

MINUTES

Ordinary Council Meeting

24 March 2015

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 March 2015 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER



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 7.00pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into four 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/

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Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00 pm, Tuesday 24 March 2015.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 7.02 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 Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member then introduced the new Southern Gazette Journalist, Mr Tim Mayne and welcomed him to the meeting.

3.2 MOTION: CONDOLENCES TO CR REID AND FAMILY (CR TRENT)

Cr Trent called the following motion:

MOTION

Moved: Cr Trent
Seconded: Mayor Doherty

That the City of South Perth Council records its condolences to Cr Fiona Reid, her husband Martin Jones, and their family on the passing of her father-in-law, Richard Jones, who passed away on Saturday 21 March 2015 after a battle with Cancer.

CARRIED 8/0

3.3 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 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 the Presiding Member she gives permission for the Administration to record proceedings of the Council meeting.

The Presiding Member requested that all electronic devices be turned off or on to silent.

3.4 PUBLIC QUESTION TIME FORMS

The Presiding Member advised the public gallery that Public Question Time forms are available in the foyer and on the City's website for anyone wanting to submit a written question.

3.5 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor / Council Representatives Activities Report for the month of February 2015 can be found at the Appendix of the Agenda.

4. ATTENDANCE

Mayor S Doherty (Presiding Member)

Councillors

C Cala	Manning Ward
S Hawkins-Zeeb	Manning Ward
G Cridland	Como Ward
V Lawrance, JP	Como Ward
M Huston	Mill Point Ward
C Irons	Mill Point Ward
K Trent, OAM, RFD	Moresby Ward

Officers

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

Gallery

There were 7 members of the public and 1 member of the press present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

F Reid Moresby Ward

5. DECLARATIONS 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 Presiding Member any potential conflict of interest they may have in a matter on the Council Agenda.

In respect to the Notice of Motion Mayor Doherty intends to move at Item 12.2, the Chief Executive Officer noted that the issue relates to the amended Notice of Motion at this Item. The first point a) of that Motion, if considered, is to have any Impartiality Interests declared.

The CEO recommended that when those four Members are elected they declare an Impartiality Interest and also when they attend the DAP meeting when this Item is considered.

Declarations will be called for when this Item is considered.

In regards to other Items on the Agenda, the Presiding Member noted that no Declarations of Interest had been received.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the February 2015 Ordinary Council Meeting a question was taken on notice and this will be available in the Appendix of these Minutes.

6.2 PUBLIC QUESTION TIME: 24 MARCH 2015

The Presiding Member 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 would be answered tonight, if possible, or alternatively may be taken on notice. Questions received in advance of the meeting would be dealt with first.

The Presiding Member then opened Public Question Time at 7.08 pm.

Written Questions were received prior to the meeting from Mr Lindsay Jaimeson (address withheld for privacy) relating to a former Freedom of Information request. However, as Mr Jaimeson was not in attendance, his Public Question Time submission was deferred to the next Ordinary Council Meeting.

There being no further questions, the Presiding Member closed Public Question Time at 7.09 pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

The Presiding Member advised that, unless anyone wished to withdraw the Items to discuss, she calls for Items 7.1.1, 7.1.2, 7.1.3, 7.1.4 and 7.1.5 to be adopted en bloc, i.e. all together.

7.1.1 Ordinary Council Meeting Held: 24/02/2015

7.1.2 Audit and Governance Committee Meeting Held: 3/03/2015

7.1.3 CEO Evaluation Committee Meeting Held: 4/03/2015

7.1.4 Special Council Meeting Held: 12/03/2015

7.1.5 CEO Recruitment Committee Meeting Held: 17/03/2015

En Bloc Motion AND COUNCIL DECISION

Moved: Cr Huston
Seconded: Cr Cala

That the Minutes of the:

- Ordinary Council Meeting held 24 February 2015;
- Audit and Governance Committee Meeting held 3 March 2015;
- CEO Evaluation Committee Meeting held 4 March 2015;
- Special Council Meeting held 12 March 2015; and the
- CEO Recruitment Committee Meeting held 17 March 2015

be taken as read and confirmed as a true and correct record.

CARRIED 8/0

7.2 BRIEFINGS

The following Briefings 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 Presiding Member advised that, unless anyone wished to withdraw the Items to discuss, she calls for Items 7.2.1 and 7.2.2 to be adopted en bloc, i.e. all together.

7.2.1 Agenda Briefing Held: 17/02/2015

7.2.2 Concept Briefing: Strategic Plan / Corporate Plan Update Held: 10/03/2015

En Bloc Motion AND COUNCIL DECISION

Moved: Cr Huston
Seconded: Cr Hawkins-Zeeb

That the Attachments relating to the Agenda Briefing held on 17 February 2015 and the Concept Briefing relating to the Strategic Plan / Corporate Plan Updated held on 10 March 2015 be received.

CARRIED 8/0

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 Certificate of Appreciation – Kensington Primary School

The Presiding Member presented to Council a "Certificate of Appreciation" from Kensington Primary School P&C Association which reads:

"In recognition of your valuable contribution to and generous support of Kensington Primary School P&C Association. And a big thank you from all the children at Kensington Primary School".

The Certificate can be found in the Appendix of these Minutes.

8.3 DEPUTATIONS

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

Deputations were heard at the Agenda Briefing of 17 March 2015.

8.4 COUNCIL DELEGATES REPORTS

The Presiding Member advised that, unless anyone wished to withdraw the Items to discuss, she calls for Items 8.4.1 and 8.4.2 to be adopted en bloc, i.e. all together.

8.4.1 Rivers Regional Council – 19/02/2015

8.4.2 WALGA - South East Metropolitan Zone – 25/02/2015

En Bloc Motion AND COUNCIL DECISION

Moved: Cr Trent
Seconded: Cr Hawkins-Zeeb

That the reports of the:

- Rivers Regional Council Meeting held 19 February 2015; and the
- WALGA - South East Metropolitan Zone Meeting held 25 February 2015

be received.

CARRIED 8/0

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member 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 March 2015.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.3.1 Proposed Two-Storey plus Loft Mixed Development. Lot 3 No. 333 Mill Point Road, South Perth

Item 10.5.1 Canning Bridge Structure Plan – Endorsement

Item 10.6.4 Development Assessment Panels – Local Government Nominations

9.1 EN BLOC MOTION

Recommendation AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

That the Officer Recommendations in relation to the following Agenda Items be carried en bloc:

- **Item 10.6.1** Monthly Financial Management Accounts – February 2015
- **Item 10.6.2** Monthly Statement of Funds, Investments and Debtors at 28 February 2015
- **Item 10.6.3** Listing of Payments
- **Item 10.6.5** Review of Planning Policies
- **Item 10.6.6** 2015 Ordinary Elections
- **Item 10.7.1** Recommendations from the Audit and Governance Committee Meeting Held 3 March 2015

CARRIED 8/0

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

Nil.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Nil.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

Nil.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Two-Storey plus Loft Mixed Development. Lot 3 No. 333 Mill Point Road, South Perth.

Location:	Lot 3 (No. 333) Mill Point Road, South Perth
Ward:	Mill Point Ward
Applicant:	Quattro Homes
File Ref:	D-15-15966
Lodgement Date:	2 December 2014
Date:	24 March 2015
Author:	Cameron Howell, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for a two-storey plus loft Mixed Development, consisting of a Shop, Café/Restaurant and a dwelling on Lot 3 (No. 333) Mill Point Road, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land uses	TPS6 clauses 3.3-3.4
Dividing fences height	TPS6 clause 6.7
Building design	TPS6 clause 7.5(n)
Car parking provision	TPS6 clause 7.8(1)
Landscaping	
Building lot boundary setbacks	R-Codes Design Principles 5.1.3
Street surveillance	R-Codes Design Principles 6.2.1
Utilities and facilities - storeroom	R-Codes Design Principles 6.4.6
Significant views	Council Policy P350.09

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Cala
Seconded: Cr Trent

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

(a) Standard Conditions

210	screening- permanent	456	dividing fences- timing
352	car bays- marked and visible	470	retaining walls- if required
354	car bays- maintained	471	retaining walls- timing
377	screening- clothes drying	508	landscaping approved & completed
390	crossover- standards	625	sightlines for drivers
393	verge & kerbing works	630	sightlines- street corner
445	stormwater infrastructure	660	expiry of approval

(b) Specific Conditions

- (i) The maximum trading hours of the Café / Restaurant and Shop shall be strictly limited 7:00am to 5:00pm, 7 days a week, with no deliveries permitted between 9:00pm and 7:00am the following day. Should any noise complaints from neighbours be received within the first 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose an earlier closing time or other requirements to address the complaints.
- (ii) The car park shall be closed to public access outside of the permitted opening hours.
- (iii) The dividing fence on the common boundary to the adjoining residential property at No. 331A Mill Point Road is to be constructed of either rendered and painted brickwork or alternative masonry materials as sourced by the neighbour. The cost of the fence and its installation is to be borne by the owner of the proposed development.
- (iv) The dividing fence on the common boundary to the adjoining residential property at No. 2 Banksia Terrace is to match the existing wall on the common boundary and the cost of the work is to be borne by the owner of the proposed development.
- (v) As shown on the approved plans, the dividing fences to the adjoining residential properties at No. 331A Mill Point Road and No. 2 Banksia Terrace shall be at least 2.2 metres high, to reduce noise impacts from the car park upon the adjoining residential properties.
- (vi) The development shall provide lighting to the City's satisfaction to pathways, communal areas and car parking areas.
- (vii) This planning approval does not permit the display of any signage on the building or on the site. A new application for planning approval will be required if signage is proposed to be displayed.
- (viii) The car parking bays shall be allocated to occupancies in the following manner on the approved strata plan and on-site:
 - (A) residential dwelling - 2 bays; and
 - (B) non-residential tenancies - 7 bays.
- (ix) Prior to the submission of a building permit, the applicant is to submit to the City a Waste Management Plan, to the satisfaction of the City. The approved Waste Management Plan shall thereafter be implemented, unless otherwise approved by the City.
- (x) As shown on the approved plans, the Café/Restaurant dining area shall not exceed 40 square meters.
- (xi) The applicant is to pay the City \$9,400 as a cash payment in lieu of the onsite car parking shortfall of one (1) bay, in accordance with clauses 6.3 and 6.3A of Town Planning Scheme No. 6, prior to the submission of a building permit, as detailed in a tax invoice that will be issued by the City.
- (xii) Prior to the submission of a building permit, if any air conditioning units or exhaust flues are proposed between the common boundary to the adjoining residential property at No. 331A Mill Point Road and the south western elevation of the building, the applicant is to submit to the City an Acoustic Report, demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City. The approved Acoustic Report shall thereafter be implemented, unless otherwise approved by the City.

(c) Standard Advice Notes

700A	building licence required	762	landscaping- plan required
706	applicant to resolve issues	790	minor variations- seek approval
709	masonry fences require BP	795B	appeal rights- council decision
716	fences note- comply with Act		

(d) Specific Advice Notes

- (i) The applicant is advised that:
- (A) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure and Environmental Health departments to ensure compliance of all of these departments' relevant requirements.
- (B) It is the owner's responsibility to manage patron behaviour to minimise disturbance to the neighbours.

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

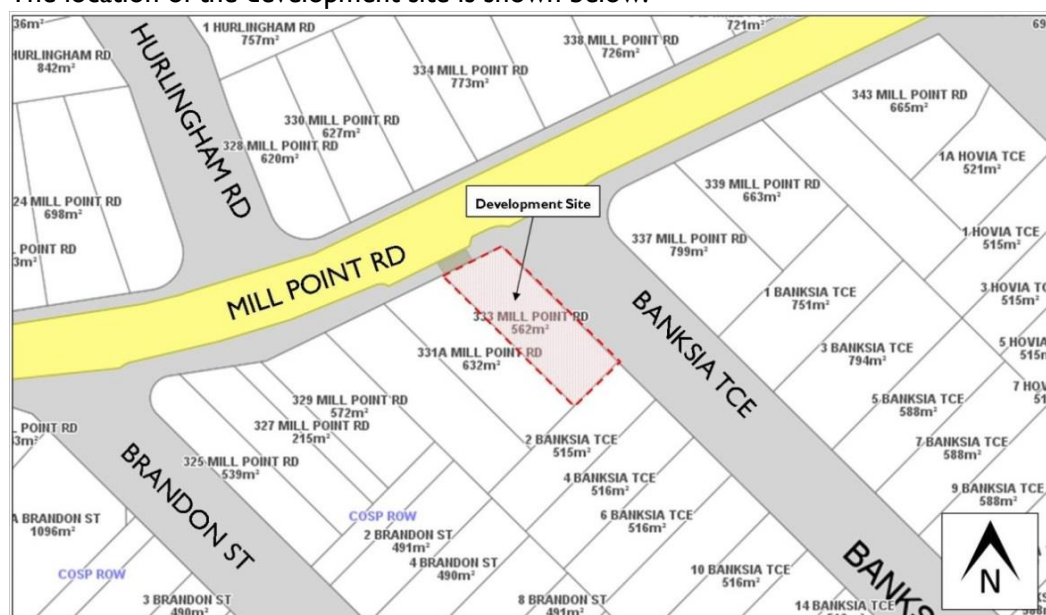
CARRIED 8/0

Background

The development site details are as follows:

Zoning	Local Commercial
Density coding	R15
Lot area	652 sq. metres
Building height limit	7.0 metres
Development potential	1 dwelling and/or permissible non-residential land uses
Plot ratio limit	0.50

The location of the development site is shown below:



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

1. Specified uses

- (h) Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme;

3. The exercise of a discretionary power

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

10.3.1 Proposed Two-Storey plus Loft Mixed Development. Lot 3 No. 333 Mill Point Road, South Perth.

4. Applications previously considered by Council

Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

6. Amenity impact

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

7. Neighbour comments

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

Comment

(a) Background

In December 2014, the City received an application for a Mixed Development in a three-storey building on Lot 3 (No. 333) Mill Point Road, South Perth (the **Site**).

The applicant has subsequently submitted revised plans in response to the officer assessment. The third storey has been modified to be contained within the roof space and is now described as a loft rather than a third storey.

The Council had previously approved on this site in May 2010, a change of use from “Shop and Single House” to “Shop and Café / Restaurant”, and associated additions and alterations within the existing single storey building. An application for a two storey Mixed Development, comprising a Shop, a Café / Restaurant and a dwelling, was also previously approved by Council, in December 2011. The validity of these previous planning approvals has now expired.

(b) Existing Development on the Subject Site

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

(c) Description of the Surrounding Locality

The site has a frontage to Mill Point Road to the north and Banksia Terrace to the east, located adjacent to single houses to the south and west. The surrounding locality predominately consists of single houses, with some grouped dwelling and multiple dwelling developments, as seen in **Figure 1** below:



(d) Description of the Proposal

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

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

(e) Compliant / Non-Compliant Elements

The proposal generally complies with the Scheme, the R-Codes and relevant Council policies.

The following elements of the proposal are observed to be compliant with the City's planning requirements:

- Plot Ratio (TPS6 cl. 5.1 and Table 3) – 0.49 / 273m² proposed, maximum 0.50 / 281m² permitted;
- Street Setback (TPS6 cl. 5.1 and Table 3) – minimum 1.5 metres;
- Lot Boundary Setback, south east (TPS6 cl. 5.1(4) and R-Codes cl. 5.1.3 C3.1);
- Building Height Limit (TPS6 cl. 6.1A) – 7.0 metres (13.25m AHD) proposed, maximum 7.0 metres permitted;
- Street Walls and Fences / Sightlines (Council Policy P350.07 cl. 5);
- Outdoor Living Area (R-Codes cl. 6.3.1 C1);
- Bicycle Parking (TPS6 cl. 6.4 and Table 6)
- Vehicular Access (R-Codes cl. 6.3.5);
- Minimum Levels (TPS6 cl. 6.9);
- Maximum Levels (TPS6 cl. 6.10);
- Stormwater Management (TPS6 cl. 6.8(2) and R-Codes cl. 5.3.9 C9);
- Visual Privacy (R-Codes cl. 6.4.1 C1.1-1.2);
- Solar Access for Adjoining Sites (R-Codes cl. 6.4.2 C2.1-2);
- Dwelling Size (R-Codes cl. 6.4.3 C3.2); and
- External Fixtures (R-Codes cl. 6.4.5).

10.3.1 Proposed Two-Storey plus Loft Mixed Development. Lot 3 No. 333 Mill Point Road, South Perth.

These elements are not discussed further in this report. Standard conditions and/or advice notes are recommended.

The remaining non-complying aspects, with other significant matters, are all discussed below.

Council is being asked to exercise discretion in relation to these non-compliant aspects of the proposed development.

- Land Use (TPS6 cl. 3.3-4 and Table 1);
- Lot Boundary Setback, south west (TPS6 cl. 5.1(4) and R-Codes cl. 5.1.3 C3.1);
- Street Surveillance (R-Codes cl. 6.2.1 C1.1);
- Dividing Fences, height (TPS6 cl. 6.7);
- Building Design (TPS6 cl. 7.5(n));
- Landscaping (TPS6 cl. 5.1 and Table 3);
- Car Parking (TPS6 cl. 6.3 and Table 6 and Council Policy P315);
- Utilities and Facilities, storeroom (R-Codes cl. 6.4.6); and
- Significant Views (Council Policy P350.09).

(f) Land Use

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

(g) Wall Setback- ground floor, south west, Bakery Kitchen

The proposed wall setbacks generally comply, however the south western wall to Bakery Kitchen, based upon the wall’s bulk length, is set back by 0.99 metres from the boundary in lieu of 1.6 metres. Therefore, the proposed development does not comply with clause 5.1(4) of TPS6 and Tables 2a / 2b of the R-Codes.

Council has discretionary power using the Design Principles provisions of the R-Codes to approve the proposed setback, if Council is satisfied that all requirements of that clause have been met.

In this instance, it is considered that the proposal complies with the Design Principle provisions, as the future Bakery Kitchen wall currently exists as the external wall to the Single House element of the existing building. Accordingly, the minor additions and alterations to the existing wall are considered to pose no significant impact upon the adjoining property.

(h) Street Surveillance- dwelling

The proposed dwelling generally complies with the street surveillance provisions of the R-Codes. However, the proposed development does not comply with Deemed-to-Comply requirement where the dwelling is to provide clearly definable entry points visible and accessed from the street. The dwelling entrance is concealed from the Banksia Terrace footpath, but is visible from the main car park on site.

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The building is considered to meet the Design Principle provisions, as the dwelling provides passive surveillance over the street and the on site car park from its balcony or major opening windows.

(i) Dividing Fences, height- south west and south east boundaries

Fencing greater than 1.8 metres in height requires written consent, in accordance with TPS6 clause 6.7. The proposal incorporates masonry fencing adjacent to all boundaries with adjoining residential lots, with a fence height of 2.229 metres. City officers observe that the higher fence provides additional acoustic screening from the car park for the adjoining residences. Noting the small additional height and the acoustic benefits to the adjoining residents, the impact of the higher fence is not considered to adversely affect the neighbours' amenity. Accordingly, the proposed fencing is supported.

(j) Building Design

TPS6 cl. 7.5(n) requires the Council to have due regard to 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 application was referred to the City's Design Advisory Consultants (DAC) for comments relating to the building's design, bulk and scale. The DAC was not supportive of the design first submitted and recommended a number of changes to improve its streetscape appearance.

The applicant has subsequently submitted revised plans addressing the DAC comments. The City considers that the proposed building is compliant with the Scheme's building design requirements.

(k) Landscaping

The minimum required area of landscaping is 10% (56.2m²), and the proposed provision of landscaping is 2.0% (11.1m²), a shortfall of 8.0% (45.1m²). Therefore the proposed development does not comply with the landscaping element of the Scheme.

The Council can approved the proposed provision of landscaping subject to the provision of outstanding landscaping, as per clauses 5.1(5) and 6.1(14) of TPS6. Alternatively, Council has discretionary power under clause 7.8(1) of TPS6 to approve the proposed landscaping, if Council is satisfied that all requirements of that clause have been met.

The 11.1m² calculation is based upon the horizontal surface of the proposed landscaping. The applicant is proposing vertical gardens adjacent to the Café/Restaurant's alfresco dining area and against the dividing fences abutting the car park. The applicant has advised that the vertical surface of the car parking landscaping is 60m². The vertical surface of the alfresco landscaping has been calculated as 4m².

In this instance, it is recommended that the proposed landscaping be approved, as the provision of vertical landscaping is considered to be sufficient to compensate for the horizontal surface shortfall.

(I) Car parking, number of bays

The proposed development incorporates retention of parts of the existing development, the removal of parts of the existing development and new additions. The following method of calculating car parking requirement used by City officers is consistent with other similar development applications that the City has assessed:

1. The existing buildings and existing associated uses: car parking as previously approved.
2. The portion(s) of the existing building being made redundant: no car parking allocated.
3. The proposed land uses: car parking as per the current provisions in TPS6 minus any car bays allocated to the existing uses proposed to be demolished.
4. Using the above 3 points, the resultant TPS6 car parking surplus/shortfall has been calculated.
5. Policy P315 adjustment factors used to calculate the reductions to car parking shortfall calculated in point 4.
6. At that point, the final car parking surplus/shortfall will be calculated. This final car parking shortfall will be subject to cash payment to the Council in lieu of providing these car bays on site.

The City officers use this method for additions and change of use applications, as only new development is required by the Scheme to be provided with car parking at the current rates. The City considers it is fair for retained existing development to provide the same number of bays as per previous approvals.

For this application, the car parking has been calculated as follows:

1. There are no existing car parking bays provided on the site for the existing Shop. However, 2 bays which exist within the Mill Point Road reserve, immediately in front of the Shop, have provided the required parking for the shop for many years. These bays are being retained.
2. The existing Single House at the rear of the Shop is being removed and this section of the existing building will form part of the new kitchen and Café/Restaurant. The carport at the rear of the site that services the existing dwelling is being demolished.
3. The required number of car bays is listed in the table below:

Land Use	Bays Required	Bays Proposed	Variation	Comments
Shop (existing)	0	The car bays have not been specifically allocated to each land use.		Existing Shop is retained.
Shop (new additions)	4 (3.76)			135.7m ² of gross floor area shared between the Shop (50.3m ²) and Café/ Restaurant (22.4m ²). Based upon a proportional share of Shop and Café/ Restaurant's gross floor area, the Shop's allocation of the shared spaces is 93.9m ² .

				Parking rate: 1 bay per 25m ² gross floor area.
Café/ Restaurant	8 (8.00)			40m ² dining area proposed. Parking rate: 1 bay per 5m ² dining area.
Dwelling	2			Parking rate: Likely demand. 2 bays based upon using the large (>110m ²) Multiple Dwelling Location B standards (R-Codes cl. 6.3.3) and combining the required 1.50 occupier bays and 0.25 visitor bays for 1 dwelling.
Total	14	9	-5	

4. The TPS6 Table 6 calculation requires 14 car bays on site, with 9 car bays provided, a shortfall of 5 car bays.
5. Council Policy P315 permits the car parking requirement to be reduced through the application of adjustment factors listed in the policy, reflecting particular site and design factors. For this application, the site qualifies for an adjustment factor of 0.65 (35 per cent reduction), by meeting factors 2 (15 per cent reduction: being located within 400 metres of a bus stop - Mill Point Road), 4 (20 per cent reduction: mixed uses, minimum 45 per cent residential gross floor area) and 6a (5 per cent reduction: at least five bicycle parking bays are provided within public view).

The application of the 0.65 adjustment factor to the proposed non-residential land uses would reduce their combined car parking requirement from 12 car bays to 8 car bays.

6. The Policy P315 calculation reduces the car parking requirement to 10 car bays on site, with 9 car bays provided, a shortfall of 1 car bay.

In addition to the 9 car bays, the car park provides a bay suitable for parking a motorbike or scooter. The 9 bicycle bays proposed on site exceeds the TPS6 (2 bays for new additions only or 3 bays to bring up to the current requirements) and Policy P315 (5 bays) bicycle parking requirements.

A reduced number of car bays could be approved on site, as per TPS6 clause 6.3(4), if the Council is satisfied that the number of bays is sufficient having regard to the peak parking demand for different uses on the site. Otherwise, the Council may accept a cash payment in lieu of the provision of some or all of the bays not provided on site, in accordance with TPS6 clause 6.3A(2). Alternatively, a lesser number of car parking can be approved, if the proposal is considered to meet the discretionary provisions of TPS6 clause 7.8.

The peak demand for the non-residential land uses have the potential to coincide. Accordingly, a reduction based upon clause 6.3(4) is not supported.

Using Table 2 of Policy P315, the cash in lieu payment is calculated as follows:
 $R(12) \times A(0.646) - P(7) - S(0) = 0.752$ (rounded up to 1).

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- R: *TPS6 car parking requirement. (12 car bays)*
- A: *Apply the total adjustment factor. (0.85 × 0.80 × 0.95 = 0.646)*
- P: *Minus the car parking provided on site. (2 car bays for the dwelling, 7 car bays remain for non-residential uses)*
- S: *Minus the most recently approved shortfall (after taking into account relevant adjustment factors), unless the proposal is deemed to be a comprehensive new development. (nil)*

Using the Policy P315 formula, 1 car bay is subject to the cash-in-lieu payment.

The Council may accept a cash-in-lieu payment, subject to the following requirements listed in TPS6 clause 6.3A(3):

Before the Council agrees to accept a cash payment in lieu of any deficit bays, it must have a reasonable expectation that the payment can be spent by the City:

- (a) to provide additional transport infrastructure in the vicinity of the development site; or*
- (b) to acquire land for the provision of additional transport infrastructure.*

As defined in TPS6 Schedule 1, Transport infrastructure means ...

... the works and undertakings relating to the provision of public transport infrastructure, pedestrian and cycling infrastructure and parking infrastructure. The term includes:

- (a) public transport stops, shelters and stations, signs, public transport lanes, vehicles, railway track and catenary, priority signals and any associated works/designs;*
- (b) paths, signs, bicycles, pedestrian and cycling crossings and any associated works/designs;*
- (c) on-street and off-street car parking bays, parking meters, ticket machines, parking signs, shelters and any associated works/designs and technologies.*

The City does not have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site.

For this application, Council is limited to accepting a cash-in-lieu payment for purposes other than additional car bays.

Opportunities to improve the existing pedestrian, bicycle and public transport environment are available in this location, for the benefit of this site and surrounding residential properties. The provision of these additional facilities can assist in reducing the car parking demand on the site.

If the application of Policy P315 was supported by Council, the 1 car bay shortfall at \$9,400 per bay would result in a \$9,400 payment. If the application of Policy P315 was not supported by Council, a \$6,600 payment per bay would apply, resulting in a \$33,000 payment for the 5 bay TPS6 Table 6 shortfall.

The 1 car bay shortfall is not anticipated to pose a significant detrimental amenity impact upon the surrounding locality. Accordingly, the proposal is supported, subject a cash in lieu payment condition

(m) Utilities and Facilities- storeroom

The proposed development generally complies with the Deemed-to-Comply provisions of the R-Codes for utilities and facilities. However, rather than being positioned to provide external access, the storage area for the dwelling is only accessible from inside the dwelling. Therefore, the proposed development does not fully comply with clause 6.4.6 C6.1 of the R-Codes. Alternatively, the dwelling has a small storage area positioned underneath the staircase up to the Loft level, which has also been identified on the plans as a storage area.

Council has discretionary power using the Design Principles provisions of the R-Codes to approve the proposed storage areas, if Council is satisfied that all requirements of that clause have been met.

The proposed internal storage area is observed to be in a convenient location for the residents of the dwelling. Accordingly, the proposal is considered to comply with the Design Principles.

(n) Significant Views

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

The neighbouring properties to the south-east of the subject site currently enjoy limited views of the Perth City skyline. Other than the provision of a gable on the Loft level rather than a complete hip roof shape, the proposed building is compliant with the 7.0 metre building height limit prescribed by TPS6; as well as the Deemed-to-Comply setbacks above the ground floor level from the south-western, south-eastern and north-eastern (Banksia Terrace) boundaries prescribed by Table 3 of TPS6 and the R-Codes. The proposed setback from Banksia Terrace is seen to be in visual harmony with the streetscape as required by clause 7.5(n) of TPS6.

The proposed building is not seen to exceed the normal development entitlements of the site, and therefore it is considered that the proposed development complies with the Council policy.

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*

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- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality;*

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development Site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*

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- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in December 2014. The proposal was favourably received by the Consultants, subject to revisions. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
The Design Advisory Consultants observed that the proposed built form with the pitched roof did not blend with the roof form over the existing shop. Additionally, the junction of these two roofs needs to be tied in.	The original approved design had a pitched roof over the addition. We have amended slightly the lower roof over the Foyer to the Dining to better tie in the fascia detail between old and new. An updated 3D perspective from the ground path view may better reflect the streetscape impact.	The roof of the Foyer room of the building is now concealed behind a façade matching the style of the existing shop façade. The comment is UPHELD.
More thought needs to go into designing the proposed elevations, and layout & size of windows in order to achieve consistency.	In an effort to achieve greater consistency in the design, we have altered the windows to the ground floor foyer to the dining area to match the front windows. We have also altered to the dimension of the study window to better match the other windows on the Banksia Terrace elevation.	The windows of the Foyer room and the dwelling have been modified to achieve a greater consistency. The comment is UPHELD.
The design of the portion of building at the street corner and landscaping of this area require greater attention. These corner elements will contribute	Perhaps the continuation of the fascia profile from the front of building could be continued over the Foyer to Dining. The landscaping plan will	The foyer room element of the building has been redesigned to reflect the design of the existing shop. Additional landscaping details have since been

considerably to the existing streetscape.	provide additional detail to the corner element so an amended 3D will demonstrate this.	provided. The comment is UPHELD.
The proposed kitchen is observed to be significantly large for the level of operation that is proposed, and the question was raised that its purpose be clarified. Additionally, the kitchen layout is observed to be inefficient;	The kitchen is specifically designed by specialist consultants for the operation intended. The Owner will be the operator who is experienced in the workflow requirements for the intended operations. There are 3 separate cooking environments required for the operation due to the different types of cooking styles employed being Bakery, Patisserie and Café cooking.	The applicant has advised that the three separate cooking environments are needed, for the range of food to be baked on site. The comment is NOTED.
Entrance to the residence through the car parking area was observed to be inappropriate.	As there is only one residence to this property we feel that there is a clear entrance point through the carpark with a clear path to the door way for the main carpark aisle.	The development is considered to meet the street surveillance Design Principles requirements. The comment is NOTED.
The space proposed within the roof space along with walk-in-robos was observed to be clearly a bedroom. This space, having been identified on the drawings as a store, was observed to be inappropriate.	This space as in the proposed design is the only substantial storage available to the owner who also operates the business on the ground floor. The Space will cater for general storage of personal and non-food items which overtime will build up.	The design of the Loft level has now been redesigned to reflect a room suitable for storage, including the removal of a rear gable and windows. The comment is NOTED.
The design of the proposed street boundary fencing needs to be integrated;	On reviewing the updated 3D perspective we can demonstrate that the fence is well integrated offering high visual permeability hence improved passive street surveillance.	The applicant has advised that the street fencing will match with the style of the balcony balustrade. The comment is NOTED.
The location of rubbish bins, its visibility from the street and its insufficient size need to be addressed.	Bins are located behind a roller door and their collection is serviced through the introduction of a gate immediately opposite	The bin store was provided near the street, to address concerns raised during the previous application from the neighbouring

	the Bin Store. The Store sufficiently accommodates 2 x 660l bins on wheels which is viewed as been adequate for this property. We will provide a waste management plan to support this as part of our building permit submission.	landowners. The bins were originally proposed in the previous application to be adjacent to the adjoining residential property. The bin roller door is not seen to pose any significant streetscape impact. The comment is NOTED.
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(b) Neighbour Consultation

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

During the advertising period, a total of 15 consultation notices were sent and 4 submissions were received, 2 conditionally supporting and 2 against the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<u>2011 Approval</u> : Requests the specific conditions from the previous approval be applied to this proposal if approved.	The 'specific conditions' from the previous Council report will be incorporated into the plans or the recommendation, to reduce amenity impacts upon the neighbouring residential properties. The comment is NOTED.
<u>Building Design</u> : The support columns in the car park should be rendered and painted to match other external wall finishes.	The comment is NOTED.
<u>Car Parking</u> : Concerned about more cars parking on Banksia Terrace - limited street parking available; The number of bays on site should be increased e.g. use of a car stacker.	It is considered that the development complies with the discretionary provisions. It is noted that limited street car parking is available on Banksia Terrace. The use of a car stacker system on this site could pose undesired visual amenity impacts upon the street and adjoining properties. The comment is NOTED.

<u>Delivery Vehicles</u> : Poses impacts upon neighbouring properties	The delivery hours were limited in the previous approval to 7:00am to 9:00pm, to reduce early morning and late evening impacts upon the neighbouring residential properties. This condition is recommended as part of this application.
<u>Fencing</u> : Height on Mill Point Road frontage should be lower to reflect streetscape; Height of dividing fence (2.229 metres) should be lowered to reduce impacts upon the affected neighbour.	The street boundary fencing complies with the Council's fencing policy. The higher dividing fence provides additional acoustic screening from the car park for the adjoining residences. The comment is NOT UPHELD .
<u>Information Provided on Plans</u> : No Bedroom I is marked on the plans.	Bedroom I was originally proposed in the Loft, and then later deleted. The rooms have now been appropriately marked on the plans. The comment is NOTED .
<u>Land Use</u> : Café land use supported; Object to commercial land uses due to the size of operations and amenity impacts upon neighbouring residential properties.	The proposed land uses have been approved on this site. The objecting comments are NO UPHELD .
<u>Noise</u> : Concerned about the extent of noise generated from the kitchen, patrons and vehicles.	The development is required to comply with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. The comment is NOTED .
<u>Odour</u> : Concerned about the release of odours from the kitchen.	The comment is NOTED .
<u>Operating Hours</u> : Concerned about amenity impacts from the commercial operations in the early morning and late evening.	The operating hours were limited in the previous approval to 7:00am to 9:00pm, to reduce early morning and late evening impacts upon the neighbouring residential properties. This condition is recommended as part of this application.
<u>Setbacks</u> : The setbacks do not conform to the current setback requirements.	The new additions comply with the Deemed-to-Comply setbacks. It is noted that the existing building would require discretion to be exercised if they were proposed today. The comment is NOTED .
<u>Sustainable Design</u> : Paving to the car park to be permeable to allow water penetration and the colour and materials selected should assist in reducing the heat island effect.	This suggestion has been referred to the applicant for their consideration. The comment is NOTED .

<u>Toilet Facilities:</u> The toilet window should not face towards the alfresco dining area; The provision of a toilet window facing Banksia Terrace should not be so evident.	The window facing onto the alfresco dining area has since been deleted and now faces the street. The design of the toilet windows facing Banksia Terrace have also been modified, to achieve better consistency with the dwelling windows. The comment is NOTED.
<u>Traffic:</u> Increased risk of pedestrian and cyclist collisions; Requests the provision of a traffic management plan.	The volume of traffic generated by the proposal is not anticipated to pose an significant adverse impact to adjoining properties. The comment is NOTED.
<u>Trees:</u> Requests the provision of shade trees in the car park.	There are insufficient uncovered car bays to require shade trees, as per the TPS6 provisions. The plans have since been revised to include vertical gardens adjacent to the dividing fences. The comment is NOTED.
<u>Waste Management:</u> The bin location will have a negative streetscape impact; Requests the provision of a waste management plan.	The bin roller door is not seen to pose any significant streetscape impact. The applicant has advised that they can prepare a waste management plan. The comment is NOTED.

The neighbours' submissions are provided as **Attachment 10.3.2(d)**. The applicant's responses to the neighbours' comments are included in the applicant's letter attachment.

(c) Engineering Infrastructure Department

The Engineering Infrastructure department was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. This department has provided comments on verge levels, stormwater, car park design and crossovers. These comments are as follows:

- (i) Property Line Levels - *The existing verge and footpath levels are not to be altered by the development without authorisation from the Engineering Infrastructure department.*
- (ii) Stormwater Drainage - *The proposed development is a Type 1 Residential Building located within the South Perth Drainage Precinct, as defined in Policy P354 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M354. Within this precinct, soak wells are an acceptable means for the disposal of stormwater, if the designer is satisfied that the underlying soil conditions and depth to the winter water table level is sufficient to support soak wells.*

The designer will ensure that all stormwater falling on the site is contained and disposed on site. The sizing and number of soak wells will not only cater for the very intense but short duration storm event but also to the less intense but very prolonged rainfall that can impact on storage capacity due to the relatively unknown but generally poor infiltration rates expected within the subsoil. The calculation used to determine the soak well requirements does not accord with the Management Practice however the end result is as expected.

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Engineering Infrastructure typically would expect the volume required to be 0.02 times the impervious area serviced. The impervious area serviced is considered to be the lot area (not 620 metres) resulting in a minimum of four number 1800mm diameter soak wells 1.8 metres deep.

A hydraulic design plan is to be submitted with the certified statement signed by an appropriately qualified person stating that the stormwater design meets the design requirements and the conditions associated with the installation.

(iii) **Parking Area Layout** - The Plan as submitted does not detail dimensions for the bay widths and lengths and the aisle width. In general it can be determined the bay widths are in the order of 2400 to 2500 mm width with provision for those bays alongside the concrete columns. The aisle width cannot be determined but is not to be less than 5.8 metres. The gate opening is to be equal or greater than the access aisle although the crossing width will be no greater than 6 metres. The parking bays along the rear boundary will be dimensioned so that the middle three are notionally 2500mm in width each and the outer bays approximately 3200mm in width. The Plans to be submitted for Building Licence will include in full detail the dimensions of the parking bays.

(iv) **Crossing Design** - The following will apply:

- The crossing is to be constructed in concrete and will conform in shape and to profile as outlined within the Management Practice (Policy P353 and Management Practice M353);
- The crossing is to no wider than the gate opening or the central aisle it services up to a maximum width of 6 metres. No residential crossing can be greater in width than 6 metres;
- The path section through the crossing is to be constructed to appear as continuous through the crossing assigning "right of passage" to pedestrians on the path;
- A crossing application will be required and be approved by the City prior to construction; and
- The crossing will be checked for compliance during and post construction.

The City's crossing requirements are provided in the Management Practice M353 'Crossing Construction'. Failure to adhere to these conditions will require the applicant to bear all costs associated with making the necessary modifications.

Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.

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

(d) Environmental Health Services Department

The Environmental Health Services department was invited to comment on a range of environmental health issues, arising from the proposal. This department has provided comments on kitchen facilities, licencing and noise. These comments are as follows:

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- (i) Kitchen Facilities - *It is noted that there are several kitchens proposed in the plan. All food preparation areas must comply with AS 4674-2004 Standard for Fit Out of Food Premises.*
- (ii) Licencing - *All food premises must be registered with the City of South Perth and are subject to regular inspection.*
- (iii) Noise - *All mechanical ventilation services, motors and pumps e.g. air conditioners to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.*

Following the Council Agenda Briefing, further details of the air conditioner units and exhaust flues was requested. These details were subsequently provided by the applicant and were referred to the Environmental Health Services department to comment upon. This department has provided comments on noise. These comments are as follows:

- (iv) Noise - *The proximity of 333 Mill Point Road and 331A Mill Point Road is extremely close, such that equipment including air conditioning units placed between the 2 buildings may not comply with the Environmental Protection (Noise) Regulations 1997. Further, the kitchen exhaust fan exiting in the proposed location may also create a noise nuisance to 331A Mill Point Road.*

Based on similar situation I have dealt with, in my opinion the proposed locations for the exhaust flue and air conditioning units are not the preferred locations as they are likely to exceed the regulation with reference to noise impacting on 331A Mill Point Road.

The City would prefer to have the air conditioning units & the exhaust flue relocated to face Banksia Terrace. Alternatively, if the proposed locations of the exhaust flue and the air conditioning units is shown on the drawings is to remain unchanged, provide an acoustic report to determine compliance with the Environmental Protection (Noise) Regulations 1997.

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Environmental Health Services department.

(e) External Agencies

No comments from external agencies have been received.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

10.3.1 Proposed Two-Storey plus Loft Mixed Development. Lot 3 No. 333 Mill Point Road, South Perth.

Sustainability Implications

The development does not meet the minimum gross floor area requirement for Council Policy P350.01 'Environmentally Sustainable Building Design' to apply. However, it is noted that the development incorporates sustainable design principles, such as providing northern sunlight to the Café/Restaurant alfresco dining area and the dwelling balcony.

Conclusion

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

Attachments

- 10.3.1 (a):** Plans of the Proposal - 333 Mill Point Road, South Perth - 11.2014.633.1
- 10.3.1 (b):** Site Photographs - 333 Mill Point Road, South Perth - 11.2014.633.1
- 10.3.1 (c):** Applicant's Supporting Reports - 333 Mill Point Road, South Perth - 11.2014.633.1
- 10.3.1 (d):** Neighbour Submissions - 333 Mill Point Road, South Perth - 11.2014.633.1

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Canning Bridge Structure Plan - endorsement

Location:	Canning Bridge Precinct
Ward:	Como Ward and Moresby Ward
Applicant:	Council
File Ref:	D-15-15719
Lodgement Date:	27/02/2015
Date:	24/03/2015 12:00:00 AM
Author / Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Infrastructure and Transport -- Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community
Council Strategy:	5.1 Advocate for, implement and maintain integrated transport and infrastructure plans in line with best practice asset management and safe system principles.

Summary

- The Canning Bridge Structure Plan has been prepared following extensive engagement with the community.
- The Structure Plan provides for the implementation of the Canning Bridge Precinct Vision which was endorsed by City of South Perth, City of Melville and the Western Australian Planning Commission in 2011.
- The Structure Plan distinguishes six quarters within the precinct and provides Design Guidelines for each of the quarters as well as for the whole precinct. The design guidelines encourage good quality, sustainable development.
- The City of South Perth is mostly impacted by Quarters three, four, five and six
- The City of Melville is mostly impacted by Quarters one and two.
- The Structure Plan is focussed on transport oriented development recognising the important role of public transport, walking and cycling to, from and within this location.
- The unique location of the Activity Centre is recognised in the Structure Plan and Design Guidelines.
- The Canning Bridge Structure Plan was advertised from 28 October 2014 to 12 December 2014 and strong community support was shown through the advertising.
- There were 48 submissions received (39 in support, 5 neutral and 3 opposed)
- A final structure plan has been prepared after consideration of submissions and is presented to Council to consider for endorsement.
- Additional bonuses in elements 21 and 22 of the Design Guidelines are difficult to achieve so that any additional height results in a building that is exemplary, achieves design excellence and provides additional community benefits.

Officer Recommendation**Moved:** Lapsed**Seconded:** Lapsed

That:

(A) Council :

- (i) has fully considered the submissions received from stakeholders and the community during the public advertising of the draft Canning Bridge Structure Plan.
- (ii) resolves to adopt the updated Canning Bridge Structure Plan as shown in Attachment 10.5.1(a).
- (iii) Resolves to notify the Western Australian Planning Commission that within the activity centre the Canning Bridge Structure Plan will take effect in place of existing provisions in the City's Town Planning Scheme No.6 upon gazettal of Scheme Amendment No. 47.

(B) All submitters be advised in writing of the Council's resolution.

(C) The City will work with the City of Melville to seek expressions of interest to form a Design Advisory group to consider pre-lodgement advice and advice on development applications as proposed in the structure plan.

(D) The adopted structure plan will be updated in future to address any issues that may arise.

LAPSED FOR WANT OF A MOVER/SECONDER**Alternative Motion AND COUNCIL DECISION****Moved:** Cr Cala**Seconded:** Cr Huston

That:

- the Officer's Recommendation not be adopted; and
- Council defer this item until the review and recommendations for Amendment 46 are complete, At this time Council will have the benefit of this review process and it is hoped Council may have some form of "Assessment Scale" for the discretionary provisions of the Structure Plan and be in a better position to make a more informed decision.

Reason for change

I believe Council would be in a more informed position to a make a decision on this matter following the workshop/discussions on Amendment 46. At present, I believe there is a fundamental flaw in the discretionary process because of the lack of an "Assessment Scale" for distinguishing between an application seeking a different percentage of discretion. Whether the Application is seeking a 50%, 100%, 400% or 500% concession, it would appear that the same rationale is used in the performance criteria for supporting any building above the base limits. The site area requirement may restrict some development proposals, but there is still uncertainty of outcome and no clear guidelines or limits provided for assessing the suitability of the proposed height.

CARRIED 8/0

10.5.1 Canning Bridge Structure Plan - endorsement

Background

The Canning Bridge Precinct Vision was endorsed by the Councils of the City of South Perth and City of Melville in September 2010 and endorsed by the Western Australian Planning Commission (WAPC) and released in July 2011. The location, with proximity to the Canning Bridge train station, excellent bus services, an established commercial precinct, and proximity to the river, the CBD, Murdoch and Curtin University provided for a unique development opportunity.

The partnership that was formed to prepare the vision for the precinct between the City of South Perth, the City of Melville and the Western Australian Planning Commission (through the Department of Planning) was extended to include the transport portfolios of State Government including Main Roads WA, Department of Transport and the Public Transport Authority. Members of the partnership met monthly or as required to ensure the progress towards the Structure Plan for this Activity Centre.

Canning Bridge is listed in the State Planning Policy 4.2 "Activity Centres for Perth and Peel" as a District Centre. The uniqueness of the centre is also recognised in Directions 2031 and the Central Metropolitan Perth sub-regional strategy as a planned urban growth area. State Planning Policy 4.2 requires an activity centre structure plan to be prepared for this location.

At the ordinary Meeting of Council on 28 September 2010 the Council resolved to support the Vision for Canning Bridge and endorsed further studies into the various aspects that the Structure Plan includes.

Site



Comment

The Canning Bridge Structure plan (Attachment 10.5.1.(a)) is presented in two parts:

- Part One is the statutory section which includes the structure plan map, statutory provisions and requirements. The requirements relating to land use, site planning and building design are set out in the Design Guidelines Part I.
- Part Two is used as a reference guide providing background, design basis and intent to support the implementation of Part One.

10.5.1 Canning Bridge Structure Plan - endorsement

The structure plan overlaps two local government authorities and emphasises a continuing cooperation between the Councils for development in this activity centre. The individual local planning schemes still relate to the areas within each local government boundary; however they are guided by the structure plan over the whole area.

The Canning Bridge Structure Plan objectives are to:

1. Meet district levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.
2. Support the activity centre hierarchy as part of a long-term and integrated approach to the development of economic and social infrastructure.
3. Support a wide range of retail and commercial premises and promote a competitive retail and commercial market.
4. Increase the range of employment within the Canning Bridge Structure Plan area and contribute to the achievement of sub-regional employment self-sufficiency targets
5. Increase the density and diversity of housing in and around the Canning Bridge Structure Plan to improve land efficiency, housing variety and support the facilities in the area.
6. Ensure the Canning Bridge Structure Plan area provides sufficient development intensity and land use mix to support and increase high frequency public transport.
7. Maximise access to and through the Canning Bridge Structure Plan area by walking, cycling and public transport while reducing private car trips.
8. Plan development in the Canning Bridge Structure Plan area around a legible street network and quality public spaces.
9. Concentrate activities, particularly those that generate steady pedestrian activation, within the Canning Bridge Structure Plan area.

These outcomes are supported through the Goals of the Structure plan. The goals are described below

- Consultation

G1 The community continues to be involved in implementation for the Canning Bridge Structure Plan area, through online information and local news. Specific planning applications will be communicated to affected landowners, and the City of Melville and the City of South Perth will have a combined Design Advisory Committee which will include representatives from each Council that consider the quality and contribution of all new development.

- Place activation

G2 The local character, function and strength of each unique 'Quarter' (see section 7) will be built upon in the implementation of the Canning Bridge Structure Plan. Local events, such as markets and concerts, will be encouraged and enabled and

10.5.1 Canning Bridge Structure Plan - endorsement

the Canning Bridge Structure Plan area will be known as a place to work, live and visit.

G 3 Q6 will be a vibrant hub for passengers moving freely and safely between transport types and enjoying the adjacent parklands and river front. The journey to and from the Quarter will be comfortable and memorable.

- Built Form

G 4 Canning Bridge Structure Plan area will be a demonstration of quality architecture with a strong focus on built form and public space interaction, providing multiple accommodation, commercial and employment opportunities.

G 5 Canning Bridge Structure Plan area will be welcoming to all members of the community and will provide a range of accommodation and recreation options for the variety of cultures, socio-economic groups and age groups which live, work and play in the area.

- Innovation

G6 Developers will be encouraged to provide innovative spaces and places that will benefit the whole community, including areas to access views, Civic uses, open space, recreation and entertainment.

- Accessibility

G 7 Canning Bridge Structure Plan area will be developed with consideration of safe, efficient, and universal access to, through and within the diverse activities and facilities of the area.

- Sustainability

G 8 Canning Bridge Structure Plan area will be a model for the development of greener buildings, more efficient transport usage, and more sustainable lifestyle options. The local residential community will be encouraged to work in the area or travel via public transport to work and public open spaces will be encouraged horizontally and vertically throughout.

- Crime Prevention

G 9 Canning Bridge Structure Plan area will be active and vibrant and the community who frequent it will feel safe and secure. Design of buildings, spaces and services will contribute to its safe enjoyment at all times of the day and night.

- Environment

G 10 Development of Canning Bridge Structure Plan area responds to its excellent natural attributes, making best use of the river and its adjacent areas for community enjoyment and ongoing education about the local environment.

- Staging and implementation

G 11 Staging of development is considerate of the community impacts of development over time, including transition from lower to higher density development and provision of necessary community infrastructure.

10.5.1 Canning Bridge Structure Plan - endorsement

G 12 The Canning Bridge Structure Plan area develops sensitively and carefully over time to ensure that the benefits of development are realised by all members of community.

Design Guidelines

The design guidelines have been developed to assist in achieving the following desired outcomes for the area.

- a) The local character, function and strength of each unique 'Quarter' will be celebrated in the implementation of the Canning Bridge Structure Plan.
- b) The centre will be a demonstration of quality architecture with a strong focus on built form and public space interaction, providing multiple accommodation, commercial and employment opportunities.
- c) The centre will be welcoming to all members of the community and will provide a range of accommodation and recreation options for the variety of cultures, socio-economic groups and age groups which live work and play in the area
- d) Developers will be encouraged to provide innovative spaces and places that will benefit the whole community, including areas to access views; Civic uses open space, recreation and entertainment.
- e) The centre will provide for safe, efficient, and universal access to, through and within the diverse activities and facilities of the Canning Bridge Structure Plan area.
- f) Design will be encouraged to be responsive to the size and geometry of the various development sites and to the strategic expectations of the adjacent street and pedestrian networks.

The design guidelines for the Structure plan are set out in a similar form to what is encountered in the R-Codes; a table format with three columns:

- Element which provides a title for each element e.g. Land use, Form and Mass etc.
- Desired Outcomes which represents the qualitative principles against which the decision maker can exercise their judgement to determine a proposal. These are based on the Guiding principles, Objectives and Goals of the Canning Bridge Structure Plan; and
- Requirements which are the quantitative criteria against which a development will be assessed.

The Canning Bridge Structure Plan area has been split into six quarters. (see Attachment 10.5.1 (b)):

The names for the Quarters are suggested as:

- Q1 – Kintail Quarter
- Q2 – Ogilvie Quarter
- Q3 – Cassie Quarter
- Q4 – Davilak Quarter
- Q5 – Mt Henry Quarter
- Q6 – Station Quarter

Within these quarters there are five zones. Not all zones are present in each quarter.

The five zones are:

- Mixed Use up to 15 storeys – M15
- Mixed Use up to 10 storeys – M10
- Residential 6-8 Storeys – H8
- Residential up to 4 stories – H4
- Civic – Civic

10.5.1 Canning Bridge Structure Plan - endorsement

The Desired Outcomes and Requirements are provided for the whole structure plan area, unless there are specific guidelines for each zone which are then addressed separately in the design guidelines. The guidelines are established as an alternative to the requirements of the R-Codes within the Canning Bridge Structure Plan Area only. Where they are silent on a matter the R-codes will prevail.

The design guidelines centre around the elements of Land Use, Form and Mass, Setbacks, Pedestrian Spines, Canning Highway, Heights, Landmark buildings, Facades, Adaptability, Site Cover, Sustainability, Street edges, Retaining walls, Fences, Public Art, Parking, Servicing, and Safety.

In recognition of the unique location and the desire to see exceptional design and the transformation of the area to provide for community needs, there are also two elements that relate to development bonus provisions based on design considerations and community considerations. These detail requirements must be met to achieve development over the 15 and 10 story limits and include minimum lot sizes, community benefits and provision of affordable housing options.

Consultation

The Draft Structure Plan was advertised for a period of 46 days from Monday 27 October 2014 to Friday 12 December 2014 (Late submissions were received up until 23 December 2014).

49 submissions were received.

31 Support 7 neutral 4 opposition 7 Government

Of all the submissions received, 9 submissions were from the City of South Perth residents/landowners

The Canning Bridge Structure Plan was advertised through:

- an advertorial in local paper,
- press releases,
- email to those who have been involved previously,
- letters to all landowners and occupiers (residents and businesses) in the study area,
- Facebook, and
- notices in Libraries and the Civic Centre.

An information day was also held on Saturday 8 October 2014 at the Canning Bridge Library Lounge and Courtyard. This consisted of rolling power points, static displays of maps and stations where members of the working group and other experts were available to answer questions. This was well attended by over 100 people.

The main issues that were raised in submissions and the response to these issues is summarised in the final report on submissions. (attachment 10.5.1(c)). Actual submissions are located in the Councillor's Lounge.

The key issues raised include:

- Increase development allowances
11 submissions suggested that the proposed development allowances in the Canning Bridge Structure Plan (CBSP) should be increased in various quarters throughout the structure plan. (some of these included a reduction in minimum site area provisions which limit height in certain locations based on site area.) Other submissions requested the zoning areas be extended.

Given that there was not an overwhelming support for the proposed increases it is considered at this time that such changes would require re-engagement with the affected areas. This re-engagement would significantly delay the overall CBSP progress.

- Reducing side setbacks in Element 5: -
Minimum side setbacks of 5m per lot (i.e. 10m at the boundary of two lots) have been queried through submissions, given that towers only require a minimum of 8m separation. It is suggested that this may reduce development capability on narrower lots.

Given that an 8m setback, tower to tower, is allowable, and that 8m is a reasonable setback between developments, it is recommended that this provision be relaxed/amended in the final CBSP.

- Relaxation of minimum landscaping requirement (Element 10)
The CBSP included a requirement to achieve a ratio of 1:1, or 100%, or the site area to be landscaped, where landscaping can include features both green/vegetated and hard (i.e. seating and communal spaces).. Submissions have suggested that the 100% requirement is onerous and may simply result in a number of sub-standard spaces. Vertical walls being included in the calculation is also not well understood and will need to be clearly articulated in the Interpretations of the CBSP.

Whilst it is the intention of the CBSP to create vertical, urban public spaces and plazas given the physical constraints of the area, it is acknowledged that 100% is a significant target to achieve. Examples of similar ratios are rare. For this reason it is recommended that this provision be amended in the final CBSP to require 75%

- Relaxation of sustainability requirement (Element 11 and 21)
The CBSP has intentionally set the bar high. Sustainability in the precinct is measured both for individual development and on innovation in sustainable energy and water initiatives. Upholding the principle of pursuing global best practice is critical to achieve change.

In recognition that the Green Star tool may, in fact, have some provisions which have a counter-productive outcome from a sustainability perspective, it is not recommended that any relaxation of the various star rating levels be included in the final CBSP, however, it is recommended that the provision allow for the application of an equivalent or improved rating system.

- Relaxation of parking requirements (Element 18)
The CBSP has placed a significant restriction on the provision of car parking, providing both a minimum and maximum requirement. Submissions suggest that the maximum requirement may result in apartments entirely without car bays and that this is not achievable in the current development environment. Submissions have suggested a maximum of 2 bays per dwelling.

The CBSP has intentionally set the bar high (or low in this case) to encourage increased public transport use and also to encourage residents to make better use of their local neighbourhood. This will have a flow on effect to the neighbourhood commercial and entertainment sector and see the development of the CBSP area as a vibrant hub sooner. 2 bays per unit is thus considered excessive where public transport is so freely available.

10.5.1 Canning Bridge Structure Plan - endorsement

It is therefore recommended that this provision be relaxed/amended in the final CBSP to allow a minimum and maximum number of bays per dwelling size (rather than maximum percentage over and above the minimum), where the maximum number of bays is 1 bay per single bedroom dwellings, 1.5 bays for 2/3 bedroom dwellings and 2 bays for 4 bedroom dwellings or greater.

Conclusion

The Canning Bridge Activity Centre Structure Plan provides a framework for the implementation of the Canning Bridge Precinct Vision. The extensive engagement with the community has seen many issues resolved and the inclusion of many measures in the design guidelines and the structure plan to ensure the area is developed to the highest standards. The plan will give the opportunities for an increase in housing, commercial and civic opportunities in the structure plan area to assist the Cities of South Perth and Melville to meet the requirements of Directions 2031 and beyond.

The existing provisions of TPS6 will continue to be operative until scheme amendment No.47 is gazetted. However, upon endorsement by Council any development proposals must also have regard to the Canning Bridge Structure Plan. Council or JDAP where JDAP is the determining authority will then have due regard to the design guidelines in Section 7 of the structure plan when making decisions on development applications within the Canning Bridge Structure Plan area. Under the current scheme there is no discretion permitted on land use or building height.. There is no discretion permitted on building height. The deemed provisions proposed in the new Planning and Development (Town Planning Schemes) Regulations 2014 will automatically allow Structure Plans to form a part of the Scheme from July 1 2015.

Policy and Legislative Implications

The provisions, standards and requirements specified under Part One of the structure plan will become a planning policy on endorsement by the City. Town Planning Scheme No.6 provisions will take precedence over the structure plan until such time as scheme amendment No. 47 is gazetted.

Financial Implications

There are no financial implications at this stage of the project. The Structure Plan provides for the City to consider upgrading of streetscapes, footpaths and cycling network in and around the centre in future years and identifies funding options including developer contribution scheme and rating schemes. Investment in activity centres is likely to stimulate new private development.

Preliminary investigations into options to fund new community facilities and infrastructure in the Precinct indicate that developer contributions schemes may not be well suited. Developer contribution schemes establish administrative requirements for developers to fund new facilities determined to be required as a result of demands associated with new development. As an existing area, the Canning Bridge Precinct is well provided with facilities and the need for new facilities specifically required in response to new development is difficult to define. Desired facilities may be funded through consideration of alternative and less complex mechanisms such as:

- community benefits negotiated through the development application process; and
- rating mechanisms such as introduction of a "Specified Area Rate"

Sustainability Implications

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

10.5.1 Canning Bridge Structure Plan - endorsement

Attachments

10.5.1 (a): Canning Bridge Structure Plan

10.5.1 (b): Quarters Map

10.5.1 (c): Report on Submissions

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - February 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-18259
Lodgement Date:	11/03/2015
Date:	24/03/2015 12:00:00 AM
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

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.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

That

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as Attachment 10.6.1(a) - (e) be received;
- (c) the Schedule of Significant Variances provided as Attachment 10.6.1(f) be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (d) the Schedule of Movements between the Adopted & Amended Budget Attachment 10.6.1(g) & (h) be received;
- (e) the Rate Setting Statement provided as Attachment 10.6.1(i) be received.

CARRIED EN BLOC 8/0

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

10.6.1 Monthly Financial Management Accounts - February 2015

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 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 - reflecting the City's actual financial performance against budget targets.

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. From that date on, this schedule reflects a reconciliation of movements between the 2014/2015 Adopted Budget and the 2014/2015 Amended Budget including the introduction of the unexpended capital items carried forward from 2013/2014.

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 components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(a) & 10.6.1(b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure
Attachment 10.6.1(c)
- Summary of Operating Revenue & Expenditure - Infrastructure Service
Attachment 10.6.1(d)
- Summary of Capital Items - **Attachment 10.6.1(e)**

10.6.1 Monthly Financial Management Accounts - February 2015

- Schedule of Significant Variances - **Attachment 10.6.1(f)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(g) & (h)**
- Rate Setting Statement - **Attachment 10.6.1(i)**

Operating Revenue to 28 February 2015 is \$47.05M which represents some 101% of the \$46.93M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement revenue is 11% under budget after a positive month reversed the recent unfavourable trend. Meter parking revenues are 4% under budget to date. Interest revenues are now 3% above budget expectations even after the Q2 Budget Review adjustment was brought to account. Rate revenue now reflects as being in line with budget after a \$100,000 budget increase for interim rates in the Q2 Budget Review.

Planning revenues are now 3% ahead of budget after the Q2 Budget Review adjustment. Australia Day revenues are shown as \$50K less than was budgeted - after allowing for an earlier known \$50K reduction in grant revenue. Collier Park Village revenues are 1% ahead of budget with slightly less than budgeted maintenance fees offset by additional rental revenue and interest revenue. Fees for food vendor licenses are now in line with budget following the \$15K upwards adjustment in the Q2 Budget Review.

City Environment contributions revenue reflects the Q2 Budget Review adjustment for unbudgeted event hire fees. Nursery revenue from stock revaluations (non-cash item) is 27% below budget. There were Budget Review adjustments made for crossover revenue, Trust fund retentions in the Infrastructure area and better than anticipated trade-ins on fleet vehicles. A strong performance on green fees and a \$33K insurance recovery for lightning damage to reticulation controller produced a better than anticipated result for the Collier Park Golf Course.

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

Operating Expenditure to 28 February 2015 is \$33.35M which represents 97% of the year to date budget of \$33.40M. Operating Expenditure shows as 2% under budget in the Administration area. Operating costs are 1% under budget for the golf course and show as 4% under in the Infrastructure Services area following the Q2 Budget Review adjustment to infrastructure asset depreciation.

Other than the differences noted in the Schedule of Significant Variances, variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and differences in budget phasing for matters that were addressed in the Q2 Budget Review. These variances are not considered significant at this stage of the year.

In the Infrastructure Services operations area, parks maintenance is currently 9% below budget. Streetscape maintenance is currently 4% over budget following a slowing in the previously accelerated program.

The Q2 Budget Review saw a significant (non-cash) adjustment to depreciation expense as a consequence of new 'fair value' valuations applied to our assets. In the City Environment area, this reflects as a favourable monthly variance as a consequence of the review adjustment, whilst the opposite scenario applies to Engineering Infrastructure asset holding (depreciation) costs.

10.6.1 Monthly Financial Management Accounts - February 2015

Environmental costs are disclosed as being 11% favourable largely as a result of favourable timing differences on the Perth Water Vision, Birdlife Revegetation and Landcare initiative projects.

Overheads currently reflect as being over-recovered for the year to date and may be revised downwards in future months if required.

Maintenance activities for paths, drains and street sweeping now reflect a 16% favourable variance at month end but this is considered to be a timing difference and will reverse out as maintenance programs continue to be implemented. The drainage work in particular is expected to accelerate as we get closer to the winter months. Crossover construction costs exceed the current budget - but this is offset by additional unbudgeted revenue attributed to this work.

As would be expected in any entity operating in today's economic climate, there are some budgeted staff positions across the organisation that are necessarily being covered by agency staff (potentially at a higher hourly rate). Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 1.1% over the budget allocation for the 214.8 FTE positions approved by Council in the budget process. There are number of factors impacting this, including some staff deferring anticipated leave as they try to meet regular operational responsibilities post reform. The administration is taking all possible steps to see that all current Council initiatives are being respected and progressed. Areas where higher over-expenditures or under expenditures have been identified are currently being investigated and remedial action is being introduced where appropriate.

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

Capital Revenue is disclosed as \$25.68M at 28 February which is slightly ahead of the year to date budget of \$25.63M. This value consists largely of land sales proceeds, lease premiums on CPV units leased and infrastructure related grants.

Capital Expenditure at 28 February is \$7.87M representing 72% of the year to date budget of \$10.96M after the inclusion of carry forward projects. The total budget for capital projects for the year is \$31.00M - with the two major projects (Manning Hub & commencement of the EJ Oval Precinct Upgrade) representing \$15.2M of works that were scheduled to start in the second half of the year.

It is clearly recognised that due to the timing of tender processes, there will be a significant unspent component in relation to these projects at year end, but in the light of impending local government reform at the time the budget was set, it was considered important to formally recognise the commitments to these two eagerly awaited major community facility initiatives.

It is now proposed that the funding allocated in 2014/2015 towards these projects and the funding sources (Reserve funds) will be transferred from the 2014/2015 budget via a budget review and will then be re-budgeted in full in 2015/2016. The same funding and funding model will apply - only the timing will be varied by a few months.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented from October onwards once the final Carry Forward Works were confirmed (after completion of the annual financial statements).

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	522,500	575,801	110%	637,500
Major Community Projects	1,587,300	938,331	59%	15,897,300
Financial & Information	447,000	346,392	77%	876,500
Develop & Community	415,000	275,871	66%	645,000
Infrastructure Services	7,172,700	5,237,979	73%	12,002,600
Waste Management	485,450	163,546	34%	520,450
Golf Course	335,990	333,370	99%	421,115
UGP	0	0	-%	0
Total	10,965,940	7,871,290	72%	31,000,465

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 the financial reports 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.

Sustainability Implications

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

Financial reports address 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.

Attachments

- 10.6.1 (a):** Statement of Financial Position (a)
- 10.6.1 (b):** Statement of Financial Position (b)
- 10.6.1 (c):** Summary of Non-Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d):** Summary of Operating Revenue & Expenditure - Infrastructure Services
- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Reconciliation of Budget Movements (g)
- 10.6.1 (h):** Reconciliation of Budget Movements (h)
- 10.6.1 (i):** Rate Setting Statement

10.6.2 Monthly Statement of Funds, Investments and Debtors at 28 February 2015

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-15-18261
Lodgement Date: 11/03/2015
Date: 24/03/2015 12:00:00 AM
Author: Michael Kent, Director Financial and Information Services
Deborah Gray, Manager Financial Services
Reporting Officer: Michael Kent, Director Financial and Information Services
Strategic Direction: Governance, Advocacy and Corporate Management --
Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy: 6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

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 & Debtors.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

That Council receives the 28 February 2015 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(a)**
- Summary of Cash Investments as per **Attachment 10.6.2(b)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(c)**

CARRIED EN BLOC 8/0

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 \$83.2M (\$84.2M last month) compare favourably to \$52.2M at the equivalent stage of last year. Reserve funds are \$29.6M higher overall than the level they were at the same time last year - largely as a result of receiving the sale proceeds from the Civic Triangle site when settlement was effected in September 2014. The Reserve fund balances show that the Asset Enhancement Reserve is \$29.0M higher as a result of the receipt of major land sale proceeds.

It is important to recognise that the land sale proceeds currently quarantined in the Asset Enhancement Reserve do not represent 'surplus cash' but rather they are part of carefully constructed funding models for a number of major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

There are also \$1.3M higher holdings of cash backed reserves to support refundable monies at the CPV but \$0.5M less for the CPH as the reserve is now redundant. The Sustainable Infrastructure Reserve is \$0.3M higher whilst the River Wall Reserve is also \$0.6M lower as funds have been deployed to fund major capital works. The Waste Management Reserve is \$0.3M higher. The Future Municipal Works Reserve is \$0.3M lower. Various other reserves are modestly changed. The CPH Hostel Capital Reserve is fully depleted and is now redundant.

Municipal funds are some \$1.4M higher due to very good rates collections, a strong opening position and less than anticipated cash draw down for capital works to date.

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 \$19.5M (compared to \$20.6M last month). It was \$18.0M at the equivalent time in the 2013/2014 year. Details are presented as **Attachment 10.6.2(a)**.

(b) Investments

Total investment in money market instruments at month end was \$81.8M compared to \$50.7M at the same time last year. There is a \$1.4M higher level of cash in Municipal investments. Cash backed reserves are \$29.6M higher as discussed above.

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.

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. 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 no investments 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 required to be within the 25% maximum limit prescribed in Policy P603. At 28 February, the portfolio was within the prescribed limits. 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(b)**.

Total interest revenues (received and accrued) for the year to date total \$1.57M. This compares to \$1.19M at the same time last year despite the historically low interest rates. The prevailing interest rates appear likely to continue at current low levels in the short to medium term.

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 3.40% with the anticipated weighted average yield on investments yet to mature now sitting at 3.35%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.00% since the Feb RBA decision.

(c) Major Debtor Classifications

Effective debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates, general debtors & underground power).

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(c)**. Rates collections to the end of February 2015 (after the due date for the third instalment) represent 91.5% of rates levied compared to 91.0% at the same time last year.

The City has maintained a strong rates collection profile following the issue of the 2014/2015 rates notices. There has again been a good acceptance of our rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies continue to provide strong encouragement for ratepayers to meet their rates obligations in a timely manner. Claims for reimbursement of pension rebates are once again on par with last year.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$2.06M at month end (\$2.03M last year). GST Receivable is \$0.7M higher than the balance at the same time last year whilst Sundry Debtors is \$0.5M higher. Most other Debtor categories are at fairly 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), \$7.38M was collected by 28 February with approximately 99.7% of those in the affected area having now paid in full. The remaining 15 property owners have made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

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 \$4.59M billing for the Stage 5 UGP Project, some \$4.52M (or 98.3% of the amount levied) has already been collected with 96.2% of property owners opting to settle in full. A further 35 or 3.4% who were expected to pay the final instalments on 19 December missed the instalment date. Since December a number of these residual debt amounts have been cleared. Six property owners are on extended payment arrangements and legal proceedings are about to be initiated for 4 property owners who have not made any payments to date.

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.

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.

Attachments

- 10.6.2 (a):** Summary of All Council Funds
- 10.6.2 (b):** Summary of Cash Investments
- 10.6.2 (c):** Statement of Major Debtor Categories

10.6.3 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-18263
Lodgement Date:	11/03/2015
Date:	24/03/2015 12:00:00 AM
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 February 2015 and 28 February 2015 is presented to Council for information. During the reporting period, the City made total payments by EFT of \$7,596,995.59 and by cheque of \$705,645.78 giving total monthly payments of \$8,302,641.37.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

That the Listing of Payments for the month of February 2015 as detailed in **Attachment 10.6.3**, be received.

CARRIED EN BLOC 8/0

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.

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

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

- **Non Creditor Payments**

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Sustainability Implications

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

10.6.3 Listing of Payments

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

Attachments

10.6.3 (a): Listing of Payments

10.6.4 Development Assessment Panels - Local Government Nominations

Location:	N/A
Ward:	Not Applicable
Applicant:	N/A
File Ref:	D-15-15369
Lodgement Date:	26/02/2015
Date:	24/03/2015 12:00:00 AM
Author/Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

Development Assessment Panels (DAPs) commenced operation on 1 July 2011. The term for the current DAP members expires on 26 April 2015. The Department of Planning now requires the City to provide the names of two local members and two alternative local members for the start of the new term. This report seeks to appoint these four members from the Council.

The Presiding Member announced that the following nominations were received prior to the meeting:

- Cr Trent
- Cr Cala
- Cr Hawkins-Zeeb
- Cr Cridland

The Chief Executive Officer then asked each of the nominees if it is their preference that they become a member. The four Councillors confirmed and therefore an election was required. The Nominees agreed that the first and second "past the post" would take the position of DAP Members and the remaining two Councillors would take the position of Alternate Members. With no further nominations, ballot papers were circulated and returned from the eight members in attendance.

The Chief Executive Officer read aloud the count:

- Cr Trent 1 vote
- Cr Cala 8 votes
- Cr Hawkins-Zeeb 1 vote
- Cr Cridland 6 votes

Cr Cala and Cr Cridland were duly appointed DAP Members.

Cr Trent and Cr Hawkins-Zeeb were duly appointed Alternate Members.

The Presiding Member then moved the motion.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Huston

Seconded: Cr Irons

That Council appoints Cr Cala and Cr Cridland as Members and Cr Trent and Cr

Hawkins-Zeeb as Alternate Members to the Development Assessment Panel (DAP).

CARRIED 8/0

Background

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

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

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

Comment

All DAPs comprise:

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

Members whose term has expired are eligible for renomination.

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

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

DAPs meetings are scheduled on an as needs basis. The City of South Perth members had 10 DAP meetings in 2014.

Nominations will be for a two year term expiring in April 2017. Local Government elections will take place before that time and members who are not re-elected will be replaced with the alternate members. Council should consider this in selecting nominees as local DAP members.

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

10.6.4 Development Assessment Panels - Local Government Nominations

every month and sometimes if applications from more than one local government are being determined at the same meeting, local government members from more than one local government will rotate on and off during a single meeting.

Consultation

Elected members were advised by means of the Councillor Bulletin on 27 February 2015 that appointments would be sought at the March Ordinary Council Meeting.

Policy and Legislative Implications

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

Financial Implications

There are no financial implications for the City.

Sustainability Implications

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

Attachments

Nil

10.6.5 Review of Planning Policies

Location:	Not applicable
Ward:	Not applicable
Applicant:	City of South Perth
File Ref:	D-15-14547
Lodgement Date:	24/02/2015
Date:	24/03/2015 12:00:00 AM
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

The purpose of this report is for Council to consider and endorse the Officers' recommended approach to the review of City of South Perth Planning Policies. It is recommended that the City takes a staged approach to the review, with the first step being to delete/rescind current planning policies which are no longer in use or are not contributing to effective decision making. The second step will be to update the remaining policies, to ensure they are consistent with relevant state government legislation, assist in effective decision making and reflect the strategic direction of the City. It is recommended that the policies are updated in a staged manner, in order of priority.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

That Council endorse the Officers' recommended approach to the review of City of South Perth Planning Policies as contained in **Attachment 10.6.5(a)**.

CARRIED EN BLOC 8/0

Background

The City of South Perth maintains a suite of 32 planning policies, which broadly sit under the banner of Strategic Direction 3 – Housing and Land uses. While some of the policies have been adopted quite recently, the majority were advertised for community consultation in June 2008, were adopted by Council in November of that year and have remained largely unchanged since this time. In 2013, City officers began a substantial review of the policy suite, particularly the Residential Design Policy Manual, to identify which policies were working well, which required modification and those which could be deleted or incorporated into other policies.

Due to the proposed local government amalgamations the policy review was placed on hold, as there was an expectation that another major review would be required prior to opening the doors of the new entity. Now that the amalgamations are not going ahead it is an appropriate time to restart the policy review process.

Comment

The table contained in **Attachment 10.6.5(a)** indicates which policies are proposed to be reviewed, those which are proposed to remain unchanged and those which are proposed to be deleted. The right hand column provides a short comment with regard to each of the policies, to clarify why the proposed action has been recommended.

For ease of reference the following policies are proposed to be deleted, this is generally because the current Residential Design Codes are considered to provide adequate guidance.

- P350.6 Safety and security
- P350.8 Visual privacy
- P350.10 Ancillary accommodation
- P350.11 Aged and dependent persons dwellings
- P350.12 Single bedroom dwellings
- P350.14 Use or closure of ROW's (to be discussed with Rob Bercov)
- P305 Land reserves for widening (depending on input from DoP)

While the table indicates some policies are to remain unchanged some reformatting or renumbering may be required to ensure these are consistent with current practice.

Consultation

In accordance with Planning Policy P301 'Consultation for planning proposals', Consultation is not required prior to deletion of planning policies.

Where new policies are proposed or modified, consultation is required, and City officers will undertake the necessary work to ensure stakeholders are made aware of the proposals and have an opportunity to provide comment.

Policy and Legislative Implications

The review of the policy suite will assist Council and City officers make effective decisions. It will also ensure the policy suite is aligned with relevant state government policies and the City's strategic direction.

Financial Implications

There are no financial implications.

Sustainability Implications

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

Attachments

10.6.5 (a): Draft Local Planning Policies Review – March 2015

10.6.6 2015 Ordinary Elections

Location:	South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-16890
Lodgement Date:	4/03/2015
Date:	24/03/2015 12:00:00 AM
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

This report recommends that Council appoint the Western Australian Electoral Commissioner to be responsible for the conduct of a postal election for the ordinary elections scheduled for October 2015. The 2015 ordinary election will comprise the Mayoral vacancy and one Councillor vacancy for each of the four wards, Mill Point, Manning, Moresby and Como.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

That the Council:

- (a) Declare in accordance with section 4.20(4) of the *Local Government Act 1995* Council the Electoral Commissioner to be responsible for the conduct of the October 2015 ordinary elections, together with any other elections or polls which may also be required; and
- (b) decide in accordance with section 4.61(2) of the *Local Government Act* Council decides that the method of conducting the October 2015 election will be as a postal election.

**Note: Absolute Majority is Required*
CARRIED EN BLOC 8/0

Background

The Western Australian Electoral Commissioner has written to the City agreeing to be responsible for the conduct of the 2015 ordinary election. In accordance with the *Local Government Act 1995*, the Council needs to formally declare that the Electoral Commissioner be responsible for the conduct of the election and decide that the election be conducted as a postal election.

Comment

The Electoral Commissioner has estimated the cost of the City of South Perth 2015 election at \$88,000. This estimate is based on the following assumptions:

- 26,900 electors;
- response rate of approximately 40%;
- 1 Mayoral vacancy and 4 ward vacancies (Mill Point, Manning Moresby and Como);
- Standard Australia Post delivery service;
- count to be conducted at the offices of the City of south Perth.

10.6.6 2015 Ordinary Elections

The City has appointed the Electoral Commissioner to undertake the past five ordinary elections and the recent amalgamation ballot as a postal election and it is recommended that the Council appoint the Electoral Commissioner to conduct the 2015 election as a postal election.

Consultation

The WA Electoral Commission has been consulted on the conduct of the 2015 ordinary election.

Policy and Legislative Implications

The conduct of local government elections is regulated under Part 4 of the *Local Government Act 1995*. Section 4.20(4) of the *Local Government Act 1995* enables Council to appoint the Electoral Commissioner to be responsible for the conduct the election and section 4.61(2) of the *Local Government Act 1995* permits the Council to determine that the election be conducted as a postal election.

Financial Implications

The estimated cost for the 2015 ordinary postal election is \$88,000, and funding will be provided in the 2015/2015 budget.

Sustainability Implications

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

Attachments

Nil

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

10.7.1 Recommendations from the Audit and Governance Committee Meeting held 3 March 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-17552
Lodgement Date:	9/03/2015
Date:	24/03/2015 12:00:00 AM
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

The purpose of this report is to provide Council with the recommendations from the Audit and Governance Committee meeting held 3 March 2015.

Audit and Governance Committee Recommendations AND COUNCIL DECISION

Moved: Cr Lawrance
Seconded: Cr Hawkins-Zeeb

The Audit and Governance Committee recommends that Council adopt the following recommendations from its meeting held 3 March 2015.

1) CEO Review of Internal Controls

The Audit and Governance Committee recommends to Council that:

- (a) the report relating to the CEO's review of internal controls conducted in accordance with Local Government Audit Regulation 17 be received;
- (b) the Schedule of In-force Internal Controls presented as **Attachment 5.1(a)** be received and the comments noted therein be endorsed.

2) Compliance Audit Return 2014

That the Audit Committee recommends to the Council that it:

1. Adopt the 2014 Compliance Audit Return for the period 1 January 2014 to 31 December 2014 as detailed in **Attachment 5.2(a)**.
2. Authorise the Mayor and Chief Executive Officer to jointly certify the 2014 Compliance Audit Return; and
3. Submit the 2014 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

(Absolute Majority Required)

3) Policy P361 – Street Addressing

The Audit and Governance Committee recommends to Council that it adopt the draft Street Addressing policy (**Attachment 5.3(a)**).

4) Review of Code of Conduct 2015

That the Audit and Governance Committee, having reviewed the Code of Conduct recommends to Council that it adopt the revised Code of Conduct shown at **Attachment 5.4 (a)**.

5) Review of Council Delegations 2015

That the Audit and Governance Committee, having reviewed the City's Delegations, recommends to Council that the Delegations, listed hereunder and contained at **Attachment 5.5 (a)** be adopted:

DC370	Approve or Refuse Granting of a Building Permit
DC371	Approve or Refuse Granting of a Demolition Permit
DC372	Grant, or refuse to grant Occupancy Permits or Building Approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the Building Act 2011
DC375	Issue or Revoke Building Orders
DC511	Partial Closure of Thoroughfare for Repair or Maintenance
DC601	Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
DC602	Authority to Make Payments from Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders
DC607B	Non Acceptance of Tenders
DC609	Leases and Licences DC612 Disposal of Surplus Property
DC616	Write off Debts
DC642	Appointment of Acting CEO
DC664A	Dogs – Limitation as to numbers
DC664B	Dogs – Dangerous Dog Declaration
DC664C	Dogs – Registration
DC665A	Cats – Registration
DC665B	Cats – Approval to Breed Cats
DC665C	Cats – Recover Costs
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Laws
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions
DC690	Town Planning Scheme 6

6) Review of Policies 2015

That the Audit and Governance Committee, having reviewed the Council Policies, recommends to Council that:

(a) the following policies having been reviewed with 'no change' to content be adopted:

PI01	Public Art
PI02	Community Funding Program
PI03	Communication and Consultation
PI04	Community Awards
PI05	Cultural Services and Activities
PI06	Use of City Reserves and Facilities
PI07	Disability Access
PI08	Honorary Freeman of the City
PI10	Support of Community and Sporting Groups
PI11	Commemoration
PI12	Community Advisory Groups

P113	Community Gardens
P201	Sustainable Procurement
P202	Energy Conservation
P203	Groundwater Management
P204	Chemical Use
P205	Tree Preservation
P206	Urban Forest
P207	Natural Areas
P208	Ecologically Sustainable Building Design
P209	Shade Structures
P211	Water Sensitive Urban Design
P305	Land Reserves for Road Widening
P306	Development of Properties along River Way
P307	Family Day Care and Child Day Care Centres
P308	Signs
P309	Satellite Dishes
P311	Subdivision Approval - Early release from conditions
P312	Serviced Apartments
P313	Local Heritage Listing
P315	Car Parking Reductions for Non-Residential Development
P316	Developer Contribution for Public Art
P352	Final Clearance Requirements for Completed Buildings
P353	Crossings/Crossovers
P356	Electricity Substations
P357	Right of Way (ROW) Maintenance and Development
P358	House Numbers on Kerbs
P360	Informing the Neighbours of Certain Development Applications
P401	Graffiti Management
P403	Charity Clothing Bins on City Managed Land
P501	Paths - Provision & Construction
P502	Cycling Infrastructure
P510	Traffic Management Warrants
P602	Authority to make payments from the Municipal and Trust Funds
P603	Investment of Surplus Funds
P604	Use of Debt as a Funding Option
P605	Purchasing & Invoice Approval
P606	Continuous Financial Disclosure
P607	Tenders and Expressions of Interest
P608	Dividend Policy - Collier Park Golf Course
P609	Management of City Property
P610	Collier Park Village – Financial Arrangements
P612	Disposal of Surplus Materials
P613	Capitalisation & Valuation of Fixed Assets
P625	Equal Employment Opportunity
P626	The Elimination of Harassment in the Workplace
P629	Occupational Safety and Health
P637	Employee Separation Payments
P648	Motor Vehicles
P649	Mayor Vehicle
P661	Complaints
P662	Advertising on Banner Poles
P665	Use of Council Facilities
P667	Member Entitlements
P668	Mayoral Portraits
P669	Training and Development
P670	Delegates from Council

P671	Governance
P672	Agenda Briefings, Concept Forums and Workshops
P673	Audio Recording of Council Meetings
P674	Management of Corporate Records
P675	Legal Representation
P677	State Administrative Tribunal
P680	Electronic Agendas
P687	Development of Council Owned Land
P688	Asset Management
P689	Applications for Planning Approval: Applicant's Responsibilities
P691	Australian Business Excellence Framework
P692	Sustainability Policy
P693	Retiring Elected Member Gift

(b) the following policies having been reviewed and the content revised, as per **Attachment 5.6 (a)**, be adopted:

P210	Street Verges
P302	General Design Guidelines for Residential Development
P303	Design Advisory Consultants
P310	Telecommunications Infrastructure
P354	Stormwater Drainage Requirements for Proposed Buildings
P601	Preparation of Long Term Financial Plan and Annual Budget

(c) the following policy has been deleted as it is no longer valid:
P611 Collier Park Hostel – Financial Arrangements

7) Status Report on Actions Arising from Interim Audit

That the report updating the status of follow up actions arising from the 2014 Interim Audit Management Letter issued by the City auditors, Macri Partners in September 2014, be received by the Audit and Governance Committee and recommended to Council for endorsement.

8) Revisit of Policy P402 Alfresco Dining

That Policy P402 Alfresco Dining referred to and considered at Item 5.6 Review of Policies 2015 be removed as part of the review of policies to enable further consideration.

CARRIED EN BLOC 8/0

Background

The Audit and Governance Committee meeting was held on 3 March 2015 with the following items listed for consideration on the Agenda:

- CEO Review of Internal Controls
- Compliance Audit Return 2014
- Policy P361 – Street Addressing
- Review of Code of Conduct 2015
- Review of Council Delegations 2015
- Review of Policies 2015
- Status Report on Actions Arising from Interim Audit
- Recognition Award Nomination

The Minutes and Attachments of the Audit and Governance Committee are at **Attachments 10.7.1(a) and (b)** respectively.

Comment

The Audit and Governance Committee considered the following items on 3 March 2015:

1) CEO Review of Internal Controls

In response to obligations imposed by Local Government Audit Regulation 17, the results of the CEO's review of internal controls are presented to Council for noting. The Committee adopted the Officer Recommendation.

2) Compliance Audit Return 2014

The Department of Local Government's 2014 Compliance Audit Return for the period 1 January 2014 to 31 December 2014 has been completed and is submitted to Council for final adoption by Absolute Majority. The Committee adopted the Officer Recommendation by Absolute Majority.

3) Policy P361 – Street Addressing

The draft street addressing policy (**Attachment 5.3(a)**) sets out the City's general position on street addressing and outlines the basic requirements for the establishment of new street addressing on private properties located on the City land. The Committee adopted the Officer Recommendation.

4) Review of Code of Conduct 2015

This report seeks Council's consideration and review of the City's Code of Conduct. The Committee adopted the Officer Recommendation.

5) Review of Council Delegations 2015

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. The Terms of Reference of the Audit and Governance Committee include responsibility for reviewing the City's delegations. A review of Council delegations has been completed, considered and adopted by the Committee and is now presented for the consideration of Council for adoption.

Note: minor changes were made to DC642 'Appointment of Acting CEO' to clarify timeframe of delegated authority'.

6) Review of Policies 2015

The City has a statutory obligation under the *Local Government Act 1995* to review its policies each financial year. The Terms of Reference of the Audit and Governance Committee include responsibility for reviewing the City's policies. A review of the City's policies has been completed, considered and adopted by the Committee and is now presented for the consideration of Council for adoption.

7) Status Report on Actions Arising from Interim Audit

This report provides an update to the status of follow up actions arising from the 2014 Interim Audit Management Letter. The Committee adopted the Officer Recommendation.

8) Recognition Award Nomination (*confidential*)

The City received a nomination for a member of the community to receive an award. This report outlines the nomination that has been made and the selection criteria required to be met. The Committee did not adopt the Officer Recommendation and is not presented to Council for consideration.

Consultation

The eight items were the subject of consideration at the 3 March 2015 Audit and Governance Committee.

10.7.1 Recommendations from the Audit and Governance Committee Meeting held 3 March 2015

Policy and Legislative Implications

The Audit and Governance Committee is held under the prescribed requirements of Part 7 Audit of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.

Financial Implications

Nil.

Sustainability Implications

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

This report is aligned to the Strategic Plan 2013 – 2023, Direction 6 – Governance, Advocacy and Corporate Management “Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Attachments

10.7.1 (a): Audit and Governance Committee - Minutes - 3 March 2015

10.7.1 (b): Audit and Governance Meeting - 3 March 2015 - Attachments

11. APPLICATIONS FOR LEAVE OF ABSENCE

Applications for a Leave of Absence were received from:

- Cr F Reid for the period Monday 23 March 2015 – Friday 27 March 2015 inclusive;
- Mayor Doherty for Friday 27 March 2015 only; and
- Cr S Hawkins-Zeeb for the period 1 April 2015 – 14 April 2015 inclusive.

Motion AND COUNCIL DECISION

Moved: Cr Trent
Seconded: Cr Huston

That the following Leave of Absence applications be approved:

- Mayor Doherty for Friday 27 March 2015 only; and
- Cr F Reid for the period Monday 23 March 2015 – Friday 27 March 2015 inclusive.
- Cr S Hawkins-Zeeb for the period 1 April 2015 – 14 April 2015 inclusive.

CARRIED 8/0

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 REVIEW OF WALGA MEMBERSHIP (MAYOR DOHERTY)

At the February 2015 Ordinary Council Meeting Mayor Doherty gave notice that at the March 2015 Ordinary Council Meeting she would move the following motion.

Motion AND COUNCIL DECISION

Moved: Mayor Doherty
Seconded: Cr Irons

That the City of South Perth officers conduct a review of the advantages and disadvantages of the City being a member of the Western Australian Local Government Association (WALGA).

Comment

Following the outcome of the proposed local government reform process, it is timely to review the advantages and disadvantages of belonging to the sectors peak Local Government body WALGA. At various times it is felt that WALGA does not have the capacity to represent individual or groups of Local Governments as their interests are in representing the whole of the sector. On the other hand if the City is not a member of the peak representative body, there is at this time no other organisation that would represent the interests of the City?

It is appropriate to periodically review the advantages and disadvantages of belonging to WALGA to see if there is an appropriate return on the annual investment made through yearly subscriptions. Currently the City pays \$29,167 for membership of WALGA.

CARRIED 8/0

12.2 DAN MURPHY'S LIQUOR STORE (MAYOR DOHERTY)

At the March 2015 Agenda Briefing Mayor Doherty gave notice that at the March 2015 Ordinary Council Meeting she would move the following motion.

At this stage Cr Cridland raised a point of order in regards to the matter raised earlier in the meeting by the Chief Executive Officer in relation to the issue of conflicts/declarations of interest. He requested that his view on the matter of declaring an interest on this Item be on the public record.

Cr Cridland is a Member of the Development Assessment Panel (DAP), whose duty is to consider development applications that are brought to it. This does not mean he does not have an impartiality interest in this particular motion but he would like to make it clear that he is on DAP and will consider material presented to him fairly. He will not be speaking on this Motion and does not wish anyone to think that he has pre-judged an application before him.

In summary, Cr Cridland:

- Will not speak on the Item 12.2;
- Does not think he has an Impartiality Interest to declare at this Ordinary Council Meeting; and
- Will be voting on the Item 12.2.

The Chief Executive Officer, in response read from a publication titled "Development Assessment Panel – Questions and Answers" printed by the Government of Western Australia in September 2011, in particular paragraph 48 (page 15) which reads:

"Does the Code of Conduct prohibit local government DAP members from discussing matters with applicants and ratepayers, conducting private site visits, or voting in Council decisions, in relation to a development application before a DAP?"

The advice that is provided is:

"No, providing those activities are a necessary function of a person's role as a member of a local government. However, a local government member who discusses a DAP matter with applicants and ratepayers, conducts a private site visit or votes in a Council decision in relation to a DAP matter should submit a declaration of interest form, as there may be an impartiality interest that the Presiding Member needs to consider."

The CEO continued that whilst that comment relates to the Council representative on the DAP it does not necessarily relate to a Council member's actions in the Council Chamber. The City of South Perth has adopted that standard so it should also apply to help avoid the perception of bias by a local member voting on an issue prior to something coming to a DAP meeting for decision.

Cr Cridland then confirmed that it would be necessary for him at a DAP meeting to declare that he voted on the matter at a Council meeting but does not feel that he has an interest to declare now in respect to a matter that he may or may not see when it goes to DAP. Nonetheless he feels he has wholesomely described his role and what he intends to do.

The Presiding Member sought the views of the other newly elected DAP Members, being Cr Cala, Cr Hawkins-Zeeb and Cr Trent who all agreed with Cr Cridland.

The Presiding Member then put her motion and called for parts (a) and (b) to be moved separately.

MOTION

Moved: Mayor Doherty

Seconded: Cr Huston

That:

- (a) the Metro Joint Central Development Assessment Panel is advised that in principle Council does not support the development of a large format liquor outlet at the Como Hotel site as this will have unacceptable traffic and parking impact, noise and patron management issues and a negative social impact as a result of the cheap, bulk sale of alcohol.
- (b) a report is prepared for the May meeting of Council which provides a strategic approach to the assessment of alcohol outlets in the City of South Perth, taking into account the current community alcohol profile (current outlets, their impacts and issues associated with them) and the future direction of the City. The report is to make recommendations which may include proposed draft town planning scheme provisions and/or a draft local town planning policy.

Reason

The City does not have in place policy or scheme provisions for the assessment of alcohol outlets and as such ad hoc decisions may be made without a fully formed strategic approach. The strategic approach is work that should be undertaken as a matter of urgency, so that DAP and SAT are aware that the Council considers that this is an extremely important issue.

Cr Huston, with the consent of the Mover, called for the following amendments to be made to part (a) of the Motion:

That:

- (a) the Metro Joint Central Development Assessment Panel is advised that in principle Council does not support the development of a large format liquor outlets at the Como Hotel site as this will have unacceptable traffic and parking impact, noise and patron management issues and a negative social impact amenity as a result of the cheap, bulk and scale of the development, its location on the site (especially as to setbacks from the street) and adverse social impact from the bulk retailing of liquor sale of alcohol. Council does not support the exercise of discretion in relation to the cash in lieu for parking for this development as it is not persuaded that it is an appropriate location given the proximity to residents.

The amendments then became the substantive.

Motion AND COUNCIL DECISION

Moved: Mayor Doherty

Seconded: Cr Huston

That:

- (a) the Metro Joint Central Development Assessment Panel is advised that Council does not support the development of large format liquor outlets at the Como Hotel site as this will have unacceptable traffic and parking impact, noise and patron management issues and a negative social amenity as a result of the bulk and scale of the development, its location on the site (especially as to setbacks from the street) and adverse social impact from the bulk retailing of liquor. Council does not support the exercise of discretion in relation to

the cash in lieu for parking for this development as it is not persuaded that it is an appropriate location given the proximity to residents.

CARRIED 8/0

MOTION

Moved: Mayor Doherty

Seconded: Cr Huston

That:

- (b) a report is prepared for the May meeting of Council which provides a strategic approach to the assessment of alcohol outlets in the City of South Perth, taking into account the current community alcohol profile (current outlets, their impacts and issues associated with them) and the future direction of the City. The report is to make recommendations which may include proposed draft town planning scheme provisions and/or a draft local town planning policy.

The Mayor introduced an amendment to the Motion to include a part (c) and called for parts (b) and (c) to be considered together:

- (c) Whilst a report will be prepared for the May meeting of Council (as per (b) above) the following Interim Policy is adopted by Council. It is acknowledged that the details and intention of this policy may change as a result of the work being undertaken in regard to the policy that officers are working on.

Interim Policy

Large format liquor outlets are to be located in the District Centre Commercial Zone only. Any particular any sites with direct adjacency to residential areas are discouraged for this type of liquor outlet. The following information is to be provided for any liquor outlet planning application (for either on or off premises consumption):

- A traffic and parking impact assessment;
- A demand assessment;
- An amenity assessment taking into account adjoining land uses, and issues including but not limited to noise and patron management; and
- A social impact and harm minimisation strategy.

With the consent of the Mover, Cr Huston called for the following amendments to be made to the wording of the Interim Policy:

Interim Policy

Large format liquor outlets are to be located in the District Centre Commercial Zone only, **in** ~~Any particular any sites with direct adjacency to residential areas are discouraged~~ **will not be supported** for this type of liquor outlet. The following information is to be provided for any liquor outlet planning application (for either on or off premises consumption):

- A traffic and parking impact assessment;
- A demand assessment;
- An amenity assessment taking into account adjoining land uses, and issues including but not limited to noise and patron management; and
- A social impact and harm minimisation strategy.

The amendment then became the substantive:

Motion AND COUNCIL DECISION

Moved: Mayor Doherty
Seconded: Cr Huston

That:

- (b) a report is prepared for the May meeting of Council which provides a strategic approach to the assessment of alcohol outlets in the City of South Perth, taking into account the current community alcohol profile (current outlets, their impacts and issues associated with them) and the future direction of the City. The report is to make recommendations which may include proposed draft town planning scheme provisions and/or a draft local town planning policy.
- (c) Whilst a report will be prepared for the May meeting of Council (as per (b) above) the following Interim Policy is adopted by Council. It is acknowledged that the details and intention of this policy may change as a result of the work being undertaken in regard to the policy that officers are working on.

Interim Policy

Large format liquor outlets are to be located in the District Centre Commercial Zone only, in particular any sites adjacent to residential areas will not be supported for this type of liquor outlet. The following information is to be provided for any liquor outlet planning application (for either on or off premises consumption):

- A traffic and parking impact assessment;
- A demand assessment;
- An amenity assessment taking into account adjoining land uses, and issues including but not limited to noise and patron management; and
- A social impact and harm minimisation strategy.

CARRIED 8/0

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the 24 February 2015 Ordinary Council Meeting a question was taken on notice. The responses provided can be found in the Appendix of these Minutes.

13.2 QUESTIONS FROM MEMBERS

A table of questions received and answers provided can be found in the Appendix of these Minutes.

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

Nil.

15. MEETING CLOSED TO PUBLIC

Under section 5.23 (2) of the Local Government Act 1995 Council may resolve to close the meeting to the public.

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.33 pm.

17. RECORD OF VOTING

24/03/2015 7:04:32 PM

3.4 Motion of Condolences

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:09:43 PM

7.1 Confirmation of Minutes

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:10:24 PM

7.2 Receipt of Briefing Notes

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:11:44 PM

8.4 Receipt of Delegates Reports

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:15:21 PM

9.1 En Bloc Motion – Method of Dealing with Agenda Business

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:18:26 PM

10.3.1 Proposed Two-Storey plus Loft Mixed Development. Lot 3 No. 333 Mill Point Road, South Perth.

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:31:15 PM

10.5.1 Canning Bridge Structure Plan - endorsement

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:35:11 PM

10.6.4 Development Assessment Panels - Local Government Nominations

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:36:19 PM

11. Applications for Leave of Absence

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 7:45:13 PM

12.1 Notice of Motion - Review of WALGA Membership

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 8:07:17 PM

12.2 Notice of Motion – Dan Murphy’s Liquor Store (Part A)

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

24/03/2015 8:24:12 PM

12.2 Notice of Motion – Dan Murphy’s Liquor Store (Parts B & C)

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

APPENDIX

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: 24 FEBRUARY 2015

Question received from Cr F Reid	Response provided by: Ms Vicki Lummer - Director Development and Community Services
[Preamble] Relates to <i>Item 10.3.3 Proposed 24 metre high safety screen fence to the Royal Perth Golf Course</i> – perceived discrepancy in relation to the fence line between the Report and the Attachment.	
1. Which is correct – the Report or the Attachment at Item 4, Page 182?	2. The fence line between the RPGC and Richardson Park is not correct compared to the reserve boundary. In the attachment, RPGC is explaining that the proposed screen fence will be inside the reserve boundary and therefore will not be completely aligned with the current fence.

17.2 PRESENTATIONS



Kensington
Primary School
P & C Association

*Certificate of Appreciation
awarded to*

CITY OF SOUTH PERTH

In recognition of your valuable contribution to and generous support of Kensington Primary School P&C Association.

And a big thank you from all the children at Kensington Primary School.

School Principal

P&C President

17.3.15

Date

17.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE: 24 FEBRUARY 2015

Question received from Cr F Reid	Response provided by: Ms Vicki Lummer - Director Development and Community Services
[Preamble] Relates to Item 10.3.3 Proposed 24 Metre High Safety Screen Fence to the Royal Perth Golf Course.	
3. If the application was received in September 2014, why has it taken so long for this report to come to Council?	<p>The assessing officer sent the further information request to the applicant upon completion of the assessment, receipt of comments from various City departments and closure of neighbour consultation period on 17 Nov 2014; within 8 weeks from the date of lodgement (24 Sep 2014).</p> <p>The information was received from the applicant in February 2015, approximately 12 weeks from the date when request was sent by the officer.</p> <p>The matter was referred to the first Council meeting of the year (Feb 2015).</p>

13.2 QUESTIONS FROM MEMBERS: 24 MARCH 2015

Questions received from Cr V Lawrance	Response provided by: Mr Mike Kent – Director Financial and Information Services
<p>[Preamble]</p> <p>Upon request, whilst on leave in the UK, the City attempted to “Skype” Cr Lawrance into the December 2014 Council Meeting. However, several attempts at connections failed.</p>	
<p>1. Could the officers report on the problems that occurred in facilitating an overseas link up in December when I tried to Skype into the December Council meeting and also to scope the ability to livestream Council meetings in the future I note there are three Councils (Geraldton, Bunbury and Joondalup) who livestream their Council meetings and wondered if that was a possibility seeing as we have recently upgraded our IT infrastructure and this could be something with which we could engage the community in participating in future council meetings.</p>	<p>In the particular meeting Cr Lawrance referred to the problem was Skype. It is not an appropriate tool for that particular purpose and I do believe we cautioned that it was a risk beforehand.</p> <p>The City is currently involved in a project that is part funded through the federal government (NBN funding) which will provide video-conferencing facilities in this Council Chamber that would be able to be accessed and used in that way but we would need to be finished that in 30 June 2015 to meet the funding guidelines - the scope and costing has been done. That will provide a much more stable and appropriate platform than Skype and it should not create the problems you endured.</p>
<p>2. I did request before I left that a trial run be held a couple of days before the Council meeting and that did not happen. Nobody contacted me and I have relatives in England that I Skype all the time and have no problems. I was in an area where the IT infrastructure had cover and there was absolutely no problem on my part – is it then part of the infrastructure here that we need to look at to enable members who are on leave and who want to be part of a Council meeting. I was very disappointed – I gave up the whole of my morning to sit there – I was on leave and it was approved. The point I am trying to make is that I did request that it be trialled before the Council meeting and that never happened.</p>	<p>I appreciate you felt it was not trialled – it was in fact trialled in this Council Chamber but Skype, as I have said, is not the appropriate tool and that is why we will not continue to use that option but rather the option I described earlier.</p> <p><i>The Presiding Member requested that Cr Lawrance submit a Notice of Motion at the next Council Meeting.</i></p>

Question received from Cr S Hawkins-Zeeb	Response provided by: Ms Vicki Lummer - Director Development and Community Services
I. On 3 February 2015 a discussion took place with a Mr William Hanes – when will the minutes/notes of this meeting be made available as to what it was and what it was addressing?	Taken on Notice.

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 Tuesday 28 April 2015.

Signed _____
Presiding Member at the meeting at which the Minutes were confirmed