

# AGENDA

## Ordinary Council Meeting

23 April 2013

### Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Meeting of the City of South Perth Council will be held on Tuesday 23 April 2013 in the Council Chamber, Sandgate Street, South Perth commencing at 7.00pm.



CLIFF FREWING  
CHIEF EXECUTIVE OFFICER  
19 April 2013

# Our Guiding Values

## **Trust**

Honesty and integrity

## **Respect**

Acceptance and tolerance

## **Understanding**

Caring and empathy

## **Teamwork**

Leadership and commitment

## Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

## Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**  
Council Meetings are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.
- **Minutes and Agendas**  
As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.
- **Meet Your Council**  
The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into six wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

[www.southperth.wa.gov.au/Our-Council/](http://www.southperth.wa.gov.au/Our-Council/)

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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 / COUNCIL REPRESENTATIVES

(Attached to Agenda paper)

### 3.2 PUBLIC QUESTION TIME

### 3.3 AUDIO RECORDING OF COUNCIL MEETING

## 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 Ordinary Council Meeting held 26 March 2013 the following questions were taken on notice.

#### 6.1.1 Geoff Defrenne, 24 Kennard St, Kensington

##### Summary of Question

1. If there are Welcome to Country Ceremonies at city events; what is the estimated costs of each of those ceremonies?
2. In a full year what would be the estimated costs of Welcome to Country ceremonies?
3. If the Aboriginal Engagement Strategy is carried out in full, what is the estimated cost to the city in a full year?

##### Summary of Response

A response was provided by the Chief Executive Officer by letter, a summary of which is as follows:

1. Citizenship ceremonies cost approximately \$250 - \$300. Community events cost approximately \$400 - \$600.

2. The City co-ordinates seven citizenship ceremonies at  $\$300 \times 7 = \$2100$ . A Welcome to Country elder or representative attends between one to four of our large events at an approximate cost of  $\$500 \times 4 = \$2000$ . Total approximately \$4100.
3. It is estimated that approximately \$9000 per annum additional would be spent, as the majority of the activities and costs contained in the Strategy are covered in the operating budget including staff time. Many of these activities will also be eligible for external funding.

## 6.2 PUBLIC QUESTION TIME: 23 APRIL 2013

# 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: 26 March 2013

#### RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 26 March 2013 be taken as read and confirmed as a true and correct record.

### 7.1.2 Special Council Meeting Held: 2 April 2013

#### RECOMMENDATION

That the Minutes of the Special Council Meeting held 2 April 2013 be taken as read and confirmed as a true and correct record.

## 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 – March Ordinary Council Meeting 19 March 2013

Officers of the City presented background information and answered questions on items identified from the March 2013 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

### 7.2.2 Concept Briefing - Draft South Perth Foreshore Vision Document - 9 April 2013

Officers of the City provided Council with an overview of the draft South Perth Foreshore Vision Document and outlined the project development process to date. Officers sought comments from the Council regarding the draft Vision document and next steps. Notes from the Draft South Perth Foreshore Vision Document Concept Briefing are included as **Attachment 7.2.2**.

#### RECOMMENDATION

That the attached Notes under Items 7.2.1 and 7.2.2 on Council Briefings be noted.

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

#### 8.1.1 Michael Cazalet, 35 River Way, Salter Point – Petition regarding development approvals in the Salter Point area

A petition was received 11 April 2013 from Michael Cazalet, 35 River Way, Salter Point, together with 36 signatures in relation to development approvals in the area bounded by the Canning River, Sulman Avenue and Hope Avenue.

Text of the petition reads:

“We, the undersigned, say that several developments have been approved recently in the Salter Point area that residents believe do not meet streetscape character or significant view provisions in the current Town Planning Scheme. The undersigned request that the City of South Perth be asked to engage with the Salter Point foreshore community to develop policies that address community concerns about changing streetscapes and loss of significant views and amenity in the area.

Now we ask the Councillors to instruct the Planning Department to suspend all development approvals in the area bounded by the Canning River, Sulman Avenue and Hope Avenue until the intent of the development regulations as originally established in the scheme 3 subdivision plan, the special nature of the district and the respect and reasonable wishes of all residents are taken into account.”

#### RECOMMENDATION

That the Petition received 11 April 2013 from Michael Cazalet, 35 River Way, Salter Point, together with 36 signatures be forwarded to the Director Development and Community Services for consideration.

### 8.2 PRESENTATIONS

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

### 8.3 DEPUTATIONS

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

### 8.4 COUNCIL DELEGATES REPORTS

Nil

### 8.5 CONFERENCE DELEGATES REPORTS

#### 8.5.1 Conference Delegate: Chief Executive Meetings with New Zealand Local Government Representatives

A report from Chief Executive Cliff Frewing, summarising his visit to New Zealand to meet with a number of Local Government representatives - in particular, Officers from the newly amalgamated City of Auckland, is at **Attachment 8.5.1**.

#### RECOMMENDATION

That the Delegate's Report in relation to Chief Executive Cliff Frewing's visit to New Zealand, at Attachment 8.5.1, be received.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS



## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Proposed Planning Policy P313 'Local Heritage Listing'. Consideration of submissions and final adoption

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801/17
Date:	1 April 2013
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

#### Summary

In December 2012, the Council endorsed the draft Council Planning Policy P313 'Local Heritage Listing' for community advertising (*Item 10.0.1 Council Meeting 11 December 2012 refers*). The draft Policy has been advertised and the submissions are discussed in this report. The Policy has been modified in response to comments and suggestions contained in the submissions and a revised Policy P313 is now presented for final adoption.

Following the next review of the Municipal Heritage Inventory (MHI), it is proposed that the name of that document will change to 'Local Heritage Inventory'. For ease of reference, the term 'Inventory' is used throughout this report for either the current MHI or the future LHI.

#### Officer Recommendation

That

- (a) Policy P313 'Local Heritage Listing', comprising **Attachment 10.0.1(b)**, be adopted in its modified form;
- (b) a brief be prepared for the engagement of a heritage consultant for the following purposes:
  - (i) to undertake a major review of the City's Municipal Heritage Inventory (to be known as the 'Local Heritage Inventory'), including:
    - (A) re-examination of each place currently listed in the Inventory to confirm appropriateness of re-listing those places, and to reaffirm or enhance the description of each place to be listed in the revised Inventory;
    - (B) review of the existing Management Category of each place to be retained in the Local Heritage Inventory, reaffirming the appropriateness of the existing classification, or recommending a higher or lower classification;
    - (C) in the case of Category C places, to identify any which are of sufficient heritage significance to warrant protection and retention, and for those places the Consultant is to recommend an appropriate higher Management Category;
    - (D) examination of appropriate new entries being added to the Local Heritage Inventory, including places which were examined for possible listing during the 2005/6 review and allocation of an appropriate Management Category;
    - (E) identification and individual assessment of those specific buildings to be conserved on Category A and B sites containing more than one building;

**Recommendation continued**

- (ii) to advise the Council on Management Categories, particularly in relation to:
  - (A) definitions of each Category in Policy P313 to ensure that each definition is suitable for use in TPS6, the Local Heritage Inventory and Heritage List;
  - (B) appropriateness of retaining the current category structure of A+, A, B, C and D; and
  - (C) whether or not the Management Category of places in the Heritage List needs to be identified;
- (iii) to advise the Council with respect to amending clause 6.11 of Town Planning Scheme No. 6, in addition to any other matters, for the purposes of:
  - (A) inserting a new definition for the term 'significant alteration';
  - (B) deleting from clause 6.11(5) the existing reference to demolition of Heritage List places being approved if an owner submits a development application;
  - (C) deleting from clause 6.11(6) the existing reference to Category C places in the Heritage List;
  - (D) deleting from clause 6.11(6) the existing need for a heritage assessment when development is proposed on a Category C place;
  - (E) deleting any reference to the Management Categories of places in the Heritage List; and
  - (F) more generally reviewing the content of clause 6.11.
- (iv) to advise the Council on:
  - (A) possible methods of raising community awareness and empathy with heritage significance and protection;
  - (B) any other related matter;
- (c) a heritage consultant who is qualified to assess the heritage significance of places and recommend appropriately to the Council, be appointed for the purposes listed in part (b) above;
- (d) the community be advised of the heritage incentives and bonuses introduced by Policy P313 for places which will be included in the future Heritage List;
- (e) an Amendment to Town Planning Scheme No. 6 be prepared for the purposes listed in the Planning Officer's report, among others, to be presented to the Council for consideration and community consultation in conjunction with the draft Local Heritage Inventory and draft Policy P314 'Heritage List';
- (f) the submitters be:
  - (i) thanked for their participation in this process;
  - (ii) advised of the Council's resolution above; and
  - (iii) advised that at the time of the next review of the Municipal Heritage Inventory, they will be invited to lodge submissions during the associated community consultation; and
- (g) the Council consider including funding in the draft Annual Budget for 2013/14 for the engagement of a heritage consultant to review the Municipal Heritage Inventory and provide related advice as outlined in this report.

### Background

Draft Planning Policy P313 'Local Heritage Listing' was endorsed for community consultation in December 2012. Policy P313 is the first Policy that the Council has considered in relation to processes for listing places of heritage significance, and for reclassifying or deleting listed places which might be found to have less local heritage significance than the Council previously believed, or no heritage significance. The draft Policy P313 has been advertised and in response to submissions, modifications are now recommended as contained in **Attachment 10.0.1(b)**, being the final Policy, presented for adoption.

This report includes the following Attachments:

- Attachment 10.0.1(a):** Summary of Submissions and responses to comments.
- Attachment 10.0.1(b):** Modified Policy P313 in a form suitable for final adoption.
- Attachment 10.0.1(c):** TPS6 clause 6.11 'Heritage Places'.
- Attachment 10.0.1(d):** Process Chart – Heritage process following adoption of Policy P313 'Local Heritage Listing'.

The Municipal Heritage Inventory (or Local Heritage Inventory) is not the same as the Heritage List. The former is a community resource document prepared as a requirement of the *Heritage of Western Australia Act 1990* to celebrate heritage and history within the City. It has no statutory force in terms of protection of the listed places. The Inventory contains a full description, including photographic, of each place.

The Heritage List, on the other hand, is a list comprising only the most worthy places described in the Inventory. It is prepared as a requirement of clause 6.11 of TPS6 and when adopted, will have the status of a Council Planning Policy. The Heritage List will provide statutory force to enable the Council to require protection of listed places and to reward owners with heritage incentives and bonuses.

The Inventory and the Heritage List are inter-related. Although it has no statutory powers, the Inventory is an important document because the description and classification it contains for each place provides the justification for inclusion of places in the 'more powerful' Heritage List.

The title of Policy P313 is 'Local Heritage Listing'. This Policy contains provisions relating to processes for both the Inventory and the Heritage List. When the Inventory has been reviewed, it will provide the basis for selecting the most worthy examples – Categories A and B places – for inclusion in the Heritage List, which will be contained in another Council Policy, being Policy P314 'Heritage List'.

### **Comment**

The public submissions on the draft Policy P313 are discussed in the 'Consultation' section of this report. Adoption of the modified final version of Policy P313 will enable further processes to be undertaken with respect to the City's heritage protection. These are listed in the 'Policy and Legislative Implications' section of the report, and depicted in the Process Chart comprising **Attachment 10.0.1(d)**.

When the Council has adopted (the modified) Policy P313, the City will be in a position to undertake a full review of the existing Inventory, with the assistance of a heritage consultant. The current Inventory contains 60 places. Under the *Heritage of Western Australia Act 1990*, local heritage inventories are to be reviewed every four years. The last revision adopted by the Council was undertaken in 2000. The Inventory was again reviewed in 2005-6, but the revised version of the Inventory was not adopted by the Council at the time, pending the preparation of a heritage policy to guide the process. Policy P313 is the policy requested by the Council. Following adoption of Policy P313, another review of the Inventory will be undertaken. This will involve the appointment of a heritage consultant who is qualified to assess the heritage significance of places and to recommend appropriately to the Council on various related aspects of the process. Prior to selection and engagement of a consultant, a Consultant's Brief will be prepared, describing all of the tasks listed in the Officer's Recommendation. Funding for the heritage consultant will also need to be included in the forthcoming 2013/14 annual budget.

Once the Inventory has been fully reviewed, places classified as Categories A and B will form the basis of a Heritage List. This list will be contained in a new Policy P314 and will have statutory recognition under TPS6. In parallel with these processes, a related Town Planning Scheme Amendment will be implemented.

### Consultation

The community consultation process is particularly important in relation to heritage, because the Inventory is seen as a ‘community document’, containing places which are valued for their heritage significance by both the present community and future generations.

Draft Policy P313 ‘Local Heritage Listing’ was advertised in accordance with the City’s TPS6 and Policy P301 ‘Consultation for Planning Proposals’. This consultation involved:

**(i) Method:**

- Letters sent to the owners of all places currently listed in the Inventory, government agencies which own or are responsible for listed places, and the Heritage Council of Western Australia.
- Newspaper notices published in the *Southern Gazette* on 15 and 22 January 2013.
- Notices and documents displayed in the Civic Centre, Libraries, and on the web site.

**(ii) Time period:**

- 25 days, being 4 days longer than the minimum consultation period of 21 days for policies.

During the consultation period, the City received six submissions. Of these, five are from government agencies and one is from a private landowner. All of the submissions have been placed in the Council Members’ Lounge for reference by Council Members.

Some of the submissions are extremely complex. Many comments contained in the submissions are supported by City officers, resulting in modifications to the Policy. Other comments, while valid suggestions, are not appropriate to include in this Policy, and are not supported for that reason.

The submitters’ comments are summarised in **Attachment 10.0.1(a)**, together with an Officers’ response and recommendation on each issue raised.

A simplified list of submitters’ comments and officer’s recommendations on them is provided below:

**(i) Comments supporting or not objecting to Policy P313 –**

• Conditional support subject to any change to the Inventory or Heritage List involving community consultation.	Noted.
• Commitment to heritage by the Zoo.	Noted.
• Commitment to State heritage by DEC.	Noted.
• Welcome addition of incentives for the benefit of owners of heritage places.	Noted.

(ii) **Comments opposing or suggesting change to Policy P313 –**

<ul style="list-style-type: none"> <li>Suggestion not to duplicate State heritage places on the local Inventory</li> </ul>	Not upheld.
<ul style="list-style-type: none"> <li>Inconsistency between TPS6 clause 6.11 and Policy P313 in relation to total prohibition of demolition and significant alterations on heritage places.</li> </ul>	Partially upheld: <ul style="list-style-type: none"> <li>amend Management Categories in Policy P313 to remove conflict with TPS6;</li> <li>refer to heritage consultant;</li> <li>amend TPS6;</li> <li>examine Inventory classifications.</li> </ul>
<ul style="list-style-type: none"> <li>Inconsistency between TPS6 clause 6.11 and Policy P313 in relation to inclusion of Category C places in the Inventory.</li> </ul>	Partially upheld: <ul style="list-style-type: none"> <li>heritage consultant to examine each Category C place re possible upgrade for inclusion in Heritage List.</li> </ul>
<ul style="list-style-type: none"> <li>Suggest an option for voluntary listing of Category C places on Heritage List.</li> </ul>	Not upheld.
<ul style="list-style-type: none"> <li>Correction of incorrect State Heritage Office website address and Zoo land description.</li> </ul>	Upheld: <ul style="list-style-type: none"> <li>information to be corrected.</li> </ul>
<ul style="list-style-type: none"> <li>Need for definition of 'significant alteration'.</li> </ul>	Upheld: <ul style="list-style-type: none"> <li>definition to be inserted into TPS6 and Policy P313.</li> </ul>
<ul style="list-style-type: none"> <li>Need to identify specific buildings being listed on large sites, not whole sites.</li> </ul>	Partially upheld: <ul style="list-style-type: none"> <li>heritage consultant to identify and classify each building separately.</li> </ul>
<ul style="list-style-type: none"> <li>Definitions of 'Category A+', 'Category A' and 'Category B' should match provisions of TPS6 clause 6.11.</li> </ul>	Upheld: <ul style="list-style-type: none"> <li>refer to heritage consultant</li> <li>Policy P313 be amended to remove conflict with TPS6;</li> <li>Amendment to TPS6.</li> </ul>
<ul style="list-style-type: none"> <li>Suggest simplify categories in Heritage List because prohibition of demolition and significant alterations applies equally to all categories.</li> </ul>	Partially upheld: <ul style="list-style-type: none"> <li>heritage consultant to examine category structure.</li> </ul>
<ul style="list-style-type: none"> <li>Undertake full heritage assessment prior to creating an interim 'deemed' Heritage List.</li> </ul>	Partially upheld: <ul style="list-style-type: none"> <li>heritage consultant to fully assess DEC sites prior to Council adoption of permanent Heritage List;</li> <li>until the Heritage List is adopted, Council will deem the Inventory to be an interim Heritage List for the purpose of protection and enabling heritage incentives to operate.</li> </ul>
<ul style="list-style-type: none"> <li>Need to consider ongoing functionality of listed places.</li> </ul>	Partially upheld: <ul style="list-style-type: none"> <li>heritage consultant to assess individual buildings on DEC sites to determine listing.</li> </ul>
<ul style="list-style-type: none"> <li>Suggest creating heritage precincts.</li> </ul>	Not upheld but submitter be invited to comment during Inventory review.
<ul style="list-style-type: none"> <li>Council will need to publicise heritage incentives.</li> </ul>	Upheld.
<ul style="list-style-type: none"> <li>Council should undertake quick Scheme Amendments to assist with heritage protection.</li> </ul>	Not upheld – not possible.
<ul style="list-style-type: none"> <li>Public perception depends on presentation of Policy.</li> </ul>	Partially upheld:

	<ul style="list-style-type: none"> <li>City to discuss with heritage consultant.</li> </ul>
<ul style="list-style-type: none"> <li>Council should encourage upgrading of local shops.</li> </ul>	Not upheld – beyond the scope of Policy P313.
<ul style="list-style-type: none"> <li>Council should grant benefits to sympathetically designed development in 'character' residential areas.</li> </ul>	Not upheld.
<ul style="list-style-type: none"> <li>City officers recommend a range of minor improvements and clarification to various parts of the text to assist with better understanding and operation of the Policy. The changes relate mainly to definitions of all Management Categories, and 'heritage assessment report', and relocation of the definition of 'Burra Charter' to an appropriate clause.</li> </ul>	Upheld.

The above list should be read in conjunction with **Attachment 10.0.1(a)** which contains the submitters' more detailed comments and officers' full responses.

## Policy and Legislative Implications

### (a) Policy process

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy. Public advertising of draft policy provisions is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The process as it relates to the draft Policy P313 is set out below, together with an estimate of the time-frame associated with each stage of the process:

Stages of Advertising and Adoption of Policy P313	Estimated Time Frame
Council resolution to endorse draft Policy P313 for advertising.	11 December 2012
Public advertising period of 24 days (Note: The minimum advertising period is 21 days)	15 January to 8 February 2013
Council review of the draft Policy P313 in light of submissions received and a resolution to formally adopt the Policy with or without modification, or not proceed with the Policy.	23 April 2013
When adopted, publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution.	Within 2 weeks of April 2013 Council meeting

### (b) Review of Inventory

Adoption of Policy P313 will enable the City to commence a full review of the Inventory. It is envisaged that the Inventory review will involve the following steps:

Stages of Review of Inventory	Estimated Time Frame
Council adoption of Policy P313 'Local Heritage Listing'.	23 April 2013
Preparation of a brief for a heritage consultant, including the requirement for the consultant to prepare a consultation strategy.	July 2013
Provision of funding for a heritage consultant on the City's 2013/14 annual budget.	July 2013
The City will appoint a heritage consultant to advise on certain aspects of the process and to undertake a full review of the Inventory, which will involve the tasks identified elsewhere in this report, in addition to other tasks.	Not yet known
With full landowner and community consultation, the consultant will prepare a draft revised Inventory.	Not yet known

When prepared to the City's satisfaction, the draft Inventory will be endorsed by the Council for community consultation for 42 days, in order to synchronise with advertising of draft Policy P314 and Scheme Amendment. (Note: The minimum advertising period is 21 days for the Inventory and Policy P314 'Heritage List'.)	Not yet known
At the conclusion of the advertising period, Council will consider any submissions, and adopt the revised Inventory, with or without modifications, having regard to the processes contained in Policy P313.	Not yet known

**(c) Heritage List**

A draft outline of a preliminary draft Policy P314 was presented to the December 2012 Council meeting for information only. The actual draft Policy P314, containing the Heritage List, will be prepared when the draft revised Inventory has been completed. The two documents will be endorsed by Council for community consultation at the same Council meeting and will be advertised concurrently.

The key steps in this process are set out below:

Process Step	Estimated Time Frame
Compilation of a draft Heritage List comprising LHI places with Management Categories of A+, A and B taken from the Inventory.	Not yet known - based on Inventory
Draft Policy P314 'Heritage List', the revised Inventory and the Scheme Amendment will be presented to Council for endorsement for community advertising at the same Council meeting, to enable the three documents to be advertised concurrently.	Not yet known - concurrently with Inventory
Council consideration of submissions and adoption of Policy P314, with or without modifications.	Not yet known - concurrently with Inventory

When Policy P314 'Heritage List' has been finally adopted as a planning policy, and the Scheme Amendment has been adopted, all of the City's heritage provisions, including TPS6 clause 6.11 and the heritage incentives referred to in Policy P313, will become fully operative.

**(d) Amendment to TPS6**

Heritage provisions are contained in a number of places throughout TPS6. The most relevant is clause 6.11, which is provided as **Attachment 10.0.1(c)**.

As a result of submissions, it has become apparent that clause 6.11 of TPS6 will need to be amended to reflect the Council's latest position on heritage protection. It is intended that a draft Scheme Amendment will be presented to the Council for endorsement at the same time as the draft Inventory and draft Heritage List are considered. To avoid confusion arising from the different lengths of the advertising periods, it is intended that the three documents (Inventory, Policy P314 and Scheme Amendment) will all be advertised for 42 days, which is the minimum period for Scheme Amendment advertising. However, due to the longer statutory process for Scheme Amendments, involving the Western Australian Planning Commission, the Minister and publication in the *Government Gazette*, the former two documents are likely to be adopted and operating long before the Scheme Amendment is finalised.

The content of the Scheme Amendment has not yet been finalised, but might include matters such as the following, among others:

- inserting a new definition for the term 'significant alteration';
- deleting from clause 6.11(5) the existing reference to demolition of Heritage List places being approved if an owner submits a development application;
- deleting from clause 6.11(6) the existing reference to Category C places in the Heritage List;
- deleting from clause 6.11(6) the existing need for a heritage assessment when development is proposed on a Category C place;
- deleting any reference to the Management Categories of places in the Heritage List, on the grounds that the same prohibitions, requirements and incentives will apply to all places of any category, once included in the Heritage List; and
- more generally reviewing the content of clause 6.11 to reflect the Council's latest position on heritage protection.

A simple process chart has been provided at **Attachment 10.0.1(d)**. The chart links the above three processes visually.

Following the Minister's final approval of the Scheme Amendment, there might be a need to review Policy P313 to ensure that there are no inconsistencies between the two documents.

**(e) Management Practice**

The heritage incentives proposed in Policy P313 '*Local Heritage Listing*', particularly those affecting financial concessions or reimbursements to owners, will require careful administration. It is anticipated that at the appropriate time, a Management Practice will be prepared to guide these processes in more detail regarding the City's and the owners' responsibilities. Such a Management Practice might cover the following administrative matters:

- (i) The process for applying for a heritage incentive - a heritage incentive application form, required justification and supporting information to be submitted by the applicant for various kinds of incentive.
- (ii) The determination process – all requests for incentives and bonuses (other than supplying documents such as MHI assessments, copies of plans, etc, at no cost to the applicant), to be determined at a Council meeting.
- (iii) In the case of development incentives, these would be considered at a Design Advisory Consultants' meeting and the DAC architects would provide a recommendation to the Council.
- (iv) Successful applicants' ongoing conservation responsibilities – a Heritage Maintenance Agreement between the City and applicants.

It is anticipated that legal advice will be required so as to ensure that the City's ongoing interests are protected and that the heritage integrity of affected places is maintained.

**Financial Implications**

This matter has implications to the extent of the cost of advertising draft Policy P313 in the manner outlined above. It also has potential financial implications, following adoption of the Heritage List at various times in the future, in relation to:



- heritage consultant's fees, which could be in the order of \$80,000;
- legal fees in relation to advice on preparation of legal agreements with owners who have been granted heritage incentives;
- the ongoing engagement of heritage consultants from time to time, to provide advice on matters such as:
  - the merits of applications by owners who are seeking heritage incentives;
  - payment of the financial heritage incentives discussed earlier in this report, which will not be available until the final adoption of Policy P314 containing the Heritage List.
  - future addition, reclassification or deletion of places on the LHI and Heritage List (This would occur irrespective of Policy P313);

(Note: The following financial incentives are provided in Policy P313:

- a refund of development application Planning Fees when a project on a heritage site has been completed to the Council's satisfaction;
- financial assistance for heritage consultant's fees (capped at \$1000 but no greater than 50% of the consultant's fee) for the purpose of providing conservation advice in support of proposed development, or in support of a request for heritage listing or a higher heritage classification; and
- for landowners who are preparing a submission for a heritage incentive offered by any other body, provision of copies of any related heritage assessments, building plans and other documents held by the City, free of charge to the applicant.)

### **Strategic Implications**

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan”.

### **Sustainability Implications**

This report is aligned to the City's Sustainability Strategy 2012–2015.

The proposed Policy P313 contributes to the City's sustainability by promoting retention and conservation of a scarce City resource, namely, heritage places. The Policy provides for effective and consistent decisions with respect to listing, reclassifying and deleting places on the LHI and Heritage List.

### **Conclusion**

The draft Policy P313 ‘Local Heritage Listing’ has been advertised and submissions considered. The Policy has been modified in response to those submissions to ensure the best possible processes are put in place. Adoption of Policy P313 will enable the heritage process to continue with the review of the Inventory and preparation of a Heritage List based on places in the Inventory. In turn, the adoption of a Heritage List will enable clause 6.11 of TPS6 to be activated for the first time. That clause also requires certain amendments and a Scheme Amendment will be implemented for this purpose.

It is recommended that Policy P313 now be adopted in a modified form, as attached, and that other related actions be implemented as set out in the Officer Recommendation in this report.

**10.0.2 Proposed Amendment No. 38 to Town Planning Scheme No. 6 to rezone Lots 46, 47, 382 and 48 (Nos. 33, 31 and 29) Canning Highway, Cnr Way Road, South Perth to Highway Commercial with R80 residential density coding - Consideration of submissions and final adoption**

Location: Lots 46, 47, 382 and 48 (Nos. 33, 31 and 29) Canning Highway, Cnr Way Road, South Perth  
Applicant: Whelans Surveying, Mapping, Town Planning on behalf of the landowners  
Date: 1 April 2013  
Author: Cameron Howell, Planning Officer  
Reporting Officer: Vicki Lummer, Director, Development and Community Services

**Summary**

The requested amendment to Town Planning Scheme No. 6 (TPS6), identified as Amendment No. 38, relates to Lots 46, 47, 382, 48 (Nos. 33, 31 and 29) Canning Highway, cnr Way Road, South Perth. The applicant is seeking rezoning from Residential R15 to Highway Commercial (with R80 residential density coding). The current 7.0 metre building height limit will remain unchanged.

Amendment No. 38 has been advertised for public submissions. The Council now needs to consider the six submissions received during the statutory advertising period and resolve whether the Amendment should proceed, with or without modification, or should not proceed. The recommendation is for the Amendment to be finally adopted by the Council without modification and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

**Officer Recommendation**

That

- (a) The Western Australian Planning Commission be advised that Council recommends that:
- (i) the Submission supporting Amendment No. 38 be **NOTED**;
  - (ii) the Submissions neither supporting nor opposing Amendment No. 38 be **NOTED** and be conveyed to the applicant;
  - (iii) the Submissions opposing Amendment No. 38 be **NOTED** or **NOT UPHELD**, as stated in the Report on Submissions; and
  - (iv) Amendment No. 38 proceed without modification;
- (b) Amendment No. 38 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. 38 document (**Attachment 10.0.2(c)**), as required by those Regulations;
- (c) the Report on Submissions containing the Council's recommendations (**Attachment 10.0.2(a)**) and the Schedule of Submissions containing a detailed assessment of the Submissions (**Attachment 10.0.2(b)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 38 by the Minister for Planning;
- (d) the Submitters be thanked for participating in the process and be advised of the above resolution.

## Background

This report includes the following attachments:

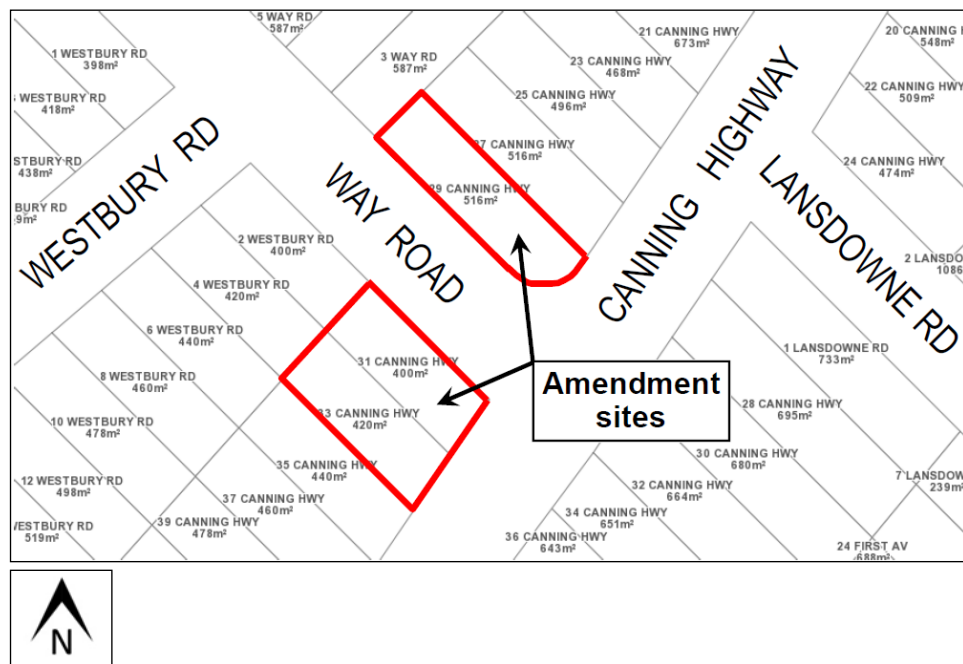
<b>Attachment 10.0.2(a)</b>	Report on submissions (for referral to the Minister)
<b>Attachment 10.0.2(b)</b>	Schedule of submissions
<b>Attachment 10.0.2(c)</b>	Amendment No. 38 documents for final adoption

Amendment No. 38 was initiated at the October 2012 Council meeting. (*Item 10.3.1 Council meeting 23 October 2012 refers*). On 25 October 2012, the Scheme Amendment documents were forwarded to the Western Australian Planning Commission (WAPC) for information; and to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required. The EPA clearance was received on 27 November 2012. Subsequently, comments were sought from the community during a 53-day advertising period.

Relevant details relating to the subject land are as follows:

<b>Lot areas</b>	Lot 46: 420 sq. metres Lot 47: 400 sq. metres Lot 382: 5 sq. metres ( <i>forms part of Lot 47</i> ) Lot 48: 516 sq. metres
<b>Current zoning</b>	Residential Lot 48 also has an "Additional Use" designation for "Offices"
<b>Current density coding</b>	R15
<b>Current building height limit</b>	7.0 metres – No change proposed.
<b>Proposed zoning</b>	Highway Commercial
<b>Proposed density coding</b>	R80
<b>Development potential under proposed Scheme Amendment</b>	As for the Highway Commercial zone
<b>Maximum plot ratio (Highway Commercial zone)</b>	0.5 = 412.5 sq. metres for Lots 46, 47 and 382 258 sq. metres for Lot 48

The location of the Amendment sites is shown below:



The Amendment sites comprise two lots on the south-western corner of Canning Highway and Way Road, South Perth and one lot on the north-west corner of that junction. The existing building (converted house) on Lot 46 (No. 33) Canning Highway is used for Consulting Room purposes. Lot 47 (No. 31) is occupied by a purpose-built dental clinic with a dwelling on the upper floor. Lot 48 (No. 29) is occupied by a converted house used for office purposes.

The subject lots are adjoined by Single Houses. Those adjoining properties and the subject lots are zoned Residential with R15 density coding. On the opposite side of Canning Highway the lots are occupied by Single Houses on land zoned Residential R80. All of this land has a 7.0 metre building height limit and no change is proposed.

Lots 46 and 47 have been used for non-residential purposes for around 40 years, with Council approval. These lots are in a single ownership. Lot 48 has been used for office purposes for around 15 years.

The landowners have no intention of converting the existing buildings back to residential use as the land is more valuable for continued commercial use. At this stage they are not proposing to redevelop the land and therefore the Amendment proposal is not supported by development concept plans.

## **Comment**

### **(a) Rationale for supporting Scheme Amendment**

The requested Scheme Amendment is considered reasonable, owing to the historical use of the subject lots for non-residential purposes for many years. The rezoning and increased density coding is supported, having regard to the following:

- All three of the subject lots have been used for non-residential purposes for many years, thus establishing the community's expectation of continued use of the land for such purposes.
- The subject lots are situated at a key strategic, traffic-light controlled road intersection (Canning Highway/Way Road – Mill Point Road), which makes the sites suitable for permanent non-residential use.
- The Council has traditionally supported Scheme Amendments for non-residential use of land at traffic light-controlled intersections along Canning Highway, and the subject lots are situated at the last such intersection not zoned Highway Commercial, despite their ongoing non-residential use.
- The proposal is not to rezone land used for residential purposes because commercial uses have been operating on all three sites for many years. These properties form an established commercial node that services the community.
- The proposal is relatively minor in nature and does not involve an increase in the current Building Height Limit.
- Lots 46 and 47 are of adequate commercial size (combined area of 825 sq. metres) to warrant rezoning consideration.
- The subject lots are within the proposed Highway Commercial activity centre ('Canning Highway/Way Road Centre') as identified in the draft Local Planning Strategy. This places the subject land in an appropriate context. The current 'Residential' zoning is not consistent with the proposal to establish this commercial node.

In terms of the juxtaposition of R80 adjacent to the existing R15 coding, whilst elsewhere in the City there have been development issues where such

development occurs, in this case it is considered that these issues will not occur for the following reasons:

- The building height limit for the subject sites (7.0 metres) will not change. The same height limit as applies to the adjoining Residential R15 zoned land will be retained.
- The Council and the Minister have both recently supported a similar zoning arrangement at the corner of South Terrace and Canning Highway by means of TPS6 Amendment No. 28. In that instance, the 'Amendment site' was rezoned to Highway Commercial (R80) while the adjoining land retains the Residential (R40) zoning.
- Under clause 5.1(4) of TPS6, neighbouring residential amenity is protected by means of greater front and side setbacks required for commercial sites adjoining residential land. The relevant clause reads as follows:

*“(4) Notwithstanding the minimum setbacks prescribed in Table 3:*

- (a) in any non-residential zone where a development site has a common boundary with land in the Residential zone:*
  - (i) the Council may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site; and*
  - (ii) the setback from that common boundary shall be the same as that prescribed for Grouped Dwellings on the adjoining residential land, unless otherwise prescribed by the Council.”*

**(b) Canning Highway Reservation Review**

The *Canning Highway Reservation Review* has been undertaken recently by consultants appointed by the WA Department of Transport. The purpose of the study was to produce a single comprehensive plan for road requirements and land use planning for the section of Canning Highway from Albany Highway to Canning Bridge. It involved:

- preparation of an access strategy that minimises frontage access onto Canning Highway;
- investigation of the potential for up-coding of affected properties along the Highway by way of a study of urban design and desired building form; and
- preparation of a road design concept and reservation plans that accommodate the requirements of an activity corridor.

The study has been completed. The preferred design concept for future road widening (i.e. typical section) generally fits within the existing Canning Highway 'Primary Regional Road' reservation as shown on the Metropolitan Region Scheme maps. However, at some intersections, it will be necessary to expand the existing MRS reservation and incorporate additional land to accommodate elements of the proposed road design.

At the Way Road junction, the study has found that, on the south-west corner, the land already reserved under the MRS is sufficient for the future road widening. On the north-west corner, in addition to land already reserved under the MRS, the study has found that a further 36 sq. metres would need to be reserved and eventually acquired from the corner of Lot

48. This future amendment to the Metropolitan Region Schemes does not impinge upon the merits of the currently proposed Amendment to TPS6.

At its June 2012 meeting, Council resolved to support in principle, the proposals in the *Canning Highway Reservation Review* as detailed in the Final Planning Report dated 10 January 2012. Council also resolved that the WA Department of Planning be requested to expedite the purchase of all of the land required to facilitate the proposed widening and upgrading of Canning Highway.

### **Consultation**

Following Council's receipt of confirmation that an EPA assessment is not required, the advertising process commenced on 15 January 2013. It was not possible to advertise the Amendment earlier because Council Policy P301 "Consultation for Planning Proposals" prevents advertising of Scheme Amendments during the mid-December to mid-January period.

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

- Letters and Notices mailed to 54 landowners in Canning Highway and Way Road within 150 metres of the Amendment site and adjoining properties in Westbury Road, as well as affected government agencies;
- Southern Gazette newspaper notice in two issues - 15 January and 5 February 2013;
- Amendment notice signage erected on Lots 46, 47 and 48 Canning Highway; 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 53 days from 15 January to 8 March 2013.

During the advertising period, six submissions were received, one supporting the proposal, three neither supporting nor objecting to the proposal and two objecting to the proposal. *The actual submissions are confidential, but are available for Councillors' perusal in the Council Members' lounge prior to the Council meeting.* The full submissions, together with officer responses are contained in the attached Report on Submissions and Schedule of Submissions (**Attachments 10.0.2(a) and 10.0.2(b)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. The Report and the Schedule contain recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

### **Policy and Legislative Implications**

The statutory Scheme Amendment process as it relates to Amendment No. 38 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Actual and estimated dates
Council resolution to initiate Amendment No. 38 to TPS6	23 October 2012
Council adoption of draft Scheme Amendment No. 38 proposals for advertising purposes	23 October 2012
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	25 October 2012
Public advertising period of 53 days	15 January - 8 March 2013
Council consideration of Report on Submissions	23 April 2013
Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council's recommendation on the proposed Amendment No. 38;</li> <li>• Three signed and sealed copies of Amendment No. 38 documents for final approval</li> </ul>	Not more than two weeks after April 2013 Council meeting.
Minister's final determination of Amendment No. 38 to TPS6 and publication in <i>Government Gazette</i>	Not yet known
Publication of the approved Amendment No. 38 notice in the <i>Government Gazette</i>	Not yet known

Following the Council's decision to recommend to the Minister that Amendment No. 38 proceed without modifications, three copies of the Amendment document will be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council's recommendation.

### Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process have been covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, the estimated Planning Fee of \$15,000 was paid on 16 November 2012 following Council's resolution to initiate the Scheme Amendment process. The actual fee will be based on officers' time and other actual costs incurred by the City. At the completion of the amendment process the fee will be adjusted to reflect actual costs.

### Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's [Strategic Community Plan 2013–2023](#), which is expressed in the following terms: *Accommodate the needs of a diverse and growing population.*

### Sustainability Implications

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

The rezoning proposal does not include any plans for future redevelopment of the subject sites. Scheme Amendment No. 38 simply provides the landowners with surety in regard to zoning reflecting the historic non-residential use of the land.

While it is not currently the applicants' intention to redevelop the properties, the proposed Amendment No. 38 provides an opportunity for more effective use of land and expansion of employment opportunities within the locality. The rezoning of the land from Residential to Highway Commercial may allow a mix of residential and non-residential uses and contribute towards increased local employment opportunities and urban infill which are objectives of the State Government and the City, in the interest of sustainability.

### **Conclusion**

The requested amendment to TPS6 is considered reasonable, having regard to the fact that the sites have been used for office and consulting room purposes for many years. Further, the subject properties are the only sites at traffic light-controlled intersections on Canning Highway which are not currently zoned Highway Commercial. Retention of the existing 7.0 metre building height limit will ensure that any future replacement buildings will not be out of scale with adjoining residential properties.

The proposed Amendment is consistent with orderly and proper planning and will formalise the historic and ongoing use of the sites for Office and Consulting Room purposes.

Having regard to all of the submitters' comments and assessment of them by City Officers, the proposed Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed without modification be forwarded to the Minister.



## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

Nil

## 10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Rezoning Pt Lot 2 (No. 54) Manning Road NE Cnr Ley Street, Manning: Reconsideration following refusal of proposed Amendment No. 34 to Town Planning Scheme No. 6

Location: City of South Perth  
Applicant: Council  
File Ref: LP/209/34  
Date: 11 April 2013  
Author: Rod Bercov, Strategic Urban Planning Adviser  
Reporting Officer: Vicki Lummer, Director, Development and Community Services

#### Summary

The subject site at No. 54 Manning Road cnr Ley Street is often referred to as the Telstra site because, until about 2000, it was occupied by a Telstra training school. Around that time it was purchased by the Carcione Group. However, although various rezoning requests have been submitted by the landowners over the intervening years, the site is still reserved for 'Public Purposes (Telstra)'. Most recently, in September 2012 Council considered a request for a Scheme Amendment involving:

- rezoning to 'Highway Commercial' along the Manning Road frontage and 'Residential' for the remainder;
- R160 density coding;
- building height limits of 36 metres, 21 metres and 14 metres over various portions of the site; and
- mandatory design requirements to ensure high quality development.

The Council refused that application.

Council has received advice of the owners' 'Section 76' submission to the Minister for Planning, seeking his intervention to instruct the Council to initiate a Scheme Amendment for the purpose requested in September 2012. The Council has been invited to make a submission to the Minister before he makes a decision on the Section 76 submission.

At the April Council meeting, a resolution needs to be adopted advising the Minister of the kind of Scheme Amendment the Council would be prepared to consider. A letter containing the Council resolution will be sent to the Minister following the April meeting. In addition to the letter, if the Council supports the officer recommendation, this report will be sent to the Minister by way of explanation of the rationale for the suggested new Scheme Amendment.

#### Officer Recommendation

That

- (a) in response to the 'Section 76' submission lodged by the owners of Pt Lot 2
- Recommendation continued**

(No. 54) Manning Road NE cnr Ley Street, Manning, the Minister for Planning be advised that Council would be prepared to consider a new Scheme Amendment proposal for that site incorporating the following:

- (i) rezoning from the 'Public Purposes (Telstra)' reserve, to:
  - 'Highway Commercial' zone along whole Manning Road frontage;
  - 'Residential' zone for remainder of the site;
- (ii) R100 density coding with a plot ratio of 1.25 over the whole site;
- (iii) Building Height Limits as follows:
  - 7 metres along the Ley Street north of telephone exchange;
  - 10.5 metres along the Manning Road frontage and the balance of Ley Street;
  - 21 metres around the park boundary;
  - 28 metres in the centre of the site;
- (iv) mandatory design requirements to ensure high quality development, as contained in the proposed Amendment No. 34 presented to the September 2012 Council meeting, together with other land use and design requirements that may be identified when Council considers the landowners' new Scheme Amendment proposal.

(b) the landowners be advised of Council's resolution.

### **Background**

This report includes the following Attachments:

- Attachment 10.3.1(a):** Section 76 of Planning and Development Act.
- Attachment 10.3.1(b):** Letter from Director General, WA Department of Planning accompanying Section 76 submission.
- Attachment 10.3.1(c):** Workshop held on 5 March 2013: Summary of deliberations.
- Attachment 10.3.1(d):** Indicative plan depicting zoning, density coding and building height limits recommended for a new Scheme Amendment.

At the September 2012 meeting, Council considered the application for Scheme Amendment No. 34 for the purposes outlined under 'Summary' above. That proposed Scheme Amendment also required compliance with a range of special design requirements aimed at ensuring that the future development would be of high quality. The officer report recommended that the Scheme Amendment process be initiated to allow advertising, inviting public submissions. However, the Council refused the application and invited the applicants to submit a further Scheme Amendment proposal that would result in a development with a bulk and scale more in keeping with the locality.

The Council resolution did not offer sufficiently clear guidance to the applicants as to the kind of Scheme Amendment the Council would be prepared to consider. In an endeavour to find a way forward, on 16 November 2012 the Mayor and senior City officers met with Mr Robert Carcione and his planning consultant, Mr Scott Kerr. This led to the scheduling of a Council Members' workshop which was held on 5 March 2013.

The Notes from the 5 March Council Members' Concept Briefing (workshop) were attached to the agenda for the March Council meeting (Item 7.2.2) and duly noted at the meeting. Those Notes refer to the landowners' 'Section 76 submission' to the Minister and contain details of the historic background presented by the Strategic Urban Planning Adviser and the presentation by Facilitator, Charles Johnson.

Mr Johnson emphasised the need for Council Members to have due regard to local and regional planning and urban design principles and objectives in arriving at a consensus regarding an appropriate amendment to Town Planning Scheme No. 6 (TPS6) for the subject site.

## Comment

### (a) Section 76 provisions

In relation to the Scheme Amendment process, the *Planning and Development Act 2005* was amended in 2010 to enable the Minister to order a local government to amend its Town Planning Scheme in justified cases. **Attachment 10.3.1(a)** to this report contains the full text of Section 76 of the Act. Section 76 states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a Scheme Amendment which “ought to be adopted”, the Minister may order the local government to do so, or may approve the Amendment subject to any modifications and conditions as he thinks fit.

After the Scheme Amendment process has been initiated in response to an order from the Minister, the normal procedure is followed in accordance with the Town Planning Regulations. This includes advertising of draft Amendment proposals inviting public submissions, and Council’s consideration of any resulting submissions before making a final recommendation to the Minister.

In November 2010, the Western Australian Planning Commission (WAPC) issued ‘Planning Bulletin 102 / 2010’ regarding Section 76 of the Planning and Development Act. That Planning Bulletin was attached to the 8 March 2013 Council Members’ Bulletin.

### (b) Implications of Section 76 submission

Due to the potential intervention of the Minister, it is clearly not an option for the Council to refuse to consider any Scheme Amendment for the subject site. It is also clear that the Council must now inform the Minister of the maximum scale of development that the Council would be prepared to consider. Otherwise, the Minister may decide to direct the Council to initiate a Scheme Amendment for the purposes requested by the landowners in September 2012.

Since the Council has ‘failed’ to adopt Amendment No. 34 in draft, for the purpose of inviting public submissions, when the Minister reviews the landowners’ ‘Section 76’ representation he must decide whether the Council ‘ought’ to have initiated the Scheme Amendment process for the requested purposes. WAPC Planning Bulletin 102 / 2010 explains that, in arriving at his decision on this question, the Minister must primarily assess the requested Scheme Amendment against:

*“the interconnected principles of proper and orderly planning, the triple bottom line (social, economic and environmental considerations), efficient and effective land use, and the promotion of sustainable use and development in the State. Furthermore, without intending to limit any other factor, any relevant Local Planning Strategy or other strategic framework will be of considerable importance in making this decision.”*

(c) **Council Members' Workshop 5 March 2013**

The March 2013 workshop was assisted by an expert facilitator, Mr Charles Johnson from "Planning Context". Mr Johnson explained regional and local planning and design principles and assisted the Council Members' discussion about design issues to be considered in connection with any possible new Scheme Amendment.

At the workshop, the Council Members were informed of the applicants' Section 76 submission to the Minister. The City's Planning team had only received the Section 76 submission on the day of the workshop although the Minister had received it almost four months earlier – on 12 November 2012. When the landowners' Section 76 submission was received by the City, it was accompanied by a letter from the Director General of the WA Department of Planning (DoP) (**Attachment 10.3.1(b)**). That letter includes the following advice:

*"Please be advised that the Minister has given preliminary approval for the DoP to prepare a draft section 76 order for consideration, as it appears there is some merit in the proposed amendment and that it should proceed to advertising.*

*The Minister is still yet to decide whether to exercise his discretion in issuing a formal section 76 order. The Minister's final decision will be determined after considering any further submissions from the City. It should be further noted that the Minister is not indicating support or otherwise for the proposal, but considers that it is worthy of detailed assessment and consideration by Council and the broader community through the formal scheme amendment process".*

The letter further advised that the Council's response was to be lodged with the DoP by 25 March 2013.

The facilitator pointed out that, in light of the advice in the Director General's covering letter, the Council needs to advise the Minister of the kind of Scheme Amendment that it would be prepared to consider, with the object of facilitating higher intensity development than currently existing in the near neighbourhood.

The Council Members' deliberations at the 5 March workshop are summarised in **Attachment 10.3.1(c)** to this report.

In order to formalise the Council's position on this matter, it is necessary for an officer report to be presented for consideration at the 23 April 2013 Council meeting. Therefore it was not possible to respond to the Minister by the 25 March deadline. In view of this, a letter was sent to the Director General requesting an extension of time until 30 April 2013 for the Council to respond to the landowners' Section 76 submission. The Director General replied by letter dated 11 April 2013 confirming that the requested extension of time has been granted.

(d) **Matters considered in arriving at recommendation regarding a new Scheme Amendment**

In arriving at a position on a new Scheme Amendment before responding to the Minister on the 'Section 76' submission, the following matters have been considered:

(i) Amendment No. 7 proposals supported by the Council in 2006

In relation to the subject site, at the February 2006 meeting, the Council resolved to advise the landowners that it would support Scheme Amendment No. 7 involving:

- rezoning from the 'Public Purposes (Telstra)' reserve, to 'Highway Commercial' zone in the south-western corner and Residential zone for remainder of site;
- R30 density coding on Ley Street frontage;
- R80 density coding for remainder of site;
- Retention of 7.0 metre Building Height Limit for R30 area;
- 14 metre Building Height Limit for remainder of site;
- Plot ratio of up to 1.0 on land zoned 'Highway Commercial' subject to compliance with seven land use and design criteria.

However at the landowners' request, Amendment No. 7 was not initiated.

In 2006 the Council supported R80 density coding for the majority of the subject site. Having regard to new local and regional planning initiatives which have been implemented in the ensuing seven years, it is now considered that R100 coding should be supported as part of a new Scheme Amendment.

(ii) Amendment No. 34 - September 2012

In September 2012, City officers supported the applicants' Scheme Amendment No. 34 proposals. That Amendment included the following:

- rezoning from the 'Public Purposes (Telstra)' reserve, to:
  - 'Highway Commercial' zone along Manning Road frontage;
  - 'Residential' zone for remainder of the site;
- density coding of R160 with plot ratio of 2.0 over whole site (around 300 dwellings, depending on size);
- various Building Height Limits, as follows:
  - 14 metres (4 storeys) along Ley Street and Manning Road frontages;
  - 21 metres (6 storeys) around park boundary and in street corner;
  - 36 metres (10-11 storeys) in centre of site;
- Various setback and land use requirements including a requirement that at least 25% of the dwellings are to have a minimum plot ratio area of 100 sq. metres;
- mandatory design requirements to ensure high quality development, relating to:
  - sustainable design and water and energy efficiency;
  - active street frontages within the Highway Commercial zone;
  - articulation of building façades and provision of balconies;
  - elevation treatments which address the adjoining Park;

- elevation treatment of dwellings in Ley Street, with outstanding architectural feature opposite Philip Avenue;
- visually permeable fencing above 1200mm in Ley Street and along boundaries adjoining the Park;
- communal recreational facilities in a central court for residents, including gazebo, barbeque area, etc; and
- civic art in a forecourt or entry statement in the commercial component of the development.

The traffic study prepared by the applicant's consultant and endorsed by the City's engineers verified that the road system can accommodate the additional vehicle trips generated by a development designed in accordance with the Amendment No. 34 proposals, without adverse effect on the neighbourhood.

However the Council did not support the Amendment No. 34 proposals.

While City officers supported the R160 density coding and building height limits of 36 metres, 21 metres and 14 metres over various portions of the site, it is now recommended that the density coding be reduced to R100 and the 36 metre height limit be reduced to 28 metres, with the height limits on the Manning Road and Ley Street frontages being reduced to 10.5 metres and 7.0 metres respectively.

(iii) Applicants have not adequately justified their contention

WAPC Planning Bulletin 102 / 2010 advises that a Section 76 order is unlikely to be issued if the applicants have not adequately justified on 'planning' grounds, why a Scheme Amendment ought to have been initiated for the purposes requested. The Section 76 request form requires the applicants to substantiate their contention in this regard.

Amendment No. 34 proposed R160 density coding and Building Height Limits of 36 metres, 21 metres and 14 metres for various parts of the site. In their Section 76 submission, the applicants' 'planning' arguments to support these proposals are expressed in the following terms:

- *It reflects endorsed State and City strategic planning initiatives including "Directions 2031 and Beyond" and the "Canning Bridge Precinct Vision".*
- *The subject land is in a highly strategic location and can be developed in a manner maximising infill objectives with minimum impact".*

The applicants' 'documentary evidence' in support of the Section 76 submission is a collection of letters and emails from City officers, the Scheme Amendment documents which the applicants submitted to the September 2012 Council meeting, and the City officer's report to that meeting. While the applicants have presented valid 'planning' arguments to support a significant increase in density coding and building height limits, they have not presented specific arguments or new documentary evidence to substantiate their contention that the Council ought to have supported the extent of the increased coding and height limits proposed in Amendment No. 34.

(iv) Canning Bridge Precinct Vision

For the subject site, the Canning Bridge Precinct Vision report proposes mixed use development comprising “commercial / residential / community uses” to a maximum height of 10 storeys. This is a non-statutory strategic document containing guidelines for future development within the precinct. The ‘Vision’ proposals are currently being tested by way of a more detailed study which will lead to the adoption of the “Canning Bridge Precinct Structure Plan”. The ‘Structure Plan’ project has not yet reached the stage of presenting draft proposals for consideration by the study partners and the community. Therefore, when reviewing the ‘rezoning’ possibilities for the subject site, while being mindful of the ‘Vision’ proposals, Council is not bound to rigorously follow those proposals.

Amendment No. 34 proposed a 36 metre Building Height Limit for the central portion of the subject site, allowing 10 to 12 storeys. Lower height limits were proposed around the periphery of the site. It is now considered that the 36 metre height limit should be reduced to 28 metres (8 or 9 storeys), with lower height limits around the periphery of the site.

(v) Regional Planning Strategy: “Directions 2031”

The Western Australian Planning Commission’s regional planning strategy: “*Directions 2031 and Beyond*” and the more detailed “*Central Metropolitan Sub-regional Strategy*” promote more intensive urban infill around transportation nodes (rail and bus stations) and along major transit routes, such as Manning Road. The latter document identifies the Canning Bridge Precinct, including the subject site, as a ‘major growth area’ with a yield of 1000 dwellings or more. When considering the landowners’ Section 76 submission, it is likely that the Minister will order that a Scheme Amendment be initiated to reflect the expectations inherent in “*Directions 2031*” and the *Sub-regional Strategy*”.

(vi) Protection of amenity of surrounding locality

Properties on the southern corners of the Manning Road / Ley Street intersection are currently zoned Highway Commercial with R80 density coding. To the south of Manning Road, west of Ley Street, other properties are zoned Residential R50. Properties to the east of Ley Street are zoned Residential R20, while those to the west of Ley Street opposite the subject site (between Wooltana and Davilak streets) are zoned Residential R15.

For the subject site, it is considered that a high density coding and building height limit can be supported without adverse amenity impact because there is a substantial buffer between that site and neighbouring properties. The Davilak Crescent Reserve adjoining the northern and eastern boundaries of the subject site provides a very substantial buffer to the Davilak Crescent properties. Similarly, Manning Road, with a 30 metre wide reserve and dual carriageway, provides a substantial buffer to properties on the south side of Manning Road.

Having regard to the R15 coding of the Ley Street properties opposite the subject site, it is now recommended that, as part of any new Scheme Amendment, the Ley Street frontage of the subject site, north of the telephone exchange, retain its current 7.0 metre building height limit.

(e) **Reasons for Officer Recommendation**

It is now recommended that the Minister be advised that Council would be prepared to consider a new Scheme Amendment involving the following:

- rezoning to 'Highway Commercial' along whole Manning Road frontage and 'Residential' for the remainder of the site;
- density coding of R100 with plot ratio of 1.25 over whole site;
- Building Height Limits as follows:
  - 7 metres (2 storeys) along Ley Street north of telephone exchange;
  - 10.5 metres (3 storeys) along Manning Road frontage and balance of Ley Street;
  - 21 metres (6 storeys) around park boundary and in street corner;
  - 28 metres (8 storeys) in centre of site;
- mandatory design requirements to ensure high quality development, as contained in the previously proposed Amendment No. 34, together with other design requirements that may be identified when Council considers the landowners' new Scheme Amendment proposal.

These proposals are considered worthy of support for the following reasons:

- The subject site:
  - abuts Manning Road, a major regional transport link which is designated as an "Other Regional Road" under the Metropolitan Region Scheme and an important public transport route;
  - is in close proximity to major inter-regional transport links via the Kwinana Freeway, located approximately 600 metres to the west;
  - is within 800 metres, a recognised walkable distance, of a major public transport interchange, at Canning Bridge/Kwinana Freeway;
  - is 2 km from the Curtin University Campus;
  - is less than 2 km from the Waterford Plaza Shopping Centre;
  - directly abuts public open space at Davilak Crescent Reserve on two sides and is within 100 metres of Neil McDougall Park, located to the north-west along Ley Street.
- The traffic study undertaken for Amendment No. 34, being a higher density proposal than now recommended, showed that there would not be adverse effects in relation to additional vehicle movements. The current proposal is even more acceptable in relation to traffic issues.
- There is a substantial buffer between the subject site and neighbouring properties in the form of the Davilak Crescent Reserve adjoining the northern and eastern boundaries and Manning Road with a 30 metre wide reserve and dual carriageway to the south. The existing 7.0 metre Building Height Limit will be retained on the Ley Street frontage, north of the telephone exchange, for the benefit of Ley Street properties opposite.
- The proposed Building Height Limits on the periphery of the site are moderate, and the proposed height limit for the central portion of the site is lower than the Council has supported as part of the Canning Bridge Precinct Vision.
- The proposed R100 density coding is only one step above the R80 coding that the Council has previously supported, and below the applicants' proposed R160 coding.



**Attachment 10.3.1(d)** is an indicative plan depicting zoning, density coding and building height limits recommended for a new Scheme Amendment. The Amendment No. 7 and No. 34 proposals are also shown on Attachment 10.3.1(d) for ease of comparison.

### Consultation

Neighbour and community consultation requirements are contained in the Town Planning Regulations and in Council Policy P301 'Consultation for Planning Proposals'. After a new Scheme Amendment proposal has been submitted by the landowners (or the Minister has instructed the Council to initiate a new Scheme Amendment), following Council's endorsement of the draft Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

Community consultation will involve a 42-day advertising period, during which notices will be placed in the *Southern Gazette* newspaper, in the Civic Centre, in the City's Libraries and on the City's web site. Any submissions received during this period will be referred to a later Council meeting for consideration, before the Council decides whether or not to recommend to the Minister that the Amendment be finally approved.

### Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the Town Planning Regulations 1967 and is summarised in the table below.

Stages of Amendment Process
Council resolution to initiate new Scheme Amendment.
Council adoption of draft Scheme Amendment for advertising
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information
Public advertising period of not less than 42 days
Council consideration of Report on Submissions
Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council's recommendation on the proposed Amendment;</li> <li>• Three signed and sealed copies of the Amendment documents for final approval</li> </ul>
Minister's final determination of the Amendment and publication in <i>Government Gazette</i>

### Financial Implications

When the landowners submit a request for a new Scheme Amendment (or the Minister has instructed the Council to initiate a new Scheme Amendment), financial costs incurred during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City's adopted 'Fees and Charges Schedule 2012/2013'. The actual fee will be based on officers' time and other actual costs incurred by the City. While the estimated fee is calculated as closely as possible to cover the actual cost of the Amendment, at the completion of the Amendment process, the fee will be adjusted to reflect the actual costs.

### 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**

This report is aligned to the City's Sustainability Strategy 2012–2015.

The recommended new Scheme Amendment will provide for a mixture of dwelling sizes on the site. Commercial business and employment opportunities will also result. The design of the proposed development will be required to be of outstanding design quality and incorporate sustainable and water and energy efficient design principles.

### **Conclusion**

The new Scheme Amendment advocated in the recommendation represents a carefully considered balance, having due regard to all of the matters discussed in this report. Support for this recommendation may be beneficial against the background of the Minister's impending decision on the landowners' Section 76 submission.

### **10.3.2 Request for increased density coding from R15 to R20 for land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como**

Location: Land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como

Applicant: Mr Mal Poole, Mr Richard Reading, Ms Szyka Stevens

File Ref: LP/209

Date: 1 April 2013

Author: Gina Fraser, Senior Strategic Planning Officer

Reporting Officer: Vicki Lummer, Director, Development and Community Services

#### **Summary**

A joint request has been received from three landowners within the subject area, for an increase in residential density coding from R15 to R20 for all of the land currently coded R15 within the area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como. In previous years, the Council has considered other requests for the same increase in density coding; however, these failed due to the mixed opinions of landowners. While the current proposal is seen to have some merit, City Officers are of the opinion that having regard to the scale of the proposal and the fact that the City is currently undertaking a local housing review as part of the City-wide Local Planning Strategy, it would be more appropriate for the proposal to be considered as part of that wider, more holistic study.

It is therefore recommended that the requested density increase not be undertaken by way of an independent Scheme Amendment, but be included in the draft Local Planning Strategy prior to inviting community comment. If the R20 coding is retained following consideration of public submissions on the draft Local Planning Strategy, that coding would then be included in the draft of the next Town Planning Scheme.

#### **Officer Recommendation**

That the applicants be advised that:

- (a) at this time, the Council is not prepared to initiate a Scheme Amendment for the requested increase in density coding from R15 to R20 for the land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como;
- (b) an increase in density coding from R15 to R20 be included in the draft Local Planning Strategy for those portions of the land bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como, which are not proposed to be allocated a higher coding.

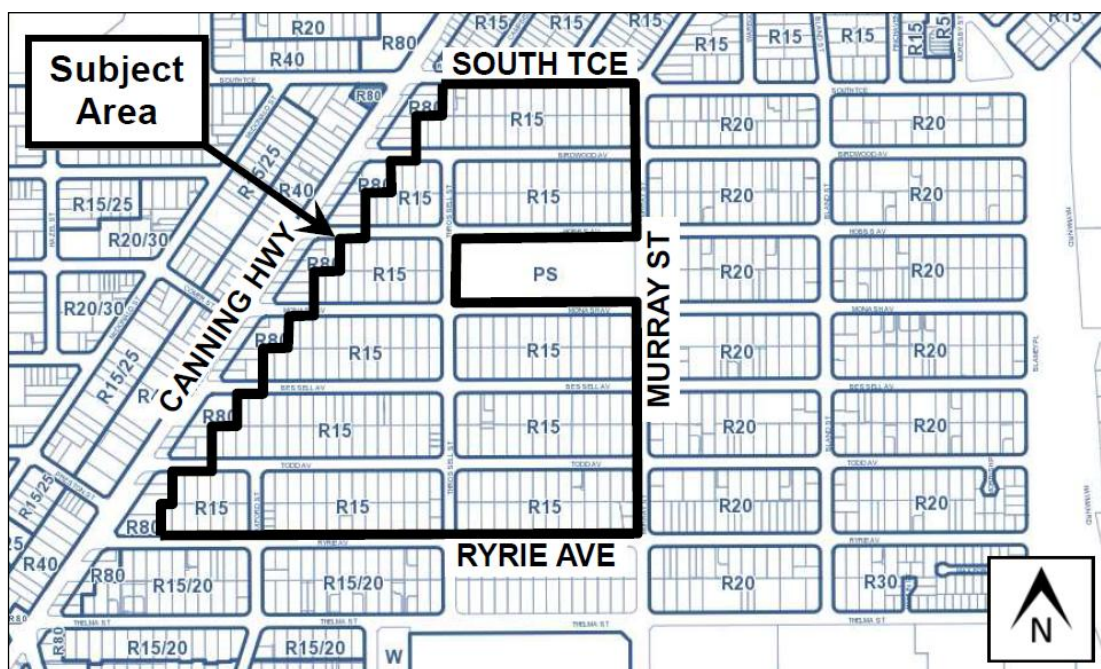
#### **Background**

A request has been submitted by three landowners in support of a density increase for the R15 properties within the area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como. The submission comprises a letter by Mr Mal Poole, a 'sample survey' petition conducted by Mr Richard Reading, and a summary of reasons for the R20 coding compiled by Ms Szyka Stevens.

This report includes the following attachments:

- Attachment 10.3.2(a)** Letter of request.
- Attachment 10.3.2(b)** Locality plan showing origin of 'sample survey' petitioners
- Attachment 10.3.2(c)** Summary of reasons for the R20 coding.

The location of the subject area is shown below, superimposed over the density codings currently allocated in TPS6 for the subject and surrounding areas:



## Comment

### (a) History

In previous years, the Council has considered other requests for an increase in density coding to R20 for the subject land. However, due to mixed opinion among landowners within the area giving no clear direction as to the community's preferred outcome, the density coding was not changed.

Town Planning Scheme No. 2, operating between 1972 and 1986, zoned this area 'Single Residential SR3'. Under this zoning, 'duplex' development was permitted on lots of 900 sq. metres and a minimum frontage of 20 metres - effectively equivalent to today's R20 coding.

Town Planning Scheme No. 5, operating between 1986 and 2003, allocated a density coding of R15 to the subject land. In 1981, this down-coding was explained in the TPS5 Scheme Report in the following way:

*"The subject area is subdivided to conventional 1012 sq. metre lot standards. Single houses predominantly within the area were developed either privately or under the War Service Homes Group Housing Scheme in the 1950s. The latter housing is contained in the area bounded by Monash Avenue, Murray Street, Ryrie Avenue and Throssell Street. The proposed R15 coding will contain the use of individual lots to single house standards only, which in fact reduces the existing (TPS2) duplex housing density potential presently held by each lot. The application of this low density zoning could be regarded as a short term form of density control dependent on the performance of the R20 coding standard in the area east of Murray Street."*

In 1986, TPS5 was gazetted with R15 coding for the subject land. A petition considered in September 1989 sought to have the 'duplex' potential for this area reinstated with an increase to R20 coding, but with 275 submissions

fairly evenly divided in opinion, the proposal was deferred in August 1990, for consideration in the TPS5 review which was due to commence the following year.

Draft TPS6 was advertised in 1998 with R15 coding for the subject area. Again, there was mixed opinion among submitters, but the landowners responded in such small numbers that the density coding was not increased.

Portions of draft TPS6 were readvertised in 2000. As part of this process, the Minister instructed that this area be advertised as R20, to test community opinion on this coding as the primary option. This time, a much larger number of local landowners responded, with 44 submitters favouring R20 and 148 supporting retention of R15 coding. With compelling arguments presented by each faction, when TPS6 was gazetted in 2003, R15 coding was retained for the subject area.

The TPS5 'short term containment strategy' for the land west of Murray Street introduced in 1986 has now been operating for some 27 years, through two Town Planning Schemes. The applicants are now asking the Council to reconsider this 'strategy'.

**(b) Letter**

The current request is in three parts, the first being a letter from a landowner in Bessell Avenue. The letter presents a case for a density increase, stating that retention of the R15 coding in the next Town Planning Scheme (as indicated in the draft Local Housing Strategy) is contrary to the State Government's policy of increasing residential density in order to:

- help reduce urban sprawl;
- encourage more sustainable living; and
- generally reduce demand for the extension of essential services, such as sewerage, roads and power.

The letter also describes the draft TPS6 process, the large size of lots in the area, the large number of developed or substantially upgraded lots and the number of undeveloped lots remaining – all of which lead to the conclusion that an increased density coding is now warranted.

The full text of the letter is provided as **Attachment I0.3.2(a)**.

**(c) 'Sample survey' petition**

Another resident has undertaken a sample survey of some of the streets within the subject area and has provided a petition signed by him and 61 other residents. This survey covers Monash, Bessell and Todd Avenues. The petition is worded as follows:

*"We the undersigned, living in the (subject area), hereby request the City of South Perth to review the Town Planning Scheme No. 6 in the above location from R15 to R20, given that there is now a large number of R20 blocks in this location."*

A portion of this petition was tabled at the February 2013 Council meeting and the Council referred it to City officers for investigation.

Although the subject area does not contain any lots coded 'R20', the petitioners are correct in that over the years, a number of lots have been developed or subdivided at a density greater than R15. This was permissible until September 1986 when the subject area was 'down-coded' to R15 under

TPS5. However, the area is predominantly characterised by 1,012 sq. metre Single House lots. The number of the redeveloped lots amounts to just under 17% of the total number of the original large lots.

The development state of the subject area is summarised below:

Streets within subject area	Original number of 1,000+ sq.m R15 lots	No. of R15 lots developed or subdivided to more than R15 density
South Terrace Nos. 155 – 183 (south side)	15	2 (13%)
Birdwood Avenue Nos. 1 – 36	35	7 (20%)
Hobbs Avenue Nos. 1 – 44	27	3 (11%)
Monash Avenue Nos. 1 – 49	32	4 (12.5%)
Bessell Avenue Nos. 1 – 59	58	15 (26%)
Todd Avenue Nos. 1 – 68	65	9 (14%)
Ryrie Avenue (Nos. 1 – 76 (north side))	35	5 (14%)
<b>TOTAL</b>	<b>267</b>	<b>45 (17%)</b>

The above table indicates a small, but noticeable degree of redevelopment over the years, prior to the development ‘quarantine’ being imposed in 1986.

The petition organiser emphasizes that the petition is not a definitive survey, since he did not attempt to speak with every landowner in the three streets that he selected. The petition merely indicates that, from the landowners he spoke with, he found a reasonable level of support for a density coding increase to R20. The location of submitters’ properties is depicted on the map in **Attachment 10.3.2(b)**. While acknowledging that the petition is only a ‘sample survey’, it is noted that the signatories represent only around 18% of all dwellings in the subject area and 23% of the dwellings within, the ‘sample survey’ streets.

**(d) Summary of reasons for the R20 coding**

A resident of Todd Avenue has provided a summary of reasons why an increase from R15 to R20 coding for the subject area should be supported by the Council. The reasons include the following:

- Arguments, such as increased crime and traffic and loss of mature trees, are not supported by any evidence and can be mitigated against in any future development approvals.
- Significant numbers of ‘duplexes’ already exist (refer to table above) and many single houses have been upgraded so significantly that insufficient space remains for a second dwelling – therefore, the resultant increase in new dwellings would be moderate and any social impacts would not be massive, as claimed by some.
- Existing lots are large, difficult to maintain and not sustainable, placing heavy demand on water for gardens.
- We need to move forward (as per the City’s motto), not remain stagnant, to accommodate growing population.
- Existing density coding does not support the ageing community, sole income families, the impaired or those struggling in tough financial times – the opportunity for subdivision provides more options and security, allowing people to downsize on the same site.

- Increased renewal and replacement of old homes with new quality housing.
- Owners with large new houses on these lots object to others subdividing, but they could also do so themselves in the future.
- There is inequity between those who subdivided years ago, and those who did not do so at that time but wish to do so now.
- Existing subdivision may still occur under R15, if owners purchase land from a neighbour to increase their own lot size – this creates an *ad hoc* pattern of development that would cease if R20 were introduced.

The full text of this submission is provided as **Attachment 10.3.2(c)**

**(e) Local Planning Strategy**

A Local Planning Strategy is being prepared by the City for the purpose of guiding the preparation of the next Town Planning Scheme. The Strategy will have two main components, being a local housing strategy and an ‘activity centres’ (local commercial) strategy. The City actively commenced work towards the Local Planning Strategy with the commencement of the Draft Local Housing Strategy in April 2011. An early draft housing strategy has been advertised and is still incomplete. The activity centres strategy is also being prepared, commencing with a retail needs study. The Draft Local Housing Strategy was subject of a Council resolution in November 2012, and will form a chapter of the Local Planning Strategy. A considerable amount of work is yet to be done before the Local Planning Strategy is finalised.

The Local Planning Strategy (Housing) concentrates on certain key elements of future development within the City. These include:

- Activity centres (South Perth peninsula, Canning Bridge) – mixed use, high intensity nodes;
- Urban corridors (Canning Highway, Manning Road) – to be flanked by medium/ intermediate density coding;
- Specific locations (Eastern Activity Centre, Manning Neighbourhood Centre);
- Dual density codings (replacement with the higher coding in each case); and
- a range of other City-wide proposals.

Large areas of the City which are not affected by any of the above, including the subject area, are currently proposed to retain their existing zoning and density coding.

In relation to the current proposal to increase the R15-coded land to R20 in the area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Planning Officers now consider that having regard to the scale of the current recoding proposal and the controversial nature of past requests, it would be appropriate to deal with the question of optimum density coding within the wider Local Planning Strategy. While a Scheme Amendment would achieve a result more quickly than would the new Town Planning Scheme, the Scheme Amendment process would not be appropriate because the current request for the Como Avenues would be in direct conflict with certain proposed changes in the Local Planning Strategy. In particular, while the applicants’ request is for R20 coding throughout the subject area, the Strategy is proposing higher coding in the vicinity of Canning

Highway and possibly in the vicinity of the South Terrace intersection. The precise details of these proposals are still being prepared.

To initiate a Scheme Amendment for a lower density coding that is being proposed in the Local Planning Strategy could compromise certain proposals being investigated for the Strategy. It is therefore recommended that the current request be included in the ongoing development of proposals for the Local Planning Strategy and that a Scheme Amendment not be initiated for the requested purpose.

## Consultation

### (a) Applicants' consultation

The three applicants have stated that they have each spoken with neighbours and other residents within the subject area, and have received a strong level of support. This is evidenced by the 'sample survey' petition of three streets within the area, signed by 62 residents. As stated above, this petition was not intended to be a saturation survey, but was undertaken merely to illustrate a level of support by residents within the surveyed area.

### (b) Scheme Amendment consultation

If the Council supports the applicants' request for an increase in density coding and decides to initiate a Scheme Amendment, the following community consultation will be undertaken by the City:

#### (i) Preliminary consultation

Clause 9.8(3) of TPS6 states that *"in the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned."*

In the current case, the applicant's consultation was not conclusive, as comments were not received from every affected landowner. Consequently, the City would carry out this consultation to the extent required by Council Planning Policy P301 'Consultation for Planning Proposals'. This involves a wider area than merely the subject area, including the owners of land within 'Area 1' as defined in Policy P301, being the lots comprising, adjoining or opposite the subject land. The minimum consultation period is 21 days.

Following this consultation, a report on any submissions would be referred to another Council meeting for consideration. At that meeting, the Council would decide whether or not to formally initiate a Scheme Amendment for the purpose requested or for a modified proposal.

#### (ii) Consultation under Town Planning Regulations

When the Council has initiated a Scheme Amendment, it is forwarded to the Environmental Protection Authority (EPA) for assessment. The statutory community consultation would be initiated when the EPA provided environmental clearance. The requirements for the community consultation process are contained in the *Town Planning Regulations 1967* and in the City's Planning Policy P301 'Consultation for Planning Proposals'. The community consultation involves a minimum 42-day advertising period during which site notices are placed within the Amendment area, and notices displayed



on the City's web site, in the *Southern Gazette* newspaper and in the City's Libraries and Civic Centre. Letters are also sent to landowners within 'Area 2' as defined in Policy P301. Any submissions received during this period would be referred to a later Council meeting for consideration before the Council decided whether or not to recommend to the Minister that the requested Amendment be finally approved, with or without modification.

Alternatively, if the Council decides that the requested density increase would be more appropriately dealt with as part of the wider Local Planning Strategy and new Town Planning Scheme, then community consultation associated with those processes would be undertaken. This would involve City-wide consultation and be seen as part of the 'bigger picture'.

### **Policy and Legislative Implications**

Whether the proposal is undertaken as a Scheme Amendment or as part of the Local Housing Strategy and the new Town Planning Scheme, it will have the effect of increasing the density coding within the subject area from R15 to R20 (or possibly higher coding if included within the Local Planning Strategy).

The statutory Town Planning Scheme and Scheme Amendment processes are set out in the *Town Planning Regulations 1967*.

In terms of the Scheme Amendment process, the *Planning and Development Act 2005* was amended in 2010 to enable the Minister to order a local government to amend its Town Planning Scheme, in justified cases. Section 76 states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which "ought to be adopted", the Minister may order the local government to do so, or may approve the Amendment subject to any modifications and conditions as he thinks fit.

### **Financial Implications**

In cases where individual landowners request an Amendment to TPS6, financial costs (administrative and advertising) incurred by the City during this process are normally covered by a Planning Fee calculated in accordance with the Council's adopted fee schedule. An estimated Planning Fee of \$15,000 is often proposed.

In the current case, however, the effect of the requested density increase is more global, and it would be unfair to require the three individual applicants to pay a fee for a density increase which would potentially benefit around 267 landowners. It would be more appropriate for the City to carry the full cost, as it would if the Council decides to consider the proposal as part of the Local Planning Strategy and new Town Planning Scheme No. 6.

It is therefore recommended that no planning fee be imposed in the event that the Council decides to initiate a Scheme Amendment for the requested purpose.

### **Strategic Implications**

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's [Strategic Community Plan 2013–2023](#), which is expressed in the following terms: *Accommodate the needs of a diverse and growing population.*

### **Sustainability Implications**

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

A density increase, achieved either through a Scheme Amendment or through the new Town Planning Scheme, will provide for a greater housing capacity for many of the lots within the subject area and will better reflect the actual density of several of the lots within the area. The area has been in 'quarantine' for some 27 years and could now be considered for a density increase. This meets the State Government strategy of allowing higher densities in appropriate areas, to accommodate the growing population within the Perth metropolitan region.

### **Conclusion**

The three main proponents of the current request understand that, should the Council indicate that it is prepared to test their request through the Scheme Amendment process, the City will seek comments from every landowner within the area, as required by clause 9.8(3) of TPS6, before the Council decides whether or not to formally initiate a Scheme Amendment process.

However, as stated above, City Officers are of the opinion that the request is too far-reaching to be processed by way of a Scheme Amendment, when a parallel process for examining the City's residential density codings has already commenced in the form of the Local Planning Strategy. Rather, the increased density proposal should be dealt with as part of that process in the same way as recoding of other large areas is being examined. This will avoid the duplication of consultation and eliminate any possible conflict of outcomes between the two processes.

### 10.3.3 Proposed Community Centre - Lot 571 (No 9) Bradshaw Crescent, Manning

Location: Lot 571 (No. 9) Bradshaw Crescent, Manning  
Applicant: Bollig Design Group Pty Ltd  
File Ref: 11.2012.318 BR1/7  
Lodgement Date: 9 July 2012  
Date: 2 April 2013  
Author: Peter Ng, Planning Officer  
Reporting Officer: Vicki Lummer, Director, Development and Community Services

#### Summary

To consider an application for planning approval for a Community Centre on Lot 571 (No 9) Bradshaw Crescent, Manning. The proposed Community Centre is part of the Manning Community Hub Concept Plan to create an integrated and cohesive community centre in Manning, and replace a number of aging existing community facilities which are no longer adequate for their intended purposes.

Element on which discretion is sought	Source of discretionary power
Land use	TPS6 Clause 3.3
Car parking provision	TPS6 Clause 7.8(1) and 6.3(2)

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

#### Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a proposed Community Centre on Lot 571 (No 9) Bradshaw Crescent, Manning **be approved** subject to:

#### (a) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the design modification as shown on the Preliminary Town Square Site Plan dated 13 December 2012, addressing the following specific matters:
  - (A) The addition of the Town Square along the pedestrian street;
  - (B) The reduction of the library footprint;
  - (C) The sun shading over the concrete seating area overlooking the oval; and
  - (D) The removal of the lift adjacent to the sporting club.
- (ii) A traffic study shall be carried out by independent traffic consultants on the traffic generated from the proposed Community Centre. This is to ensure that the proposed access and egress to and from the site is adequate, and provide a safe traffic flow on the road system.
- (iii) The approved drawings show that the proposed crossover will interfere with existing City property; two (2) street trees situated within the road reserve. The applicant is required to pay a sum of \$3,855.50 (GST inclusive) for the cost of removing and replacing this property as detailed in a tax invoice that will be issued by the City, prior to the collection of a building permit.

**Recommendation continued**

- (iv) Two (2) existing established trees, Tree ID Nos. 12014 and 12015 next to the proposed ramp shall be identified for retention on the working drawings and landscaping plans, and shall be protected prior to and during construction.

**(b) Standard Conditions**

416	Street tree - Not to be removed	470	Retaining walls - If required
507	Street tree - Protect and retain	471	Retaining walls - Timing
390	Crossover - Standards	455	Dividing fences - Standards
410	Crossover - Affects infrastructure	456	Dividing fences - Timing
393	Verge and kerbing works	340A	Parapet walls - Finish from street
625	Sightlines for drivers	508	Landscaping approved and completed
352	Car bays - Marked and visible	550	Plumbing hidden
353	Visitor bays - Marked and visible	445	Stormwater infrastructure
354	Car bays - Maintained	427	Colours and materials - Details
578	New titles prior to building permit	660	Expiry of approval

**(c) Standard Advice Notes**

700A	Building permit required	762	Landscaping - Plan required
705	Revised drawings required	709	Masonry fences require BA
706	Applicant to resolve issues	790	Minor variations - Seek approval
725	Fences note - Comply with that Act	795B	Appeal rights - Council decision
712	Liaise with the City's Environmental Health Services	714	Liaise with the City's Engineering Infrastructure

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Neighbourhood Centre Commercial
<b>Density coding</b>	R20
<b>Lot area</b>	9503 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Plot ratio limit</b>	0.75

This report includes the following attachments:

- Attachment 10.3.3(a)** Plans and 3-dimensional image of the proposal.
- Attachment 10.3.3(b)** Site photographs.

**Attachment 10.3.3(c)**

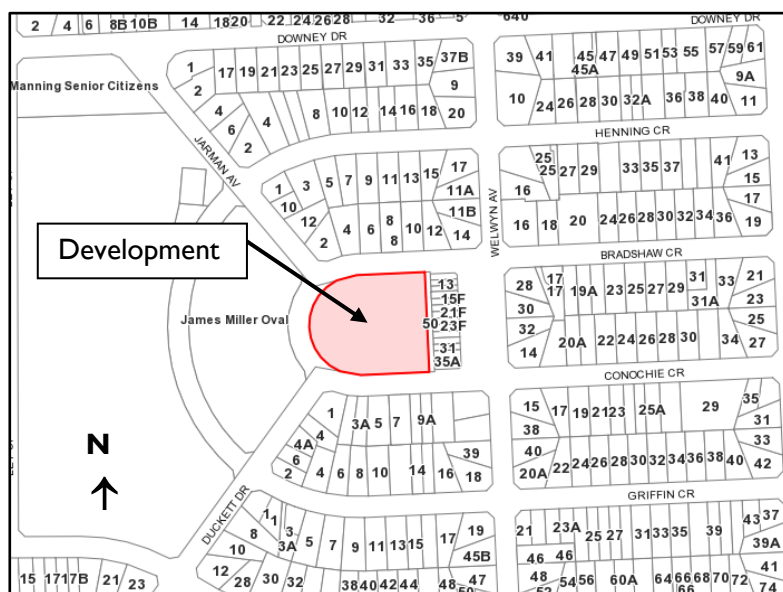
Minutes of the Special Electors' Meeting.

**Attachment 10.3.3(d)**

Community flyer.

**Confidential Attachment 10.3.3(e)** Neighbours' submissions.

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 category 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.*

**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**

The City endorsed the development of the Manning Community Facility Study in 2009. The proposed development of a Manning Community Hub in the Manning Precinct is embracing the current Manning Hall, James Miller Pavilion, Manning Infant Health Clinic and the tennis club pavilion, as well as enhancing better interaction between the Welwyn Street shops and the facility. The Manning Community Facility Study 2009 formed part of the brief provided to the consultants, who were appointed at the December 2011 Council Meeting. At the commencement of the project the City and consultants identified that the Manning Community Facility Study did not accord with the current spatial requirements of the user groups. Through the design development process, the user group spaces were reinvestigated and a decision made to proceed with undercroft car parking, in order to provide the most efficient use of space. The resultant plans are reflective of the requirements of each user group and the community.

The Council conducted extensive community consultation during June / July 2011 to ascertain community support, and found an overwhelming level of positive community support for the land acquisition and development.

This application was originally referred to the October 2012 Council Meeting. However, due to the community concerns expressed during deputations at the Agenda Briefing held on 16 October 2012, this application was withdrawn from the agenda to allow for further discussions with Council and the community.

A Special Electors' Meeting was held on 26 October 2012. Officers of the City of South Perth and the architect were present to address occupancy matters raised by members of the public. The minutes of this meeting are included as **Attachment 10.3.3(c)**.

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

The subject site is located at Lot 579 (No. 9) Bradshaw Crescent, Manning (the site). The existing development on the site currently features a community hall, child health clinic / public toilet building, disused sporting courts (4), old tennis clubhouse (presently housing the Moorditj Keila Aboriginal Group), and a playground and garden shed used by the City of South Perth, as depicted in the site photographs referred to as **Attachment 10.3.3(b)**.

The existing public facilities have reached the end of their useful life and maximum usage potential. In addition, the under-utilised area has been experiencing crime and anti-social behaviour.

The situation is compounded to some degree by the fact that the existing Welwyn Avenue Shopping Centre and the community facilities are facing the opposite direction without any pedestrian linkage.

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

The site has a frontage to Bradshaw Crescent to the north and Conochie Crescent to the south, located adjacent to James Miller Oval to the west with a commercial use to the east.

As part of the proposed Community Centre development, the closed Bradshaw "Loop" road reserve which has been approved by Council will form an important link between the Community Centre and James Miller Oval recreation reserve.

The City is currently in the process of acquiring Reserve 24331. The Council was provided with an update on this at the March 2013 Ordinary Council Meeting (*Item 10.0.1 Proposed Amendment 36 to Town Planning Scheme No. 6 – No. 9 Bradshaw Crescent & No. 8 Conochie Crescent, and Lots 9 and 11 Welwyn Avenue, Manning refers*).

**Figure 1** below provides an illustration of the locality:



**(d) Description of the proposal**

The proposal involves the demolition of the existing public facilities and the construction of a single storey Community Centre, with basement car parking on part of Lot 571 (No. 9) Bradshaw Crescent.

The remaining portion of Lot 571 will be subdivided for future mixed use development with future underground car parking, as depicted in the submitted plans and 3-dimensional image referred to as **Attachment 10.3.3(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment.

The proposed Community Centre comprises of:

- Child Health Centre;
- Multipurpose activity (“Hall”);
- Early Years and associated outdoor space;
- Moorditj Keila Aboriginal Centre and outdoor gathering;
- Sporting club;
- Manning Toy Library; and
- Manning Library.

The following components of the proposed development are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) and Council policy requirements:

- Minimum levels (TPS6 Clause 6.9);
- Maximum levels (TPS6 Clause 6.10);
- General setback and plot ratio requirements (TPS6 Table 3);
- Building height (TPS6 Clause 6.2);
- Dimensions of car parking bays and access-ways (TPS6 Clause 6.3.8 and Schedule 5); and
- Driveway gradients (TPS6 Clause 6.10.2 and P350.3).

For the following components of the proposed development, which will be discussed in detail within this report, it is considered that the proposal complies with the applicable discretionary clauses and is therefore supported by the City:

- “Civic Use” land use - “P” [Permitted] (TPS6 Clause 3.3 and Table 1);
- Boundary walls (Council Policy P350.02);
- Non-residential car parking bays (TPS6 Table 6); and
- Vehicular access and movements.

**(e) Land use**

The proposed Community Centre is considered as “Civic Use” which is defined as *a land or building used by a government department, an instrumentality of the Crown, or the Council for administrative, recreational or other purposes*. “Civic Use” land use is classified as a “P” (Permitted) land use in Table 1 (Zoning - Land use) of TPS6.

In considering this permitted use, it is observed that the site adjoins residential, in a location with a mixed-use streetscape. Accordingly, the use is regarded as complying with Table 1 of the Scheme.

**(f) Car parking**

The proposed number of car parking bays for the Community Centre is 75 car bays. There is no car parking provision for “Civic Use” land use under Table 4 of TPS6 development requirements.

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. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause:

- (a) Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality.
- (b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct, or upon the likely future development of the precinct.
- (c) The proposed development meets the objectives for the City and for the precinct, in which the land is situated, as specified in the precinct plan for that precinct.

In response to the above matters, the applicant has provided written justification which is supported by the officers:

- Orderly and proper planning and the preservation of the amenity of the locality

The City is of the opinion that the diverse range of land uses in the locality will offer reciprocal parking between uses, i.e. shopping centre / library and the existence of a significant number of parking bays within the road reserve.

With reference to the City of South Perth’s Draft Reserve and Streetscape Master Plan for James Miller Oval dated August 2013, a total of 34 car parking bays is proposed along Jarman Avenue and Duckett Drive. An additional 19 bays are being proposed on existing Sporting Club facilities, making a total of 53 off-site car parking bays. Additionally, many local



residents who would use the proposed services would commute by alternative modes of transport, and may also visit more than one business during their trip.

- Not have any adverse effect upon the occupiers / users

The City observes that the sharing of car parking bays in the locality already exists due to the number of commercial uses along Welwyn Avenue. As a result, it is observed that there would be no adverse impact on the amenity of the locality arising from the sharing of car parking bays within this development.

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

**(g) Vehicular access and movements**

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 and 7.5 of TPS6 with regards to vehicular access and movements.

Clause 7.5 of TPS6 states as follows:

- (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; and*
- (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.*

A traffic study is recommended to consider traffic in the area and access to the site.

**(h) 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;*
- (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; and*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*

The proposed development is considered satisfactory in relation to all of these matters, subject to 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;*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia;*
- (g) *In the case of land reserved under the Scheme, the purpose of the reserve;*
- (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;*
- (p) *Any social issues that have an effect on the amenity of the locality;*
- (q) *The topographic nature or geographic location of the land;*
- (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 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 August 2012. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
The Design Advisory Architects considered the proposed development and observed that while the proposed built form will sit comfortably within the existing streetscape character, the scale of the public building could have been larger, with a scope	The design of the buildings reflects both the briefed needs analysis and also the budgetary restrictions. Increasing the size and volume of the buildings would directly impact the cost. It should also be noted that as part of the master plan for the area,	The facility is observed to be designed and landscaped in a way that is welcoming, aesthetically pleasing, and that maintains a human scale within the residential precinct. The comment is NOTED.

to have the building go up another storey. Additional commercial floor space would have improved the level of activity in the Community Facility.	the adjacent sites to the east will be developed for commercial uses having the desired connectivity with the commercial precinct and resultant improved level of activity.	
The Architects observed that the proposed external materials and colour finishes of the building do not present a cohesive built form.	The design of the buildings was consciously broken up into a series of smaller forms and elements reflecting the finer grain of what are predominantly a residential area, whilst still presenting as a holistic outcome. The language is less monolithic and dominant than landmark civic projects, however this has been a conscious decision as highlighted.	The comment is NOTED.
The Architects expressed concern regarding the provision of one vehicular connection from the site to Bradshaw Crescent for the basement car parking of 75 bays. Noting the frequency of turnover of vehicles using this facility, an additional street connection to Conochie Crescent should be considered.	The additional street connection from the car park to Conochie Crescent was considered and originally incorporated, however due to level conflicts at this lower end of the site and review from the City's Engineering representatives, it was concluded that a single entrance and exit was preferred, and adequate for the size of the car parking facility proposed.	A condition to be imposed on the planning approval requiring a traffic study be carried out by independent traffic consultants on the traffic generated from the proposed Community Centre with a single vehicular access. This is to ensure that the proposed access and egress to and from the site is adequate, and provide a safe traffic flow on the road system. The comment is NOTED.
The above will also facilitate the future plan of developing the adjacent mixed development lots, whereby the basement level car parking is proposed to be extended underneath these lots. Compliance with the building fire-safety regulations will be expected at the junction of each green title lot.	The basement car park will be sprinklered and designed in accordance with the code. BCA compliance is required and will be identified in the specifications provided to the builder.	The proposal will be the subject of a building permit application which will be thoroughly examined by the Building Surveyor. The comment is NOTED.
The location of the bins store at the basement level was observed to be unfeasible. While a loading area has been marked	Location and access requirements to the bin store are prescribed by the BCA and Australian Standards.	A special condition to be imposed on the conditional planning approval requiring the refuse enclosure and

<p>outside the bins store, the headroom clearance provided for vehicles entering and exiting the basement is insufficient for a rubbish collection vehicle.</p>	<p>The car park entrance needs to be of a sufficient height to accommodate the LISWA van, which is higher than the Australian Standards height for rubbish vehicles.</p>	<p>loading area is to be to the satisfaction of Council's Environmental Health Services and Infrastructure Services. If the bins will be collected by a truck directly from the basement area, the height of the car park must accommodate the collection truck. The comment is NOTED.</p>
<p>With regards to the basement parking, the Architects observed that some of the access-way widths and car parking bays dimensions did not comply with the Town Planning Scheme provisions.</p>	<p>Car parking bays will be compliant with Australian Standards.</p>	<p>City officers have noted that some of the car parking bays do not meet the minimum dimensions required by Schedule 6 of TPS6. However, all bays are compliant with the Australian Standard. The comment is NOTED.</p>
<p>The Architects recommended that shifting the "Library loading area and lift" block eastwards, to allow for two (2) columns of car parking bays towards its west, will improve the sightlines for vehicles when manoeuvring around the bends.</p>	<p>The library lift requires direct access into the back of the house area of the library for security and operational reasons. It is considered this is the most appropriate location for the lift and loading dock.</p>	<p>The comment is NOTED.</p>
<p>Based upon the principles of CPTED (Crime Prevention through Environmental Design), the Architects recommended the following modifications to the design:</p> <ul style="list-style-type: none"> <li>- The location of "Lift 4" near the north-western corner of the building was observed to be unsafe. A ramp instead of this lift will be appropriate.</li> <li>- Pedestrian movement from the car parking area and the street into the building, as well as pedestrian movement into the proposed facilities (including the toilets) should be linked directly to the pedestrian street. This will enable after hours</li> </ul>	<p>Due to universal design requirements, a ramp in this location would require a distance of approximately 60.0 metres. This would occupy most of the terraced seating area, project on to the playing surface of the oval, or into the open space between the sporting club and Bradshaw Crescent. It is considered more appropriate to provide a lift in these circumstances. The lifts between the car park and library / hall foyer are accessed through lockable doors, which will be electronically controlled. It is not considered appropriate to lock off the pedestrian street after hours, as it</p>	<p>Removal of "Lift 4" adjacent to the sporting club is being considered by the Architect. The library internal layout and entrance has been modified with one entry point. Community Facility CCTV and surveillance cameras are being proposed within the underground car parking area. The comment is NOTED.</p>

<p>locking / securing of the pedestrian street at both ends, and preventing undesired incidents of crime or damage to the public building.</p> <p>- The library premises, with one entry point from the pedestrian street instead of two (2), will require lesser staff and resources to monitor visitors' movement.</p>	<p>provides a key connection between the Welwyn Avenue Shopping Centre and James Miller Oval. This will become more pertinent upon development of the mixed use lots.</p> <p>The layout of the library, including the number and location of entrances, is being reviewed as a part of detailed discussions with the City's Librarians.</p>	
<p>The pedestrian street with an east-west orientation and a funnel shaped design at its western entrance will result in winds at relatively high speeds flowing through the street, potentially causing inconvenience to the users.</p>	<p>The site orientation dictates the internal pedestrian street direction; furthermore it is a linkage to the existing and new commercial centre to the east from the oval which is the western focus. The incorporation of covered areas and change in shapes of the building with this zone will assist in ameliorating the effects of the winds.</p>	<p>The comment is NOTED.</p>
<p>The proposed outdoor seating areas will need to be designed in a manner that protects the users against unwanted exposure to the west sunlight and westerly winds.</p>	<p>The Architect has revised the design to include sun shading over concrete seating area.</p>	<p>City officers are imposing sun shading devices to be installed as part of the conditions of planning approval.</p> <p>The comment is NOTED.</p>

**(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".

Consultations were carried out for a duration of 74 days between 12 November 2012 and 25 January 2013. Personally addressed notices were mailed to 2,048 land owners and property occupiers, government agencies and other interested parties. Notices and documents were displayed in the Civic Centre, Libraries, George Burnett Leisure Centre, and website, as well as the Southern Gazette newspaper (2 issues).

During the advertising period, a total of 41 submissions were received. It must be noted that 13 submissions were in some way, influenced or misguided by a misleading flyer. This flyer is attached, referred to as **Attachment 10.3.3(d)**. The flyer contains seven (7) points or questions which are intended to provide some guidance to community members in completing a pro-forma submission. While a number of questions relate to the proposed Amendment 36, it is noted that the flyer includes some questions regarding the impact of the

proposed underground car park and community amenities to be provided, including a liquor-licensed facility which are covered in the table of comments summary below.

The comments of the submitters, together with the officer response are summarised below:

<b>Submitters' Comments</b>	<b>Applicant's Response</b>	<b>Officer Comment</b>
<p>The overall scale of the Community Centre and external architectural design is not in keeping with the residential neighbourhood. (3 submitters)</p>	<p>All uses are contained within single storey buildings, and present best land use efficiency. The area identified for the facility in the 2009 Study would have resulted in a two storey building and a large amount of under-utilised space surrounding it, such as expansive car parking areas, which have been located under the proposed facility. The centre is the correct scale to accommodate existing groups plus the library, which has been confirmed through detailed discussions with user groups. James Miller Oval is to be extended to the east and, coupled with the road closure, results in an increase to the green space compared to existing open space. Additionally, the open space will be landscaped to a much higher degree than the currently disused playing courts and surrounding grassed areas.</p>	<p>Officers observed that the applicant employed appropriate design to ameliorate excessive building bulk and scale in order to maintain existing streetscape compatibility. The Design Advisory Architects also commented that the built form and general design of the proposed development were compatible to the existing streetscape character. The proposed development has 50% open space. The proposed building is considered to be sufficiently compatible with the neighbouring single houses in this regards. Additionally, the size of the oval will be increased, providing more open space and playing area. The comment is NOT UPHELD.</p>
<p>The underground car parking is too big. Should consider two (2) entry and exit points, with an entry from Bradshaw Crescent with the exit onto Conochie Avenue. (2 submitters)</p>	<p>The car parking provision is adequate in terms of similar facilities across the Perth metropolitan area. No car parking ratios exist in the Town Planning Scheme for the uses proposed. The City's Engineering Services have provided verbal comments regarding the location of the car park entrance relative to the Bradshaw Crescent</p>	<p>A condition to be imposed on the planning approval requiring a traffic study be carried out by independent traffic consultants on the traffic generated from the proposed Community Centre. The comment is NOTED.</p>

	alignment and nearby driveways. Engineering Services were satisfied that one entrance / exit was sufficient for the car park.	
Traffic – Adverse impacts (Volume, street parking and pedestrian impact). (4 submitters)	There will be a large amount of reciprocal use with the existing shopping centre, and multi-purpose trips. Additionally, visitors to the centre who live locally may use alternative transport. It is important not to over-cater for car parking, as the internal building area and landscaped open space provide more appropriate use of land than redundant car parking bays. The draft James Miller Oval Master Plan features 34 car parking bays surrounding the oval, which must be taken into consideration in the holistic car parking calculations for the Manning Community Facility. These car parking bays formalise current parking arrangements around James Miller Oval.	The City is of the opinion that the diverse range of land uses in the locality will offer reciprocal parking between uses, i.e. shopping centre / library and the existence of a significant number of parking bays within the road reserve. As explained under Section F: Carparking, a total of 53 street parking bays are proposed at James Miller Oval along Jarman Avenue, Duckett Drive and existing Sporting Club facilities. Additionally, many local residents who would use the proposed services would commute by alternative modes of transport, and may also visit more than one business during their trip. The comment is NOTED.
Concern of antisocial behaviour at the proposed development as well as underground car parking. (14 submitters)	The Manning Community Facility has been designed around CPTED principles. There have been well documented anti-social issues for a number of years in the area which the City is well aware of. It is considered that the co-location of facilities will increase the activity in the locality, and hence increase passive surveillance opportunities, create more ownership in the area by the user groups and visitors, and provide more “eyes on the street”. Future plans to establish a pedestrian connection will assist in activating the Manning Community Facility. CCTV and	The comment is NOTED.

	surveillance cameras are being proposed within the underground car parking area.	
Fully support the Manning Community Centre development. (13 submitters)		The comment is NOTED.
Concern about the relocation of the football club to the Community Centre and a liquor licence at the premise. (8 submitters)	The Manning Rippers Amateur Football Club currently have a liquor licence for their premises, and have held one for the past 15 years. The liquor licence is for Manning Rippers Football Club members only. The club is required to apply for a liquor licence from the State Government and to abide by liquor licence requirements and the lease agreement.	The comment is NOT UPHELD.
Conflicting uses, such as the Early Childhood Centre and Aboriginal Community Centre with the proposed sporting club. (2 submitters)	Uses predominantly operate at different times, for example: <ul style="list-style-type: none"> <li>• Sporting clubs on weekends and after hours (use governed by leases, not open to the public);</li> <li>• Early Years (playgroups) on weekdays only, with the Toy Library on Saturdays; and</li> <li>• Moorditj Keila dependant on their program, with office staff present during weekdays.</li> </ul> The development is a Community Facility; community groups can, and will coexist. With the exception of the library, these uses are contained within the immediate locality currently.	The comment is NOT UPHELD.
Some of the proposed uses, such as the sporting club facilities should be co-located on James Miller Oval to allow opportunity for future expansion and can be used for other sporting activities.	The sporting club is a multi-purpose facility which will have summer and winter season leases, accommodating football and a summer tenant (gridiron is proposed at this stage).	The comment is NOT UPHELD.



<p>(2 submitters)</p>	<p>The proposed sporting club is directly adjacent to and overlooking James Miller Oval, just as the existing facility is now. It is an integral part of the development to bring the sporting clubs into the main complex, and in addition, the oval will be reconfigured to address some long standing issues with the playing area, and as such, the space where the building is currently will be used for other purposes.</p>	
<p>The proposed Aboriginal Community Centre does not cater for the social / cultural needs of the Aboriginal people, which is confined in floor space and offers no immediate opportunity for any outdoor area or expansion in the future. Should be co-located on James Miller Oval with appropriate outdoor furniture and BBQ facilities. (1 submitter)</p>	<p>The Moorditj Keila group have been involved in the concept design process from the start, and their particular facility has been designed as a direct result of the group's comments. Moorditj Keila are satisfied that the proposed facility will accommodate their future needs, and as they do now, they are able to access other City owned facilities in the complex for their activities if required. An outdoor gathering area is located within their facility space. Locating Moorditj Keila on James Miller Oval will defeat the purpose of having the Community Hub, as the group will be distanced from the other community facilities. Due to the realignment of James Miller Oval, there is also limited space for new buildings.</p>	<p>The comment is NOT UPHELD.</p>
<p>Would be better to have a multicultural centre as opposed to an Indigenous Community Centre, as there are many cultures in the community and should not be focusing on one culture more than any other culture. (1 submitter)</p>	<p>All cultural groups are able to use the facility, just as the existing facilities are available for use by the whole community. The Moorditj Keila group is accommodated in the current facility, and as such, they need to be incorporated in the future</p>	<p>The comment is NOT UPHELD.</p>

	redevelopment.	
The current north facing public playground facility, which is in constant use, should be replaced by a similar facility within the development. (2 submitters)	A new playground is incorporated within the James Miller Oval Master Plan. This playground is to be located on the Bradshaw Crescent side of the site to the north of the sporting club terrace.	The comment is NOTED.
Concern on how the future mixed use development site be developed and blend in with the Community Centre and existing shops. (2 submitters)	This is the subject of Town Planning Scheme Amendment 36, which was granted final approval at the March 2013 Council Meeting. Amendment 36 includes built form and land use provisions which allow the achievement of defined outcomes, including development which complements the Manning Community Facility. New development on the two sites will serve as a linkage between the existing shops along Welwyn Avenue, and the future Manning Community Facility.	The comment is NOTED.
Non-shaded concrete viewing area for spectators. (3 submitters)	Architect has revised the design to include sun shading over concrete seating area.	City officers are recommending sun shading to be installed as part of the conditions of planning approval. The comment is UPHELD.
Limited opportunity for the public to view the plans of the proposed development. (3 submitters)	Consultation has been undertaken in accordance with City's Policy P301 "Consultation for Planning Proposals".	Consultations were carried out for a duration of 74 days between 12 November 2012 and 25 January 2013. Personally addressed notices mailed to 2,048 landowners and property occupiers, government agencies and other interested parties. Notices and documents were displayed in the Civic Centre, Libraries, George Burnett Leisure Centre, and website, as well as the Southern Gazette newspaper (2 issues). The comment is NOT UPHELD.

### Notes

1. (No. # Submitters) - Refers to the number of submissions received.
2. Submissions summarised above are specifically related to Manning Community Facility development application. Submissions do not relate to Scheme Amendment 36.
3. Multiple submissions from same household have been counted as one submission.

A copy of the neighbours' submissions has been provided in **Confidential Attachment 10.3.3(e)**. The minutes of the Special Electors' Meeting, held on 26 October 2012 have been provided in **Attachment 10.3.3(c)**. The following motion was passed at the Special Electors' Meeting:

*"We call on the South Perth City Council to plan the entire Manning Hub development as a single integrated design, rather than separate phases, that reflects the needs of the community expressed throughout the initial consultation process. Central to this plan must be the maintenance and enhancement of Manning's vital community values and vibrant village atmosphere. Specifically the resolution we require is:*

- (1) Reduce the overall scale of the proposed built development;**
- (2) Ensure that significant open spaces are provided at the heart of the Manning Hub development, and between built facilities to promote pedestrian activity and community interaction; and**
- (3) Set a maximum height of 7.0 metres or two (2) storeys on all developments on the Manning Hub site."**

The portion of this motion relevant to the Manning Community Facility development application is Point 1 and 2, highlighted in bold text.

### **(j) Internal administration**

Comments were invited from Engineering Infrastructure, Building Services, Environmental Health and the Parks and Environment areas of the City's administration.

#### **Engineering Infrastructure**

The Manager was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. His comments are:

#### **(i) Vehicle movements**

*In the absence of a formal traffic impact assessment, it can still be determined with a high level of certainty that the proposed number of 75 bays servicing the site, along with any future on-street parking, will not generate any significant capacity issues for the local road network. This determination is made on the basis that the surrounding road network is predominantly made up of local access roads, as defined by Main Roads Western Australia, and subsequently subject to the following regulations:*

- 50 km/h speed limit based on assessment by Main Roads Western Australia, who is the regulatory authority responsible for establishing speed zones and regulatory signage in the State of Western Australia; and
- Maximum desirable traffic volume of 3,000 vehicles per day.

*Anecdotal evidence suggests the current volumes on the connecting road, Bradshaw Crescent, along with other roads in the area would be at this time less than 1,000 vehicles per day, well below the prescribed 3,000 vehicle*

maximum. Actual traffic volumes at this location, and also on surrounding streets, will be validated over upcoming weeks as traffic surveys at designated points in the area will be completed.

Although the attached plans do not extend to show the proposed on-street parking on Jarman Avenue and Duckett Drive, other concept plans show the scope for approximately a further 34 bays in the immediate area. An additional 19 bays are being proposed on existing Sporting Club facilities, making a total of 53 off-site car parking bays. Again, this formalisation of parking in the area would not be seen to have any significant effect on the road network, but it should be noted that the request for “Engineering” comments received does state that further discussion on the possibility of on-street parking will be required. This statement is particularly relevant, and an appropriate meeting to discuss proposals will need to be organised.

(ii) On-site parking

The design presented for the underground parking area generally complies with the requirements of TP6 and AS 2890 Part 1 “Off-Street Parking” in relation to the proposed bay lengths and widths, and aisle widths.

(iii) Crossover design

Generally, a crossing is to conform to the requirements of Plan 4020-ST-01, and the information provided shows the proposed ramp lengths, width and gradient which seem to comply. Beyond these specifications, the supplied plan does not show detail in relation to the exact proposed positioning of the crossover and other required information, therefore it is recommended that a detailed design of the crossover be completed. Details to be investigated and agreed upon prior to finalisation would be in relation to the ability for the required vehicle types to complete all movements into and out of the car park, and the redesign of the existing median islands to accommodate such movements, how the existing footpath will be retained and realigned to suite the new environment, consideration of traffic calming for exiting vehicles, and finally, how the footpath will be delineated through the crossing to further ensure pedestrian safety.

The proposed location for the crossover, whilst in close proximity to a bend, does not pose any sight line constraints, but the final design should be checked to ensure all sight lines are adequate.

(iv) Stormwater drainage

The development is located within the Manning Drainage Precinct area, as outlined in Management Practice M 354 “Stormwater Drainage for Proposed Buildings”, where “the ability to store stormwater run-off from the design event on-site for re-use is encouraged”. There is however, the general requirement that all stormwater falling on the site must be contained and disposed on-site. The management practice requires that, “Where stormwater re-use is not incorporated as part of the stormwater design, then new buildings shall preferably utilise soak-wells for their stormwater drainage requirements”.

**Building Services**

This section had no comment to make on the proposal at this stage, however if approved, the proposal will be the subject of a building permit application which will be thoroughly examined at a later stage.

### **Environmental Health Services**

This section provided comment with respect to bins and the Early Years room. It is recommended that:

- (i) *Wheeling the bins up the ramp from the basement to street level for collection, especially if they are heavy, will be an issue. If the bins will be collected by a truck directly from the basement area, then the height of the car park must accommodate the collection truck. Perhaps the developer should consider a bin store area at road level to facilitate easy collection.*
- (ii) *An additional exit is required for the Early Years room.*

### **Parks and Environment**

This section provided comment with respect to the removal of street trees within the proposed crossover area, and recommends that:

- (i) *The two (2) Agonis Flexuosa trees, which are in a good condition, will be removed for the proposed ramp to the undercroft car parking. The cost for removal and replacement of those trees will be \$3,855.50 (GST inclusive).*
- (ii) *The remaining two (2) established trees are to be retained. Quercus Suber (Tree ID Nos. 12014 and 12015) has an amenity value of \$131,639.90 and \$129,246.65 respectively.*

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

This determination has no financial implications.

### **Strategic Implications**

This matter relates to Strategic Direction 4 “Places” identified within Council’s Strategic Plan which is expressed in the following terms: *Plan and develop safe, vibrant and amenable places.*

### **Sustainability Implications**

The City is committed to sustainability principles and practices through its sustainability policies and strategies. The officers observed the proposed Community Centre will increase the effectiveness of land use, enhance social engagement and viability, and diversity of the proposed building form and function.

ESD (Ecologically Sustainable Development) principles and practices have been incorporated in the planning and building design. The proposed outdoor play and gathering areas have access to the northern aspect of winter sun. Due to east-west orientation of the lot, the development has been carefully designed to allow solar access to different parts of civic spaces via north facing skylights and awning windows. The proposed single storey building is observed to have no impact on southern adjoining residential properties.

### **Conclusion**

It is considered the proposal has been designed with regard to the amenity of the adjoining developments and demonstrates compliance with the relevant Scheme, R-Codes and Council policy objectives and provisions. Accordingly, officers recommend to Council that the application should be conditionally approved.

### 10.3.4 Proposed Café / Restaurant and Offices in a Three-Storey Building - Lot 20 (No. 98) Mill Point Road, South Perth

Location: Lot 20 (No. 98) Mill Point Road, South Perth  
 Applicant: Doepel Marsh Architects  
 File Ref: 11.2012.413.2 MI3/98  
 Lodgement Date: 19 March 2013  
 Date: 27 March 2013  
 Author: Siven Naidu, Senior Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

#### Summary

To reconsider particular conditions of the Council determination on Lot 20 (No. 98) Mill Point Road, South Perth for a café / restaurant and offices in a three-storey building which is currently subject of a SAT appeal, referred to as **Attachment 10.3.4(c)**, by the applicant / owner. The proposed development was previously considered at the December 2012 Council Meeting, and in line with the officer recommendation, the application was approved with specific conditions.

Element on which discretion is sought	Source of discretionary power
Minor projections over street boundary	Table A, Element 6 "Relationship to the Street" of Scheme Amendment 25

In view of the amended drawings submitted by the applicant, referrals conducted with regards to the relevant amendments and a re-assessment, the following Officer Recommendation in relation to the December 2012 Council determination be approved.

#### Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6, Scheme Amendment 25 "South Perth Station Precinct"*, and the *Metropolitan Region Scheme*, this application to consider the rewording of planning Conditions (7), (18) and (21), and the deletion of Condition (1)(i) for a café / restaurant and office in a three-storey building on Lot 20 (No. 98) Mill Point Road, South Perth **be approved**.

The amended conditions to read as follows:

- (7) Lot 20 Mill Point Road shall be shown on a new Diagram of Survey indicating an 8.5 metre truncation *easement* on the corner of Mill Point Road and Harper Terrace, and an application for a new Certificate of Title shall be lodged with the Land Titles Office. A building permit will not be issued until the new Certificate of Title is issued.
- (18) The existing boundary fencing *along the north-eastern and south-eastern boundaries* shall not be removed, unless it is to be replaced immediately with the required new fencing *or boundary walls*.
- (21) Demonstrate compliance with the intent of Clause 6.5.5 A5.2 of the *R-Codes* with regard to lighting to pathways, communal areas and car parking areas.

## Background

The development site details at the time of approval were as follows:

<b>Zoning</b>	Mends Street Centre Commercial
<b>Density coding</b>	R100
<b>Lot area</b>	759 sq. metres
<b>Building height limit</b>	13.0 metres
<b>Development potential</b>	11 multiple dwellings and / or specific non-residential land uses
<b>Plot ratio limit</b>	1.50

This report includes the following attachments:

<b>Attachment 10.3.4(a)</b>	Plans of the proposal.
<b>Attachment 10.3.4(b)</b>	Notice of determination dated 11 December 2012.
<b>Attachment 10.3.4(c)</b>	SAT order dated 18 March 2013.

The location of the development site is shown below:



Pursuant to Section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, this application is being referred back to a Council meeting for reconsideration, having regard to the amendments to the original proposal.

## Comment

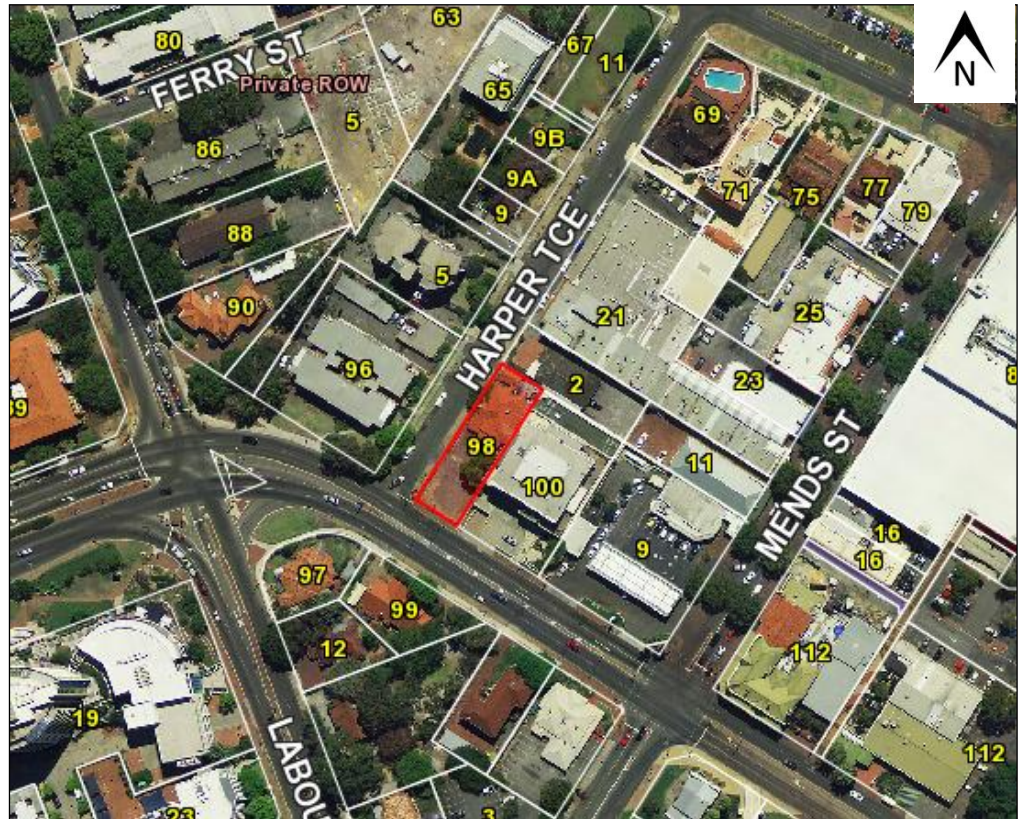
### (a) Background

In December 2012, Council approved an application for a café / restaurant and offices in a three-storey building on Lot 20 (No. 98) Mill Point Road, South Perth (the site).

The application is currently before the State Administrative Tribunal (SAT) for mediation. Pursuant to Section 31(1) of the *SAT Act 2004 (WA)*, the Council has been invited to reconsider its position in relation to the specific conditions placed on the approval as identified under the "Summary" section and described in this report.

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

The site has a frontage to Mill Point Road to the south-west and Harper Terrace to the north-west, and is located adjacent to a mixed development to the south-east and a shop to the north-east, as seen below:



(c) **Description of the proposal**

The proposal involves the review of three planning conditions, which are (7), (18) and (21) and the deletion of Condition 1(i), that formed part of the Notice of Determination of Application for Planning Approval, referred to as **Attachment 10.3.4(b)**, approved by Council at its meeting held on 11 December 2012.

The specific conditions which are to be reviewed are listed below, together with the Officer Recommendation, for dealing with the relevant conditions:

Condition (1)(i) reads as follows:

- (1) *Revised drawings shall be submitted to the City at the building licence stage incorporating the following:*
  - (i) *No portion of the building (including the building façade) is permitted to encroach over the property boundary into Council property / land, other than the permitted 2.5 metre canopy over the footpath as prescribe in proposed Scheme Amendment 25.*

Drawings approved at the December 2012 Council meeting show the building encroaching 500 millimetres over the site boundaries along Mill Point Road and Harper Terrace for widths of approximately 10.5 metres and 45.0 metres respectively. The applicant has submitted amended drawings, referred to as **Attachment 10.3.4(a)**, which satisfactorily addresses Condition (1)(i).

The amended drawings now incorporate minor projections as listed below:



- Sun shade fins on the building façade along the Mill Point Road and Harper Terrace elevations, which are proposed to a depth of 700 millimetres forward of the property boundary, to provide protection from sun and rain;
- The first and second storey balconies along Harper Terrace project 100 millimetres over the property boundary for architectural reasons and to articulate the building façade; and
- The street corner façade projecting 100 millimetres over the property boundary along Mill Point Road and Harper Terrace, for architectural reasons.

These projections are seen as minor variations, and are therefore supported by City officers.

Condition (7) reads as follows:

- (7) *Lot 20 shall be shown on a new Diagram of Survey indicating an 8.5 metre truncation to the street corner, and an application for a new Certificate of Title shall be lodged with the Land Titles Office. A building permit will not be issued until the new Certificate of Title is issued (Refer to Important Note No. 6).*

Comments were also invited from the Department of Planning (DoP) in relation to Condition (7). The DoP had no objection to the proposed amending of the condition. Their reason for accepting this was that an easement will provide the required access; hence amalgamating the truncation with the road reserve is not necessary.

The inclusion of the word “easement” and removing the words “(Refer to Important Note No. 6)” would satisfactorily deal with Condition (7).

Condition (18) reads as follows:

- (18) *The existing boundary fencings shall not be removed unless it is to be replaced immediately with the required new fencing.*

The inclusion of the words “along the north-eastern and south-eastern boundaries” and “or boundary walls” placed at the end of the conditions would satisfactorily deal with Condition (18).

Condition (21) reads as follows:

- (21) *Demonstrated compliance with the Acceptable Development Standard 6.5.5 A5.2 (Pedestrian Access) of the R-Codes, with regard to lighting to pathways, communal areas and car parking areas.*

Removing the words “the Acceptable Development Standard” and “(Pedestrian Access)” and inserting the words “the intent of clause” would satisfactorily deal with Condition (21).

The amended conditions now read as follows:

- (8) Lot 20 Mill Point Road shall be shown on a new Diagram of Survey indicating an 8.5 metre truncation easement on the corner of Mill Point Road and Harper Terrace, and an application for a new Certificate of Title shall be lodged with the Land Titles Office. A building permit will not be issued until the new Certificate of Title is issued.
- (19) The existing boundary fencing along the north-eastern and south-eastern boundaries shall not be removed, unless it is to be replaced immediately with the required new fencing or boundary walls.

- (22) Demonstrate compliance with the intent of Clause 6.5.5 A5.2 of the R-Codes with regard to lighting to pathways, communal areas and car parking areas.

During the SAT mediation session, the applicant as well as the SAT member expressed satisfaction with the proposed amended conditions.

**(h) 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:

- (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;*
- (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 the above matters, subject to 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;*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia;*
- (e) *Any approved environmental protection Council policy under the Environmental Protection Act, 1986 (as amended);*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (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;*
- (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;*
- (p) *Any social issues that have an effect on the amenity of the locality;*
  - (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 satisfactory in relation to all of these matters, subject to the recommended conditions.

### **Consultation**

#### **(a) Internal Administration**

The Manager, Engineering Infrastructure Services was invited to comment on Condition (7) in relation to the truncation being subdivided off the site and incorporated into the City's road reserve.

This section raised no objections to the rewording of Condition (7).

#### **(b) External Agencies**

Comments in relation to Condition (7) were also invited from the Department of Planning (DoP) who provided comment with respect to the recommended truncation being subdivided off the lot, and have advised that an easement will provide the required access; hence amalgamating the truncation with the road reserve is not necessary.

The DoP raises no objection to the creation of an easement in lieu of a subdivision.

### **Policy and Legislative Implications**

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

### **Financial Implications**

This determination has no financial implications. If mediation is not successful and the SAT application goes to a full hearing, further finance will be required.

### **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.*

### **Sustainability Implications**

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities. The amended conditions recommended by the officers will not affect sustainability.

### **Conclusion**

It is considered that the amendment to the specific conditions meet all of the relevant Scheme and Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential and commercial neighbours and the streetscape. Accordingly, it is considered that the amendments should be approved.

### 10.3.5 Proposed Garage Addition to Existing Single House - Lot 800 (No. 60A) Birdwood Avenue, Como

Location: Lot 800 (No. 60A) Birdwood Avenue, Como  
Applicant: SBN Building Contractors Pty Ltd  
File Ref: 11.2012.561 B13/60A  
Lodgement Date: 28 November 2012  
Date: 2 April 2013  
Author: Mina Thomas, Statutory Planning Officer, Development Services  
Reporting Officer: Vicki Lummer, Director, Development and Community Services

#### Summary

This application for planning approval is for an enclosed carport (hereon referred to as a garage) addition on Lot 800 (No. 60a) Birdwood Avenue, Como. Specifically, the issue is the garage located within the front setback area, forward of an existing two-car garage.

The proposed garage conflicts with the requirements of the “Residential Design Codes 2010 (R-Codes)”, Policy P302 “General Design Guidelines for Residential Development”, Policy P350.3 “Car Parking Access, Siting, and Design”, and Policy P350.2 “Residential Boundary Walls”, and is also seen to be incompatible to the existing Birdwood Avenue streetscape for the following reasons:

- (a) Garages, or even carports located within the front setback area is not a characteristic of the subject focus area of Birdwood Avenue.
- (b) The garage proposes a boundary wall with a wrought iron panel at a nil setback from the street in lieu of the prescribed 6.0 metres required in P350.2 “General Design Guidelines for Residential Development”.
- (c) The garage proposes a door (non-visually permeable) with a nil setback from the front boundary in lieu of the 4.5 metres prescribed in P350.3 “Car Parking Access, Siting, and Design”.

Accordingly, it is recommended that the application **be refused**.

#### Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for a garage addition to an existing Single House on Lot 800 (No. 60a) Birdwood Avenue, Como **be refused** for the following reasons:

- (a) The subject property already has an approved garage for two (2) car parking bays behind the front setback line. Therefore, an additional garage or carport within the front setback area is inconsistent with the provisions contained within Residential Design Codes 2010 Clause 3.2.3 “of Garages and Carports” of the R-Codes, as well as Clause 11(b) of Council Policy P302 “General Design Guidelines for Residential Development”.
- (b) The proposed location of the car parking structure is inconsistent with the existing streetscape character of Birdwood Avenue.
- (c) The proposed development conflicts with the “Scheme Objectives” identified in the *City of South Perth Town Planning Scheme No. 6*. Clause 1.6, specifically 2(f).
- (d) Approval of the proposed development would be contrary to the orderly

**Recommendation continued**

and proper planning of the locality in accordance with Clause 7.5(b) of the *City of South Perth Town Planning Scheme No. 6*, specifically Matters (b), (c), (f), (l), (j) and (n).

**(e) Standard Advice Notes**

795	Appeal rights – Council decision
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**Footnote:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council offices during normal business hours.

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	668 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Single house
<b>Maximum plot ratio</b>	Not applicable

This report includes the following attachments:

- Attachment I 0.3.5(a)** Plans of the proposed development.
- Attachment I 0.3.5(b)** Applicant’s letter and photograph of the proposed garage door.

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 category described in the delegation:

### **The exercise of a discretionary power**

*Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, represents a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*

### **Comments**

#### **(a) Description of the proposal**

This application for planning approval is for a garage addition on Lot 800 (No. 60A) Birdwood Avenue, Como. The proposal incorporates a garage door with a nil setback from the front boundary, and a boundary wall in the front setback area as depicted in **Attachment 10.3.5(a)**.

The existing dwelling has a double garage off Birdwood Avenue, and there is additional parking space at the rear of the site off Bland Street, adjacent to the swimming pool as illustrated in the figure below.

This proposal is assessed as a garage rather than a carport, as the R-Codes define a carport as, "A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable."

As seen in **Attachment 10.3.5(b)**, the proposal involves the addition of a garage roller door that is not visually permeable.

City officers had requested a floor plan of the proposed garage to be provided showing the walls, door, and car spaces. This drawing has not been submitted to the City.

#### **(b) Description of the surrounding locality**

The site is situated on the corner of Birdwood Avenue and Bland Street, with the primary frontage to Birdwood Avenue to the south and secondary frontage to Bland Street to the East. The focus area is predominantly residential, and all garages on Birdwood Avenue are situated 4.5 metres or further from the street alignment.



**(c) Residential Design Codes 2010**

The proposed carport does not comply with Clause 3.2.3 “Setback of Garages and Carports” of the R-Codes. The carport is required to have a 4.5 metre setback from the street alignment when cars are parked 90 degrees to the street.

**(d) Policy P302 “General Design Guidelines for Residential Development”**

Council Policy P302 requires that:

**11. Parking**

- (b) *Approval for the construction of a fully enclosed garage within the front setback area will only be granted where such siting is consistent with the established streetscape character in the section of the street in which the new development is proposed to be located.*

The “focus area” means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting on to that section of the street.

The dwelling already incorporates onsite parking provision behind the street setback line which is consistent with the streetscape. In this case, the siting of the proposed garage or even a carport within the front setback area is not consistent with the predominant character of Birdwood Avenue.

**(e) Policy P350.2 “Residential Boundary Walls”**

Council Policy P350.2 states:



**7. Setbacks from the street alignment of a wall on a side boundary**

- (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 setback 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 proposed boundary wall for the garage does not comply with the abovementioned clauses as it is situated on the street alignment.

**(f) Policy P350.3 “Car Parking Access, Siting and Design”**

Council Policy P350.3 states:

- (iv) Where a carport is proposed to be sited within the front setback area of an existing dwelling, and two existing roof covered parking bays complying with the minimum dimensions prescribed in TPS6 are already located behind a 4.5 metre street setback, or there is a practical location to provide such bays behind the 4.5 metre street setback;
  - (a) neither of those existing parking bays is permitted to be converted to another use; and
  - (b) a setback of less than 4.5 metres will not be permitted for the proposed carport, unless the focus area is characterised by at least one-third of the lots already having carports in the front setback area.

Provision (iv)(b) states that one-third of the lots would need to have carports in the front setback area. As already mentioned, there are no carports within the front setback area of this focus area and the proposed garage addition, therefore, does not meet this requirement. It is recommended that a setback of less than 4.5 metres for a carport should not be permitted in this case. Officers conclude the objective of the policy has not been achieved.

**(g) 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 is considered not 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.

**(h) 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:

- (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 Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *Any planning 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; and*
- (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.*

### **Consultation**

In accordance with the provisions of Policy P301 “Consultation for Planning Proposals”, it was necessary to undertake neighbour consultation with respect to the proposed development only to the affected adjoining property owner at 60 Birdwood Avenue, Como. The landowner of this property provided no objection to the proposal, subject to any damages or impact on the property to be covered by the owners of 60A Birdwood Avenue.

### **Policy and Legislative Implications**

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

### **Financial Implications**

This determination has no financial implications except where the applicants / owners may decide to appeal the decision 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.*

### **Sustainability Implications**

This proposed development has not been designed keeping in mind the sustainable design principles. In terms of streetscape visual amenity, the proposal provides for an unbalanced and therefore, unsustainable streetscape. The applicant has previously been encouraged by officers to examine parking options towards the rear of the development.

### **Conclusion**

The proposed development conflicts with the provisions of the R-Codes, Council Policy P302 “General Design Guidelines for Residential Development”, Policy P350.3 “Car Parking Access, Siting and Design”, and P350.2 “Residential Boundary Walls”, as the enclosed carport (garage) is proposed to be located within the street setback area and an approved double car garage already exists behind the prescribed street setback line. The proposed development is seen to adversely impact upon the visual amenity of the Birdwood Avenue streetscape; it is recommended that the application be refused.

### 10.3.6 Draft Policy P351.12 “9 Bradshaw & 8 Conochie Design Guidelines” – adoption for advertising for submissions

Location: No. 9 Bradshaw Crescent, & No. 8 Conochie Crescent, Manning  
Applicant: City of South Perth  
Date: 2 April 2013  
Author: Chris Schooling, Senior Strategic Projects Planner  
Reporting Officer: Vicki Lummer, Director Development and Community Services

#### Summary

This report presents to the Council a draft Planning Policy P351.12 *9 Bradshaw & 8 Conochie Design Guidelines* (draft policy). The draft policy will guide all development within the two three dimensional building envelopes over the respective sites, which are being introduced into the City’s Town Planning Scheme No.6 under Amendment 36. The draft policy features a number of land use and built form provisions which will ensure future development on the two sites activates and enhances the Manning Community Hub locality.

#### Officer Recommendation

That

- (a) in accordance with Clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the Draft Planning Policy P351.12 *9 Bradshaw & 8 Conochie Crescent Design Guidelines*, **Attachment 10.3.6**, be adopted for advertising;
- (b) public advertising of the Draft Planning Policy P351.12 *9 Bradshaw & 8 Conochie Crescent Design Guidelines* be implemented in accordance with the City’s Policy P301 *Consultation for Planning Proposals*; and
- (c) a report on any submissions received be presented to the earliest available Council meeting following conclusion of the advertising period.

#### Background

The draft policy is provided at **Attachment 10.3.6**.

At its Ordinary Meeting on 26 March 2013, Council granted final approval for Amendment 36 to the City of South Perth Town Planning Scheme No. 6 (TPS6). Amendment 36 introduces two three dimensional building envelopes for 9 Bradshaw Crescent and 8 Conochie Crescent, Manning. Amendment 36 replaces the current Town Planning Scheme provisions for plot ratio, residential density and setback relating to the subject lots.

#### Comment

The objectives of the draft policy are:

- Create a distinct place with exceptional quality urban environment;
- Integrate with existing developments and the Manning Community Facility;
- Activation through engaging built outcomes and shared spaces;
- Creation of a pedestrian dominant and walkable place;
- Contribute to the security of the public realm through carefully designed built edges, activation of building frontages and passive surveillance opportunities; and
- Create a benchmark in environmentally sustainable design and ongoing use of developments.

The provisions of the draft policy have been formulated to ensure that these objectives are achieved. The draft policy incorporates provisions relating to the following:

- **Land uses**  
Land uses permitted in future development will be consistent with the Neighbourhood Centre Commercial zoning and the requirements of TPS6. Emphasis is placed on the location of various land uses, in order to achieve activation of, and interest to the public areas, as well as casual surveillance of the locality.
- **Building facades**  
Provisions have been developed to ensure active street frontages are provided to the pedestrian street, as well as Bradshaw and Conochie Crescents. Active street frontages will contribute to pedestrian activity and interest, reduce building bulk, provide tangible connections with the land uses contained within buildings, and assist in designing out crime.
- **Awnings or canopies**  
Allowances are made for awnings and canopies to protrude beyond the three dimensional building envelopes subject of Scheme Amendment 36, in order to provide weather protection to the pedestrian areas on the north and south elevations of the buildings. A maximum two metre awning/canopy width provides a sufficient sheltered area for pedestrians, effectively shades ground floor tenancies from the sun, and maintains solar access to the central pedestrian street.
- **Openings**  
The draft policy ensures that residential elements of buildings contribute to activation and interest, as well as casual surveillance, in requiring balconies and major openings to certain elevations. Casual surveillance of the Right of way is also maintained after normal business hours.
- **Parking**  
As with the future Manning Community Facility, parking for the two sites will be contained in an undercroft configuration, which will link to the Manning Community Facility undercroft car park. This arrangement makes the best use of space within the area for car parking, and removes all vehicular movements and parking from street level, with the exception of the Right of Way and service areas accessed off it. This will ensure that the Manning Community Hub locality is wholly pedestrianised.
- **Pedestrian access**  
By requiring primary pedestrian access to building lobbies from the pedestrian street, the draft policy ensures that the pedestrian street is maintained as the primary movement route through the Community Hub, between Welwyn Avenue and James Miller Oval. Building access is still permitted from Bradshaw and Conochie Crescents, however it is intended that pedestrian traffic along these frontages will be less significant.
- **Sustainability**  
It is important that environmental sustainability is encouraged in every new development throughout the City, and the draft policy seeks to ensure sustainable outcomes are achieved in the future developments. Vegetated walls and roofs, and the availability of public access to these areas, is strongly encouraged.

- **Treatments**  
The draft policy ensures facade treatments for future development will complement the adjoining Manning Community Facility, as well as provide interest to areas of blank walls and service areas.
- **Servicing, plant and equipment**  
The draft policy ensures that plant and equipment is screened from public view, or located within service areas of buildings.
- **Noise**  
In accordance with normal planning practice for mixed use localities, A Notification under Section 70A of the Transfer of Land Act will be placed on the Certificates of Title for the sites, advising prospective purchasers of factors to expect in a typical vibrant, mixed use precinct. The Section 70A Notification will be placed on Titles through the subdivision process.

### **Consultation**

#### **STATUTORY PLANNING**

The City's Statutory Planning Team have reviewed and commented on the draft policy, and in general have indicated the policy provisions are appropriate, concise and straightforward for assessing development applications.

#### **PUBLIC CONSULTATION**

Public consultation on the draft policy will be undertaken in accordance with Clause 9.6(2) of the City's Town Planning Scheme No. 6 and Policy P301 *Consultation for Planning Proposals*.

Consultation will involve a notice in the *Southern Gazette* newspaper for two consecutive weeks giving details on the nature and subject of the draft policy, where the policy can be viewed and in what format submissions may be made. The policy will be on display at the City's libraries, the Civic Centre, and on the City's website. The advertising period will be not less than 21 days from the date of the first newspaper notice being published.

An indicative timeframe for the draft policy to be finalised is set out in the following table.

<b>Stages of Advertising and Adoption</b>	<b>Estimated Timeframe</b>
Council resolution to adopt Draft Policy P351.12 for advertising	23 April 2013
Public advertising period of not less than 21 days	Commencing early May 2013
Council review of Draft Policy P351.12 in light of submissions received, and resolution to formally adopt the policy with/without modification, or not to proceed with the policy	Council meeting July 2013
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	Early August 2013

### **Policy and Legislative Implications**

A planning policy is adopted under Clause 9.6 of TPS6. Under Clause 1.5, planning policies are documents that support the Scheme.

A planning policy is not part of TPS6 and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve, before making its determination.

Planning policies are guidelines used to assist Council in decision making under TPS6. Although planning policies are not part of TPS6, they must be consistent with, and cannot vary, the intent of TPS6 provisions, including the *Residential Design Codes*.

In accordance with Clause 7.5 of TPS6, in considering an application for planning approval the Council must have due regard to relevant planning policies.

### **Financial Implications**

The City will be responsible for the costs associated with adoption of the Policy.

### **Strategic Implications**

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 4 – Places “Develop, plan and facilitate vibrant and sustainable community and commercial places”.

### **Sustainability Implications**

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

The draft policy will facilitate the ability for built form and land uses, which serve as an extension of the Welwyn Avenue shopping centre and influence the commercial and recreational choice of the Manning community, to be developed in a cohesive and appropriate manner.

The draft policy complements Scheme Amendment 36 in providing the mechanism for the development potential of 9 Bradshaw Crescent, and 8 Conochie Crescent, to be increased. In turn, the development which occurs on these sites will provide increased commercial and leisure opportunities for the Manning and wider community, along with further employment opportunities in the locality, and broader housing choice.

The mechanisms in the draft policy serve to ensure these outcomes are achieved in an imaginative and flexible manner.

## **10.4 STRATEGIC DIRECTION 4: PLACES**

Nil

## **10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT**

Nil

## **10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT**

### **10.6.1 Monthly Financial Management Accounts – March 2013**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 11 April 2013  
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 previously been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

#### **Officer Recommendation**

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 & Amended Budget Attachment 10.6.1(6)(A) & (B) be received;
- (d) the Rate Setting Statement provided as Attachment 10.6.1(7) be received.

#### **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 Management Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It reflects the City's 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 adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns.

This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

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

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2012/2013 Adopted Budget and the 2012/2013 Amended Budget including the introduction of the capital expenditure items carried forward from 2011/2012.

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 & 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) & (B)**



- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 March 2013 is \$42.49M which represents just under 100% of the \$42.57M year to date budget. Revenue performance is very slightly behind budget expectations overall although there are some individual line item differences either way.

Meter parking is 6% ahead of budget whilst infringement revenue is currently 4% behind budget expectations after a lesser number of infringements were issued in the month. Reserve interest revenues are 6% behind budget expectations due to the relatively weak investment rates. Municipal fund interest revenue is also 6% below budget to date despite higher cash volumes being held. There is a high likelihood that anticipated interest revenues for the rest of the year may not be achieved due to interest rate cuts during the year. Rates revenue is now ahead of budget because of additional interim rates and higher interest revenues and administration fees from the instalment payment options. Debt collection cost recoveries are also ahead of budget but are offset by additional collection costs. Property rental income, including recoverable utilities costs, is also ahead of budget at this stage of the year.

Planning revenues are now 3% above budget - assisted by the receipt of revenues relating to Town Planning Amendments 27 & 38. The full year target for planning revenues appears likely to be achieved at this stage. Building Services revenues are now 1% under budget but the revised full year target appears attainable based on current performance. Fiesta revenue is some \$40K under budget following receipt of less than budgeted sponsor contributions. Health Services revenues currently reflect as unfavourable but this is merely a one month timing difference on trade-in of a motor vehicle.

Collier Park Village revenue remains 1% under budget expectations whilst Collier Park Hostel revenue is 4% unfavourable to budget after weaker than anticipated receipt of commonwealth subsidies.

Golf Course revenue is now 2% ahead of budget after an excellent performance on green fees for March - with the full year target likely to be attained.

Infrastructure Services revenue overall is on budget for the year to date. The largest revenue item in the Infrastructure area is waste management levies which are on target - albeit that the budget target for Transfer Station entry fees has not been achieved. There are also some additional contributions revenues for third party private works - which have resulted in some additional costs being incurred in the recoverable works area. Nursery revenue is currently 30% below budget.

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 31 March 2013 is \$37.50M which represents 98% of the year to date budget of \$38.28M. Operating Expenditure is 4% under budget in the Administration area, 3% over budget for the golf course and 1% under in the Infrastructure Services area.

For most administration areas, cash operating expenses are typically on budget or favourable to budget due to a combination of factors including favourable timing differences on invoicing by suppliers for materials, savings on utilities, currently vacant staff positions and less than budgeted allocations of corporate support costs. Garden maintenance and minor building maintenance at the Collier Park Village and

Hostel are both favourable to budget at present which offsets the weaker revenue performance in these areas.

Also of note are some significant timing differences on supplier invoices relating to Fiesta events but these are considered to be timing differences which will reverse out in the next month.

Most parks infrastructure maintenance activities (other than streetscape maintenance) are reflected as being favourable to budget expectations. These variances are largely timing in nature and are expected to reverse as maintenance programs continue to roll out in the park maintenance, grounds maintenance, building maintenance and environmental services areas. Streetscape maintenance is currently 2% over budget as the program comes back towards budget expectations after earlier accelerated works associated with the street tree maintenance program.

Building maintenance activities remain 20% favourable to budget due to delays in sourcing contractors as required but it is expected that this favourable timing difference can still be reversed later in the year.

In the Engineering Infrastructure area, maintenance activities on paths, drainage and bus shelters are significantly under budget to date - but this should be corrected over the remaining months. Anticipated charges for street lighting appear to now be likely to slightly exceed the revised budget.

Fleet operating costs are currently showing as 27% unfavourable. Approximately 1/3 of this variance is attributable to under recovery of budgeted plant hire charge-out but this is largely a timing issue with 9 days of March plant charge falling into the April pay period - so this part of the variance should reverse in April. However, the remaining 2/3 of the unfavourable variance relates to (14%) higher than budgeted costs for repairs and servicing - contributed to by a number of larger unplanned tyre replacements and some unexpected major plant item repairs.

Cash operating expenses in the overheads area for both City Environment & Engineering Infrastructure are relatively close to budget. Recoveries against jobs for overheads in both the City Environment and the Engineering Infrastructure area are slightly behind budget and will be monitored to see if further intervention is necessary.

Waste management costs are currently on budget overall with savings on the City's contribution to the Rivers Regional Council (RRC) and on waste contractor collection costs offsetting additional costs being incurred on the kerbside collection service.

Golf Course expenditure is currently unfavourable to budget by 3% overall. Items including accelerated spending on some maintenance activities and unplanned consultancy costs associated with the Island Nine upgrade have contributed to the over spend. Remedial actions have been introduced to bring course maintenance costs closer to budget expectations to avoid further depletion of the golf course cash reserves however electricity costs continue to be problematic and are the subject of ongoing negotiations with synergy regarding disputed tariffs.

As would be expected in any entity operating in today's economic climate, there are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 2.4% under the budget allocation for the 228.9 FTE positions approved by Council in the budget process. Factors impacting this include vacant

positions in the process of being filled, staff on leave and timing differences on receipt of 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 \$1.69M at 31 March - 22% under the year to date budget of \$2.15M. However, this is largely due to the proposed disposal of the Vista St land being deferred until necessary building remedial works are finalised. It is hoped that the transaction can be concluded by 30 June this year. There is also a favourable timing difference on the leasing of one unit at the Collier Park Village. Details of capital revenue variances may be found in the Schedule of Significant Variances at **Attachment 10.6.1(5)**.

Capital Expenditure at 31 March is \$7.07M representing 77% of the year to date budget. 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 I - CAPITAL EXPENDITURE BY DIRECTORATE**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	38,500	27,153	71%	456,000
Major Community Projects	364,000	223,048	61%	1,050,000
Financial & Information	669,500	632,269	94%	880,000
Develop & Community	566,750	616,486	109%	710,000
Infrastructure Services	7,325,020	5,229,696	71%	10,249,012
Waste Management	72,115	68,625	95%	165,000
Golf Course	169,510	245,497	145%	236,014
UGP	0	27,901	-%	0
<b>Total</b>	<b>9,205,395</b>	<b>7,070,675</b>	<b>77%</b>	<b>13,746,026</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 variances which in turn promotes dynamic and prudent financial management.

### **Strategic Implications**

This matter relates to Strategic Direction 6 “Governance, Advocacy and Corporate Management” identified within Council’s Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

### **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.

## 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2013

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 11 April 2013  
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.

### Officer Recommendation

That Council receives the 31 March 2013 Statement of Funds, Investment & 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)**

### Background

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

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

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 \$47.13M (\$49.74M last month) compare favourably to \$44.30M at the equivalent stage of last year. Reserve funds are \$2.0M higher overall than the level they were at the same time last year - reflecting \$0.7M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Asset Enhancement Reserve is \$0.3M higher. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the Technology Reserve and Plant Replacement Reserves are \$0.3M and \$0.1M lower respectively. The Waste Management Reserve is \$0.3M higher and the River Wall Reserve and Future Building Reserves are \$0.3M and \$0.4M higher respectively. The Future Municipal Works Reserve is \$0.1M higher when compared to last year. The CPGC Reserve is also \$0.3M lower as funds were applied to the Island Nine project. The Future Transport Reserves is \$0.1M higher whilst various other reserves are modestly lower.

Municipal funds are \$0.9M higher than last year at present as a consequence of the timing of outflows on capital projects, accelerated receipt of grant funds and collections from rates being ahead of last year's excellent result so far.

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 \$11.3M (compared to \$13.9M last month). It was \$10.5M at the equivalent time in the 2011/2012 year. **Attachment 10.6.2(1)**.

### **(b) Investments**

Total investment in money market instruments at month end was \$46.1M compared to \$43.7M at the same time last year. This is due to higher Reserve & Municipal cash investments as a consequence of good collections and deferred cash outflows on capital projects.

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 all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently none 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 Department 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 \$1.70M. This compares to \$1.82M at the same time last year. Whilst the City now has higher levels of cash invested at this time, the prevailing interest rates have been significantly lower for much of the year - and appear likely to keep continue trending downwards.

Investment performance continues to be monitored in the light of current low 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 4.79% with the anticipated weighted average yield on investments yet to mature now sitting at 4.20% (compared with 4.27% last month). At-call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.75% since the December 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 & 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 March 2013 (after the due date for the final instalment) represent 96.2% of rates levied compared to 95.9% at the equivalent stage of the previous year.

This result not only reflects good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods but, more importantly, reflects the proactive collection efforts of the City's Rates Officer. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies have provided strong encouragement for ratepayers - as evidenced by the collections to date.

Collection efforts currently underway have been very successful (as reflected in the improvement even over last year's collection record. The City's Senior Rates Officer has achieved an outstanding result in relation to debt collection efforts for the year to date and is to be commended on his efforts.

#### **(ii) General Debtors**

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$2.71M at month end (\$1.78M last year). GST Receivable is significantly

higher than the balance at the same time last year but Sundry Debtors are almost \$1.0M higher than last year due to outstanding contributions for building works, road works, Fiesta events whilst Pension Rebate Claims are significantly higher.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

### **(iii) Underground Power**

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.4M was collected by 31 March with approximately 97.6% of those in the affected area having now paid in full and a further 1.8% opting to pay by instalments. The remaining few properties were disputed billing amounts which are continue to be pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. Collections now represent 99.4% of the billed amount - including interest and charges.

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).

Since the initial \$4.52M billing for the Stage 5 UGP Project, some \$3.71M has already been collected with 73.0% of property owners opting to settle in full and a further 25.3% paying by instalments so far. The remainder (1.7%) have yet to make a satisfactory payment arrangement and collection actions have now commenced.

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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



**Strategic Implications**

This matter relates to Strategic Direction 6 “Governance, Advocacy and Corporate Management” identified within Council’s Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

**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.

### 10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 April 2013
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 March 2013 and 31 March 2013 is presented to Council for information.

#### Officer Recommendation

That the Listing of Payments for the month of March 2013 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

#### 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 cannot be individually debated or withdrawn.

The report format reflects contemporary practice in that it 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. These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

This matter relates to Strategic Direction 6 "Governance, Advocacy and Corporate Management" identified within Council's Strategic Plan 2013-2023, which is expressed in the following terms:

*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

### **Sustainability Implications**

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

## **10.6.4 Applications for Planning Approval Determined Under Delegated Authority**

Location: City of South Perth  
Applicant: Council  
Date: 2 April 2013  
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 March 2013.

### **Officer Recommendation**

That the report and **Attachment 10.6.4** relating to delegated determination of applications for planning approval during the month of March 2013, be received.

### **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 March 2013, sixty-seven (67) development applications were determined under delegated authority at **Attachment 10.6.4**.

### **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, Advocacy and Corporate Management” within Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms: *Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan.*

### **Sustainability Implications**

Reporting of applications for planning approval determined under delegated authority contributes to the City's sustainability by promoting effective communication.

## 10.6.5 Economic Development Strategy 2013-2016

Location:	City of South Perth
Applicant:	Council
Date:	8 April 2013
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

### Summary

This report considers the one submission received during the extended community consultation period for the Economic Development Strategy and recommends that the Council adopt the Economic Development Strategy 2013-2016.

### Officer Recommendation

That the Council adopt the Economic Development Strategy 2013-2016 **Attachment 10.6.5 (a)**.

### Background

The City developed a draft Economic Development Strategy 2013-2016 for community consultation, in alignment with the initiatives contained in the Strategic Plan 2013-2023 (shown at **Attachment 10.6.5 (a)**).

The objective of the Economic Development Strategy 2013-2016 is to facilitate economic growth and investment and build more sustainable, liveable and prosperous local communities. The vision for South Perth is to have a more mature and diversified economy which enhances the quality of life for residents and visitors to the City.

The Economic Development Strategy 2013-2016 is based on the four key areas of economic development leadership and facilitation, urban place making and revitalisation, marketing and promotion, and strategic property management.

The Economic Development Strategy 2013-2016 contains 25 actions and initiatives which are able to be resourced and performance measured by the City. Some of the key areas and of economic development include:

- Lead and facilitate development of Activity Centres
- Engage and partner with the business community in revitalisation projects
- Develop Master Plans for Activity Centres
- Promote business and investment attraction (including home occupation)
- Communicate regularly with business community
- Engage, lobby and collaborate with state government for public infrastructure eg train station
- Generate economic growth from both council-owned and managed land.

### Comment

There was one submission received from the Mends Street Village Interim Committee during the extended community consultation period (shown at **Attachment 10.6.5 (b)**). The majority of the submission's suggestions whilst worthy of further consideration and investigation are mainly operational and focussed exclusively on Mends Street, whilst the Economic Development Strategy is an overarching strategically focussed document.

It is recommended that the City work closely with the Mend Street Village Interim Committee to consider and investigate the suggestions outlined in their submissions.

Local retail precincts across Australia, including metropolitan Perth such as Subiaco, Fremantle and Leederville are presently experiencing tough economic conditions. To assist local business, the City has recently initiated a free wi-fi service for Mends Street and will be releasing the first edition of *South Perth Urban Walkabout* on 1 May 2013, which highlights and features restaurants, cafes, fashion and speciality stores, bars and entertainment options available within the South Perth district.

### **Consultation**

The Economic Development Strategy has been the subject of an extended community consultation period from 12 December 2012 through to 1 March 2013, advertised via *The Southern Gazette* and also on the City's website. The Strategy was also presented for feedback at a key stakeholders function held in November 2012.

### **Policy and Legislative Implications**

Whilst not a legislative requirement, many local governments have developed an economic development strategy to facilitate their communities becoming more sustainable and prosperous.

### **Financial Implications**

There will be some financial implications involved in delivering the activities and objectives outlined in the Economic Development Strategy 2013-2016. These will be covered in future annual budgets.

### **Strategic Implications**

The Economic Development Strategy 2013-2016 is consistent with the 2013-2023 Strategic Community Plan - *Direction 4.2 Encourage and facilitate economic development* and the 2013-2016 Corporate Business Plan *Initiative 4.2.1 Implement, review and monitor the Economic Development Strategy 2013-2016*.

### **Sustainability Implications**

The Economic Development Strategy 2013-2016 will facilitate the City of South Perth becoming a more sustainable, prosperous and liveable community.

### 10.6.6 Sale of Land under S6.64 of the Local Government Act 1995

Location: City of South Perth  
Applicant: Council  
Date: 10 April 2013  
Author: Peter Yaxley  
Reporting Officer: Michael Kent, Director Financial & Information Services

#### Summary

The property situated at 5/4 Mt Henry Road COMO WA 6152 is owned by R B A Rahim & M B Harun. The rate record for this property has not had a zero balance since 30<sup>th</sup> June 2003. Since that date, the level of outstanding debt has continued to grow exponentially. The City has attempted on several occasions to recover the outstanding debt through structured debt collection processes up to and including legal action in the Magistrate's Court.

The most recent recovery action was the issue of a General Procedure Claim (GPC) for the unpaid rates and charges. The process server who attended the property address has provided a 'Non-Service' report in which the City is advised that the property is unoccupied and the evidence suggests that it has been vacant for some considerable time (a copy of the GPC and the Non-Service report is attached). As the property owners are (apparently) overseas, it not possible for the City to perform a skip trace on the property owners (locate their whereabouts).

The total outstanding balance as at 9 April 2013 is now \$12,362.17 which equates to 7 financial years worth of unpaid rates and charges. This is considered to be an unacceptable situation given that the vast majority of the City's ratepayers diligently respect their obligation to contribute to our community through regular payment of rates and charges.

#### Officer Recommendation

That, as a consequence of having fully exhausted all other debt collection attempts, Council endorse the forced sale of the property situated at 5/4 Mt Henry Road COMO WA 6152 for non-payment of local government rates and charges in excess of 3 years in arrears, in accordance with Section 6.64 (1)(b) of the *Local Government Act 1995*.

#### Background

On 18<sup>th</sup> November 2011 the City was contacted by the daughter of owners of the property (Marzuriati Marzudi), who advised that her parents were no longer living in Australia. At that time it was acknowledged by the daughter that the debt had become a serious problem and she entered into a payment arrangement on behalf of her parents for the amount of \$500 per month commencing Jan 2012. However, the commitment to the payment arrangement was short lived with only 4 payments being received. Since that time, Council staff and external debt recovery agents have (despite numerous efforts) been unable to make further contact with the daughter.

#### Comment

It has not previously been the City of South Perth's policy to apply the statutes of Section 6.64(1) over properties which are used for residential purposes. This stance has been adopted to negate any negative publicity toward the City as an uncaring organisation and avoid being perceived as a contributor to increasing homeless person statistics.



However, as the subject property is unoccupied, (evidenced by the Non-Service report with respect to the GPC that was issued - vacant, front door obscured by spider webs etc) further observance of this approach in this scenario is unwarranted.

Given that there are in excess of 7 financial years rates and charges outstanding on the property, it would seem reasonable that the provisions of Section 6.64 (1) to now be applied. In addition, as the property is unoccupied, the issue of displacement of residents from their accommodation is also not a concern. Therefore, the sale of the land to recover the unpaid rates and charges of \$12,362.17 is strongly recommended.

### **Consultation**

The City has engaged the services of professional debt collection agents Austral Mercantile in pursuit of this errant ratepayer. Austral Mercantile has confirmed that as the ratepayer is overseas that the 'normal' legal recovery action cannot be performed as the necessary processes are unable to be served upon the ratepayer. In addition, Austral Mercantile are also unable to perform a Skip Trace (errant debtor locating service) due to the ratepayer now living abroad.

Through the issue of legal recovery action it has also been confirmed by legal document process servers that the subject property is unoccupied and has been for some length of time.

### **Policy and Legislative Implications**

The City is empowered to enforce the sale of land under the statues of Section 6.64(1)(b) of the *Local Government Act 1995* which states:

#### **6.64. Actions to be taken**

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -

- (a) from time to time lease the land;
- (b) sell the land;**
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

### **Financial Implications**

Sale of the property will benefit the City by the collection of \$12,362.17 (as at 9<sup>th</sup> April 2013) of outstanding rates and charges. The outstanding debt is accruing further interest on a daily basis in line with the Local Government Act provisions. In addition, the property would be transferred to new owners who would no doubt be better placed to service the payment of the annual rates and charges.

### **Strategic Implications**

This report is consistent with the [Strategic Community Plan 2013-2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

### **Sustainability Implications**

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

## **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 6 to 10 May 2013 inclusive.

### **11.2 REQUEST FOR LEAVE OF ABSENCE – CR REID**

I hereby apply for Leave of Absence from all Council Meetings for the period 29 April to 1 May 2013 inclusive.

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

Nil

## **13. QUESTIONS FROM MEMBERS**

### **13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

Nil

### **13.2 QUESTIONS FROM MEMBERS**

## **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**

#### **15.1.1 Disposal of Lot 800 Ray Street South Perth**

Location:	City of South Perth
Applicant:	Council
Date:	16 April 2013
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

#### ***Confidential***

This report has been designated as *Confidential* in accordance with Section 5.23(2)(c) of the Local Government Act 1995 as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Note: *Confidential* Report circulated separately.

### **15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

## **16. CLOSURE**

## **17. RECORD OF VOTING**

## ITEM 3.1 REFERS

### Mayor's Activity Report – March 2013

Date	Activity
Thursday, 28 March	South Perth Cricket Club end of season Presentation evening
Wednesday, 27 March	Stephenson-Hepburn Oration 2013
	Chris Gorrill meeting + CEO
	Clontarf Trade Training Centre - Blessing and Opening Ceremony
Tuesday, 26 March	Council meeting
	Mayor/CEO weekly meeting
Monday, 25 March	Induction of Rev Nalin Perera as Wesley College Chaplain
	Presentation UWA Politics Club
	Forum – Salaries and Allowances Tribunal. Inquiry into Mayor/Councillors Fees, Allowances and Reimbursements + CEO
Sunday, 24 March	Angelo St Marketplace + Deputy Mayor, Cr Kevin Trent + Crs Betty Skinner and Fiona Reid
	Present prizes at Gopher Muster + Cr Betty Skinner
Saturday, 23 March	McDougall Park Open Day
Friday, 22 March	Official Opening of Beatty Park
	Investiture ceremony for Curtin's new Chancellor Mr Colin Beckett
	Open Cemeteries & Crematoria Association of WA AGM
Thursday, 21 March	Fiesta: Harmony Day Colourfest Films
	Judge Waterford Plaza school cook off
	Southern Gazette Photo - Streets Alive - win a water wise verge makeover
	Cygnets Theatre discussion with John McGrath MLA
Wednesday, 20 March	Local Government Reform meeting at City of Canning + CEO
Tuesday, 19 March	March Council Briefing
	CEDA - Moving People Event + Deputy Mayor Cr Kevin Trent + CEO
	6PR morning show interview re Gopher Muster
Monday, 18 March	Manning Community Association meeting
	Mayor/CEO meeting + Deputy Mayor, Cr Kevin Trent
Sunday, 17 March	FIESTA: Millpoint Fresh Music and Munch
	Wesley College Fair

	Fiesta Fun Day @ GBLC + Cr Fiona Reid
Saturday, 16 March	Fiesta Hockey 4 All
Friday, 15 March	Mayor Meet the Community – Angelo Street shops
Thursday, 14 March	WALGA : Launch of Emergency Management On-Line Training
Wednesday, 13 March	Rivers Regional Council Workshop - + Deputy Mayor, Cr Kevin Trent +Cr Colin Cala, Fiona Reid, Ian Hasleby and Bill Gleeson
Tuesday, 12 March	Mayor/CEO weekly meeting
Monday, 11 March	Meeting - funding for NAIDOC week
	LG Reform meeting @ City of Stirling + CEO
Sunday, 10 March	Music by Moonlight 2013 – Town of Victoria Park
	Open Esther Fiesta Fun Run
Saturday, 9 March	Meeting with Irish Ambassador Clontarf
	Fiesta Opening Concert
	Fiesta: SBA AM Series Skate Competition
Friday, 8 March	Local Chambers Perth City Business Dinner of the Year 'Under the Stars' + Cr Fiona Reid + Manager Governance and Administration
	Fiesta: Festival of the Black Swan
	Inaugural Rotary Club of Dalkeith 'Esther Fiesta' Morning Tea
Thursday, 7 March	Sculpture by the Sea - Preview Tour + Cr Fiona Reid
Wednesday, 6 March	Audit & Governance Committee
Tuesday, 5 March	Briefing Amendment 34 –Telstra site workshop
	Fiesta 2014 sponsors meeting with Manager Community Culture and Recreation and Grants and Consultation Officer
	Mayor/Acting CEO meeting
Sunday, 3 March	Millennium Kids Clean up the River at Como Beach Foreshore
Friday, 1 March	National Year of Reading – Thank You Evening + Deputy Mayor, Cr Kevin Trent + Cr Fiona Reid
	Meeting with CEO & Chairman of Rivers Regional Council + CEO
	Mayor Meet the Community

## Council Representatives' Activity Report - March 2013

Date	Activity
Thursday, 28 March	WALGA: Waste in the Metropolitan area – Visions for the future – Deputy Mayor Cr Kevin Trent, Cr Ian Hasleby , Cr Bill Gleeson + Cr Fiona Reid
Thursday, 21 March	Morning Melodies Concert – Deputy Mayor, Cr Kevin Trent + Cr Betty Skinner
Sunday, 17 March	FIESTA: Gala Bridge Open Day – Cr Sharron Hawkins-Zeeb
Tuesday, 12 March	The Importance of Being Earnest – Cr Sharron Hawkins-Zeeb
Thursday, 7 March	PAMG meeting – Crs Ian Hasleby and Betty Skinner