

# AGENDA

## Ordinary Council Meeting

26 February 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 26 February 2013 in the Council Chamber at the administration offices Sandgate Street, South Perth commencing at 7.00pm



CLIFF FREWING  
CHIEF EXECUTIVE OFFICER  
22 February 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 Annual Electors meeting held 3 December 2012 the following questions were taken on notice.

#### 6.1.1 John Stewart, Keaney Place, Waterford

##### Summary of Question

In Key Finding 10 of the Robson Report there seems to be some suggestion of erosion of local government's role. Is that a widely held view among the Council and City officers?

##### Summary of Response

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

*Key Finding 10 - The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.*

The Council considered key finding 10 of the Robson Report at the 27 November 2012 Council meeting and agreed in principle to the finding, with the following additional comment. Subject to further information being made by "participatory governance modes" and what this actually means in practice. References are also made to place management

approaches and it is suggested that this would only be relevant if the 10-12 local governments' option is introduced as local governments will generally be much larger entities than they are now.

### **6.1.2 Warwick Boardman, Unwin Crescent, Salter Point**

#### Summary of Question

I am pleased to note cycling funding in the Budget; however the existing Bike Plan does say that it will not make roads worse when cycling. In respect of Goss Avenue, narrow roads do not make cyclists feel safe, so does the Council really support safe cycling? It would be good if it could be taken on board before narrowing roads i.e. implementing traffic calming measures.

#### Summary of Response

A response was provided by the Manager City Environment by letter a summary of which is as follows:

At its meeting held on 26 June 2012, the Council adopted the South Perth Bicycle Plan 2012 – 2017. This plan highlights the City's commitment to developing an integrated network of bicycle routes to provide greater opportunity for people to cycle rather than being car dependent.

The City does not have any plans to narrow the road carriageway of Goss Avenue. Rather, it is the City's intention to implement traffic calming measures to reduce traffic speed and improve road safety in Goss Avenue. It is also the City's intention to design the traffic calming measures, where practicable, to be sympathetic to the needs of cyclists in order to provide a safe environment for all road users.

### **6.1.3 Lyn Giblett, Amery Street, Como**

#### Summary of Question

In relation to the issue of the road works in Baldwin Street. Amery Street runs into Baldwin Street and I cannot understand why they have gone and put 'almost' a roundabout in to address, I have been told, the speeding traffic. I cannot understand why not put traffic calming measures in Henley Street where it comes down from Canning Highway?

#### Summary of Response

A response was provided by the Director Infrastructure Services by letter, a summary of which is as follows:

The off-set intersection treatment is the appropriate treatment for slowing speeding vehicles on long straight sections of street. Prior to implementation, the design for Baldwin Street was distributed to all affected property owners and presented in the Out for Comment section of the Cities website. The City has not received any other adverse comment in respect to the selected treatment.

The street calming for Baldwin Street is required in the section Cale Street to Saunders Street, not in Henley Street at Baldwin Street. The Baldwin Street project also included works in Saunders Street at Baldwin Street to provide for two way movement through the intersection. The earlier narrow treatment had been installed to slow in particular east bound through traffic in Saunders Street.

## 6.2 PUBLIC QUESTION TIME: 26 FEBRUARY 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: 11 December 2012

#### RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 11 December 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 - December Ordinary Council Meeting Held 4 December 2012

Officers of the City presented background information and answered questions on items identified from the December 2012 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

### 7.2.2 Concept Forum Councillor Tour of City Meeting Held: 29 January 2013

Councillors visited Waterford Triangle; Centenary Ave, Waterford; Cygnia Cove; Jackson Ave / Henley St, Karawara; Neil McDougall Park and Manning Hub. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

### 7.2.3 Concept Forum Civic Triangle Meeting Held: 23 January 2013

In accordance with the 11 December 2012 Council resolution, officers of the City and Garmony Property Consultants presented a licensed valuation and analysis on the proposed disposition of the Civic Triangle. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

#### RECOMMENDATION

That the attached Notes under Items 7.2.1 to 7.2.3 on Council Briefings be noted.



## 8. PRESENTATIONS

### 8.1 PETITIONS

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

- 8.1.1 Petition received 11 December 2012 from Helen Davis (also known as Helen Harding) 3 Tate Street, South Perth together with an additional 90 signatures to the same petition submitted and accepted on 8 December 2012 in relation to the Proposed Additions to Baptist Church including a Day Care Centre No. 2 Lawler Street, South Perth approved at Item 10.3.1 November 2012 Council Meeting.**

Text of petition reads:

“We local residents believe that the Planning Approval granted for the application for additions to the Baptist Church at No. 2 Lawler Street by Council on 27 November 2012 has not satisfactorily consulted with the local community in accordance with Council Policy P301 and TPS6. We do not believe that the full implications and impact of the development upon the amenity of the local residents specifically relating to the inclusion of a 56 place Child Care Centre within a residential area. We believe that the location of the site on an acute angled corner and approved overflow of cars into Tate and Lawler Streets will create an adverse and permanent traffic hazard for all users.”

#### RECOMMENDATION

That the Petition dated 11 December 2012 received from Helen Davis (also known as Helen Harding) 3 Tate Street, South Perth together with 90 additional signatures to the same petition submitted and accepted on 8 December 2012 in relation to the Proposed Additions to Baptist Church including a Day Care Centre No. 2 Lawler Street, South Perth approved at Item 10.3.1 November 2012 Council Meeting be forwarded to Director Development and Community Services for consideration.

- 8.1.1 Petition received 22 January 2013 from Richard Reading 17 Todd Avenue, Como together with 25 signatures in relation to Increased Density Coding (From R15 to R20) for Todd Avenue Properties**

Text of petition reads:

“We the undersigned, living in the location bounded by Canning Highway, Murray Street and Todd Avenue, hereby request the City of South Perth to review the Town Planning Scheme 6 in the above location from R15 to R20, given that there are now a large number of R20 blocks already in this location.”

#### RECOMMENDATION

That the Petition dated 22 January 2013 received from Richard Reading 17 Todd Avenue, Como together with 25 signatures requesting increased density coding (from R02 to R20) for Todd Avenue properties be forwarded to Director Development and Community Services for investigation.

## 8.2 PRESENTATIONS

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

### 8.2.1 Como Golf Academy: Plaque of Appreciation

The Mayor to present a commemorative plaque of appreciation to the City of South Perth from the Como Secondary College in recognition of the City's support of the Como Golf Academy.

### 8.2.2 Poetry d'Amour 2013: Certificate of Appreciation

The Mayor to present a certificate of appreciation and a copy of the Poetry d'Amour book to Manager Library Services in re recognition of the City's support of the Poetry d'Amour 2013 event

## 8.3 COUNCIL DELEGATES REPORTS

### 8.3.1 Council Delegate: WALGA South East Metropolitan Zone 28 November 2012

A report from Mayor Doherty and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 28 November 2012 is at **Attachment 8.3.1.**

#### RECOMMENDATION

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 28 November 2012 be received.

### 8.3.2 Council Delegate: Perth Airport Municipalities Group Meeting 13 December 2012

A report from Crs Hasleby and Skinner summarising their attendance at the Perth Airport Municipalities Group Meeting held 13 December 2012 is at **Attachment 8.3.2.**

#### RECOMMENDATION

That the Delegate's Reports in relation to the Perth Airport Municipalities Group Meeting held 13 December 2012 be received.

### 8.3.3 Council Delegate: Perth Airport Municipalities Group AGM 13 December 2012

A report from Crs Hasleby and Skinner summarising their attendance at the Perth Airport Municipalities Group AGM held 13 December 2012 is at **Attachment 8.3.3.**

#### RECOMMENDATION

That the Delegate's Reports in relation to the Perth Airport Municipalities Group AGM held 13 December 2012 be received.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Special Electors' Meeting Held 26 November 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/1003
Date:	12 February 2013
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

#### Summary

The Annual Electors meeting was held on 30 November 2009 to discuss the Annual Report, Financial Statements and the Auditor's Report for the year ended 30 June 2009.

#### Officer Recommendation

That the Council note that the electors' motion passed at the Special Electors' Meeting 26 November 2012 will be considered together with all other submissions received in relation to the Manning Community Facility at the March 2013 Council meeting.

#### Background

A Special Electors' Meeting was held 26 November 2012 following receipt of a petition with 110 signatures requesting a meeting to discuss the proposed Manning Community Facility at Manning Hub.

#### Comment

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 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 7m or 2 stories on all developments on the Manning Hub site.*

The Council noted this electors' motion and the minutes of the Special Electors' Meeting at the 11 December 2012 Council meeting and resolved:

*That the Petitioner, Ms Marnie Tonkin, be advised that:*

- (a) Council notes the Motion carried at the Special Electors Meeting on 26 November 2012 in relation to the Manning Community Centre; and*
- (b) the Motion passed by that meeting will be considered together with other Submissions received in a report to the February 2013 Council Meeting.*

With the community consultation for both the Manning Community Centre Development Application and the Town Planning Scheme Amendment #36 (Future Manning Commercial Area) extended by the Council until 25 January 2013, a report on this matter will now be presented to the March 2013 Council meeting rather than the February 2013 Council meeting as previously anticipated.

### **Consultation**

The Manning Community Centre Development Application and the Town Planning Scheme Amendment #36 (Future Manning Commercial Area) has been the subject of an extended community consultation period which concluded 25 January 2013.

### **Policy and Legislative Implications**

Section 5.33 of the *Local Government Act 1995* provides that:

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or if that is not practicable –*
  - (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose, whichever happens first.*

### **Financial Implications**

There are no financial implications associated with this report.

### **Strategic Implications**

This report is consistent with the 2013-2023 Strategic Plan, 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.

## 10.1 STRATEGIC DIRECTION 1 : COMMUNITY

### 10.1.1 Electors General Meeting 3 December 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/1001-2012
Date:	12 February 2013
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

#### Summary

This report considers the outcomes of the Electors' General Meeting, held 3 December 2012.

#### Officer Recommendation

That:

1. The Minutes of the Electors' General Meeting held on 3 December 2012 at Attachment 10.1.1 be taken as read and confirmed as a true and correct record.
2. The Council notes the following decision made at the Electors General Meeting:
  - That the Auditor's Report for the year ended 30 June 2012 be received.

#### Background

The Electors' General Meeting was held 7.00pm 3 December 2012 to receive the Annual Report, Financial Statements and the Auditor's Report for the year ended 30 June 2012. A total of 7 members of the public attended the meeting.

#### Comment

In accordance with s5.33 of the *Local Government Act 1995*, the Council is required to consider any decisions from the Electors' General Meeting. There was one motion passed at the 3 December 2012 meeting:

- That the Auditor's Report for the year ended 30 June 2012 be received.

#### Consultation

As required under s5.20 of the *Local Government Act 1995*, appropriate advertising was placed in *The Southern Gazette*, the City's website and all City notice boards.

#### Policy and Legislative Implications

Section 5.27 of the *Local Government Act 1995* requires a general meeting of electors to be held once every financial year to consider the contents of the annual report for the previous year and then any other general business.

Section 5.33 of the *Local Government Act 1995* states that all decisions made at a general meeting of electors are to be considered at a Council meeting.

#### Financial Implications

There are no financial implications associated with this report.

**Strategic Implications**

The 2011/2012 Annual Report and 2011/2012 Annual Financial Statements are consistent with the 2013-2023 Strategic Plan, 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.

**10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**  
Nil

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

#### 10.3.1 Request for Amendment to Town Planning Scheme No. 6 to increase residential density coding from R15 to R25 of land on southern side of Angelo Street between Addison and Lawler Streets, South Perth (Amendment No. 39)

Location:	Lot 1 (Nos. 2 and 4) Addison Street, and Lots 2, 303, 304, 4, 306, 305, 307, 308, 1, 2, and 3 (Nos. 135 to 151) (inclusive) Angelo Street, South Perth
Applicant:	Dynamic Planning and Developments
Owner:	Various
File Ref:	LP/209/39
Date:	1 February 2013
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer Director Development and Community Services

#### Summary

The purpose of Amendment No. 39 to Town Planning Scheme No. 6 (TPS6) is to increase the density coding of the Amendment lots from the existing R15 coding, to R25 coding. It is not proposed to amend either the zoning or the Building Height Limit applying to this land. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment 10.3.1(a)**.

It is recommended that the proposed Amendment No. 39 to TPS6 be initiated and the draft Amendment proposals be endorsed to enable them to be advertised for wider community comment.

#### Officer Recommendation

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by amending the Scheme Maps to depict an increased density coding from R15 to R25 for Lot 1 (Nos. 2 and 4) Addison Street, and Lots 2, 303, 304, 4, 306, 305, 307, 308, 1, 2, and 3 (Nos. 135 to 151) (inclusive) Angelo Street, South Perth.
- (b) the Report on Amendment No. 39 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment 10.3.1(a)**, be adopted;
- (c) in accordance with section 81 of the Planning and Development Act 2005, Amendment No. 39 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 39 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 39 be implemented in accordance with the Town Planning Regulations and Council Policy P301 'Consultation for Planning Proposals'; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 39:

**FOOTNOTE:** *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*

and

- (g) the applicants be invoiced for the estimated Planning Fee of \$15,000 including GST.



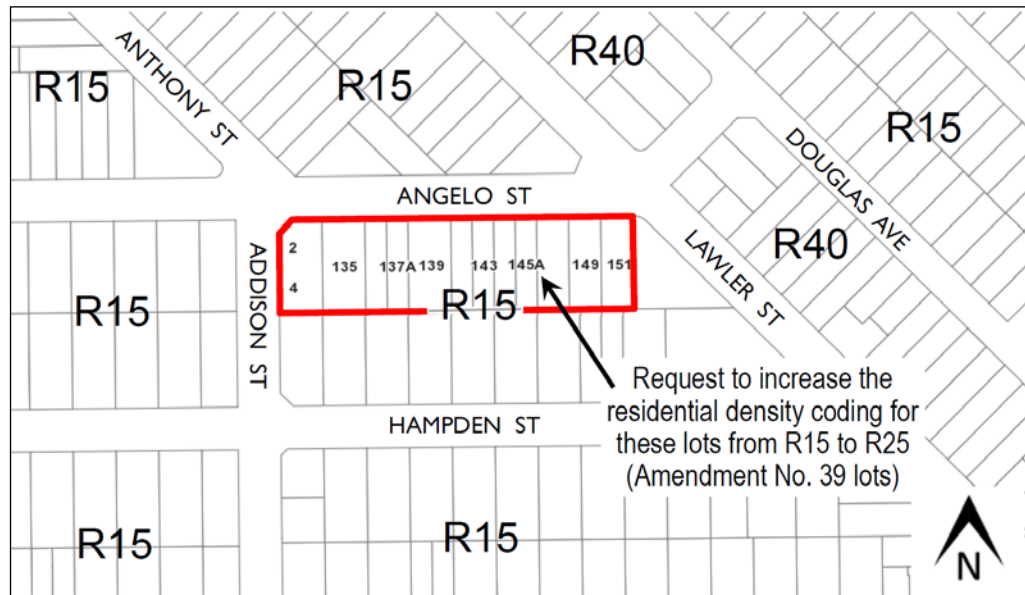
## Background

This report contains the following attachments:

**Attachment 10.3.1(a):** Draft Amendment No. 39 Report and amending text.

**Attachment 10.3.1(b):** Extent of clause 9.8(3) consultation and origin of submissions

The location of the Amendment area is shown below:



Amendment No. 39 fulfils the requirement of clause 9.8 'Amendments to the Scheme', which includes the following:

*“(1) The Council shall keep the Scheme under constant review and where appropriate, carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.”*

## Comment

The subject land is currently coded R15. Under the previous Town Planning Scheme No. 5, this land formed part of a cell of four street blocks bounded by Angelo, Lawler, Elizabeth and Sandgate Streets, which had a density coding of R25. Under the R25 coding of TPS5, it was permissible for the subject lots to be subdivided into two lots or developed with two dwellings. Most owners within the Amendment area took advantage of this opportunity. With gazettal of TPS6 in April 2003, all of this land was down-coded to R15 due to a mixed response from residents during two consultation periods on the draft TPS6. Under the R15 coding, lots must have a minimum area of 1332 sq. metres in order to meet the R-Codes requirements for two dwellings (or lots). None of the subject lots meet this requirement. The proposed Scheme Amendment will restore the previous development potential.

The Amendment lots comprise all of the land zoned 'Residential' along the southern side of Angelo Street between Addison and Lawler Streets, South Perth. Prior to successive subdivisions being approved, the original lots were of a consistent size and frontage, with areas of around 860 sq. metres each, and 20.0 metre frontages. Over time, most of these lots have been either redeveloped or subdivided to the extent that only two lots of the original size remain occupied by Single Houses. The more recently created narrower lots are generally half the width of the original lots. The 'un-subdivided' remnant lots are Lot 2

(No. 135) and Lot 4 (No. 139) Angelo Street. The extent of development of narrower lots has changed the character of this portion of the street. The purpose of this Scheme Amendment, increasing the density coding to R25, is to enable each of the two remnant larger lots to be developed with two dwellings in the future. The two larger and wider lots are now separated from one another by two narrower lots.

The Council does not generally support 'spot rezoning' where other lots in the vicinity have the same zoning or density coding and are in a similar situation. Consequently, a larger, more logical area has been selected as the 'Amendment area'. The proposed density coding will better reflect the actual developed density of most of the Amendment lots.

Under R25 coding, lots with an average area of 350 sq. metres and a minimum area of 320 sq. metres may be created. The two remaining larger lots have areas of around 860 sq. metres and could therefore be subdivided into two narrower lots under the R25 density coding. R25 is the lowest coding that would permit such development.

### Consultation

(a) **Applicant's consultation with landowners**

The applicant, Dynamic Planning, represents the owners of one of the two larger lots within the Amendment area. The City advised the applicant that a 'spot rezoning' would not be supported for a single lot, and that a larger area should be selected for the Amendment. The City also asked the applicant to consult with the owners of all of the Amendment lots prior to submission of a formal Scheme Amendment request. This consultation resulted in the applicants receiving responses from only two of the owners of affected lots. Both respondents supported the proposal.

(b) **City's clause 9.8(3) '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 has undertaken consultation independently, to the extent required by Council Planning Policy P301 'Consultation for Planning Proposals'. This involved a wider area than merely the Amendment lots: 45 letters inviting comment were mailed to the owners of land within 'Area 1' as defined in Policy P301, being the lots comprising, adjoining or opposite the Amendment land. The extent of the 'preliminary consultation' undertaken by the City is shown in **Attachment 10.3.1(b)**.

The results of this consultation are as follows:

Submission comment	Officer response and recommendation
<p><b>Submission 1</b> Support proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>• environmental benefit of increased inner urban density, as population increases;</li> <li>• expansion of City's ratepayer base;</li> <li>• improvement of housing quality arising from urban renewal following density coding increase;</li> <li>• lack of problems arising from development which has already occurred within subject area.</li> </ul>	<p>Submission UPHELD.</p>

<p><b>Submission 2</b> Overwhelming support. Up-coding is a logical planning outcome and will allow consistent development of lots in line with previous subdivisions and development within the Amendment area.</p>	<p>Submission UPHELD.</p>
<p><b>Submission 3</b> Support. Submitter would also like to replace an old house with two new smaller units on the site. The outcome of this proposal will have a significant effect on this decision. Submitter enjoys living in this location and wishes to remain, but in a smaller house.</p>	<p>Submission UPHELD to the extent of support for the Amendment proposal. However, it is noted that the submitter's site of 658 sq.m would be 42 sq.m too small for two dwellings at a density of R25.</p>
<p><b>Submission 4</b> Support. <i>(Submitted by resident who did not respond to the City's consultation but who had previously responded to the applicant's earlier consultation.)</i></p>	<p>Submission UPHELD.</p>
<p><b>Submission 5</b> I strongly oppose this amendment. The grounds for my opposition are both personal and community-based. My home and property is directly adjoining one of the lots in question, which backs onto our property. The lot is not large and the subdivision and redevelopment of the lot would mean building at the limit of allowable distance from the dividing fences, i.e. 1 metre. Our home is built on the back of a lot on Hampden Street, and was strata titled in the 1970s. Although this strata, being on a 1000m<sup>2</sup> lot, allowed for ample land for both homes, it does mean that our house, living areas and only outdoor area are at the rear of the property. The construction of a residential building on the rear of the property behind us would mean significantly increased noise and disruption to our peace and privacy. Already, due to the design of our roof line, sounds (including voices) from the adjoining property can be clearly heard in our bedrooms which are upstairs and this is from the outdoor area of the present house which is built at the front of the lot. Furthermore, with the building of multiple dwellings comes multiple air conditioning units, which are usually located as far as possible away from the dwelling itself and therefore closer to the adjoining properties. Hence, we have serious concerns about increased noise and therefore impact on our own enjoyment of peace and privacy. Additionally, construction of what would most likely be a 2-storey building to compensate for the small amount of land, would impinge on our privacy from a visual perspective – at the moment we (and the homes around us) enjoy privacy from adjoining properties.</p>	<p>The submitter objects to the proposal predominantly on amenity grounds, citing increased visual and audio intrusion, loss of sunlight, and reduced outlook, from a future two-storey building close to the rear boundary on a lot in Angelo Street adjoining the submitter's property. Contrary to the submitter's belief, however, the lot immediately behind the submitter's property would not be suitable for development with two Grouped Dwellings, being too small under both the existing R15 coding and the proposed R25 coding. The lot in question has an area of 658 sq. metres, whereas the R-Codes prescribe an average land area of 350 sq. metres per dwelling, or 700 sq. metres total lot area for two dwellings in the R25 coding. The two remaining larger lots in Angelo Street are several lots to the west of the submitter's site, and any development of those lots would not affect the</p>

<p>Finally, the lot in question is to the north of our property; subdividing the land and allowing two dwellings would mean building to the rear which would block a lot of our north aspect of sky, trees, and winter light and change our vista dramatically.</p> <p>I have lived in South Perth for more than 35 years, having bought my first property here in 1975, and have owned and lived in this home since 1997. Part of the reason for living and staying here is the sense of a wide-open neighbourhood created by homes on large blocks of land, and the abundance of trees. Over 3 decades, I have watched the changing profile of our neighbourhoods with the subdivision of many lots and the demolition of gracious old homes to be replaced by either multi-dwellings or, more recently, narrow homes where the street vista becomes one of a multitude of garage doors in a row. I'm pleased that the City of South Perth has revised this latest trend and that at least where old homes on large lots are being demolished, single dwellings are being erected.</p> <p>From a community perspective, I believe we need to retain some sense of neighbourhood not only from a streetscape perspective, but also to encourage families to come to South Perth to live in homes where there is some space for children to play, not where every available square metre of land is taken up with building, garage or concrete driveways. I do, however, understand the need for and advantages of diversity in housing. I believe South Perth has this and that sufficient rezoning and subdivision and redevelopment has taken place already. As explained in your letter, there are only two remaining older house lots in this portion of Angelo Street, with all the other lots already developed to a density greater than R15. In my opinion this is sufficient and the mix should remain as it is, allowing for some lots which are single dwelling zoning.</p> <p>I trust this submission outlining my thoughts, concerns and wishes will be seriously considered by the Council and I strongly urge and beg the Council to refuse the request to amend the Town Planning Scheme No. 6 to increase the residential density coding for this area.</p>	<p>submitter's amenity. While two dwellings on the lot adjoining the rear of the submitter's lot would not be permitted, the existing R15 coding would not preclude the existing dwelling from being extended further towards the rear boundary without the need for a Scheme Amendment. Having regard to the submitter's comments, normal R-Codes provisions and the above discussion, it is recommended that:</p> <ul style="list-style-type: none"> <li>(a) the submission be NOT UPHOLD; and</li> <li>(b) Amendment No. 39 be endorsed without modification, for wider community consultation as required by the Town Planning Regulations.</li> </ul>
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In addition to the written submissions listed above, the City also received telephone contacts from three other consulted residents of Hampden and Lawler Streets, none of whom objected to the Amendment proposals.

(c) **Environmental Protection Authority**

The Amendment No. 39 proposals will be forwarded to the Environmental Protection Authority (EPA) for assessment following endorsement by the Council for community advertising.

**(d) Consultation under Town Planning Regulations**

The statutory community consultation will be initiated when the EPA has 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 will involve a minimum 42-day advertising period during which site notices will be 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 will also be sent to landowners within 'Area 2' as defined in Policy P301. 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 requested Amendment be finally approved.

**Policy and Legislative Implications**

Amendment No. 39 will have the effect of increasing the density coding of the Amendment lots, from R15 to R25. When finally approved by the Minister for Planning, this change will be incorporated into the Scheme Amendment Map. No change to the Scheme Text is required.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 39 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

<b>Stage of Amendment Process</b>	<b>Estimated Time</b>
Council resolution to initiate Amendment	26 February 2013
Council adoption of draft Amendment proposals for advertising purposes	26 February 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early March 2013
Public advertising period of not less than 42 days	April-May 2013
Council consideration of Report on Submissions	June or July 2013
Referral to 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 Amendment documents for final approval</li></ul>	One week after the relevant Council meeting
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

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**

Financial costs (administrative and advertising) incurred by the City during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, an estimated Planning Fee of \$15,000 is proposed. The applicant will be invoiced following the Council's

decision to initiate the Amendment process, with payment required within 7 days. At the conclusion of the Amendment process, the estimated fee will be adjusted to reflect the total actual costs incurred by the City.

### **Strategic Implications**

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

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

### **Sustainability Implications**

The proposed Amendment No. 39 will provide for a slightly greater housing capacity for two of the Amendment lots and will better reflect the actual density of most of the lots within the Amendment area. This meets the State Government strategy of allowing higher densities in appropriate areas, to accommodate the growing population within the City.

### **Conclusion**

The Amendment No. 39 Report, comprising **Attachment 10.3.1(a)**, contains a full description and justification of the Amendment proposals. The ‘preliminary consultation’ undertaken by the City indicates that there are no significant objections from the surrounding residents which would preclude the Amendment proposal from being endorsed for wider community comment. The Council should now initiate the statutory process to enable the proposed Scheme Amendment No. 39 to be advertised for public inspection and comment.



### **10.3.2 Request for Amendment to Town Planning Scheme No. 6 to rezone Lot 6 (No. 148) South Terrace, South Perth, from Residential (R40) to Highway Commercial (R80) for use as part of the Como Hotel (Amendment No.40)**

Location: Lots 6 (No. 148) South Terrace, South Perth  
Applicant: MGA Town Planners  
Owner: Australian Leisure and Hospitality Group Property Holdings Pty Ltd (ALHG)  
File Ref: LP/209/40  
Date: 1 February 2013  
Author: Gina Fraser, Senior Strategic Planning Officer  
Reporting Officer: Vicki Lummer  
Director Development and Community Services

#### **Summary**

The purpose of Amendment No. 40 is to rezone Lot 6 (No. 148) South Terrace, South Perth, from the 'Residential' zone with a density coding of R40, to the 'Highway Commercial' zone with R80 coding. Lot 6 has been owned by ALHG for many years and is currently vacant other than for a landscaped garden. The applicant proposes to use the land for additional car parking for the Hotel and a redeveloped bottle shop. It is not proposed to amend the Building Height Limit. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment 10.3.2(a)**. A Traffic and Parking Assessment has also been undertaken (**Attachment 10.3.2(b)**).

It is recommended that the proposed Amendment No. 40 to Town Planning Scheme No. 6 be initiated and the draft Amendment proposals be endorsed to enable them to be advertised for community comment.

#### **Officer Recommendation**

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by:
  - (i) rezoning Lot 6 (No. 148) South Terrace, South Perth, from the 'Residential' zone with a density coding of R40, to the 'Highway Commercial' zone with a density coding of R80; and
  - (ii) amending the Scheme (Zoning) Map for Precinct 3 'South Perth Civic', accordingly;
- (b) the Report on Amendment No. 40 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachments 10.3.2(a) and (b)**, be adopted;
- (c) in accordance with section 81 of the Planning and Development Act 2005, Amendment No. 40 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 40 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 40 be implemented in accordance with the Town Planning Regulations and Council Policy P301 'Consultation for Planning Proposals'; and

**Recommendation continued...**

(f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 40:  
**FOOTNOTE:** *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*

and

- (g) the applicants be:
- (i) advised that Council’s preliminary support for Amendment No. 40 is not to be construed as approval of the concept plans which were submitted to illustrate a possible built outcome if Amendment No. 40 should reach finality. At the time of submission of any future development application, the City will assess the application for compliance with all requirements contained in the City’s Town Planning Scheme No. 6 and Council Policies; and
  - (ii) invoiced for the estimated Planning Fee of \$15,000 including GST.

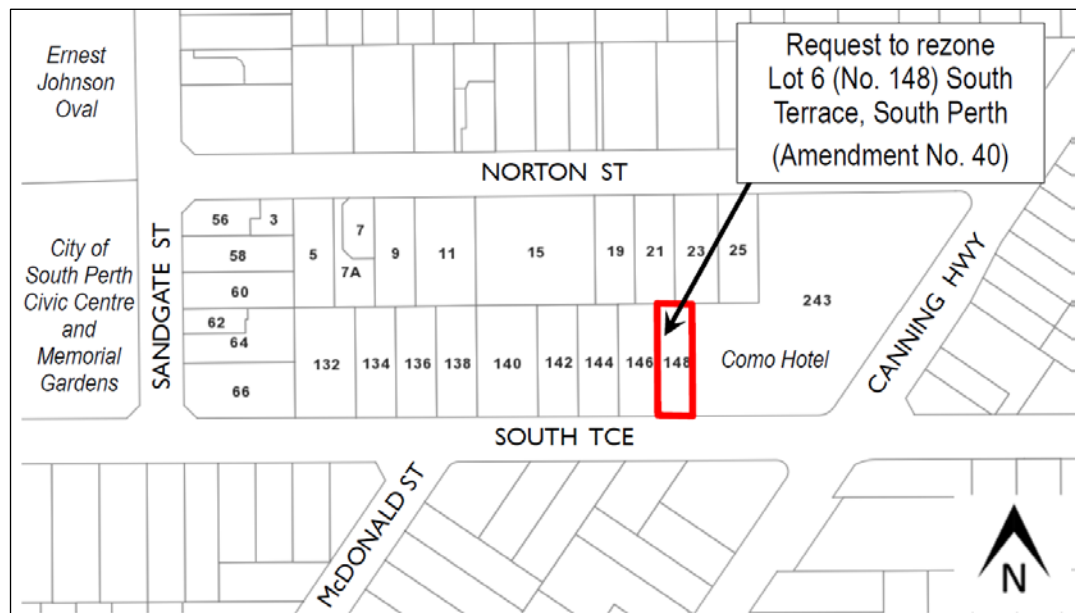
### Background

This report contains the following attachments:

**Attachment 10.3.2(a):** Draft Amendment No. 40 Report and amending text.

**Attachment 10.3.2(b):** Appendix 2 to draft Amendment No. 40 Report:  
Riley Consultants Traffic and Parking Assessment Report.

The location of the Amendment site is shown below:



Amendment No. 40 fulfils the requirement of clause 9.8 ‘Amendments to the Scheme’, which includes the following:

“(1) The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.”



## Comment

Lot 6 (No. 148) South Terrace is currently zoned Residential with a density coding of R40. The site was purchased by ALHG some years ago, as part of the Como Hotel landholdings. ALHG now intend to undertake extensive renovations to the Hotel, part of which involves the expansion of the Hotel car park onto Lot 6.

Many years ago, Lot 6 was rendered unsuitable as a residential site, due to a Western Power electrical transformer having been installed on the south-eastern corner of the site close to the South Terrace boundary. The facility occupies approximately 18.0 sq. metres of the site, and extends 6.0 metres along the street boundary.

The Council does not generally support 'spot rezoning' unless there is an urgent or exceptional reason for doing so. In this case, with the original residential purpose of the land having been severely compromised by the installation of the Western Power facility on the land, there is justification for allowing Lot 6 to be used in conjunction with the Como Hotel, which will require rezoning of Lot 6.

A full description of the rezoning proposal is contained in **Attachment 10.3.2(a)**. That report also describes ALHG's future refurbishment proposals for the Hotel in some detail, including a new Dan Murphy's liquor store replacing the existing store. Unlike the existing liquor store, the proposed store will not have a drive-through facility. The attached Amendment Report includes concept plans depicting how the site is proposed to be enhanced and further developed following the finalisation of Amendment No. 40.

The applicant's concept plans have been assessed by a Statutory Planning Officer according to normal TPS6 development requirements for the Highway Commercial zone. Relevant comments on that assessment are contained in the 'Consultation' section of this report, below. However it is important to appreciate that these concept plans are not final and their inclusion in the Amendment Report in no way indicates City Officers' support for the plans at this stage. Before a firm position is reached on the proposed development indicated on the concept plans, various issues will need to be examined in detail at the time of any future development application. Advice to this effect has been included in the Officer Recommendation.

## Consultation

### (a) Applicant's pre-submission neighbour consultation

In the Amendment Report (**Attachment 10.3.2(a)**), the applicant describes two exercises in neighbour consultation undertaken prior to submitting the current formal rezoning request. These are described in the attached Report as follows:

*"The first consultation session was held on 14 September 2011. That event canvassed wide ranging issues and sought local residents' views on the impact of the Hotel on their neighbourhood as well as inviting comment on the issues/elements which should be taken into account in any further development of the site.*

*In seeking this feedback, residents who attended were advised that ALHG was considering replacing the existing bottleshop with a larger Dan Murphy's packaged liquor outlet. The style of the bottleshop facility would change from being primarily a drive-through facility with some browsing capacity to a larger format store for browsing customers only. The major issues raised included noise and traffic. It was also apparent that a number of residents considered the existing Hotel building had little heritage or architectural merit.*

*Noise issues essentially related to the beer garden and alfresco area as well as the bin area and car parks.*

Residents pointed out the constraints on access to the site, particularly along the South Terrace and Canning Highway frontages, highlighting potential safety issues.

The second period of consultation was held on 11 October 2012. This session included the tabling of plans for the development of the Dan Murphy's outlet and adjustments to the Hotel including the extension of car parking onto Lot 6. In general, the issues raised remained similar. The residents were advised of the proposals to reduce the functions of the Hotel including a reduction in the area of the beer garden and its containment within acoustic barriers. They were advised that the upstairs function facilities would not be operated and that the accommodation units were simply too old and too expensive to raise to contemporary standards to retain as an operational part of the Hotel.

The plans tabled also showed the location, layout and elevations of the proposed Dan Murphy's store. They were advised of the need for service vehicles and there was discussion on demand for car parking emphasising the need for parking to be contained on site. There was a suggestion for the Dan Murphy's building to be separated from Norton Street by a landscaped strip.

**(b) Statutory Planning comments on proposed development**

The City's Statutory Planning team has reviewed the proposed Amendment and provided advice on the future development implications of the requested rezoning. They have also identified some additional issues that will need to be considered at the later stage of a development application, should this Amendment be approved.

The comments are as follows:

**“Car Parking Requirement**

The number of car parking bays required for the refurbished Como Hotel is 164 bays (including the variation to the restaurant car parking requirement). The number of car parking bays required for the new liquor store is 52 bays. Therefore, the proposal requires a total of 216 car parking bays.

The proposal incorporates only 162 car parking bays, 54 bays below the required 216. Consequently, the proposed car parking does not comply with the requirements of Town Planning Scheme No 6.

However, currently there are 126 car parking bays approved on the site. Based on the car parking requirements for the existing tavern and shop, the number of bays provided is 207 bays below the requirement. As a result, a shortfall of 54 bays is a noteworthy improvement to the current shortfall of 207 bays.

Furthermore, the traffic and parking assessment completed by Riley Consulting estimates the actual car parking accumulation for the proposal to be 86 bays. This estimate is well within the number of car parking bays proposed.

**Other Development Issues**

A preliminary assessment of the proposed amendment has identified the following aspects of the proposal that could be of concern and will be closely examined at the time of any future submission of a development application, in addition to normal development requirements. These matters include the following:

- **Boundary Wall and Setback**

The current proposal is unlikely to be supported as the boundary wall, adjacent to a residential use, has the potential to impact on the amenity of the property. Additionally, the boundary wall does not comply with the 4.5 metre rear setback requirement for highway commercial developments.

*It is recommended that the proposed liquor store be repositioned closer to Canning Highway. Relocating the shop will produce an improved urban design outcome for Canning Highway by reducing the bulk of car parking forward of the building. Furthermore, relocating portion of the car park to behind the shop will reduce the impact on the adjoining residential property by creating a barrier between the residential and non-residential developments.*

*Alternatively, if the liquor store is to stay in its current location, the secondary street setback should be increased in order to protect the amenity of the residential property in accordance with 5.1(4)(a)(i). The applicant will also need to justify the boundary wall with regards to City Policy P350.2 Residential Boundary Walls.*

- **Landscaping**

Any future submission of a development application will need to incorporate 15% landscaping in order to comply with the development requirements for Highway Commercial.

- **Acoustics**

Any future submission of a development application will need to be referred to the City's Health Department for comments with regards to the proposed acoustic screens, masonry walls along common boundaries with residential properties, and the location of the bin area. In addition to the above, if any of the proposed acoustic structures exceed 1.8 meters in height, the applicant is to address the amenity factors contained in 6.7 of the Scheme.

- **Consultation for Planning Proposal**

Under clause 9 of City Policy P301 'Consultation for Planning Proposals' the City will be required to undertake Area 1 consultation for any future submission of a development application relating to the non-residential development adjoining a residential development."

**(c) Manager, Engineering Infrastructure**

The City's Manager, Engineering Infrastructure, has reviewed the Riley Consultants' traffic and parking assessment report provided at **Attachment 10.3.2(b)**. The traffic study extends beyond the scope of the current Scheme Amendment, in that it also comments on the proposed future development of the site with a Dan Murphy's liquor shop. Amendment No. 40 does not directly relate to the future refurbishment of the site, although indirectly the Scheme Amendment will facilitate that development.

The Manager, Engineering Infrastructure, concludes that the proposed Dan Murphy's bottle shop is not expected to have a negative impact on daily traffic flows, and that ample parking will be provided for all uses on the site. He comments as follows:

**"General Comment**

*The TPS amendment has been sought to enable Lot 6 (currently vacant land) to be rezoned from Residential R40 to Highway Commercial R80. The land is proposed as an extension of the car park associated with the Hotel, and to enable the replacement of the "drive-through" bottle shop to be replaced with a bottle store.*

*Western Power, as part of the original undergrounding of power lines in South Perth / Como, had placed a combination switching unit and transformer mid-block on Lot 6. The placement of the power infrastructure greatly reduces the available area for residential use. On the other hand, the presence of the power infrastructure will have minimal*

impact on the suggested use of the rezoned area as car park for the Hotel and other site improvements.

### **Traffic Considerations**

Riley Consulting has completed a Traffic and Parking Assessment for the proposed conversion of the existing 'drive-through' bottle shop to a Dan Murphy's 'walk-in' bottle store. The assessment has addressed the impact of the Dan Murphy's store only without making adjustment for the reduction in the Hotel areas. It is reasonable then to accept that the report and hence the conclusions portray a more adverse worse position from the one that will unfold with the development.

The Consultant has indicated that "there are no trip generation sources for traffic estimation of drive-in liquor outlets" and has based the assessment on observations conducted on like facilities in Perth, a methodology supported by Engineering Infrastructure.

In the absence of anything to the contrary, Engineering Infrastructure is satisfied that the peak-day trip movement as determined by Riley Consulting for a Dan Murphy's bottle store at this location would be 2,947 vehicles. Deducting the peak-day trip movement for the existing drive-through bottle shop, the net increase in traffic movements overall is 1,544 additional movements.

The distribution of traffic movements for the development is again based on observation of the current operation. Engineering Infrastructure accepts the view expressed by the Consultant that "there are no reasons to suggest that traffic will alter as a result of a new store". With 11% of the entries from and 4% of departures to Norton Street west of the Hotel and store crossing, the increase in Norton Street is acknowledged as 117 per day.

The Consultant did not have traffic counts for Norton Street and has based his conclusions on an assumed average daily traffic movement of 1,000 vehicles per day.

The assumed average daily traffic movement of 1,000 vehicles per day is considered by Engineering Infrastructure to be reasonable and a sound base for the Consultant to work with.

The Consultant concludes for Norton Street (based on the assumed 1,000 vpd) that "even with the proposed Dan Murphy's store, the daily traffic flow will only increase by about 12% and would not be expected to significantly impact the residential amenity of the street". Engineering Infrastructure supports this view.

Vehicle movements in Canning Highway and South Terrace are expected to increase by no more than 2% and 2.6% respectively. The Consultant states that "WAPC guidelines suggest that no further assessment is warranted where daily traffic flows do not increase by more than 10%". Engineering Infrastructure acknowledges the conclusion proffered by the Consultant that "the proposed store is not expected to have a negative impact to daily traffic flows".

### **Parking**

The proposed extension to the car park off South Terrace reduces overall the shortfall in the number of bays as required under TPS6. The assessment of car parking has again been based on an observation of the existing operations that would suggest that the existing bays have only a 70% utilisation. The Consultant states "it is considered that ample car parking will be provided" for the demands of both the Como Hotel and the Dan Murphy's bottle store. Engineering Infrastructure has no issues with the Consultant's report as it relates to parking."

**(d) Environmental Protection Authority**

The Amendment No. 40 proposals will be forwarded to the Environmental Protection Authority (EPA) for assessment following endorsement by the Council for community advertising.

**(e) Consultation under Town Planning Regulations**

The statutory community consultation will be initiated when the EPA has 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 will involve a minimum 42-day advertising period during which site notices will be placed on the Amendment site, and notices displayed on the City's web site, in the Southern Gazette newspaper and in the City's Libraries and Civic Centre. Letters will also be sent to landowners within 'Area 2' as defined in Policy P301. 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 requested Amendment be finally approved.

**Policy and Legislative Implications**

Amendment No. 40 will have the effect of rezoning Lot 6 from the Residential (R40) to the Highway Commercial (R80) to allow the land to be used in association with the Como Hotel. When finally approved by the Minister for Planning, this change will be incorporated into the Scheme Amendment Map. No change to the Scheme Text is required.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 40 is set out below, together with an estimate of the likely time-frame for each stage of the process:

<b>Stage of Amendment Process</b>	<b>Estimated Time</b>
Council resolution to initiate Amendment	26 February 2013
Council adoption of draft Amendment proposals for advertising purposes	26 February 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early March 2013
Public advertising period of not less than 42 days	April-May 2013
Council consideration of Report on Submissions	June or July 2013
Referral to 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 Amendment documents for final approval</li></ul>	One week after the relevant Council meeting
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

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**

Financial costs (administrative and advertising) incurred by the City during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, an estimated up-front Planning Fee of \$15,000 is proposed. The applicant will be invoiced following initiation of the Amendment by the Council. At the conclusion of the Amendment process, the estimated fee will be adjusted to reflect the total actual costs incurred by the City.

### **Strategic Implications**

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

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

### **Sustainability Implications**

The Amendment site (Lot 6 No. 148) South Terrace) has remained vacant for about 27 years. The proposed Amendment No. 40 will allow this unused resource to be used appropriately in conjunction with the Hotel for the purpose of additional car parking. This will be a more sustainable outcome than the existing long-standing situation, since the subject lot is not suitable for residential use.

### **Conclusion**

The Amendment No. 40 Report and Traffic and Parking Assessment report, comprising **Attachments 10.3.2(a) and (b)**, contains a full description and justification of the Amendment proposals. If the draft Amendment is advertised for community comment, this will also provide an opportunity to test the community's response to the concept plan for the proposed refurbishment of the Hotel including the redeveloped bottle shop. The Council should now initiate the statutory process to enable the proposed Scheme Amendment No. 40 to be advertised for public inspection and comment.

**10.3.3 Proposed Two Storey Additions to Single House  
Lot 286 (No. 96) King George Street, Kensington (WITHDRAWN)**

This report has been withdrawn at the request of the applicant.



**10.3.4 Proposed Four (4) Multiple Dwellings  
Lot 9 (No. 3) Gwentyfred Road, Kensington. (WITHDRAWN)**

This report has been withdrawn at the request of the applicant.



**10.3.5 Modified Hours for Approved Family Day Care Facility  
Lot 30 (Unit 7 No. 46) Conochie Crescent, Manning**

Location: Lot 30 (Unit 7/No. 46) Conochie Crescent, Manning  
 Applicant: Ms H G Ismail  
 Lodgement Date: 17 December 2012  
 File Ref: 11.2012.600.1 CO5/46  
 Date: 1 February 2013  
 Author: Mark Scarfone, Senior Planning Officer  
 Reporting Officer: Vicki Lummer  
 Director Development and Community Services

**Summary**

To consider extending the hours of operation for an approved Family Day Care facility on Lot 30 (Unit 7 No. 46) Conochie Crescent, Manning. The facility has approval to operate Monday to Friday between 7am and 4pm. The applicant is seeking permission to operate from 7am to 9pm Monday to Friday, and 7am to 4pm Saturday and Sunday. This report discusses the proposed operating hours only, as no other modifications to the previous Council approval are proposed.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Family Day Care	TPS6 Table 4

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 family day care on Lot 30 (Unit 7/No. 46) Conochie Crescent, Manning, be approved subject to the following conditions:

**(a) Standard Conditions**

66I	Validity of the approval
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**(b) Specific Conditions**

- (i) Family Day Care be limited to three (3) children only and any additional children will be subject to an amendment to the original planning approval.
- (ii) The hours of operation are limited from 7am to 9pm Monday to Friday, and 7am to 4pm Saturday and Sunday

**(c) Standard Advice Notes**

795B	Appeal rights - Council decision
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**(d) Specific Advice Notes**

The applicant is advised that:

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health section to ensure satisfaction of all of the relevant requirements.

**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:

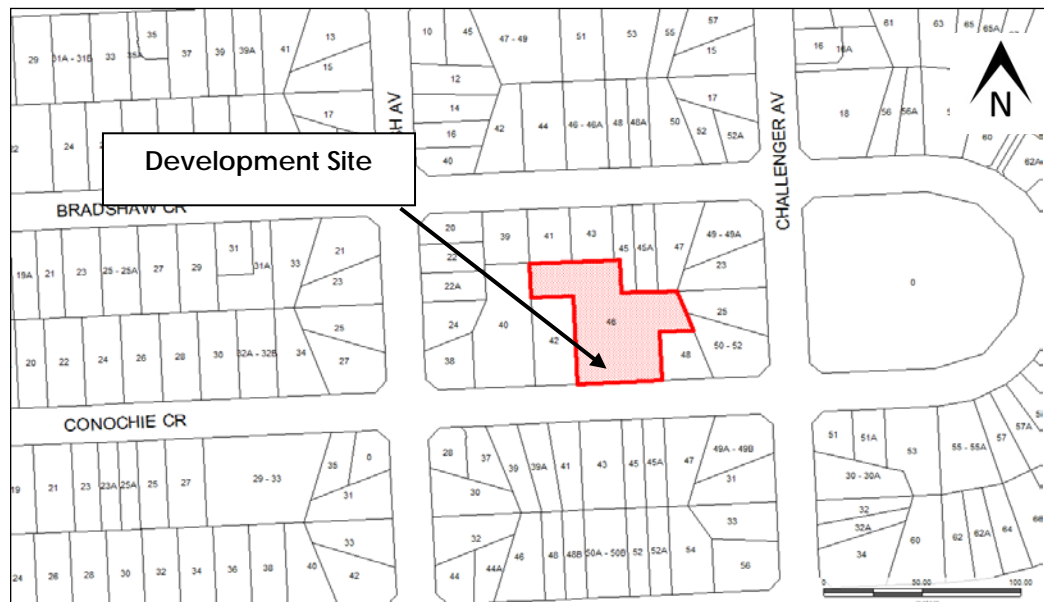
<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	3,167 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	As per the Residential Design Codes of Western Australia (R-Codes)
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachments:

**Attachment 10.3.5(a)** Planning approval - August 2010.

**Attachment 10.3.5(b)** Supporting letter from Communicare Family and Employment Services.

The location of the development site is shown below:



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

#### **4. Applications previously considered by Council**

*This power of delegation does not extend to applications for planning approval previously considered by Council where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*

With respect to the above, officers note that it is not the drawings that have been significantly modified in this instance, rather the applicant is seeking a review of one (1) of the original conditions to allow for significantly longer operating hours than previously approved.

## Comment

### (a) Background

At its August 2010 Ordinary Council Meeting, Council issued conditional approval for a Family Day Care facility in a single storey grouped dwelling at Lot 30 (Unit 7 No. 46) Conochie Crescent, Manning (the "subject site"). A copy of this approval is referred to as **Attachment 10.3.5(a)**.

On 9 November 2012, the City received a letter from Communicare Family and Employment Services requesting, on behalf of the applicant, the restriction on business hours be lifted from the approval. A copy of this letter is referred to as **Attachment 10.3.5(b)**.

### (b) Land use

A Family Day Care facility is classified as a "DC" (Discretionary with Consultation) land use in a residential zone under Table 1 (Zoning - Land use) of TPS6.

A "DC" land use is defined by TPS6 as:

*"... not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 7.3 of the Scheme."*

The Family Day Care facility on the subject site was approved by Council at its meeting held in August 2010. Despite the use being previously approved, the proposed operating hours are seen by the assessing officer as being a significant departure from the previous approval, and as such, the neighbouring landowners and occupiers were consulted having regard to the provisions of Council Policy 301 "Consultation for Planning Proposals". Under the Area 1 consultation method, 33 landowners and occupiers were invited to inspect the application and to submit comments during a 14-day period. During this consultation period, no written comments were received.

In considering the applicant's request to operate between 7am to 9pm Monday to Friday, and 7am to 4pm Saturday and Sunday, it is considered important to understand how the current facility is impacting on the surrounding neighbours. Through discussions with the City's Environmental Health Services, it has been established that no complaints have been received about the current facility from surrounding neighbours, and the applicant is complying with the relevant legislation in terms of noise emissions and food handling.

During the neighbour consultation period, the City wrote to the Department of Housing as the owners of the property seeking comments on the proposal, however none were received. In addition, no written comments were received from adjoining neighbours.

During a telephone conversation with the applicant, the proposed operations of the Family Day Care facility were discussed and are summarised as follows:

- The applicant has four (4) of her own children;
- To comply with the Family Day care provisions she may only look after three (3) more children at any one time;
- Most weeks the applicant cares for children on only three (3) days per week, and generally this occurs when her children are at school; and
- The revised hours will allow some flexibility to enable the applicant to care for children of shift workers who start work in the early afternoon and finish in the evening.

The current facility is operating onsite in compliance with minimal disruption to the residential amenity of the area. In addition, the City's Environmental Services considered the operation generally complies with its regulations. The revised operating hours will give

the applicant the flexibility to care for children into the early evening, but is not considered likely to negatively impact on the amenity of the area. The revised opening hours are supported by City officers.

**(c) 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.*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*

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

**(d) 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.*
- (i) *The preservation of the amenity of the locality.*
- (p) *Any social issues that have an effect on the amenity of the locality.*
- (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.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*
- (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) Neighbour consultation**

Under the Area 1 consultation method, 33 landowners and occupiers were invited to inspect the application and to submit comments during a 14-day period. During this consultation period, no written comments were received.

**(b) Internal administration**

Comments have also been invited from the Environmental Health department of the City's administration. The Environmental Health Services' comments with respect to noise have been covered under the Specific Advice Notes.

**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**

The determination has no financial implications.

### **Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 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.

### **Conclusion**

It is considered that the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

### 10.3.6 Proposed Additions and Alterations to Multiple Dwellings Lot 29 (No. 7) Walters Street, South Perth

Location: Lot 29 (No. 7) Walters Street, South Perth  
 Applicant: Sharp & Van Rhyn Architects Pty Ltd  
 Lodgement Date: 4 December 2012  
 File Ref: 11.2012.576.1 WA2/7  
 Date: 1 February 2013  
 Author: Peter Ng, Planning Officer, Development Services  
 Reporting Officer: Vicki Lummer  
 Director, Development and Community Services

#### Summary

To consider an application for planning approval for additions and alterations to multiple dwellings on Lot 29 (No. 7) Walters Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use	TPS6 Clause 3.3, 8.1(1)(b) and 8.1(5)
Strata titling of dwellings	Council Policy P350.13
Addition to existing building which does not comply with building height limits	TPS6 Clause 6.2
Boundary walls	R-Codes Performance Criteria 7.1.4 P4, City Policy P350.02

It is recommended that Council endorses the supporting recommendation to the Western Australian Planning Commission 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, Council recommends to the Western Australian Planning Commission that this application for planning approval for additions and alterations to multiple dwellings at Lot 29 (No. 7) Walters Street, South Perth, **be approved** subject to:

##### (a) Standard Conditions

427	Colours and materials - Details	445	Stormwater infrastructure
340B	Boundary wall – Not visible	650	Inspection (final) required
455	Standard fencing	625	Sightlines for drivers
456	Dividing fence - Timing	390	Crossover - Standard
550	Plumbing hidden	393	Crossover- Remove old x-over and reinstate verge
508	Landscaping plan prior occupy	377	External drying facilities screened
660	Expiry of approval		

##### (b) Standard Advice Notes

700A	Building permit required	790	Minor variations - Seek approval
706	Applicant resolve issue	795B	Appeal rights - Council decision
720	Strata note - Comply with that Act	712	Liaise with the City's Parks and Environment
762	Landscaping plan – Building permit	708	The surface of the boundary wall

**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>	R15
<b>Lot area</b>	1,004 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	As per the <i>Residential Design Codes of Western Australia (R-Codes)</i>

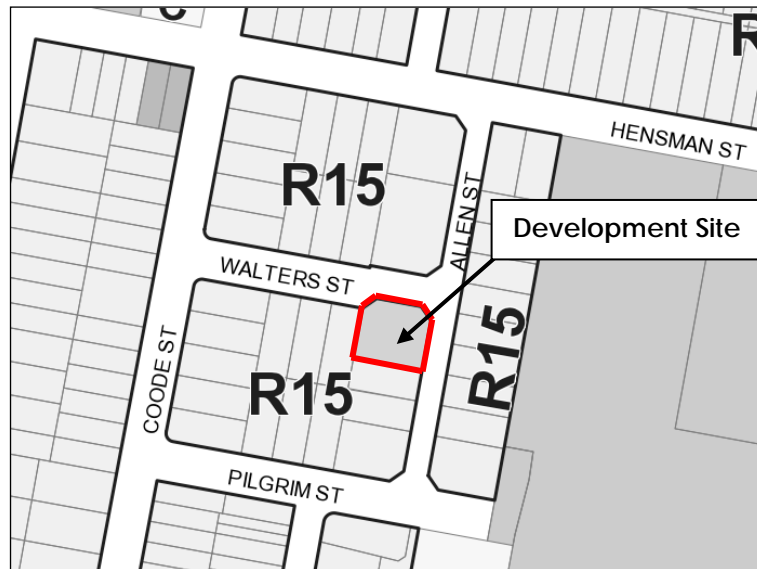
This report includes the following attachments:

**Confidential Attachment 10.3.6(a)** Plans of the proposal.

**Attachment 10.3.6(b)** Applicant's supporting report dated 10 December 2012.

**Attachment 10.3.6(c)** 3-dimensional image of the proposal.

The location of the development site is shown below:



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

### **2. Major developments**

This power of delegation does not extend to approving applications for planning approval in the following categories:

(b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

### **6. Amenity impact**

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

The applicant has amended the drawings to adequately address concerns expressed by submitters in relation to the carports' location.



## **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.*

Lot 29 is currently owned by the Department of Housing. The proposed development is a public work that requires planning approval under the Metropolitan Region Scheme. Council does not have delegation from the Western Australian Planning Commission to determine planning applications involving the development of public housing. Council's recommendation will be sent to the Commission for their determination.

### **Comment**

#### **(a) Background**

On 27 November 2012, the City received an application for additions and alterations to the existing multiple dwellings at Lot 29 (No. 7) Walters Street, South Perth (the "subject site"). The application has been referred to the Western Australian Planning Commission for determination. The Commission will determine the application following receipt of Council's recommendation.

On 23 January 2013, a further information request was sent to the applicant outlining a list of preliminary issues which required resolution. The applicant provided the requested additional information on 1 February 2013, and this information forms the basis of this recommendation.

The subject site is currently occupied by nine (9) multiple dwellings within a three storey L-shaped building. The building has been vacant since a fire burnt out one of the units on the 2<sup>nd</sup> floor.

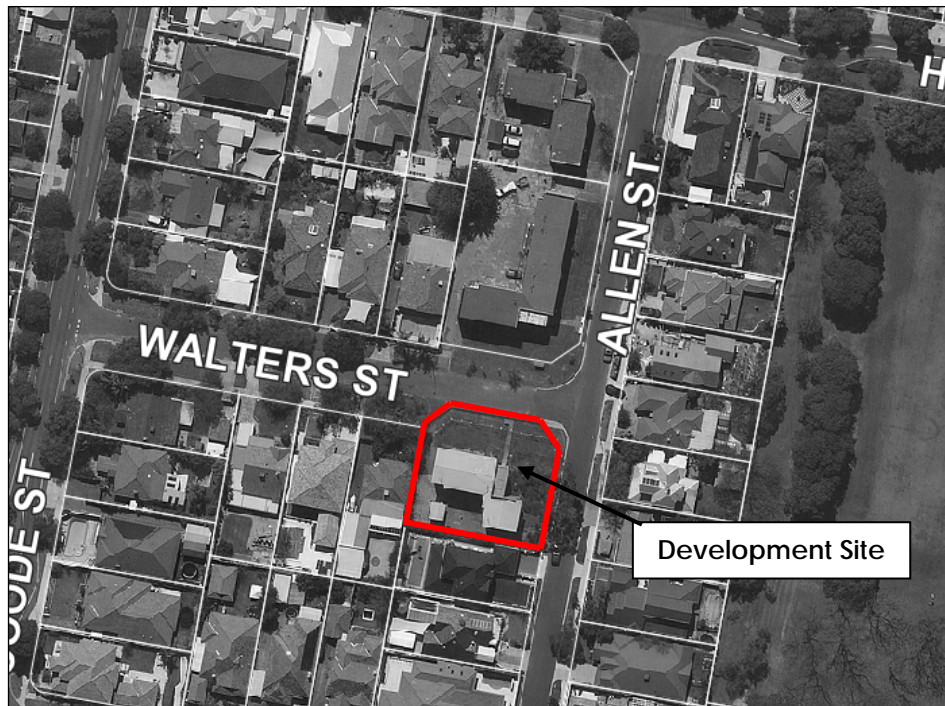
The Department of Housing intends to improve the dated external appearance of the building by incorporating new architectural elements, as well as essential facilities for the nine (9) units. Essential facilities such as a common drying facility, storerooms and roofed car parking bays for each unit are proposed to facilitate the strata titling of the dwellings. In addition, the internal layout will be modified and upgraded. The proposed layout is shown in **Confidential Attachment 10.3.6(a)**.

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

The subject site is located on a corner lot fronting Walters and Allen Streets. The site is located adjacent to one and two storey single houses to the west and south, and three storey multiple dwellings to the north which are owned by Department of Housing as well.

An illustration of the locality is provided overleaf:





**(c) Description of the proposal**

As stated above, the proposed development involves additions and upgrading of the new external appearance of the existing three storey building, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.6(a)**. A summary of the works proposed is provided below:

- Internal refurbishment and upgrade of each unit to comply with Building Code of Australia requirements;
- New rendered and painted brickwork to proposed stores / stairways integrating with existing face brick;
- New aluminium windows and sliding door frames for each units;
- New roofing framing and colourbond roof sheeting;
- Steel framed flat roofed carports for nine (9) car bays and one (1) unroofed visitor's bay;
- Increase balconies size with new balustrades;
- Communal drying courtyard and common bike store;
- Storerooms for each units; and
- New landscaping.

The applicant's letter, referred to as **Attachment 10.3.6(b)**, describes the proposal in more detail.

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6* (TPS6), R-Codes and relevant Council policies.

The following factors have been assessed and found to be compliant with the provisions of the R-Codes, and therefore do not require further discussion in the body of this report:

- Plot ratio;
- Primary (Walters Street) and secondary (Allen Street) setbacks;
- Open space;
- Visual privacy and
- Solar access for adjoining sites.

Issues relating to land use, strata titling of the dwellings, the proposed boundary wall, and additions to an over-height building, while considered acceptable, are discussed further below.

**(d) Land use**

The proposed existing land use of “Multiple Dwellings” is classified as an “X” (Prohibited) land use in areas coded R40 or lower in accordance with Table I (Zoning - Land use) of TPS6. Therefore, the existing multiple dwellings do not comply and are considered as a “Non-conforming” use.

In accordance to Schedule 1 – Definitions of TPS6, “Non-conforming” use is defined as “means any use of land or building which was lawful immediately prior to the coming into operation of this Scheme, but which is not in conformity with any provision of this Scheme which deals with a matter specified in Clause 10 of the First Schedule of the Act.”

However, Clause 8.1(1)(b) of TPS6 states as follows:

*“Except as otherwise provided in this part, no provision of the Scheme shall prevent:*

- (a) The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or*
- (b) The carrying out of any development thereon for which, immediately prior to that time, a permit lawfully required to authorise the development to be carried out, was duly obtained and is current.”*

City officers observed that site adjoins single house and multiple dwelling land uses, in a location within a residential streetscape.

Clause 8.1.5 of TPS6 indicates that where a “Non-conforming” use has been discontinued for a period of six (6) months or more, the use should not recommence unless approval is granted by Council. In making a determination, Council should be satisfied that the proposed continuation of the “Non-Conforming” use meets the objectives of the Scheme.

In May 2012, a fire which started in Unit 8 has damaged the complex. Tenants were re-located after the fire, with the final tenants leaving by the end of June 2012. The property has been vacant since this time.

City’s officers observed that the improvement and upgrade of the building will improve existing streetscape and do not detract from the amenity of the locality. Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”, which is discussed in the body of the report. The proposed development facilitates the creation of smaller strata titled dwellings, catering for single person households in the area, and is consistent with Clause 1.6(2)(c) of the Scheme objectives.

Accordingly, the improvement and upgrade of the multiple dwellings meets the objectives of the Scheme, and is therefore supported by City officers.

**(e) Strata titling of dwellings and meeting associated requirements**

The existing multiple dwellings are currently under the single ownership of the Department of Housing. The applicant’s letter dated 26 November 2012, referred to as **Attachment 10.3.6(b)**, provides information regarding the Department’s intention to strata title the units.

In accordance with Council Policy P350.13 “Strata Titling of Dwellings Constructed Prior to *Town Planning Scheme No. 6*”, the owner is required to improve and upgrade the building to a “sufficient standard” to be divided into strata lots prior to the City issuing the Building Approval Certificate - Strata.

### **Parking**

As per Clause 6(b)(i) of Council Policy P350.13, where the existing number of occupiers' car parking bays is less than the number required by the R-Codes, at least one (1) bay per dwelling is to be provided. Nine (9) roofed car parking bays, including an additional visitor bay, are proposed for the existing nine (9) multiple dwellings. A site visit conducted by City officers indicates that the existing car parking bays are not clearly demarcated onsite, and the bitumen driveways at the rear and western side of the building are in poor condition. Due to site constraints, six (6) roofed car parking bays are proposed behind the existing building which are not visible from Walters Street and Allen Street. The remaining three (3) roofed car parking bays and a visitor bay are located at the side of the existing dwellings, with a separate vehicular access from Allen Street.

Nine (9) enclosed lockable storage areas are proposed at each level for direct access from respective dwellings, which comply with Clause 7.4.7 of the R-Codes. Common bike storage space is also provided at ground level for easy access. Laundry facilities, such as a wash trough and space for a washing machine and dryer, are also provided inside each dwelling. A communal clothes drying area facility is located adjacent to roofed car parking bays, and is screened from the street.

The proposed additions are considered to comply with Council Policy P350.13 and will improve the amenity of the area as well as the occupants. It is therefore recommended that Council exercise discretion and approves the proposed additions and alterations. Standard Condition 377 is recommended, requiring external clothes drying facilities to be screened from view from the street or any other public place.

### **(f) Additions to an existing over-height building**

The existing development on the subject site has a total height of approximately 9.2 metres, while the current height limit applicable to the subject site is 7.0 metres. Therefore, the existing building does not comply with the existing building height limit.

However, in the case of an existing building which exceeds the prescribed building height limit, Council may approve the additions to that building above the prescribed building height limit under Clause 6.2(1)(d) of TPS6 provided that:

- (i) *Subject to Clauses 6.11(8) and 7.8, the additions will not extend the plot ratio area of the building beyond the prescribed maximum.*
- (ii) *The walls of the additions will not extend to a greater height than the highest wall of the existing building.*
- (iii) *In Council's opinion, the additions will contribute positively to the visual enhancement of the building, the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct.*
- (iv) *In Council's opinion, there will not be a significant adverse impact upon adjoining neighbouring properties.*
- (v) *Advertising of the proposed additions has been undertaken in accordance with the provisions of Clause 7.3.*

The external walls of the additions do not extend to a greater height than the highest wall of the existing building. The proposed additions and alteration do not exceed the prescribed maximum plot ratio area. The proposed storerooms, flat roof carport structures and increased balcony size will break up the overall building bulk and give a more modern façade, as can be seen in the 3-dimensional image of the proposal referred to as **Attachment 10.3.6(c)**. This will visually enhance the building, and contribute positively to the character of the streetscape.

Proposed screened private courtyards and increased balconies sizes will also improve the amenity of the occupants of this building by providing access to an outdoor living area. This will also bring the dwellings into compliance with the provisions of Clause 7.3.1 "Outdoor Living Areas" of the R-Codes.

Each of these improvements is considered to contribute positively to the surrounding streetscape and will improve the amenity of the area. It is therefore recommended that Council exercise discretion and approves the proposed additions and alterations.

**(f) Boundary wall – West**

As depicted in the proposed drawings contained in **Confidential Attachment 10.3.6(a)**, a boundary wall with a length of 8.5 metres and height of 2.65 metres is proposed along the western boundary of the subject lot. The proposed boundary to the storerooms, located on the western side of the lot, is not visible from the street as it is obscured by the adjoining 1.8 metre high solid brick fence.

In assessing the proposed boundary wall, Council should have regard to the provisions of Council Policy 350.2 "Residential Boundary Walls". The proposed boundary wall setback of 4.0 metres does not comply with the required 6.0 metres setback from the street front.

The proposed boundary wall will then be assessed against the amenity factors referred to in Clause 5 of the above policy. The following table outlines each of the proposed factors, the applicant's justification taken from their letter dated 5 February 2013, and the officer's comment:

Amenity Factors	Applicant's Justification	Officer Comment
Streetscape character.	<p>Given that the stores are aligned with the bulk of the building mass, which is in the order of 10.0 metres from the main front boundary and are of single storey, we would request that the very minor encroachment into the front setback would be permitted.</p> <p>The front of the stores will be so non-intrusive, and are in fact over 2.0 metres behind the line of the balconies.</p> <p>We trust this will meet with your approval, and allow for the upgrading and complete renovation of this [now] nearly derelict building.</p>	<p>The proposed boundary wall, with a 4.0 metre street setback, will be concealed from street view by the adjoining 1.8 metre high solid brick fence.</p> <p>It is observed that the proposed boundary wall will not be prominent when viewed from the street, and will not impact on the streetscape character.</p>
Outlook from the adjoining dwelling or front garden.	No comment.	The proposed boundary wall abuts an adjoining front garden which is densely screened by tall vegetation and may be supported.

Outlook from the habitable room window of an adjoining dwelling.	No comment.	The outlook from the habitable room windows from the adjoining dwelling (5 Walters Street) are not affected as the proposed boundary wall is located adjacent to an existing 1.8 metre high solid brick fence and dense vegetation. Therefore, it can be supported.
Overshadowing.	No comment	No overshadowing to the adjoining habitable room windows or outdoor living areas as the adjoining property is located to the east. The majority of the east boundary of the adjoining property is densely screened with tall vegetation. The boundary wall is therefore capable of support.

Under Council Policy P350.2, the permitted height of residential boundary walls (parapets) adjacent to neighbouring outdoor living areas is a maximum of 2.7 metres high from the neighbour's ground level. The proposed boundary wall is not located to an adjoining outdoor living area, and therefore the proposed development complies with this element of the Council policy.

Additionally, the adjoining property owner viewed the drawings and expressed their satisfaction with the overall design and location of the boundary wall which will create additional buffer in between both properties.

In this instance, it is considered that the proposal complies with the objectives of Council Policy P350.2, and is therefore supported by City officers. As requested by the adjoining property owner, a condition is recommended to be imposed requiring the surface of the boundary wall to the storerooms, not visible from the street on the western side of the lot, to be a face brick finish. The finish is compatible with the external walls of the neighbour's dwelling.

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

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

- (a) *Maintain the City's predominantly residential character and amenity.*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character.*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*



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

**(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:

- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act.*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia.*
- (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.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in February 2013. The proposal was favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

<b>DAC Comments</b>	<b>Applicant's Response</b>	<b>Officer Comment</b>
The architects observed that the footprint of the adjoining buildings should be marked on the site plan to better understand the context of this proposed development in light of the surrounding existing development.	We have shown the outline of the adjacent buildings – The information was provided by the surveyor who produced the site survey.	The comment is NOTED.
The architects recommended that the width of the proposed 5.5 metre wide crossover along Allen Street should be reduced to 3.5 metres, noting that only three (3) car parking bays are located in this car park. This will minimise the impact on this street.	We have reduced the Allen Street crossover width as suggested.	The siting of the proposed double carport outside the front setback area complies with the provisions of Policy P350.3 "Car Parking Access, Siting and Design". The comment is NOTED.

<p>The location of storerooms on the second floor was observed to be unfeasible as carrying heavy items, such as bikes, up the stairs could potentially be quite cumbersome. However, the architects recommended that one of the proposed stores at the ground level, as marked on the drawings, should be converted into a communal bike store, while the “communal store” at the first floor level should be allocated to a dwelling.</p>	<p>We have re-allocated the stores in line with the recommendation. The two (2) communal stores (on the first and second floors) have been allocated to the units they adjoin, so now all stores are on the floors of the units they serve. One of the ground floor stores has been designated for bicycles.</p>	<p>The comment is NOTED.</p>
<p>The 1.1 metre proposed width of the communal store and the one immediately above was observed to be unfeasible. Subject to structural compliance, their widths could be increased by replacing the adjacent internal double brick wall with a single brick wall.</p>	<p>We have increased the widths of the stores adjacent to Units 4 and 7 as suggested.</p>	<p>The comment is NOTED.</p>
<p>The architects observed that the north facing lawn area will be better utilised and better maintained if it were to be designed for use as communal open space for the residents. Alternatively, the proposed courtyards for dwelling Units 2 and 3 should be extended to the property boundary. Additionally, the 1.8 metre high solid fences along these courtyards should be made visually permeable to enable better interaction between the street and the development.</p>	<p>Our views on the recommendations for the north facing lawn area differ from those of the committee. Communal areas in public housing developments have been incorporated in previous developments and are generally underutilized. Single bedroom unit tenants (generally single people living alone) have less motivation and need to use a communal area. This argument extends to increasing the size of the ground floor units’ courtyards. Private courtyards on or near the front boundary are far too large for a tenant to maintain. It is the Department of Housing’s policy to landscape and maintain common areas,</p>	<p>Officers observed that the subject lot front northern boundary is protruding 6.0 metres forward into Walters Street in relation to the remaining residential lots on the west. Any proposed front fence structure on the northern boundary will be observed to be intrusive and incompatible with the existing streetscape. The front landscaped area will provide a more open streetscape which is consistent with the multi-dwellings across the subject site. A condition requiring a landscaping plan shall be submitted for approval by the City prior to issuance of building permit.</p>

	and leave the private courtyards in the control of the tenants. For these reasons an open, landscaped front lawn area will always provide a better appearance. We also note that one of Council's earlier instructions was to remove carports from this area. Introducing 1800 high fences seems to conflict with this sentiment. A fully detailed landscaping plan will be submitted at the time of lodging the building licence application.	The comment is NOTED.
The architects observed that the area of the proposed communal clothes drying out space might need to be larger, in order to comply with Environmental Health Services' requirements.	We have increased the length of clothes line on the attached drawings, and will include clothes dryers for the six (6) upper floor units.	The comment is NOTED.
The architects indicated that the grid pattern on the existing external wall facing Allen Street (as visible in the existing elevation) should be reproduced on the proposed storeroom wall that will face this street.	We can reproduce the grid pattern as recommended – Refer to the revised drawings.	The comment is NOTED.
Increasing the depth of the fins along the glazed screen walkway will provide protection to the residents from the west facing sun.	The south walkway glazing has been designed to provide some protection to the upper two floor's units from rain and wind. We do not see any real gain in sun protection by increasing the window fins. The rear walkways face south, and by the time the summer sun is low in the west, the west facing extension to the original building will protect most of the glazing. It is to be noted that the glazing is not full height in order to assist ventilation.	The comment is NOTED.



The architects were generally supportive of the proposed additions to the existing development. They observed that a 3-dimensional drawing of the proposed development will greatly assist.		The comment is NOTED.
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**(b) Neighbour consultation**

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”.

Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 3, 4, 5 and 6 Walters Street, Nos. 5, 6, 8, 10, 12 13, 14, 15, and 16 Allen Street, and No. 6 Pilgrim Street were invited to inspect the plans and to submit comments during a minimum 14-day period. The consultation commenced on 7 December 2012 and concluded on 7 January 2013. An extended duration of consultation was carried out in accordance with Clause 9(e)(ii) of Council Policy P301 due to the December / January holiday period.

During the advertising period, a total of 14 consultation notices were sent and four (4) submissions were received. The comments of the adjoining landowners, together with the applicant and officer responses are summarised below:

<b>Adjoining Landowner Comments</b>	<b>Applicant’s Response</b>	<b>Officer Response</b>
Untimely circulation of consultation notice given the intervention of the festive season.	No comment.	The City received the application for planning approval on 4 December 2012. The consultation commenced on 7 December 2012 and concluded on 7 January 2013. An extended duration of consultation was carried out in accordance with Clause 9(e)(ii) of Council Policy P301 due to the December / January holiday period. The comment is NOTED.
Proposed 2 Nos. carport within the front setback area.	The carports, visitor bay and crossover have been removed from Walters Street. Carports for Units 2 and 3 and the visitor bay are now accessed from Allen Street.	The revised location of the proposed carports and visitor bay accessed from Allen Street provide a better design outcome and less intrusive to the existing Walters Street streetscape. The design is also supported by the DAC. The comment is NOTED.

Finish to the exterior for the units that maintain the standards in the area. Colour and type of building materials proposed.	The proposed additions and alteration will increase the amenity of the occupiers and improve the dated external appearance of the building.	The proposal has been presented to the City's Design Advisory Consultants at their meeting held in February 2013 and was generally supported. A condition requiring the external materials and colour finish to be submitted as part of the building permit application is recommended. The comment is NOTED.
Insufficient car parking provisions for the units.	No comment.	The subject of discussion in the body of the report; the proposal is considered to comply with policy provisions and support is recommended. The comment is NOTED.
Requirement to submit proposed landscaping plan for planning approval.	No comment.	A landscaping plan showing relevant information is to be submitted at the building permit stage for approval by the City's Environment Department. The comment is NOTED.

**(c) Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic arising from the proposal. His comments on the originally submitted plans are as follows:

- *The existing crossing abutting Allen Street is to be upgraded to concrete and constructed to the CoSP standards.*
- *The followings points and all other requirements will be checked for compliance during and post-construction. This document also provides all of the relevant requirements relating to "Crossing Constructions" for this development, and failure to adhere to these conditions will require the applicant to bear all costs associated with making the necessary modifications:*
  - *The position of the existing footpath (adjacent to the kerb-line of Walters Road) requires the construction of a non-standard "apron", which would ensure appropriate footpath cross falls; and*
  - *The crossing abutting Allen Street is to be upgraded to concrete and constructed to the CoSP standards.*
- *Any non-compliant sight distances will be exacerbated if vehicles reverse out of the rear parking bays. All walls obstructing sightlines are to be lowered to a height of 750mm. It is the developer's responsibility to ensure that appropriate internal sightlines are achieved.*
- *A separate hydraulic design plan with supplementary calculations is required to detail all conditions relating to the design and installation of stormwater apparatus, as well as certification from the designer that the treatment satisfies contemporary standards and / or the requirements of the Management Practice.*

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

**(d) Other City Departments**

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

The Environmental Health section provided comments with respect to laundries, noise generally, and mechanical ventilation. This section raises no objections and has advised that the bin storage area and location are adequate, while recommending standard conditions and important notes for noise, sanitary and laundry facilities.

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

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

**(e) External agencies**

The application has been referred to the Department of Planning for determination. The department has not provided the City with any comments on this proposal. The Western Australian Planning Commission will determine this application following receipt of Council's recommendation.

**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 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**

The proposed development involves the upgrade and increase of useable courtyard and balcony size for each dwelling to allow residents to enjoy access to an outdoor living area which have access to northern sunlight.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions as it will improve the existing streetscape. Accordingly, it is considered that the application should be recommended for conditional approval.

### 10.3.7 Proposed Two Storey Single House with Undercroft Lot 105 (No. 46A) Sulman Avenue, Salter Point

Location: Lot 105 (No. 46A) Sulman Avenue, Salter Point  
 Applicant: Lindsay J McBride  
 Lodgement Date: 9 October 2012  
 File Ref: 11.2012.465.1 SU2/46A  
 Date: 12 February 2013  
 Author: Siven Naidu, Senior Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director  
 Development and Community Services

#### Summary

To consider an application for planning approval for a two storey single house with an undercroft on Lot 105 (No. 46A) Sulman Avenue, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Solar access for adjoining sites	R-Code Performance Criteria 6.9.1 PI
Significant views	Council Policy P350.9 Clause 5
Design Guidelines / Streetscape compatibility	Council Policy P302 "General Design Guidelines for Residential Development".

The applicant is proposing a skillion roof which is seen to be incompatible with the existing streetscape, however an associated condition has been recommended. It is therefore 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 two storey single house with an undercroft on Lot 105 (No. 46A) Sulman Avenue, Salter Point **be approved** subject to for the following conditions:

#### (a) Standard Conditions

628	Visual truncation	456	Dividing fences - Timing
340B	Parapet walls - Finish from neighbour	457	Fencing
358	Driveway gradient	470	Retaining walls - If required
427	Colours and materials - Details	471	Retaining walls - Timing
210	Screening - Permanent	625	Sightlines for drivers
390	Crossover - Standards	377	Screening - Clothes drying
393	Verge and kerbing works	445	Stormwater infrastructure
416	Street trees	660	Expiry of approval
455	Dividing fences - Standards	456	Dividing fences - Timing

#### (b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall replace the proposed skillion roof with a hip or gable ended roof. The proposed building shall not exceed the 7.0 metres permitted building height limit, in accordance with TPS6 Clause 6.2 "Building Height Limit".
- (ii) The crossover shall be constructed no closer than 2.0 metres to the existing verge tree as required by City Environment.

**Recommendation continued**

**(c) Standard Advice Notes**

700A	Building permit required	709	Masonry fences require building permit
705	Revised drawings	790	Minor variations - Seek approval
706	Applicant to resolve issues	725	Fences note - Comply with that Act
708	Boundary wall - Surface finish process	795B	Appeal rights - Council decision

**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>	471 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 dwelling

This report includes the following attachments:

- Confidential Attachment 10.3.7(a)** Plans of the proposal.
- Attachment 10.3.7(b)** Site photographs, including street montages.
- Attachment 10.3.7(c)** Applicant's supporting report.
- Attachment 10.3.7(d)** Existing roof forms along Sulman Avenue.

The location of the development site is shown below:



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

**3. The exercise of a discretionary power**

- (b) *Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant planning policies.*

**Comment**

**(a) Background**

In October 2012, the City received an application for a two storey single house with an undercroft on Lot 105 (No. 46A) Sulman Avenue, Salter Point (the site).

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

The site is currently vacant, as depicted in the site photographs referred to as **Attachment 10.3.7(b)**.

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

The site has a frontage to Sulman Avenue to the west, River Way to the east, and is located adjacent to residential development, as seen below:



**(d) Description of the proposal**

The proposal involves the construction of a two storey single house with an undercroft on the site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.7(a)**. Furthermore the site photographs, referred to as **Attachment 10.3.7(b)**, show the relationship of the site with the surrounding built environment.



The following aspects of the proposed development are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6), *Residential Design Codes of WA 2010* (R-Codes) and Council policy requirements:

- Maximum floor and ground levels (TPS Clause 6.10);
- Single house land use - "P" [Permitted] (TPS6 Clause 3.3 and Table 1);
- Vehicular access (R-Codes 6.5.4);
- Driveway gradients (TPS6 Clause 6.10);
- Boundary walls (Policy P350.2);
- Building setbacks from the street (R-Codes Table 1);
- Building setbacks from the north eastern and south eastern boundaries (R-Codes Tables 2a and 2b);
- Open space (R-Codes 6.4.1);
- Building height (TPS6 Clause 6.2); and
- Visual privacy (R-Codes 6.8.1).

The following aspects of the proposed development, which will be discussed further in the report, are considered to comply with the applicable discretionary clauses, and are therefore supported by the City:

- Significant views (Council Policy P350.09); and
- Solar access to adjoining sites - South (R-Codes 6.9.1).

The following aspect of the proposed development, which will be discussed further in the report, is not considered to comply with the applicable discretionary clauses, however can be adequately resolved with the implementation of conditions, and is therefore supported:

- Design guidelines / Streetscape compatibility (City Policy P302).

#### **(e) Significant views**

City Policy P350.9 "Significant Views" at times requires the consideration for the loss of significant views from neighbouring properties due to development applications for proposed new dwellings and / or additions to an existing dwelling.

The neighbouring property to the north of the site currently enjoys views of the Canning River (significant views). The proposed development is within the required 7.0 metre building height limit, meets with the required setbacks to the secondary street (River Way) and along the side northern boundary. Any loss of views will actually be the views that were previously gained over the subject lot prior to this development proposal. The northern adjoining lot still maintains a considerable degree of panoramic view of the Canning River from the upper floor terraces.

The recently developed southern adjoining property will receive no obstruction to their panoramic view of the Canning River.

As a response to the significant views, the applicant submits the following comments in support of their submission, referred to as **Attachment 10.3.7(c)**:

*"Please refer to the justification pointer listed below which helps support our request:*

- *Our proposal has the right to river views, as does the adjoining properties, and we feel that our proposal does not block river views from the adjoining properties. It is important to note that the river views are 180 degrees, so everyone can look straight out to the river.*
- *As we have lowered our building / proposal, we feel that we are compliant with building heights and setbacks, and therefore are not having an adverse effect on the views."*

It is observed that there are similar ground and upper floor setbacks from River Way for the proposed development and the adjoining properties to the north and south. It is the officer's view that an ample degree of panoramic views of the Canning River is maintained from these adjoining properties. Officers considered that the proposal satisfies the requirements of Policy P350.9, and is therefore supported by the City.

**(f) Solar access for adjoining sites**

The maximum area of permitted overshadowing is 25% (122m<sup>2</sup>) of the adjoining southern lot, and the proposed overshadowing is 56% (273m<sup>2</sup>). Therefore, the proposed development does not comply with the solar access element of the R-Codes.

The applicant has not completely satisfied Performance Criteria 6.9.1 PI of the R-Codes. The assessment of the proposal against those criteria reveals the following:

- The building overshadows the north facing outdoor living area and habitable room windows of the kitchen (north and west facing) and theatre (east facing) on the ground floor level, based upon the winter sun angle provided in the R-Codes.
- There is no overshadowing of solar collectors or balconies.

The following information has been offered by the applicant in support of the application, referred to as **Attachment 10.3.7(c)**:

- *Due to our site being classed as a skinny lot, it is unavoidable to cast a substantial shadow onto the adjoining property by lowering our building / proposal we have reduced the shadowing.*
- *Due to the north-south orientation of the sites along Sulman Avenue / River Way, it is unavoidable to cast shadow onto each of the southern adjoining properties and we suggest that our proposal has no more of an adverse effect to that of other developments in this area.*
- *The shadow cast from our proposal does not have any impact to major openings to habitable rooms to the adjoining property, and the shadow which falls onto the courtyard of the adjoining property has no impact due to the fact that this courtyard has a cover over it.*
- *It is important to note that the shadow does not affect the first floor of the adjoining property.*
- *It is important to note that the shadow that is shown on the drawings is calculated at its worst at the lowest sun point in winter, and in reality, the effect of the shadow is substantially reduced at other times of the year / seasons.*
- *We have had a meeting with the owner of 46B Sulman Avenue, Salter Point and he has signed off on the plans.*

Considering the above points, City officers make the following observations:

- The kitchen on the adjoining property currently receives some sunlight via the opening to the dining room east facing window, which is linked to an open plan kitchen and family room.
- The kitchen will receive some defused sunlight during the mornings through the north facing window, as well as some sunlight in the afternoons through the west facing window in the winter months.
- The theatre will receive some direct and defused sunlight in the mornings through the east facing window of the winter months.
- The courtyard presently features a pergola and shade sail covers which already provide shade and defused light to the outdoor living area and to the major openings of the kitchen and theatre.



- Neighbour consultation with the adjoining southern neighbour was carried out 19 October 2012 in relation to the overshadowing. The adjoining property owners spoken with the applicant viewed the plans and provided the following comments to the City:
  - *“Thank you for your patience regarding my comments on the captioned development. We have just had a meeting onsite and I am happy to revert to you that as the owners of 46B Sulman Avenue, we have no objections to the amended plans. We would of course appreciate that we continue to be kept informed should there be any material changes to the plans subsequently.*
    - The following specific comment was received subsequently,
  - *Yes, and we confirm that the “no-objections” is with regards to the level of overshadowing in general, and also specifically to the outdoor living area and other openings.”*

In the City’s evaluation of the overshadowing, coupled with the supporting comments from the affected adjoining neighbour, the proposed overshadowing is supported by the officers.

**(g) Design guidelines / Streetscape compatibility**

Council Policy P302 “General Design Guidelines for Residential Development” generally requires a proposed residential building to be compatible with other buildings within the street, taking into account a number of contributing elements such as scale, form and external colours. The proposed single house incorporates a skillion roof and is seen by City officers to have a significant form and shape. Accordingly, the application was referred to the City’s Design Advisory Consultants (DAC) for comment at their meeting held on 5 February 2013 and the following comments were received:

- *The Architects observed that the proposed skillion roof will not be compatible to the existing streetscape character, as the existing development along the street comprises hip or gable pitched roofs. Additionally, the roof pitch will need to be kept consistent with those of the existing dwellings.*
- *To improve the amenity of the residents of this dwelling, the Architects recommended that increasing the setback of the upper floor bedrooms from the southern boundary will allow larger windows instead of the proposed high-lite windows, thus better access to sunlight.*

In response to the DAC and City officer comments, the applicant provided justification in support of the proposal as summarised below:

- *The proposed built form is of a high design standard and will be a quality construction with quality finishes.*
- *We feel that the existing streetscape is a mixture of all levels of quality and style, and at different stages of expiry. Therefore, our proposal has no adverse impact and would only enhance the streetscape.*
- *We feel that in time further developments similar to ours will occur and will complement our proposal.*
- *We feel that it would be impossible for any building to suit the character and planning of this location because currently it doesn’t seem to have any real streetscape consistency.*
- *The low / skillion roof design enables more of the river views to adjoining properties.*

Houses within the “focus area” are used as guide in relation to determining design compatibility. 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 onto that section of the street, as defined in Policy P302. **Attachment 10.3.7(d)** shows the existing roof forms within the focus area, as well as the roof forms on the opposite side of the street. As evident from the attachment, the existing roof forms within the focus area are pitched roofs. The proposed skillion roof does not achieve design compatibility with the existing buildings in the section of Sulman Avenue between Howard

Parade and River Way. It is seen to be out of character with the design of buildings found within the focus area.

Accordingly, the proposal is not seen to meet the requirements of Council Policy P302. The proposed design was not supported by the DAC and proposes a significant departure from the "General Design Guidelines"; hence City officers are not in a position to support this building form.

Whilst the proposed development does not comply with the requirements of Council Policy P302, with a condition requiring the change of the proposed skillion roof to a hip or gable ended roof, and provided that the building is within the permitted building height limits, City officers would support such a proposal as it would be seen to achieve the objectives of the policy. It is recommended that the proposal be approved incorporating such a condition.

**(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:

- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character.*
- (f) *Safeguard and enhance the amenity of residential areas, and ensure that new development is in harmony with the character and scale of existing residential development.*

The proposed development is not considered to be satisfactory in relation to the above stated matters.

**(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:

- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details,*

The proposed development is not considered to be satisfactory in relation to the above stated matters.

## Consultation

### (a) Design Advisory Consultants' comments

The design of the proposal was considered by the DAC at their meeting held on 5 February 2013. The proposal was not favourably received by the consultants. This point has been discussed in detail under Section (g) "Design guidelines / Streetscape compatibility" above.

### (b) Neighbour consultation

Neighbour consultation and notification has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, individual property owners, occupiers and / or strata bodies at Nos. 44, 44A and 46B Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of two consultation notices were sent and two submissions were received objecting and supporting the proposal. The comments of the submitters, together with officer response are summarised below:

Submitter's Comments	Officer Response
We confirm that the "no-objections" is with regards to the level of overshadowing in general, and also specifically to the outdoor living area and other openings.'	The comment is NOTED.
The boundary wall to the garage, as designed, abuts our north boundary wall – Has the effect of creating the feeling of a narrowed passage on our side, thus further accentuating our concern of overshadowing. It negates the effect of the design intent to give our house a bright and open effect.	The proposed boundary wall on the southern boundary abuts a 0.9 metre wide walkway with a media and study wall with no openings. The proposed boundary wall meets the objective and amenity requirements of City Policy P350.2 'Boundary Walls' The comment is NOTED.
We are pleased with the plans, but would like to see the complete building moved back a metre from River Way to a 2.5 metre set back in lieu of the proposed. This would give us an improved southern outlook, and as far as we can see it would have no impact whatsoever for the new owners. This change would be beneficial to us on many counts without causing any significant impact to the owners.	It is observed that there are similar ground and upper floor setbacks from River Way for the proposed development and the adjoining properties to the north and south. The comment is NOTED.

### (c) Internal administration

Comments were invited from the City Environment section of the City's administration.

City Environment provided comments with respect to the width of the proposed crossover and its proximity to the existing verge street tree. This section raises no objections and has provided the following comments:

- (i) The crossover shall be constructed no closer than 2.0 metres to the existing verge street tree as required by City Environment,.

**(d) External agencies**

Comments from external agencies were not required for this application.

**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**

Noting the orientation of the lot, officers observed that the proposed outdoor and indoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions as it will not have a detrimental impact on adjoining residential neighbours and streetscape, provided specific conditions are applied as recommended. It is considered that the application be conditionally approved.

**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 - January 2013**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 10 February 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 January 2013 is \$40.39M which represents just under 100% of the \$40.42M year to date budget. Revenue performance is slightly ahead of budget expectations overall although there are some individual line item differences.



Meter parking is 7% ahead of budget whilst a turnaround in infringement revenue performance sees that item now 1% favourable to budget expectations. Reserve interest revenues are presently 10% behind budget expectations to date whilst municipal interest revenue is on budget. There is a high likelihood that anticipated interest revenues for the rest of the year will not be achieved due to recent interest rate cuts. Rates revenue is now ahead of budget because of additional interim rates and higher interest revenues and administration fees from the instalment payment options.

Planning revenues are now 2% above budget - largely due to the receipt of revenues relating to Town Planning Amendments 27 & 38. Building Services revenues are now 5% behind the year to date budget despite a significant downwards adjustment in the Q1 Budget Review.

Collier Park Village revenue is now in line with budget expectations following an upwards budget adjustment to account for higher than anticipated revenues from Council rates (returned to CPV for garden maintenance) and higher than expected revenue from rental units. Collier Park Hostel revenue is 1% unfavourable to budget after a retrospective adjustment to commonwealth subsidies.

Golf Course revenue is now on budget target. Green fees are 3% ahead of budget but pro shop lease revenue is less than expected - largely offsetting the favourable variance on green fees.

Infrastructure Services revenue includes the (unbudgeted) proceeds of a vehicle trade-in that was deferred from the previous year. 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.

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 January 2013 is \$29.36M which represents 98% of the year to date budget of \$29.99M. Operating Expenditure is 3% under budget in the Administration area, 3% over budget for the golf course and 2% 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.

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 roll out in the park maintenance, grounds maintenance, building maintenance and environmental services areas. Streetscape maintenance is currently 4% over budget due to accelerated works associated with the street tree maintenance program. Building maintenance activities are 15% favourable to budget due to delays in sourcing contractors as required early in the year but it is expected that this favourable timing difference can be reversed later in the year.

In the Engineering Infrastructure area, maintenance activities on roads, paths and bus shelters are significantly under budget to date - but this should be corrected over future months. Street sweeping is slightly under budget whilst street lighting remains favourable due to an over-stated budget allocation. This anomaly will be adjusted in the Q2 Budget Review.

Cash operating expenses in the overheads area for both City Environment & Engineering Infrastructure are close to budget. Recoveries against jobs for overheads are now close to budget expectations for City Environment - reflecting the success of the re-calibration of this area during the 2012/2013 budget development process. Recoveries in the Engineering Infrastructure area are slightly behind budget and will require further intervention.

Waste management costs are currently 2% over budget overall with savings on the City's contribution to the Rivers Regional Council (RRC) only partly offsetting additional costs being incurred on the kerbside collection service and waste disposal site charges.

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 are being introduced to bring course maintenance costs closer to budget expectations to avoid further depletion of the golf course cash reserves.

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 3.4% under the budget allocation for the 228.9 FTE positions approved by Council in the budget process. Factors impacting this include vacant positions yet to be 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 \$0.88M at 31 January - 4% ahead of the year to date budget of \$0.84M due to a 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. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 January is \$5.01M representing 80% 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	16,000	17,393	108%	456,000
Major Community Projects	195,000	157,200	81%	1,450,000
Financial & Information	497,000	517,914	104%	880,000
Development & Community	488,750	525,905	108%	765,000
Infrastructure Services	4,906,745	3,536,072	72%	11,050,512
Waste Management	31,615	59,925	190%	165,000
Golf Course	131,285	169,271	129%	406,014
UGP	0	27,775	-%	0
<b>Total</b>	<b>6,266,395</b>	<b>5,011,455</b>	<b>80%</b>	<b>15,172,526</b>



### **Consultation**

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

### **Policy and Legislative Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

This 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 January 2013

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 10 February 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 January 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 \$52.73M (\$53.56M last month) compare favourably to \$48.28M at the equivalent stage of last year. Reserve funds are \$2.7M higher overall than the level they were at the same time last year - reflecting \$1.6M 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 each \$0.3M lower. The Waste Management Reserve is \$0.3M higher and the River Wall Reserve and Future Building Reserves are \$0.3M higher. 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 Parks Reserves is \$0.1M higher whilst various other reserves are modestly lower.

Municipal funds are \$1.7M 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 close to 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 \$16.8M (compared to \$17.6M last month). It was \$15.1M 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 \$50.1M compared to \$46.9M 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 \$01.38M - compared to \$1.42M 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 somewhat lower - and 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 4.93% with the anticipated weighted average yield on investments yet to mature now sitting at 4.46% (compared with 4.60% 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 January 2013 (after the due date for the third instalment) represent 87.6% of rates levied compared to 88.0% at the equivalent stage of the previous year.

This result continues to reflect a good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods. 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 are currently underway and should close the gap between last year's collection record and this year's in the near future.

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

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$1.95M at month end (\$1.71M last year). GST Receivable is significantly higher than the balance at the same time last year, Sundry Debtors are lower and Pension Rebate Claims are slightly 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 \$7.39M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.31M was collected by 31 January with approximately 89.9% of those in the affected area having now paid in full and a further 9.5% 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 98.7% 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 \$4.50M billing for the Stage 5 UGP Project, some \$3.61M has already been collected with 71.6% of property owners opting to settle in full and a further 26.3% paying by instalments so far. The remainder (2.2%) have yet to make a satisfactory payment arrangement and collection actions are 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**

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:	07 February 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 January 2013 and 31 January 2013 is presented to Council for information.

#### Officer Recommendation

That the Listing of Payments for the month of January 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**

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 Capital Projects Review to 31 December 2012

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 06 February 2013  
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

### Summary

This report tables a schedule of actual financial performance in delivering approved capital projects to 31 December 2012. Officer comments are provided on the significant identified variances as at the reporting date.

### Officer Recommendation

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 December 2012, as per **Attachments 10.6.4(1) and 10.6.4(2)**, be received.

### Background

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis early in the month immediately following the reporting period - and then presented the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of capital works program and to allow them to seek clarification and updates on scheduled projects.

The complete Schedule of Capital Projects and attached comments on significant project line item variances provide a comparative review of the Budget versus Actual Expenditure and Revenues on all Capital Items. Although all projects are listed on the schedule, brief comment is only provided on the significant variances identified. This is to keep the report to a reasonable size and to emphasise the reporting by exception principle.

### Comment

Excellence in financial management and good governance require an open exchange of information between Council Members and the City's administration. An effective discharge of accountability to the community is also affected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the Capital Program represents 75% of the year to date target - and 28% of the full year's budget. The Executive Management Team acknowledges the challenge of delivering the remaining capital program and remains cognisant of the impact of:

- contractor availability
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

It therefore closely monitors and reviews the capital program with operational managers on an ongoing basis - seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility. The City also uses the 'Deliverable' & 'Shadow' Capital Program concept to more appropriately match capacity with intended actions and is using cash backed reserves to quarantine funds for future use on identified projects.

The capital expenditure budget now also includes some projects carried forward from 2011/2012 into the new year - a process which was important not only for workforce continuity but also in effectively managing organisational cashflows.



Comments on the broad capital expenditure categories are provided in **Attachment 10.6.1(5)** of this agenda - and details on specific projects impacting on this situation are provided in **Attachment 10.6.4 (1)** and **Attachment 10.6.4 (2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

### **Consultation**

For all identified variances, comment has been sought from the responsible managers prior to the item being included in the Capital Projects Review.

### **Policy and Legislative Implications**

This report is consistent with relevant professional accounting pronouncements but not directly impacted by any in-force policy of the City.

### **Financial Implications**

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there will necessarily be some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Comments. This is consistent with responsible management practice.

### **Strategic Implications**

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan

*To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner.*

### **Sustainability Implications**

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

## 10.6.5 Budget Review for the Quarter ended 31 December 2012

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 08 February 2013  
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

### Summary

A comprehensive review of the 2012/2013 Adopted Budget for the period to 30 September 2012 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

- those that increase the estimated Budget Closing Position (new funding opportunities or savings on operational costs)
- those that decrease the estimated Budget Closing Position (reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

### Officer Recommendation

That following the detailed review of financial performance for the period ending 31 December 2012, the budget estimates for Revenue and Expenditure for the 2012/2013 Financial Year, (adopted by Council on 10 July 2012 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.5 (1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.5 (2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.5 (3)**.
- Special Capital Items Review **Attachment 10.6.5 (4)**

**Absolute Majority Required**

### Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter.

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review after the end of the September, December and March

quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review are required to be forwarded to the Department of Local Government for their review after they are endorsed by Council.

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 December 2012.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that simply reflect a timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

### **Comment**

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review

#### **Attachment 10.6.5 (1)**

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained. The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to or from existing Cash Reserves are shown as

#### **Attachment 10.6.5 (2).**

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Strategic Financial Plan (SFP or until contractors / resources become available), they may be returned to a Reserve for use in a future year. There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation - **Attachment 10.6.5 (3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 10 July 2012.

Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impact on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. This section also includes amendments to "Non-Cash" items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City's cash resources.

### **Special Review of Capital Items – Attachment 10.6.5 (4)**

In this particular review, the City also undertook a special review of capital items for the 2012/2013 year. This was necessitated by the extra-ordinary delay in the state government progressing the land tenure arrangements pertaining to the Manning Hub Commercial Land. As a consequence of this lengthy delay, the proposed acquisition / disposal of the Manning Hub Commercial Land is unlikely to be completed before 30 June 2013. Accordingly, the capital revenue item, reserve transfers and other capital expenditure projects dependent on that transaction for funding have necessarily been deferred to the following year. Whilst not considered the ideal outcome, this deferral is absolutely necessary to manage organisational cashflow and is considered to reflect responsible financial management practice.

### **Consultation**

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

### **Policy and Legislative Implications**

Whilst compliance with statutory requirements requires only a half yearly budget review (with the review results being forwarded to the Department of Local Government), more frequent and dynamic reviews of budget versus actual financial performance is good management practice.

### **Financial Implications**

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$124,500 to the projected 2012/2013 Cash Budget Closing Position as a consequence of the review of operations.

At the Q1 Budget Review, a (\$627,671) adjustment to the estimated 2012/2013 Budget Opening Position was made. This adjustment resulted from recalculating the Budget Opening Position in accordance with the Department of Local Government's guideline which does not allow the exclusion of cash backing for employee leave entitlements or cash relating to carry forward items from the determination of the Opening Position. The revised Opening Position (including monies associated with Carry Forward items) moved from \$3,925,408 to \$3,297,737 (inclusive of the \$2,195,000 relating to carry forward items).

The Opening Position (calculated as per DOLG guidelines) is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds. It is essential that this is clearly understood - as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The adopted budget at 10 July showed a projected Closing Position at the conclusion of the 2012/2013 year of \$200,165. After the Q1 Budget Review it was \$80,830. After adopting the changes recommended in this Budget review, the projected 2012/2013 Closing Budget Position will be \$205,330.

The impact of the proposed amendments in the Q2 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table I below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table I includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2011/2012 year end accounts.

**TABLE 1: (Q1 BUDGET REVIEW ITEMS ONLY)**

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	55,000	(55,000)	0
Financial and Information Services	165,500	(220,000)	(54,500)
Development and Community Services	116,000	(55,000)	61,000
Infrastructure Services	659,500	(441,500)	218,000
Opening Position	0	0	0
Accruals Movements	0	(100,000)	(100,000)
Special Review Items	6,350,000	(6,350,000)	0
<b>Total</b>	<b>\$7,346,000</b>	<b>(\$7,221,500)</b>	<b>\$124,500</b>

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

**TABLE 2: (CUMULATIVE IMPACT OF ALL 2012/2013 BUDGET ADJUSTMENTS) \***

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	585,000	(229,500)	355,500
Financial and Information Services	363,500	(384,500)	(21,000)
Development and Community Services	263,500	(155,000)	108,500
Infrastructure Services	824,836	(535,000)	289,836
Opening Position	0	(627,671)	(627,671)
Accruals Movements	0	(100,000)	(100,000)
Special Review Items	6,350,000	(6,350,000)	0
<b>Total change in Adopted Budget</b>	<b>\$8,386,836</b>	<b>(\$8,381,671)</b>	<b>\$5,165</b>

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources.

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated budget closing position has only moved from the \$200,165 estimated closing position to \$205,330 after including all budget movements to date. This projected closing position is still very modest and will need to be closely monitored during the remainder of the year.

### **Strategic Implications**

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

### **Sustainability Implications**

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

## 10.6.6 Applications for Planning Approval Determined Under Delegated Authority

Location:	City of South Perth	
Applicant:	Council	
File Ref:	GO/106	
Date:	1 February 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 months of November and December 2012, and January 2013.

### Officer Recommendation

That the report and **Attachments 10.6.5(a), (b) and (c)** relating to delegated determination of applications for planning approval during the months of November and December 2012, and January 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 November 2012, sixty-one (61) development applications were determined under delegated authority at **Attachment 10.6.6(a)**.

During the month of December 2012, forty (40) development applications were determined under delegated authority at **Attachment 10.6.6(b)**.

During the month of January 2013, forty-eight (48) development applications were determined under delegated authority at **Attachment 10.6.6(c)**.

### 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.

### **10.6.7 Tender 20/2012 City of South Perth Operations Centre Proposed Modifications and Additions**

Location: City of South Perth Operations Centre  
Applicant: Council  
File Ref: Tender 20/2012  
Date: 30 January, 2013  
Author: Gil Masters, Building and Asset Coordinator  
Reporting Officer: Stephen Bell, Director Infrastructure Services

#### **Summary**

Tenders have been received for proposed modifications and additions to the City's Operations Centre (Tender 20/2012). The recommendation of this report is to not accept the tenders submitted due to the cost of the submissions received, which were well in excess of the budget available for the project.

#### **Officer Recommendation**

That tenders received for the Proposed Modifications and Additions to the City's Operations Centre as defined by Tender 20/2012 not be accepted, with all tenderers to be advised of the Council's decision.

#### **Background**

The modifications and additions for the City's Operations Centre are intended to provide more serviceable, friendly and pleasant facilities for staff. At the same time there is a need to increase the size of the Training Room to cater for all of the staff where joint training and functions can be held. A design had been prepared and Operations Centre staff consulted prior to tender.

#### **Comment**

On the basis of the design, tenders were called on the 3 November 2012 and during the tender period 17 sets of tender documents were distributed. Tenders closed at 2:00pm on Thursday 22 November 2012 and 5 tenders were received.

The evaluation process revealed that the prices submitted were well in excess of the budget available, with little possibility to amend the scope sufficiently to reduce the overall construction cost. As City Officers do not have the delegated authority to reject tenders it is therefore recommended that the Council resolves not to accept any tender.

A revised design is currently being prepared which will reduce the scope of the project to meet the available budget. It is envisaged that new tenders will be called in March 2013.

#### **Consultation**

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

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

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

Policy P605 - *Purchasing & Invoice Approval*;  
Policy P607 - *Tenders and Expressions of Interest*.

#### **Financial Implications**

Nil

### **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**

The City had Energy Efficiency Conformance Audit which addressed the following issues:

- Thermal Efficiency;
- Roof and Ceiling Insulation;
- Lighting;
- Walls;
- Floors and Coverings;
- Glazing;
- Air Conditioning; and
- Artificial and Natural Lighting;

## 10.6.8 Tender 27/2012 Provision of Architectural Consultancy Services

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 27/2012
Date:	4 February 2013
Author:	Gil Masters, Building Maintenance Co-ordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

### Summary

The City has called tenders for the *Provision of Architectural Consultancy Services* as defined by Tender 27/2012. The tender is for a period of three years.

This report outlines the assessment process and recommends that the Council approve the creation of a panel of architects to undertake architectural design and management services for City building projects. It will also be recommended that the panel of architects be based on the following criteria:

- Projects less than \$1 million
- Projects greater than \$1 million
- Heritage Design Projects

### Officer Recommendation

That:

- (1) A Panel of Architects be created to provide the City with Architectural Consultancy Services as defined by Tender 27/2012 for a three year period commencing 1 January 2013 and terminating 31 December 2015; based on a Schedule of Rates; and
- (2) The Panel of Architects be broken into three categories, with the preferred architects for each category being:
  - (i) Projects less than \$1 million
    - a. Scatena Clocherty Architects
    - b. Greg Davies Architects
    - c. Hodge Collard Preston Architects
    - d. Bollig Design Group
  - (ii) Projects greater than \$1 million
    - a. Ron Anson Architects Pty Ltd
    - b. Bollig Design Group
    - c. Scatena Clocherty Architects
    - d. Scott Penn Hall Architecture Pty Ltd
    - e. Donovan Payne Architects
  - (iii) Heritage Design Projects
    - a. Hocking Heritage
    - b. Lawrence Architects

### Background

The City requires the services of architects to undertake building and heritage design where the costs of the projects can vary in price from \$100,000 to in excess of \$10 million. Rather than call tenders for each project, tenders were called from suitably qualified and experienced architects to submit a Schedule of Rates for projects where the value is less than \$1 million, greater than \$1 million, and for specialised heritage projects. This will enable the City to create a panel of architects who can be used to undertake the full range of design and management services related to City building projects.

The scope of work has been designed to be adaptable so that it can be modified where selected phases can be included or omitted depending on the anticipated complexity of the project. Services can include/exclude Master Planning, Design, Sustainability, Construction Documentation, Specifications, Tender Process, Construction Management, Building Construction and Post Occupancy.

**Comment**

Tenders were advertised in the West Australian on Saturday 1 December 2012 and closed 2.00 pm Monday 17 December 2012. At the time of opening, twenty two (22) tenders had been received.

An initial compliance check was made of the tender received. It was determined that one of the tenders was not conforming as no rates were submitted for part or all of the requested schedules. This submission was therefore not progressed any further.

All of the remaining submissions were well prepared and demonstrated that the tenderers were very capable of carrying out the works noted in the specification.

It was clear during the initial assessment that the City can realise better value for money if a panel is formed where the provision of architectural services are categorised into different price ranges. In addition, as the City has numerous heritage buildings and projects that occur at different times, it was considered prudent that a special category be created for Architects specialising in heritage

The tenders were then assessed in more detail against the qualitative criteria as established below.

<b>Qualitative Criteria</b>	<b>Weighting %</b>
Communication and liaison Skills;	10 %
Demonstrated experience in completing similar relevant projects;	10 %
Financial capacity and other work and financial commitments	10 %
Respondent resources, skills and experience of key personnel	15%
Demonstrated understanding of the required methodology/program	15%
Price	40 %
<b>TOTAL</b>	<b>100%</b>

Following the rating of the submissions, all tenderers were grouped into the following sub sets namely:

- I. Submissions where the cost of the project exceeds \$1 million

<b>Tenderer</b>	<b>Rating</b>
Rob Anson Architecture Pty Ltd	9.4
Bollig Design Group	9.3
Scatena Clocherty Architects	9.2
Scott Penn Hall Architecture Pty Ltd	9.0
Donovan Payne Architects	9.0
Hodge Collard Preston Architects	8.9

Site Architecture Studio	8.9
GHD Pty Ltd	8.7
Holton Connor Architects & Planners	8.6
Designinc Perth Pty Ltd	8.3
Dreg Davies Architects	8.2
MPS Architects	7.8
Coniglio Ainsworth Architects	7.7
Hames Sharley (WA) Pty Ltd	7.5
Hocking Planning & Architecture Pty Ltd	7.4
Iredale Pedersen Hook Pty Ltd	7.2
HBO + EMTB Architects (WA) Pty Ltd	7.0
Christou Design Architecture	6.5
Birch Group	6.3
Lawrence Associates Pty Ltd	5.9
DMBD Pty Ltd	5.3

2. Submissions where the cost of the project does not exceed \$1 million

<b>Tenderer</b>	<b>Rating</b>
Scatena Clocherty Architects	9.3
Greg Davies Architects	8.3
Hodge Collard Preston Architects	8.0
Rob Anson Architecture Pty Ltd	7.7
Bollig Design Group	7.6
GHD Pty Ltd	7.3
Donovan Payne Architects	7.1
Hocking Planning & Architecture Pty Ltd	6.7
MPS Architects	6.6
Holton Connor Architects & Planners	6.6
HBO + EMTB Architects (WA) Pty Ltd	6.6
Designinc Perth Pty Ltd	6.5
Site Architecture Studio	6.5
Scott Penn Hall Architecture	6.5
Hames Sharley (WA) Pty Ltd	6.2
Coniglio Ainsworth Architects	6.2
Christou Design Architecture	6.2
Birchgroup	6.0
Iredale Pedersen Hook Pty Ltd	5.4
Lawrence Associates Pty Ltd	4.3
DMBD Pty Ltd	4.1

3. The final group was based purely on the heritage aspects of their architectural experience.

- a) Hocking Architecture & Planning Pty Ltd
- b) Lawrence Architects

It will be a recommendation to Council that a panel of architects be created based on the following criteria:

- Projects less than \$1 million
- Projects greater than \$1 million
- Heritage Design Projects

### **Consultation**

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

The City has sought advice from the WALGA Tender Advice Bureau in preparing the tender assessment for Tender 27/2012 and this report.

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

### **Financial Implications**

Provision will be made in future annual budgets to cater for Architects fees associated with the delivery of City building projects.

### **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**

All aspects of sustainability will be identified within the scope of works for each project.



### 10.6.9 Tender 14/2012 Provision of Coastal Engineering Services

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 14/2012
Date:	1 February 2013
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

#### Summary

The City has called tenders to create a Panel of Coastal Engineering Consultants, to draw upon for maintenance and capital works projects (Tender 14/2012). This report outlines the assessment process and recommends that the Council endorse the tenders submitted by GHD, MP Rogers & Associates Pty Ltd and Cardno WA Pty Ltd to create the Panel for a period of three years, each under Schedules of Rates which will be fixed for the first year and then subject to CPI (for Perth Capital City) as published by the Australian Bureau of Statistics on an annual basis for the last two years.

#### Officer Recommendation

That:

1. GHD, MP Rogers & Associates Pty Ltd, and Cardno WA Pty Ltd be included in a Panel to provide Coastal Engineering Consultancy Services to the City in accordance with Tender 14/2012; and
2. The tender be fixed for a period of three years from 1 January 2013 to 31 December 2015, each under Schedules of Rates which will be fixed for the first year and then subject to CPI (for Perth Capital City) as published by the Australian Bureau of Statistics on an annual basis for the last two years.

#### Background

The City has approximately 19km of river and estuary foreshore and significant areas of coastal protection structures requiring ongoing maintenance and repair. The City works closely in partnership with Main Roads WA (on the Kwinana Freeway foreshore) and the Swan River Trust across all of its foreshores to ensure they remain relatively stable and the structures are in reasonable condition.

The City has utilised the services of coastal engineering consultants for a number of years, however the increasing amount of work required has resulted in the need to formalise the engagement in order to continue to comply with the Local Government Act and Tender Regulations.

As a result, the City has called tenders to engage a Panel of Consultants, suitably qualified and experienced in coastal engineering. The scope of work required includes preliminary and detailed designs, consultation with and the provision of advice to stakeholders, engagement of other consultants, the preparation of cost estimates for works and project supervision. The contract is to be a Schedule of Rates for three years and will be fixed for the first year and then subject to CPI (for Perth Capital City ) as published by the Australian Bureau of Statistics on an annual basis for the last two years.

#### Comment

Tenders were called in the West Australian on Saturday 15 September 2012 and closed at 2.00 pm on Wednesday 3 October 2012. At the close of tenders seven submissions were received from:

1. MP Rogers & Associates PL (MPR)
2. Cardno WA Pty Ltd

3. AECOM Australia Pty Ltd
4. Water Technology Pty Ltd
5. Sinclair Knight Merz (SKM)
6. Aurecom Australia Pty Ltd
7. GHD

An initial compliance check was made of the tenderers. All tenders submitted were considered to be conforming. Based on the schedule of rates received and applied for a fictitious medium sized project, the prices provided by tenderers for that particular project would be as follows:

<b>Tender</b>	<b>Price (ex GST)</b>
MP Rogers	\$25,235
Cardno	\$22,875
AECOM	\$26,740
Water Technology	\$22,295
Sinclair Knight Merz	\$24,910
Aurecom	\$25,482
GHD	\$19,535

The tenders were then assessed in more detail against the qualitative criteria as established below.

<b>Qualitative Criteria</b>	<b>Weighting %</b>
Demonstrated knowledge and experience in coastal engineering, in particular Swan Estuary processes.	15%
Experience working with Local Government Authorities	15%
Understanding of legislative and regulatory requirements of State Agencies as they apply to the Swan and Canning Rivers, in particular the Swan River Trust.	15%
Demonstrated resources to respond to major and minor requests in a timely manner.	15%
Schedule of Prices.	40%

Each company's submission and response to the criteria was then incorporated into the Selection Criteria matrix. The final scores appear below.

<b>Tenderer</b>	<b>Score</b>
GHD	8.50
MP Rogers & Associates PL (MPR)	7.86
Cardno WA Pty Ltd	7.82
Water Technology Pty Ltd	7.78
Sinclair Knight Merz (SKM)	7.32
Aurecom Australia Pty Ltd	7.06
AECOM Australia Pty Ltd	6.72

The three consultancies which scored the highest as a result of the quantitative assessment are GHD, MP Rogers and Cardno. Reference checks were then completed, which supported the City's scoring and assessment. As a result, the three consultancies are recommended to Council to form the Panel of Coastal Engineering Consultants the City will utilise for projects, advice and maintenance.

### **Consultation**

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

The City has sought advice from the WALGA Tender Advice Bureau in preparing the tender assessment for Tender 14/2012 and this report.

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act 1995* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

### **Financial Implications**

The City expends approximately \$70,000 each year on coastal engineering consultants.

### **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 tender will ensure that the City is provided with the best available service to complete capital works and operational maintenance as identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City’s Infrastructure.

## 10.6.10 Development Assessment Panels – Councillor Nominations

Location: City of South Perth  
Applicant: Council  
File Ref: A/ME/I  
Date: 29 January 2013  
Author/ Reporting Officer: Vicki Lummer  
Director Development and Community Services

### Summary

Development Assessment Panels (DAPs) commenced operation on 1 July 2011. The term for the current DAP members expires on 26 April 2013. The Department of Planning now requires the City to provide the names of two local members and two alternative local members for the start of the new term. This report seeks to appoint these four members from the Council.

### Officer Recommendation

That Council appoints two (2) Members and two (2) Alternate Members to the Development Assessment Panel.

### Background

DAPs were introduced as part of the Government's efforts to streamline and improve the planning approvals process in Western Australia. DAPs comprise a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority.

Under the *Planning and Development (Development Assessment Panel) Regulations 2011* local governments now have until 28 February 2013 to submit to the Minister nominations for 2 DAP members and 2 alternate members.

If a local government fails to provide the requisite nominations within the period, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established.

### Comment

All DAPs comprise:

- 3 specialist members. One is the presiding member with planning qualification and experience the second is the deputy member also with planning qualifications and experience and the third must possess relevant qualifications and/or expertise.
- Two local government representatives.

Current members are Crs Cala and Cridland with Crs Trent and Skinner as alternate members.

Members whose term has expired are eligible for renomination.

Local Government DAP members must complete mandatory training before sitting as a member. Current members are not required to repeat the training.

Local Government members are entitled to be paid for attendance at DAP training and DAP meetings, unless they fall within a class of persons excluded from payment. Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and Local Government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister's consent, and that consent can only be given with the prior

approval of Cabinet. This position is in accordance with the Premier's Circular – State Government Boards and Committees Circular.

DAPs meetings are scheduled on an as needs basis. The City of South Perth members have had two DAP meetings since inception in 2011.

Nominations will be for a two year term expiring in April 2015. Local Government elections will take place before that time and members who are not re-elected will be replaced with the alternate members. Should no members be re-elected then the City will have to seek new nominations.

The City of South Perth is within a Joint Development Assessment Panel (JDAP) along with the local governments of Bassendean, Bayswater, Belmont, Canning, Melville and Victoria Park. Two local government representatives are required from each local government included in the JDAP. Local Government members rotate on and off the panel, so that the two local government members from South Perth will only sit on the panel when an application for development within the City of South Perth is being determined. This means that South Perth members are not required every month and sometimes if applications from more than one local government are being determined at the same meeting, local government members from more than one local government will rotate on and off during a single meeting.

#### **Consultation**

Elected members were advised by means of the Councillor Bulletin on 25 January 2013 that appointments would be sought at the February Ordinary Council Meeting.

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

The appointment of local government members to the DAP is in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.

#### **Financial Implications**

There are no financial implications for the City.

#### **Strategic Implications**

This aligns with Strategic Direction No. 6, Governance, Advocacy and Corporate Management of the City's Strategic Community Plan 2013- 2023: 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**

There are no sustainability implications for the City.

## **11. APPLICATIONS FOR LEAVE OF ABSENCE**

### **11.1 REQUEST FOR LEAVE OF ABSENCE – CR LAWRANCE**

I hereby for Leave of Absence from all Council Meetings for the period 28 March to 5 April 2013 inclusive.

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

## **13. QUESTIONS FROM MEMBERS**

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

**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.**

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

**16. CLOSURE**

**17. RECORD OF VOTING**

ITEM 3.1 REFERS

## Mayors Activity Report December 2012/January 2013

Date	Activity
<b>January 2013</b>	
Thursday, 31 January	Future Direction of the Rivers Regional Council Workshop, Deputy Mayor, Cr Kevin Trent + Crs Fiona Reid and Colin Cala
	WALGA: Inaugural Metropolitan Mayors Forum – City of Perth
	Local Government reform Breakfast - City of South Perth + CEO
Wednesday, 30 January	Rob Delane, CEO, Dept. Agriculture - Bentley re CoSP/Local Government matters + CEO
	Joint Reform Submission Breakfast at Melville + CEO
Tuesday, 29 January	Tour of McDougall and Manning Wards
	Manning Seniors' Men's Shed meeting
	Mayor / CEO weekly meeting + Cr Lawrance
Saturday, 26 January	Australia Day Council dinner + CEO
	Australia Day events/presentations
	Australia Day Citizenship Ceremony
Friday, 25 January	WALGA & Dept. Transport: Roads forum + Director Infrastructure
Wednesday, 23 January	Civic Triangle/Garmony Councillor Workshop
	Australia Day Radio interview 100.9FM
	John McGrath - Discussion CoSP/Local Government matters + CEO
Tuesday, 22 January	Funeral former Councillor, Barry Maddaford
	Mayor/CEO weekly meeting
	Meeting Mayor of Cambridge, Simon Withers
Monday, 21 January	Hon Kate Doust - CoSP/Local Government matters + CEO
Friday, 18 January	Meet the Community – Welwyn Avenue, Manning
Thursday, 17 January	Reform discussion City of Canning & Town of Victoria Park + CEO
Wednesday, 16 January	Southern Gazette Photo Op - Australia Day
9 – 16 January	Leave of absence
Friday, 4 January	Meeting WALGA CEO, Ricky Burges
	Meet the Community
Tuesday, 1 January	City of Canning - Fireworks and New Year's Day celebrations



<b>December 2012</b>	
Friday, 21 December	Meet the Community – Waterford Plaza
Thursday, 20 December	Staff Christmas Function + Deputy Mayor, Cr Kevin Trent + Cr Ian Hasleby
	WALGA Breakfast – Local Government reform discussion + CEO
Wednesday, 19 December	Rivers Regional Council discussion + CEO + Deputy Mayor, Cr Kevin Trent, Cr Colin Cala + Director Infrastructure
	Manning Activity Centre Christmas Party
Tuesday, 18 December	Mayor/CEO weekly meeting
	APTC Tournament 2013 – discussion Manager City Environment & Ross Metherell
	South Perth Primary Final Assembly
Monday 17 December	Big Help Mob: Useful Sessions 001 @ Scitech
	Meeting with Curtin University Representatives, Victoria Park, Canning and South Perth Councils @ City of Canning
	Executive Management Team Christmas lunch
	Collier Primary School Graduation
	Kensington Primary School Year 7 Graduation Ceremony
Friday, 14 December	Christmas Function Elected Members/Management Team and Partners
	Carson St School Awards Presentation
Thursday, 13 December	Australia Day preparation meeting with Manager Community Culture & Recreation, Civic Functions & Ceremonies Officer, Arts/Events Coordinator
	Canning Bridge Precinct Reference Group meeting @ City of Melville + CEO
	South Perth Christian Churches Network Christmas breakfast
Wednesday, 12 December	John McGrath, Member for South Perth Christmas drinks
Wednesday, 12 December	Deirdre Saunders 100th birthday
	Meeting with WALGA President re Local Government Advertising + CEO
Tuesday, 11 December	Council meeting
	Mayor /CEO weekly meeting
	Soroptimist International South Perth
Monday, 10 December	COMO IGA Senior's morning tea
	Amalgamation discussion with Town of Victoria Park + CEO + Manager Governance and Administration
Sunday, 9 December	Christmas Party Dinner - South Perth Bridge Club
Friday, 7 December	Penrhos Secondary School Speech Night
	Gowrie: Karawara Family and Community Centre Official launch

Friday, 7 December	Penrhos Junior School Speech Day
	Meet the Community
Thursday, 6 December	St Columba's Catholic Primary School Mass & Graduation
	Morning Melodies Cygnet concert + Deputy Mayor, Cr Kevin Trent
Wednesday, 5 December	Library Home Reader and Volunteer Christmas Party
	Thank a Volunteer Day breakfast
Tuesday, 4 December	Council Agenda Briefing
	Mayor/Acting CEO meeting
	South Perth Senior Citizens Xmas lunch + Deputy Mayor, Cr Kevin Trent
	Minister Troy Buswell's announcement on ferry services Mends Street + Member for South Perth + Cr Betty Skinner
Monday, 3 December	Annual Electors Meeting
	AGM discussion with Acting CEO & Manager Legal and Governance
	International Day of People with Disability

## Council Representatives' Activity Report - December 2012/ January 2013

Dec 2012 / Jan 2013	Activity
<b>January 2013</b>	
Tuesday, 29 January	Canning SES Award Presentation night – Cr Veronica Lawrance
Saturday, 26 January	Australia Day Citizenship Ceremony + Deputy Mayor , Cr Kevin Trent + Crs Betty Skinner, Fiona Reid, Ian Hasleby, Chris McMullen, Glenn Cridland, Bill Gleeson and Colin Cala
Wednesday, 23 January	Photo Op – Southern Gazette – Sir James Mitchell Park public consultation – Deputy Mayor, Cr Kevin Trent
Tuesday, 22 January	Local Emergency Management Committee Emergency Evacuation Meeting - Cr Lawrance
Thursday, 17 January	Photo op - Southern Gazette - Olives Reserve Tree Damage – Deputy Mayor, Cr Kevin Trent
Tuesday, 15 January	Photo - Signing of Road Safety Declaration – Deputy Mayor, Cr Kevin Trent
Thursday, 10 January	Photo – Southern gazette re traffic congestion and the closing of one lane on Mounts Bay Road. – Deputy Mayor, Cr Kevin Trent
<b>December 2012</b>	
Thursday, 20 December	Rivers Regional Council - Deputy Mayor, Cr Kevin Trent + Cr Colin Cala
Monday 17 December	Collier Primary School Graduation assembly – Deputy Mayor, Cr Kevin Trent
Monday, 17 December	Kensington Primary School Graduation ceremony - Deputy Mayor, Cr Kevin Trent
Thursday, 13 December	Perth Airports Management Group – Cr Ian Hasleby
Tuesday, 11 December	Como Primary School Speech and Presentation Night – Cr Glenn Cridland
Friday, 7 December	Kensington Secondary college graduation – Deputy Mayor, Cr Kevin Trent
Saturday, 8 December	City of Canning Mayoral Christmas Dinner – Deputy Mayor Cr Kevin Trent & Cr Fiona Reid
Wednesday, 5 December	Como Secondary College Golf Academy Awards Ceremony– Deputy Mayor Cr Kevin Trent
Monday, 3 December	Wesley College 90th Speech Night – Cr Fiona Reid
Sunday, 1 December	South Perth Historical Society Christmas Breakfast – Cr Betty Skinner