

MINUTES

Ordinary Council Meeting

24 September 2013

Notice of Meeting

To: The Mayor and Councillors

Here within are the minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 24 September 2013.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER
27 September 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**

Ordinary 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, with the exception of October. Please note that the October Ordinary Council Meeting will be held on 15 October 2013.

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 19.9km² 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/

Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	6
2. DISCLAIMER	6
3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES	6
3.2 PUBLIC QUESTION TIME FORMS	6
3.3 AUDIO RECORDING OF COUNCIL MEETING	6
3.4 SPECIAL COUNCIL MEETING – WEDNESDAY 2 OCTOBER	6
3.5 LOCAL GOVERNMENT ELECTIONS	6
3.6 CONGRATULATIONS TO COUNCILLORS SHARRON HAWKINS-ZEEB AND COLIN CALA	7
3.7 RANGER OF THE YEAR – PAUL FROMONT	7
4. ATTENDANCE	7
4.1 APOLOGIES	8
4.2 APPROVED LEAVE OF ABSENCE	8
5. DECLARATION OF INTEREST	8
6. PUBLIC QUESTION TIME	8
6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
6.2 PUBLIC QUESTION TIME: 24 SEPTEMBER 2013	8
7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	9
7.1 MINUTES	9
7.1.1 Ordinary Council Meeting Held: 27 August 2013	9
7.2 BRIEFINGS	9
7.2.1 Agenda Briefing – Ordinary Council Meeting – 20 August 2013	9
7.2.2 Concept Briefing – Draft Public Art Strategy and Waste Management Overview – 26 August 2013	9
8. PRESENTATIONS	10
8.1 PETITIONS	10
8.2 PRESENTATIONS	10
8.2.1 Local Business Chambers 2013 Business Awards – Certificate of Appreciation	10
8.3 DEPUTATIONS	10
8.4 COUNCIL DELEGATES REPORTS	10
8.4.1 Council Delegate: Local Emergency Management Committee	10
8.5 CONFERENCE DELEGATES REPORTS	10

9. METHOD OF DEALING WITH AGENDA BUSINESS	11
10. REPORTS	12
10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS	12
10.0.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements - Consideration of submissions and final adoption	12
10.1 STRATEGIC DIRECTION 1: COMMUNITY	17
10.1.1 Community Sport and Recreation Facility Fund (CSRFF) - Annual/Forward Planning Grants	17
10.2 STRATEGIC DIRECTION 2: ENVIRONMENT	26
10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES	27
10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington	27
10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington	40
10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como	50
10.4 STRATEGIC DIRECTION 4: PLACES	60
10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT	61
10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT	62
10.6.1 Monthly Financial Management Accounts - August 2013	62
10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 August 2013	66
10.6.3 Listing of Payments	71
10.6.4 Applications for planning approval determined under delegated authority	73
10.6.5 Sale of Land under s6.64 of the Local Government Act 1995	75
10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE	77
11. APPLICATIONS FOR LEAVE OF ABSENCE	78
11.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR GRAYDEN	78
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	78
12.1 COUNCILLOR GLEESON – SOUTH PERTH FORESHORE	78
13. QUESTIONS FROM MEMBERS	79
13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	79
13.2 QUESTIONS FROM MEMBERS	79
14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	79
15. MEETING CLOSED TO PUBLIC	79

15.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	79
15.2	PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	79
16.	CLOSURE	79
17.	RECORD OF VOTING	81
	Appendix 1 – Responses to previous public questions taken on notice	84
	Appendix 2 – Public Question Time 24 September 2013	87
	Appendix 3 – Questions from Members 24 September 2013	92

Ordinary Council Meeting Minutes

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chambers, Sandgate Street, South Perth, Tuesday 24 September 2013.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7:00 pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Mayor advised that the Mayor and Council Representatives Activities Reports for the month of August 2013 are attached to the back of the agenda.

3.2 PUBLIC QUESTION TIME FORMS

The Mayor advised the public gallery that Public Question Time forms were available in the foyer and on the website for anyone wanting to submit a written question. She referred to clause 6.7 of the Standing Orders Local Law 'procedures for question time' and state that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.3 AUDIO RECORDING OF COUNCIL MEETING

The Mayor requested that all mobile phones be turned off. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member" and stated that as Presiding Member she gave permission for the Administration to record proceedings of the Council meeting.

3.4 SPECIAL COUNCIL MEETING – WEDNESDAY 2 OCTOBER

The Mayor announced that a Special Council Meeting will be held in the Council Chambers on Wednesday 2 October 2013 at 7:00 pm. The purpose of this meeting is to consider the City of South Perth Local Government Reform Submission to the Local Government Advisory Board.

3.5 LOCAL GOVERNMENT ELECTIONS

The Mayor noted that the Local Government Elections are to be held on Saturday 19 October 2013 and advised that election packages are due to be sent out by Australia Post to the residents of South Perth from Wednesday 25 September 2013 onwards. The Mayor advised that replacement packages could be obtained from the City of South Perth prior to Election Day, if they were not delivered.

3.6 CONGRATULATIONS TO COUNCILLORS SHARRON HAWKINS-ZEEB AND COLIN CALA

The Mayor extended her congratulations to Councillors Sharron Hawkins-Zeeb and Colin Cala, who have been re-elected to Council for the Manning Ward, unopposed.

3.7 RANGER OF THE YEAR – PAUL FROMONT

The Mayor announced that Ranger Paul Fromont has been awarded the prestigious award of 'WA Rangers Association Ranger of the Year for 2013'. This award was given out at the WA Rangers Association awards dinner at Bunbury on Wednesday 11 September 2013 with Rangers attending from all around the State.

The Mayor presented an award from the City of South Perth to Paul, stating that Paul is a highly respected employee of the City of South Perth, who goes above and beyond in his daily work as a Community Ranger. Paul is very dedicated and is committed to providing excellent service to the City of South Perth residents. The Mayor thanked Paul, on behalf of the City of South Perth, for all of his hard work and dedication.

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors

I Hasleby	Civic Ward
V Lawrance	Civic Ward
G Cridland	Como Beach Ward
G W Gleeson	Como Beach Ward
S Hawkins-Zeeb	Manning Ward
C McMullen	Manning Ward
C Cala	McDougall Ward
P Howat	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
F Reid	Moresby Ward
K Trent, OAM, RFD	Moresby Ward

Officers

C Frewing	Chief Executive Officer
M Kent	Director Financial and Information Services
V Lummer	Director Development and Community Services
M Taylor	Acting Director Infrastructure Services
D Gray	Manager Financial Services
R Bercov	Strategic Urban Planning Adviser
P McQue	Manager Governance and Administration
R Woodman	Corporate Project Officer
A Albrecht	Governance Officer

Gallery

There were 11 members of the public and 1 member of the press present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

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.

The Mayor noted that a declaration of impartiality interest had been received from Councillor Gleeson in relation to Agenda Item 10.3.3 (Retrospective Unapproved Signage Additions to Shop (Liquor Store) – Lot 21 (No. 459-463) Canning Highway, Como).

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 10.3.3 was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held Tuesday 27 August questions were taken on notice from:

- Ken Manolas, 193 Mill Point Road, South Perth
- Peter Dreverman, 2/20 Garden St, South Perth
- Geoff Defrenne, 24 Kennard St, Kensington
- Soo Hin Ong, 4/6 Manning Terrace, South Perth
- Loula Papandreou, 1 Saunders St, Como

A table of these questions and the responses given can be found in **Appendix I**.

6.2 PUBLIC QUESTION TIME: 24 SEPTEMBER 2013

The Mayor stated that public question time is operated in accordance with *Government Act* regulations. She said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, on a rotational basis, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to.

The Mayor advised that there were other ways people could raise questions, such as contacting their Ward Councillors or by logging on to the City's website and submitting a question via 'enquires'. She also reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. The next meeting day is Friday 4 October 2013, 10am – 12pm.

The Mayor then opened Public Question Time at 7:15 pm.

Note: Written Questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the public gallery. Questions were answered on a rotational basis, limited to three per person, until the minimum time allowance for public questions (15 minutes) had passed. For ease of reference questions from the same person have been grouped together below.

A table of public questions and the responses given can be found in **Appendix 2**. Some additional questions were submitted by Lindsay Jamieson at the Council Meeting. These questions were taken on notice. A response will be provided by correspondence to Mr Jamieson and included in the October 2013 Agenda and Minutes.

The Mayor closed Public Question Time at 7:30 pm.

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: 27 August 2013

COUNCIL DECISION

Moved: Councillor Skinner

Seconded: Councillor Howat

That the Minutes of the Ordinary Council Meeting held 27 August 2013 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

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 – Ordinary Council Meeting – 20 August 2013

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

7.2.2 Concept Briefing – Draft Public Art Strategy and Waste Management Overview – 26 August 2013

Officers of the City provided information and answered questions regarding the Draft Public Art Strategy and the City's Waste Management Programme. Notes from this concept briefing are included as **Attachment 7.2.2**.

COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Grayden

That the attached notes under items 7.2.1 and 7.2.2 on Council Briefings be noted.

CARRIED (13/0)

8. PRESENTATIONS

8.1 PETITIONS

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

Nil.

8.2 PRESENTATIONS

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

8.2.1 Local Business Chambers 2013 Business Awards – Certificate of Appreciation

The Certificate of Appreciation is accepted by the City of South Perth for its sponsorship and support of the Local Chambers Commerce and Industry Awards.

The 2013 City of South Perth Award of Business Excellence was presented to TAG Finance Australia that established in our city 7 years ago.

8.3 DEPUTATIONS

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

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Council Delegate: Local Emergency Management Committee

A report from Cr Lawrance and David Fyfe, Infrastructure Planning Officer with the minutes of the Canning / South Perth Local Emergency Management Committee Meeting is at **Attachment 8.4.1.**

COUNCIL DECISION

Moved: Councillor Hawkins-Zeeb

Seconded: Councillor Cala

That the Council Delegates' Reports under Item 8.4.1 be received.

CARRIED (13/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 17 September 2013.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.1 Amended Motion from Councillor Cridland
- Item 10.3.1 Amended Motion from Councillor Trent
- Item 10.3.2 Alternative Motion from Councillor Trent
- Item 10.3.3 Declaration of Impartiality Interest – Councillor Gleeson

COUNCIL DECISION - EN BLOC RESOLUTION

Moved: Councillor Hasleby

Seconded: Councillor Grayden

That with the exception of withdrawn items 10.1.1, 10.3.1, 10.3.2 and 10.3.3, the officer recommendations in relation to agenda items 10.0.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, and 10.6.5 be carried en bloc.

CARRIED (13/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6: Home Occupation and Home Office definition and requirements - Consideration of submissions and final adoption

Location: City of South Perth
Applicant: City of South Perth
File Ref: LP/209/35
Date: 2 September 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

Amendment No. 35 to Town Planning Scheme No. 6 specifies additional restrictions applicable to Home Occupations and Home Offices and modifies the existing definitions of those land uses. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment 10.0.1(c)**.

Amendment No. 35 has been advertised for public submissions. The Council now needs to consider the four submissions received during the statutory advertising period and resolve whether the Amendment should proceed, with or without modifications, or should not proceed. The recommendation is for the Amendment to be finally adopted by the Council with modifications and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

Officer Recommendation and COUNCIL DECISION

That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) the Submission conditionally supporting Amendment No. 35 be UPHELD to the extent stated in the Schedule of Submissions;
 - (ii) the Submissions neither supporting nor opposing Amendment No. 35 be NOTED;
 - (iii) the Submission neither supporting nor opposing Amendment No. 35 with a suggested modification be UPHELD;
 - (iv) Amendment No. 35 proceed with modifications;
- (b) Amendment No. 35 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 35 document (**Attachment 10.0.1(c)**), as required by those Regulations;
- (c) the Report on Submissions containing the Council's recommendations (**Attachment 10.0.1(a)**) and the Schedule of Submissions containing a detailed assessment of the Submissions (**Attachment 10.0.1(b)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 35 by the Minister for Planning;

Recommendation continued

- (d) the submitters be thanked for participating in the process and be advised of the above resolution;
- (e) a letter be sent to the Western Australian Department of Planning requesting that the 2 tonnes vehicle tare weight restriction for Home Occupations in the Model Scheme Text be increased to reflect the actual weight of large off-road vehicles in common use for travel not connected to business activities.

CARRIED EN BLOC RESOLUTION

Background

This report includes the following attachments:

Attachment 10.0.1(a)	Report on Submissions (for referral to the Minister)
Attachment 10.0.1(b)	Schedule of Submissions
Attachment 10.0.1(c)	Amendment No. 35 documents for final adoption

Amendment No. 35 was initiated at the May 2013 Council meeting (agenda item 10.3.1 refers). On 4 June 2013, the Scheme Amendment documents were forwarded to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required; and on 5 June, those documents were forwarded to the Western Australian Planning Commission (WAPC) for information. The EPA clearance was received on 3 July 2013. Subsequently, comments were sought from the community during a 46-day advertising period.

Through experience in dealing with 'Home Occupation' and 'Home Office' enquiries and applications, City officers have identified a need to introduce provisions or modify existing provisions relating to:

- maximum permissible tare weight of vehicles;
- maximum permissible number of client visits;
- minimum number of on-site client parking bays; and
- food-based Home Occupations and those involving animals or outdoor storage.

As a result, the Scheme Amendment was prepared to address the matters listed above.

Comment

(a) Amendment No. 35 Proposals

The Scheme Amendment will implement the following changes to the Scheme Text:

- (i) Insertion of a new Clause 4.12 'Home Occupation', that clarifies that all Home Occupations are to conform to the definition in Schedule 1 and specifies restrictions relating to maximum client numbers visiting the premises, food preparation, animals, outdoor storage and the provision of on-site car parking for clients.
- (ii) Insertion of a new Clause 4.13 'Home Office', that clarifies that all Home Offices are to conform to the definition in Schedule 1.
- (iii) Modifying the definition of 'Home Occupation' in Schedule 1, to clarify the existing restriction relating to retail sales, increase the permitted tare weight of vehicles from 1 tonne to 2 tonnes and delete the non-discretionary restrictions relating to food preparation, animals and outdoor storage.
- (iv) Modifying the definition of 'Home Office' in Schedule 1, to continue the existing prohibition on Home Occupations (including Home Offices) involving food preparation or animals.

A Home Business is to remain as an 'X' (prohibited) land use in all zones.

The draft amending clauses and an expanded summary of all proposed changes are included in **Attachment 10.0.1(c)**.

(b) Vehicle Tare Weight Restrictions

The City received one submission relating to the proposed increase to the vehicle tare weight restriction from 1 tonne to 2 tonnes, contained within the Home Occupation definition. The submitter supports the vehicle tare weight restriction. However, an Elected Member advocates a larger increase in the permitted tare weight to reflect the actual weight of large off-road vehicles in common use for travel not connected to business activities.

Prior to preparing the amendment documents, City officers researched the planning schemes for 16 other Perth metropolitan Councils. In relation to maximum vehicle tare weight, most of the Councils' Town Planning Schemes align with the 2-tonne limit specified in the Model Scheme Text, prepared by the state government. The WA Department of Planning normally requires any new Scheme or Amendment to align with the Model Scheme Text. The variations found were for the Town of Victoria Park (no restriction), City of Joondalup (3.5 tonnes), City of Wanneroo (3.5 tonnes) and City of Vincent (1 tonne).

The City did not propose a higher tare weight restriction than 2 tonnes for the following reasons:

- It would be inconsistent with the Model Scheme Text and is unlikely to be approved by the WAPC and the Minister.
- The proposed 2 tonne restriction doubles the existing 1 tonne restriction, which has not caused any issues in the past.
- It prevents large commercial style vehicles (e.g. trucks) being used by business operators or clients in residential areas. Businesses that require large vehicles are inappropriate in a residential area.
- The City of South Perth does not have any special characteristics that warrant permitting a greater vehicle tare weight than 2 tonnes.

While the City is not recommending an increase in the permitted vehicle tare weight beyond 2 tonnes, the officer recommendation proposes that the City will write to the WA Department of Planning requesting a review of the Model Scheme Text in this regard, because the actual weight of large off-road vehicles used for 'non-business' travel exceeds 2 tonnes.

(c) Proposed Modifications to Amendment No. 35

The submission received from Department of Health suggested inclusion of the word 'storage' in part (d) of the Home Office definition, to prohibit the storage of foodstuffs. The draft Scheme Amendment already prohibits the 'preparation' or 'sale' of foodstuffs under the Home Office definition. The City supports the Department's suggestion and accordingly, the word 'storage' has been added to part (d) of the Home Office definition in Schedule 1 and to the related provision for Home Occupations, proposed clause 4.12(2)(b).

10.0.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6

Consultation

Following Council's receipt of confirmation that an EPA assessment was not required, the advertising process commenced on 9 July 2013.

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

- Letters and Notices mailed to affected government agencies;
- *Southern Gazette* newspaper notice in two issues - 9 and 23 July 2013; and
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City's Libraries and on the City's web site ('Out for Comment').

The required minimum advertising period is 42 days. On this occasion, the actual advertising period was 46 days - from 9 July to 23 August 2013.

During the advertising period, four submissions were received, one conditionally supporting the proposal and three neither supporting nor objecting to the proposal, with one of these submissions suggesting a modification.

The full submissions and City officer revisions, together with officer responses are contained in the attached Report on Submissions and Schedule of Submissions (**Attachments 10.0.1(a) and 10.0.1(b)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. The Report and the Schedule contain recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The statutory Scheme Amendment process as it relates to the proposed Amendment No. 35 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment	28 May 2013
Council adoption of draft Amendment proposals for advertising purposes	28 May 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	4 & 5 June 2013
Public advertising period of not less than 42 days	9 July - 23 August 2013
Council consideration of Report on Submissions	24 September 2013
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none">• Report on Submissions;• Council's recommendation on the proposed Amendment• Three signed and sealed copies of Amendment documents for final approval	October 2013
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

Following the Council's decision to recommend to the Minister that Amendment No. 35 proceed with modifications, three copies of the Amendment document will

10.0.1 Proposed Amendment No. 35 to Town Planning Scheme No. 6

be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council's recommendation.

Financial Implications

The proposed Scheme Amendment No. 35 has financial implications in relation to the remaining statutory processes, all of which will be met by the City.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed Amendment No. 35 will improve the Scheme Text, resulting in more efficient administrative processes, faster and more effective development assessments and more effective and consistent interpretation of the Scheme provisions. The Amendment will assist applicants, other members of the public, professionals, City officers and Council Members to better understand the Scheme provisions.

Conclusion

The Amendment No. 35 Report comprising **Attachment 10.0.1(c)** contains a full description and justification of the Amendment proposals. Having regard to the submitters' comments and assessment of them by City Officers, the proposed Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed with modifications be forwarded to the Minister.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) - Annual/Forward Planning Grants

Location: City of South Perth
Applicant: Council
Date: 16 September 2013
Author / Reporting Officer (Revised Report): Michael J Kent, Acting Chief Executive Officer

Summary

To consider Council's response to an application to the Department of Sport & Recreation for the 2014/2015 Community Sporting Recreation Facilities Fund (CSRFF) Annual Forward Planning Grants.

Officer Recommendation

Moved: Councillor Reid

Seconded: Councillor Hawkins-Zeeb

That the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Annual and Forward Planning Grants 2014/15, be submitted to the Department of Sport and Recreation together with the entire content of the officer report and the following ranking and ratings:

Applicant	Ranking	Rating
Manning Tennis Club (2 new hard courts and floodlighting)	I	TBC by Council

AMENDED MOTION

Moved: Councillor Cridland

Seconded: Councillor Hasleby

That the Officer recommendation be amended as follows:

That the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Annual and Forward Planning Grants 2014/15, be submitted to the Department of Sport and Recreation together with the entire content of the officer report, **the document putting forward the amendment** and the following ranking and ratings:

Applicant	Ranking	Rating
Manning Tennis Club (2 new hard courts and floodlighting)	I	A

CARRIED (13/0)

Background and reasons for amendment

A deputation by Ms Carolyn Walker and Mr Ajay Tandan from the Manning Tennis Club brought further and new information before the Council which shows the application as clearly being an outstanding "A" category application (i.e. well planned and needed by the municipality) using the DSR Assessment Criteria.

The City has de-commissioned 4 aged and substandard public hard tennis courts in

the Manning Area - specifically at the Manning Hub development.

The Manning area has a growing population. The growth is in part from new developments on increasingly small lots with limited outdoor space for children to play in.

Manning is a diverse socio-economic area. Whilst some parts of the area are affluent, there are a number of families who face real social and economic challenges.

Manning Tennis Club operates from a City of South Perth sporting facility and serves its local community. On its recent open day, the local community flocked to the club and again there was a lengthy wait to get on a court as all were being used.

There is a clear and unsatisfied demand for tennis courts from the public in the Manning area.

Apart from hiring courts out to the public, the club has a number of popular programs for people (including non-members) wishing to play social or competitive tennis or learn the sport.

The club has a thriving children's program in which large numbers of youngsters from the community (who are generally not members of the club and, in some cases, whose families could never afford membership) are introduced to group activities, sport and tennis specifically. The junior program is organised by professional coaches and run in part by club volunteers. This is a fantastic community focussed program bringing healthy lifestyles and positive values to local children. It should be encouraged.

There are insufficient courts in the Manning area and at the Manning Tennis Club to meet demand from the community in particular to cater for these children. Contractual and public liability reasons prevent the club from running its children's program at other clubs (if there was capacity elsewhere). No other clubs operate in this area.

There are also insufficient courts at the Manning Tennis Club to meet demand from the public and (adult and children) members wishing to play social and competitive pennants tennis.

There are no school hardcourts suitable or available for use by the Manning Tennis Club in the greater Victoria Park / South Perth area.

Other clubs in the greater South Perth / Victoria Park area have similar capacity issues to the Manning Tennis Club in respect of insufficient numbers of floodlit hardcourts to meet the demand.

Tennis West and the local State and Federal Parliamentary representatives support the club's application for the further 2 floodlit hard courts for the use of local community.

COUNCIL DECISION**Moved:** Councillor Reid**Seconded:** Councillor Hawkins-Zeeb

That the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Annual and Forward Planning Grants 2014/15, be submitted to the Department of Sport and Recreation together with the entire content of the officer report, the document putting forward the amendment and the following ranking and ratings:

Applicant	Ranking	Rating
Manning Tennis Club (2 new hard courts and floodlighting)	I	A

CARRIED (13/0)**Background**

The Department of Sport and Recreation (DSR) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. The State Government has allocated \$20M for the 2014/2015 funding round.

Table 1 CSRFF Grant Categories

Grant Category	Total Project Cost Range	Standard DSR Contribution	Frequency
Small Grants	\$7,500 - \$150,000	\$2,500 - \$50,000	Bi-annual
Annual Grants	\$150,001 - \$500,000	\$50,001 - \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 - \$4 million	Annual

The maximum grant awarded by DSR will be no greater than one-third of the total cost of the project up to a maximum of \$4 million. The CSRFF grant must be at least matched by the applicants own cash contribution equivalent to one third of the total project cost. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any such shortfall.

As stated in the CSRFF guidelines, annual and forward planning grants for this round of applications may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium. It is proposed, for this application, that the project will be conducted in 2014/2015 and therefore must be claimed by 15 June, 2015.

Comment**Project under consideration**

One project is proposed to be submitted for funding consideration in the 2014/2015 CSRFF annual and forward planning grants:

(i) **Manning Tennis Club
(Construction of 2 new hard courts and floodlights)**

CSRFF Grant sought	\$ 47,450	(ex GST)
Manning Tennis Club's contribution	\$ 47,450	(ex GST)
City's matching contribution	\$ 47,450	(ex GST)
Estimated Total Project Cost	\$ 154,350	(ex GST)

DSR Assessment Criteria

A panel comprising the Manager Community Culture and Recreation, Manager City Environment and the Recreation Development Coordinator assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The results of that assessment by the panel of City officers are summarised below.

2014/2015 CSRFF annual and forward planning grants

Applicant	Project	Rank	Rating	City's Contribution	Total project cost
Manning Tennis Club	Construction of 2 new hard courts and floodlighting	I	B	\$47,450 (ex GST)	\$154,350 (ex GST)

Manning Tennis Club

Manning Tennis Club is located on Crown Land, being Lot 300 on Plan 45674, vested with the City for the purposes of parks and recreation. The club is currently in its ninth year of a 21 year lease with the City. The courts are used by club members, competition teams, the public (social users) and are also hired to Aquinas College, Welwyn Tennis Group (previously located at the decommissioned Kensington Club courts, Manning) and the WA Catholic Lawn Tennis Association.

The Club is affiliated with Tennis West and has a membership of 151 (203 in 2011/12), plus a further 150 people that are not members but casual/social users of the facilities. The club advises that the apparent reduction in full memberships reflects a shift from full membership to accommodate an increasing local demand for casual and public court hire rather than a decline in use of the facility itself.

Manning Tennis Club CSRFF applications

In 2011, Manning Tennis Club submitted a small grant CSRFF application, which the City initially assessed as requiring more planning but following consideration from Council was re-assessed as 'B - Well Planned and needed by the applicant'. It was unsuccessful in DSR's small grant summer round in 2011. The Club submitted a more comprehensive submission for a similar project for consideration in the small

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) – Annual/Forward Planning Grants

grants round in 2012. It was unsuccessful in DSR's small grant winter round in 2012 although classified at a rating of 1A after review by Council.

Previously, the club had been successful in securing support for the installation of additional floodlights at the facility via CSRFF funding in 2008/09 and two courts resurfaced via CSRFF funding in the 2005/06 financial year, demonstrating the City's past commitment to supporting the facility at Manning Tennis Club.

Manning Tennis Club Case - Current Application

The Club has submitted an application for the installation of two hard court tennis courts and floodlighting in this round of annual planning grants 2014/2015.

The Club has made several submissions in support of their application and advises that the two additional hard tennis courts are required for the following reasons:

- To cater for increasing population, particularly in the suburbs of Waterford, Manning and Salter Point (21.7% increase indicated between 2001-2011 Census) and further increases from the Cygnia Cove development.
- To avoid having to restrict the number of junior pennant teams the club can nominate (currently the club is restricted to 10 teams but potential in 2012 was 13 teams).
- Additional demand for public and social use (currently the club is turning away non-members due to lack of court availability).
- Additional courts are required to allow *all* juniors wishing to play after school and on weekends (currently all children wishing to play cannot be accommodated at Manning or South Perth Tennis Clubs),
- Additional use by senior players to play in Tuesday and Wednesday night tennis (club currently has a waiting list of approximately 40 people).
- To avoid having to hire courts from other clubs due to lack of courts at Manning (having to play "home" games at other venues).
- To prevent losing current and potential members due to lack of court availability.
- Increase the number of hard courts from 4 to 6 so the ratio of hard and synthetic courts is even (6 each).
- Continue to increase revenue from "non-member" court hire, which will assist in financing the future resurfacing of existing courts and other improvements required.
- To accommodate the recommended "minimum 12 courts under lights" stated in the Tennis West Perth Metropolitan Facilities Strategic Plan 2006-2015.

Officer Assessment - Current Application

The City's assessing officers working in the recreation area see the City's role, in provision of tennis facilities as primarily focused on encouraging *grass roots entry level facilities*. This ensures increasing participation rates, which is also a priority of the DSR.

Adam Renfrey, the Community Tennis Manager representing Tennis West and Tennis Australia advises that although overall participation rates across Australia indicate a decline, participation generally is increasing in junior tennis, especially when fostered by high profile programs such as "MLC Tennis Hot Shots".

Based on the clubs membership growth and financial statements, evidence suggests the Club is sustainable.

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) – Annual/Forward Planning Grants

The club's net income as at 31 May 2013 is \$39,911, with current net assets totalling \$354,387 (including cash reserves of approximately \$201,228 as at 31 May 2013).

The City has been advised that the club requires 2 new hard courts (total approximate cost of \$154,350) and in the future, resurfacing of 6 existing courts (total approximate cost of \$300,000) to accommodate its needs and demands.

The club's most immediate need is new hard courts. DSR advises that, in general, new courts are considered a higher priority, if the demand is justified and demonstrated. They are more likely to approve surfaces that are increasing participation at a community level; such as floodlit hard courts that enable night use.

City officers have a view that the project justifies a rating of '*well planned and needed by the applicant*' based on the criteria provided by DSR. In making this assessment the panel noted:

- Manning Tennis Club submitted a very thorough, well planned application;
- Manning Tennis Club shows good signs of growth and increased participation, despite the national trends;
- Manning Tennis Club demonstrates it is a sustainable club;
- The new courts are definitely needed by the club, and the City supports the club developing new courts;
- Although the City supports the club's intention to develop new courts, the assessing officers felt that the project was a higher priority for the club than for the City - based on their assessment of the number of other courts available in the City.

City officers also offered a view that the club may be able to maximise its chances of securing CSRFF funding in future years by spending its own funds to install the two new hard courts and floodlighting (total approximate cost of \$154,350).

The Club could then submit a CSRFF application for the resurfacing of 6 courts to DSR who may view this more favourably and may approve funding of one third with contributions from the City, and the club of \$100,000 (total approximate cost of \$300,000).

The Club would be eligible to apply for CSRFF every year or stage of the resurfacing to accommodate their affordability, if it cannot accommodate the full amount at once. This would allow the Club to commence construction of the new courts without the planning approval from the City lapsing in November 2013. The Manning Tennis Club declined this invitation and has reinforced a preference for pursuing the existing proposal for construction and flood lighting of 2 new hard courts.

Acting CEO Comment

The City's assessing officers and Club officials have a number of common elements in their perspectives, but also appear to have differing views on three issues relating to the priority for construction of the new courts:

- The number of available, suitable and accessible courts in the City.
- The level of demand - particularly at peak times.
- The view that 'supporting tennis' emphasises grass root entry level facilities rather than competition standard facilities.

To address this difference of opinion, the following overview of tennis facilities, playing surfaces and the perceived availability / accessibility and suitability of courts

10.1.1 Community Sport and Recreation Facility Fund (CSRFF) – Annual/Forward Planning Grants

has been distilled from submissions from City officers and Manning Tennis Club plus direct research undertaken by consulting with others active in the sport of tennis.

Tennis Playing Surfaces

Tennis Australia has indicated a preference for clay surfaces and then hard courts for tennis clubs seeking to improve elite players. Varying court subsidies (in the past) from Tennis Australia have reflected this preference.

Clay courts are both expensive to install and to maintain requiring significant expertise and also result in significant water usage.

Grass courts are greatly valued for their aesthetics and are much more cushioned (and hence the preference for social play by older players as they reduce the jarring on knees and hips). Grass courts can be available daylight hours during perhaps 9 to 10 months a year. Grass courts are not regarded as suitable for night use and must be regularly manicured and rested - in particular after heavy use.

Hard surfaced courts are generally the preferred surface for training and for competition play. If illuminated, these courts can effectively be used nonstop day and night throughout the entire year.

Advice from Tennis Australia suggests that there is no recommended ratio of hard courts to other surfaces as it is seen as one but not the only criterion in determining the adequacy of the number of courts. However the overall mix of different court surfaces is expected to impact on availability of courts - particularly at peak times.

The City has, within its boundaries, three community tennis clubs, Manning Tennis Club, Hensman Park Tennis Club and South Perth Lawn Tennis Club.

The table below illustrates the number of club-provided tennis courts available within the City for club or public use:

Tennis Court Provider	Hard Courts (competition courts)	Other court surfaces (social use courts)	Total
Manning Tennis Club	4 (all floodlit)	6	10
Hensman Tennis Club	8 (all floodlit)	9	17
South Perth Tennis Club	4 (all floodlit)	15 (3 unused)	19
Total	16	30	46

In addition, there are a number of schools within the City that have tennis courts on site as shown below:

Tennis Court Provider	Hard Courts	Other court surfaces (social use courts)	Total
Local Schools (public –available for public use)	13 (not floodlit or competition standard)	0	13
Local School – available for public use (Wesley)	7 (all floodlit)	0	7
Total (Local School Courts)	20	0	20

However, it should be noted that school courts are generally not suitable for public or club use. School courts are of a different nature to those required for public facility / club or competition courts. They are typically marked for several sports and may have limited run-off area adjacent to the playing court.

The 7 Wesley School Tennis Courts noted in the second table above are, unlike most school courts, of a sufficient standard to be hired for ad-hoc tournaments (and have been by used in the past by Tennis West and Tennis Australia).

Use of courts from local schools (20 hard courts noted above) is limited to afternoon and weekend use, outside of normal school hours. Given that 13 of these 20 courts are also not illuminated (night time play is not possible) they must be significantly discounted from the raw number of courts if they are to be considered in any way as part of an analysis of accessible courts.

Aquinas College, St Pius Primary School and St Columbus Primary School have a further 15 courts, however these are not available at all for public use and must be excluded from any analysis of available playing courts.

Within 5 km of Manning Tennis Club there are 8 providers of single and/or multiple use tennis courts, including 2 outside of the City of South Perth boundary (Hensman Park Tennis Club, South Perth Lawn Tennis Club, Collier Primary School, Curtin Primary School, Manning Primary School, Wesley College, Curtin University, Higgins Park Tennis Club - Victoria Park). Curtin University has an additional 4 floodlit hard courts available for public use and Higgins Park Tennis Club has 4 floodlit hard courts. Although the University and Higgins Park Tennis Club are not located within the City of South Perth, its proximity to Manning Tennis Club and residents of the City is relevant, particularly in light of local government reform, which will amalgamate all of the above facilities within the one proposed local government area.

Notwithstanding the physical proximity of these venues to Manning Tennis Club, it is important to also consider the logistical practicality and desirability of a club trying to supervise and run training for children at numerous school locations throughout the City (including Wesley College).

There is anecdotal evidence suggesting that demand for competition courts in the area outstrips demand at peak times and it is perhaps unreasonable to expect that tennis playing members of the community would move between multiple venues for social tennis activities versus competition activities.

The issue of whether the City's priority is limited to the provision of grass roots entry level facilities or completion standard courts is perhaps more easily addressed as a philosophical consideration than a practical one. From a pragmatic perspective, at the practical level of providing facilities - grass roots, competition and elite aspects of the sport would appear to be inextricably linked.

Conclusion

On balance, after carefully considering the perspectives of all parties to this submission, it is felt that it is perhaps appropriate for Council to support this proposal and then to invite the Department of Sport and Recreation be the final arbiter in determining whether it can support grant funding for this project based on the extensive discussion provided in this report. In so doing, DSR officers can test the claims of the City and the Club where there appears to be a conflicting view before making their final decision on funding.

Consultation

Initial consultation was undertaken with the City via the Recreation Development Coordinator. The City advertised the funding round by direct mail out to clubs, and email notification.

The Manning Tennis Club has planning approval from the City (expires 11 November 2013) to install the courts, however the club has advised that 2 paperbark trees and 1 gum tree will need to be removed to accommodate the new courts. The City consents to the removal of 2 paperbark trees and 1 gum tree only if the funding application is approved by DSR.

Manning Tennis Club has provided letters of support from Tennis West, Hon Simon O'Brien MLC, WA Catholic Lawn Tennis Association, South Suburban Midweek ladies Seniors Association, Keith Begley (Tennis Coach), a signed petition from 37 junior players of the club. The club has also been in contact with the Department of Sport and Recreation about the proposed project.

Policy and Legislative Implications

This report relates to Policy PI 10 - Support of Community & Sporting Groups.

Financial Implications

The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community. There is no obligation on the part of the local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Sport and Recreation of up to one-third of the total cost of successful projects within its boundaries.

The City supports Manning Tennis Club in its application for funding to DSR. Should the project be granted DSR support in the 2014/15 year the City would need to reassess the provisional generic allocation provided to support CSRFF applications in that year to ensure that the City's co-contribution was available.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 1-Community "Create opportunities for an inclusive, connected, active and safe community".

Additionally the report is consistent with:

- City of South Perth Active Futures Physical Activity Plan 209-2014, specific to the themes of "Active People" and "Active Places".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The City encourages shared use of its facilities to maximise rational use for minimal cost. The recommended project demonstrates this principle.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

Location: Lot 66 (No. 64) Lansdowne Road, Kensington.
Applicant: John Kestel
Lodgment Date: 3 May 2013
Date: 2 September 2013
Author: Erik Dybdahl, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a patio addition over an existing roof terrace on Lot 66 (No. 64) Lansdowne Road, Kensington. The adjoining landowner has expressed concerns in relation to the impact upon amenity, and a potential loss of views from the rear of their house to the north-west of the property. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Lot boundary setbacks – South East Boundary	R-Code Design Principles 5.13 (P3.1)
Significant views	Council Policy P350.9 Clause 5(b)

Consultation arose as a result of a proposed setback variation along the south-eastern lot boundary. However, given the open nature of the structure, comprising a roof structure and supporting columns (no wall being proposed), officers observe that the side setback variation could be supported. Additionally, a modified roof form (flat roof, instead of the proposed pitched roof) will contribute towards ameliorating the impact of the proposed structure upon the residential amenity (views, overshadowing and building bulk) as viewed from the adjoining property.

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

Officer Recommendation

Moved: Councillor Lawrance

Seconded: Councillor Cridland

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 patio addition over an existing roof terrace on Lot 66 (No. 64) Lansdowne Road, Kensington **be approved** subject to the following conditions:

Specific Conditions

Revised drawings shall be submitted, modifying the 35° pitched roof structure to a flat roof form in order to ameliorate the impact upon the adjoining south-western property.

Recommendation continued

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

Standard Conditions

425	Colours to match existing building	660	Validity of approval
-----	------------------------------------	-----	----------------------

Standard Advice Notes

700A	Building permit required	790	Minor variations – seek approval
005	Revised drawings required	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.

AMENDED MOTION

Moved: Councillor Trent

Seconded: Councillor Cala

That the officer recommendation be amended as follows:

Specific Conditions

Revised drawings shall be submitted, modifying the 35° pitched roof structure to a **15 degree pitched roof** ~~flat roof form in order~~ to ameliorate the impact upon the adjoining south-western property.

CARRIED (11/2)

COUNCIL DECISION

Moved: Councillor Lawrance

Seconded: Councillor Cridland

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 patio addition over an existing roof terrace on Lot 66 (No. 64) Lansdowne Road, Kensington **be approved** subject to the following conditions:

Specific Conditions

Revised drawings shall be submitted, modifying the 35° pitched roof structure to a 15 degree pitched roof to ameliorate the impact upon the adjoining south-western property.

Standard Conditions

425	Colours to match existing building	660	Validity of approval
-----	------------------------------------	-----	----------------------

Standard Advice Notes

700A	Building permit required	790	Minor variations – seek approval
005	Revised drawings required	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.

CARRIED (12/1)

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

Background

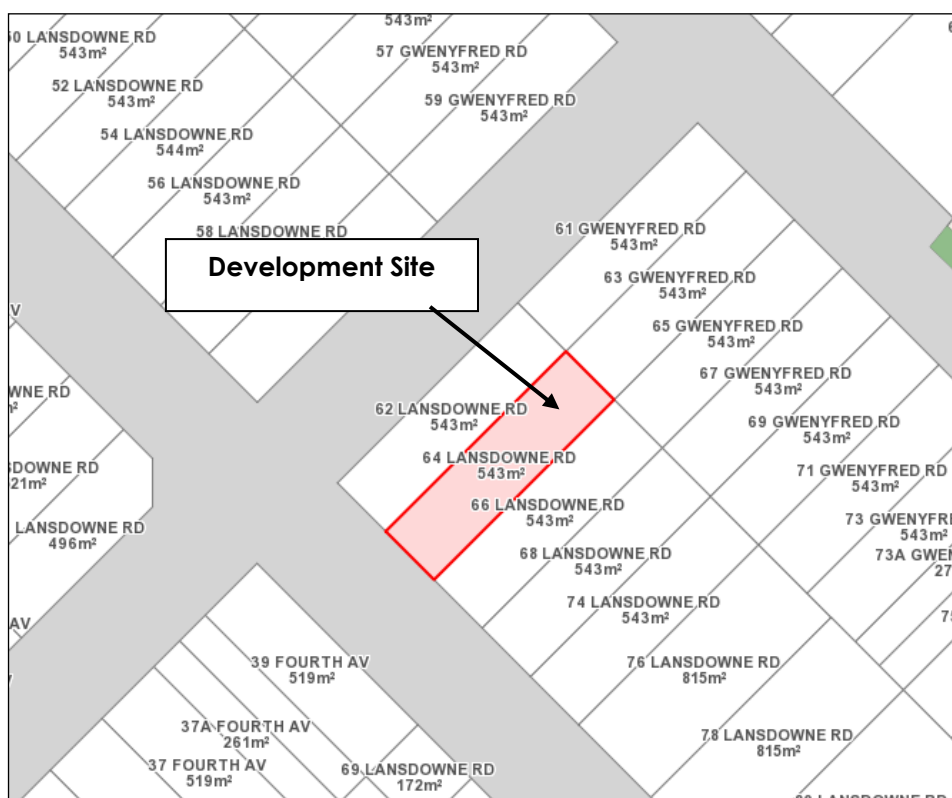
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	543 sq. metres
Building height limit	7.0 metres
Development potential	1 dwelling
Plot ratio limit	Not applicable to subject site

This report includes the following attachments:

Confidential Attachment 10.3.1(a) Plans of the proposal.
Attachment 10.3.1(b) Applicant's supporting report.

The location of the development site is shown below:



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

1. 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.

2. 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.

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

Comment

(a) Background

In May 2013, the City received an application for a patio addition over an existing roof terrace on a double storey single dwelling at Lot 66 (No. 64) Lansdowne Road, Kensington (the site).

The existing residence was renovated in 2002 from a typical federation colonial style cottage into the current 4-bed 2-bath family home. At the time, the rear terrace atop the garage was not roofed. The proposed roofing over the terrace is intended to create more usability of this area of the house for the family.

The roof proposed is a Colorbond custom orb-hipped roof at 35° to match the existing roof type, material and form. The proposed setback of the structure is 1.4 metres in lieu of the required 2.0 metre setback, as per table 2a of the *Residential Design Codes*.

Due to the proposed variation, neighbour consultation was conducted with the adjoining resident at No. 66 Lansdowne Road, Kensington. The adjoining resident objected to the proposal, claiming their outlook / view north-west would be affected and house devalued if the proposed structure was approved. In 2002, the same neighbour had raised objection (for the same reasons) to the extension (as discussed above) of the dwelling on the subject site. Eventually reaching a compromise in 2002, the neighbour specifically requested that no privacy screening be erected on the raised terrace so as to preserve the north-west outlook from the balcony and outdoor living area at the rear of the property.

Now that the subject site owner intends on roofing the raised terrace, the adjoining neighbour has again objected to this proposal, indicating the impact upon his view and general residential amenity. Following these comments and a site visit to the adjoining property, City officers asked the subject property owner and applicant to amend the drawings to reduce the impact of the structure (i.e. via a flat style roof form). However, the subject property owner expressed unwillingness to alter the proposed design and requested the matter be referred to Council.

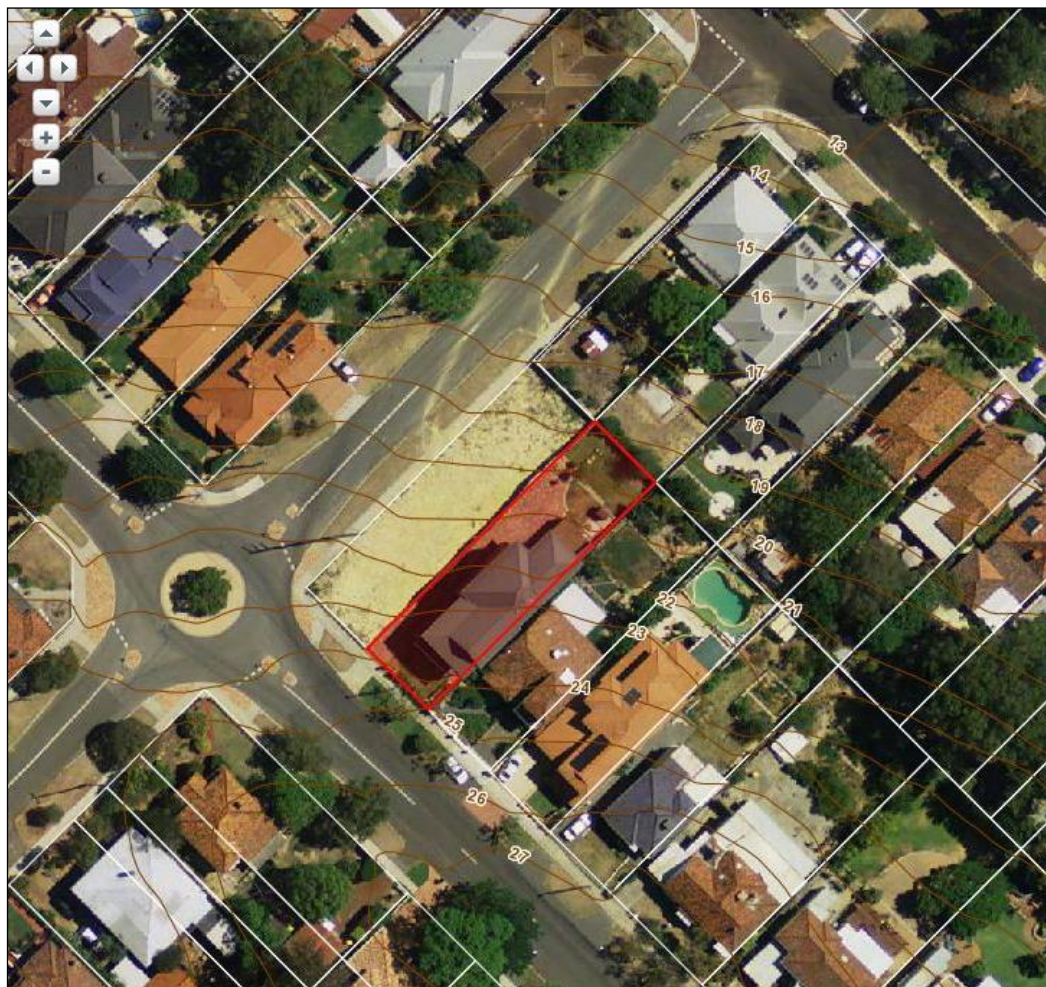
(b) Existing development on the subject site

The subject site is located at Lot 66 (No. 64) Lansdowne Road, Kensington. The existing development on the site currently features land use of "Single House" - Residential, as depicted in the site photographs below. The proposal seeks only to provide roof cover to the existing roof terrace atop the garage, toward the rear of the property.

(c) Description of the surrounding locality

The site has frontage to Lansdowne Road to the south-west, located approximately 450 metres east of Canning Highway and adjacent to other residential properties. The land in this area steeply slopes down toward the north-west, creating access to far off views for both properties and others along Lansdowne Road in Kensington. Being toward the peak of the slope, such properties are placed at a vantage point in terms of views.

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington



(d) Description of the proposal

The proposal involves the construction of a roofed patio structure over a previously approved and constructed roof terrace atop the garage, towards the rear of subject site. The proposed Colorbond custom orb-hipped roof with a 35° pitch is to match the existing dwelling roof type, material and form.

The proposed structure is as depicted in the submitted plans, referred to as **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment in the “Significant Views” section below.

The following components of the proposed development do not satisfy elements of the *Residential Design Codes of WA 2013* (R-Codes) and Council policy requirements:

- As per Table 2A of the R-Codes, the side setback of 1.4 metres in lieu of the required 2.0 metres, as per table 2a of the *R-Codes 2013*; and
- P350.9 “Significant Views” cl. 5(b) - *Where the city considers that a setback variation would adversely affect a significant view from a lot adjoining a development site, the requested setback variation will not be approved.*

The applicant’s supporting report, referred to as **Attachment 10.3.1(b)**, describes the proposal in more detail.

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

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

(e) Column setback - 1st floor, south-eastern columns, patio to roof terrace

The existing wall setbacks generally comply, however the proposed south-eastern wall and columns to the patio is set back 1.4 metres from the boundary in lieu of the required 2.0 metres. Therefore, the proposed development does not comply with the deemed-to-comply requirement prescribed in Table I of the R-Codes.

The applicant has not satisfied all of the design principles of Clause 5.1.3(P3.1) of the R-Codes, and those not satisfied are listed as follows:

- *Reduce the impacts of building bulk on adjoining properties; and*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.*

In this instance, it is considered that while the proposal does not satisfy the above design principles, a condition recommending modification to the current pitched roof form to a flat roof structure will mitigate amenity impacts, and thereby rectify this matter.

Given the open nature of the patio design, City officers are aware that an increased setback of the structure to a compliant distance, will not effectively address the issue of views, or significantly improve the structure's visual bulk impact and overshadowing of the adjoining lot. The open patio would still allow sufficient ventilation between the sites, yet a compliant setback (a further 600mm) would only slightly widen the angle of views experienced from the outdoor living area of the adjoining property, and do little to address the overshadowing and visual bulk of the structure. It is for this reason, officers recommend revised plans with a flat roof structure of lesser impact to reduce the overshadowing, visual bulk, and dominance of the structure upon the outlook north-west from the adjoining property's outdoor living area.

The applicant was made aware of the proposed variation and given a chance to justify the variation:

Applicant's Comment	Officer Response
The setback variation being sought has no effect and would not make any difference to lessening the impact of the proposed roof, to the extent it affects portions of sky.	Officers do not agree entirely with the comment, as the compliant setback would slightly reduce the bulk and shadow impact of the structure; however, a revised flat roof form would be more effective in mitigating adverse amenity impacts upon the adjoining property, also allowing a more consistent building line along the southern side of the subject site.

(f) Significant views

Council Planning Policy P350.9 "Significant Views" at times requires the consideration for the loss of significant views from neighbouring properties.

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

As per P350.9 “Significant Views” cl. 5(b) – *Before granting a requested setback variation, the City will have due regard to the effect that the setback would have on a significant view. Where the city considers a setback variation would adversely affect a significant view from a lot adjoining a development site, the variation will not be approved.*

The neighbouring property to the south of the subject site currently enjoys, to some extent, far off views of the City skyline from their outdoor living areas (raised veranda and backyard) towards the rear of property (north-west outlook). The images below show the outlook from the adjoining property veranda. The proposed structure, in varied roof form, has been superimposed by officers in some cases to illustrate the visual impact of the proposal:

Image No. 1 A panorama shot from the rear of the adjoining property outdoor living area [veranda].



Image No. 2 The north-west outlook from the adjoining property veranda, as existing.



10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

Image Nos. 3 & 4 The outlook north-west, proposed roof structure has been superimposed on the photograph of the existing house.



10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

Image Nos. 5 & 6 The outlook north-west, the recommended flat roof form has been superimposed upon photographs of the existing house



As observed from the photographs, officers are of the view that modifying the proposed 35° pitched roof to a flat roof form will assist in ameliorating the visual impact upon the adjoining property and addressing their concern regarding loss of views. Furthermore, written objection to the loss of such views was lodged with the City following consultation requirements (see “Neighbour consultation” below).

It is also important to remember that as per Council Policy P350.9 “Significant Views”; the City is also mindful of the fact that when people buy a house, they do not “buy the view”. At best, views currently enjoyed over neighbouring

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

properties can only be regarded as “borrowed views”. The City’s approach is to give a balanced consideration to the reasonable expectation of existing residents and applicants proposing new development. Where ever possible, a view should be shared by all parties.

In light of this, City officers are of the opinion that as per the recommended condition, a flat roof form would not only lessen the amenity impacts of shadowing and building bulk but have lesser dominance over the claimed views experienced from the adjoining property. Such an amendment would develop a more positive outcome for both parties in that; the subject site shall attain the desired roof cover over the exposed terrace and the impact of the roofing structure upon the adjoining property shall be mitigated.

(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:

- (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 structure is expected to have adverse impacts upon the adjoining residential amenity. With some minor adjustments to the form and extent of the proposal, it seems a positive outcome for both parties could be achieved and the development would have lesser impact upon the residential amenity of the neighbouring property. Hence, the proposed development would be considered satisfactory in relation to the above items, 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:

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

The proposed development is considered satisfactory in relation to the above items, subject to the recommended conditions.

(e) Neighbour consultation

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

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

owner at No. 66 Lansdowne Road was invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

In a general sense, the comments and objections from the submitter can be noted as objections to the proposal for reasons of building bulk, and a reduction or constriction of vistas experienced from the rear of the property. While claims to “significant views” may require further deliberation, the issues of building bulk are apparent and officers believe that a modified roof structure would do more to mitigate the dominance of a pitched roof structure, easing issues of building bulk and view constriction.

It should be noted that while preparing this report, the submitter and adjoining property owner had sold the property and moved out. The new residents were notified and issued a consultation letter with regard to the proposal, dated 22nd August 2013. On 3rd September, the new residents came into view the proposal plans and the application was explained to them. On 4th September, comments were received from the new landowners via email and have been compiled and summarised, together with the previous landowner comments and officer response below:

Submitters' Comments (1. - Previous landowner) (2. - Current landowner)	Officer Response
1. The previous development of the house at 64 Lansdowne Road has devalued our property by its dominance of our block and its constriction of the comfort of our living area. As owners on the adjoining property at 66 Lansdowne Road, we object to any variation of the setback.	General statement of objection, and also makes reference to the previous development on the site. The comment is NOTED.
1. (The proposal will) greatly obstruct the outlook from our upper-story bedroom window and balcony with the construction of a balcony which juts out beyond ours at the front of the property.	Referring to approved alterations that occurred in 2002 not associated with this proposal, as the development application relates to construction of the patio structure at the rear of the property. The comment is NOT UPHELD.
1. (The proposal shall) completely obliterate the north-western outlook of the city from our veranda at the rear of the house.	Officer's recommend a modified roof form from the proposed 35° pitched roof to one of a flat roof form, ameliorating amenity impacts of shadow and building bulk, as well as lesser dominance over the north-west outlook and views from the rear outdoor living areas of the adjoining property. The comment is UPHELD.

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

<p>1. The view from our block is indeed “significant”, and if you truly wish to work on policy then you have no choice but to refuse the alteration of the setback.</p> <p>2. Adversely impacts on the amenity of our property by eliminating the remaining significant views of the city, and further devaluing the property.</p>	<p>As per Council Policy P350.9 “Significant Views” The City is mindful of the fact that when people buy a house, they do not “buy the view”. At best, views currently enjoyed over neighbouring properties can only be regarded as “borrowed views”. The City’s approach is to give a balanced consideration to the reasonable expectation of existing residents and applicants proposing new development. Where ever possible, a view should be shared by all parties.</p> <p>However, in this instance, a condition amending the proposal should have a positive outcome for both parties. Roofing the terrace on the subject site will allow it to be used more effectively and a flat roof will impose far less bulk, having far less dominance over the north-west outlook from the adjoining property.</p> <p>The comment is NOTED.</p>
<p>2. Increased overshadowing of the house, opening to the kitchen and outdoor living area. This will result in reduced winter sun leading to greater heating and lighting costs and overall reduced energy efficiency.</p>	<p>As discussed above, the structure will create increased overshadowing. The suggested modified flat roof form would reduce such an impact.</p> <p>The comment is UPHELD</p>
<p>2. Further increases to building bulk on site to a level that is not consistent with R15 density.</p>	<p>Building within height and site cover limits of R15 properties; comment not applicable.</p> <p>The comment is NOT UPHELD</p>
<p>2. Decreased ventilation to outdoor living area resulting in reduced amenity.</p>	<p>The proposed structure is of an open nature, and would do little to decrease ventilation between the two properties.</p> <p>The comment is NOT UPHELD.</p>

The comments from the new residents are relatively consistent with the previous owner’s objections to the proposal. The primary concerns revolve around views, building bulk and overshadowing, as have been highlighted throughout this report. Once again, City Officers would like to see a compromise in the applicant’s proposal which lessens all of the associated impacts of the proposal, but still allows the open terrace to be sheltered.

10.3.1 Proposed Patio Addition over Existing Roof Terrace to Single House - Lot 66 (No. 64) Lansdowne Road, Kensington

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 report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "*Accommodate the needs of a diverse and growing population*".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbour amenity. However, provided that the suggested amendments to the roof form and specific conditions are applied as recommended, it is considered that the application should be conditionally approved.

A flat roof form is believed to reduce the visual dominance of the proposed roofing addition, having a lesser impact on the outlook from the adjoining property outdoor living areas. The flat roof form would also be expected to ameliorate issues of overshadowing and building bulk, given the reduction in the overall extent and height of the structure. A compromise in the way of a modified roof form is seen to provide a greater positive outcome for all concerned, in terms of protecting residential amenity.

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Location: Lot 450 (No. 3) King Street, Kensington
 Applicant: Summit Home Improvements
 Lodgement Date: 8 May 2013
 Date: 2 September 2013
 Author: Trinh Nguyen, 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 on Lot 450 (No. 3) King Street, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Open space	R-Code Design Principle 5.1.4 P4
Lot boundary setbacks	R-Code Clause 5.13 P3.1 and P3.2

It is recommended that the proposal be refused.

Officer Recommendation

Moved: Councillor McMullen

Seconded: Councillor Hasleby

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 additions and alterations to an existing Single Storey Single House on Lot 450 (No. 3) King Street, Kensington, **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposed development does not meet the deemed-to-comply provisions of Clause 5.1.4 “Open Space” of the R-Codes.
- (ii) The proposal conflicts with “Matters to be considered by Council” identified in Clause 7.5 of the *City of South Perth Town Planning Scheme No. 6*, specifically Matters (a), (j) and (n).

(b) Specific Advice Notes

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.

LOST (4/9)

ALTERNATIVE MOTION AND COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Cala

That

- i) the Officer Recommendation not be adopted; and

Council Decision continued

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

ii) 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 additions and alterations to an existing Single Storey Single House on Lot 450 (No. 3) King Street, Kensington, **be approved.**

(a) Standard Conditions

425	colours and materials – Matching	470	retaining walls- if required
390	crossover- standards	471	retaining walls- timing
393	verge & kerbing works	455	front fence - standards
416	street tree- not to be removed	456	dividing fences - timing
417	crossover 3.0 m from street tree	625	sightlines for drivers
507	street tree- protect & retain	445	stormwater infrastructure
		660	expiry of approval

(b) Standard Advice Notes

700A	building licence required	709	masonry fences require BA
706	applicant to resolve issues	790	minor variations- seek approval
725	fences note- comply with that Act	795B	appeal rights- council decision

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

CARRIED (12/1)

Reasons for the Alternate Motion

The current house is a small home built on an average Kensington property of 425 square metres and is zoned R15. For a similar house to be built on a lot of similar size the property would need to be zoned R20 or R25. However, the Planning Regulations allow a like for like to be built on these lots in Kensington.

The Council does have discretionary power to approve a departure from the Scheme, Residential Design Codes or Relevant Planning Policies.

The application meets with all of the design principles and that the development will still be consistent with the building bulk surrounding it, even though it has increased site cover.

The owner could develop the property with a second storey. However, I am advised that this would over capitalise the family home.

The issue of the carport with its open sides does not remove the open space below the roof, as it would if the carport were enclosed.

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Background

On 8 May 2013, the City received an application for additions and alterations to an existing Single Storey Single House on Lot 450 (No. 3) King Street, Kensington (the subject site).

On 13 June 2013, a request for further information was sent to the applicant outlining a list of planning issues which required a resolution. Since this time, the applicant has provided amended drawings which have resolved some of the matters raised, and has requested the application be presented to the next available Council meeting for determination in relation to the remaining unresolved matters.

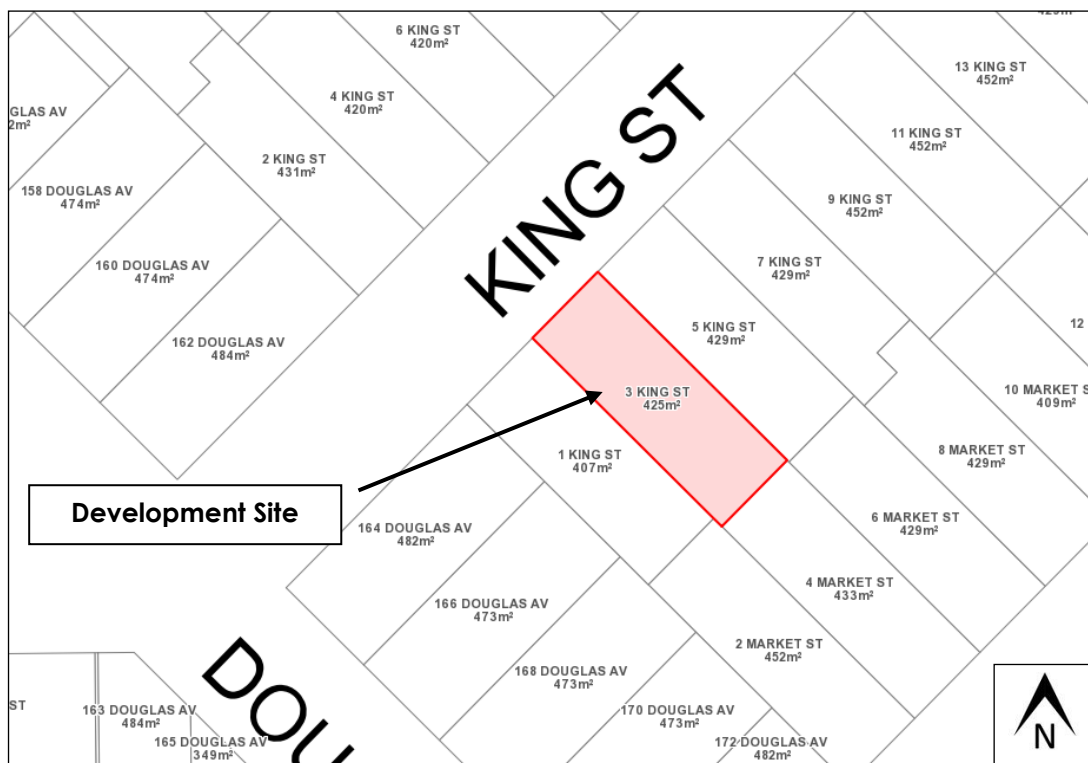
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	425 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

This report includes the following attachments:

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

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:

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

3. The exercise of a discretionary power

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

Comment

(a) Description of the surrounding locality

The subject site is located within the Kensington precinct. This section of King Street is characterised by single houses. Figure 1 below depicts the subject site and surrounds:



Figure 1

(b) Description of the proposal

The proposal involves the addition of a carport in the front setback area and alterations to the existing Single Storey Single House on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.2(a)**.

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

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Vehicular access (R-Codes Clause 5.3.5 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5);
- Maximum ground and floor levels (TPS6 Clause 6.10);

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

- Streetscape compatibility (Council Policy P351.5 “Streetscape Compatibility” – Precinct 5 ‘Arlington’ and Precinct 6 ‘Kensington’);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 5.2.3 to 5.2.5, and Council Policy P350.7 “Fencing and Retaining Walls”); and
- Solar access for adjoining sites (R-Codes Clause 5.4.2).

The following planning matters, which are the subject of this report, are discussed further below:

- Open space (R-Codes 5.1.4); and
- Lot boundary setbacks (R-Codes Clause 5.1.3 P3.1 and P3.2) from south-west (side) and south-east (rear) boundaries.

(c) Residential Design Codes - Clause 5.1.4 “Open Space”

Deemed-to-comply requirement 5.1.4 C4 of the R-Codes stipulates 50% open space for a R15 site. The associated design principle P4 is observed to be quite broad, and will be discussed further in this section of the report.

As per officer’s calculations, the applicant is seeking a variation of 19.4m² (4.56%) of additional site cover above the permitted deemed-to-comply requirement. The minimum open space required for the subject site is 50% of the site (212.5m²), whereas the proposed open space totals 45.4% (193.1m²). However, the applicant has provided a site cover variation calculation of 6.0m², based on a larger coverage of the existing porch taken as open space (approximately half) and the area of the carport indicated in green in Figure 2 below:



Figure 2

The difference between officers’ and the applicant’s calculations is a result of the applicant having taken the entire porch and the areas between the carport piers, indicated in green, as open space. Whereas, going by the definition of open space in the R-Codes, only the steps to the porch which are not more than 0.5 metres above natural ground level can be taken as open space (as indicated above in yellow/green hatch lines).

Supporting correspondence provided by the applicant, contained in **Attachment 10.3.2(c)**, details written justifications provided in support of the open space variation as follows:

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Applicant's Comments	Officer Response
<p><i>The side store is very narrow and cannot be used for protected car parking, and as such, the new carport provides a solution to this. It is difficult to reduce either of these areas as it will compromise their main function and design. Our only option is to remove this space from the existing store (old garage) as discussed. We believe this will have a negative impact on the amenity of the adjoining owner as we will be removing a structure that has been there since the house was built offering retaining for the higher level of the adjoining home and also some privacy to the adjoining side windows. See attached photos referred to as Attachment 10.3.2(b).</i></p>	<p>The applicant's justification is NOTED.</p>
<p><i>Given that the porch is only just over the 500mm in places because of the block gradient, requires some compromise on interpretation.</i></p>	<p>“Open space” is defined in the R-Codes as: “Generally that area of a lot not occupied by any building and includes:</p> <ul style="list-style-type: none"> • verandahs, patios or other such roofed structures not more than 0.5 metres above natural ground level, unenclosed on at least two sides, and covering not more than 10% of the site area or 50.0m² whichever is the lesser; <p>but excludes:</p> <ul style="list-style-type: none"> • non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5 metres above natural ground level.” <p>A site inspection was carried out and upon review of the amended plans provided, a portion of the porch that is not more than 0.5 metres above natural ground level was marked out on the site plan. This area is taken as part of open space, as indicated in Figure 2 above. The comment is UPHELD.</p>
<p><i>The adjoining block is a Council reserve which could be considered in “local” open space.</i></p>	<p>It is noted the adjoining block (No. 1 King Street) is a drainage sump owned by the City of South Perth. Design principle P4 of Clause 5.1.4 does not give consideration to adjoining “open spaces” not part of the subject lot. The comment is NOT UPHELD.</p>

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Given the above, the proposed development is considered not to comply with deemed-to-comply requirement C4 of Clause 5.1.4 of the R-Codes. The R-Codes offer an alternative path to approval where the proposal demonstrates compliance with the following design principles, discussed below:

Design Principle P4	Officer Comment
<p>Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and / or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwellings; • reduce building bulk on the site consistent with the expectations of the applicable density code and / or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwellings for outdoor pursuits and access within / around the site; and • provide space for external fixtures and essential facilities. 	<ul style="list-style-type: none"> • The proposal is considered to reflect the existing and desired streetscape character (as reflected in Council Policy P351.5 “Streetscape Compatibility” – Precinct 5 ‘Arlington’ and Precinct 6 ‘Kensington’). MEETS DESIGN PRINCIPLE. • The design is considered to provide access to natural sunlight for the dwelling. MEETS DESIGN PRINCIPLE. • The lot is a R15 site which has a prescribed minimum setback of 6.0 metres from the rear under the R-Codes. The applicant is seeking discretion in relation to this variation (which is supported by City officers, as discussed in Part “d” of this report), hence the proposal is not considered to be consistent with the applicable density code. DOES NOT MEET DESIGN PRINCIPLE. • The design is considered to provide an attractive setting for the buildings, landscape, vegetation and streetscape. MEETS DESIGN PRINCIPLE. • The design is considered to provide opportunities for residents to use space external to the dwellings for outdoor pursuits and access within / around the site. MEETS DESIGN PRINCIPLE. • The design is considered to provide space for external fixtures and essential facilities. MEETS DESIGN PRINCIPLE.

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Given the above, the proposed development is considered not to comply with one of the listed design principles P4 of Clause 5.1.4 of the R-Codes.

Historically, similar proposals where the applicant is seeking discretion under the associated design principles for site cover variations above 2.0m² have not been supported by City officers for the following reasons:

- (i) The associated design principles are considered to be quite broad in the sense that most developments would comply, and therefore approved. This approach creates issues in relation to consistency in the application of these provisions.
- (ii) There is no open space policy which provides guidance to officers in relation to the extent of variation that may be supported by the City. For example, a proposed variation of 5.0m² compared to a variation of 20.0m² could both comply with the associated design principles. Such a difference in variation, which could be approved under these provisions, is observed to lead to inconsistent development control throughout the City of South Perth.

Considering the above, City officers regard it inappropriate to approve the development. Approval would have been subject to conditions requiring significant modifications to the design to achieve compliance with the open space provisions of the R-Codes. Modifications such as reducing the footprint of the ground floor, or potentially adding an upper floor to achieve compliance, would significantly alter the original design and requires further assessment. Hence it is recommended the application be refused.

(d) Residential Design Codes - Clause 5.1.3 “Lot Boundary Setback”

The following side and rear setbacks do not comply with the deemed-to-comply standards contained in Clause 5.1.3 of the R-Codes:

- Ground floor (south-west facing) overall bulk – Setback 1.0 metre in lieu of 1.5 metres; and
- Ground floor (south-east facing) master bed / alfresco – Setback less than 6.0 metres from the rear (2.3 metres and 4.5 metres respectively).

The applicant has provided support for the proposed setbacks against the associated design principles of the R-Codes:

- (i) *The proposed master bedroom addition is designed to follow the line of existing, which will locate it approximately 950mm away from the south-western boundary. Although this is a variation to the setback allowances of the Residential Design Codes, there will no impact on the adjacent property due to this being a drainage reserve. Hence, no neighbouring property will be disadvantaged as a result of the added bulk along the boundary. The lounge, kitchen and meals are all existing.*
- (ii) *The encroachment of the master bedroom and alfresco into the 6.0 metre rear setback will also not negatively affect any adjacent property. It appears that a few houses located within this block have structures located within the 6.0 metre rear setback, and we are therefore not requesting a variation outside the scope of the City’s allowable development standards. In noting this however, please also note there will be no overshadowing onto No. 4 Market*

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Street as a result of this setback, and a shed located to the rear of their site is located within the same proximity to the rear boundary.

City officers have assessed the proposed variations and consider the relevant design principles have been met, and are therefore supported by the City.

(e) 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. The application is considered satisfactory in relation to the 12 listed matters.

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

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

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*
- (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;*
- (i) *The preservation of the amenity of the locality; and*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The proposed development is not considered satisfactory in relation to the above matters, and therefore it is recommended the proposal be refused.

(g) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the standard consultation method, individual property owners, occupiers and / or strata bodies at No. 5 King Street and Nos. 2, 4 and 6 Market Street were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised). No comments / submissions were received.

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 report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

10.3.2 Proposed Additions and Alterations to Existing Single Storey Single House – Lot 450 (No. 3) King Street, Kensington

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

The proposed development is not considered to be consistent with *Residential Design Codes* Clause 5.1.4 “Open Space”, *City of South Perth Town Planning Scheme No.6* provisions and objectives. Accordingly, it is recommended the application be refused.

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

Declaration of Impartiality Interest – Councillor Gleeson

The Mayor read out the following declaration from Councillor Gleeson:

“I wish to declare a possible impartiality interest in Agenda Item 10.3.3 (Retrospective Unapproved Signage Additions to Shop (Liquor Store) – Lot 21 (No. 459-463) Canning Highway Como) on the Council Agenda for the meeting to be held 24 September 2013.

I have associations with some of the people involved in the item, and as a result I may be perceived as being impartial.

In view of this I will leave the Council Chamber when this item is discussed or voted on by the Council.”

Note: Councillor Gleeson left the Council Chamber at 7:55 pm.

Location: Lot 21 (No. 459-463) Canning Highway, Como
Applicant: Mr Angelo Trolio, acting on behalf of “Cellabrations” Como
Lodgement Date: 3 April 2013
Date: 2 September 2013
Author: Mina Thomas, Statutory Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for retrospective planning approval for signage additions to an existing shop (liquor store) on Lot 21 (No. 459-463) Canning Highway, Como.

Two complaints were received by the City of South Perth; first on 10th January and second on the 4th February of 2013. The complaints by two local residents related to the excessive nature of signage on the subject premises.

Following an investigation into this matter, it was determined that the subject site “Cellarbrations Liquor” did not have approval for the signage on site, and the City therefore requested either the removal of the unapproved signs or lodgement of a retrospective planning application to assess the suitability of the signs. The City received a retrospective application on 2nd April 2013, which was assessed and considered to contravene the related planning provisions.

Element on which discretion is sought	Source of discretionary power
The number and size of signage on the premises	Clause 6.12 of TPS6 “Signs” Clause 7.5 of TPS6 “Scheme Objectives” Clause 1.6 of TPS6 “Matters to be considered by Council”

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Cridland

That:

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for signage on Lot 21 (No. 459-463) Canning Highway **be refused** for the following reasons:
 - (i) The proposed signs conflict with the requirements of Clause 6.12 “Signs” of *City of South Perth Town Planning Scheme No. 6* (TPS6), specifically:
 - (A) Sub-clause (3) which states that roof-mounted signs are prohibited; and
 - (B) Sub-clause (6) which requires Council to examine the application with particular regard to the character, amenity, historic or landscape significance, and traffic safety within the locality when determining an application for planning approval for a sign.
 - (ii) The proposed development does not comply with Scheme objectives identified in Clause 1.6(2) of the *City of South Perth Town Planning Scheme No. 6* (TPS6), specifically Objectives (e) and (f).
 - (iii) The proposal conflicts with “Matters to be considered by Council” identified in Clause 7.5 of *City of South Perth Town Planning Scheme No. 6*, specifically Matters (i), (j), (n) and (p).
- (b) In accordance with Clause 9.9(2) of Town Planning Scheme No. 6, the applicant / owner remove the signs which have been erected without approval, within 28 days from the date of determination. Refer also to specific advice note (d)(ii).
- (c) **Standard Advice Notes**
795B Appeal rights - Council decision
- (d) **Specific Advice Notes**
 - (i) As per the Alcohol Advertising Review Board’s determination, referred to as **Attachment 10.3.3(c)**: “*The advertising for Alcoholic beverages is seen to be excessive and not in the best interest of the community.*”
 - (ii) If the applicant/owner intend to revert to the number of signs previously approved for “Vintage Cellars”, that is one wall-mounted sign and the other fascia sign (approved in 2004 as per City’s records), and remove all of the remaining signs including the roof sign, this intention should be confirmed to the City in writing within 14 days from the date of determination. Additionally, the remaining signs should be removed in accordance with the reason for refusal (b).

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

CARRIED (12/0)

Note: Councillor Gleeson returned to the Council Chamber at 8:05 pm, following the Council vote on this Item.

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

Background

On 2nd April 2013, the City received a retrospective planning application for signage on Lot 21 (No. 459-463) Canning Highway, "Cellarbrations Liquor". After receiving comments from the City of South Perth's Engineering department and Main Roads, a further information letter was sent on 10th June to the applicant advising them the signs on the premises do not comply with relevant planning provisions, and to remove the signs without prior approval. During a meeting on 18th June, the applicant informed the City that they are only willing to remove two of the signs. However, City officers required significant modifications to the other signs as well by reducing their size and number. However, this was not acceptable to the applicant.

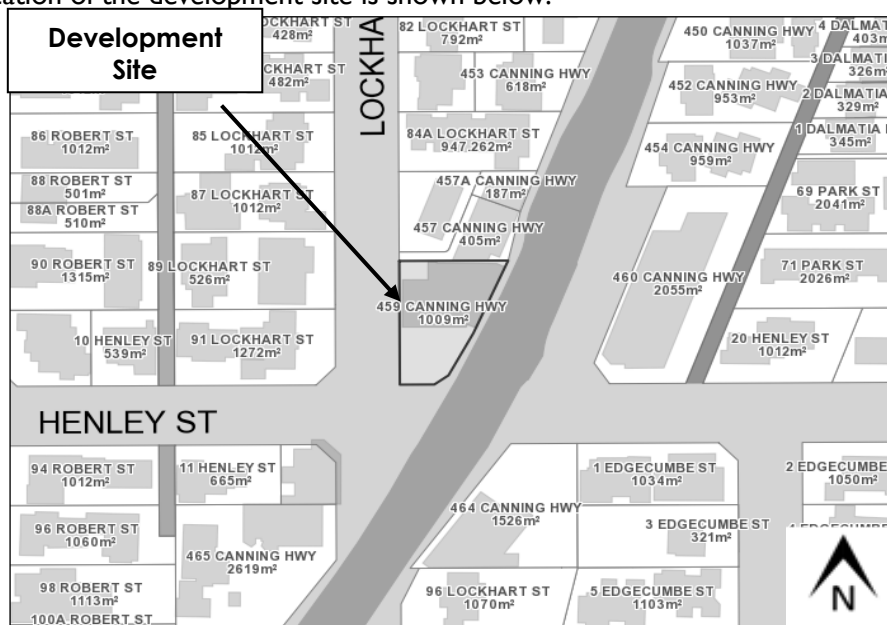
The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	1009 sq. metres
Building height limit	7.0 metres
Development potential	Discretionary land uses, as listed in Table I of TPS6

This report includes the following attachments:

- Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** Site photographs.
- Attachment 10.3.3(c)** Alcohol Advertising Review Board's Determination Report.
- Confidential Attachment 10.3.3(d)** Letters of complaints.

The location of the development site is shown below:



In accordance with Council Delegation DC690, the proposal is referred to a Council meeting because it falls within the following categories described in the delegation:

- 3. Developments involving the exercise of discretionary power**
This power of delegation does not extend to approving applications for planning approval involving a discretionary power in the following categories:

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

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

6. Amenity Impact

In considering any application for planning approval, the delegated officer shall take into consideration the impact of the proposal on the general amenity of the area. If in the opinion of the delegated officer any significant doubt exists, the application shall be referred to Council for determination.

Comment

(a) Description of the surrounding locality

The subject site has frontages to Canning Highway to the east, Henley Street to the south, and backs onto Lockhart Street to the west. The Canning Highway section of the street is characterised by commercial development, whilst the Lockhart Street section is characterised by single houses. Figure 1 below depicts the subject site and surrounds:



(b) Description of the proposal

The proposal is for a retrospective approval for signage on the subject site, as depicted in the submitted plans referred to as **Attachment 10.3.3(a)**.

City's file records show that a roof mounted sign for "Houghton Wines" went through the process of an appeal with the Town Planning Appeals Tribunal (TPAT) and as a result of mediations between the applicant/owner and City officers, got approved in November 1997.

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

Photographic evidence below from 2010 Google street view reveals that the previous shop, “Vintage Cellars” liquor store displayed three signs: a wall mounted sign, an awning sign, and a roof-mounted sign. City’s file records show that while two of the signs were approved in February 2004, no evidence has been found in relation to the approval of the roof sign. There were no sign related complaints received about the premises.



Figure 1 - Site photos 2010 (The previous liquor shop)

The signs currently displayed for “Cellarbrations Liquor” consists of the following:

- One roof-mounted sign;
- Three signs mounted on the parapet walls at an approximate height of 3.5 to 4.0 metres;
- A series of signs on the fascia of the verandah; and
- A series of signs advertising discounted alcoholic beverages mounted on the walls and windows at ground level.

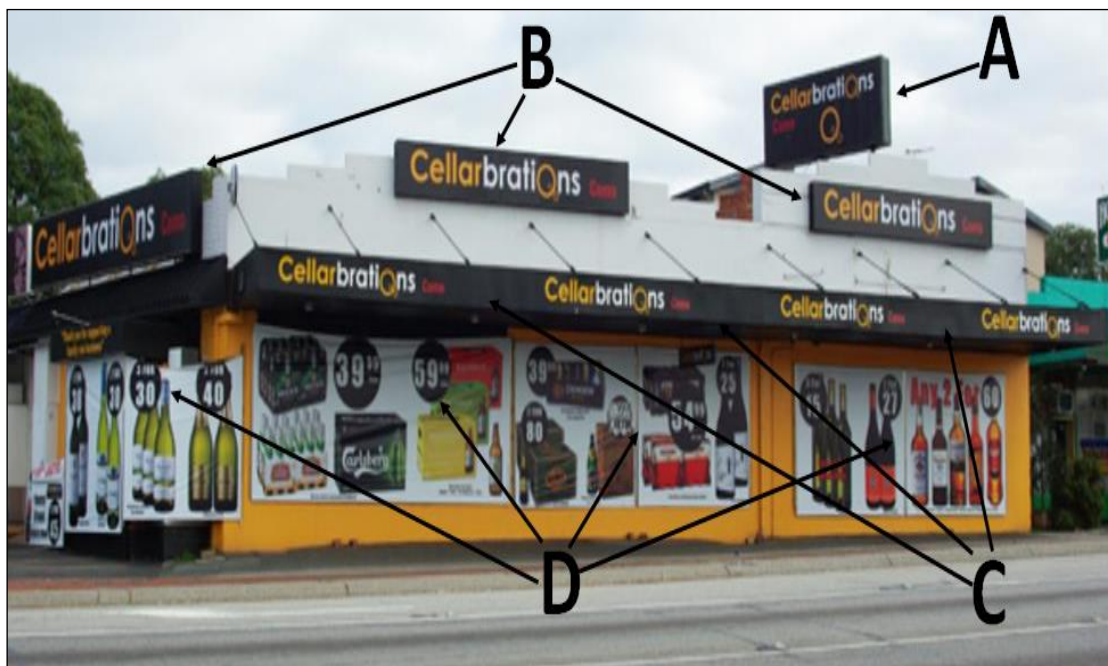


Figure 2 - Site photos 2013 (The current liquor shop)

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

The following planning matters, which are considered unacceptable, are discussed below:

- (i) Clause 6.12 “Signs” of *City of South Perth Town Planning Scheme No. 6 (TPS6)*, specifically states:
 - “(A) Sub-clause (3) which states that roof-mounted signs are prohibited; and
 - (B) Sub-clause (6) which requires Council to examine the application with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality when determining an application for planning approval for a sign.”

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

(c) Signage

Having regard to Clause 6.12(5) of TPS6 which states:

“(5) Signs which:

- (a) were lawfully erected, placed or displayed prior to the gazettal of this Scheme; or
- (b) are permitted to be erected, placed or displayed pursuant to a licence or other approval granted by Council prior to the gazettal of this Scheme, may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval.”

“*Cellarbrations Liquor*” does not meet either requirements of Clause 6.12(5) for the following reasons:

- The signs were not lawfully erected, placed or displayed prior to the gazettal of the Scheme; and
- The signs have no planning approval, and thus Clause 6.12(5)(b) does not apply.

Furthermore, Council needs to consider the following factors before making a decision on the retrospective application:

- (i) The total number and extent of area covered by the signs on the premises are far more than what was originally approved at the previous liquor shop, “*Vintage Cellars*” (Figure 2).
- (ii) The extensive nature of the signs promoting alcohol is assessed to have a negative visual and amenity impact on the area. The extent of signage is considered to be incompatible with the area.
- (iii) The social issues arising from the extensive advertisement of alcohol is assessed to not have a positive effect on the amenity of the locality, but a detrimental social impact as raised by two residents of the area, along with the Alcohol Advertising Review Board’s determination, described in detail in **Attachment 10.3.3(c)**.

In accordance with Clause 6.12(5) of TPS6, as the proposal relates to erection of a new sign and not the modifications to an existing approved sign, the application is recommended for refusal.

(d) Roof-mounted Signage

The frame and support structure for the previously existing “*Houghton Wines*” was approved in 1997 as a result of mediations at the Town Planning

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

Appeals Tribunal (TPAT) and was erected prior to the gazettal of TPS6 in 2003. City records do not provide any evidence of the “Vintage Cellars” roof-mounted sign having been approved when the total prohibition of roof-mounted signs came into effect under TPS6. Only the wall-mounted & fascia signs were approved in 2004.

In view of the officers not having been provided evidence by the applicant/owner whether the currently erected roof sign is of the same size as the one approved in 1997 and whether it carries the same structure as previously approved; and having regard to the current prohibition on the erection of any roof-mounted signs in TPS6, officers are of the view that the retrospective application for the “Cellarbrations” replacement roof-mounted sign should be refused.

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

Scheme objectives are listed in Clause 1.6 of TPS6. The proposal has also been assessed under, and has been found to not meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

Objective (e) *Ensure community aspirations and concerns are addressed through Scheme controls.*

The unapproved signs are seen to not comply with Objective (e) of Clause 1.6 of TPS. There have been complaints from the community regarding the excessive advertising of alcohol on the premises. It is well documented that alcohol results in anti-social and negative effects on the community, and the level of advertising on the premises illustrates the proprietor with a lack of public accountability as detailed in the Alcohol Advertising Review Board’s determination, referred to as **Attachment 10.3.3(c)**.

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

The retrospective signs are seen to not comply with Objective (f) of Clause 1.6 of TPS, as it will impact the amenity of the residential area situated adjacent to Lockhart Street.

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

In addition to the issues relating to technical non-compliance of the application under TPS6 as discussed above, in considering an application for planning approval, Council is required to have due regard to and may impose conditions with respect to other matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*
- (b) *The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
 - (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;*

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

- (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; and*
- (p) *Any social issues that have an effect on the amenity of the locality.*

The existing signage is observed to contravene the clauses detailed above. In comparison to other commercial premises in the locality, the subject premises exhibits an unacceptable number and extent of signage resulting in an appearance which is considered to have a negative impact on the amenity of the locality. This impact is further intensified with the close proximity of the signs to Canning Highway in comparison to the other commercial premises in the area, which have a lesser proportion of their frontage displaying signage.

Furthermore, this matter was referred by an external source to the Alcohol Advertising Review Board (AARB), and the complaint was reviewed and upheld. The following is an extract from the AARB Panel's determination;

The complaint was referred to three Panel members for review. The Panel determined:

- 1. The advertisement contravened Section (3)(a)(i) of the Content Code, on the basis that the majority of the Panel believed the advertisement did not reflect a sense of responsibility to the general community. A Panel member commented that the scale of the outdoor advertisements was an excessive point of sale display that demonstrates a lack of responsibility.*
- 2. The advertisement contravened Section (3)(f) of the Content Code, on the basis that the majority of the Panel believed the advertisement displayed obvious indifference to the attitudes of safe drinking practices from a significant segment of the population.*
- 3. The advertisement contravened Section (1)(i) of the Placement Code, on the basis that the advertisement was placed on a major intersection on Canning Highway, and young people are likely to be exposed to the very large display as they pass in private cars, public transport or as a pedestrian.*

Consultation

(a) 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:

- 93/7, 91, 89, 1/87, 2/87, 1/84A, 2/84A, 3/84A, 1/84, 2/84, 3/84, 4/84, 5/84, 6/84 Lockhart Street;
- 11, 12, 12A, 17 Henley Street;
- 457A, 457, 454, 460, 464 Canning Highway; and
- 1 Edgecumbe Street.

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 37 consultation notices were sent and 0 submissions were received. Outside of the neighbour consultation period, there were two complaints received by two other residents of South Perth. These are addressed below:

Submitters' Comment	Officer Response
Aggressive and excessive advertising and bold advertisement of the product media.	Officers also observe the signage is of an noticeable nature and is incompatible with the street, and as such, recommend refusal. The comment is UPHELD.
Signs are located close to a very busy intersection and thus can result in traffic safety issues.	Officers observe that the traffic pole with the black outline of the traffic arrows are very similar with the current yellow background of the ground level signs and black facia signs on the verandah. The comment is UPHELD.
The advertisement appeals to the youth and people with alcohol problems.	The Alcohol Advertising Review Board determined that the advertisement contravened Section (1)(i) of the Placement Code, on the basis that the advertisement was placed on a major intersection on Canning Highway, and young people are likely to be exposed to the very large display as they pass in private cars, public transport or as pedestrians. The comment is UPHELD.

(b) Internal Administration

As per our Policy P308 "Signs", any sign within 150 metres near traffic light controlled intersections require comments from Engineering Infrastructure department.

The Manager, Engineering Infrastructure was invited to comment on the range of issues relating to the signage application. The department raised no objection to the retrospective signage, subject to the following:

- *Low-level illumination is to be used and must not flash, pulsate or chase*"; and
- *The device shall not contain fluorescent, reflective, or retro-reflective colours or materials.*

(c) External Agencies

Policy P308 (10) requires; "All signs on main roads to comply with the requirements of the *Main Roads (Control of Advertising) Regulations, 1996*. Following the City's approval, all proposed signage visible from a main road, and / or located within MRWA reserves, require approval from the Advertising Signs Co-ordinator of MRWA."

10.3.3 Retrospective Unapproved Signage Additions to Shop (Liquor Store) - Lot 21 (No. 459-463) Canning Highway Como

Main Roads provided the following comments:

This agency raises no objection to the sign, however as a member of the public contacted Main Roads with concerns of the sign it would be appreciated if Council will consider the following before giving the retrospective sign approval:

- *Main Roads' agreement is to be obtained prior to any modifications;*
- *Low-level illumination is to be used and must not flash, pulsate or chase;*
- *The device shall not contain fluorescent, reflective or retro-reflective colours or materials;*
- *The type of sign and location must comply with all relevant by-laws and planning schemes made by Council; and*
- *No other unauthorised signing is to be displayed.*

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 issue has a minor impact on this particular area, to the extent of payment of the required planning fee by the applicant.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "Accommodate the needs of a diverse and growing population".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Out of the three aspects of sustainability (environmental, social and economic), the one most applicable to this proposal is "social sustainability". This proposal is assessed to not meet this sustainability principle, as the excessive advertising of discounted liquor on a busy intersection is viewed as socially irresponsible, and is observed to have an adverse impact upon the community.

Conclusion

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for retrospective planning approval for Lot 21 (No. 459-463) Canning Highway **be refused**.

However, if the applicant was to revert to the previously approved signs for "Vintage Cellars"- one on the wall and the other on the fascia as previously approved in 2004 (as per City's records), and remove all of the remaining signs including the roof sign, City officers will recommend to the Council that those two signs be 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 - August 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 Sep 2013
Author/ Reporting Officer: Michael J Kent Director Financial & 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 and COUNCIL DECISION

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) not be presented for August 2013;
- (d) the Rate Setting Statement provided as Attachment 10.6.1(7) be received.

CARRIED EN BLOC RESOLUTION

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 2013/2014 Adopted Budget and the 2013/2014 Amended Budget including the introduction of the capital expenditure items carried forward from 2012/2013.

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) & 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 August 2013 is \$36.43M which represents some 101% of the \$36.17M year to date budget. Revenue performance is very close to budget in most areas other than rating income which is favourable due to the receipt of some increased GRV information from the Valuer General's Office immediately prior to striking the 2013/2014 rates and some unbudgeted grant revenue that will be addressed in the Q1 Budget Review.

10.6.1 Monthly Financial Management Accounts - August 2013

Parking infringement and meter parking revenues were significantly better than expected in July and August. Interest revenues are slightly lower than budget expectations to date due to low prevailing interest rates.

Planning revenues are 88% ahead of budget target - largely due to the receipt in July of revenues relating to a development at 6 Bowman St and in August for 3 Richardson St. Building Services revenues are now 7% ahead of budget due to the receipt of a fee for a large development at 9 South Perth Esplanade.

Collier Park Village revenue is close to budget expectations whilst Collier Park Hostel revenue is now 13% unfavourable to budget due to lesser than anticipated receipts from commonwealth subsidies.

Golf Course revenue is 3% ahead of budget after another solid monthly performance on green fees. Infrastructure Services revenue overall is close to budget for the year to date with a small unfavourable variance on waste management levies after the reversal of some commercial services levied in error.

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 August 2013 is \$8.17M which represents 94% of the year to date budget of \$8.73M. Operating Expenditure is 7% under budget in the Administration area, on budget for the golf course and 6% under in the Infrastructure Services area.

For the first two months of the year, reversals of year end accruals and delays in incurring costs whilst various programs are developed and rolled out typically result in favourable timing differences. These are not considered to require intervention at this stage of the year.

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 8.5% under the budget allocation for the 229.5 FTE positions approved by Council in the budget process. Factors impacting this include the reversal of year end accruals, vacant positions in the process of being filled, staff on leave and timing differences on receipt of agency staff invoices as well as an EBA salary increment that could not be paid until certified by Fair Work Australia. This has now occurred in September and will be back-paid to 1 July in September. As a consequence, a number of these variances are expected to reverse over the next couple of months.

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 \$0.33M at 31 August - 16% over the year to date budget of \$0.29M. These revenues related to the lease premiums and refurbishment levies on 3 units at the Collier Park Village and receipt of an unbudgeted grant. Both the grant and associated expenses will be addressed in the Q1 Budget Review. Details of any capital revenue variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

10.6.1 Monthly Financial Management Accounts - August 2013

Capital Expenditure at 31 August is \$0.95M representing 125% of the year to date budget - but most capital expenditure projects do not commence before August. The variance at this stage simply reflects an accelerated start to the road works program.

The table reflecting capital expenditure progress versus the year to date budget by directorate will be presented from the September accounts onwards after the carried forward works list is finalised. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards when they offer meaningful comparisons between budget and actual costs.

Attachments 10.6.1(6)(A) & (B) are not presented for this month as there have not yet been any adjustments made to the adopted budget. As soon as the carried forward works are finalised and the Q1 Budget Review occurs, these budget movement schedules will be prepared and submitted for review.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). 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 August 2013

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 08 Sep 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 and COUNCIL DECISION

That Council receives the 31 August 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)**

CARRIED EN BLOC RESOLUTION

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 \$60.4M (\$41.9M last month) compare favourably to \$55.6M at the equivalent stage of last year. Reserve funds are \$3.8M higher overall than the level they were at the same time last year - reflecting \$2.0M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Asset Enhancement Reserve is \$0.9M higher. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the Technology Reserve is now \$0.1M higher. The Waste Management Reserve is \$0.1M lower and the River Wall Reserve and Future Building Reserves are \$0.2M and \$0.5M higher respectively. Various other reserves are modestly lower.

Municipal funds are some \$1.0M higher due to excellent rates collections - despite rates notices being issued one week later this year.

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 \$23.1M (compared to \$4.3M last month). It was \$21.8M at the equivalent time in the 2012/2013 year. **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$58.3M compared to \$53.2M at the same time last year. This is due to higher cash investments relating to municipal funds (\$1.0M increase) and accumulated cash backed reserves (\$3.8M increase) - although only around 40% of the increased reserves cash holding relates to discretionary reserves whilst the remaining 60% relates to quarantined reserves.

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 both to facilitate effective cash management and to respond in the event of 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

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

25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$0.27M. This compares to \$0.35M at the same time last year. Prevailing interest rates are significantly lower and appear likely to keep continue trending downwards.

Investment performance will be closely monitored given recent interest rate cuts 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 will 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 4.01% with the anticipated weighted average yield on investments yet to mature now sitting at 3.82% (compared with 4.00% last month). At-call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.25% since the August 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 August 2013 (after the due date for the first instalment) represent 59.3% of rates levied compared to 59.0% at the same stage of the previous year.

Despite the one week later issue of rates notices this year, rates collections have been extremely positive with 56% of ratepayers electing to pay in full and 35% opting for the instalment payment option. At due date 9% had not made a payment - but a number have subsequently made payments. The positive collection profile to date suggests that we should enjoy similar collections to the 2012/2013 year. This again indicates a good acceptance of our 2013/2014 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 will provide strong encouragement for ratepayers to meet the rates obligations in a timely manner.

(ii) General Debtors

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$1.5M at month end (\$1.1M last year). GST Receivable is \$0.4M higher than the balance at the same time last year and most Sundry Debtors at similar levels to the previous year.

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

(iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.36M was collected by 31 August with approximately 99.0% of those in the affected area having now paid in full. Of the remaining 24 properties all but one have now made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency. The one property owner who has made no payment is the subject of legal action being initiated by Ampac Collections.

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 \$4.54M billing for the Stage 5 UGP Project, some \$3.98M (or 87.3% of the amount levied) has already been collected with 75.7% of property owners opting to settle in full and a further 23.6% paying by instalments so far. The remainder (0.7%) have yet to make a satisfactory payment arrangement and collection actions are currently underway.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). 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:	08 Sep 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 August 2013 and 31 August 2013 is presented to Council for information.

Officer Recommendation and COUNCIL DECISION

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

CARRIED EN BLOC RESOLUTION

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

10.6.3 Listing of Payments

the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

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

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database). Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non-creditor.

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

10.6.4 Applications for planning approval determined under delegated authority

Location: City of South Perth
Applicant: Council
Date: 2 September 2013
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of August 2013.

Officer Recommendation and COUNCIL DECISION

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

CARRIED EN BLOC RESOLUTION

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 August 2013, forty-nine (49) development applications were determined under delegated authority at **Attachment 10.6.4**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

10.6.4 Applications for planning approval determined under delegated authority

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Reporting of applications for planning approval determined under delegated authority contributes to the City's sustainability by promoting effective communication.

10.6.5 Sale of Land under s6.64 of the Local Government Act 1995

Location: City of South Perth
Applicant: Council
Date: 13 August 2013
Author: Peter Yaxley
Reporting Officer: Michael Kent, Director Financial & Information Services

Summary

The rate assessment for the property situated at 2/106 Monash Avenue, Como, WA 6152 which is owned by Mr D B K Pertiwi has not had a zero balance since 26th June 2006. Since that date the level of outstanding debt has continued to grow exponentially. The City has attempted on numerous occasions to recover the outstanding debt through legal action in the Magistrate's Court.

The most recent recovery action was the issue of a General Procedure Claim (GPC) for the unpaid rates and charges. The process server who attended the property address has provided a 'Non-Service' report in which the City is advised that the property is unoccupied and the evidence suggests that it has been vacant for some time and the property is need of maintenance and repair. Also, as the ratepayer lives overseas (possibly Indonesia), it not possible for the City to perform a skip trace to locate the whereabouts of the errant debtor.

The total outstanding balance as at 10th September 2013 is now \$9,829.37 which equates to 7 financial years of unpaid rates and charges.

Given that there are 7 financial years' rates and charges outstanding on the property, it would seem reasonable for the provisions of Section 6.64 (1) to now be applied. In addition, as the property is unoccupied the issue of displacement of residents from their accommodation is also not a concern. Therefore, the sale of the land to recover the unpaid rates and charges of \$9,829.37 is recommended.

Officer Recommendation and COUNCIL DECISION

That Council endorse the sale of the property situated at 2/106 Monash Avenue, Como, WA 6152 for non-payment of local government rates and charges in excess of 3 years in arrears, in accordance with Section 6.64 (1)(b) of the *Local Government Act 1995*.

CARRIED EN BLOC RESOLUTION

Background

The City has had no contact or payment from the owner of the property since 26th June 2006. The City did contact the previous tenant of the property who is a close friend of the owner. This previous tenant advised that he vacated the house in Como a few months ago (around March 2013) and believes it is currently vacant. He claims the house needs a great deal of work with significant renovations and repairs done. He was not able to provide any contact details for the property owner.

Comment

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

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

However, as the subject property is unoccupied, evidence by the Non-Service report with respect to the GPC that was issued (i.e. confirmed by neighbours and the previous tenant that the property is vacant and in need of maintenance/repair) observance of the policy in this scenario is unwarranted.

Consultation

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

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

Policy and Legislative Implications

The sale of the subject property will send a positive message to those ratepayers within the City of South Perth who believe that due to the nature of their property use being residential, that they cannot evade the payment of local government by becoming untraceable or absconding to another country.

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

6.64. Actions to be taken

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

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

Financial Implications

Sale of the property will benefit the City by the collection of \$9,829.37 (as at 10th September 2013) of outstanding rates and charges. In addition, the property would be transferred to new owners who would no doubt be better placed to service the payment of the annual rates and charges.

Strategic Implications

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

Sustainability Implications

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

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR GRAYDEN

I hereby apply for Leave of Absence from all Council Meetings for the period 3 to 13 October 2013, inclusive.

COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Skinner

That leave of absence be granted to Councillor Grayden for the period 3 to 13 October 2013, inclusive.

CARRIED (13/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Declaration of Proximity Interest – Councillor Skinner

Councillor Skinner declared a proximity interest in relation to Item 12.1. However, Councillor Skinner noted that her interest is common with a significant number of electors and ratepayers, and sought Council approval to remain in the Chamber and vote on the item.

COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Hawkins-Zeeb

That Councillor Skinner be allowed to remain in the Council Chamber and vote on Item 12.1.

CARRIED (13/0)

12.1 COUNCILLOR GLEESON – SOUTH PERTH FORESHORE

MOTION AND COUNCIL DECISION

Moved: Councillor Gleeson

Seconded: Councillor Grayden

I move that the City of South Perth:

Provides a report to Council on the arrangements undertaken in Kings Park that could be considered for adoption by the City of South Perth for the South Perth Foreshore (including Sir James Mitchell Park) to ensure the City retains control over future development on the Foreshore.

LOST (4/9)

Reasons for Motion

The South Perth Foreshore (including Sir James Mitchell Park) is a park of regional significance. It is second only to Kings Park in importance and in the number of visitors, and this is the reason for this motion. The area should be treated in the same manner as Kings Park.

The Administration and Councillors have been informing the public that there is no danger of losing control of the park in respect to development.

This motion is to define Council's position on the South Perth Foreshore (including Sir James Mitchell Park) – to confirm the City's control over developments in the future.

Acting Chief Executive Officer Comment

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Acting Chief Executive Officer comment is as follows:

City officers will assess and report on this motion at the time the draft review of the South Perth Foreshore 2013 and Beyond document is brought back to Council for consideration. This will ensure any required changes to the document are incorporated into the draft review.

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

A table of the questions from members and the responses given can be found in **Appendix 3**.

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

The Mayor thanked everyone for their attendance and closed the meeting at 8:40 pm.

DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 15 October 2013

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

24/09/2013 7:24:28 PM

Minutes

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:25:23 PM

Briefings

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:27:05 PM

Council Delegates' Reports

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:29:29 PM

En Bloc Resolution

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:37:45 PM

Item 10.1.1 – Amended Motion

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:38:21 PM

Item 10.1.1 – Substantive Motion

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:41:10 PM

Item 10.3.1 – Amended Motion

Motion Passed 11/2

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Cr Sharron Hawkins-Zeeb, Cr Chris McMullen

24/09/2013 7:41:56 PM

Item 10.3.1 – Substantive Motion

Motion Passed 12/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Cr Sharron Hawkins-Zeeb

24/09/2013 7:48:22 PM

Item 10.3.2 – Officer Recommendation

Motion Not Passed 4/9

Yes: Cr Veronica Lawrance, Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Betty Skinner

No: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 7:52:00 PM

Item 10.3.2 – Alternative Motion

Motion Passed 12/1

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Cr Sharron Hawkins Zeeb

24/09/2013 8:02:24 PM

Item 10.3.3 – Officer Recommendation

Motion Passed 12/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

Absent: Cr Bill Gleeson

24/09/2013 8:03:47 PM

Item 11.1 – Leave of Absence for Councillor Grayden

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 8:05:54 PM

Item 12.1 – Allowing Councillor Skinner to Vote

Motion Passed 13/0

Yes: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

24/09/2013 8:27:04 PM

Item 12.1 – Notice of Motion from Councillor Gleeson

Motion Not Passed 4/9

Yes: Cr Bill Gleeson, Cr Sharron Hawkins-Zeeb, Cr Rob Grayden, Cr Peter Howat

No: Mayor Sue Doherty, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Colin Cala

APPENDIX I – RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions Taken on Notice at the 27 August 2013 Ordinary Council Meeting

6.1.1 Ken Manolas, 193 Mill Point Road, South Perth Received enquiries 20 August 2013	Response provided by the Acting Chief Executive Officer Letter sent 13 September 2013
Is Council aware various parcels of land within Sir James Mitchell Park, were resumed on the South Perth Foreshore under the Public Works Act (1902-1933)? (The purpose of the resumption was “for the purpose of the following namely: Swan River Improvements and Foreshore Recreation Grounds at South Perth”)	Yes.
Has Council obtained a legal opinion as to whether it is bound by the original purpose of the resumption in its dealings with the resumed land, and if so, does the land need to remain as Public Open Space in accordance with the resumption order, “Swan River improvements and recreation grounds at South Perth”?	The Council has not obtained a legal opinion at this time, as it has no intention to sell or to grant a (99 year) long term lease on any of the land within the Sir James Mitchell Park.
Can Council within the purpose of the resumption order permit any commercial development on the resumed land and if so can it permit commercial recreation or use large scale buildings?	The Council has no intention to permit large scale buildings on this land. In the event of a new, low impact, commercial development proposal being considered at some time in the future, the City will seek comprehensive legal advice to ensure compliance. Any consideration of new commercial development on the South Perth Foreshore would also not take place without further community consultation.
Does the City of South Perth have the power to grant lengthy leases over it or to sell the land (or any part of it) notwithstanding the purpose for which the land was resumed?	The City has no intention to grant lengthy leases or to sell any of this land.
Is the City bound by the original purpose of resumption in its dealings with a third party and is the third party then bound by the same obligations set out in the purpose of the resumption 1940?	The City has no intention to sell, or 99 year lease this land, as confirmed by the Mayor in her statement made at the August 2013 Council Meeting.
How liberally could the City of South Perth interpret “Swan River Improvement and Foreshore Recreation Ground at South Perth” and what type of commercial development would the Council consider?	It is unknown at this stage in the process, what type (if any) of commercial development might be proposed for consideration by the Council. The City is still considering the results of community consultation, which will be reported back to Council in November 2013. However, as confirmed in the Mayor’s statement, the City has no intention to either sell or 99 year lease land in Sir James Mitchell Park.

6.1.2 Peter Dreverman, 2/20 Garden St, South Perth Received enquiries 21 August 2013	Response provided by the Acting Chief Executive Officer Letter sent 13 September 2013
5. Are the Councillors aware that the special resumption conditions of Sir James Mitchell Park may preclude the possible land use as envisioned in the proposed plan of the Foreshore Park land as outlined in current public disclosure documentation and could put the Council in conflict with resumption conditions?	The Council is aware of the special resumption conditions, but does not consider that the proposed plans for the South Perth Foreshore conflict with these conditions. There is no proposal to seel or long-term lease nay of the land in sir James Mitchell Park.
6.1.3 Geoff Defrenne, 24 Kennard St, Kensington Received enquiries 27 August 2013	Response provided by the Acting Chief Executive Officer Letter sent 30 August 2013
Proposed verge pickups 1. Did the Administration have the authority to advertise there would be one green and one general pickup?	The Administration had advised Council in May that a single service was being proposed for August.
2. Has the Administration complied with the July resolution 10.6.7 (c) "That a further report on future Bulk Waste Disposal options be put forward in August 2013 for consideration by Councillors"?	An Elected Members briefing was held on 26 August and a report is expected to be presented at the October meeting of Council.
Item 10.1.3 re security services. The patrols are due to commence on the 1 August 2013. 3. Given that August is nearly over, how can the Council accept a tender for services that cannot be possibly complied with?	The recommended contractor is the existing contractor. The existing contract has been carried over until Council resolved to appoint a new contractor.
Welcome to Country – I note in the payments listing that Dorothy Winmar received two payments for welcome to country ceremonies. 4. Given that Dorothy Winmar does not have an ABN number is the payments of \$300 after deducting withholding tax of 46.5%?	As it is under the tax threshold there is no requirement for an ABN in this instance.
5. Is Dorothy Winmar an employee of the city?	No.
6. Is Dorothy Winmar a contractor to the city?	No.
I note in the payments listing of payments to people for MC'ing two functions. 7. Given that both people appear to have performed the same duties (perhaps on different numbers), why was there such a large discrepancy in the two payments? [Kerry-Ann Winmar Elders Dinner – MC Duties \$200.00] [Entertainment Pioneer Luncheon – MC Jenny Seaton \$1,155.00]	Ms Seaton is a professional MC hired through a talent agency for the City's high profile Pioneer Lunch. Ms Winmar performed her duties at a smaller informal dinner function not open to the public and in addition please see the comment above.
8. Native Title - Given that the city has freehold title to the land the Council Chambers is on, and is not subject to native title claim; why does the Mayor in her opening declaration say "acknowledge we are meeting on the lands of the Noongar/Bibbulmun people"?	The Mayor chooses to make that statement. However, the inclusion of that statement is an action listed in the Council endorsed Aboriginal Engagement Strategy.

9. Is the land on the southern side of Hobbs Ave, Como Noongar/Bibbulmun land or does it belong to the title holders?	All lots in the City of South Perth are owned by the person(s) named on the respective Certificates of Title. The whole of the City of South Perth was originally the land of the Noongar/Bibbulmun people.
6.1.4 Soo Hin Ong, 4/6 Manning Terrace, South Perth Received enquiries 27 August 2013	Response provided by the Acting Chief Executive Officer Letter sent 30 August 2013
1. In relation to the South Perth Foreshore 2013 Survey, there is no provision for items that are not required. There are columns for “low importance” etc but no column for items we feel are not required?	“Low importance” means that the respondent does not believe the opportunity is warranted.
2. In the 2013/2014 Annual Budget 27% is to be derived from land asset sales – the disposal proceeds anticipated is \$22.8m. May I know which areas are marked for land sale and the designated use for the land marked for sale?	The land marked for sale is: Civic Triangle, South Perth Lot 800 Ray Street, South Perth Two lots in the Manning Community Hub. The designated use for this land is ‘Commercial/Residential use’.
6.1.5 Loula Papandreou, 1 Saunders St, Como Received enquiries 27 August 2013	Response provided by the Acting Chief Executive Officer Letter sent 30 August 2013
1. Can Council confirm any proposal for: commercial development is first lodged with the Swan River Turst? Because the Swan River Trust cannot approve works which are for commercial use, is the Trust required to notify Council only but refers to commercial application to the Minister?	Applications for commercial development on land owned or vested with the City of South Perth, but in the Swan River Trust Development Control Area will not be considered by the Trust without the City first considering them.
2. How is Council going to control any commercial development within the Parkland when the application will not be lodged with Council?	Any request for commercial development on land owned or vested in the City must come to the City for consideration.

APPENDIX 2 – PUBLIC QUESTION TIME 24 SEPTEMBER 2013

I. Lindsay Jamieson Received enquires 22 September 2013 (Written Questions submitted prior to the Council Meeting)	Response provided by the Chief Executive Officer
<p>[Questions Paraphrased]</p> <p>1. Non-compliance with the Freedom of Information Act:</p> <ol style="list-style-type: none"> Please confirm, or refute, that the City was non-compliant with the Freedom of Information Act. Please confirm, or refute, that the Administration was non-compliant with the Freedom of Information Act. Is the CEO responsible for the Administration's failure? Please confirm, or refute, that the CEO was non-compliant with the Freedom of Information Act, that means he was non-compliant with the COSP Code of Conduct that means he was non-compliant with his conditions of contract. What actions will Council take against the CEO and the Manager Governance & Administration? Will CCC be notified of their breach of the law? Note that penalties apply under various sections of the FOI Act. Does Council agree that the ONLY forum for Council to formally communicate with the CEO is via a Council motion? If not then what other forums are used? Will Council debate a Censure motion against the CEO for his conduct, and a Censure motion against the CEO for the conduct of the Manager Governance & Administration as a member of his staff? 	<p>[This response was read out by Mayor Doherty]</p> <p>The City has received 21 questions from Mr Jamieson relating to a Freedom of Information (FOI) application. The following statement is provided as a response to these submitted questions:</p> <p>The City received an FOI application from Mr Jamieson in May 2012 for all documentation involving himself for a specified number of dates. The request included the City providing copies of all correspondence written by him to the City, copies of all correspondence written by the City to the him, and copies of all Council meeting papers (agendas and minutes) where his name appears. This information is obviously available to him or is publicly available.</p> <p>The City considered that this request would take approximately 80 hours to complete and consistent with provisions of the FOI Act, determined that the request would divert a substantial and unreasonable portion of the City's resources away from its core business and advised him that it would not be dealing with his request.</p> <p>In August 2012, Mr Jamieson sought an external review of the City's decision by the Information Commissioner. In August 2013, the Information Commissioner considered that the City did not take reasonable steps to meet with Mr Jamieson to change his application to reduce the scope and amount of work required and therefore determined that the City must deal with Mr Jamieson's FOI request.</p>
<p>2. What has been the resource time and cash flow cost so far in processing my FOI request and subsequent appeal to the Information Commissioner in terms of the following:</p> <ol style="list-style-type: none"> For all COSP staff that have had involvement either directly or indirectly, what is the COSP Staff Resource time for each staff member (this includes CEO, Manager Governance & Administration, PA involvement, meeting agenda items, etc.) in work hours or work days, and converted to dollars equivalent? 	<p>The FOI Act is finely balanced in relation to public interest in open and accountable government, balanced with public interest in the ongoing effective operation of an agency. I am sorry the City did not process Mr Jamieson's</p>

<ul style="list-style-type: none"> b. What is the cost of Legal advice if any, and who provided that legal advice (firm and person)? c. Are there any other resource time and/or costs? If yes then please advise who and amounts. d. What would be the estimated cost if the City had complied with the original FOI request? 	<p>application as required under the Act [Apology made by Mayor Doherty]. The City will be complying with the Information Commissioner's decision and has advised Mr Jamieson that the request is presently being undertaken.</p>
<p>3. Draft Decision by the Information Commissioner:</p> <ul style="list-style-type: none"> a. Is it true there is no information to support a conclusion that the City did not act unlawfully? b. Is it true there is no information to support a conclusion that the CEO did not act unlawfully? c. After the Draft decision by the Information Commissioner was sent to both parties, is the subsequent behaviour of the CEO (the person named in the report) acceptable to the Council? d. Did the CEO rely on his own idiosyncratic view of the matter instead of facts, the FOI Act and existing precedents? 	
<p>4. With respect to apologies:</p> <ul style="list-style-type: none"> a. What apologies are going to be made, by which person or body, to whom and in what forum and format? b. How is Council going to ensure any such apologies are real and meaningful and not just hollow empty words given the conduct of the CEO and the Manager Governance & Administration in opposing my FOI request right through to the bitter end of the decision by the Information Commissioner? 	
<p>5. Since the findings of the Information Commissioner in Jamieson versus COSP are now on public record:</p> <ul style="list-style-type: none"> a. How does the Mayor feel about the CEO having initially either ignored or overlooked two existing public FOI precedents, then after the draft finding having ignored the two precedents, and the consequence is Jamieson versus COSP is now a third public FOI precedent with the COSP clearly in the wrong? b. Will the Mayor be making a press release covering the Information Commissioner decision against the COSP? c. Will the City publish the decision of the Information Commissioner on its website? 	

2. Geoff Defrenne, 24 Kennard St, Kensington Received enquiries 24 September 2013 (Written Questions submitted prior to the Council Meeting)	Response provided by: Chief Executive Officer
[Questions paraphrased] 1. At the August 2013 Ordinary Council Meeting, did the Mayor give me fair and equal consideration in not reading out my questions and not providing an answer?	Mr Defrenne's questions were only received at 3.10pm on the day of the Council meeting and this did not provide sufficient time for the Administration to prepare responses to these questions.
Proposed verge pickups	
2. Is it acceptable to the Council that the administration can advise the Councillors through a Councillor's Bulletin what they are proposing; then publish it as fact before the council has voted on the matter?	As advised via correspondence, the Administration advised Council through the Councillor's Bulletin in May that a single service was being proposed for August 2013. No objection was received to the proposal.
3. Is the administration that confident that the councillors will "rubber stamp" what the administration proposes?	
4. At the Elected Members briefing held on 26 August 2013 (two days before the August council meeting), did the Council rescind or amend the July resolution? (10.6.7 (c) "That a further report on future Bulk Waste Disposal options be put forward in August 2013 for consideration by Councillors"?)	As previously advised, an Elected Members workshop on waste management was held on 26 August. Councillors were advised at this workshop that a report would be submitted to Council in due course. The intent of the July 2013 Council resolution has therefore been complied with.
5. At the July meeting at the debate on 10.6.7; did the CEO state he would accept being a report to council on the matter at the August meeting?	
6. Is it acceptable to the council that the CEO can fail to comply with a council resolution by possibly mentioning it at a briefing secession?	
7. Assuming the administration had sufficient information to advise the council through a Councillor's Bulletin it was proposing the single service verge pick; why is it now taking three months to bring a report to council?	
8. Has the CEO complied with his employment contract by not complying with the council resolution?	
Tenders for Security Services	
9. Why did the Administration bring a report to council for a tender for services that was due to start 28 days before the council voted on the tender?	As advised via correspondence, the existing contract was carried over until the appointment of a new contractor following the Council resolution.

The Aboriginal Elders Dinner	
10. The response to my question 4 last month was “as it is under the threshold there is no requirement for an ABN in this instance”. I ask again, what do you believe is the threshold for not quoting an ABN?	The threshold is \$75 but this is subject to exemptions.
11. Until the Mayor has the confidence that the administration will answer questions directed to it, will the Mayor refrain from making the following statement - “there are other ways of asking questions other than at council meetings such as directing questions to the administration etc”?	The City is required to provide a response to questions asked and this is always done. As Mayor, I will continue to make this statement.
12. Assuming Kerry-Ann Winmar was MC’ing an Aboriginal Elders Dinner, is the large variation in payment compliant with wording and the spirit of the City of South Perth Aboriginal Engagement Strategy?	The variation in payment has already been responded to. It has no impact on the South Perth Aboriginal Engagement Strategy.
13. At the Elders dinner, what was the criterion to be invited to the elders dinner?	For the Elders, a number of recognised Elders from the community were invited as well as other important members and contributors from the Aboriginal/Noongar/Bibbulmun community. There was not a ‘formal’ criteria. However, Native Title Holders (including Mrs Dorothy Winmar) and other important members of the community who were identified by the officers from the City, the Aboriginal Engagement Strategy Working Group, from the Moorditj Keila Coordinator and discussions with the Native Title Holder were invited to the function.
14. Who in the Aboriginal community has elected “the invited elders” as elders?	
Member entitlements	
15. Is the Mayor a member in respect to Policy P667 Member Entitlements (revised or otherwise)?	Yes. As with all other local governments, the Mayor is also entitled to additional entitlements to allow him / her to fulfil their role and responsibility in the Office of Mayor.
16. Since becoming Mayor, has the city paid the Mayor a communications allowance?	Yes.
17. Since becoming Mayor, has the city provided the Mayor with a telephone?	Yes.
18. Has the city paid any costs associated with any mobile telephone provided to the Mayor and what have those costs been?	Yes, costs associated with the phone being used by the Office of the Mayor.
19. Since becoming Mayor, has the city provided the Mayor with a laptop/notebook computer?	Yes.

3. Lindsay Jamieson Received enquires 24 September 2013 (Written Questions submitted at the Council Meeting)	Questions Taken on Notice
1. Does Council believe the words sorry or apology should have been used in the phone call and/or the letter?	Question taken on notice.
2. Who were the group of people that Mr McQue said were involved in discovering the error in the letter dated 20 September 2013?	Question taken on notice.
3. What was the trigger event that caused the letter from 20 September 2013 to be reviewed?	Question taken on notice.
4. Does Council believe Mr McQue contacted me in good faith this morning, or was it to save himself knowing he was responsible for violating the Information Commissioner's decision?	Question taken on notice.

APPENDIX 3 – QUESTIONS FROM MEMBERS 24 SEPTEMBER 2013

Questions from Councillor McMullen Received 20 September 2013 (Written Questions submitted prior to the Council Meeting)	Response provided by Vicki Lummer, Director Development and Community Services
1. When was the planning approval for the development at 26A Sulman Avenue granted? Was it approved under delegated authority?	The Planning Approval was issued on 13 July 2012, under delegated authority.
2. Have those initial approved plans been modified?	The plans have not been modified since approval.
3. Is the development being constructed according to approved plans?	An inspection (from the boundary) has revealed that the development is being constructed generally in accordance with the plans. The City has no reason to believe that the development is not being constructed in accordance with the plans.
If the answer to Question 3 is yes:	The City does not undertake inspections of developments unless there is some evidence to suggest that the development is not being constructed in accordance with the plans.
4. Why was Ms Hilary Wheeler informed that the City has no Engineer of Building Inspector to check compliance with plans?	See response to Question 3 above.
5. What evidence do we have that the building at (address) is being constructed according to approved plans?	See response to Question 3 above.
Questions from Councillor Cridland Received 22 September 2013 (Written Questions submitted prior to the Council Meeting)	Response provided by Mark Taylor, Acting Director Infrastructure Services
Verge Trees	
Preamble: At last Council meeting the City provided a response which indicated that the existing dangerous Mary Street Como pathway which is cracked and broken will be fixed by the end of September 2013. I note that signs indicating the danger have been placed by the City to inform pedestrians of the danger and reduce the likelihood of falls.	
1. Will the dangerous Mary Street footpath be fixed by the end of September 2013?	No. The Contractor in a recent site inspection prior to commencing the replacement raised a number of concerns with the suggested levels for the new path. Inclement weather for much of the latter half of September has limited any concrete works from being undertaken. As it transpired the level issue still needs to be resolved.
2. If not, when will that goal be achieved?	The Contractor has been scheduled to commence work on the path the week commencing 14 October subject to weather.

3. Will the adjacent cracked and dangerous crossovers also be repaired or replaced by the end of September 2013?	The crossings will be replaced as part of the path works during October.
4. If not, by when?	
Preamble: At last Council meeting the City provided a response which advised that root barriers would be installed <i>“per the recommendation of Arborist’s report”</i> and <i>“will be installed when the footpath is replaced”</i> . Both residents and I, the local councillor, have been denied access to the Arborist’s report which has been paid for by the City. We have no idea of the report’s content and accordingly we have no idea what root barriers will be installed.	
5. Has the Mary Street root barrier been installed to prevent damage to properties from verge trees?	The root barrier will be installed as part of the path works.
6. If not, is there a date for the installation?	When the path works are completed.
7. Have the affected residents of Mary Street been advised of the location and nature of the root barrier?	No.
8. If not, when will they be advised?	They will be advised when the extent of the required root barrier is determined, which will be when the existing path is removed and a visual assessment is made.
Preamble: At the last council meeting the City advised that the City will seek the permission of the author of the Arborist’s report to release the report to homeowners in the Mary Street area between Ednah and Preston Streets who have alleged their property has been damaged by verge trees.	
9. When and how did the City seek that permission from the author and what response was received from the author?	The City has sought and received permission from the author of the report to release the report.
10. Has the report been released to the relevant residents?	The report will be released to residents this week (W/E 27 September).
Transparency in Administration	Response provided by: Phil McQue, Manager Governance and Administration
Preamble: At the last council meeting the City advised that consultants often place the statement or condition on their report that precludes the release of the consultant’s report to residents of the City.	
11. Will the City make it a condition of any future tender or request to provide consultancy services for preparation of a report for the City that no such statement or condition will apply (which prevents reports paid for by the City being seen by councillors and residents of the City)?	Dependant on the nature of the consultancy involved, where appropriate, the City will make it a condition of appointment that consultant’s reports can be released.

<p>Car Parking – Timed Parking in Preston Street</p>	<p>Response provided by: Mark Taylor, Acting Director Infrastructure Services</p>
<p>Preamble: Parking is a substantial issue in Preston Street along with other parts of Como – especially near Canning Bridge. Travellers from outside the City park all day in Preston Street, and near Canning Bridge, to gain cheap access to public transport into Perth. This is not surprising given Perth has outrageously high parking fees by Australian and international standards. This long-term parking in Como streets prevents residents accessing their homes and travelling efficiently down their streets. It prevents visitors coming to spend time with Como residents and having a coffee at our Como cafes. Most of all this long-term parking by outsiders for cheap travel destroys the viability and profitability of our small businesses in our high street areas like Preston Street – to the detriment of our community especially in respect of employment options for residents. I am advised that various dates have previously been given by City staff to local businesses for the installation of timed parking in Preston Street to alleviate this problem but this has not yet occurred.</p>	
<p>12. When will the timed parking in Preston Street definitely be installed by the City?</p>	<p>The Parking Plan has been approved and will be installed as soon as possible. The Communication and Consultation Policy P103 requires the City to inform all affected property owners of the intention to install timed parking in Preston Street. This will be completed by mid-October and installation by the end of October.</p>
<p>Car Parking – Additional Off-street Parking in Preston Street for Shop Staff</p>	<p>Response provided by: Mark Taylor, Acting Director Infrastructure Services</p>
<p>Preamble: Parking congestion in the Preston Street has increased significantly with the introduction of new cafés, restaurants and other take away food outlets. I believe that at a meeting this year held between the local MLA Mr John McGrath, Mayor Sue Doherty and Mr Colin Stiles of the Cygnet Theatre, Mr Styles agreed to allow the City to develop another car park similar to the one the City developed adjacent to the theatre. The capital investment required from the City to implement this agreement was only that required for the construction of a level parking area.</p>	
<p>13. Has the City set aside money to facilitate this offsite parking of local retail staff behind the Cygnet theatre?</p>	<p>An allocation has been made for parking within the Preston Street Precinct area. This may include an extension to the existing hard stand area adjacent to the Cygnet Theatre.</p>
<p>14. If the money has been set aside, why has the parking area not yet been</p>	<p>The City has attempted to make contact with the owners of the Cygnet</p>

constructed by the City?	Theatre to progress an extension to the hard stand area using recycled profiled material from the Labouchere Road rehabilitation project currently scheduled for January 2014 (school holidays).
15. By what date does the City undertake to have the parking area constructed?	It is currently scheduled for January 2014 due to the proximity of road works, however it could be brought forward to coincide with another road rehabilitation project if sufficient road profilings were available and having received acceptance from the owners.
Drainage Sump Rehabilitation	Response provided by: Mark Taylor, Acting Director Infrastructure Services
Preamble: I had previously been advised by City staff that rehabilitation of a drainage sump lot had been planned in the short future, however, the City advised at the last council meeting in response to my question that no drainage sump rehabilitation was planned this financial year.	
16. Does the City have an estimate of cost for the rehabilitation of a drainage sump lot (e.g. ¼ acre) to public open space (e.g. small children's playground).	Not at this time.
17. Does the City have any definite plans to rehabilitate any City drainage sumps?	The City has a plan to rehabilitate the front of the Klem Avenue sump in response to problems caused by the Underground Power Project in that area.
Question from Councillor Trent (Question asked at the Council Meeting)	Response provided by Mark Taylor, Acting Director Infrastructure Services
With reference to the spraying of footpaths, and the over-spraying of the adjoining verge, what action will be taken to ensure that this doesn't happen in the future?	The City has experienced a number of problems with this contract. These have been relayed in quite serious terms to the head contractor, who has, in turn, fired the sub-contractor who was carrying out the works. Unfortunately, with this type of work the damage is only apparent after it has happened, so there has been a considerable amount of damaged to verges caused by the contractor. My understanding is that the contractor is now working with residents to attempt to repair some areas where there has been some significant damage. In terms of the City's involvement in the contract, the City will be reviewing the terms of the contract and the specifications with the view to amendments, and we may also reserve our options with regard to the contract as it stands.

<p>Question from Councillor Reid (Question asked at the Council Meeting)</p>	<p>Response provided by Mark Taylor, Acting Director Infrastructure Services</p>
<p>If a resident has damage to their verge as a result of the over-spraying, the process to follow would be to put a request through to?</p>	<p>The appropriate response would be to put a request through to the City. This would be logged, and the City would liaise with the contractor who will then attend the site and discuss this with the resident and make the necessary repairs. There will be a feedback loop to the City to ensure the residents are satisfied with the work that has been undertaken.</p>
<p>Question from Councillor Hawkins-Zeeb (Question asked at the Council Meeting)</p>	<p>Response provided by Mark Taylor, Acting Director Infrastructure Services</p>
<p>The report that the Council is expecting which is addressing the waterways, and more specifically the Doneraile Pond, can you please advise when this is due to come back to Council?</p>	<p>The City has put out a request for a proposal to LGIS who will undertake the work on our behalf. The City is now in the process of engaging LGIS to do the work. We have not had a start-up work meeting yet, so I cannot tell you tonight when work will commence and when it will be completed, but as so as I know I will update you through the Bulletin.</p>
<p>I understand that Mr Ernie Strahan, the person who started the petition, has had a letter from the City today in relation to this, and was wondering what the nature of that letter was?</p>	<p>I am unaware of any letter. However, I did speak to Mr Ernie Strahan myself today and had quite a long conversation with him. I realised that I had not contacted him when I said I would, so I rang him and explained to him what we were intending to do.</p>