



# ORDINARY COUNCIL MEETING A G E N D A Table of Contents

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## **ORDINARY COUNCIL MEETING AGENDA**

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**  
*Chairperson to open the meeting*
- 2. DISCLAIMER**  
*Chairperson to read the City's Disclaimer*
- 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
  - 3.1 Activities Report Mayor Doherty / Council Representatives** (*Attached to Agenda paper*)
  - 3.2 Public Question Time**
  - 3.3 Audio Recording of Council meeting** (*Mobile Phones Required to be turned off*)
- 4. ATTENDANCE**
  - 4.1 Apologies**
  - 4.2 Approved Leave of Absence**
- 5. DECLARATION OF INTEREST**  
*Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.*
- 6. PUBLIC QUESTION TIME**
  - 6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
  
*At the Council meeting held 22 November 2011 there were no questions taken on notice:*
  - 6.2 PUBLIC QUESTION TIME : 13.12.2011**
- 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**
  - 7.1 MINUTES**
    - 7.1.1 Ordinary Council Meeting Held: 22.11.2011**
  - 7.2 BRIEFINGS**  
*The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.*

- 7.2.1 Agenda Briefing - November Ordinary Council Meeting Held: 15.11.2011**  
Officers of the City presented background information and answered questions on items identified from the November Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**
- 7.2.2 Concept Forum - City Induction New Councillors Update on Major Corporate Projects - Meeting Held: 16.11.2011**  
Officers of the City provided newly Elected Members with an update on Major Corporate Projects and responded to questions raised.  
Notes from the Concept Briefing are included as **Attachment 7.2.2.**
- 7.2.3 Concept Forum - Metropolitan Local Government Review Workshop - Meeting Held: 28.11.2011**  
The CEO and Chris Liversage of CRL Highbury Consulting facilitated a workshop on the Metropolitan Local Government Review towards preparing a submission on the LG Panel's Issues Paper.  
Notes from the Concept Briefing are included as **Attachment 7.2.3**
- 7.2.4 Concept Forum - State Government Planning - Meeting Held: 29.11.2011**  
Presentation by Charles Johnson on the WA Planning System and State Planning Strategies, Scheme and Policies. Following the presentation Members raised questions which were responded to by the consultant.  
Notes from the Concept Briefing are included as **Attachment 7.2.4.**

## 8. PRESENTATIONS

**8.1 PETITIONS** - A formal process where members of the community present a written request to the Council

- 8.1.1 Petition received 22 November 2011 from Murray Fisher, 87 South Perth Esplanade, South Perth together with 152 signatures, Requesting a Special Electors Meeting to Discuss Lot 800 Ray Street, South Perth which is currently used as a public Car Park.**

### RECOMMENDATION

That the Petition dated 22 November 2011 from Murray Fisher, 87 South Perth Esplanade, South Perth, together with 152 signatures requesting a Special Electors Meeting to Discuss Lot 800 Ray Street, South Perth be received and it be noted that a Special Electors Meeting has been scheduled for 20 December 2011.

**8.2 PRESENTATIONS** - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

### **8.2.1 The City of South Perth Volunteer of the Year Award**

The Mayor to present the City of South Perth Volunteer of the Year Award.

**8.3 DEPUTATIONS** - A formal process where members of the community may, **with prior permission**, address the Council on Agenda items where they have a **direct** interest in the Agenda item.

- 8.3.1 Deputations at Council Agenda Briefing Held: 6 December 2011**

- 8.3.2 Deputations at Council Meeting Held: 13 December 2011**

## 8.4 COUNCIL DELEGATES REPORTS

### 8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 30 November 2011

A Delegates' report from Mayor Doherty and Cr Trent summarising their attendance, together with that of the CEO, at the WALGA South East Metropolitan Zone Meeting held 30 November 2011 at the City of Canning is at **Attachment 8.4.1**. The Minutes of the Meeting are available on *iCouncil*.

#### RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.1** from Mayor Doherty and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 30 November 2011 at the City of Canning be received.

## 8.5 CONFERENCE DELEGATES REPORTS

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### **10.0.1 Amendment No. 29 to Town Planning Scheme No. 6 - Fencing. Adoption for final approval** (*Item 10.3.1 July 2011 Council meeting refers*)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/29
Date:	1 December 2011
Author:	Adrian Ortega, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

#### **Summary**

The purpose of the proposed Amendment No. 29 to the City of South Perth Town Planning Scheme No. 6 (TPS6) is to expand clause 6.7 of the Scheme Text in order to clarify and refine the application and approval requirements for fences of various types in specified locations. Amendment No. 29 will make clear the types of fences which require planning approval and other types which require Council's written consent in the form of a letter as distinct from a Schedule 8 Notice of Determination. Further, Amendment No. 29 will expand the existing definition of 'planning approval' to clarify that this term refers to a Notice of Determination issued 'in the form prescribed in Schedule 8'. The Scheme Amendment will also provide greater clarity regarding the kinds of fences that are exempt from the need to obtain planning approval or Council's written consent.

Following Council's endorsement of the draft Amendment in July 2011, the Amendment proposals were advertised for community comment. No submissions were received.

The recommendation is that Amendment No. 29 proceed to finalisation without modification and that this recommendation be forwarded to the Minister for Planning for final approval.

### **Background**

This report includes **Attachment 10.0.1**: Amendment No. 29 document for final adoption.

Amendment No. 29 was initiated at the July 2011 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to being advertised for community comment. The prerequisite clearance from the EPA was received on 17 August 2011, allowing community advertising and consultation to proceed.

The attached Scheme Amendment document, **Attachment 10.0.1**, explains why Amendment No. 29 has been initiated, expanding upon the summary set out above. The proposed Amendment No. 29 will enable Planning Officers to more effectively deal with applications for approval of fences.

### **Comment**

Amendment No. 29 will implement the following changes to the Scheme Text:

- Addition of sub-clauses into existing clause 6.7 to clarify that fencing greater than 1.2 metres in height requires planning approval in the following locations:
- on the primary street boundary of a lot or within the primary street setback area of a lot;
- on or within 3 metres of a secondary street boundary;
- Replacement of the words 'approval of the council' with the words 'prior written consent of Council' within the existing clause 6.7.
- Addition of a new paragraph to clause 6.7 outlining the procedural requirements which apply when making a request for Council's written consent, being a request in the form of a letter signed by the owner of the lot, accompanied by a scaled site plan and elevation drawings and any other information or drawings required by a planning policy of the City.
- Addition of a new paragraph to clause 6.7 to establish that the Council's decision in response to a request made for Council's written consent, under paragraph (3) of clause 6.7 shall be issued in the form of a letter addressed to the owner of the related lot, and that consent may be granted with or without conditions.
- Addition of words to the existing definition of 'planning approval' within Schedule 1 of TPS6, specifying that a planning approval is issued 'in the form prescribed in Schedule 8'.

The detailed design and height requirements for fences, against which applications for planning approval or Council's written consent will be assessed are contained in the R-Codes and Council's Policy 350.7 Fencing and Retaining Walls, which remain unchanged.

### **Consultation**

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and Council Policy P301 'Consultation for Planning Proposals' was undertaken in the manner described below:

- Community consultation period of 46 days from 30 August to 14 October 2011;
- Southern Gazette newspaper notice in two issues: 30 August and 13 September 2011; and
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City's Libraries and on the City's web site ('Out for Comment').

The required minimum advertising period is 42 days. On this occasion, the actual advertising period was 46 days. During the advertising period, no submissions were received. Therefore, no modifications to the original Amendment are proposed. Following the December Council meeting, the final Amendment document (**Attachment 10.0.1**) will be forwarded to the Western Australian Planning Commission (WAPC) with a recommendation that the Minister for Planning grant final approval.



**Policy and Legislative Implications**

When approved, Amendment No. 29 will have the effect of modifying Clause 6.7 of the Scheme Text and the definition of ‘planning approval’ within Schedule 1.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 29 is set out below, together with an estimated time frame associated with each stage of the process. Those stages which have been completed (including consideration at the December 2011 meeting) are shown shaded:

<b>Stages of Amendment Process</b>	<b>Time</b>
Council resolution to initiate Amendment No. 29 to TPS6	26 July 2011
Council adoption of draft Amendment No. 29 for advertising purposes	26 July 2011
Referral of draft Amendment proposal to EPA for environmental assessment during a 28-day period, and a copy to the WAPC for information	2 August 2011
Receipt of EPA’s response confirming that environmental assessment is not required.	17 August 2011
Public advertising period of 46 days (required minimum period is 42 days)	30 August - 14 October 2011
Council adoption of Amendment No. 29 for final approval	13 December 2011
Referral to the WAPC and Minister for Planning for consideration: <ul style="list-style-type: none"> <li>• Council’s recommendation on the proposed Amendment No. 29;</li> <li>• Three signed and sealed copies of Amendment No. 29 documents for final approval</li> </ul>	Mid-December 2011
Minister’s final determination of Amendment No. 29	Not yet known
Publication by Department of Planning of final approval notice in Government Gazette	Not yet known

Following the Council’s decision to recommend to the Minister that Amendment No. 29 proceed without modification, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council’s recommendation.

**Financial Implications**

The proposed Scheme Amendment has financial implications in relation to statutory advertising costs (“Southern Gazette” newspaper and Government Gazette) and all operational costs, all of which will be met by the City.

**Strategic Implications**

This matter relates to Strategic Directions 3 “Housing and Land Uses” identified within the Council’s Strategic Plan 2010-2015 which is expressed in the following terms:

*Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

**Sustainability Implications**

There are no sustainability implications in relation to Amendment No. 29.

**Conclusion**

Amendment No. 29 will refine and clarify the approval processes for fences of various types and in specified locations, and will expand the definition of “planning approval” by the addition of reference to Schedule 8. In addition, the Scheme Amendment will clarify the kinds of fences which do not require approval of any kind.

The Scheme Amendment is of a procedural nature only, and is being introduced to eliminate existing misunderstandings and uncertainty regarding required approval processes for fencing.

Council should now adopt Amendment No. 29 and forward the Amendment documents to the WAPC for the Minister’s final approval.

<b>OFFICER RECOMMENDATION ITEM 10.0.1</b>
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That...

- (a) the Western Australian Planning Commission be advised that Council recommends that, no submissions having been received during the statutory advertising period, Amendment No. 29 to the City of South Perth Town Planning Scheme No. 6 proceed without modification.
- (b) the Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:
  - (i) expanding Clause 6.7 in order to clarify where ‘planning approval’ or alternatively ‘Council’s written consent’ is required prior to the erection of a fence.
  - (ii) expanding the definition of ‘planning approval’.
- (c) Amendment No. 29 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 29 document, as required by those Regulations.
- (d) three executed copies of the Amendment No. 29 document contained in **Attachment 10.0.1** be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning.

**10.0.2 Security Patrols** (*Item 12.2 referred from July 2011 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	30 November 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

This report considers the effectiveness, merit and cost of implementing a security patrol service in the City.

**Background**

The Council at the 26 July 2011 meeting resolved that:

- (a) *a report be prepared for Council on the progress and effectiveness of our Community Safety and Crime Prevention Plan for consideration by Council no later than December 2011;*
- (b) *the report include an investigation be carried on the effectiveness and cost of implementing private security patrols within the City of South Perth.*

The December 2011 Council meeting will consider the two issues of a security patrol service and the Community Safety and Crime Prevention Plan progress update via separate reports to Council.

The Council most recently considered the issue of security patrols in July 1999 where it resolved not to proceed with the implementation of security patrols due to the effectiveness and merit of it being unquantifiable at that stage.

The Council resolved to focus on developing stronger partnerships with the WA Police, Neighbourhood Watch, various agencies and community groups, and to also provide additional funding for the promotion of crime prevention initiatives. A strengthening of these partnerships resulted in the Council in 2010 adopting the Community Safety and Crime Prevention Plan 2010-2013, developed in partnership the Office of Crime Prevention with a view to fostering a strategic approach to community safety issues.

**Comment**

The City considers that the significant costs involved with operating a security patrol service outweigh any benefits that the community would derive from a security patrol service, especially given that they do not have powers with respect to law enforcement. There is no circumstantial evidence available demonstrating that security patrols are directly responsible for a decrease in crime rates. The City is of the view that funding can be more appropriately directed to other more effective crime prevention and community safety initiatives as identified in the City's Community Safety and Crime Prevention Plan.

The City has focused on developing stronger community partnerships with various stakeholders. This includes an active and effective *Eyes on the Street* campaign and a strong alliance and partnership with Kensington Police and the Neighbourhood Watch Executive Committee.

The City also undertakes regular community safety initiatives such as public safety forums and information updates in the *Southern Gazette* to inform and educate the community on their community safety responsibilities.

The City's most recent annual community satisfaction survey run by Catalyst in 2010 indicated that

70% of residents are satisfied with the City's security and safety initiatives. 32% of these respondents were delighted with the service. This is a significant improvement on the satisfaction rating of 61% in 2008 and compares extremely well against the industry average of 33% satisfaction with security and safety initiatives. It could be inferred from the above survey results that a move towards security patrols is not necessary.

The City's 2010/2011 and 2011/2012 Corporate Plan also details the following priority initiatives which the City has been working on including:

- Work towards a safer city through partnerships with other agencies and the implementation of a wide range of community safety initiatives
- Build capacity within the community to increase awareness of personal safety and property safety through support of the Neighbourhood Watch Program
- Implement effective graffiti prevention and removal measures

Comparison of other Local Governments with Security Patrol Service

Local Government	No. of properties	Internal/ External	No of Cars	Shifts	Annual Cost	Annual Service Charge	Annual cost per property
Belmont	16,368	External	2*	1 x officer 7am - 7pm 1 x officer 7pm - 7am 1 x officer 3pm - 3am	\$600,000	N/A	\$36.65
Canning	31,365	Internal	4	4 x officers 6:30am - 6:30pm 4 x officers 6:30pm - 6:30am	\$2,000,000	N/A	\$63.76
Cockburn	34,249	External	4*	4 x officers 7am - 7pm 4 x officers 7pm - 7am	\$1,600,000	\$50	\$46.71
Joondalup	55,000	External	6	4 x officers 7am - 7pm 2 x officers Tuesday & Wednesday 7pm - 7am 4 x officers Monday, Thursday, Friday nights 7pm - 7am 5 x officers Saturday & Sunday 7pm - 7am	\$1,400,000	\$17	\$25.45
Melville	40,299	Internal	3	4 x officers 7am - 7pm 4 x officers 7pm - 7am	\$2,000,000	\$48.50	\$49.62
Rockingham	31,617	External	4*	4 x officers 7am - 7pm 4 x officers 7pm - 7am	\$1,686,567	\$37.41	\$53.34
Stirling	89,602	Internal	6	6 x officers 7am - 7pm 6 x officers 7pm - 7am	\$2,331,000	\$26	\$26

\* Vehicles and fuel provided by the City

The above table does not include the original establishment costs for the security patrol service, such as purchasing vehicles, digital technology, determine incident reporting / patrol zone set, staff training etc.

As can be seen from the above table, the larger Cities of Stirling and Joondalup are able to achieve considerable economies of scale and provide a more cost effective security patrols service to ratepayers. As the size of the local government decreases, in general the cost of providing a security patrol service increases, excluding the City of Belmont, which has a considerable commercial and industrial rate base to fund their security patrol service.

The average cost per dwelling for the provision of a security patrol service is \$34 for the above local governments. For the City of South Perth to provide a similar level of security patrol service to its 22,482 dwellings, this would equate to an approximate cost of \$764,388 per annum, based on the average of \$34 per dwelling. Any proposed security patrol service would have to give consideration to funding the service given the considerable expense involved to the City and ratepayers, as well as the effectiveness of any such service and return to the ratepayer. Excluding the Cities of Stirling and Joondalup from the above table, the average cost of providing a security patrol service rises to \$50 per dwelling, which would equate to an approximate annual cost of \$1,124,100 for the City of South Perth. It should be noted that these costs do not include any establishment costs such as the purchase of vehicles and related technology.

Should the Council wish to further progress the concept of implementing a security patrol service, it is recommended that an independent market research firm be engaged at an approximate cost of \$15,000 to undertake a comprehensive community survey.

Should the outcome of that survey demonstrate a favourable response to a user-pays security patrol service, it would then be recommended that a further report be submitted to Council for consideration outlining specifics, including:

- costings on setting up a possible security patrol service (vehicles etc)
- details on a possible security patrol service (hours / zones / patrols / response times / level of service)
- detailed financial costings (including set up costs)
- propose funding arrangements
- labour details
- consideration of private vs. in-house service
- consideration of performance indicators
- consideration of resource sharing security patrol service with Town of Victoria Park

### **Consultation**

As part of the development of the Community Safety and Crime Prevention Plan 2010-2013, the City distributed 19,000 surveys to identify the community's perception of safety and crime within the City. Less than 10% of respondents identified security patrols as a preferred community safety and crime prevention strategy, with improved lighting being rated very highly by the community.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

The City would be required to fund any security patrol service through the municipal budget or by imposing a service charge on each rateable property under section 6.38 of the *Local Government Act 1995*. Any funds raised through a service charge are required to be placed into a specific reserve account for the provision of that service, and is only able to be used for specific purpose of security patrols. Any funding received more than required needs to be refunded or credited for future liabilities in respect to each rateable property.

**Strategic Implications**

The report is consistent with the 2010-2015 Strategic Plan Direction 1 Community - *“create opportunities for a safe, active and connected community”*

The 2008 *Our Vision Ahead* community consultation process also identified the consideration of introducing security patrols as part of the broader “Developing Safer Community Strategies” initiative.

**Sustainability Implications**

The Community Safety and Crime Prevention fosters stronger partnerships and develops social sustainability within the South Perth community.

<b>OFFICER RECOMMENDATION ITEM 10.0.2</b>
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That the Council note the report considering security patrol services and resolve not to proceed with the implementation of security patrols for the reasons outlined in the report.

<b>10.0.3 Minor Amendments to City of South Perth Parking Local Law 2011</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	LE/120
Date:	30 November 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### Summary

The report considers advice received from the Parliamentary Joint Standing Committee on Delegated Legislation requesting the Council make minor drafting amendments to the Parking Local Law 2011. The proposed amendments do not affect the operation of the Local Law and are therefore supported by the City.

### Background

The Council on 27 September 2011 resolved to make a Parking Local Law 2011, which was subsequently published in the Government Gazette on 18 October 2011.

The statutory local law process required the City to advise the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSC) of the Parking Local Law 2011 in a prescribed manner following gazettal. The JSC's role is to oversee the making of delegated legislation such as regulations and local laws, including investigating whether the item under consideration is authorised or contemplated by the empowering enactment.

### Comment

The JSC has examined the City's Parking Local Law 2011 and noted the following:

- Clause 1.4 (Application) – the numbering for subclauses 1.4(2) and (3) needs to be inserted.
- There is a full stop after the definition of 'penalty unit' in clause 1.5 which should be a semi colon.
- Clause 4.4(General No Parking Zone) – the wording of sub clause 4.4(2) needs to be amended. This arises from non-deletion of words when a previous amendment was made as a result of a query from the Department of Local Government when the local law was originally advertised for public comment. The current wording is:
  - *Where a general no parking zone applies, the local government establishes a general no parking zone, the local government must erect a sign at entry points to the general no parking zone indicating -*
  - ...
  - (Emphasis added)
- The words '*the local government establishes a general no parking zone,*' should be deleted from this clause.
- Clause 4.13(Parking on private land) – sub clause 4.13(d) contains a reference to a clause '0' which should be clause 1.4(2).
- Clause 4.15 (Suspension of parking limitations for urgent, essential or official duties) – contains two paragraphs which should be sub-clause 4.15(1) and 4.15(2).

The JSC has resolved to give a Notice of Motion to the State Legislative Council to disallow the Parking Local Law 2011, however has advised the City that it will withdraw this Motion if the Council provides an undertaking to amend the Parking Local Law 2011 by 14 December 2011.

It is recommended that the Council amend the Parking Local Law 2011 as outlined above.

**Consultation**

Section 3.12(3) of the *Local Government Act 1995* requires the City to give State-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

**Policy and Legislative Implications**

Section 3.12 of the *Local Government Act 1995* and Regulation 3 of the *Local Government (Functions & General) Regulations 1996* set out the procedural requirements to amend a local law, which are the same as that required for the making of a local law.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting, and that the minutes of the meeting include the purpose and effect of the proposed local law.

The purpose and effect of the proposed *City of South Perth Parking Amendment Local Law* is:

Purpose:

To amend the *City of South Public Parking Local Law 2011* to make minor administrative amendments.

Effect:

Minor administrative amendments to clauses 1.4, 1.5, 4.4(2), 4.13 and 4.15.

The proposed Amendment Local Law is at **Attachment 10.0.3**.

**Financial Implications**

The proposed new local law will require advertising for public submissions, as well as publishing in the Government Gazette if eventually adopted.

**Strategic Implications**

The proposal is consistent with Strategic Goal 6: Governance “*Ensure that the City’s governance enables it to respond to the community’s vision and deliver its service promises in a sustainable manner.*”



### Sustainability Implications

This report is aligned to the City's sustainability strategy and policies.

#### OFFICER RECOMMENDATION ITEM 10.0.3

That:

- (a) in accordance with s3.12(3)(a)(b) and (3a) of the *Local Government Act 1995*, Council gives Statewide and local public notice stating that:
  - (i) it proposes to make a *Parking Amendment Local Law*, which:
    - (A) In clause 1.4, inserts numbering for subclauses 1.4(2) and (3);
    - (B) In clause 1.5, deletes the full stop after the definition of 'penalty unit' and replaces it with a semicolon;
    - (C) In clause 4.4(2) deletes the words '*the local government establishes a general no parking zone*';
    - (D) In clause 4.13(4), deletes the word '0' after 'clause' and replaces it with '*1.4(2)*'; and
    - (E) In clause 4.15, inserts numbering for the two paragraphs which should be sub-clause 4.15(1) and 4.15(2);  
and a summary of its purpose and effect;
  - (ii) copies of the proposed local law may be inspected at the City's offices;
  - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
  - (iv) in accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
  - (v) in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
  - (vi) the results be presented to Council for consideration of any submissions received.
  
- (b) the Joint Standing Committee on Delegated Legislation be advised of this undertaking, and that:
  - (i) all consequential undertakings arising from this undertaking will be made;
  - (ii) the undertaking will be completed within 6 months of the date of the City's advice to the Committee;
  - (iii) it be provided with a copy of the Minutes of this meeting; and
  - (iv) where the *Parking Local Law 2011* is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of these undertakings.

*\*An Absolute Majority is Required*

<b>10.0.4 Minor Amendment to City of South Perth Public Places and Local Government Property Local Law 2011</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	LE/120
Date:	30 November 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### **Summary**

The Parliamentary Joint Standing Committee on Delegated Legislation requires Council to amend its Public Places and Local Government Property Local Law 2011 to delete clause 4.7 which deals with glass containers, to make a minor administrative amendment to clause 4.12, and to advise why the City requires approval to install a hard surface on a verge area as detailed in clause 6.4.

### **Background**

The Council resolved on 27 September 2011 to make the Public Places and Local Government Property Local Law 2011, which was subsequently published in the Government Gazette on 18 October 2011.

The statutory local law process required the City to advise the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSC) of the Public Places and Local Government Property Local Law 2011 in a prescribed manner following gazettal. The JSC's role is to oversee the making of delegated legislation such as regulations and local laws, including investigating whether the item under consideration is authorised or contemplated by the empowering enactment.

### **Comment**

The Committee has examined the City's Public Places and Local Government Property Local Law 2011 and formed the view that clause 4.7 which deals with glass containers is unreasonable, and requested its deletion. This clause provides that:

#### **4.7 Glass containers**

*Unless authorised by a licence or by the CEO or an authorised person, a person must not take a glass container—*

*(a on to a children's playground; or*

*(b within any area of Local Government property as indicated by a sign.*

The JSC has formed the view that the impact of this clause on the community is unjustifiable and that this clause is unreasonable in terms of the restrictions it imposes on ratepayers and visitors. The JSC has expressed the view that the effect is so unreasonable that it cannot be regarded as falling within the contemplation of Parliament when enacting the *Local Government Act 1995*. It is also of the view that the *Litter Act* and the *Liquor Control Act* provide enough powers to deal with any issues relating to broken glass in these areas.

The Committee has also requested deletion of a full stop that is in the Gazetted version of the local law after clause 4.12(b).

The JSC has queried clause 6.4 of the Public Places and Local Government Property Local Law 2011. This clause provides that an owner or occupier may install a permissible verge treatment, a lawn or a garden or an 'acceptable material', which is defined in subclause 6.4(3) as any material which would create a hard surface and which has been approved by the City. The JSC has queried why City approval is required to install these materials while the installation of lawns and gardens do not. In its correspondence to the City, the JSC notes that it considers that lawns and gardens 'are not water wise surfaces and which require frequent watering during winter months.'

The JSC has resolved to give a Notice of Motion to the State Legislative Council to disallow the Public Places and Local Government Property Local Law 2011, however has advised the City that it will withdraw this Motion if the Council provides an undertaking to amend the Parking Local Law 2011 by 14 December 2011.

The City experiences ongoing problems with broken glass in public places. Clause 4.7 was intended to act as a preventative mechanism. While the *Litter Act* and *Liquor Control Act* can be used to deal with offences, by the time it has occurred it is too late and their provisions are of little practical use.

It is disappointing that the JSC has taken this position, however the alternative for the City is to risk disallowance of the entire local law, which in itself replaces eight other local laws and considerably simplifies some of the regulation of this area.

As noted above, the JSC also requested deletion of a full stop that is in the Gazetted version of the local law after clause 4.12(b), which is supported.

Clause 6.4 of the local law and regulation of 'hard surfaces' comes from the WA Local Government Association model. That aside, the issues associated with hard surfaces on verge areas relate to:

- The use of those materials which will not unduly add to the cost of gaining access to any services which might be in verge areas (which are part of the road reserve) such as thick concrete, bitumen, or other like materials;
- While there is no obligation on the City or any public utility or service authority to replace material that may be taken up during works in or on a verge area, generally they will seek to do so providing the material is reasonably able to be sourced and replaced. Hard surfaces are particularly problematic but clause 6.4 gives the City some say in what the materials might be;
- The City has a duty to ensure that the materials are also correctly installed. Uneven surfaces, pea gravel, slabs, protruding brick paving or paving that is too thin for vehicles or other verge users can all create problems, and clause 6.4 also gives it the opportunity to recommend how particular surfaces could be installed and maintained so as to minimise any possible future problems;
- A hard or sealed verge area increases stormwater drainage runoff into paved areas (ie the road surface) and can create problems if there is widespread sealing of verges in a street where the local drainage network does not have the capacity to cope; and
- Nothing in clause 6.4 prevents the installation of water wise gardens. The City encourages residents to do so, whereas hard surfaces can actually absorb and retain heat.

The intent of the City is to regulate, not prohibit hard surfaces on verge areas. No amendment to clause 6.4 is recommended.

**Consultation**

Section 3.12(3) of the *Local Government Act 1995* requires the local government to give State-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

**Policy and Legislative Implications**

Section 3.12 of the *Local Government Act 1995* and Regulation 3 of the *Local Government (Functions & General) Regulations 1996* set out the procedural requirements to amend a local law, which are the same as that required for the making of a local law.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the Agenda for the meeting, and that the Minutes of the meeting include the purpose and effect of the proposed local law.

The purpose and effect of the proposed *City of South Perth Public Places and Local Government Property Amendment Local Law* is:

Purpose:

To amend the *City of South Public Places and Local Government Property Local Law 2011* by deletion of clause 4.7 which relates to glass containers and to make an administrative amendment to clause 4.12(b).

Effect:

That part 4.7 of the local law is no longer operable.

The proposed Amendment Local Law is at **Attachment 10.0.4.**

**Financial Implications**

The proposed new local law will require advertising for public submissions, as well as publishing in the Government Gazette if eventually adopted.

**Strategic Implications**

The proposal is consistent with Strategic Goal 6: Governance “*Ensure that the City’s governance enables it to respond to the community’s vision and deliver its service promises in a sustainable manner.*”

**Sustainability Implications**

This report is aligned to the City’s sustainability strategy and policies.

**OFFICER RECOMMENDATION ITEM 10.0.4**

That....

- (a) in accordance with s3.12(3)(a)(b) and (3a) of the *Local Government Act 1995*, Council gives Statewide and local public notice stating that:
- (i) it proposes to make a *Public Places and City Property Amendment Local Law*, which deletes clause 4.7 and the full stop in clause 4.12(b) of the *Public Places and City Property Local Law 2011*, and a summary of its purpose and effect;
  - (ii) copies of the proposed local law may be inspected at the City's offices;
  - (iii) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
  - (iv) in accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
  - (v) in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
- the results be presented to Council for consideration of any submissions received.
- (b) the Joint Standing Committee on Delegated Legislation be advised of this undertaking, and that:
- (i) all consequential undertakings arising from this undertaking will be made;
  - (ii) Clause 4.7 of the *Public Places and City Property Local Law 2011* will not be enforced in a manner contrary to this undertaking;
  - (iii) the undertaking will be completed within 6 months of the date of the City's advice to the Committee;
  - (iv) it be provided with a copy of the Minutes of this meeting;
  - (v) the CEO advise the Committee of the rationale in relation to clause 6.4 of the *Public Places and City Property Local Law 2011* regarding verge treatments and 'acceptable materials' and
  - (vi) where the *Public Places and City Property Local Law 2011* is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of these undertakings.

*\*An Absolute Majority is Required*

**10.1 STRATEGIC DIRECTION 1 : COMMUNITY**

**10.1.1 Funding Assistance - Round Two**

Location:	City of South Perth
Applicant:	Council
File Ref:	GS/103/1- 2011/2012
Date:	22 November 2011
Author:	Danielle Cattalini, Grants and Consultation Officer
Reporting Officer:	Sandra Watson, Manager Community Culture & Recreation

**Summary**

This report relates to applications in the Community Development category of the Funding Assistance Program - Round Two - 2011/2012.

**Background**

In June 2001 Council implemented a Funding Assistance Program to enable the City to equitably distribute funding to community organisations and individuals to encourage community and personal development, and foster community services and projects. The Funding Assistance Program incorporates a number of levels and categories in response to identified areas of need and these are:

**Community Partnerships** - with identified organisations that provide a major benefit to the City of South Perth community.

**Community Development Funding**

- Community Development Category - Project funding for incorporated not for profit groups which are considered by council in two rounds annually.
- Individual Development Category - Financial assistance for individuals attending interstate or international sporting, cultural or academic activities or events.

**Community Grants** - Smaller grants up to \$1,000 for groups proposing projects that do not fit within the Community Development category.

Submissions in the Community Development Funding category, which is the subject of this report, are assessed against the following criteria;

1. The demonstrated community need for the project (priority is given to projects that do not duplicate existing projects or services already existing within the City);
2. The proposed benefits for the participants involved as well as for the wider City of South Perth community;
3. The expected number of participants who are residents of the City of South Perth;
4. Demonstrated need for financial assistance from the City of South Perth (priority is given to projects that can demonstrate that other potential sources of funding have been exhausted or are not available), or partnering opportunities with other organisations have been explored;
5. The level of cash or in kind support committed to the project;
6. The sustainability of the project and / or the organisation;
7. The level of exposure given to the City in the promotion of the project (Recipients are required to promote the City's support of the project).

Full details of the funding program can be found on the City's website where information is available about program guidelines, eligibility, selection criteria and acquittal information, along with resources to assist with grant seeking and the development of grant submissions.

### **Comment**

Four applications were received in this round requesting a total of \$39,900. Details of all applications are included in the submission summary at **Attachment 10.1.1**. Two of the four applications comply with the requirements of the program, one application does not comply and with the final application as it partially meets the criteria, it is proposed to offer assistance via in-kind support in the form of subsidised venue hire of the George Burnett Leisure Centre. The applications cover a range of community services and projects and were submitted by:

- Youthcare (Kent Street District Council)
- Gowrie Community Services
- Gowrie Community Services auspicing Kidz Kafe
- Collins Street Centre Playgroup

This report recommends that two of the four eligible submissions are fully supported, one is supported by in-kind support in the form of subsidised venue hire and that one application is not supported for reasons outlined in the attached submission summary. Accordingly, the total recommended funding amount is \$9,900 plus in-kind negotiated subsidised facility hire of the George Burnett Leisure Centre for the Kidz Kafe project.

### **Consultation**

This funding round was advertised on the City's website and in the Southern Gazette. In addition, the City's Community Development Officer distributed information at the Connecting Schools function, the Community Funding Options Workshop and when liaising with community groups and schools. In addition, the Community Development Officer is proactive in discussing projects with applicants and assisting in the development of submissions.

### **Policy Implications**

This report refers to the Funding Assistance Policy P102.

### **Financial Implications**

A total amount of \$220,000 is allocated in the 2011/2012 budget for the Community Development, Individual Development, Community Grants and Community Partnership categories of the Funding Assistance program. The recommendation of this report is within budgetary parameters.

### **Strategic Implications**

This report is complimentary to Strategic Directions, 'Community', and relates to Strategy 1.3: *'Encourage the community to increase their social and economic activity in the local community.'*

### **Sustainability Implications**

Through the City's Funding Assistance program a range of community services and initiatives, many of which are run by volunteers, are fostered and supported whereas it would not be sustainable for the City or other government level organisations to deliver these programs.

<b>OFFICER RECOMMENDATION ITEM 10.1.1</b>
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That \$9,900 be distributed to two organisations from City funds for Round Two of the Community Development category of the Funding Assistance Program as detailed in **Attachment 10.1.1**.

<b>10.1.2 Community Safety and Crime Prevention Plan 2010-2013</b>
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Location: City of South Perth  
Applicant: Council  
File Ref: RC/105  
Date: 23 November 2011  
Author: Sandra Watson, Manager Community Culture & Recreation  
Reporting Officer: Vicki Lummer, Director Development & Community Services

### **Summary**

To provide an update to Council on the progress to date of the Community Safety and Crime Prevention Plan 2010-2013.

### **Background**

The State Government introduced the concept of Community Safety and Crime Prevention Plans (CSCPP) in 2003. The plans are developed in partnership with the Office of Crime Prevention and help to foster a strategic approach to overcoming community safety issues. Developing plans also helps to foster positive relationships between the City and other state government agencies to collaborate on the development and implementation of the identified strategies. Those local governments who do have plans are also given priority access to funding managed by the Office of Crime Prevention.

The development of the Community Safety and Crime Prevention Plan follows guidelines determined by the Office of Crime Prevention which are based around four objectives:

- Make the City of South Perth a safer community through community connectedness and ownership of community safety and crime prevention strategies;
- Sustain a partnership between the City, state government agencies, community and business to work towards community safety outcomes;
- Identify community safety and crime prevention priorities for the City of South Perth by researching current criminal and antisocial activity and consulting with the community; and
- Set up a process for monitoring and evaluating crime prevention initiatives and strategies that form part of the Plan.

At its meeting in November 2005, Council endorsed the City's first Community Safety and Crime Prevention Plan. This plan was implemented from 2005-2009. The development of strong community networks with local Police, various agencies, Neighbourhood Watch and other community groups was a key outcome of this Plan. The current CSCPP 2010-2013 was developed between April and November 2009 and included an extensive consultation phase. Over this time, information was gathered regarding the perceptions of safety and crime in the community, as well as factual data from WA Police and the Office of Crime Prevention.

Five significant issues in the City of South Perth community were identified as a result of this process relating to community safety:

1. Awareness
2. Property crime
3. Youth issues
4. Domestic violence
5. Crime Prevention Through Environmental Design (CPTED).



From the five key issues identified by the community and other stakeholders, the CSCPP was then structured around four objectives:

- Objective 1: Increase awareness of safety and crime prevention strategies amongst residents of the City of South Perth.
- Objective 2: Develop positive youth strategies.
- Objective 3: Maintain support for and increase awareness of community organisations helping people dealing with domestic violence and associated issues.
- Objective 4: Increase the use of CPTED principles within the City of South Perth.

### **Comment**

The current Community Safety and Crime Prevention Plan has been in place since June 2010 and this report will outline the progress against the four objectives for the period July 2010 - November 2011. The Community Safety and Crime Prevention Plan seeks to inform and educate City of South Perth residents. This is done via continued monitoring of the latest crime and safety developments and having regular meetings with Community Safety officers in the region, WA Police and the Office of Crime Prevention, amongst other initiatives.

The City updates the community on a regular basis using a variety of different methods and is the conduit when concerns are raised. The CSCPP works on the community capacity building principle and as such, the activation of the community through increasing 'get to know your neighbour' type events is one of the keys to addressing, for example, the high burglary rate of South Perth and Como in particular, as passive surveillance is one of the greatest tools in terms of combating such crime.

From a community capacity building standpoint, there have been a number of achievements recorded in the community safety area and good progress made already over the past 18 months and this information is listed below against each of the four objectives:

### **Objective 1: Increase awareness of safety and crime prevention strategies amongst residents of the City of South Perth**

- Six public Neighbourhood Watch (NHW) meetings with guest speakers on community safety concerns and the Police in attendance have been held in this period;
- Five editions of the NHW newsletter have been distributed to 18,000 addresses (per edition) via hand delivery by 160 local residents, as well as electronically via email;
- NHW have held six information stalls at popular events that included a Devonshire tea at a Fiesta 2011 event, Australia Day 2011, sausage sizzles at the urban art days at Manning Skatepark and at the South Perth Junior Football Derby;
- There have been three celebratory occasions for NHW including a 'thank you' afternoon tea for the newsletter deliverers that included raffle prizes and the State Coordinator of NHW speaking on the new NHW strategic plan;
- Two safety seminars (seniors and women) were held with in excess of 300 attendees;
- Crime alerts via email are sent out at least bi-monthly to those on the network;
- Three City of South Perth Safety and Crime Prevention meetings have been held involving elected members, officers, volunteers and various stakeholders including the WA Police;
- Two South East Metro Community Safety Officer meetings have been held; and
- Three half page community safety updates in the Southern Gazette Community Newspaper and further adverts for the safety seminars and NHW public meetings have been placed.

**Objective 2: Develop positive youth strategies**

- South Perth Youth Network (SPYN) hold fortnightly meetings;
- SPYN are currently organising the new event to Australia and what is emerging to be incredibly popular 'Secret Event' targeting 13 -17 year olds;
- Two urban art painting days at Manning Skate Park have seen over forty enthusiastic youth attend, as well as their parents in many cases;
- SPYN representatives have been interviewed for a skate park attendee's video documentary for school on the urban art project;
- The City continues to work in partnership with Lifestreams Christian Church to provide holiday programs for youth at GBLC;
- The City is also working in partnership with Edventures, an organisation committed to creating life opportunities for young people and their families,
- City works in partnership with YouthCare - Chaplaincy services; and
- The City is involved with the development of the South East Metro Youth Corridor project in conjunction with WA Police that is in its infancy.

**Objective 3: Maintain support for and increase awareness of community organisations helping people dealing with domestic violence and associated issues**

- The City is in partnership with Southcare /Moorditj Keila who provide domestic violence support in the local community;
- The City continues to work with the Esther Foundation who have six hostels for girls/women within the City of South Perth boundaries or close by.

**Objective 4: Increase the use of CPTED principles within the City of South Perth**

- Community Development Officer (CDO) attended a seminar on CPTED principles;

Officers across various departments including Community Culture and Recreation and City Environment are working together relating to the greater implementation of CPTED principles in the City of South Perth; and

"Eyes on the Street" training for City Rangers and Parks staff is currently being organised.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Funding has been allocated in the 2011/2012 budget for the implementation of community safety initiatives and projects.

**Strategic Implications**

The Community Safety and Crime Prevention Plan 2010-2013 is complimentary to Strategic Directions - Community: *Create opportunities for a safe, active and connected community.*

**Sustainability Implications**

The CSCPP allows the City to systematically develop partnerships and tools to address antisocial behaviour and the perception of crime in the City of South Perth.

<b>OFFICER RECOMMENDATION ITEM 10.1.2</b>
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That Council notes the progress report on the Community Safety and Crime Prevention Plan 2010-2013.

**10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**  
Nil

**10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES**

**10.3.1 Single Storey Additions to a Single House - Lot 1 (No. 93) South Terrace, Como Review of Condition of Planning Approval**

Location: Lot 1 (No. 93) South Terrace, Como  
 Applicant: SBN Building Contractors Pty Ltd  
 File Ref: SO2/93 11.2011.373.2  
 Date: 1 December 2011  
 Author: Mark Scarfone, Senior Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

On 26 October 2011, a conditional Planning Approval for additions to a Single House at Lot 1 (No. 93) South Terrace, Como, was granted under delegated authority. The applicant has since applied for reconsideration and removal of Condition (2)(i) of the Planning Approval by Council.

Condition (2)(i) relates to the requirement to increase the front setback of a boundary wall of the proposed garage from 4.5 metres to 6.0 metres, to bring it into compliance with Council Policy 350.2 “Residential Boundary Walls”, specifically the amenity factor relating to the existing streetscape character.

The officers recommend to Council that the applicant’s request for a review of Condition 2(i) be dismissed and the specific condition of approval remains unchanged.

**Background**

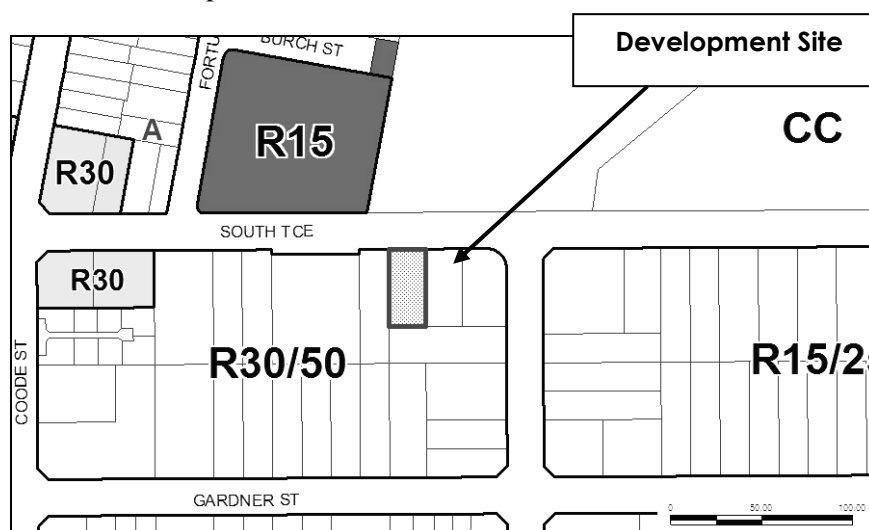
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R30/R50
<b>Lot area</b>	857 sq. metres
<b>Building height limit</b>	7.0
<b>Development potential</b>	2 dwellings at R30; 4 dwellings at R50
<b>Plot ratio limit</b>	0.6 for Multiple Dwellings at R50

This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Approved drawings of the proposal.
- Attachment 10.3.1(b)** Notice of determination 11.2011.373.
- Attachment 10.3.1(c)** Applicant’s supporting letter and photographs.

The location of the development site is shown below:



The applicant has requested removal of the condition of approval in accordance with Clause 7.9 of the City of South Perth Town Planning Scheme No. 6 (TPS6).

#### Comment

##### (a) Background

On 30 August 2011, the City received an application for “Additions to a Single House” at Lot 1 (No. 93) South Terrace, Como (the subject site). The proposed development was conditionally approved under delegated authority on 26 October 2011. The approved drawings and the Notice of Determination are included as **Confidential Attachment 10.3.1(a)** and **Attachment 10.3.1(b)** respectively.

In accordance with Clause 7.9(7)(a) of TPS6, the applicant submitted a letter in November 2011, **Attachment 10.3.1(c)**, requesting that Condition (2)(i) of the approval be reconsidered by Council. This letter also provides the applicant’s justification supporting the deletion of the condition from the previously granted Planning Approval.

Condition (2)(i) of the determination states as follows:

*“Revised drawings shall be submitted to the satisfaction of the City as a part of the Building Licence application, and such drawings shall incorporate the following:*

- (i) *Increase the proposed garage wall setback from 4.5 metres to 6.0 metres in accordance with Council Policy 350.2 “Residential Boundary Walls”.*”

The garage wall referred to in the above condition is proposed to be located on the eastern side of the subject site as shown on the approved plans contained in **Confidential Attachment 10.3.1(a)**. The wall has a total length of 5.9 metres and height of 3.4 metres. Having regard to Council Policy 350.2 “Residential Boundary Walls” and street setbacks of any existing boundary walls in the street, Condition (2)(i) has been imposed to achieve consistency with the existing streetscape character, and to minimise the visual impact of the boundary wall, as perceived from the street.

##### (b) Council Policy 350.2 “Residential Boundary Walls”

In assessing an application which proposes boundary walls, the City is to have regard to the provisions of Policy 350.2 “Residential Boundary Walls” (herein referred to as Policy 350.2). Specifically, the City should have regard to the amenity factors contained in Clause 5 of Policy 350.2.

Clause 5(a) states:

*“A proposed boundary wall will not be approved where the City considers that such wall would adversely affect the amenity of an adjoining property or the streetscape in relation to the following amenity factors:*

- (i) Streetscape character;*
- (ii) Outlook from:
  - (A) the front of an adjoining dwelling or its front garden if the proposed boundary wall is located forward of that adjoining dwelling; or*
  - (B) any habitable room window of an adjoining dwelling;**
- (iii) Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and*
- (iv) Amount of overshadowing of a habitable room window, or an outdoor living area, on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the portion of the proposed dwelling which conforms to the R-Codes acceptable development setback will overshadow this window or outdoor living area to an equivalent or greater extent than would the proposed boundary wall.?*

It is noted the proposed wall is not considered to have an adverse impact in terms of Subclauses (ii), (iii) and (iv). However, the impact on the streetscape character, as referred to in Subclause (i) is not considered acceptable. This aspect is discussed in further detail in Table 1 below.

In addition to providing a list of amenity factors to be taken into account when assessing a boundary wall, Clause 7 of Policy 350.2 also provides guidance for the setback of boundary walls from the street.

Clause 7 states:

- (a) Subject to Clauses 6 and 8(b) of this policy, approval will not normally be granted for a boundary wall, including any “nib” projection, to be set back less than 6.0 metres from the street alignment, or less than the setbacks prescribed by Table 2 of TPS6, whichever is the greater.*
- (b) Subject to compliance with the setbacks from specified streets prescribed in Table 2 of TPS6, a setback of less than 6.0 metres, but in any case not less than 4.5 metres, may be approved where:
  - (i) specified in a precinct-based policy; or*
  - (ii) the proposed boundary wall will abut an existing boundary wall on the adjoining lot, and the proposed wall will not project beyond the adjoining boundary wall, either vertically or horizontally.**

The following section will provide detailed discussion with regard to streetscape character and the boundary wall setback.

**(c) Detailed discussion**

As indicated previously, Clause 5 of Policy 350.2 provides a list of amenity factors to be considered in the assessment of a boundary wall. The proposed garage wall is considered consistent with Subclauses (ii) to (iv) of Policy 350.2, and as such these clauses do not require further discussion.

In relation to Subclause (i), the applicant has provided the City with a letter, **Attachment 10.3.1(c)**, detailing the reasons why Condition (2)(i) should be deleted from the notice of determination. The applicant’s justification in relation to compliance with the existing streetscape, along with the officer response is provided below:

<b>Amenity Factor (i) - Streetscape Character</b>	
<b>Applicant's Submission</b>	<b>Officer Response</b>
<p>There are several precedences, both in our immediate vicinity and across the entire city of South Perth, where boundary walls are set back quite considerably less than 6.0 metres with a range in the garages we have observed being from 2.0 metres to 6.0 metres.</p>	<p>In assessing the existing streetscape character, it is important to have regard to the focus area. TPS6 defines "focus area" as the "section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting both sides of that section of the street". In this instance, the focus area is South Terrace between Coode Street and Canning Highway. The majority of examples provided by the applicant fall outside of the "focus area", and therefore can not be taken into account when assessing the streetscape character.</p> <p>The five (5) grouped dwellings constructed at 66 - 68 Sandgate Street and 126 to 130 South Terrace do fall within the focus area. These dwellings were approved prior to the adoption of Policy 350.2, however the following comment is provided:</p> <ul style="list-style-type: none"> <li>• The above development comprises a number of boundary walls with various setbacks. The majority of the boundary walls about other boundary walls of similar dimensions, and as such, their impact on the streetscape is minimised. This approach to built form is also consistent with the acceptable development criteria of the R-Codes.</li> </ul> <p>The boundary wall on the eastern side of the development (130 South Terrace) is set back 4.0 metres from the street, and is approximately 3.6 metres high. This boundary wall does not abut any other, is highly visible within the streetscape, and has an impact on the streetscape which would be considered unacceptable having regard to Clause 5 of Policy 350.2. It is considered that removal of Condition (2)(i) would result in a boundary wall with a similar impact.</p> <p>In addition to assessing the character of the focus area, the developments in the immediate vicinity of the subject site have been observed, and it is noted that no similar boundary walls exist.</p>
<p>We believe that the wall will not be adversely affecting the streetscape of our immediate vicinity where our block is characterised exclusively by units, apartments, commercial buildings and designated street parking. In fact, besides our original 1940's home, the only other original old house left on our block is at No. 95 which has just been granted subdivision approval, hence will be demolished to build multiple residences in the future.</p>	<p>As indicated above, the "focus area" in question runs from Coode Street to Canning Highway. Within the focus area, there are many examples of older homes been retained and restored, as well as recent developments. On the southern side of the focus area in particular, there are very few boundary walls and none identified which protrude forward of the 6.0 metre setback line, as proposed on the subject development site.</p>

<b>Amenity Factor (i) - Streetscape Character</b>	
<b>Applicant's Submission</b>	<b>Officer Response</b>
Given that the blocks will only have a 10.0 metre street frontage, any development at 95 South Terrace will likely be as far forward on the property as possible to maximize space, with the precedent at 91 South Terrace being at 3.0 metres. Hence, these structures will likely be 1.5 metres forward of our proposed garage.	There is no certainty that the adjoining lot will be developed in the manner described by the applicant. No. 95 South Terrace has a frontage of 20.1 metres and there are a number of potential development options for this site, including renovating and extending the original house, or the construction of grouped or multiple dwellings. In these instances, the City officers will be required to apply the boundary walls policy.
Further to the above, the residences and commercial buildings on our block are set back an average of 3.0 metres. I have been informed by Planning that all residences on South Terrace are allowed to have a 1.8 metre brick fence on their front boundary. As such, the streetscape of our immediate section of South Terrace can quite conceivably be one of 1.8 metre brick fences.	<p>The focus area contains a mix of housing types from single houses to group and multiple dwellings. and the front setbacks are just as varied. The 2 dwellings to the east of the subject site have setbacks to South Terrace of 10.0 and 6.0 metres respectively, while the 2 to the right have setbacks of 3.0 and 5.0 metres. It is important to note that none of the developments in the immediate area have boundary walls less than 6.0 metres of the boundary.</p> <p>Clause 5 of Policy 350.7 "Fencing and Retaining Walls" does allow for 1.8 metre high solid front fencing along South Terrace. However, where fences are constructed in the focus area, they are generally permeable above 1.2 metres to allow inhabitants a view of the street. Additionally, a 3.4 metre high boundary wall will have a totally different impact on the existing streetscape character.</p>

The applicant is correct in their assertion that the focus area presents a diverse streetscape with a mix of architectural styles, housing types and setbacks. Despite this diversity, the focus area, particularly on the southern side of South Terrace, has very few boundary walls. Where boundary walls have been used, they are generally set back a minimum of 6.0 metres or integral to the design of the development. The proposed boundary wall, with a setback of 4.5 metres is considered inconsistent with the existing streetscape, and therefore is not supported.

With regard to Clause 7 of Policy 350.2, it is noted there is no precinct policy in place which covers the subject site, nor does the proposed boundary wall abut an existing boundary wall. As stated above, the proposed boundary wall would be prominent within the streetscape, and as such, a reduced setback to 4.5 metres is considered inappropriate.

In discussions with the applicant, the assessing officer has provided various design solutions that will assist in achieving a 6.0 metre street setback for the boundary wall, while maintaining a garage that complies with the minimum required dimensions contained in TPS6. These modifications to the garage do not require modification to the original home. The applicant has stated that these design solutions are not acceptable due to the large size of their vehicles.

**(d) Conclusion**

Officers observe that the proposed boundary wall will have an adverse effect on the neighbouring amenity when assessed against the streetscape amenity test referred to in Clause 5 of the Policy 350.2. Since the proposed boundary wall is not hidden from view from the street by any structure on the adjoining property, it will be clearly visible from the street. Hence, the proposed setback of 4.5 metres is considered inconsistent with Clause 7 of the same policy.

Given the above, it is recommended the applicant's request for a review of Condition 2(i) be dismissed and the condition of approval remains unchanged.

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

Having regard to the preceding comments in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal to amend the condition is not considered to meet the following objective:

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

**(f) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

*(a) The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*

*(f) Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*

*(i) The preservation of the amenity of the locality;*

*(j) All aspects of design of any proposed development, including but not limited to height, bulk, orientation, construction materials and general appearance;*

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

The proposed boundary wall is considered not to satisfy the above listed matters. The condition aims to bring the wall into compliance with these matters.

**Consultation**

Neighbour consultation was undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, individual property owners and occupiers at Nos. 1/91 to 3/91 South Terrace, 95 South Terrace and Nos. 1A to 1D Hazel Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 12 consultation notices were sent and no submissions were received.



**Policy and Legislative Implications**

Comments in relation to various relevant provisions of Town Planning Scheme No. 6 and Council policies have been provided elsewhere in this report.

**Financial Implications**

The determination has no financial implications, except that the applicant may decide to appeal the removal of the condition at the State Administrative Tribunal.

**Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non residential land uses.*

**Sustainability Implications**

The condition of approval resulting in an amendment to the street setback of the proposed boundary wall will assist in achieving visual compatibility with the existing streetscape character.

**Conclusion**

The boundary wall with a proposed 4.5 metre street setback is observed to have an adverse impact on the streetscape character when assessed against the streetscape amenity test referred to in Clause 5 of the Policy 350.2. In addition, the proposed wall does not abut an existing boundary wall, and as such, the proposed setback of 4.5 metres is considered inconsistent with Clause 7 of the same policy. Given the above, it is recommended that the applicant’s request for a review of Condition 2(i) be dismissed and the condition of approval remains unchanged.

<b>OFFICER RECOMMENDATION ITEM 10.3.1</b>
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That, with respect to the applicant’s request for the reconsideration and removal of Condition (2)(i) of the Planning Approval dated 26 October 2011 for additions to the Single House on Lot 1 (No. 93) South Terrace, Como, the applicant be advised that Council is not prepared to delete the condition, as its removal will result in a development that will conflict with the existing streetscape character provisions of Clauses 1.5 and 7.5 of the City of South Perth Town Planning Scheme No. 6; and provisions of Council Policy P350.2 “Residential Boundary Walls”.

**10.3.2 Proposed Two Storey Mixed Development (Comprising Shop, Café / Restaurant and Dwelling) - Lot 3 (No. 333) Mill Point Road, South Perth**

Location: Lot 3 (No. 333) Mill Point Road, South Perth  
 Applicant: Sandra Bransby - Planning & Construction Consultant  
 Lodgement Date: 12 August 2011  
 File Ref: 11.2011.347.1 MI3/333  
 Date: 1 December 2011  
 Author: Cameron Howell, Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

**Summary**

To consider an application for planning approval for a two storey Mixed Development (comprising a Shop, a Café / Restaurant and a dwelling) on Lot 3 (No. 333) Mill Point Road, South Perth.

In May 2010, Council conditionally approved a change of use from “Shop and Single House” to “Shop and Café / Restaurant”, and associated additions and alterations within the existing single storey building. In addition to the previously approved “Shop and Café / Restaurant” uses, this application proposes an additional dwelling on the subject site. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 Clause 7.8(1)
Plot ratio	TPS6 Clause 7.8(1)
Landscaping	TPS6 Clause 7.8(1)
Land use	TPS6 Table 1

It is recommended that the proposal be approved subject to conditions.

**Background**

The development site details are as follows:

<b>Zoning</b>	Local Commercial
<b>Density coding</b>	R15
<b>Lot area</b>	562 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling and / or specific non-residential land uses such as Café, Shop
<b>Plot ratio limit</b>	0.50

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Site photographs.
- Attachment 10.3.2(c)** Applicant’s supporting report.

The location of the development site is shown below:



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

1. ***Specified uses***  
(h) *Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme.*
4. ***Applications previously considered by Council***  
*Matters previously considered by Council where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*
6. ***Amenity impact***  
*In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.*

Concerns raised by neighbouring property owners, along with officers' comments, have been covered under the "Comments" section. Officers consider that, subject to compliance with the recommended conditions of approval, the development should have an acceptable amenity impact.

7. ***Neighbour comments***  
*In considering any application, the assigned delegate shall fully consider any comments made by any affected landowner or occupier before determining the application.*

## **Comment**

- (a) **Background**  
Council conditionally approved a change of use from "Shop and Single House" to "Shop and Café / Restaurant" and associated ground floor additions and alterations within the existing single storey building in May 2010 on Lot 3 (No. 333) Mill Point Road, South Perth (the site). In August 2011, the City received an application for a Mixed Development in a two storey building on the subject site. This application proposes a residence on the upper floor and a Shop and Café / Restaurant on the ground floor.

The application was originally referred to the October 2011 Council meeting. Following the Council Agenda Briefing, on the request of the Elected Members, the application was deferred to facilitate direct communication between the owner & applicant, and the owners of nearby residential properties in order to address concerns relating to the proposed development. The application was referred to the Design Advisory Consultants in October 2011 and subsequently, amended plans were submitted to the City in November 2011.

**(b) Existing development on the subject site**

The existing development on the site is a single storey building that currently features land uses of “Shop” and “Single House”, as depicted in the site photographs at **Attachment 10.3.2(b)**.

**(c) Description of the surrounding locality**

The site has a frontage to Mill Point Road to the north and Banksia Terrace to the east, located adjacent to single houses to the south and west. The surrounding locality predominately consists of single houses, with some grouped dwelling and multiple dwelling developments:



**(d) Description of the proposal**

The proposal involves the construction of ground and upper floor additions to the existing single storey building, and a change of use on the site to become a two storey Mixed Development (comprising Shop, Café / Restaurant and dwelling), as depicted in the submitted plans as **Confidential Attachment 10.3.2(a)**. The site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.2(b)**. The applicant’s letter, **Attachment 10.3.2(c)**, describes the proposal in more detail.

The proposal complies with the Scheme, the R-Codes and relevant Council policies with the exception of the remaining non-complying aspects and other significant matters, all discussed below.

(e) **Compliant aspects**

The following aspects of the proposed development are compliant with the Scheme requirements:

- Residential density;
- Buildings setback from the street - Mill Point Road and Banksia Terrace;
- Buildings setback from the boundary - South West and South East;
- Bicycle parking;
- Minimum and maximum finished ground and floor levels;
- Fencing;
- Building height;
- Visual privacy; and
- Solar access to adjoining properties.

(f) **Land use**

The proposed land use of Mixed Development and Shop are classified as a “D” (Discretionary) and Café / Restaurant as a “DC” (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. The residential component is classified as a Use Not Listed (dwelling) and does not fully fit the definition of multiple dwelling, since only one dwelling is proposed. In considering the discretionary uses and the approval previously granted by Council, it is observed that the site adjoins residential land uses and is in a location with a residential streetscape. Accordingly, the uses are regarded as complying with Table 1 of the Scheme.

(g) **Car parking**

The required number of car bays is 13, and the proposed number of car bays on-site is 10; a shortfall of 3 bays (23%) as indicated in the table below. Therefore the proposed development does not comply with the on-site car parking requirements of the Scheme.

Land Use	Bays Required	On-site bays Proposed	Variation	Comments
Shop	2	0	-2	However, 2 bays which exist within the Mill Point Road reserve, have provided the required parking for the shop for many years.
Café / Restaurant	9	9	0	8.2 bays are required for the proposed 41.0 sq. metre of dining area. Recommended reduction of dining area to 40 sq. metres will require 8 bays, while leaving aside one additional bay for the dwelling.
Dwelling	2	1	-1	The modification, recommended above, will assist in providing an additional bay for this dwelling.
<b>Total</b>	<b>13</b>	<b>10</b>	<b>-3 (23%)</b>	

As a part of this application, the applicant is applying for a variation of 3 on-site car parking bays, while 2 car parking bays are available within the Mill Point Road reserve, adjacent to the existing Shop.

For the shop use, the variation of 2 on-site bays for the Shop was approved at the May 2010 Council meeting, while considering that the 2 existing street car parking bays within the Mill Point Road reserve, adjacent to the Shop, have been adequately catering to the parking needs of this shop. This car parking variation for the Shop is still supported by City officers under this application.

For the residential use, one bay variation is sought for the dwelling as it is intended that the owner / proprietor of the Café / Restaurant will occupy the subject dwelling on the site, hence would use one of the bays assigned to the Café in a reciprocal parking arrangement. City officers are of the view that the dwelling should comply with the requirement of 2 car parking bays, as any single house or a grouped dwelling is required to. Reciprocal parking is not considered to be a feasible option between the two uses because the Café / Restaurant is proposed to operate for long hours; 7:00am to 9:00pm. In addition, it is not definite that for the life of the building, the ground and upper floors of the building will be retained in the same ownership or that a resident of the dwelling will be employed at the Café / Restaurant.

Accordingly, officers recommend that one additional on-site parking bay is allocated for the residential use to achieve compliance with the required 2 parking bays. The resultant shortfall of one parking bay for the proposed Café / Restaurant use is addressed in the manner explained below.

In the previous application, the Council did not support any car parking variation for the Café / Restaurant. This decision was taken in light of the lack of space within the Banksia Terrace road reserve to provide additional car parking; and concerns expressed by the community about potential parking issues within the residential neighbourhood. Any modifications to the current street design will result in a conflict between the passing traffic and parked vehicles. This is likely to impact upon the amenity of neighbouring residences. Adjoining residents have also expressed concerns with regards to street parking. Additionally, Clause 6.3(5)(b) cash-in-lieu of car parking bays cannot be utilised in this instance. In order to seek the cash payment, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, and it does not have such proposals. For the above reasons, officers considered that discretion should not be exercised in relation to the shortfall of on-site car parking bays for the Café / Restaurant.

Adhering to the same rationale for this application, officers recommend that a condition of approval limiting the dining area to 40.0 sq. metres be imposed to ensure that all 8 car parking bays, required in accordance with Table 6 of TPS6, are provided on-site. A total floor area of 51 sq. metres has been proposed for the Cafe/Restaurant. The applicant has stated that the space between the shop and the dining area, which measures 7 sq. metres, will be used for a coffee machine, hence does not show any seating. Areas immediately adjacent to the Kitchen pass through window and toilet door, which measure 3.0 sq. metres, can not be used as dining space. This leaves a dining area of 41 sq. metres. As stated above, the recommended condition of approval limiting the dining area to 40.0 sq. metres will achieve compliance with the on-site car parking requirement of 8 bays, thus not requiring an exercise of discretion.

The assessing officer had previously sought comments from the applicant with regards to limiting the dining area to 40.0 sq. metres. After speaking with the owners, the applicant stated in writing that *“they have no issue in receiving an approval for 40.0 sq. metres at this stage”*. Confirmation was also provided in relation to the space between the shop and dining area, through the statement *“the small area to the front of the dining area (currently a porch) will be used for their coffee machine, therefore no dining is intended”*.

**(h) Plot ratio**

The maximum permissible plot ratio is 0.50 (281 sq. metres), and the proposed plot ratio is 0.503 (282 sq. metres). The plot ratio variation is considered to be minor, has no detrimental impact on the site or the adjoining properties, and is therefore supported by the City.

**(i) Landscaping**

The minimum required area of landscaping is 10% (56.2 sq. metres), and the proposed landscaping is 9.3% (51.2 sq. metres), a shortfall of 0.7% (5 sq. metres). Subject to the provision of outstanding landscaping, as per clauses 5.1(5) and 6.1(14) of TPS6, the extent of landscaping proposed on the site is supported by the City.

**(j) Significant views**

Council's Planning Policy P350.09 "Significant Views" aims at giving a balanced consideration to the reasonable expectations with respect to a significant view of both the existing residents as well as the applicants proposing a new development.

The neighbouring properties to the south-east of the subject site currently enjoy limited views of the Perth City skyline and have lodged written objection to the loss of those views. The proposed building is compliant with the 7.0 metre building height limit prescribed by TPS6; as well as the acceptable development setbacks from the south-western, south-eastern and north-eastern (Banksia Terrace) boundaries prescribed by Table 3 of TPS6 and the R-Codes. The proposed setback from Banksia Terrace is seen to be in visual harmony with the streetscape as required by Clause 7.5(n) of TPS6. The proposed building is not seen to exceed the normal development entitlements of the site, and therefore it is considered that the proposed development complies with Council policy.

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

In considering the application, 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 Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) Maintain the City's predominantly residential character and amenity;*
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) Establish a community identity and "sense of community" both at a City and precinct level, and to encourage more community consultation in the decision-making process;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality.**

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

**(I) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development, including but not limited to height, bulk, orientation, construction materials and general appearance;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *Whether adequate provision has been made for access by disabled persons;*
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved; and*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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



**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in October 2011. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
<p>The Design Advisory Architects observed that the scale of the proposed building and its setbacks from the lot boundaries were acceptable in view of the existing streetscape character. The Architects also commented that they had observed many other residential developments that were notably larger than the subject development.</p>	<p>No comment.</p>	<p>Officers consider that the design of the proposed building is compatible with the neighbouring residential developments. The comment is UPHELD.</p>
<p>To enhance the built outcome, and to blend the existing shop with the proposed two storey building, the Architects made the following recommendations:</p>	<p>The applicant's comments on this matter are provided below.</p>	<p>The applicant has amended the plans to address most of the DAC's comments, discussed further below.</p>
<ul style="list-style-type: none"> <li>o The existing feature wall of the shop that faces Mill Point Road to be replicated at the roof top level of the proposed Bedroom 1 and study rooms which face Banksia Terrace.</li> </ul>	<p>The existing feature design to the façade of the shop has been replicated on the Banksia Terrace elevation as recommended. The owner has committed to include the additional feature panel to the secondary street.</p>	<p>The addition of a feature wall on the Banksia Terrace elevation matching the existing Shop feature wall has been provided, as recommended by the DAC. The comment is UPHELD.</p>
<ul style="list-style-type: none"> <li>o Wrapping the north-east facing balcony around the proposed dining area to face the north-west will assist in the removal of the small lean-to roof.</li> </ul>	<p>Wrapping the north east balcony to the front of the building over the lean-to was difficult to achieve as it would interfere with the corner truncation below. The balcony could not be linked due to the truncation and providing a separate balcony over the lean-to area is not favourable. To compensate for this, the roof to the balcony has been amended to replicate a similar roof design to the ground floor, this provides a tangible link between the old and the new.</p>	<p>The north eastern (Dining room) balcony has not been extended, though the balcony roof design has been amended to replicate the lean-to roof design of the ground floor level of the existing building below. Officers consider the building's design as proposed to be acceptable. The comment is NOTED.</p>

DAC Comments	Applicant's Response	Officer Comment
<ul style="list-style-type: none"> <li>○ Removing the low height boundary fence and the visually permeable fence (along the truncation) will enhance the quality of the north facing open space (between the existing shop and the proposed toilets), by allowing a better visual and functional connection between the semi-private and public domains.</li> </ul>	<p>The front fence has been amended and cut back to open the area forward of the building to provide for a better visual and functional connection between the semi private and private domains. Portion of the truncation fence has been retained due to security reasons as this abuts the primary dining area to the café.</p>	<p>The fencing adjacent to the Cafe has been amended to partially address the DAC's comments. The proposed location and design of this fencing is compliant with the City's planning requirements. The comment is NOTED.</p>
<ul style="list-style-type: none"> <li>○ Providing sliding or folding doors in the enclosed space connecting the shop and the dining area will open up the building to the north facing open space.</li> </ul>	<p>The area identified to incorporate sliding doors to the front elevation is not a feasible option as my client wishes to locate the coffee making counter in this location therefore it would not be possible to relocate the seats that are currently located near the toilets.</p>	<p>The applicant has not made any changes to the building to address these DAC comments. Officers considered the layout of the building design as proposed to be acceptable. The comment is NOTED.</p>
<ul style="list-style-type: none"> <li>○ Removing the seating from near the toilet and shifting it into this space, at the corner of Mill Point Road and Banksia Terrace, was also recommended to strengthen this connection.</li> </ul>	<p>Refer to previous comment.</p>	<p>The applicant has not made any changes to the building to address these DAC comments. Officers considered the layout of the building as proposed to be acceptable. The comment is NOTED.</p>
<ul style="list-style-type: none"> <li>○ Providing bike racks at the street corner would facilitate clearly visible bike parking for cyclists travelling along these streets, and encourage them to stop at the Café / Restaurant.</li> </ul>	<p>The bike racks have been relocated to the front landscaping area that is now open and accessible to the public.</p>	<p>The bicycle racks are now located between the Mill Point Road entrances to the Shop and Cafe. The comment is UPHELD.</p>
<ul style="list-style-type: none"> <li>○ The bins' storage area now shifted from the south-western boundary adjoining the dwelling towards Banksia Terrace boundary was observed to be a better outcome. In order to conceal its view from the street, a portion of solid fence, 1.5 metre to 1.8 metre high, in front of the bins' storage area was recommended.</li> </ul>	<p>A portion of the side screen wall has been made solid to screen the bin enclosure from the street. A roller door to the bin enclosure is also proposed which will provide more screening while the café is in use, particularly given the pedestrian thoroughfare from the car park.</p>	<p>A 1.8 metre high brick fence is provided on the Banksia Terrace boundary adjacent to the bin store. The amended plans relocated the bin store from the south western side to the north eastern side of the building. The comment is UPHELD.</p>

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

**(b) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 1, 2, 3 and 4 Banksia Terrace and Nos. 328, 330, 331, 331A, 332, 334, 336 and 337 Mill Point Road, were invited to inspect the plans and submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 14 consultation notices were sent and 4 submissions were received against the proposal, and none in favour. The submissions have been summarised and responses provided to all comments below:

<b>Submitters' Comments</b>	<b>#</b>	<b>Officer Response</b>
Operating hours and deliveries - <b>Opposition to the opening at night, alcohol consumption</b>	4	The recommended opening hours are as previously approved by Council, with an additional restriction of the hours when deliveries are permitted. A previously approved condition will permit a review of these hours after 12 months of operation if any complaints are received. The comment is NOTED.
Car parking provision - <b>Opposition to the shortfall which will result in congestion, noise and unsafe environment in the street</b>	3	A revised drawing condition is recommended so that consistent with the previous approval, no variation to car parking is granted. The comment is UPHELD.
Number of patrons and resultant <b>noise related issues</b>	3	A condition and important note has been recommended to address potential noise issues. The comment is NOTED.
Building design, setbacks - <b>Concern that it is incompatible with the existing buildings in the street</b>	3	Officers and the Design Advisory Consultants observe that the proposed building demonstrates built form compatibility with the design of the neighbouring residential buildings. The comment is NOT UPHELD.
Insufficient reversing space for cars parked in Bays 5 and 6 - <b>Non-compliant with Australian Standards</b>	2	The applicant has been advised to consider revising the parking layout. At the same time, the car parking meets the minimum dimensions for car bays and access ways required by the Scheme. The comment is NOTED.
<b>Delicatessen services should be retained</b>	2	The Shop land use allows the existing delicatessen services to be retained. It is the operator's decision whether these services will be provided. The comment is NOTED.
Location of rubbish bins - <b>Smell, noise, proximity to neighbouring outdoor living area</b>	1	City's Environmental Health Services have advised that the bin store enclosure is required to be compliant with the City of South Perth Local Laws 2002. With regards to its location, the department has raised no objection. The applicant submitted revised plans relocating the bin store to the north eastern side of the building adjacent to Banksia Terrace. The comment is NOTED.
<b>Drawings are not updated to reflect compliance with issues that were addressed through specific conditions of the previous approval - Over-height fence; barrier to the car parking area.</b>	1	The specific conditions of approval from the previous application have been carried over to form part of the officer's recommendation to Council for this application. The comment is UPHELD.

Overshadowing is non-compliant	1	The total overshadow cast is 25%, which is compliant with the acceptable development provisions of the R-Codes. The comment is NOT UPHELD.
Concern regarding the residential land use	1	Noting that the site is located within a residential area, the provision of a residence is supported. The comment is NOT UPHELD.
Loss of views of the City <b>due to the proposed two storey development and proposed setback from Banksia Terrace</b>	1	While noting that views are desirable and sought, they are not a property right in Western Australia, and not to be used as a means to stop other landowners utilise their entitlements within the prescribed building height and setbacks. The comment is NOT UPHELD.
Overlooking <b>from the proposed south-east facing balcony</b>	1	The balcony and other major openings of the development have the necessary minimum setbacks from its lot boundaries in order to comply with the acceptable development provisions of the R-Codes for visual privacy. The comment is NOT UPHELD.
Landscaping <b>details of vegetation to be provided - Would prefer landscaping on the south-eastern boundary to provide screening (e.g. medium trees or shrubs, low leaf shedding; conifer or similar)</b>	1	The comments have been forwarded to the applicant for consideration. A standard condition of approval requiring a landscaping plan to be submitted along with the building licence application has been recommended. The comment is NOTED.
<b>Setback from the boundary -</b> Objection to less than 1.5 metres setback if the existing Kitchen wall is rebuilt, to support the upper storey cement slab (request setback as per R-Codes requirements).	1	The applicant has indicated that existing wall is being retained. The comment is NOTED.
Setback from the boundary - <b>A 1.5 metre setback for the existing Kitchen wall would help with concerns of a fire within the commercial kitchen.</b>	1	The applicant has indicated that the existing windows will be removed and are to be replaced with brickwork. The comment is NOTED.

*# - Total number of submissions received.*

**(c) Engineering Infrastructure Services**

This application was not referred to the Manager, Engineering Infrastructure, as comments had been provided for the previous application approved in May 2010. Accordingly, planning conditions and important notes are recommended to deal with the planning matters.

**(d) Environmental Health Services**

Environmental Health Services provided comments with respect to floor waste, grease traps, hand basins, exhaust canopies, noise, bin store location and construction, the Food Act 2008, sanitary and laundry conveniences, and mechanical ventilation. Environmental Health have not raised any objections to the proposal, subject to compliance with the applicable legislation and regulations.

Accordingly, planning conditions and / or important notes are recommended to respond to the associated comments.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

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

*Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

**Sustainability Implications**

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. In addition, the Mixed Development is observed to provide a diversity of dwellings and commercial uses in the locality and provide active surveillance of the street during various times of the day and night, promoting a sense of safety and security amongst the community. 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 demonstrates compliance with the relevant objectives and provisions of the Scheme, R-Codes and Council policies. Therefore, officers recommend that the application should be conditionally approved.

**OFFICER RECOMMENDATION ITEM 10.3.2**

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a two storey Mixed Development (comprising Shop, Café / Restaurant and Dwelling) on Lot 3 (No. 333) Mill Point Road, South Perth, **be approved** subject to:

(a) **Standard Conditions**

210	Screening - Permanent	625	Sightlines for drivers - Driveway
508	Landscaping approved and completed	630	Sightlines for drivers - Street corner
512	Landscaping - Outstanding standard	515	Lighting to communal areas
513	Landscaping plan - Details included	470	Retaining walls (If required)
427	Colours and materials - Details	471	Retaining walls - Timing
377	Screening - Clothes drying	455	Dividing fences - Standards
352	Car bays - Marked and visible	456	Dividing fences - Timing
353	Visitor bays - Marked and visible	550	Plumbing hidden
354	Car bays - Maintained	445	Stormwater infrastructure
390	Crossover - Standards	660	Expiry of approval - Construction
393	Verge and kerbing works	661	Expiry of approval - Use

(b) **Specific Conditions**

- (i) The dining area, including the proposed alfresco seating of the proposed Café / Restaurant, shall not exceed 40.0 sq. metres in order to comply with the car parking requirements of TPS6. A floor plan of the Café / Restaurant, showing the layout of tables and chairs along with passageways, is to be submitted for approval at the building licence stage.
- (ii) The maximum opening hours of the Café / Restaurant, Shop and the delivery hours shall be strictly limited 7:00am to 9:00pm, 7 days a week. Should any noise complaints from neighbours be received within the first 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose an earlier closing time or other requirements to address the complaints.

- (iii) In order to minimize the noise related amenity impact upon the adjoining residential property at No. 331A Mill Point Road, the owner of the proposed development is required to provide a 2.2 metre high fence on the common south-western boundary extending from the rear of the existing boundary wall of the Café to the rear lot boundary. The fence is to be constructed of either rendered and painted brickwork or alternative masonry materials as sourced by the neighbour. The cost of the fence and its installation is to be borne by the owner of the proposed development.
- (iv) A barrier shall be installed to block access to on-site parking after the approved closing time of the Café. The barrier shall be constructed of safe and impenetrable materials with secure fastenings. A chain across the driveway is not an acceptable form of barrier.
- (v) The car parking bays shall be allocated to occupancies in the following manner on the approved strata plan and on-site:
  - (A) Residential dwelling - 2 bays; and
  - (B) Non-residential tenancies - 8 bays.
- (vi) End of trip facilities for cyclists shall be provided for the use of staff. The design and location of these facilities shall be incorporated in the drawings in accordance with Clause 6.4 of TPS6. The facilities shall be provided at the following ratios:
  - (A) Number of secure clothes lockers - 3.
- (vii) The following aspects of the development are expressly not part of this planning approval:
  - (A) Any signage on-site for the non-residential uses.
- (viii) In order to minimize the noise related amenity impact upon the adjoining residential property at No.2 Banksia Terrace, the owner of the proposed development is required to increase the height of the existing boundary wall on the common south eastern boundary to 2.2 metres in height. The finish of the extension is to match the existing wall and the cost of the work is to be borne by the owner of the proposed development.

(c) **Standard Advice Notes**

700A	Building licence required	762	Landscaping - Plan required
705	Revised drawings required	766	Landscaping - General standards
706	Applicant to resolve issues	717	Liaise - Landscaping plan
716	Fences note - Comply with that Act	790	Minor variations - Seek approval
709	Masonry fences require BA	795B	Appeal rights - Council decision

(d) **Specific Advice Notes**

The applicant is advised that:

- (i) The applicant / owner are advised of the need to liaise with the City's Environmental Health Services in order to comply with all relevant health requirements.
- (ii) The applicant / owner are advised of the need to liaise with the City's Engineering Infrastructure Services in order to comply with all relevant infrastructure requirements.
- (iii) All activities conducted on the premises will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- (iv) It is the owner's responsibility to manage patron behaviour to minimise disturbance to the neighbours.

<b>Footnote</b> A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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**10.3.3 Proposed 3-Storey Mixed Development Comprising Multiple Dwellings, Consulting Rooms, Shop and Office - Lots 390 (No. 3) and 391 (No. 5) Barker Avenue, Como.**

Location: Lots 390 (No. 3) and 391 (No. 5) Barker Avenue, Como  
 Applicant: Park & Barker Unit Trust and Birch Group  
 Lodgement Date: 5 August 2011  
 File Ref: 11.2011.335.1 BA3/3 & BA3/5  
 Date: 1 December 2011  
 Author: Cameron Howell, Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

**Summary**

To consider an application for planning approval for a mixed development in a 3-storey building on Lots 390 (No. 3) and 391 (No. 5) Barker Avenue, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 Clause 7.8(1)
Plot ratio	
Landscaping	
Boundary walls	Council Policy P350.02 Clause 5
Visual privacy	R-Codes Performance Criteria 7.4.1 P1 and Council Policy P350.08
Solar access for adjoining properties	R-Codes Performance Criteria 7.4.2 P2

City officers recommend to Council that the proposal be approved.

**Background**

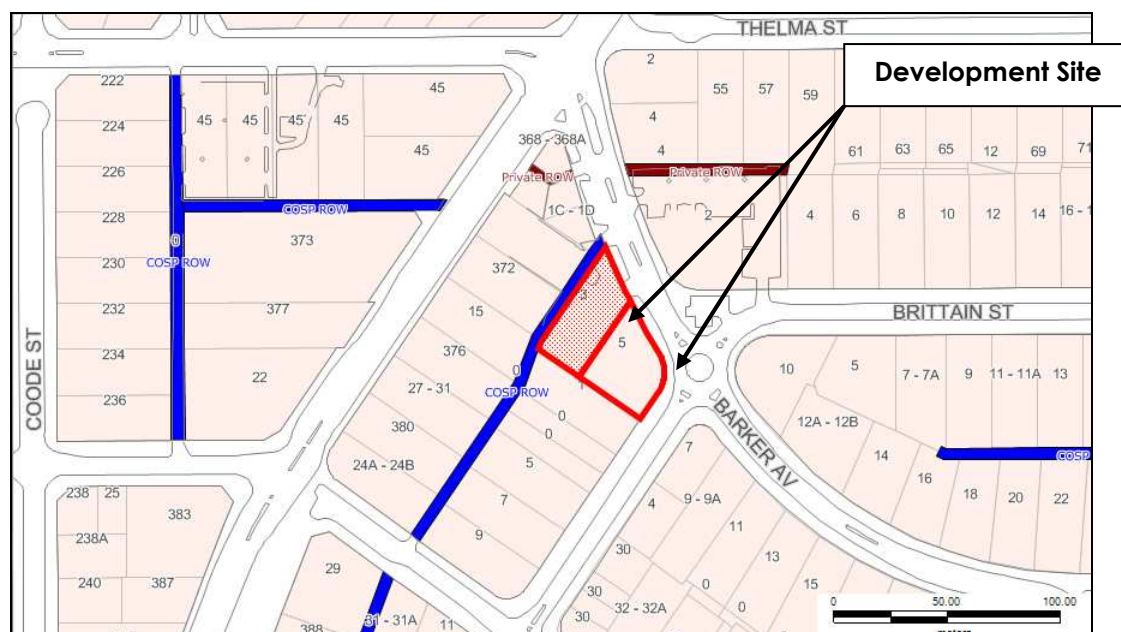
The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	2077 sq. metres (Lots 390 and 391 combined)
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	1.00 plot ratio area (R-Codes Table 4) if solely residential, being approximately 27 medium sized Multiple Dwellings or permissible non-residential land uses (e.g. Café, Consulting Rooms, Mixed Development, Office, Shop and Take-Away Food Outlet)
<b>Plot ratio limit</b>	0.50 (TPS6 Table 3)

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** 3-dimensional images of the proposal.
- Attachment 10.3.3(c)** Site photographs.
- Attachment 10.3.3(d)** Applicant's supporting report.
- Attachment 10.3.3(e)** Applicant's parking and traffic study.
- Attachment 10.3.3(f)** Major Development Concept Forum Notes.

The location of the development site is shown below:



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

2. **Major developments**
  - (a) *Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City; and*
  - (b) *Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.*
3. **The exercise of a discretionary power**
  - (b) *Applications which in the opinion of the delegated officer represents a significant departure from the Scheme, the Residential Design Codes or relevant planning policies.*
6. **Amenity impact**

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

*In considering any application, the assigned delegate shall fully consider any comments made by any affected landowner or occupier before determining the application.*

**Comment**

**(a) Background**

In August 2011, the City received an application for a mixed development consisting of 16 Multiple Dwellings, 2 Consulting Room tenancies, 1 Shop tenancy and 1 Office tenancy in a 3-storey building on Lots 390 (No. 3) and 391 (No. 5) Barker Avenue, Como (the site). Revised plans were received in September and November 2011. The application qualified for an optional Development Assessment Panel (DAP) determination, though the applicant did not elect for the application to be determined by the DAP for the City of South Perth.

A Major Development Concepts Forum for this application was held on 26 October 2011. The notes of this meeting are included as **Attachment 10.3.3(f)**. The application was first presented at the Council Agenda Briefing in November 2011, though was withdrawn by the applicant prior to the Council meeting.



A separate subdivision application has been submitted to the Western Australian Planning Commission to amalgamate Lots 390 and 391 into one lot.

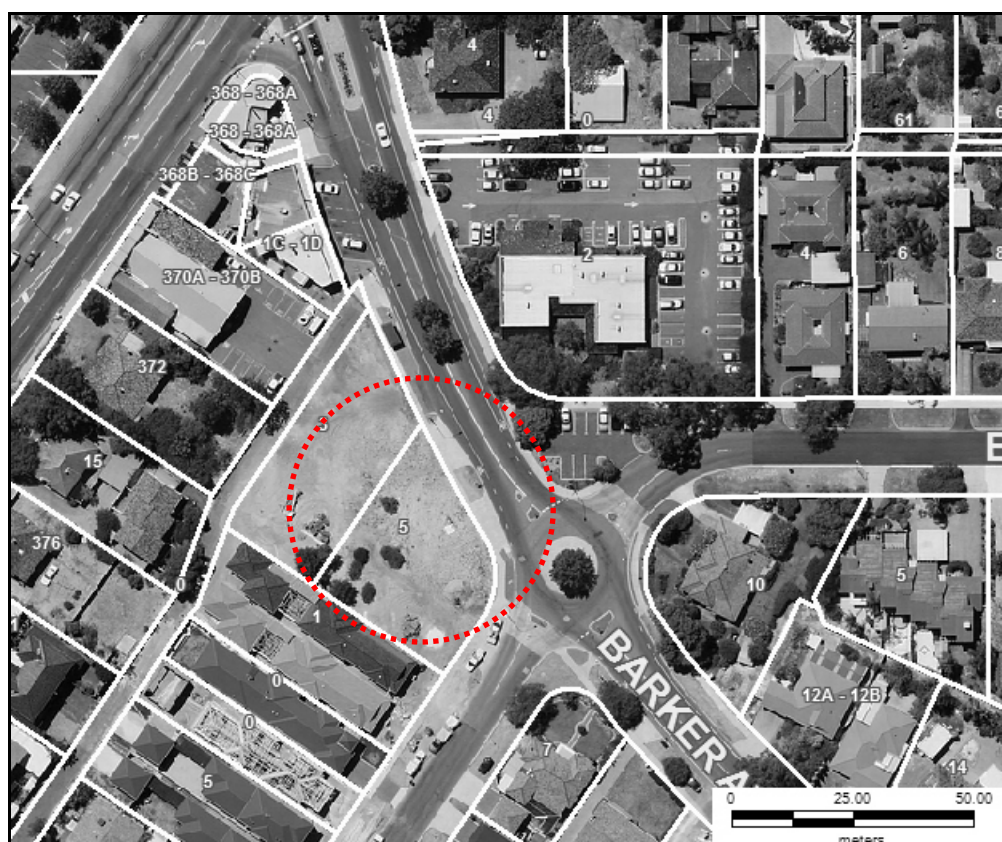
**(b) Existing development on the subject site**

The site is currently vacant, as depicted in the site photographs at **Attachment 10.3.3(c)**. The previous development featured the land use of “Service Station”. The applicant advised at the Major Development Concepts Forum that the service station was decommissioned in September 1998. A demolition licence for the single-storey building was issued in November 2005, and the building was demolished soon afterwards.

In October 2006, Council refused planning approval for 23 single bedroom dwellings within a 3-storey building on the subject sites. Subsequently, upon an appeal lodged by the applicants / owners, this development was approved by the State Administrative Tribunal in March 2007. In March 2009, Council granted planning approval for a 2-storey office building on the subject sites. The planning approvals for both these developments have now ceased to be valid.

**(c) Description of the surrounding locality**

The site has a frontage to Barker Avenue to the north, Park Street to the east, and Poppy Lane to the west. The site is located adjacent to single-storey single houses to the south. The site is opposite single-storey single houses on the eastern side of Park and Brittain Streets; 2-storey grouped dwellings, a single-storey single house and single-storey commercial buildings predominately occupied by shop tenancies on the western side of Poppy Lane and the City owned single-storey George Burnett Centre on the northern side of Barker Avenue, as seen below:



**(d) Description of the proposal**

This planning application proposes a mixed development within a 3-storey building on the subject site consisting of 16 Multiple Dwellings (located on the first and second floor levels), 2 Consulting Room tenancies (located on the ground and first floor levels), 1 Shop tenancy (located on the ground floor level), and 1 Office tenancy (located on the first floor level) with the associated car parking located on the ground floor level, as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.3(c)**.

The applicant's letter, **Attachment 10.3.3(d)**, describes the proposal in more detail. The applicant has indicated that the Consulting Rooms would operate from 8:30am to 7:00pm on weekdays and 8:30am to 1:00pm on Saturdays. Since the application was last presented to Council, the applicant has reduced the total number of practitioners from 11 to 8 and has provided a survey of the number of patients attending the consulting rooms located in Mends Street, South Perth.

The proposal complies with the Scheme, the R-Codes and relevant Council policies, with the exception of the remaining non-complying aspects discussed below. Other significant matters or matters requiring exercise of discretion have also been discussed.

**(e) Compliant aspects**

The following aspects of the proposed development are compliant with Scheme provisions:

- Building Setback from the Southern Boundary - Ground, 1<sup>st</sup> and 2<sup>nd</sup> Floor Levels (TPS6 Clause 5.1(4) and R-Codes 7.1.4).
- Building Height Limit (TPS6 Clause 6.2).
- Minimum Dimensions for Car Parking Bays and Accessways (TPS6 Clause 6.3(8) and Schedule 5).
- Finished Ground and Floor Levels (TPS6 Clauses 6.9 and 6.10).
- Surveillance of the Street (R-Codes 7.2.1).
- Outdoor Living Areas (R-Codes 7.3.1).
- Sight Lines at Vehicle Access Points and Street Corners (R-Codes 7.3.6).
- Dwelling Size (R-Codes 7.4.3).
- Significant Views (Council Policy P350.09).

**(f) Land use**

The proposed land use of Mixed Development, Multiple Dwellings, Office and Shop are classified as "D" (Discretionary) land uses and Consulting Rooms are classified as a "DC" (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering these discretionary and discretionary with consultation uses, it is observed that the site adjoins residential and non-residential land uses, in a location with a residential and non-residential streetscape. Accordingly, the uses are regarded as complying with Table 1 of the Scheme.

(g) **Car parking**

The required number of non-residential car bays is 75 and the proposed number of car bays is 38; a shortfall of 37 bays (49%). The required number of residential car bays is 30 (26 occupier bays and 4 visitor bays), and the proposed number of car bays is 18; a shortfall of 12 bays (40%). If the residential component was assessed using Clause 7.3.3.A3.1 of the R-Codes rather than Table 6 of TPS6, 13 occupier bays and 4 visitor bays are required and 16 occupier bays and 2 visitor bays are proposed; a surplus of 3 occupier bays and a shortfall of 2 visitor bays. Therefore, the proposed development does not comply with the car parking requirement in Table 6 of TPS6 and Clause 7.3.3 of the R-Codes.

Car Parking					
Land Use	Rate	Value	Required Bays	Provided	Variation
Shop	1 per 20m <sup>2</sup> GFA	122.6m <sup>2</sup>	7 (6.13)	38	-37
Office	1 per 20m <sup>2</sup> GFA	127.3m <sup>2</sup>	7 (6.37)		
Consulting Rooms	1 per 19m <sup>2</sup> GFA	948.0m <sup>2</sup>	50 (49.89)		
Consulting Rooms	1 per staff member	11	11		
<b>Non-Res. Total</b>	<b>TPS6 Table 6</b>		<b>75</b>		
Multiple Dwelling	0.75 per small dwelling	14	11	14	+3
Multiple Dwelling	1.00 per medium dwelling	2	2	2	0
Multiple Dwelling	0.25 per dwelling (visitors)	16	4	2	-2
<b>Residential Total</b>	<b>R-Codes 2010 7.3.3</b>		<b>13 occupier and 4 visitor</b>	<b>16 occupier and 2 visitor</b>	<b>+3 occupier -2 visitor</b>

The applicant has calculated that the non-residential land uses require 70 (69.76) bays, based upon a maximum of 6 and 2 practitioners operating from Tenancies 3 and 4 respectively. The main discrepancy between the applicant and officer calculation is that the applicant has not calculated each land use separately, as required by Clause 6.3(3) of TPS6 and a lesser shared gross floor area is recorded. The officer's car parking calculation for the non-residential land uses is based upon the gross floor area measurements provided in the table below. The shared component of the building has been proportionally shared with each tenancy based upon the total gross floor area of each land use.

Gross Floor Area (Non-Residential)				
Land Use	Ground Floor	First Floor	Total	Total + Proportional Shared
Shop (Tenancy 1)	104m <sup>2</sup>	0m <sup>2</sup>	<b>104m<sup>2</sup></b>	122.6m <sup>2</sup>
Office (Tenancy 2)	0m <sup>2</sup>	108m <sup>2</sup>	<b>108m<sup>2</sup></b>	127.3m <sup>2</sup>
Consulting Rooms (Tenancy 3)	16m <sup>2</sup>	642m <sup>2</sup>	<b>658m<sup>2</sup></b>	948.0m <sup>2</sup>
Consulting Rooms (Tenancy 4)	146m <sup>2</sup>	0m <sup>2</sup>	<b>146m<sup>2</sup></b>	
Shared areas	74m <sup>2</sup>	108m <sup>2</sup>	<b>182m<sup>2</sup></b>	-

The applicant has proposed that 8 of the 30 non-residential surface car bays provided have car stackers installed. Each car stacker can store 2 vehicles, resulting in a total of 38 car parking bays being provided. The number of bays proposed with a car stacker is not seen by City officers to prevent visitors to the building being able to park their vehicles on site.

In addition to the on site parking, the applicant proposes the construction of 2 street car parking bays on Barker Avenue, adjacent to the site. The construction of the street bays is supported by the City's Engineering Infrastructure Services, subject to the bays being used for short stay set down and pick up, as concerns have been raised about the impact on the flow of traffic in peak periods. Clause 6.3(5)(b) cash-in-lieu of car parking bays can be utilised in this instance if the applicant or Council proposes to expand the capacity of public parking facilities in the vicinity of the development site.

Council discretion - Clause 6.3.4

Council has discretionary power under Clause 6.3.4 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of that clause have been met. Matters relevant to this application are listed below:

- (a) Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site.

Council discretion - Clause 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of that clause have been met.

The proposed car parking provided on site for the non-residential component presented a concern, as there is a significant shortfall compared to the requirements of TPS6 Table 6. The applicant has applied for discretion to be exercised, based on the provision of existing car facilities available near the development site, the availability of other transportation options, and that TPS6 requires more car parking than required by other local governments.

In relation to the car parking bays available adjacent to the site, and whether they can be used to compensate for the shortfall on site, the officer comments are indicated below:

- Some of the total 10 available bays in the Brittain Street car park (identified by the applicant as Car Park 3) could be available when and if the car park is not fully utilised.
- Some of the 65 available bays in the 2 Brittain Street car park (identified as Car Park 2) can be used for this development. The City has leased part of this site to the South Perth Bridge Club, which includes the George Burnett Centre and 20 car bays. The remaining 45 car bays on this site are available for anyone to park in. It is noted that objecting comments were made during the neighbour consultation period for vehicles using this car park to utilise the proposed premises on the development site. The City has contacted the Bridge Club and explained that the availability of these 45 bays will be considered by Council in determining this development application.
- 1 Barker Avenue / 368 Canning Highway car park (identified as Car Park 1) can not be used for this development, as the adjoining properties have limited on site parking available and a limited amount of excess parking bays are available in this car park. These properties may later be redeveloped or propose a change of use of land to one that requires a greater parking demand (e.g. Café / Restaurant) and the developers of these properties would have an expectation to use these bays. The number of bays in this car park may need to be reduced if Barker Avenue is redesigned to cater for the proposed widening of Canning Highway and likely resultant changes to the traffic light intersection.

- No.370 Canning Highway (identified as Car Park 4) can not be used for this development, as the car park is located on private property and the bays are required for the businesses operating on this site.
- Vehicles can not be permitted to park on Barker Avenue, Brittain Street, Park Street or Poppy Lane, as they will interfere with traffic flow and cause nuisance to the adjoining property owners and occupiers.

Based upon the applicant's Parking Study conducted between Monday 1 August and Saturday 6 August 2011, the minimum number of unoccupied car parking bays available at any time in car parks 2 and 3 combined is 17 bays (Thursday 12:30 PM - 2:00 PM).

The applicant has provided justification that the subject site has access to the following range of alternative modes of transport which can compensate for the shortfall of on site car parking bays:

- Canning Bridge Station is located approximately 1.7 km to the south west via Canning Highway; Bus 106 stops at this station.
- Bus route 106 (Perth to Fremantle and Fremantle to Perth) has bus stops on Canning Highway and currently operates on an approximate 15 minute frequency during the day, on weekdays and Saturdays.
- Bus route 31 (Perth to Salter Point and Salter Point to Perth, via Labouchere Road, Talbot Avenue, eastern Manning and eastern Salter Point) has bus stops on Barker Avenue adjacent to the site and currently operates on an approximate 10 to 15 minute frequency in peak periods in peak flow, 30 minutes during the day on weekdays, and 60 minutes on Saturdays.
- Barker Avenue is part of a continuous signed bicycle route (SE29) and bicycle lanes are provided on the road adjacent to the site and some other nearby roads.
- The applicant has indicated that some users of the site may walk if located within close proximity of the site.
- The applicant has indicated that many elderly patients of medical centres use subsidised taxis rather than private vehicles.
- Bus Rapid Transit Infrastructure is indicated on Canning Highway by 2031 in the Department of Transport's Draft Public Transport for Perth in 2031 (July 2011).

The following justification supports the statement that the actual demand for car parking on the site is likely to be less than that prescribed under Table 6 of TPS6:

- The gross floor area requirement for Consulting Rooms would provide parking for 50 patients, which with 8 practitioners is 6.25 patients per practitioner. It is unlikely that this number of patients would be on site at any one time, unless appointments were running significantly behind schedule.
- If no alternative transport modes were used, a potential parking demand for the Consulting Rooms based upon 8 practitioners, 3 staff and 3 patients each is 35 car bays (61 bays required by Table 6). The 3 patients would cater for the current patient and the 2 next waiting patients, as appointments could finish late and / or patients arrive early. However, as 15 minute consultations are indicated by the applicant, the potential parking demand would increase if appointments are running late by more than 10 to 15 minutes.

- The applicant conducted a survey of the number of patients within the waiting room of the Mends Street Medical Centre (located at 11-15 Mends Street, South Perth) at 15 minute intervals between Monday 21 November and Thursday 24 November 2011. During the survey period, there was an average of approximately 2 waiting patients per practitioner on duty at any time, with usually no more than 2.5 waiting patients per practitioner and a maximum of 3.5 waiting patients per practitioner. It was assumed that one patient was in each consulting room in addition to the waiting patients. Approximately three quarters of all patients used a car to visit the practice. Details of the applicant's survey are included in **Attachment 10.3.3(d)**.

The following information has been offered by the applicant in support of the application:

- The site has been unoccupied for many years and its development would provide a better built outcome.
- The development would provide valuable services to the community.
- The car parking being based on the gross floor area may not be considered the most appropriate method to calculate the required number of parking bays. For the Consulting Rooms, the actual parking demand is likely to be based on the number of practitioners operating on site at any one time.
- A range of alternative transport options to private vehicles, particularly public transport (buses) and cycling are available for both workers and clients to the site. These transport options are more sustainable than private vehicles. The number of car bays on site could be limited, to encourage more people to utilise these alternative transportation options.
- The provision of bicycle parking and end of trip facilities in excess of TPS6 requirements may reduce car parking demand.
- If permitted car parking is difficult to find on or near the site, clients may choose an alternative transport option to private vehicles, such as the bus, or choose not to visit the premises.
- There is a sufficient number of parking bays on site to cater for the Consulting Room staff and the requirements for the Shop and Office tenancies. The manager of the building could potentially start a program to encourage, or provide the use of, alternative transportation options for staff and / or clients of the site.
- Additional car parking bays are available near the site that could be utilised by visitors to the non-residential premises. The number of off site bays available is seen to be able to cater for the shortfall of on site car parking.
- The development of this site could lead to other commercial buildings within the Barker Avenue precinct being refurbished or redeveloped, which would provide a better visual outcome and provide local employment opportunities.
- Canning Highway is identified in the longer term by the Department of Transport to provide rapid bus transit. The provision of more visible bus facilities on Canning Highway should encourage more people to utilise public transport.

However, the following information does not support the proposed development:

- Consulting Rooms have a high parking demand. People visiting the doctors, due to an illness or physical ailment, are less likely to catch a bus, walk or ride a bike to the premises. An insufficient number of parking bays are provided on site to cater for this demand. It could be considered that there are not enough spare parking spaces available near the site to cater for the shortfall of on site parking.

- The applicant has indicated that each practitioner would have up to 4 clients per hour. When appointments are running late, the number of waiting clients and vehicles on site are likely to increase.
- Officers are not convinced that people will start using alternative transport modes if less on site car parking bays is provided. Rather, the situation will result in cars being parked on verges adjacent to adjoining properties or on adjoining residential streets, thus adversely impacting upon the amenity of the neighbourhood, residents and shop operators alike. Additionally, the vehicles parking off site are likely to cause management issues for the occupiers of the site, as well as the City.
- Reciprocal use of car parking bays can not be considered to ameliorate the impact of this car parking shortfall because the peak demand for all of the proposed commercial land uses will occur at the same time, i.e. during the standard business hours on weekdays.
- No future development has been taken into account. The other commercial properties in the Barker Avenue precinct may redevelop their properties at a later date, potentially resulting in a greater demand for car parking. It may not be considered equitable for one property to utilise most of the public car bays in the precinct that are not currently being utilised.

Noting the development requires a variation from the Table 6 requirements, City officers would be prepared to support the development if the number of car bays proposed on site and legally available off site is considered to be adequate to cater for the site's peak parking demand. Officers note the following:

- On the basis that the required 7 bays for the Shop tenancy, 7 bays for the Office tenancy and 11 bays for the Consulting Room staff are provided on site, 13 on site parking bays are available for Consulting Room clients.
- The Mends Street survey indicated a maximum of 3.5 waiting clients per practitioner at any time (rounded up to 4 waiting clients). Including the client in the consulting room, the maximum demand is 5 clients per practitioner. As a maximum of 8 practitioners are proposed to operate at any time, the maximum number of clients expected at Barker Avenue will be 40.
- The Mends Street survey indicated that 75% of clients travelled to the practice by car. Noting the availability of alternative transport to private vehicles, a similar ratio of private vehicle use is expected at Barker Avenue. The 40 clients at Barker Avenue are expected to require 30 car bays.
- As a result, the proposed Barker Avenue consulting rooms are seen to require 30 car bays for clients and 13 car bays are available on site, a shortfall of 17 car bays. The Parking Study indicated that the minimum number of public car bays available in Car Parks 2 and 3 combined is 17 bays.

Therefore, the 17 bays available in the public car parks are seen to be able to cater for the 17 bays that cannot be provided on site during the proposed development's peak parking demand.

In considering the above stated information provided in support and against the proposal, City officers are of the opinion that the number of car bays proposed on site and legally available off site are adequate to cater for the site's peak parking demand. However, a cash-in-lieu payment is recommended, to pay for the installation of appropriate traffic and parking regulatory signage within the City's car parks and street parking bays, adjoining streets and Poppy Lane and for the upgrade and maintenance of the George Burnett Centre car park.

In this instance it is considered that the non-residential component of the proposal does comply with the discretionary clauses, and is therefore supported by the City.

Council discretion - Clause 7.3.3 P3

The applicant has satisfied Performance Criteria 7.3.3 P3 of the R-Codes, as more occupier bays are proposed than required and the provision of 2 visitor car parking spaces, rather than 4 bays required, is considered to be adequate during business hours. Outside of business hours, visitors could park in unoccupied bays in the non-residential component of the site, in the 10 bay car park adjacent to the roundabout, or on Park Street.

In this instance it is considered that the residential component of the proposal complies with the performance criteria, and is therefore supported by the City.

**(h) Plot ratio**

The maximum permissible plot ratio is 0.50 (1038.5m<sup>2</sup>), and the proposed plot ratio is 1.06 (2209m<sup>2</sup>). Therefore, the proposed development does not comply with the plot ratio element of the Scheme. If the development was solely residential, the permitted plot ratio would be 1.00 (2077m<sup>2</sup>) in accordance with Table 4 of the R-Codes.

Plot Ratio								
Floor	Site Area [effective] (sq.m)	Limit  Plot Ratio (sq.m)	Proposed				Total Ratio	Total Variation Plot Ratio (sq.m)
			Residential		Non-Residential			
			sq.m	ratio	sq.m	ratio		
G	2077m <sup>2</sup>	0.50 (1038.5m <sup>2</sup> )	99m <sup>2</sup>	0.05	226m <sup>2</sup>	0.11	<b>0.16</b>	<b>+0.56</b> (1170.5m <sup>2</sup> )
1			608m <sup>2</sup>	0.29	668m <sup>2</sup>	0.32	<b>0.61</b>	
2			608m <sup>2</sup>	0.29	0m <sup>2</sup>	0.00	<b>0.29</b>	
<b>Total</b>	<b>0.50 (1038.5m<sup>2</sup>)</b>	<b>1315m<sup>2</sup></b>	<b>0.63</b>	<b>894m<sup>2</sup></b>	<b>0.45</b>	<b>1.06</b>		

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed plot ratio if Council is satisfied that all requirements of that clause have been met.

City officers consider that the proposed plot ratio will not have a significant impact to the amenity of the development or the adjoining properties. The non-residential component of the development complies with Scheme requirements and the residential component is generally considered to comply with the performance criteria of the R-Codes, as excluding the ground floor storerooms the development's plot ratio exceeds a plot ratio of 1.00 by 33m<sup>2</sup>. The development is compliant with the building height limit and the street and boundary setback requirements of the Scheme.

In this instance it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

**(i) Street setback - Ground, 1<sup>st</sup> and 2<sup>nd</sup> floors, north and east**

The prescribed minimum street setback is not stated, as Barker Avenue and Park Street are not listed in Table 5 of TPS6. The proposed minimum building setback is 0.0 metres to Barker Avenue and 2.0 metres to Park Street, therefore the proposed development complies with Table 3 of TPS6. If the residential component of the development was assessed using Clause 7.1.3 and Table 4 of the R-Codes, which requires a 2.0 metre setback from the street, the building's setback from Barker Avenue is not fully compliant, though the setback from Park Street is compliant.



The building's proposed setback from Barker Avenue is seen by City officers to demonstrate compliance with Clause 7.5(n) of TPS6, as the adjoining commercial buildings also have a nil setback to Barker Avenue. The building's proposed setback from Park Street is seen by City officers to demonstrate compliance with Clause 7.5(n) of TPS6, as the external walls of the building are setback further from the street adjacent to the single houses to reflect the greater setbacks required by Residential R20 / R30 zoning.

In this instance it is considered that the proposal complies, and is therefore supported by City officers.

**(j) Boundary wall - Ground floor, south (Residential store rooms)**

Under Council Policy P350.02, the permitted height of residential boundary walls (parapets), adjacent to neighbouring outdoor living areas is a maximum of 2.7 metres high from the neighbour's ground level, and the proposed wall does not abut an outdoor living area. Therefore, the proposed development complies with Clause 6 of the Council policy.

In addition, the permitted setback for boundary walls is 6.0 metres and the proposed wall setback is 6.0 metres from the front boundary. Therefore, the proposed development complies with Clause 7 of the Council policy.

Finally the wall, being 25.8 metres in length and 2.3 metres in height, has been found to not have an adverse effect on neighbouring amenity when assessed against the following "amenity test" referred to in Clause 5 of the Council policy:

- No significant detrimental effect on the existing streetscape character.
- The outlook from the front of the adjoining dwelling or garden is considered to be minor, considering the height of the existing brick dividing fence.
- The outlook from habitable room windows, being 2 study windows at a 2.3 metre setback and dining room at a 1.5 metre setback, is considered to be minor considering the height of the existing brick dividing fence.
- Minor overshadowing of adjoining habitable room windows or outdoor living areas, and no additional overshadowing compared to the upper storeys of the proposed development.
- No impact of bulk on adjoining outdoor living areas, not being located adjacent to the central courtyard.
- The height and length of the boundary wall has been reduced by the applicant to address objecting comments from the neighbour (see section "Neighbour Consultation").

In this instance it is considered that the proposal complies with the Council policy, and is therefore supported by the City.

**(k) Visual privacy setback - 1<sup>st</sup> and 2<sup>nd</sup> floor, south**

Most major openings to active habitable spaces are set back the minimum distance required by Clause 7.4.1 of the R-Codes, or propose effective screening to prevent overlooking of the neighbouring residential properties.

The required minimum visual privacy setbacks for the bedroom window of Apartment Type C on the first and second floors to the south is 4.5 metres, and the proposed cone of vision setback is 3.4 metres. Therefore, the proposed development does not comply with the visual privacy element of the R-Codes.

The proposal demonstrates compliance with Council Policy P350.08 “Visual Privacy”, as the 25.0 metre cone of vision from the bedroom windows do not overlook any sensitive areas of the southern adjoining residential property (1 Park Street), being the side setback area, the front verandah and the front garden, all of which are visible from the street.

In this instance it is considered that the proposal complies with the performance criteria, and is therefore supported by the City.

**(l) Landscaping**

The required minimum landscaping area is 311.6m<sup>2</sup> (15%), and the proposed landscaping area is 144m<sup>2</sup> (6.9%). Therefore, the proposed development does not comply with the landscaping requirements of Table 3 of TPS6.

Landscaping					
Level	Site Area [effective] m <sup>2</sup>	Landscaped Area			Variation % (m <sup>2</sup> )
		Required % (m <sup>2</sup> )	Proposed m <sup>2</sup>	Proposed %	
Ground	2077m <sup>2</sup>	15% (311.6m <sup>2</sup> )	112m <sup>2</sup>	5.4%	<b>-8.1%</b> <b>(167.6m<sup>2</sup>)</b>
1 <sup>st</sup> Floor			29m <sup>2</sup>	1.4%	
2 <sup>nd</sup> Floor			3m <sup>2</sup>	0.1%	
<b>Total</b>		<b>15% (311.6m<sup>2</sup>)</b>	<b>144m<sup>2</sup></b>	<b>6.9%</b>	

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed landscaping if Council is satisfied that all requirements of that clause have been met. In addition, Clause 5.1(5) of TPS6 permits a variation of landscaping if the developer provides outstanding landscaping in accordance with the provisions of Clause 6.14(1) of TPS6.

The applicant has indicated they will conform to the requirements of Council on the basis of discretion to the provision of landscaping being provided.

The landscaping plan did not provide sufficient information for the City Environment department to provide comment (see section “Other City Departments”).

In this instance it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City on the basis that a condition is included requiring the provision of outstanding landscaping.

**(m) Solar access for adjoining sites - Lot 950 (No. 1) Park Street**

The maximum site area of the southern adjoining property permitted to have shadow cast at midday on 21 June is 128m<sup>2</sup> (25%), based on the R20 density coding, and the proposed shadow cast is 316m<sup>2</sup> (61.7%). In addition, the maximum site area of the outdoor living area of the southern adjoining property permitted to have shadow cast at midday on 21 June is 21.35m<sup>2</sup> (50%), and the proposed shadow cast is 15.8m<sup>2</sup> (37%). Therefore, the proposed development does not comply with the Clause 7.4.2.A2 of the R-Codes.

The applicant has provided plans indicating the extent of overshadowing in autumn, winter, spring and summer, as shown in *Confidential Attachment 10.3.3(a)*.

The extent of overshadowing can be approved if Council considers the development is compliant with the R-Codes performance criteria, which takes into account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors, balconies and verandahs. Based on the shadow cast at midday on 21 June, the impact of the building at 1 Park Street is as follows:

- The outdoor living area (the central courtyard) complies with the acceptable development requirements and has limited solar access due to the metal patio roof.
- One north facing and one west facing habitable room window (dining / living room, setback 1.5 metres from the northern boundary) with access to sunlight is overshadowed, while the other habitable room windows are already shadowed by the building itself from either the patio roof, the front and side verandahs, or being located on the southern side of the building.
- The adjoining property has no solar collectors installed.
- The front and side verandah is overshadowed.
- The adjoining property has no balconies.

The adjoining dwelling has not been designed to take advantage of the solar access available, as most habitable room windows have no direct access to sunlight and the outdoor living area is predominately covered by a solid roof. While the proposed development will cast a shadow over a significant proportion of the adjoining property, City officers consider the amenity impact to be minor, as only the windows of one habitable room is overshadowed. In addition, the applicant's drawings indicate the room will have direct sunlight available in summer. In this instance it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

**(n) Bicycle parking**

The required number of non-residential bicycle bays is 10, and the proposed number of bicycle bays is 12; a surplus of 2 bays (20%). The required number of residential bicycle bays is nil. The required end of trip facilities (clothes lockers and showers) have not been identified on the plans, though space is available in the bathrooms on the first floor level for the provision of these facilities.

If the residential component was assessed using Clause 7.3.3.A3.2 of the R-Codes rather than Table 6 of TPS6, the number of required bicycle bays is 8 (6 occupier bays and 2 visitor bays), and the proposed number of bicycle bays is 2 visitor bays; a shortfall of 6 occupier bays. However, the applicant is proposing one bicycle wall rack to be installed in all 16 residential store rooms for the occupiers (not identified on the plans), rather than providing 6 shared occupier bicycle bays. City officers consider the proposed residential bicycle parking arrangement to be satisfactory.

Bicycle Parking					
Land Use	Rate	Value	Required Bays	Provided	Variation
Shop	1 per 200m <sup>2</sup> GFA	122.6m <sup>2</sup>	1 (0.61)		
Office	1 per 200m <sup>2</sup> GFA	127.3m <sup>2</sup>	1 (0.64)		
Consulting Rooms	1 per practitioner	8	8		
<b>Non-Res. Total</b>	<b>TPS6 Table 6</b>		<b>10</b>		
Multiple Dwelling	1 per 3 dwellings (occupiers)	16	6 (5.33)	16 bicycle wall racks	-6 bays +16 racks
Multiple Dwelling	1 per 10 dwellings (visitors)	16	2 (1.60)	2	0
<b>Residential Total</b>	<b>R-Codes 2010 7.3.3</b>		<b>6 occupier and 2 visitor</b>	<b>16 occupier and 2 visitor</b>	<b>+10 occupier 0 visitor</b>

Subject to a condition requiring the provision of 12 bicycle bays, 12 clothes lockers, 1 male shower and 1 female shower, the proposed development complies with the bicycle parking requirement in Table 6 of TPS6, and subject to a condition requiring the provision of 16 wall racks, the proposed development is considered to comply with Clause 7.3.3.P3.1 and P3.2 of the R-Codes.

**(o) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, 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 Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality.*

The proposed development is considered to be satisfactory in relation to the matters listed above.

**(p) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia;*

- (f) Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;
- (i) The preservation of the amenity of the locality;
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;
- (k) The potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;
- (l) The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;
- (m) The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;
- (n) The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;
- (s) Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;
- (t) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) Whether adequate provision has been made for access by disabled persons;
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved;
- (w) Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and
- (x) Any other planning considerations which Council considers relevant.

The proposed development is considered to be satisfactory in relation to the matters listed above.

### Consultation

#### (a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in September 2011. The proposal was generally favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
The Design Advisory Architects observed that the built form, as depicted in the perspective drawing, is well articulated and should present itself well, when viewed from the street. The perspective drawing and the proposed floor plans will need to be consistent.	Positive comment to design articulation noted.	The built form of the building, the proposed surface finishes and external colours indicated in the perspective plans are considered to be acceptable. Some minor inconsistencies between the floor and elevation plans, and the perspective drawings have been noted. The comment is <b>UPHELD</b> .

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DAC Comments	Applicant's Response	Officer Comment
<p>The Architects noted that lighting and ventilation of habitable rooms, that open into the internal courtyards, could be improved by incorporating the following design elements into building:</p> <ul style="list-style-type: none"> <li>○ Increasing the size of the light wells, and consolidating the smaller wells;</li> <li>○ Providing milky glass at appropriate locations along the periphery of these wells to reflect sunlight into habitable spaces; and</li> <li>○ Incorporating south-west facing scoops into the building design installed at the roof top level to direct cool breeze into the internal courtyards and habitable rooms of the dwellings.</li> </ul>	<p>Comments regarding lighting and ventilation to habitable room windows from the internal courtyard noted. Specific items have now been considered and addressed within the detailed design.</p>	<p>The submitted plans do not provide enough detail to determine whether the building's design addresses the architect's comments. The comment is <b>NOTED</b>.</p>
<p>Success of this proposed development with habitable rooms facing the internal courtyards is largely dependent upon effective functioning of these light wells. The Architects recommended that the applicant submits drawings using a "solar protractor" which show the extent of natural lighting of these internal courtyards, habitable rooms and light wells at different times of the day.</p>	<p>Cross-sections will be submitted showing how light is delivered into the internal courtyards.</p>	<p>The submitted section plans do not provide enough detail to determine whether the building's design addresses the architect's comments. The comment is <b>NOTED</b>.</p>
<p>The Architects noted the east facing curved slabs that project out between balconies of Type "A" and Type "B" dwellings above the ground, first and second floor levels. They recommended that removal of one or more of these projections should be considered to enhance the visual amenity of the proposed wall with the stone facade.</p>	<p>Curved projections between unit Types "A" and "B" have been addressed as suggested.</p>	<p>The curved slab was removed then later reinstated as a balcony. The inclusion of the curved slab is not seen to have to have a significant detrimental impact to the visual amenity of the building. The comment is <b>NOTED</b>.</p>
<p>Limiting the number of proposed crossovers to the development site to a maximum of 2 was observed to minimise conflict with the traffic on adjacent streets.</p>	<p>Positive comment on 2 crossovers to main streets noted.</p>	<p>Noting the constraints of the site, the location of the crossovers are considered to be satisfactory. The comment is <b>UPHELD</b>.</p>
<p>A sectional elevation through the proposed vertical car stackers in the building should be submitted demonstrating compliance with the required vertical clearances for the stacker and permitted overall building height limit.</p>	<p>Details showing that car stacker clearances work have been provided.</p>	<p>These plans have since been provided. The comment is <b>UPHELD</b>.</p>

DAC Comments	Applicant's Response	Officer Comment
It was observed from the development plans and accompanying report that the number of car parking bays proposed for the development do not demonstrate compliance with the car bay numbers prescribed by Table 6 of the City's Town Planning Scheme.	Note regarding parking compliance has been addressed in the comprehensive independent report by Opus.	The development has a significant shortfall of car parking on site. The comment is <b>UPHELD</b> .

The applicant submitted revised plans following the Design Advisory Consultants meeting, to deal with the issues raised.

**(b) Neighbour Consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 2" consultation method, individual property owners, occupiers and / or strata bodies at the addresses listed in the table below were invited to inspect the plans and to submit comments during a minimum 21-day period:

Street	Street Numbers of Properties Consulted
Alston Avenue	1/30, 2/30, 3/30, 4/30 and 33
Barker Avenue	1A&B, 1C&D, 2, 4, 7, 9, 9A, 10, 12A, 12B, 13, 14, 15, 16, 17, 17B, 18, 19 and 21
Brittain Street	2, 1/4, 2/4, 3/4, 4/4, 1/5, 2/5, 3/5, 4/5, 6, 7, 7A, 8, 9, 10, 11, 11A and 12
Canning Highway	365, 367, 368 and 368A, 368B&C, 370A&B, 372, 1/374, 3/374 and 4/374
Park Street	1, 1A, 3A, 3B, 4, 5, 1/7, 2/7, 3/7, 4/7, 9, 11 and 13
Poppy Lane	15
Thelma Street	45, 1/50, 2/50, 3/50 and 4/50

In addition, 2 signs were placed on site inviting comment from any other interested person.

During the advertising period, a total of 106 consultation notices were sent and 8 submissions were received; 1 in favour, 6 against the proposal and 1 not stated. The comments of the submitters, together with the officer response are summarised below:

Submitters' Comments	#	Officer Response
Traffic congestion (particularly AM peak) - Barker Avenue, Park Street and Brittain Street.	4	The Parking and Traffic Study indicates that this development will not have a significant impact on traffic flows on streets adjacent to the site. The comment is <b>NOTED</b> .
Generally support development of the site.	3	Development of the site is supported. However, the impact of this proposed development is seen to be detrimental rather than beneficial. The comment is <b>NOTED</b> .
Building design - Not compatible with design, scale, street setbacks, building heights of existing residential and commercial buildings.	2	The proposed building stands out as surrounding sites have not developed to their maximum potential. Considering the statutory provisions of this site, the development is seen to be sufficiently compatible with the adjoining existing developments The comment is <b>NOTED</b> .

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Submitters' Comments	#	Officer Response
The site and surrounding locality is not suitable for 3-storey developments; out of character.	2	This site has a 10.5 metre building height limit, compared to the 7.0 metre limit for the residential properties to the south and east. The design of the building is seen to provide some transition between the higher and lower density, and height limits of this site and the adjoining properties. The comment is <b>NOTED</b> .
Noise - Number of people using the site.	2	The site has been zoned to allow commercial development on the site. The residential component, which should generate less noise than the commercial component, is located adjacent to the adjoining residential properties. The comment is <b>NOTED</b> .
Objection - Store boundary wall (Blocks sunlight to verandah and living room window).	1	The height and length of the boundary wall has been reduced to minimise the impact on the adjoining property. Noting the existing brick boundary fencing, the store boundary wall does not overshadow the verandah or living room window. The comment is <b>NOTED</b> .
Overshadowing of adjoining property (~100%).	1	The plans have been revised to reduce the overshadowing from 87.1% to 61.7%. Noting the design of the adjoining dwelling, the extent of overshadowing is considered to comply with the performance criteria. The comment is <b>NOTED</b> .
Car parking - Insufficient parking on site; overflow into nearby privately owned car parks.	1	The potential for cars unable to park on site, parking in the car parks of adjoining properties presents a concern. The comment is <b>UPHELD</b> .
Minimal parking should be provided (Occupiers should use bus services).	1	Ideally, most people using this site would use public transportation noting its proximity to numerous bus routes. Officers are of the opinion that clients to Consulting Rooms are less likely to take the bus due to their illness and / or injury. The number of car parking bays available is considered to be sufficient to cater for the site's parking demand. The comment is <b>NOTED</b> .
Proposed street parking bays - Increase congestion (Proximity to roundabout).	1	Engineering Infrastructure Services has advised that vehicles using these bays could restrict traffic flows in peak periods. The bays are supported on the provision that they are used short term parking, with the installation of appropriate regulatory signage. It is not expected that these bays would be regularly utilised in peak periods, as sufficient parking would be available elsewhere during these times. The comment is <b>NOTED</b> .
Insufficient landscaping proposed (To screen / soften visual impact of the building from the street).	1	The external landscaping is generally located adjacent to the existing residential development located to the south and east of the site, and is visible from the street. The provision of higher quality landscaping is recommended to cater for the statutory shortfall proposed on site. The comment is <b>NOTED</b> .



Submitters' Comments	#	Officer Response
Excessive building bulk (Proportion of land built on).	1	The size and coverage of the building is seen to be compliant with the objectives of the Scheme for the Highway Commercial zoning. The comment is <b>NOTED</b> .
Overlooking residential properties (Facing east).	1	As the Park Street balconies overlook a street, the development is compliant with the R-Codes. The comment is <b>NOT UPHELD</b> .
Support development subject to reduce number of apartments and commercial tenancies floor space.	1	Reducing the size of the development would lessen the impact upon the neighbouring properties, particularly the car parking impact. The comment is <b>NOTED</b> .
Traffic impact - Poppy Lane (Road design suitability: Width, turning points, entry / exit onto street, road surface).	1	The development is not seen to have a significant impact to the existing operation of Poppy Lane as most non-residential parking is accessed from Barker Avenue directly. The lane is a sufficient width for vehicles to pass, for vehicles to enter and exit the car stacker bays, and the required 4.25 metre street corner truncation is provided. The Manager, Engineering Infrastructure requires the laneway to comply with paving and drainage requirements, which may require resurfacing. The comment is <b>NOTED</b> .
Impacts - Poppy Lane: Potential cars parking within lane, management of traffic, parking.	1	The development is not seen to have any significant traffic impact to Poppy Lane. Vehicles would not be permitted to park within the laneway. The comment is <b>NOTED</b> .
Rubbish collection on Poppy Lane - Number and location of bins, rubbish truck access.	1	The location of rubbish collection has not been identified, though the non-residential bin store is located to allow rubbish to be collected on either Poppy Lane or Barker Avenue. The comment is <b>NOTED</b> .
Congestion - Cars parking on streets and verges near the development.	1	The potential for cars unable to park on site, parking on neighbouring streets and verges, presents a concern. The comment is <b>UPHELD</b> .
Single-storey housing development with fewer people is more suitable for the area	1	Noting the Highway Commercial R80 zoning, the underdevelopment of the site from single-storey residences is not supported. The comment is <b>NOT UPHELD</b> .

# - Number of submissions received.

(c) **City's Engineering Infrastructure Services**

City's Engineering Infrastructure Services was invited to comment on a range of issues relating to car parking and traffic arising from the proposal. The comments are as follows:

- *The upper decks of the car stackers should be used for low turnover of vehicles (e.g. commuter parking), allowing the lower bays to be used for a higher turnover of vehicles.*
- *Barker Avenue forms part of the Perth Bicycle Network and nothing can be undertaken in the road reserve that would effect the utility of the shoulder lane for cyclists.*

- *The plan, as originally submitted, identifies 3 potential on street parking bays. This number will not be possible. After taking into consideration the cycle access guideline and the required clearance to the pedestrian access through the traffic island, the location of the bus stop immediately to the west of the crossing and generally exiting traffic from the roundabout, the one possible bay and potentially a second does little to improve overall parking for the development, but has implications for the free and efficient movement of traffic along Barker Avenue.*
- *The Plans as submitted show a two car embayed parking area in Barker Avenue between the access ramp at the Roundabout and the proposed crossing to the development. The Plan details the embayed area as two bays 5.5 metres long with 2.5 metre long 45 degree (nominal) "splay" each end (resultant kerb opening is 16 metres). Typically a "closed end" parking bay would be approximately 6.7 metres long but a longer kerb opening is desirable if vehicle speeds and traffic volumes are high.*
- *The embayed parking bay does not appear to be located adjacent to the "splitter" island on the northern ("departure") side of the Roundabout and as such is likely to be at:*
  - *a distance greater than 10 metres from the intersection as measured from the extension of the kerb line in Park Street; as well as*
  - *a distance greater than 3 metres to the designated pedestrian access ramp through the "splitter" island,**and sufficiently distant from the intersection not to be a concern other than at morning (and evening) peaks. During the peaks, the assigned access time through the signalised intersection at Canning Highway extends vehicle queues down Barker Avenue to possibly the roundabout. Therefore accessing the proposed parking bays at these times could have some impact on the "stop / start" nature of the traffic flow. Even combined with other matters the position of the embayed parking space is still considered to be tolerable.*
- *Engineering Infrastructure has a preference for the proposed parking spaces to be set aside as short term set down and pick up bays (initially without a peak hour prohibition but should circumstances dictate, could be introduced at some future time).*
- *In principle Engineering Infrastructure would support the provision of two embayed parking spaces in Barker Avenue subject to:*
  - *the design and placement of the parking bays being finalised in consultation with the City;*
  - *the developer meeting all costs associated with the construction of the embayed parking spaces including restoration of the verge to the satisfaction of the City; and*
  - *the embayed parking spaces being set aside for short stay set down and pick up.*

- *Any works within the verge for street parking would be a direct cost to the developer. The cost to remove the existing paving on the verge (generally representing two existing crossings) to construct the two short term parking bays, all works associated with constructing the two parking bays including kerbing from Park Street through to the proposed crossing and asphalt surfacing, and the supply and laying of brick pavers to the verge area remaining after the construction of the two parking bays is estimated to cost \$34,352 plus GST (i.e. \$37,700). The land cost has been previously suggested at not less than \$21,000 per bay. The cost overall to construct the two bays including the paving to the Barker Avenue verge (from Park Street the proposed crossing) is \$79,700.*
- *The methodology applied and findings obtained in the Parking and Traffic Study by Opus International Consultants are satisfactory to Engineering Infrastructure and, after reviewing the SIDRA analysis, it accepts the traffic impacts conclusions as outlined.*
- *The parking layout appears to satisfy the Australian Standard AS 2890 Part 1 and the TPS6 requirements.*
- *Standard conditions required for stormwater to be contained on site, the crossover specifications, and Poppy Lane adjacent to the site is to be paved and drained to the satisfaction of the Director, Infrastructure Services. The cost to pave and drain Poppy Lane is estimated to be \$60,736 plus GST (i.e. \$66,800 inclusive).*
- *The cost to install regulatory parking signs is for 6 signs at \$300 per sign all inclusive or \$1,800.*
- *The cost to construct 17 bays randomly within a car park on City owned land is estimated to be \$3,750 per bay all inclusive. The cost to upgrade and maintain 17 bays at George Burnett Centre at some time in the future is arguably not greater than the cost of construction today nor less than the rehabilitation and resurfacing costs of the same area, estimated to be 50% of the initial construction cost. Therefore the cost to upgrade and maintain 17 bays at some future time is not greater than \$63,750 nor less than \$31,875.*

Accordingly, planning conditions and important notes are required to deal with issues raised by the Engineering Infrastructure Services.

**(d) Other City Departments**

Comments were invited from Environmental Health, City Environment, Building Services and Governance and Administration sections of the City's administration.

The Environmental Health Services provided comments with respect to roof plumbing, car park ventilation, noise, sanitary conveniences and bins. This section raises no objections and has provided recommended important notes.

The City Environment Services provided comments with respect to the proposed landscaping plan. Insufficient details have been provided on the landscaping plan for the City Environment section to provide comment.

Building Services had no comments to make on the proposal at this stage. However, if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage.

The Governance and Administration Services has advised that the George Burnett Centre (2 Brittain Street), opposite the Site, is leased to the South Perth Bridge Club. The Bridge Club lease area extends over the buildings and a portion of the car park, however, approximately half of the car park on lot 100 is outside of the lease area premises. This portion of the car park is maintained by the City and is available for anyone to park in. The Bridge Club has no liability or rights over these bays.

Matters identified by the above City Departments have been addressed by way of planning conditions and / or important notes.

(e) **External agencies**

This application did not require any referrals to external agencies.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

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

*Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

**Sustainability Implications**

The proposed development is observed to generally meet sustainable design principles.

**Conclusion**

It is considered that subject to the recommended conditions, the proposal meets all of the relevant Scheme, the R-Codes and / or Council policy objectives and provisions. Accordingly, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION ITEM 10.3.3**

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a mixed development in a 3-storey building on Lots 390 (No. 3) and 391 (No. 5) Barker Avenue Como, **be approved** subject to:

**(a) Standard Conditions**

427	Colours and materials - Details	393	Verge & kerbing works
577	Amalgamation - New titles	625	Sightlines for drivers
340A	Parapet walls - Finish from street	631	Sightlines for drivers - ROW
340B	Parapet walls - Finish from neighbour	455	Dividing fence standards
508	Landscaping approved and completed	456	Dividing fence- Timing
513	Outstanding landscaping details	470	Retraining walls- If required
510	Landscaping plan - Private tree	471	Retaining walls- Timing
210	Screening - Permanent	377	Screened clothes drying
030	Final clearance requirements	515	Lighting - Communal areas
352	Car bays - Marked and visible	550	Plumbing hidden
353	Visitor bays - Marked and visible	445	Stormwater infrastructure
354	Car bays - Maintained	560	Rubbish storage area screened
382	Non-residential bicycle parking - 12 bays	650	Inspection (final) required
386	End of trip facilities - 12 lockers, 1 male & 1 female shower	660	Expiry of approval
390	Crossover standards		

**(b) Specific Conditions**

- (i) The number of staff approved to operate from the Tenancy 03 premises is for six practitioners and two support staff at any time.
- (ii) The number of staff approved to operate from the Tenancy 04 premises is for two practitioners and one support staff at any time.
- (iii) The hours of operation of the Consulting Rooms are limited to the following:
  - (A) Monday to Friday - 8:00am to 7:00pm; and
  - (B) Saturday - 8:00am to 1:00pm.
- (iv) The car parking bays shall be allocated to occupancies in the following manner on the approved strata plan:
  - (A) Residential dwellings - One bay per dwelling and two visitor bays (18 bays total);
  - (B) Non-residential tenancies - 38 bays.

- (v) One wall rack capable of storing a bicycle shall be installed in the store rooms of all 16 residential dwellings.
- (vi) This planning approval does not permit the display of any signage on the building or on the site. A new application for planning approval will be required if signage is proposed to be displayed.
- (vii) The whole of Poppy Lane located between the south western boundary of the Site and Barker Avenue is to be paved and drained to the satisfaction of the Director, Infrastructure Services. The applicant shall pay to the Council a cash payment of \$66,800 for the cost of these works.
- (viii) In accordance with clauses 6.3(5) and 7.8(i) of Town Planning Scheme No. 6, the applicant shall pay to the Council a cash payment of :
  - (A) \$1,800 for the installation of regulatory traffic and parking signage within the City’s car parks and street parking bays, adjoining streets and Poppy Lane;
  - (B) \$63,750 for the upgrade and maintenance of the George Burnett Centre car park; and
  - (C) \$39,700 for the construction works and \$42,000 for the land within the public areas to construct 2 parking bays on the verge of Barker Avenue,
 prior to the issuing of a building licence for the proposed development.

(c) **Standard Advice Notes**

700A	Building licence required	766	Landscaping - General standards
706	Applicant to resolve issues	709	Masonry fences requires BA
708	Boundary wall surface finish process	025	Verge storage licence
715	Subdivision procedure	790	Minor variations- Seek approval
725	Fence note - Comply with that Act	795 B	Appeal rights- Council decision
762	Landscaping plan required		

(d) **Specific Advice Notes**

- (i) The applicant is advised of the need to comply with the relevant requirements of the City’s Environmental Health, City Environment and Engineering Infrastructure Departments.
- (ii) The applicant is advised that, prior to the issuing of a building licence, certification is required to be provided that the site has been remediated (soil and groundwater) to the satisfaction of the Department of Environmental Protection.

<b>Footnote</b>	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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**10.4 STRATEGIC DIRECTION 4: PLACES**

<b>10.4.1 Tender 27/2011 - Manning Community Facility</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: Tender 27/2011  
 Date: 25 November 2011  
 Author: Vicki Lummer, Director Development & Community Services  
 Reporting Officer: Cliff Frewing, Chief Executive Officer

**Summary**

This report considers the invited submissions received for Tender 27/2011 for Manning Community Facility.

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

**Background**

In February 2011 a report on the Tender/Expression of Interest Process was considered by Council and it was resolved:

*That...*

- (a) *expressions of interest (EOI) be sought for a lead consultant to provide advice and services to enable the redevelopment of the Manning Community Facility; and*
- (b) *a shortlist of suitable consultants from the EOI be prepared by the Chief Executive Officer and tenders be called from shortlisted consultants;*

The Expression of Interest (EOI 1/2011) was advertised in the West Australian newspaper on Saturday 28 May 2011 and closed on Friday 8 July 2011. At the close of the advertising period thirteen (13) submissions had been received.

The assessment panel shortlisted 5 companies and interviews were held with those companies. From the five shortlisted companies, three were invited to tender, with tenders closing on 31 October 2011.

The tenders called for a lump sum fee for the entire project from design through to construction, including administration of the contract.

The comparative fees from the tenderers are listed below.

Tenderer	Fee (GST Exclusive)
Bollig Design	\$468,900
Gresleyabas	\$766,228
Christou Design	\$733,679

**Comment**

Tenders were invited as a Lump Sum amount. The fees include the following stages: Stage 1 - Master Planning and Concept Design, Stage 2 - Detailed Design, Approval and Tenders Documentation and Stage 3 - Tender Administration and Construction.

The Tenders were reviewed by an evaluation panel and assessed according to the qualitative criteria outlined in the Request for Tender. For ease, the qualitative criteria are noted in Table A below.

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Respondent's resources and skills and experience of key personnel	20%
2. Demonstrated understanding of the required tasks/methodology	15%
3. Demonstrated experience in completing similar relevant projects	15%
4. Communication and liaison skills	10%
5. Quality Assurance	5%
6. Lump sum fee	35%
<b>Total</b>	<b>100%</b>

The weighted score and estimated contract value of each tender received is noted in Table B below.

TABLE B - Weighted Score and Estimated Tender Prices

Tenderer	Fee (GST Exclusive)	Weighted Score
Bollig Design	\$468,900	7.6
Gresleyabas	\$766,228	6.82
Christou Design	\$733,860	6.17

The tender received from Bollig Design contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Request for Tender.

The tender submitted by Bollig Design was the lowest fee of all tenders received and recorded the highest score of 7.6 in the evaluation matrix. The recommended tenderer has previously undertaken work for the City, that being the design of the George Burnett Leisure Centre in 2001.

The recommended tenderer has previously undertaken similar work for the City of Rockingham, City of Cockburn, and the City of Melville. The responses received from other local government referees confirm that Bollig Design has demonstrated an ability to undertake all that is required by the tender to deliver a high quality, innovative multi purpose facility that the City requires. Further, Bollig Design demonstrated an impressive resume of similar sized local government projects and has a good understanding of library design.



Bollig's fee was significantly lower than the fees from the other two tenderers. Whilst this initially caused some concern for the evaluation panel, further clarification revealed that the fees for the sub consultants had been revised based on their actual involvement in the project rather than the base percentage of cost of work.

Based on the assessment of all tenders received for Tender 27/2011, this report recommends to the Council that the tender from Bollig Design be accepted.

### **Consultation**

EOI 1/2011 was advertised in the West Australian on Saturday 28 May 2011 and closed on Friday

8 July 2011. At the close of the advertising period thirteen (13) submissions had been received.

The assessment panel shortlisted 5 companies and interviews were held with those companies. From the five shortlisted companies, three were invited to tender, with tenders closing on 31 October 2011.

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. 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*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).

### **Financial Implications**

The financial implications of this report are limited to the costs associated with the appointment of a lead consultant for the project. The architectural firms who have tendered have specified a fee schedule for their design work / consultancy (and their team of professional consultants including quantity surveyor, mechanical, electrical, hydraulic and structural consultants) based on a % of the project cost. Most of this cost will be incurred if / once the project proceeds to the construction phase.

Notional funding has been allowed for this project and the associated lead consultant's professional fees are included in the City's forward financial plan. Actual expenditure of this funding (other than the design related costs) is of course contingent on a number of other factors including the successful disposal of the Civic Triangle site (in accordance with Council's resolution), access to Commonwealth Government and Lotterywest grant funding, land purchase from the WA State Government and re sale for commercial purposes at the Manning Hub site, and Council's future approval to tender for a builder to carry out the construction phase. However those decisions and costs are not the subject of this report.

The immediate financial implications of this report are therefore limited to the lead successful architect's professional fees. These are accommodated in the funding allocation currently allocated to this project in 2011/2012 and 2012/2013.

**Strategic Implications**

The provision of high quality and cost effective services underpins the City's Strategic Plan 2010-2015. By seeking tenders externally so as to engage a Lead Consultant to undertake the Design and Development of the Manning Community facility, this enables Strategic Plan objectives detailed at:

Direction 4 "Places" - Strategy 4.1 *Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable.*

This project is also contained within the 2011/2012 Corporate Plan at 4.1.2 *Progress the Manning Community Hub Revitalisation Project.*

**Sustainability Implications**

The sustainability implications in the Manning Hub Revitalisation project are many and diverse. At a physical level, the development will be designed with an emphasis on ESD principles and be a showcase for sustainable design. At a community level, the strategy of creating a multi use activity hub incorporating the library, child health clinic, sports groups and others provides a sustainable development which reduces car trips and will encourage public transport use and social interaction.

<b>OFFICER RECOMMENDATION ITEM 10.4.1</b>
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That Council accepts the Tender submitted by Bollig Design for the lead consultant for the Manning Community Facility in accordance with Tender Number 27/2011 .

## 10.5 STRATEGIC DIRECTION 5: TRANSPORT

### 10.5.1 South Perth Bike Plan 2011-2016

Location:	City of South Perth
File Ref:	GO/106
Date:	18 November 2011
Author:	Catherine Deady, Traffic Technical Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

#### Summary

The purpose of this report is for the Council to adopt the *draft* South Perth Bike Plan 2011-2016 for consultation purposes.

#### Background

In July 2010, the City engaged a Consultant to develop a new bicycle plan for South Perth. The purpose of the study is to develop an integrated network of bicycle routes that will provide greater opportunity for people to use an alternative mode of transport other than being dependant on the motor vehicle.

The Bike Plan 2011-2016 outlines the vision and establishes the steps to achieve it over the next five years. Both the vision and the steps need to be practical and achievable in order for the Bike Plan objectives to be realised.

The City sought comment on the Draft Bike Plan from the South Perth Bicycle User Group (BUG). The South Perth BUG provided valuable feedback which identified a cross-section of ideas relating to network planning, on road infrastructure and path infrastructure. All comments have been considered and included in the suite of actions in Bike Plan.

The draft South Perth Bike Plan 2011-2016 is at **Attachment 10.5.1**

#### Comment

##### **The existing bicycle network (infrastructure audit):**

The Consultant and three members of the South Perth BUG undertook an audit of the existing bicycle network within South Perth. The audit identified a number of improvements that needed to be undertaken and some of these have been scheduled into the City's 5-year capital works program, with others referenced and considered for implementation in future years.

Ten designated local bicycle routes were audited, along with a section of the Recreational Shared Path on the Swan River Foreshore between the Narrows Bridge and Sir James Mitchell Park. The Principal Shared Path (PSP), other Recreational Shared Paths and the District Distributor Roads were not included in the scope of the audit.

##### **Planning Considerations:**

In August 2010, the Department of Planning released its strategic blueprint for Perth, Directions 2031 and Beyond.

Within Directions 2031, the City has three Activity Centres that include:

In August 2010, the Department of Planning released its strategic blueprint for Perth, Directions 2031 and Beyond. This document is a high-level spatial framework and strategic plan that establishes a vision for Perth and the Peel region to manage the housing and employment needs of an estimated population of half a million by 2031, and to prepare for a City of nominally 3.5 million people around 2051. The aim of Directions 2031 is to increase the functionality of activity centres across Perth, increase residential densities within activity centres and the central suburbs of the City, and to ensure that employment is created within close proximity to where people reside.

The City has three Activity Centres that include:

- Bentley Technology Precinct and Curtin University
- Canning Bridge
- South Perth Station Precinct

One of the key priorities of the South Perth Bike Plan 2011-16 is to create an identified cycle route from Canning Bridge interchange to the proposed Bentley Technology/Curtin University precinct. In doing so, this will create an efficient transport network to service planned growth at Bentley Technology / Curtin University, and more particularly, to encourage access to the precinct by bicycle rather than the motor vehicle. The South Perth Station Precinct and adjacent areas are also identified as key priority areas for cycle routes.

**The Vision:**

The main focus of the South Perth Bike Plan 2011-2016 is on consolidating and making routes more effective for bicycle use, rather than creating new routes. The following routes are recommended for upgrade in the five year plan, being:

- SE28: South Perth Station Precinct and Angelo Street
- SE27: Douglas and Hayman Streets - Coode Street Foreshore to Curtin
- SE29: Northern section Coode Street - Thelma Street to Foreshore
- SE31: Northern section Labouchere Road - Thelma Street to Perth Zoo
- SE33: Canning Bridge to Curtin University
- SE35: Thelma Street - PSP to Hayman Road.

Another important aspect of the bicycle network vision for 2011-2016 is the development of site specific plans and designs, and audits of specific functions to enhance the network for the longer term that includes, among other things:

- The investigation and design of bicycle facilities on Mill Point Road to form a commuter bike route to separate high speed cycling from facilities on Sir James Mitchell Park;
- Investigation and design of bicycle facilities on Labouchere Road adjacent to the Perth Zoo (to be undertaken as part of South Perth Precinct planning);
- Impact of the South Perth Precinct proposal on the current PSP to the Perth CBD (for pedestrians and cyclists);
- Partnership with Main Roads WA and Public Transport Authority to plan and prioritise the improvements of facilities in and around Canning Bridge Station; and
- Incorporation of bicycle facilities on the proposed amendment of the Canning Highway MRS (Worley Parsons engaged by Department of Transport).

**Project Delivery:**

Subject to the funding being included in future budgets, the following bicycle routes are identified for improvement in the following financial years:

**2011/2012**

- **SE33:** Canning Highway to Davilak Street - Upgrade the shared use path
- **Mill Point Road:** Harper Street to Coode Street - Traffic study and design of bicycle provision.
- **Labouchere Road:** Angelo Street to Mill Point Road - traffic study and design of bicycle provision.

**2012/2013**

- **SE33:** Henley Street crossing - Relocate crossing and construct a shared use path;
- **SE33:** Henley Street to Jackson Road - Upgrade the shared use path;
- **SE33:** Jackson Road - Design for bicycle provision;
- **Bike Parking:** Mends Street - Install six (6) U-Rails;
- **Bike Parking:** Overall network - Undertake audit of the City TPS No. 6;
- **Schools:** Overall network - Audit of Schools bicycle parking and path network.

**2013/2014**

- **SE29:** Coode Street South Terrace to Thelma Street - Reconstruct road to provide bicycle lanes;
- **Mill Point Road** - Douglas Avenue to Way Road - Install bicycle lanes;
- **Mill Point Road** - Crossing at Way Road (westbound) - Green asphalt crossing;
- **Mill Point Road** - Connection to Heppingstone Street - Green edge lines;
- **SE29:** Sir James Mitchell Park - Bicycle Signage;
- **SE29:** Coode Street/Mill Point Road - Improve intersections along the route to facilitate a safe cycling environment;
- **Bike Parking:** Preston Street - Install bicycle U-Rails.

**2014/2015**

- **SE27:** Douglas Avenue/Mill Point Road/Lawler Street - Improve intersection to facilitate a safe cycling environment;
- **SE27:** Tate Street - Mill Point Road to Lawler Street - Resurface the bicycle lane and improve signage;
- **SE27:** Douglas Avenue/Canning Highway (Southern approach) - Extend the bicycle lane;
- **SE27:** Hayman Road - South Terrace to Kent Street - Upgrade the bicycle lane;
- **SE27:** Kent Street - Hayman Road to Jackson Road - Undertake maintenance of the bicycle lane.

**2015/2016**

- **SE28:** Richardson Park - Improvement to bicycle paths;
- **SE28:** Angelo Street/Coode Street - Improve intersection to facilitate safe cycling environment;
- **SE31:** Labouchere Road - Angelo Street to Cale Street - Implement red asphalt bicycle lanes;
- **SE31:** Leonora Street - Connection from Canning Highway - Path upgrade;
- **SE35:** Thelma Street - Melville Parade to Lockhart Street - Install bicycle lanes;
- **SE35:** Thelma Street - Labouchere Road to Canning Highway - Resurface bicycle lanes;
- **SE35:** Thelma Street - Canning Highway (Western approach) - Extend the bicycle lane;
- **Bike Parking:** Angelo Street - Install bicycle U-Rails;
- **SE35:** Improve the intersection to facilitate a safe cycling environment.

When the Bike Plan is ultimately adopted by the Council, the above findings will form part of the City's annual Capital Works Program. Further, the South Perth Bicycle Plan 2011-2016 will allow the City to apply for grants from relevant State agencies (i.e. Department of Transport) to implement recommended actions.

#### **Consultation**

The City consulted the South Perth BUG in regards to the South Perth Bicycle Plan 2011-2016. In addition, the BUG assisted the Consultant to undertake an audit of the existing bicycle network in South Perth.

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

Nil

#### **Financial Implications**

The City engaged a Consultant to undertake an audit of the bicycle network and to prepare the draft South Perth Bicycle Plan 2011-2016. The South Perth Bicycle Plan 2011-2016 was partly funded by a grant from Bike West, with matching funding from the City's annual budget.

The identified priorities in the South Perth Bicycle Plan 2011-2016 will be progressively implemented in future annual budgets.

#### **Strategic Implications**

This project compliments the City's Strategic Plan 2010 – 2015 and in particular:

Direction 5.2 - Transport

*“Ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network.*

#### **Sustainability Implications**

Bicycles have a critical role in moving Perth toward sustainable transport. The bicycle is an accessible, low cost, non-polluting and healthy mode of travel. It has the potential to significantly reduce road congestion, oil use, air and water pollution and greenhouse emissions, and improve road safety, community health and exercise levels. It can also improve the amenity and safety of neighbourhoods, enhance general mobility and contribute to tourism.

<b>OFFICER RECOMMENDATION ITEM 10.5.1</b>
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That...

- (a) the City seeks community feedback on the *draft* South Perth Bicycle Plan 2011-2016, with the plan being advertised for public comment from mid January 2012 for a period of 6 weeks ending 29 February 2012; and
- (b) following consideration of submissions, the *draft* South Perth Bicycle Plan 2011-2016 be brought back to Council for adoption.

**10.6 STRATEGIC DIRECTION 6: GOVERNANCE**

**10.6.1 Monthly Financial Management Accounts - November 2011**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 November 2011
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

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

The attachments to this financial performance report are part of a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

**Background**

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City has previously adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City provides comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2011/2012 Adopted Budget and the 2011/2012 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011 (after September 2011).

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

#### **Comment**

The major components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue and Expenditure-Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6)(A) and 10.6.1(6)(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 30 November 2011 is \$35.74 M which represents 100% of the \$35.77M year to date budget. Revenue performance is very close to budget expectations overall - although there are some individual line item differences. Meter parking is 4% ahead of budget but infringement revenue is 18% behind budget expectations. Reserve interest revenues are close to budget expectations to date but municipal interest revenue is slightly behind budget. Interim rates revenue is greater than anticipated at this stage and pre-interest charges from ratepayers opting for instalment payments for rates were adjusted upwards in the Q1 Budget Review.

Planning revenues are 18% below budget whilst Building Services revenues were adjusted down in the Q1 Budget Review - but this is compensated by using lesser levels of staff resource in these areas. Collier Park Village revenue is in line with budget expectations whilst the Collier Park Hostel revenue is just 2% below budget following the phasing in of anticipated adjustments to some commonwealth subsidies.

Golf Course revenue remains some 4% below budget targets even after a significant downwards budget adjustment as revenues were again impacted by disruption to the course during the major 9 hole course upgrade.



Infrastructure Services revenue largely relates to waste management levies at this stage of the year and these are now on budget after recognising additional revenues from billing a higher number of services than was anticipated when the budget modelling was done. Road grant revenues have been adjusted downwards in the Q1 Budget Review following the re-distribution between general and road grants by the WALGGC.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 30 November 2011 is \$20.15M which represents 98% of the year to date budget. Operating Expenditure is 2% under budget in the Administration area, 6% under budget for the golf course and 2% under budget in the Infrastructure Services area after a major (non cash) adjustment to the depreciation budget attributable to major infrastructure revaluations.

Cash operating expenses are typically favourable to budget due to a combination of factors including approved but vacant staff positions and favourable timing differences on invoicing by suppliers. Relevant adjustments were made in the Q1 Budget Review for costs associated with signage for the new dog law, demolition of the Swan St property and election costs etc. The Financial Services area currently presents as being unfavourable to budget but this is attributable to the November allocation of corporate costs not being processed until early December. The Planning Services area reflects a number of favourable variances in relation to salaries (vacant positions), timing differences on consultants and savings on legal fees.

Most infrastructure maintenance activities including park and grounds maintenance and roads and paths maintenance are broadly in line with budget expectations or slightly favourable whilst building maintenance activities are currently quite favourable due to programs being readied for implementation pending contractor availability and suitable weather conditions. These variances are all expected to reverse back in line with budget expectations in the next few months. Waste management costs are close to budget expectations. Golf Course expenditure is currently 6% favourable due to timing considerations. Overheads in both the City Environment and Engineering Infrastructure areas are higher than expected due to somewhat less than anticipated overhead recoveries. This issue is currently being further investigated by management.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 1.3% under the budget allocation for the 227.2 FTE positions approved by Council in the budget process. The factors impacting this include vacant positions yet to be filled, staff on leave and timing differences on agency staff invoices.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$2.64M at 30 November against a year to date budget of \$2.62M. This variance is attributable to the receipt of a small unbudgeted capital grant from the Swan River Trust and slightly higher than anticipated capital revenue from turnover of units at the Collier Park Village. Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 30 November 2011 is \$8.23M representing 83% of the year to date budget of \$9.86M. At this stage almost half of the expenditure relates to the CPGC work.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards.

**TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	100,000	91,802	82%	290,000
Financial & Information Services	285,000	314,164	110%	1,355,000
Development & Community Services	370,000	300,203	81%	1,215,000
Infrastructure Services	3,517,632	2,345,320	67%	8,809,924
Waste Management	160,360	147,281	92%	245,360
Golf Course	4,432,460	4,031,449	91%	5,548,760
UGP	1,000,000	998,737	99%	4,766,000
<b>Total</b>	<b>9,865,452</b>	<b>8,228,956</b>	<b>83%</b>	<b>22,230,044</b>

### Consultation

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

### Policy and Legislative Implications

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

**Financial Implications**

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

**Strategic Implications**

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

**Sustainability Implications**

This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

<b>OFFICER RECOMMENDATION ITEM 10.6.1</b>
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That ....

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Schedule of Movements between the Adopted and Amended Budget **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received;
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

**10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 November 2011**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 December 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

**Summary**

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

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

**Background**

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

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

**Comment**

**(a) Cash Holdings**

Total funds at month end of \$50.94M (\$51.43M last month) compare to \$48.65M at the equivalent stage of last year. Reserve funds are \$2.4M higher overall than the level they were at the same time last year - reflecting \$1.5M higher holdings of cash backed reserves to support refundable monies at the CPV and CPH. The UGP Reserve is \$0.9M lower. The Sustainability and River Wall Reserves are each \$0.3M higher whilst the Technology Reserve is \$0.3M higher (quarantined funds for the new corporate document management system). The Future Building Works Reserve is \$1.0M higher when compared to last year. The CPGC Reserve is also \$0.7M lower as funds are applied to the Island Nine project. Various other reserves are modestly higher.

Municipal funds are at the same level as the previous year with collections from rates so far only slightly behind last year's result - with a clearer indication of collections having emerged after the second instalment date in November. Progress to date suggests that our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have had a positive effect on our cash inflows.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$17.63M (compared to \$18.53M last month). It was \$17.69M at the equivalent time in 2010/2011. **Attachment 10.6.2(1).**

**(b) Investments**

Total investment in money market instruments at month end was \$49.78M compared to \$48.00M at the same time last year. This is due to the slightly higher holdings of Reserve Funds as investments – and slightly less Municipal Funds investments.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 99% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2).**

Total interest revenues (received and accrued) for the year to date total \$0.97M - compared to \$0.98M at the same time last year. Whilst the City has slightly higher levels of reserve cash invested at this time - it has been invested for shorter terms so far.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 5.82% with the anticipated weighted average yield on investments yet to mature now sitting at 5.80% (compared with 5.83% last month). At-call cash deposits used to balance daily operational cash needs still provide a modest return of only 4.50% - unchanged since the November 2010 Reserve Bank decision on interest rates.

**(c) Major Debtor Classifications**

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtor's category classifications (rates, general debtors and underground power) are provided below.

**(i) Rates**

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of November 2011 (after the due date for the second instalment) represent 79.7% of rates levied compared to 81% at the equivalent stage of the previous year.

This again provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2011/2012 Annual Budget and the range of appropriate, convenient and user friendly payment methods offered by the City. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these have provided strong encouragement for ratepayers - as evidenced by the collections to date.

This collection result is being supported administratively throughout the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

**(ii) General Debtors**

General debtors (excluding UGP debtors) stand at \$1.72M at month end (\$2.96M last year) (\$1.22M last month). GST receivable is some \$0.4M lower, the prompt collection of Pension Rebate Claims (\$0.40M lower), tight management of Parking Infringement debts and sundry debtors have all resulted in a pleasing change in the composition of the outstanding debtors' balances relative to this time last year. This is particularly important with respect to effectively maintaining our cash liquidity in the light of the less than anticipated budget opening position for 2011/2012.

The majority of the outstanding amounts are government and semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

**(iii) Underground Power**

Of the \$6.74M billed for UGP Stage 3 project, (allowing for adjustments), some \$6.36M was collected by 30 November with approximately 83.9% of those in the affected area having now paid in full and a further 15.4 % opting to pay by instalments. The remaining properties were disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they had not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings were instituted in relation to three outstanding debts (two have since been settled). 2 other paid in full, 8 have commenced a payment plan. Only 1 other has yet to reach a satisfactory payment arrangement - and this continues to be pursued as a delinquent debtor.

Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

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

**Consultation**

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

**Policy and Legislative Implications**

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

**Financial Implications**

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

**Strategic Implications**

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

**Sustainability Implications**

This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

<b>OFFICER RECOMMENDATION ITEM 10.6.2</b>
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That Council receives the 30 November 2011 Statement of Funds, Investment and Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**



### 10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	3 December 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

#### Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 November 2011 and 30 November 2011 is presented to Council for information.

#### Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

#### Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

The report format now reflects contemporary practice in that it now records payments classified as:

- **Creditor Payments**

*(regular suppliers with whom the City transacts business)*

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

*(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).*

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function are no longer recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

**Consultation**

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

**Policy and Legislative Implications**

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

**Financial Implications**

Payment of authorised amounts within existing budget provisions.

**Strategic Implications**

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

**Sustainability Implications**

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

<b>OFFICER RECOMMENDATION ITEM 10.6.3</b>
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That the Listing of Payments for the month of November 2011 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

<b>10.6.4 Use of the Common Seal</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 28 November 2011  
 Author: Kay Russell, Executive Support Officer  
 Reporting Officer: Phil McQue, Governance and Administration Manager

**Summary**

To provide a report to Council on the use of the Common Seal.

**Background**

At the October 2006 Ordinary Council Meeting the following resolution was adopted: *“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.”*

**Comment**

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Delegation DC346 “Authority to Affix the City’s Common Seal” authorises the Chief Executive Officer or a delegated employee to affix the common seal to various categories of documents.

**Register**

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

**November 2011**

Nature of Document	Parties	Date Seal Affixed
Loan Agreement	City of South Perth & Treasury Corporation	16 November 2011
Deed of Agreement to Lease x2	City of South Perth & Miriam Estelle Fardon (CPV)	17 November 2011
Lease x2	City of South Perth & Miriam Estelle Fardon (CPV)	17 November 2011
Deed of Agreement to Lease x2	City of South Perth & Ruby Jayne Langhorst (CPV)	17 November 2011
Lease x2	City of South Perth & Ruby Jayne Langhorst (CPV)	17 November 2011
Town Planning Scheme No. 6 - Amendment No. 28 x3	City of South Perth & Minister for Planning	25 November 2011
Deed of Variation x3	City of South Perth & John Albert Clancy and Anthea Margaret Clancy (Renewal of short-term lease for a further 12 months)	25 November 2011
Deed of Variation x3	City of South Perth & John Albert Clancy and Patricia Jean Millman (Renewal of short-term lease for a further 12 months)	30 November 2011

**Consultation**

Not applicable.

**Policy and Legislative Implications**

Clause 21 of the City's Standing Orders Local Law 2007 describes the requirements for the safe custody and proper use of the common seal.

**Financial Implications**

Nil.

**Strategic Implications**

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

**Sustainability Implications**

Reporting of the use of the Common Seal contributes to the City's sustainability by promoting effective communication.

<b>OFFICER RECOMMENDATION ITEM 10.6.4</b>
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That the report on the use of the Common Seal for the month of November 2011 be received.

**10.6.5 Applications for Planning Approval Determined Under Delegated Authority**

Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 1 December 2011  
Author: Rajiv Kapur, Manager, Development Services  
Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of November 2011.

**Background**

At the Council meeting held on 24 October 2006, Council resolved as follows: *“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”*

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

**Comment**

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

**Consultation**

During the month of November 2011, forty five (45) development applications were determined under delegated authority at **Attachment 10.6.5**.

**Policy and Legislative Implications**

The issue has no impact on this particular area.

**Financial Implications**

The issue has no impact on this particular area.

**Strategic Implications**

The report is aligned to Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

*Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

**Sustainability Implications**

Reporting of Applications for Planning Approval Determined under Delegated Authority contributes to the City’s sustainability by promoting effective communication.

**OFFICER RECOMMENDATION ITEM 10.6.5**

That the report and **Attachment 10.6.5** relating to delegated determination of planning applications during the month of November 2011, be received.

<b>10.6.6 Metropolitan Local Government Review</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	30 November 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### **Summary**

This report considers the City's response to the Metropolitan Local Government Review announced by the State Government in June 2011.

### **Background**

The Minister for Local Government on 24 June 2011 announced an independent review of Perth Metropolitan Local Government and broader governance structures. An Independent Metropolitan Governance Review Panel has been established comprising Professor Alan Robson AM, Dr Peter Tannock and Dr Sue van Leeuwen to examine the social, economic and environmental challenges facing metropolitan Perth and to recommend appropriate boundaries and governance models for Perth Metropolitan Local Government.

The Panels Terms of Reference are:

- Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.
- Identify current and anticipated national and international factors likely to impact in the next 50 years.
- Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, and accountability and State imperatives among other things the panel may identify during the course of the review.
- Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.
- Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
- Present a limited list of achievable options together with a recommendation on the preferred option.

The Independent Metropolitan Governance Review Panel released an Issues Paper together with a series of questions in October 2011, inviting public submissions by 23 December 2011. The Panel is proposing to release its draft conclusions in March 2012 and seek further public comment prior to presenting a final report to the Minister for Local Government by 30 June 2012.

**Comment**

The Chief Executive Officer and several Councillors attended a Public Information Session with the Independent Metropolitan Governance Review Panel at the University of Western Australia on 12 November 2011 and the Mayor and Chief Executive Officer will also be meeting with the Panel on Friday 16 December 2011.

The Chief Executive Officer has prepared a draft Discussion Paper addressing the key points and questions in the Issues Paper. The draft Discussion Paper was circulated to Councillors on 25 November 2011 together with the City's previous 2009 Local Government Reform submission.

A Councillor Briefing Session was held on 28 November 2011 where the Chief Executive Officer provided an overview of the Metropolitan Local Government Review including the process and an overview of the draft Discussion Paper. Feedback and options were sought from Councillors which will be incorporated in the City's submission.

The next Council meeting is scheduled for 13 December 2011, which would not permit sufficient time for the Council to finalise its submission. The consensus from the Councillor Briefing Session was that the Chief Executive Officer would circulate the City's draft submission on 9 December 2011 to Councillors for comment. The revised draft would then be re-circulated to Councillors on the 16 December for final comment.

With these time lines in mind, the Council will need to consider at the 13 December 2011 Council meeting delegating authority to the Chief Executive Officer to finalise the City's Submission to the appointed Panel. The following timetable is therefore proposed:

9 December	Draft submission circulated
13 December	Council to delegate to CEO to finalise submission based on Elected Member input
16 December	Revised draft submission circulated
21 December	Submission finalised
23 December	Submission to Local Government Panel

**Financial Implications**

The possible outcome of the Metropolitan Local Government Review could have significant financial implications for the City of South Perth.

**Strategic Implications**

The proposal is consistent with Strategic Direction 6: 'Governance' of the Strategic Plan 2010-2015 *"Ensure that the City's governance enables it to respond to the community's vision and deliver its service promises in a sustainable manner"*.

**Sustainability Implications**

This report and draft Discussion Paper has been prepared directly in response to the Western Australian State Government Metropolitan Local Government Reform process, which is aimed at making the industry more sustainable and stronger into the future.

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**OFFICER RECOMMENDATION 10.6.6**

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That the Council note the report on the Metropolitan Local Government Review and authorise the Chief Executive Officer to finalise the City's submission to the Independent Metropolitan Governance Review Panel by 23 December 2011.

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

**11.1 Request for Leave of Absence - Cr Howat**

I hereby apply for Leave of Absence from all Council Meetings for the period 10 January to 28 January 2012 inclusive.

**11.2 Request for Leave of Absence - Cr Lawrance**

I hereby apply for Leave of Absence from all Council Meetings for the period 18 - 27 December 2011 inclusive.

**11.3 Request for Leave of Absence - Cr Hawkins-Zeeb**

I hereby apply for Leave of Absence from all Council Meetings for the period 4 December 2011 to 21 January 2012 inclusive.

**11.4 Request for Leave of Absence - Cr Trent**

I hereby apply for Leave of Absence from all Council Meetings for the periods 7 to 22 January and 24 to 28 February 2012 inclusive.

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

**13. QUESTIONS FROM MEMBERS**

**13.1. Response to Previous Questions from Members Taken on Notice**

Nil

**13.2 Questions from Members**

**13.2.1 Mosquito Management Plan - Waterford.....Cr P Howat**

Summary of Question

1. At the presentation on 10 November 2011 by Mr Darryl McGinn from Mosquito Consulting Services Pty Ltd, the mosquito consultants engaged by the City, a number of verbal commitments were made, namely:
    - that the 'new' breeding sites which the consultants have identified are and will continue to be treated;
    - that notwithstanding the report to Council in February the City will invest in some of the new equipment for lavacide distribution as this can be done administratively and at a relatively low cost; and
    - that a summary of key points from the presentation will be posted on the City's web site.
- What is the status of those commitments?
2. At the presentation it was advised that the report should be available to the City within 2 weeks and that a copy would be provided to the Waterford Mosquito Group. Has the report been received and if so when will a copy be made available to the Mosquito Group? If not, when is it expected?
  3. What action has the City taken to date with respect to implementation of the recommendations contained in the report?
  4. At the presentation the consultants made it clear that it is important to identify and treat all breeding sites to effectively manage the mosquito problem? Is the City doing this?
  5. How many complaints have been received this season about mosquitoes?
  6. What did the City learn from its survey of residents conducted in August?
  7. Is the City confident that the aims of the 2011/12 MMP will be achieved?



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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

<b>15.1.1 City of South Perth 2012 Australia Day Citizen of the Year and Premier's Australia Day Active Citizenship Awards <i>Confidential- Not To Be Disclosed Report</i></b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CR/108
Date:	22 November 2011
Author:	Natasha Hughes, Community Development Officer
Reporting Officer:	Sandra Watson, Manager Community Culture & Recreation

***Confidential***

This report is declared ***Confidential*** under Section 5.23 (h) of the *Local Government Act* as it relates to the selection of community members as the recipient of an Award to be announced and presented at the 2012 Australia Day Citizenship Ceremony.

**Note:** *Confidential* Report circulated separately

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

17. RECORD OF VOTING



## Mayors Activity Report - November 2011

Date	Activity
Wednesday, 30 November	Attend SEMZ Meeting + Deputy Mayor, Cr Kevin Trent Meeting CAG
Tuesday, 29 November	Attend Presentation by Charles Johnson, Planning Context - State Government Planning Discuss partnership with Perth Writers & Hardie Grant Mayor/CEO weekly meeting Attend Opening of Collier Primary School Kitchen Garden
Monday, 28 November	Attend Metropolitan Local Government Review Workshop
Friday, 25 November	Attend St Vincent de Paul Society Christmas Lunch @ Government House Photo shoot for South Perth Out of School Care with John McGrath MLA + Susanna Durston
Thursday, 24 November	RPGC meeting with President and General Manager + Manager Legal and Governance ALGWA WA Planning session + Cr Veronica Lawrance
Wednesday, 23 November	Attend Local Housing Strategy Community Engagement + Deputy Mayor, Cr Kevin Trent, Crs Colin Cala, Peter Howat and Fiona Reid Attend GHD's Property and Buildings Technical Seminar + Deputy Mayor, Cr Kevin Trent Royal Perth Golf Club Photo shoot -Charity Day + Amanda Hunt (Gowrie) Wilf Sonntag (RPGC)
Tuesday, 22 November	Chair November Council meeting Attend Committee for Perth AGM and Food for Thought Luncheon + CEO
Monday, 21 November	Attend South Perth Historical Society AGM + Deputy Mayor, Cr Kevin Trent, + Crs Betty Skinner, Fiona Reid, Colin Cala, Peter Howat, Sharron Hawkins-Zeeb Mayor/CEO weekly meeting
Sunday, 20 November	Attend Civic Service@ St George's Cathedral hosted by Lord Mayor of Perth + Deputy Mayor, Cr Kevin Trent + Crs Colin Cala, Bill Gleeson, Sharron Hawkins-Zeeb
Saturday, 19 November	Attend WA Australian of the Year Awards 2012 + Deputy Mayor, Cr

AGENDA : ORDINARY COUNCIL MEETING : 13 DECEMBER 2011

	Kevin Trent
Friday, 18 November	South Perth Hospital Christmas Celebration Dinner @ Royal Perth Golf Club + CEO + Deputy Mayor Cr Kevin Trent + Crs Betty Skinner, Fiona Reid, Sharron Hawkins-Zeeb, Colin Cala, Ian Hasleby, Peter Howat and Bill Gleeson  Attend Kensington Secondary School Class & Community Awards presentation
Thursday, 17 November	Attend ALGWA Networking event - The role of women in the future of Perth - Marion Fulker - Guest speaker + Crs Veronica Lawrance and Sharron Hawkins-Zeeb  Attend '5 Choices to Extraordinary Productivity' Seminar at Ascot Quays
Wednesday, 16 November	City induction for Councillors - Update on Major Corporate Projects  Attend Clontarf Trade Training Centre Briefing Session at Clontarf Aboriginal College  Chair ICAG meeting
Tuesday, 15 November	Chair Council Briefing  Mayor/CEO weekly meeting  Meeting Prof Jeanette Hackett
Monday, 14 November	Attend Sonshine FM Radiothon
Sunday, 13 November	Attend Manning Primary School 75 <sup>th</sup> anniversary celebrations + Deputy Mayor, Cr Kevin Trent
Saturday, 12 November	Attend Metropolitan Local Government Review Panel - Consultation Forum + CEO + Deputy Mayor, Cr Kevin Trent, Crs Betty Skinner, Sharron Hawkins-Zeeb and Colin Cala  Attend 20th Anniversary of McHappy Day @ Berwick St restaurant
Friday, 11 November	RPGC Charity Golf Day Dinner  Attend Mends St parking Meeting + Crs Betty Skinner, Rob Grayden,  Attend Remembrance Day Service + Deputy Mayor, Cr Kevin Trent, Crs Betty Skinner, Veronica Lawrance, Colin Cala, Rob Grayden, Ian Hasleby and Bill Gleeson
Thursday, 10 November	Attend Mosquito Management Review Presentation + Deputy Mayor, Cr Kevin Trent, + Crs Colin Cala, Veronica Lawrance, Fiona Reid, Sharron Hawkins-Zeeb and Peter Howat.  Attend Ngala - event to introduce the new CEO Mr Ashley Reid
Tuesday, 8 November	Chair Audit and Governance Committee & Special Council meeting - Review of Dog Law 2011  Mayor/CEO weekly meeting
Monday, 7 November	Conduct Citizenship ceremony - + Deputy Mayor Cr Kevin Trent, + Cr Fiona Reid  Attend Aboriginal Engagement Strategy Meeting @ Moorditj Keila
Sunday, 6 November	Open Waterford Plaza Shopping Centre re-development launch + Deputy Mayor, Cr Kevin Trent, Crs Colin Cala, Ian Hasleby, Bill

AGENDA : ORDINARY COUNCIL MEETING : 13 DECEMBER 2011

	Gleeson, Sharron Hawkins-Zeeb and Peter Howat
	Attend South Perth Arts and Crafts Society Open Day @ Hazel McDougall House + Deputy Mayor, Cr Kevin Trent
Saturday, 5 November	Attend Kensington Primary School 85 <sup>th</sup> anniversary fete + Deputy Mayor, Cr Kevin Trent
	Attend Boronia's Annual Gala Day
Friday, 4 November	Attend Gowrie + Deputy Mayor, Cr Kevin Trent
Thursday, 3 November	Attend Badge cocktail party

**Council Representatives' Activity Report - November 2011**

November 2011	Activity
Friday, 25 November	Como Secondary College Valedictory ceremony - Deputy Mayor, Cr Kevin Trent
Thursday, 24 November	WALGA: An introduction to Local Government - Cr Sharron Hawkins-Zeeb
Thursday, 24 November	Aquinas College 2011 Presentation Night - Cr Ian Hasleby
Friday, 18 November	Perth Airport Aircraft Noise Management Consultative Committee meeting at Perth Airport - Cr Ian Hasleby
14-16 November	AAA Airports Aviation Outlook 2011 in Brisbane - Cr Ian Hasleby
Monday, 14 November	Attend <i>'How our tax system affects housing affordability'</i> presentation - Deputy Mayor, Cr Kevin Trent
2-4 November	LGMA Annual state conference - Deputy Mayor, Cr Kevin Trent + Crs Betty Skinner, Veronica Lawrance and Ian Hasleby