rivers Regional Council and the transition to a regional subsidiary as soon as all approvals can be obtained; and*
- 2. Seek resolution of the advocacy approach prior to the transition.*

The Rivers Regional Council (RRC) has sought comment from the Department of Local Government, Sport and Cultural Industries (DGLSC) who have advised is supportive subject to participants' payments being made directly to Avertas, and not via the Rivers Regional Subsidiary (RRS) **Attachment (a)**.

RRC have now finalised the documentation that is required to transition to a regional subsidiary accordingly. It is a requirement under the Local Government (Regional Subsidiaries) Regulations 2017 for the participants to advertise the business plan **Attachment (b)** – Regulations extract and **Attachment (c)** - Business Plan. Whilst it is not an absolute requirement to publish the Charter it has been recommended by the RRC CEO that this also be included as good practice. **Attachment (d)**.

The Business Plan identifies that the advocacy role of Rivers Regional Council will continue under the Rivers Regional Subsidiary. Section 4 of the Business Plan: *Outline of Activities* – point (g).



### Comment

In order to proceed with the Council resolution to transition to a regional subsidiary these documents should now be published on the official website with copies available for inspection at the City's office for six weeks.

The RRC, via the RRC CEO, has confirmed that they will undertake advertising in the West Australian as follows:

#### Rivers Regional Subsidiary

Notice is hereby given that the Councils listed below intend to create a Regional Subsidiary to replace the Rivers Regional Council. The Business Plan and Charter are available for inspection at the office and website of each Council and submissions about the proposal may be lodged with the relevant Council prior to 12 noon----- (^ 6 weeks after advertising).

City of South Perth	<a href="http://southperth.wa.gov.au">southperth.wa.gov.au</a>	City of Armadale	<a href="http://armadale.wa.gov.au">armadale.wa.gov.au</a>
City of Gosnells	<a href="http://gosnells.wa.gov.au">gosnells.wa.gov.au</a>	Shire of Serpentine Jarrahdale	<a href="http://sjshire.wa.gov.au">sjshire.wa.gov.au</a>
Shire of Murray	<a href="http://murray.wa.gov.au">murray.wa.gov.au</a>	City of Mandurah	<a href="http://mandurah.wa.gov.au">mandurah.wa.gov.au</a>

John McNally

CEO Rivers Regional Council

The RRC CEO is now requesting that all RRC participants now undertake their own advertising in their respective local newspapers. For the City of South Perth, that will be the Southern Gazette. The advertisement text will be as follows:

#### *Rivers Regional Subsidiary*

*Notice is hereby given that the City of South Perth, together with the cities of Armadale, Gosnells and Mandurah and the shires of Serpentine Jarrahdale and Murray, intends to create a Regional Subsidiary to replace the Rivers Regional Council. The Business Plan and Charter are available for inspection at the City's Civic Centre, cnr Sandgate St and South Tce and on the City's website: [southperth.wa.gov.au](http://southperth.wa.gov.au).*

*Submissions about the proposal may be lodged with the City prior to 12 noon on [six weeks from advertising date].*

*Geoff Glass*

*CEO City of South Perth*

It is expected that the report seeking approval of the plan would be issued to the May Council meeting for endorsement.

### Consultation

It is a requirement under the Local Government (Regional Subsidiaries) Regulations 2017 for the participants to advertise the business plan **Attachment (b)** – Regulations extract and **Attachment (c)** - Business Plan.

### **Policy and Legislative Implications**

Local Government (Regional Subsidiaries) Regulations 2017.

### **Financial Implications**

Advertising costs of approximately \$350.

### **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**

- 10.4.5 (a): DLGSC Comments
- 10.4.5 (b): Regulations
- 10.4.5 (c): Rivers Regional Subsidiary Business Plan
- 10.4.5 (d): Charter of the Rivers Regional Subsidiary

## 10.4.6 Monthly Financial Statements - January 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-9842
Meeting Date:	25 February 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

The monthly Financial Statements are provided within the **Attachments (a)–(i)**, with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated. Report refinement is an ongoing task.

### Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 January 2020.

### 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 2019/20 budget adopted by Council on 25 June 2019, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains the Original Budget and Revised (Adjusted) Budget, allowing 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 1996. 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.

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently, report refinement is an ongoing task.

This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments (with nil effect) along with other budget review adjustments, will be presented for Council approval at this meeting. In certain instances the reallocation of actual expenditure is also required.

Actual income from operating activities for January year-to-date (YTD) is \$53.10m in comparison to budget of \$52.67m. Actual expenditure from operating activities for January is \$33.70m in comparison to budget of \$37.54m. The January Net Operating Position of \$19.38m was \$4.25m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.084m in comparison to the budget of \$2.270m. Actual Capital Expenditure YTD is \$6.875m in comparison to the budget of \$10.944m. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there are a number of capital projects that require a budget adjustment as they were not re-budgeted for in 2019/20. These adjustments form part of the review adjustments that will be presented to Council for approval at this meeting.

Cash and Investments balance is \$63.9m. This balance will reduce more noticeably toward the end of the financial year because the greater part of cash collection of rates revenue occurs at the beginning of the financial year and project spending peak toward the end of the financial year. Consistent with previous monthly reports, this information is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

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 46.86% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors (S&P) for each of the institutions.

### **Consultation**

Nil.

### **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**

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

### 10.4.7 Electors' General Meeting 2019

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-20-13356
Meeting Date:	25 February 2020
Author(s):	Toni Fry, Governance Coordinator
Reporting Officer(s):	Bernadine Tucker, Manager Governance
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report allows Council to consider the outcome of the Electors' General Meeting held Monday 9 December 2019.

#### Officer Recommendation

That the Minutes of the Electors' General Meeting 2019, held Monday 9 December 2019 **be received**.

#### Background

The Electors' General Meeting was held at 5.30pm on Monday 9 December 2019 at the City of South Perth Council Chamber. There were six people in attendance together with Councillors and employees.

#### Comment

In accordance with Section 5.33 of the *Local Government Act 1995*, Council is required to consider any decisions that result from the meeting. There was one decision as follows:-

*“ Moved: Mr Chris McMullen of Waterford  
Seconded: Ms Cecilia Brooke of South Perth*

*That the Annual Report for the City of South Perth for the year 2018/2019, the 2018/2019 Annual Financial Statements and the 2018/2019 Auditor's Report, be accepted.*

*CARRIED”*

#### Consultation

In accordance with Section 5.29 of the *Local Government Act 1995*, an advertisement was placed in the Southern Gazette on 14 November 2019, on the City's website and on all notice boards in the City's Administration Centre and Libraries.

**Policy and Legislative Implications**

Section 5.27 of the *Local Government Act 1995* states that a general meeting of electors is to be held once every financial year to consider the contents of the annual report for the previous year, and consider other general business. Section 5.29 of the *Local Government Act 1995* states that local public notice must be given. Section 5.33 of the *Local Government Act 1995* states that all decisions made at an electors' meeting are to be considered at a Council meeting.

**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**

10.4.7 (a): Electors' General Meeting Minutes



**11. APPLICATIONS FOR LEAVE OF ABSENCE**

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

**13. QUESTIONS FROM MEMBERS**

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

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

**15. MEETING CLOSED TO THE PUBLIC**

**16. CLOSURE**

## APPENDIX

### PUBLIC QUESTIONS TAKEN ON NOTICE: 17 DECEMBER 2019

<p>1. Ms Vicki Redden of Mill Point Road, South Perth. Received: 26 November 2019</p>	<p>Responses provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble to Question One]</i></p> <p><i>At last week's agenda briefing various representatives from our SP Peninsula Action Group showed diagrams and data from the ACP reports that proved that there has been NO specific traffic modelling north of Judd St despite numerous claims by officers and also in the ACP that it has been done. We also showed that assessment of parking or traffic incidents has NOT been done for this area, and we showed how the in the ACP these have been incorrectly assessed. This is THE ONE issue about which every resident of South Perth agrees is the most critical in planning Activity Centres.</i></p>	
<p>1. Has up-to-date, accurate and relevant traffic modelling been arranged by the city to be made available to the WAPC for their consideration in reviewing the ACP? - and if not why not??</p>	<p>The WAPC will be provided with copies of all relevant background information, including traffic modelling.</p> <p>To clarify, the area north of Judd Street is included in the traffic modelling that informs the ACP, including the City's Microsimulation Traffic Model (see page 20 of the ACP Appendix 2 Transport and Movement Analysis) and Main Roads WA's ROM24 overarching strategic traffic model (see page 21 of the ACP Appendix 2 Transport and Movement Analysis). The intersections and mid-block links south of the freeway are analysed in more details as these are the main routes through the ACP area.</p>

*[Preamble to Question Two]*

*In the report on the ACP in this agenda the officers attempt to minimize the community's concern by saying the majority of respondents did not challenge the underlying assumptions of population growth, density calculations and dwelling targets. As the community was never asked and often told these subjects were not up for discussion – that statement is a misnomer.*

2. Do you acknowledge that Representatives of the SP Peninsula Action Group attended the Roberts Day workshops and provided concerned feedback on these exact assumptions, that we raised these issues in numerous meetings, in more than 10 specific letters to the CEO & Officers, at feedback sessions, through vast numbers of written feedback, at all stakeholder reference group meetings and the community panel workshops - even though the first slide presented at these sessions was to say population growth and density were not up for discussion – that they were non-negotiable?

If you cannot acknowledge these events we will provide all the details for you.

The South Perth Peninsula Action Group have been very involved throughout the preparation of the ACP and during the public consultation process, with members being involved in the Place and Design project in 2017, the Stakeholder Reference Group, Community Panel, meetings with City officers, and with members and supporters providing deputations to Council a very large amount of feedback during the public consultation period. It is likely that no other group has been so extensively involved throughout the preparation of the ACP.

The City has considered and responded to all feedback received throughout the preparation of the ACP and, in particular, during the public consultation period. This feedback has provided a deeper understanding of the views of stakeholders and community members (including the Action Group), and has helped to refine and improve the ACP and Amendment No. 61.

All feedback received during the public consultation period will be provided to the WAPC following Council approval of the ACP and Amendment No. 61.

2. Ms Lisa Stephenson of Cygnus Parade, Waterford.  
Received: 17 December 2019

Responses provided by: Vicki Lummer, Director Development and Community Services

*[Preamble to Question One]*

*I refer to the original minutes from 28<sup>th</sup> August 2012 where rezoning for Cygnia Cove was decided and in particular comment (ii) states “None of the new lots within proximity of the five amendment sites have yet been sold and purchasers will be made aware of the applicable density coding and building height at the time of purchase (page 34).”*

1. Cygnia Cove residents state Richard Noble’s salesperson, Martin Hadodo advised residents who enquired before purchasing land that the grouped housing sites were going to be townhouses without any reference to zoning or building heights. The Richard Noble Cygnia Cove website is still advertising the estate as a small community consisting of a luxury double storey estate with 188 home sites. Does the City or Cygnia Cove residents have any legal or other remedy available to them?

I have seen the Cygnia Cove website and I recommend that you speak directly with them. In regards to potential legal recourse, it is recommended that you engage the services of an independent lawyer for further advice. The City cannot provide legal advice in respect of this matter.

2. Given the lack of availability of residents/land owners in 2012 and the lack of advisement of zoning and building heights to land purchasers the now residents of Cygnia Cove can we request the City of South Perth to reassess the zoning of Lots 287 and 288 within the estate with proper consultation as the community should be entitled?

It is unlikely that the City would reassess the zoning of Lots 287 and 288 in response to the lodgement of a development application, although any investigation would need to identify clear and convincing planning reasons as to why the potential density of the site should be reduced. I would not wish to prejudge any outcome of an amendment process, however it would be uncommon that an amendment for a single site be initiated and approved. In addition, a rezoning application would take around 18 months to complete, whereas the development application must be determined by the JDAP within a much shorter timeframe.



### 13.1 QUESTIONS FROM MEMBERS TAKEN ON NOTICE: 17 DECEMBER 2019

Councillor Stephen Russell	Response provided by: Mark Taylor, Director Infrastructure Services
1. Is the peer review being performed by L5?	No.