

MINUTES.

Ordinary Council Meeting

23 May 2017

The Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 23 May 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

26 May 2017

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 meetings of Council and its Committees 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/

Contents

1.	DECLARATION OF OPENING	6
2.	DISCLAIMER	6
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
3.1	STANDING ORDERS LOCAL LAW 2007	6
3.2	AUDIO RECORDING OF THE COUNCIL MEETING	6
3.3	PUBLIC QUESTION TIME STATEMENT	6
3.4	EXTRA SIGNATURES ON MENDES STREET PETITION	7
4.	ATTENDANCE	7
4.1	APOLOGIES	7
4.2	APPROVED LEAVE OF ABSENCE	7
5.	DECLARATIONS OF INTEREST	8
6.	PUBLIC QUESTION TIME	8
6.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
6.2	PUBLIC QUESTION TIME: 23 MAY 2017	8
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	10
7.1	MINUTES	10
7.1.1	Ordinary Council Meeting Held: 26 April 2017	10
7.2	BRIEFINGS	10
7.2.1	South Perth Station Precinct Draft Report & Recommendations from Roberts Day Concept Briefing Held 9 May 2017	10
7.2.2	Council Agenda Briefing - Held 16 May 2017	11
8.	PRESENTATIONS	11
8.1	PETITIONS	11
8.1.1	Petition - The Westralian Centre Concept - Request for Special Council Meeting	11
8.1.2	Petition - Proposed 27 Multiple Dwellings within a 6 Storey Building - 73 Park Street, Como	12
8.2	PRESENTATIONS	13
8.3	DEPUTATIONS	13
8.4	COUNCIL DELEGATES REPORTS	13
8.4.1	South East Regional Centre for Urban Landcare (SERCUL) General Meeting - Held 4 May 2017	13

8.5	CONFERENCE DELEGATES REPORTS	13
9.	METHOD OF DEALING WITH AGENDA BUSINESS	13
9.1	EN BLOC MOTION	14
10.	REPORTS	15
10.0	MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS	15
10.0.1	Petition - Mends Street, South Perth	15
10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES	19
10.3.1	Proposed Two-Storey Single House with Undercroft. Lot 22 (No. 104) River Way, Salter Point	19
10.3.2	Proposed Change of Use From Local Shop to Cafe/Restaurant at Lot 2 (No. 51-57) George Street, Kensington	29
10.3.3	Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth	39
10.3.4	Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.	52
10.5	STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT	65
10.5.1	Tender 2/2017 "Provision of Bore and Pump Maintenance Services"	65
10.6	STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT	68
10.6.1	Management Account Summaries	68
10.6.2	Statement of Funds, Investments and Debtors at 30 April 2017	73
10.6.3	Listing of Payments	78
10.6.4	Proposed Amendment No. 54 (Deemed Provisions) to Town Planning Scheme No. 6 - Initiation of Amendment and adoption of draft Amendment provisions	81
10.6.5	Tender 6/2017 "Construction Of The Rangers And Waste Administration Building"	86
11.	APPLICATIONS FOR A LEAVE OF ABSENCE	89
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	89
13.	QUESTIONS FROM MEMBERS	89
13.1	RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	89
13.2	QUESTIONS FROM MEMBERS – 23 MAY 2017	89
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	89

15. MEETING CLOSED TO THE PUBLIC	90
15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED	90
15.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing	90
15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	92
15.2.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing	92
16. CLOSURE	92
17. RECORD OF VOTING	93
APPENDIX	95
6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	95
6.2 PUBLIC QUESTION TIME: 23 MAY 2017	99
DISCLAIMER	109

Ordinary Council Meeting - 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 7.00pm on Tuesday 23 May 2017.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.00pm 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 STANDING ORDERS LOCAL LAW 2007

The Presiding Member advised that this meeting is held in accordance with the City's Standing Orders Local Law which provides rules and guidelines that apply to the conduct of meetings.

3.2 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 'Recording of Proceedings'.

She then gave her permission for the Administration to record proceedings of the Council meeting and requested that all in attendance turn their electronic devices off or on to silent.

3.3 PUBLIC QUESTION TIME STATEMENT

The Presiding Member read aloud the following:

"At the 26 April 2017 Council Meeting I made a statement that Mr Anstey had received advice from the Department of Local Government and Communities pertaining to the City's current practice of recording responses to questions taken on notice. As stated at that meeting, the City would be seeking its own advice on this matter and respond accordingly.

The City has since received legal advice on this matter and subsequently wrote to the Department of Local Government and Communities on 17 May 2017 advising that it was disappointed with the Department of Local Government and Communities handling of this matter.

The City's legal advice is that its practice in relation to Public Question Time is entirely consistent with the Local Government Act 1995 and the Department's Guideline #13 'Managing Public Question Time'.

The Department was advised that its advice was misleading, fundamentally inconsistent with the Department's Guidelines #13 Managing Public Question Time, and prejudicial to the City, given that there was no prior consultation or communication with the City."

3.4 EXTRA SIGNATURES ON MENDES STREET PETITION

The Presiding Member acknowledged the receipt of an extra 487 signatures to add to the petition received at the April 2017 Council Meeting from Mr Paul Noble of 20 Mendis Street in relation to the Mendis Street businesses. This brings the total number of signatures on this petition to 851.

4. ATTENDANCE

Mayor Sue Doherty (Presiding Member) (vacated the Chamber for Item 15.1.1)

Councillors

Cr Glenn Cridland	Como Ward (Deputy Mayor) (Presiding Member for Item 15.1.1)
Cr Jessica Black	Como Ward
Cr Colin Cala	Manning Ward
Cr Sharron Hawkins-Zeeb	Manning Ward
Cr Travis Burrows	Moresby Ward
Cr Fiona Reid	Moresby Ward
Cr Cheryle Irons	Mill Point Ward
Cr Ken Manolas	Mill Point Ward

Officers

Mr Mark Taylor	Acting Chief Executive Officer
Ms Vicki Lummer	Director Development and Community Services
Mr Colin Cameron	Director Corporate Services
Mr Bruce Moorman	Acting Director Infrastructure Services
Ms Sharron Kent	Governance Officer
Ms Christine Lovett	Corporate Support Officer
Ms Natalia Francis	Governance Project Officer
Ms Naomi Kavanagh	Senior Project Officer

Gallery

There were approximately 25 members of the public and 1 member of the media present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

At the April 2017 Ordinary Council Meeting Councillor Glenn Cridland was granted a Leave of Absence for the period 30 April – 8 June 2017 inclusive. Cr Cridland has requested an amendment to the period of leave to exclude 22 and 23 May 2017. In order that Cr Cridland may participate in this evening's meeting the Presiding Member called for a Motion to amend the previously approved Leave of Absence application to exclude 22 and 23 May 2017.

MOTION TO AMEND APPROVED LEAVE OF ABSENCE – CR GLENN CRIDLAND

Mover: Councillor Ken Manolas

Seconded: Councillor Colin Cala

That the Leave of Absence application granted to Cr Glenn Cridland at the April 2017 Ordinary Council Meeting be amended to exclude 22 and 23 May 2017.

CARRIED (9/0)

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. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

Declarations of Interest were received from:

- Councillor Jessica Black in relation to *Item 10.6.5 Tender 6/2017 "Construction of the Rangers and Waste Administration Building"*
- Mayor Sue Doherty in relation to *Item 15.1.1 Alteration / Redefinition of Licenced Premises (Como Hotel) – Liquor Commission Hearing*

The Presiding Member advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 these Declarations would be read out immediately prior to discussion on the Items.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the April 2017 Ordinary Council Meeting questions were Taken on Notice. The questions and responses were provided in writing to the questioner and can be found in the **Appendix** of the Minutes of this meeting.

6.2 PUBLIC QUESTION TIME: 23 MAY 2017

Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law.

The Presiding Member advised the meeting as follows:

Public Question Time is operated in accordance with the Local Government Act Regulations and the City's Standing Orders Local Law.

Any person who completes and submits, with at least 24 hours' notice, a 'Public Question Time Submission' form may be received at a Council meeting.

Complex questions requiring research shall be submitted seven (7) working days prior to the Council meeting in order to allow the City sufficient time to prepare a response.

Forms are available on the City's website, at Reception and also available in the Chamber foyer on the night of the Council Meeting.

Questions may be accepted in writing at the meeting (forms provided in the Chamber foyer) by placing the form in the 'Public Question Time' tray provided in the Chamber no later than five (5) minutes prior to the commencement of the

Council meeting. Any questions submitted at the meeting will be 'taken on notice' and an answer provided in the Minutes of the next Ordinary Council meeting.

Public Question Time will be held in accordance with the legislated period of 15 minutes. A maximum of three (3) minutes is allotted for each person to ask up to three (3) questions, including any contextual or opening statement. All questions must relate to the ordinary business of the City of South Perth, the function of Council or the purpose of the Special Council Meeting as appropriate. Sub-parts of questions are counted as a question (ie. question 1 parts (a), (b) and (c) will be counted as three questions).

Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may call a motion to extend Public Question Time for no longer than 15 minutes at the end of the allocated 15 minutes.

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

Written questions were received prior to the meeting from:

1. Mr Greg Benjamin of 42 Norfolk Street, South Perth
2. Mr Craig Dermer of 14/63 Mill Point Road, South Perth
3. Mr Harry Anstey of 21 River View Street, South Perth
4. Ms Cecilia Brooke of 8/20 Garden Street, South Perth
5. Mr Trevor Hill of 100A Forrest Street, South Perth
6. Dr Jennifer Nevard of 195 Mill Point Road, South Perth
7. Dr Sarah Schladow of 3/20 Garden Street, South Perth
8. Ms Vicki Redden of 14/63 Mill Point Road, South Perth
9. Mr Paul Noble of Mends Street News & Supplies – 3/20 Mends Street
10. Teresa Peart of Harlequin Hair – 1/16 Mends Street

Written questions were received at the meeting from:

11. Mr Geoff Defrenne of 24 Kennard Street, Kensington

At 7.24pm the Presiding Member called for a procedural motion to extend Public Question Time by 15 minutes to hear written submissions not yet heard.

PROCEDURAL MOTION TO EXTEND PUBLIC QUESTION TIME AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That Public Question Time be extended for 15 minutes to hear written submissions not yet heard.

CARRIED (9/0)

At 7.40pm the Presiding Member called for a procedural motion to extend Public Question Time by a further 5 minutes to hear written submissions not yet heard.

PROCEDURAL MOTION TO EXTEND PUBLIC QUESTION TIME AND COUNCIL DECISION

Moved: Councillor Cr Cheryle Irons

Seconded: Councillor Cr Fiona Reid

That Public Question Time be extended for a further 5 minutes to hear written submissions not yet heard.

CARRIED (9/0)

Having exhausted the Public Question Time allocation the Presiding Member closed Public Question Time at 7.47pm. She acknowledged those written questions yet to be heard and advised that the responses to all written questions received will be provided to the questioners and included in the **Appendix** of the Minutes of this meeting.

Those questions received at the meeting were Taken on Notice. The questioner will receive a written response and the questions and responses will be included in the Appendix of the June 2017 Ordinary Council Meeting Minutes.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 April 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Travis Burrows

That the Minutes of the Ordinary Council Meeting held 26 April 2017 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

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 practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 South Perth Station Precinct Draft Report & Recommendations from Roberts Day Concept Briefing Held 9 May 2017

Officers of the City provided Council with an overview of the South Perth Station Precinct Draft Report & Recommendations from Roberts Day at a Concept Briefing Held 9 May 2017

Attachments

7.2.1 (a): Notes - South Perth Station Precinct Draft Report & Recommendations from Roberts Day Concept Briefing - 9 May 2017

7.2.2 Council Agenda Briefing - Held 16 May 2017

Officers of the City presented background information and answered questions on items to be considered at the 23 May 2017 Ordinary Council Meeting at the Council Agenda Briefing held 16 May 2017.

Attachments

7.2.2 (a): Notes - Council Agenda Briefing - 16 May 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Jessica Black

That the Notes of the Concept Briefing held 9 May 2017 and the Council Briefing held on 16 May 2017 be noted.

CARRIED (9/0)

8. PRESENTATIONS

8.1 PETITIONS

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

8.1.1 Petition - The Westralian Centre Concept - Request for Special Council Meeting

A petition was received on 5 May 2017 from Ms Cecilia Brooke, Chairperson of the City of South Perth Residents Association Incorporated, together with 134 signatures requesting that a Special Electors' Meeting be held by the City of South Perth Council.

The text of the petition reads:

'To the Mayor of the City of South Perth

1. Under section 5.28 of the Local Government Act 1995 and as per Clause 6.9 of the City of South Perth Standing Orders Local Law 2007, the electors of The City of South Perth, whose names, addresses and signatures are set out in the attached list and who comprise 100 electors request that a special meeting of the electors of the district be held.

2. The purpose of the Special Meeting is to provide the residents of the City the opportunity to have the City officers explain the City's proposal for a Westralian Centre Development at "Node 9" on Sir James Mitchell Park, as part of the public consultation process and prior to any decision of Council.

The presentation shall provide details and rationale for the proposed Centre and justification for its proposed location. Also, the presentation shall provide details of the proposed capital funding and business case model.

We request that the electors be given an opportunity to speak at this Special elector's Meeting after the presentation at which time they can present their views or ask questions.

3. This request is served on behalf of the listed signatories by Cecilia Brooke'

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Jessica Black

Seconded: Councillor Sharron Hawkins-Zeeb

That the petition received on 5 May 2017 from Ms Cecilia Brooke, Chairperson of the City of South Perth Residents Association Incorporated, together with 134 signatures requesting that a Special Electors' Meeting be held by the City of South Perth Council be noted, with a Special Council Meeting to be held 6pm Thursday 8 June 2017.

CARRIED (9/0)

8.1.2 Petition - Proposed 27 Multiple Dwellings within a 6 Storey Building - 73 Park Street, Como

A petition was received on 16 May 2017 from Mr Antonio Graneri of 1/68 Park Street, Como together with 43 signatures objecting to the proposed 27 multiple dwellings within a 6 storey building located at 73 Park Street, Como.

The text of the petition reads:

'We, the undersigned object to the proposed 6 storey building on the grounds that insufficient parking spaces have been planned for the allotted number of housing units within this building. Although a 'de facto' zoning of R270 has been credited to an area within 800 metres of the train station and 200 metres of 'request' bus services, we the residents and owners in Park St and surrounds are concerned about the limited parking allotted to the units in the proposed building for 73 Park Street. i.e. 3 parking bays per 4 single bedroom units and only 1 parking bay for 2 bedroom.

Although a commendable idea, to expect residents to abandon their cars in favour of public transport is not realistic. For example, a 17 unit property in adjacent Clydesdale Street with only 30 current residents, has 24 car bays which has proved to be insufficient. Where residents own 2 cars they are parking in the street causing congestion and disruption to safe traffic flow.

We, the undersigned request additional parking be introduced into the design before the development application is approved.'

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Travis Burrows

That the petition received 16 May 2017 from Mr Antonio Graneri of 1/68 Park Street, Como together with 43 signatures objecting to the proposed 27 multiple dwellings within a 6 storey building located at 73 Park Street, Como be forwarded to the relevant Officer for consideration.

CARRIED (9/0)

8.2 PRESENTATIONS

Awards/Gifts may be accepted by Council on behalf of Community.

Nil

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 Council Agenda Briefing of 16 May 2017.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 South East Regional Centre for Urban Landcare (SERCUL) General Meeting - Held 4 May 2017

A report summarising the South East Regional Centre for Urban Landcare (SERCUL) General Meeting - held 4 May 2017 is attached.

Attachments

8.4.1 (a): Delegates' Report - South East Regional Centre for Urban Landcare (SERCUL) General Meeting - held 4 May 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Jessica Black

Seconded: Councillor Fiona Reid

That the report on South East Regional Centre for Urban Landcare (SERCUL) General Meeting - held 4 May 2017 be received.

CARRIED (9/0)

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 Acting Chief Executive Officer that all the report items were discussed at the Council Agenda Briefing held on 16 May 2017

The Acting Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.3.2 Proposed Change of Use From Local Shop to Cafe/Restaurant at Lot 2 (No. 51-57) George Street, Kensington

Item 10.3.3 Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth

Item 10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347

(No. 100) Manning Road, Manning

Item 10.6.5 Tender 6/2017 "Construction Of The Rangers And Waste Administration Building"

9.1 EN BLOC MOTION

MOTION AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Cheryle Irons

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

- Item 10.0.1 Petition - Mends Street, South Perth
- Item 10.3.1 Proposed Two-Storey Single House with Undercroft. Lot 22 (No. 104) River Way, Salter Point
- Item 10.5.1 Tender 2/2017 "Provision of Bore and Pump Maintenance Services"
- Item 10.6.1 Management Account Summaries
- Item 10.6.2 Statement of Funds, Investments and Debtors at 30 April 2017
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Proposed Amendment No. 54 (Deemed Provisions) to Town Planning Scheme No. 6 - Initiation of Amendment and adoption of draft Amendment provisions

CARRIED (9/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Petition - Mends Street, South Perth

Location:	Mends Street
Ward:	Mill Point Ward
Applicant:	Paul Noble
File Ref:	D-17-39747
Date:	23 May 2017
Author / Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.4 Engage the community to develop a plan for vibrant activities and uses on and near foreshore areas and reserves around the City.

Summary

This report discusses the petition received at the April 2017 Council Meeting in respect to the viability of businesses in the Mends Street Precinct due to nearby construction activity.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Cheryle Irons

That Council notes:

- (a) the four “demands” made in the petition tabled at the April 2017 Council meeting; and
- (b) the responses provided by the City and the actions taken to date, and the proposals to continue working closely with Mends Street Precinct businesses.

CARRIED EN BLOC (9/0)

Background

At the April meeting Council moved to receive a petition containing 364 signatures received on Wednesday 26 April 2017 from Mr Paul Nobel of 20 Mends Street, South Perth in relation to Mends Street businesses. The text of the petition reads as follows:

“To the Mayor of South Perth, Sue Doherty:

We the Undersigned say:

The livelihood of many retail owners in Mends Street is being destroyed through no fault of their own. In the past 6 months 40% of the public car-parking has been removed and 60% of shops in the strip have been demolished, including the only supermarket, leaving people and visitors nowhere to buy even the bare essentials of bread and milk.

Due to unprecedented and uncoordinated construction, public footpaths and access ways have been closed. The once beautiful ambience of the Mends Street area is now a huge construction site and will become worse with approximately 5 major construction sites being in operation within the next 3/6 months –the shoppers have gone.

The remaining business owners are struggling and the businesses in which they have invested money and years of energy are now in jeopardy. To rub salt in to the wounds Council has allowed pop-up bars and cafes to set up on the foreshore in direct competition with the surviving retailers and offered no support to the long term retailers.

We the undersigned demand that South Perth Council:

- 1. Take immediate action to improve parking availability and signage*
- 2. Arrange compensation to retailers for reduced trading*
- 3. Use their resources as required to stimulate trading during construction phase*
- 4. Stop all pop-up businesses in the area of South Perth*

Principal petitioner Paul Noble. 20 Mends Street, South Perth, 6151.”

Comment

In respect to the four demands made by the petitioners, the City provides the following response:

1. Take immediate action to improve parking availability and signage:

In regard to parking availability, the City considers adequate parking remains in the Mends Street Precinct despite the recent loss of bays due to construction activity.

For example, data held by the City demonstrates that parking within South Shore Piazza car park is considerably underutilised. This alone represents a potential opportunity for additional parking availability.

It should also be noted that along with the loss of bays due to construction activity there has also been a corresponding reduction in the number of businesses operating, such as the supermarket, due to the redevelopment of Millstream Arcade.

Council has recently (March meeting) approved a ‘first hour free’ parking trial to car parks SPE3 and SPE4 and to a section of the South Perth Esplanade from approximately opposite Harper Terrace through to Queen Street. Council has also approved changing the designation of the loading bay adjacent to #11 Mends Street to 15 minute parking bays.

In regard to signage, new wayfinding signs are scheduled to be erected in Mends Street and the South Perth Esplanade by the end of May advising motorists of available parking. This will also involve the construction of a dynamic sign outside South Shore Piazza car park advising the number of available bays. It is anticipated the wayfinding signage will assist in changing awareness of this readily available parking resource.

2. Arrange compensation to retailers for reduced trading:

This request is not supported by the City. The reasons are as follows:

- It is acknowledged there is construction occurring in Mends Street between the South Perth Esplanade and Mill Point Road at two sites (Millstream Arcade, 21-23 Mends Street & Echelon, 77-79 South Perth Esplanade). The loss of the supermarket will also have an impact on the number of visitors to the precinct during reconstruction however it is also evident that business is still occurring within the Precinct. It should also be acknowledged there is a general downturn in economic activity across Perth since the end of the mining boom.
- It would be difficult to assess who is eligible for compensation and who isn't. For example, are the Windsor Hotel and Coco's as eligible as the newsagent or coffee shop?
- The City has already in effect compensated businesses in the Precinct by allowing the first hour free parking trial to proceed. If the trial operates for a year, it is estimated it will cost the City \$150,000.

3. Use their resources as required to stimulate trading during construction phase:

A key component of the Connect South project is to work with the Mends Street businesses during the design and construction phase of that project and other disruptions currently being experienced in the Precinct. To that end, the City has set up regular Traders Meetings to provide support to the businesses and to also facilitate their working together as a team.

A banner promoting Mends Street as being 'open for business' has already been erected on the large banner pole in Mill Point Road near Labouchere Road. Additional banners will be soon be set up on the fences surrounding Civic Heart (1 Mends Street).

The Connect South project will very soon be engaging a place activation specialist to work directly with the traders to ensure their businesses are coordinating effort toward the promotion of the Precinct in a positive and vibrant way.

4. Stop all pop-up businesses in the area of South Perth:

This is not supported for the following reason. One of the main aims of pop-up businesses is to activate an area by encouraging people to visit who may not normally, or in this case, may be shopping elsewhere due to certain businesses closing (e.g. supermarket). There should be economic 'spin offs' to local business as a result.

Markets are an example of pop-up businesses. For example, if a weekend fresh produce market was introduced to Mends Street and provided goods that are not currently available in the Precinct this activity would complement the local businesses by drawing back customers.

10.0.1 Petition - Mends Street, South Perth

In conclusion, the City welcomes the desire of Mends Street businesses to remain profitable and therefore the intent behind the petition. Of the “demands” made in the petition, ‘#1’ and ‘#3’ are being progressed by the City through the Connect South project, ‘#2’ is considered to be unworkable and ‘#4’ is not considered to be in the best interests of the businesses if pop-ups are used to complement their activities.

The Connect South Working Group is keen to harness the desire behind the petition and work closely with the businesses by supporting and more importantly facilitating their resilience during a time of some disruption in the Mends Street Precinct.

Consultation

Connect South Project Working Group members were consulted prior to this report being written.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

This report is aligned to the City’s [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Two-Storey Single House with Undercroft. Lot 22 (No. 104) River Way, Salter Point

Location:	104 River Way, Salter Point
Ward:	Manning Ward
Applicant:	Roberto Santella Design
File Reference:	D-17-39285
DA Lodgement Date:	20 February 2017
Meeting Date:	23 May 2017
Author(s):	Matthew Andrews, Statutory Planning Officer
Reporting Officer (s):	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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

To consider an application for planning approval for a Two-Storey Single House including Undercroft at Lot 22 (No. 104) River Way, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Setbacks of Garages and Carports (Council Policy P306)	Residential Design Codes (Design Principles of Clause 5.2.1)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Cheryle Irons

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Two-Storey Single House including Undercroft at Lot 22 (No. 104) River Way, Salter Point **be approved** subject to:

(a) Standard Conditions

210	screening- permanent	470	retaining walls- if required
377	screening- clothes drying	471	retaining walls- timing
390	crossover- standards	455b	dividing fences- standards
393	verge & kerbing works	456	dividing fences- timing
625	sightlines for drivers	445	stormwater infrastructure
510	private tree		

(b) Specific Conditions

- (i) Revised drawings shall be submitted to the satisfaction of the City prior to the lodgement of a building permit application that incorporate the following:
 - a. The roof and supporting structure of the carport is to be setback no closer than 4.5 meters from the street boundary.

- (ii) Privacy screening to the lower lawn area is required to be installed as depicted on the stamped approved plans of the existing planning approval for the site determined on 14 December 2016 (ID: 11.2016.284.1).

(c) Standard Advice Notes

700A	building licence required	790	minor variations- seek approval
795B	appeal rights- council decision	Note 1-2	Validity (2 years)

(d) Specific Advice Notes

- (i) The crossover is to be 150mm (or greater) above the River Way level at the street boundary to ensure no water can flow into property from River Way, in accordance with comments from the Manage, Engineering Services.

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

CARRIED EN BLOC (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1,067 sq. metres
Building height limit	3.0 meters / 6.5 metres

The location of the development site is shown below:



In accordance with Council Delegation DC 690, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

3. The exercise of a discretionary power

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
- have been assigned Building Height Limits of **3.0 metres**, 3.5 metres or 6.5 metres; and
 - will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2 (2) of the Scheme.

Comment

(a) Background

In February 2017, the City received an application for a Two-Storey Single House including Undercroft at Lot 22 (No. 104) River Way, Salter Point (the **Site**).

A previous application was approved on the Site in November 2016 for forward site works (ID: 11.2016.284.1). Most of the retaining walls and ground levels approved as part of this application are to be amended as part of the current application. The only section of the November 2016 approval that is included as part of the current application is large retained section on the east of the Site. Previously approved privacy screening is not shown on the current application plans.

The existing development on site was demolished in February 2016 and the Site is currently vacant.

(b) Description of the Surrounding Locality

The Site has a frontage to River Way to the west, and is located adjacent to residential dwellings to the north, east and south as seen in the figure below:



Significant views of the Canning River are present to the east from the elevated site.

(c) Description of the Proposal

The proposal involves the construction of a Two-Storey Single House including the Undercroft with an associated double garage and double carport on the Site, as depicted in the submitted plans at **Attachment (a)** and three dimensional renders in **Attachment (b)**.

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

- Land use – “P” (Permitted) (TPS6 clause 3.3 and Table 1).

- Street setbacks (R-Codes 5.1.2 and Council Policy P306 clause 1).
- Lot boundary setbacks (R-Codes clause 5.1.3 and Tables 2a/2b)
- Lot boundary setbacks – Boundary Walls (Council Policy P350.02 clause 1.1)
- Building height limit – 3.0 metres (TPS6 clause 6.1A).
- Open space (R-Codes clause 5.1.4).
- Garage width (R-Codes clause 5.2.2).
- Street surveillance (R-Codes clause 5.2.3).
- Street walls and fences (R-Codes clause 5.2.4 and Council Policy P306 clause 5).
- Finished floor and ground levels (TPS6 clause 6.10)
- Sight lines (R-Codes clause 5.2.5).
- Outdoor living area (R-Codes clause 5.3.1).
- Parking (R-Codes clause 5.3.3; Council Policy P306 clause 3 and TPS6 clause 6.3(8)).
- Vehicular access (R-Codes clause 5.3.5 C5.2-3).
- Driveway gradient (TPS6 cl. 6.10(2)).
- Visual privacy (R-Codes clause 5.4.1)
- Solar access for adjoining sites (R-Codes Clause 5.4.2).

The following planning aspects are compliant with the provisions of TPS6, however are discussed further in the report:

- Building height limit – 3.0 metres (TPS6 clause 6.1A).
- Building height restrictions in Precinct 13 ‘Salter Point’ (TPS6 cl. 6.1A(9)).

The following planning aspect requires the exercise of discretion to be approved and is discussed further in the report:

- Street Setback – Carports and Garages – (Council Policy P306 clause 2).

These discretionary matters are also addressed by the applicant in their justification letters, contained in **Attachment (c)**.

(d) Setback of Garage and Carport

Deemed-to-comply provision (P306 “ <i>Development of Properties abutting River Way</i> ”)		Proposed
Garage Setback	4.5 metres	3.0 metres – 6.35 metres
Carport Setback	4.5 metres	2.8 metres – 6.75 metres
<p><i>Design Principles:</i> <i>The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</i></p>		

As the site abuts River Way, Salter Point, the minimum street setback provisions for carports and garages for this site are specified in clause 2 of Council Policy P306 ‘*Development of Properties abutting River Way*’. This policy replaces the deemed-to-comply standards of the R-Codes that would otherwise apply.

The Council can approve the proposed setback (or an alternative setback that is less than specified in clause 2) if Council is satisfied that the development demonstrates compliance with the garage and carport setback design principles listed in clause 5.2.1 of the R-Codes. The applicant has submitted written justification to address the street setback requirements:

“We have proposed to extend the main roof over the car stand area to provide some protection to the cars we could not house in the garage due to the site restrictions. Although we acknowledge the definitions of the carport in the policy we would like to highlight the open style of the design which has minimal bulk impact to the streetscape. We have limited the support structures as well as locating them back from the front setback further limiting the perceived bulk. We have also proposed 2 large open skylights to provide natural light to the front door walk and music room window which further reduces the perceived bulk. We would also like to make note of the precedence of garage/carport structures with full roof cover on this road and on both side of this road. We feel that our proposal has less visual impact than these examples due to our design.”

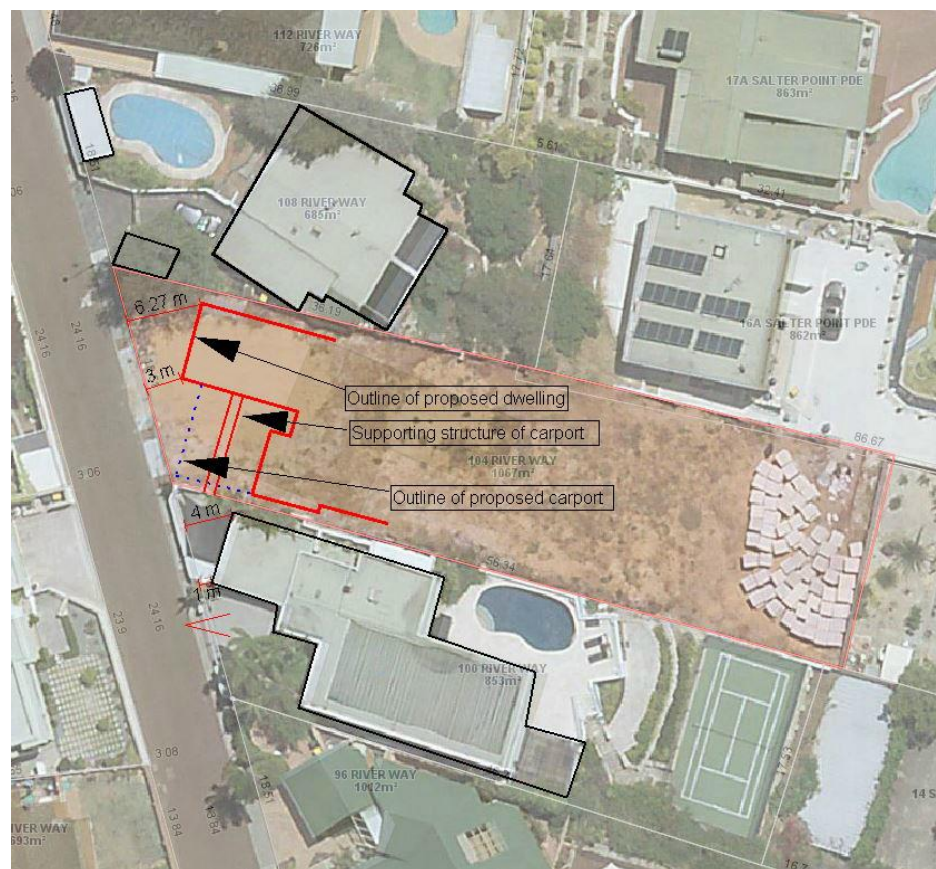
The Site has a significant slope of approximately 13.5 meters from east to west, which creates a challenge in terms of design. To facilitate a 4.5 metre setback for the required occupier and visitor bays there would be a significant loss to the overall developable area given the harsh slope of the site restricts the effective building area. Although possible to setback the garage and carport in accordance with Council Policy P306 it would restrict the developable area on the Site.

The garage is setback a minimum of 3.0 metres from the street but due to the street alignment the setback to the garage varies from 3.0 metres to 6.35 metres with an average setback of 4.7 metres. The overall impact of the garage is therefore much less than that of a garage of the same width setback at 3.0 metres for the full length. The adjoining lots to the north and south are also characterised by garages/carports that are skewed from the street alignment due to the shape of the block.

The applicant states that the carport has been designed in such a way to minimise the impact on the streetscape whilst still providing enough space for two covered visitor bays. The columns of the carport are setback 2.8 metres at the closest point with the roof extending to 0.5 meters from the street. The columns of the carport are of quality architectural design and are in keeping with the modern look of the proposed dwelling. The applicant has provided the below render to more clearly show how the carport has been designed to minimise impact on the streetscape.



Council Policy P306 'Development of Properties Abutting River Way' requires that four bays are provided for each residential dwelling; 2 occupier bays, and two visitor bays. This policy does not stipulate if these bays shall be roofed or unroofed. The two occupier bays are contained within the garage structure which is setback an average of 4.5 metres from the street. The 2 visitor bays are roofed and given this roof extends to 0.5 metres from the street the carport structure creates an unnecessary impact on the streetscape in relation to building bulk and scale. This impact could be reduced through removal of the carport from within the front setback area. The outline of the proposed dwelling in context with the adjoining properties can be seen in the figure below.



It is recommended that the approval be conditioned that the roof and supporting structures of the carport be setback no closer than 4.5 metres

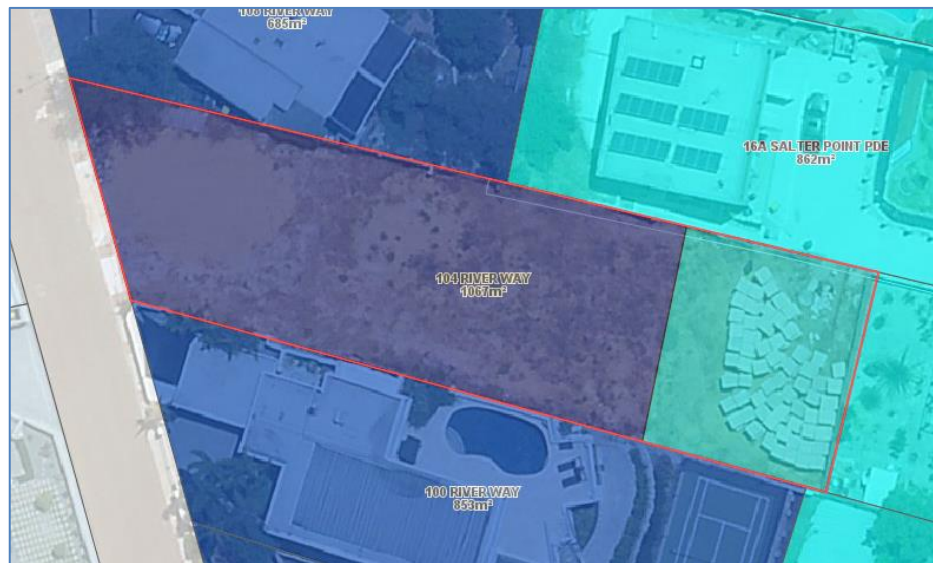
from the street boundary to comply with the requirements of Council Policy P306.

Accordingly, subject to the carport roof setback no closer than 4.5 metres, it is considered that the proposed development satisfies the design principles of the R-Codes for the following reasons:

- the setback of the garage does not detract from the streetscape; and
- the setback of the garage does not impact on the street in terms of bulk and scale

(e) Building Height

The Site has a building height limit of both 3.0 metres (shown in blue) and 6.5 metres (shown in teal) as depicted in the below diagram.



All of the proposed structures are within the 3.0 metre building height limit which is calculated as being 17.70m AHD as depicted on the submitted plans at **Attachment (a)**. The proposed building height limit wall is exactly 3.0 metres from the highest natural ground level point under the building envelope, with the top of wall height measured at 17.70 AHD. Therefore, the proposed development complies with 3.0 metre building height limit and is compliant with TPS6.

(f) Significant Views

Council Policy P350.09 “*Significant Views*” at times requires the consideration for the potential loss of significant views from neighbouring properties. Written objection to the potential loss of those views has not been lodged with the City by any of the properties notified.

The applicant has provided details of the effect the development will have on significant views for the properties to the north and the south at **Attachment (a)**. In regards to the views of those properties across River Way, the development is compliant with the building height limits and proposes a flat/skillion roof which will not impact on significant views

It has been demonstrated that the proposed dwelling will not obstruct the views of the Canning River from buildings on neighbouring lands and is therefore compliant with Council Policy P350.09 “*Significant Views*”.

(g) 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:

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

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

(h) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(i) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 ‘*Community Engagement in Planning Proposals*’. Individual property owners, occupiers and/or strata bodies at properties were invited to inspect the plans and to submit comments during a minimum 14-day period in under the ‘Area 1’ consultation method.

During the advertising period, a total of 12 consultation notices were sent and 1 submission was received which was neither for nor against the proposal, but rather raised concerns regarding aspects of the design. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
The roof should be of a non-reflective material.	The roof colour and material supplied by the applicant is metal sheeting in Shale Grey. This material is considered to be non-reflective. The comment is NOTED
The trees on the site should be no higher than 3.0 metres so as to not obstruct river views.	The height of trees and landscaping is not a planning consideration. And therefore cannot be restricted. The comment is NOT UPHELD .

(j) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment in relation to the location and dimensions of the crossover in accordance with clause 4(a) of Council Policy P306 *“Development of Properties abutting River Way”*.

The Engineering Infrastructure department provided comments with respect to crossover width/design and drainage. The following comments were received:

- The property frontage is 18.513m so the developer can have a maximum of 7.4m of crossing.
- At property boundary crossing is to be 150mm (or greater) above the River Way level to ensure no water can flow into property from River Way
- Car bays must all be setback and minimum of 4.5m from River Way.

River Way is characterised by a narrow verge for the purpose of a foot path along the eastern side with no verge to the western side. This is a result of the street being converted from a right-of-way to a public street. Street parking is made difficult by the narrow street width (6.0 metres) and additional onsite parking is required for new development to discourage any on-street parking. The purpose of reducing crossover numbers and widths is to encourage larger landscaped areas on verges and allow space for on-street parking. On street parking is discouraged on this street and no area is available for landscaping therefore the width of crossover and number of crossovers will not impact on the streetscape, pedestrian safety or access.

The setbacks of the garage and carport are discussed in the body of this report and are considered to satisfy the design principles of the R-Codes.

Planning conditions and important notes are recommended in relation to the ground levels at the boundary as a result of comments from the Manager, Engineering Infrastructure.

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 2015-2025: “Accommodate the needs of a diverse and growing population”.

Sustainability Implications

Noting the constraints posed by the development Site with respect to the significant slope of ground levels, as well as not a very favourable orientation of the lot, the outdoor living areas at the ground level have been designed to have access to winter sun. Accordingly, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

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

Attachments

- 10.3.1 (a):** Plans for 104 River Way
- 10.3.1 (b):** 3D Renders for 104 River Way
- 10.3.1 (c):** Applicant Justification Letters

10.3.2 Proposed Change of Use From Local Shop to Cafe/Restaurant at Lot 2 (No. 51-57) George Street, Kensington

Location: Kensington
Ward: Moresby Ward
Applicant: DTV Tran Pty Ltd
File Reference: D-17-40383
DA Lodgement Date: 19 May 2017
Meeting Date: 23 May 2017
Author(s): Kevin Tang, Statutory Planning Officer
Reporting Officer (s): 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

To consider an application for planning approval for a proposed change of use from Local Shop to Café/Restaurant on Lot 2 No. 51-57 George Street, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)
Land Use (Local Commercial 'DC' Use)	TPS6 clause 3.3

Officer Recommendation

Moved: -
Seconded: -

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a proposed change of use from Local Shop to Café/Restaurant on Lot 2 No. 51-57 George Street, Kensington, be **refused** for the following reasons:

- (a) The proposed development does not provide for the required number of car parking bays prescribed by Clause 6.3 and Table 6 'Car Parking' of City's Town Planning Scheme No. 6 (TPS6) for a Café/Restaurant, specifically the requirement for two(2) additional car parking bays.
- (b) Having regard to Reason (a) listed above, the site has insufficient parking provision to cater for the proposed use of a 'Café/Restaurant'.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION AND COUNCIL DECISION

Moved: Councillor Fiona Reid
Seconded: Councillor Travis Burrows

That the **Officer Recommendation not be adopted** and Council instead **approve** the application with the following Conditions and Advice Notes.

(b) Specific Conditions

1. The development shall be in accordance with the stamped plans at all times.
2. The hours of the operation shall be limited to Monday to Sunday: 10am to 10pm.
3. The café shall have a maximum capacity (internal and external) of 20 patrons at any given time.
4. The dining area shall not exceed a maximum area of 28.4m².

(d) Specific Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. This planning approval is **not** an authorisation to commence construction. A **building permit must be obtained** from Council's Building Services department prior to commencing any work of a structural nature.
4. Separate approval will be required for signage.
5. The use of these premises must comply with the Environmental Protection Act 1986 & the Environmental Protection (Noise) Regulations 1997 at all times.
6. Compliance with the following legislation (as amended) is required:
 - a) Health Act 1911;
 - b) Health Act (laundries and Bathrooms) Regulations;
 - c) The City of South Perth Health Local Laws 2002;
 - d) The City of South Perth Al Fresco Dining Local Law 2003;
 - e) Health (Public Buildings) Regulations 1992;
 - f) Food Act 2008;
 - g) Food Regulations 2009;
 - h) Australia New Zealand Food Standards Code; and
 - i) Australian Standard – AS 4674-2004 Design, Construction and Fit-out of Food Premises.
7. Please be advised to provide two sets of drawing as per Australian Standard – AS 4674-2004 Design, Construction and Fit-out of Food Premises (floor plans and elevations to scale minimum 1:100) to show:
 - a) Finishes of every wall, floor and ceiling; the position and type of every fixture, fitting and equipment; exhaust and ventilation systems, drains, grease-traps and provision for waste disposal; and
 - b) The estimated number of patrons.
8. Where minor variations are sought at the Building Permit stage from an approved set of plans, a formal request for a variation to the planning approval is to be sought by the Applicant, in accordance with Council policy P689.
9. If supported, the variations may be granted subject to all the previous terms and conditions, or possibly with new terms and conditions. If not supported, either the Building Plans must be amended for a Building Permit to be issued, or a new application for planning approval must be lodged for consideration

by Council.

10. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Reasons for Change

It is considered that the applicant has justified the peak parking demand of the centre adequately and together with the reduction in dining area and availability of on street parking, the proposed cafe/restaurant could be supported with appropriate conditions.

CARRIED (9/0)

Background

The development site details are as follows:

Zoning	Local Commercial
Density coding	R15
Lot area	557 sq. metres
Building height limit	7.0 metres
Development potential	N/A
Plot ratio limit	N/A

The location of the development site is shown below:



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

3. The exercise of a discretionary power

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

6. Amenity impact

In considering any application, the delegated 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 January 2017, the City received an application for a Change of Use from Local Shop to Café/Restaurant in a single storey commercial building on Lot 2 (No. 51-57) George Street, Kensington (the **Site**). The existing unit was previously being used as a grocery shop.

Amended plans were received in March 2017 as a result of comments from the City's planning assessment. Despite being requested for a number of times by the City, the applicant has failed to provide proper justification/solution for a 2-bay car parking shortfall for the change of use application.

(b) Existing Development on the Subject Site

The Site contains a single storey commercial building divided into four commercial tenancies, including All Day Breakfast and Lunch, Steven Davis Real Estate and Ayhan's Turkish Café. This is depicted in the site photographs at **Attachment (b)**. The existing commercial building was built in the 1950s prior to TPS6 and was approved with a rear access laneway to be used as access and loading area.

(c) Description of the Surrounding Locality

The Site has a frontage to George Street to the north-west, located adjacent to another commercial building to the south and residential zoned land to the south-east, as seen in **Figure 1** below:



Figure 1

(d) Description of the Proposal

The proposal involves the change of use from approved use of Local Shop to Café/Restaurant on Lot 2 (No. 51-57) George Street, Kensington, as depicted in the development plans at **Attachment (a)**. The proposed Café/Restaurant includes a dining area of 30.85m² with hours of operation between 10am and 10pm from Monday to Sunday. No additional car parking bays are proposed to be provided for this change of use application. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (b)**.

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* and Council Policy requirements:

(i) Parking requirements.

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

(e) Land Use

The proposed land use of Café/Restaurant is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning-Land Use) of TPS6. The subject site is located in a traditional strip centre, which provides the local community with commercial services such as, an IGA supermarket, All Day Breakfast and Lunch, Steven Davis Real Estate and Ayhan's Turkish Café. The use of café/restaurant is considered appropriate in this location and adds an element of vibrancy to the strip centre. Opening hours in the evening will contribute to night time activation of the centre.

(f) Car Parking

The existing unit was approved in the 1950s as a local grocery shop with a rear access laneway. An additional dispensation is applicable by applying the car parking requirements of TPS6 to the existing land use of Local Shop. The car parking calculation is provided below:

Land Use	TPS6 Requirement	Proposed	Shortfall
Existing use - Local Shop	1 car parking bay per 25m ² GFA (83m ²) = 3.32 bays = 4 bays	0 bay	4 bays
Proposed use - Café/Restaurant	1 car parking bay per 5m ² dining area (30.85m ²) = 6.17 bays = 7 bays TPS Adjustment Factor (located within 400m from a bus stop) 7x0.85 = 5.95 (6 bays)	0 bay	6 bays
	Dispensation from the existing use: 4 bays		-2 bays (6-4=2)

Council discretion – cl. 6.3.(4)

Clause 6.3 (4) provides Council discretion to approve a car parking deficit if it is satisfied that the **peak parking demand** for different uses on the development site is being met.

Should Council support the proposed Café/Restaurant, the existing single storey commercial building would contain four different commercial tenancies, three cafes and one real estate office. Two cafes would be open all day with one café being closed after 6pm. To apply current car parking standards in TPS6, the total number of car parking bays required for all the tenancies would be 20 bays.

Currently, there are ten car parking bays provided on both sides of George Street, which are being shared with the commercial building immediately to the south, and one unmarked parking bay is provided on Lansdowne Road. A review of the parking stock in the immediate vicinity is shown in the below diagram.



With the existing 11 car parking bays within the immediate vicinity, the overall parking supply would be in sufficient according to TPS6 requirement. At the time of the City's site visit on 23 March 2017 at 11:32am, eight out of eleven street parking bays were being occupied. In the absence of any justification/technical analysis and based on the proposed opening hours, it is considered that the proposed development may create additional demand for car parking and will not provide sufficient number of car parking bays to meet the peak parking demand within the vicinity.

Cash in Lieu of Car Parking Bays – cl. 6.3A

Clause 6.3A of TPS6 provides an opportunity for Council to approve a cash payment to the Council in lieu of providing one or more of the deficit bays if Council considers the proposal will not be able to meet the peak parking demand within the vicinity as discussed above.

The City has been in discussion with the applicant regarding the possibility of providing cash payment in lieu of meeting the car parking shortfall. The applicant has advised that he is not in a financial position to provide the cash payment.

Summary

To date, the applicant has not submitted any proper written justification to address the car parking shortfall. Insufficient parking provision for commercial development will likely result in parking overspill into the surrounding areas. In this instance, the Site is surrounded by a residential area with limited parking bays available (11 bays). Even though no parking restrictions under City's Parking Local Law are imposed on the surrounding streets, the residential amenity of these areas may be adversely affected if commercial car parking encroaches into the surrounding residential streets.

Notwithstanding the above, Council may grant development approval with or without conditions. If the application is to be approved, Council may wish to consider imposing conditions, such as, cash in lieu payment for parking, restricting the size of the dining area, limiting the land use to take away food only (this will reduce the demand for longer term parking) and restricting opening hours. It was also suggested to the applicant that reducing opening hours such as at night or during the day only, which may reduce parking demand on the centre.

(g) Bicycle Parking

The bicycle parking standard under TPS6 for a Local Shop and Café/Restaurant is one per 25m² gross floor area and one per 40m² dining area respectively. The number of bicycle bays required for the existing development is 4 bays and the number of bicycle bays required for the proposed use is one bay.

The proposed land use requires less bicycle parking bays than the previously approved land use of Local Shop and is therefore considered appropriate.

(h) 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 (considered not to comply in bold):

- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (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 unsatisfactory to the above items due to the lack of car parking.

(i) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

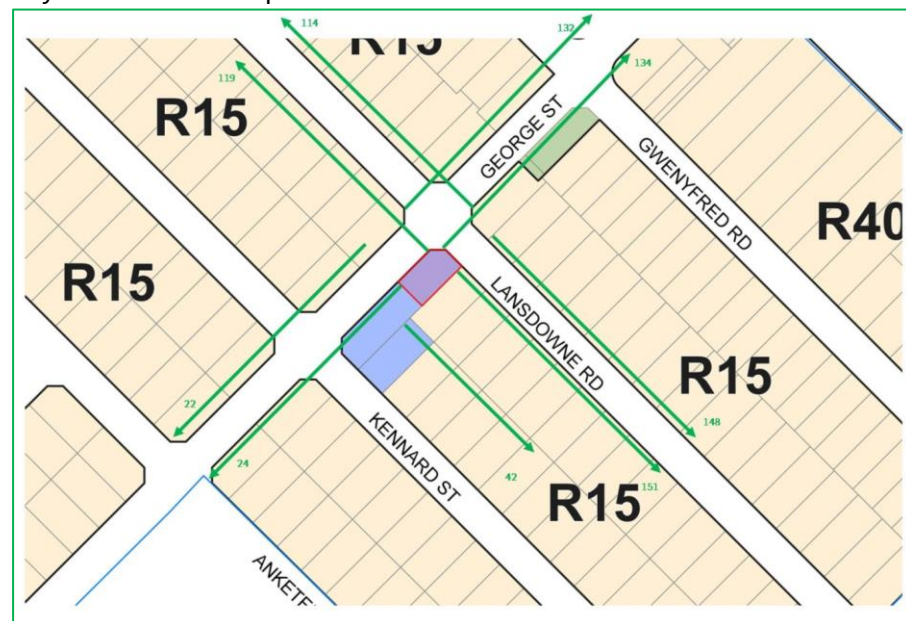
In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –

(n) the amenity of the locality including the following –**(i) environmental impacts of the development;****(ii) the character of the locality;****(iii) social impacts of the development;****(y) any submissions received on the application;**

The proposed development is considered unsatisfactory in relation to the above matters.

Consultation**(j) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 2' consultation method, individual property owners, occupiers and strata bodies included in the diagram below were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised). In addition, a sign was placed on the Site inviting comment from any other interested person.



During the advertising period, a total of 53 consultation notices were sent and two submission(s) were received, raising concern about the proposal. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>Regarding change of use on the above premises, we would point out that the lack of toilet and parking facilities in particular the lack of parking is an issue for approval of the Café/Restaurant. As my current tenants have always complained about the lack of parking in and around the shopping strip. From that point of view, I believe it would not be feasible for a café/restaurant to be approved.</p>	<p>The applicant has failed to provide any justification/solution to address the car parking shortfall. It is recommended that this application be refused.</p> <p>The comment is UPHELD.</p>
<p>While we are not opposed to any development of this area, we are concerned about the impact the extra patronage will have on the already inadequate parking available. The intersection directly outside our house is used as a turn around point in an already chaotic parking area. The school at the other end of ... Road adds to the traffic flow and also the servicing of the postal facility on this corner.</p> <p>Could you please advise us of the City's plans to address the parking issues that will be exacerbated if this proposal goes ahead?</p>	<p>The applicant has failed to provide any justification/solution to address the car parking shortfall. It is recommended that this application be refused.</p> <p>The comment is UPHELD.</p>

(k) Internal Administration

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

The Environmental Health section provided comments with respect to storage of cleaning equipment and chemicals, storage of personal belongings of staff, storage of dry goods and washing and sanitizing operations. This section raises no objections and should Council support this application, these comments will be provided as an Advice Note.

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 2015-2025 which is expressed in the following terms: *Accommodate the needs of a diverse and growing population.*

10.3.2 Proposed Change of Use From Local Shop to Cafe/Restaurant at Lot 2 (No. 51-57) George Street, Kensington

Sustainability Implications

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

The proposed use of Café/Restaurant in a Local Commercial Zone is appropriate and would complement the existing strip centre. However, due to the lack of parking available to patrons, the Café/Restaurant has the potential to have a detrimental impact on the surrounding residential streets. Accordingly, without the applicant proposing alternative ways to limit parking impacts the application should be refused.

Attachments

10.3.2 (a): Development Plans

10.3.2 (b): Site Photos

10.3.3 Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth

Location: Lot 26 (No.28) Norfolk Street, South Perth
 Ward: Mill Point Ward
 Applicant: Dale Alcock Home Improvements
 File Reference: D-17-39240
 DA Lodgement Date: 20 April 2017
 Meeting Date: 23 May 2017
 Author(s): Victoria Madigan, Statutory Planning Officer
 Reporting Officer (s): 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

To consider an application for development approval for a Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Solar Access to Adjoining Sites	R – Codes clause 5.4.2 C2.1
Setback of Garages and Carports	Council Policy P350.03 clause 1.1 (a) and R – Codes clause 5.2.1 C1.1
Lot boundary setbacks	R-Codes clause 5.1.3 and Tables 2a/2b

Officer Recommendation

Mover: Councillor Fiona Reid
Seconded: Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth be **approved** subject to the following conditions:

(a) Standard Conditions

210 screening- permanent	425 colours & materials- matching
340B parapet walls- finish from neigh.	625 sightlines for drivers
390 crossover- standards	445 stormwater infrastructure

(b) Specific Conditions

- (i) The driveway and crossover are required to be setback 500mm from southern side the property boundary.
- (ii) The driveway to be modified to be perpendicular with the road to ensure pedestrian safety to the satisfaction of the City. Details in this respect are to be provided to the City prior to the submission of a building permit.
- (iii) The chevron sign that is required to be relocated is to be located in a reasonable line for southbound traffic to see in their headlights to the

satisfaction of the City.

- (iv) The erection of a front fence is not permitted within the front setback area on the property. The front setback area is to remain landscaped and open to the streetscape.
- (v) The existing hard stand car parking areas are to be removed and landscaped with lawn or vegetation as indicated on the approved plan to the satisfaction of the City.

(c) Standard Advice Notes

700A	building licence required	790	minor variations- seek approval
706	applicant to resolve issues	795B	appeal rights- council decision

(d) Specific Advice Notes

The applicant is advised that:

- (vi) No vehicles will be allowed to block the footpath on the City's verge.

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

AMENDED MOTION AND COUNCIL DECISION

Mover: Mayor Sue Doherty

Seconded: Councillor Cheryle Irons

That Council amend the Officer's Recommendation so that the height of the boundary wall to the garage is reduced to a maximum height of 2.5 metres above ground level prior to the submission of a building permit application.

(b) Specific conditions

- (vi) The height of the boundary wall to the garage being reduced to a maximum height of 2.5 metres above the garage finished floor level of 10.00. Details to be provided to the satisfaction of the City prior to the submission of a building permit application.

Reasons for Change

Reducing the height of the wall will reduce bulk impact and shadowing onto the adjoining property, therefore allowing more light into the neighbour's kitchen window.

CARRIED (9/0)

The amendment then became the substantive.

COUNCIL DECISION

Mover: Councillor Fiona Reid

Seconded: Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth be **approved** subject to the following conditions:

(a) Standard Conditions

210	screening- permanent	425	colours & materials- matching
340B	parapet walls- finish from neigh.	625	sightlines for drivers
390	crossover- standards	445	stormwater infrastructure

(b) Specific Conditions

- (i) The driveway and crossover are required to be setback 500mm from southern side the property boundary.
- (ii) The driveway to be modified to be perpendicular with the road to ensure pedestrian safety to the satisfaction of the City. Details in this respect are to be provided to the City prior to the submission of a building permit.
- (iii) The chevron sign that is required to be relocated is to be located in a reasonable line for southbound traffic to see in their headlights to the satisfaction of the City.
- (iv) The erection of a front fence is not permitted within the front setback area on the property. The front setback area is to remain landscaped and open to the streetscape.
- (v) The existing hard stand car parking areas are to be removed and landscaped with lawn or vegetation as indicated on the approved plan to the satisfaction of the City.
- (vi) The height of the boundary wall to the garage being reduced to a maximum height of 2.5 metres above the garage finished floor level of 10.00. Details to be provided to the satisfaction of the City prior to the submission of a building permit application.

(c) Standard Advice Notes

700A	building licence required	790	minor variations- seek approval
706	applicant to resolve issues	795B	appeal rights- council decision

(d) Specific Advice Notes

The applicant is advised that:

- (vi) No vehicles will be allowed to block the footpath on the City's verge.

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

CARRIED (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	446 sq. metres
Building height limit	7.0 metres

The location of the development site is shown in **Figure 1** below:

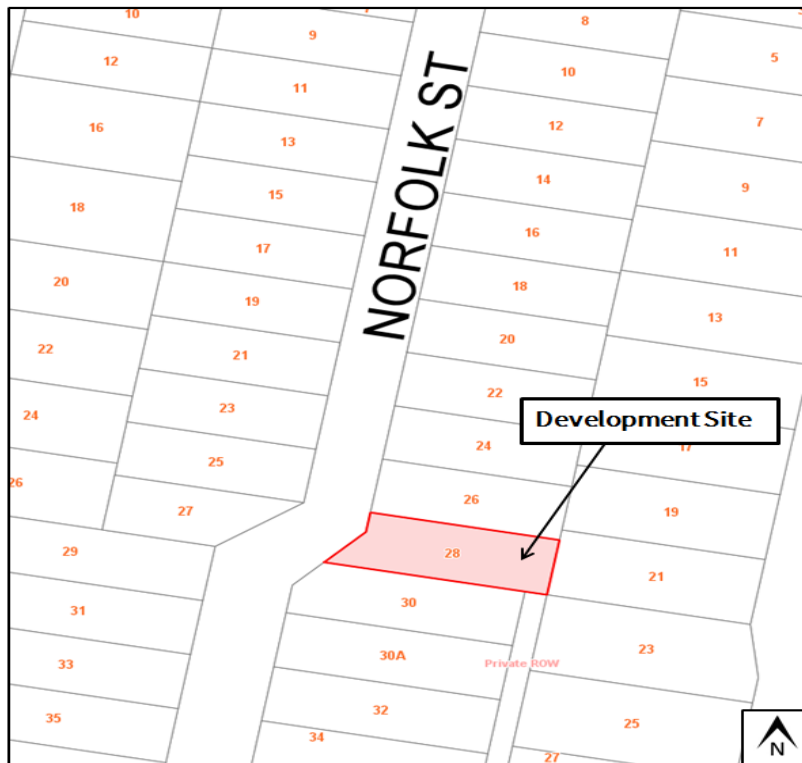


Figure 1 - Development Site

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

3. 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.
- (c) Applications involving the exercise of discretion under Clauses 6.1 or 6.11 of the Scheme.

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.

Comment

(a) Background

In January 2017, the City received an application for Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth (**the Site**).

A previous approval was granted under delegated authority in June 2012, for Additions (Garage and Alfresco) to Single House. The garage approved had a minimum setback of 1.5 metres from the property boundary as depicted in **Attachment (f)**.

In June 2014 an Extension of Time was granted under delegated authority for an additional 12 months to substantially commence development. During this time, development did not substantially commence within the total 36 month time frame and the approval lapsed.

(b) Existing Development on the Subject Site

The existing development on the Site currently features a Single Residential Dwelling and associated carport, as depicted in the site photographs in **Attachment (a)**.

(c) Description of the Surrounding Locality

The site has a frontage to Norfolk Street to the west and residential dwellings to the north, east and south. The site also has access to a private right of way to the south as seen in **Figure 2** below:

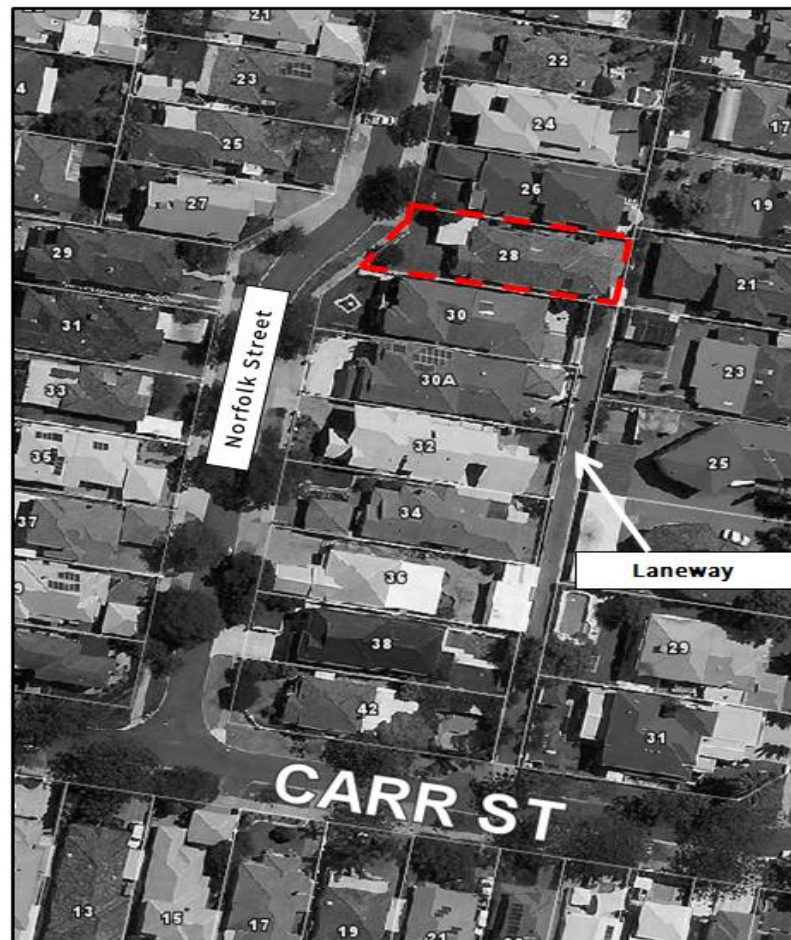


Figure 2 - Aerial of Surrounding Locality

(a) Description of the Proposal

The proposal involves the demolition of the existing carport and porch, and construction of a garage, storey, second storey addition and new porch on the site, as depicted in submitted plans in **Attachment (b)**.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council

policies, and therefore have not been discussed further in the body of this report:

- Land use – “P” (Permitted) (TPS6 clause 3.3 and Table 1).
- Building height limit – 3.0 metres (TPS6 clause 6.1A).
- Open space (R-Codes clause 5.1.4).
- Garage width (R-Codes clause 5.2.2).
- Street surveillance (R-Codes clause 5.2.3).
- Street walls and fences (R-Codes clause 5.2.4 and Council Policy P306 clause 5).
- Finished floor and ground levels (TPS6 clause 6.10)
- Sight lines (R-Codes clause 5.2.5).
- Outdoor living area (R-Codes clause 5.3.1).
- Parking (R-Codes clause 5.3.3; Council Policy P306 clause 3 and TPS6 clause 6.3(8)).
- Vehicular access (R-Codes clause 5.3.5 C5.2-3).
- Driveway gradient (TPS6 cl. 6.10(2)).
- Visual privacy (R-Codes clause 5.4.1)
- Lot boundary setbacks – Boundary Walls (Council Policy P350.02 clause 1.1)

The following planning aspects do require the exercise of discretion to be approved and are discussed further in the report:

- Solar access for adjoining sites (R-Codes clause 5.4.2 C2.1).
- Street Setback (R-Codes clause 5.1.2 C2.1)
- Setback of Garages and Carports (Council Policy P350.03 clause 1.1 (a) and R – Codes element 5.2.1 C1.1)
- Lot boundary setbacks (R-Codes clause 5.1.3 and Tables 2a/2b)

These discretionary matters are also addressed by the applicant in their justification report, contained in **Attachment (c)**.

(b) Solar Access for Adjoining Sites

	Deemed-to-comply provision	Proposed
Solar Access cast onto No. 28 Norfolk Street (southern lot)	25% of shadow cast onto adjoining properties coded R25 or lower at 21 June midday. Therefore 121.5m² shadow cast permitted.	174m ² = 35%
<p><i>Design Principles:</i></p> <p><i>P2.1 Effective solar access for the proposed development and protection of the solar access.</i></p> <p><i>P2.2 Development design to protect solar access from neighbouring properties taking into account the potential to overshadow existing:</i></p> <ul style="list-style-type: none"> • <i>outdoor living areas;</i> • <i>north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</i> • <i>roof mounted solar collectors.</i> 		

The applicant has provided the following justification in support of the proposed variation:

“The proposed upper floor addition will overshadow the neighbours’ lot 35%. The majority of the proposed overshadowing will be on the neighbours’ upper floor wall and roof. As you can see from the image below the upper floor wall has no major openings, therefore the proposed addition will not create any negative overshadowing on the neighbours property. Due to the orientation of the lot and the unusual front boundary it is very difficult for us to design the proposed addition to comply with the overshadowing and setback regulations. The proposed additions will not add negative over shadowing to the neighbours’ house”.

Please refer to **Figure 3** below and Site Photographs in **Attachment (a)**.

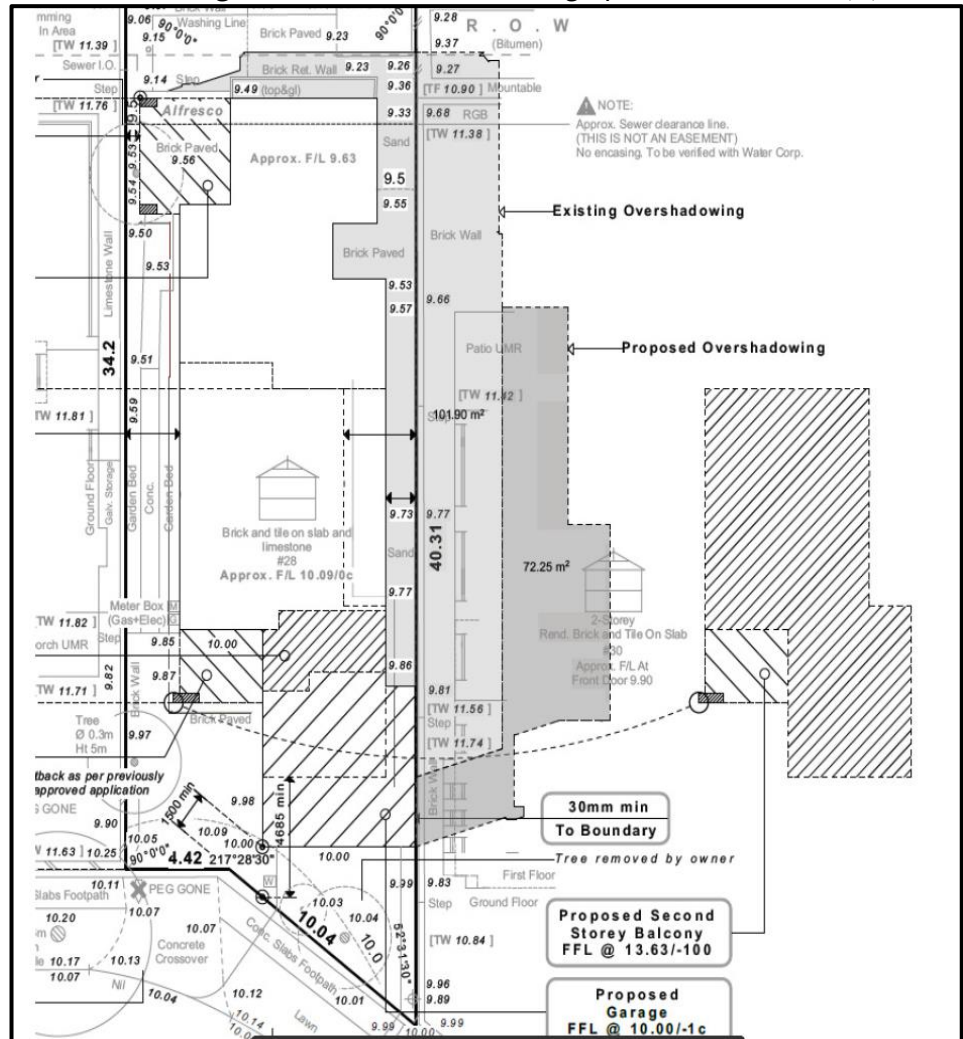


Figure 3 - Overshadowing Diagram

The adjoining property at No. 30 Norfolk Street is relatively narrow (12 metres wide) and has an east –west orientation. The existing dwelling on the subject site currently casts a shadow of 101m² over the property. The proposed extension increases the shadow cast to 174m² at midday on the 21 June.

Due to the upper floor addition being located towards the front of the existing dwelling, the rear backyard/outdoor living area of No. 30 Norfolk Street is not overshadowed by the upper storey addition.

The upper floor of No. 30 Norfolk Street does not contain any major openings to habitable rooms facing north. The overshadowing of the upper floor is to the minor openings to the retreat.

The shadow cast to the ground floor is over the major openings to the kitchen, dining room and family room and part of the alfresco. It is however noted that these rooms have alternate means of light from openings to the east and in any case are currently overshadowed by the existing dwelling.

Whilst there are multiple rooms being overshadowed the majority of the rooms have other means of light from other major openings. Furthermore, no solar collectors are overshadowed.

The floor plan for No. 30 Norfolk Street is depicted in *Confidential Attachment (d)*.

Accordingly, it is considered that the proposed solar access variation satisfies the design principles of the R – Codes for the following reasons:

- there are no solar collectors overshadowed;
- whilst additional shadow is cast to rooms of the southern property, most rooms have additional means of light through other major openings in the house; and
- the backyard/outdoor living area is not overshadowed by the additions.

(c) Street Setback- Garage

	Deemed-to-comply provision	Proposed
Setback of Garage	4.5 metres minimum setback	1.5 metres to 7.0 metres setback
<p><i>Design Principles R – Codes Part 5.2.1 Setback of Garage and Carports:</i> <i>P1 The setting back of carports and garages to maintain clear sight lines along the street and do not detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</i></p>		

The applicant has provided the following justification copied below:

“No. 28 and No. 26 Norfolk Street are different to all the other blocks in the street. This difference is caused by the dogleg in the otherwise straight street. The result of this dogleg is a heavily splayed front boundary which is different to all the other blocks in the street and adversely affects the street setback requirements. Due to the splayed frontage we believe that the front setback requirements should be eased to allow the construction of the garage as shown on the attached plans. The proposed garage with the front setback variation was previously approved in 2012 and granted to be extended to 2015 however it was not built”.

The proposed garage setback does not comply with LP P350.5 Car Parking Access, Siting and Design due to the unusual shape of the lot. The front boundary of the lot follows a sharp bend in the road causing issues with setback requirements.

The proposed garage is setback from the front boundary between 7m and 1.5m. The requirement is 4.5m however we cannot achieve this due to the setback of the existing house and the shape of the front boundary. The property directly across from 28 Norfolk Street has a similar front boundary situation with a garage approximately 2m from the front boundary (approved in 1996).

The proposed garage has only a minor intrusion into the front setback area. For a 4.5m garage setback requirement the setback area is 55.5m² and the garage intrudes into this space by 9m² (16.2%) and the average setback to the splayed front boundary is 4.3m. For a 6m garage setback requirement the setback area is 73.8m² and the garage intrudes into this space by 20.3m² (27.5%) and the average setback to the splayed front boundary is 4.5m. These intrusions of 9m² and 20.3m² are relatively minor considering that the splayed front boundary creates 25m² of awkward land as compared to a regular shaped block frontage. The neighbour's house on the south side is a two storey and extends to 4.5m from the front boundary whereas the proposed garage has a 6.7m setback along this common boundary so the proposed garage will be visually lost in front of this two storey home".

Please see images in reference to the applicant justification in **Attachment (c)**.

Due to the unusual shaped block, on a bend in the street, any proposal for a garage on this property whilst retaining the existing house will result in a setback variation as depicted in the applicant's justification letter in **Attachment (c)**. The minimum setback of the garage is 1.5 metres at the front of the lot where the boundary 'kinks' following the bend in the road. The southern side of the garage is setback 7 metres from the street. The adjoining property to the south is setback 6 metres from the street and therefore protrudes in front of the proposed garage. The impact of the garage is therefore minor in comparison to the existing development as evident in the site photographs in **Attachment (a)**.

The design of the garage is in keeping with the existing dwelling and windows have been added to the garage on the northern side to reduce the impact of a blank wall on the streetscape.

Given the garage protrudes into the front setback area, it is considered that no front fencing be permitted in order to maintain an 'open' frontage which will contribute to the existing streetscape. The City considers it's reasonable to impose the following condition *"The erection of a front fence is not permitted within the front setback area on the property. The front setback area is to remain landscaped and open to the streetscape"*, as the majority of the street have open carports as depicted in **Attachment (e)**.

Additionally, the City has requested a condition stating *"The existing hard stand car parking areas are to be removed and landscaped with lawn or vegetation as indicated on the approved plan to the satisfaction of the City"*.

Providing vegetation in front of the north side of the garage, along with grassed areas as depicted in **Attachment (b)** will soften the impact of the garage as viewed from the northern side of the street. Additionally, landscaping will conform to the existing streetscape.

The proposal is able to achieve clear sightlines along the street and with the proposed landscaping requirement conforms with the existing streetscape. Whilst the streetscape is predominately carports, the open frontage area (without fencing) will contribute to the streetscape.

Accordingly, it is considered that the proposed garage setback variation satisfies the design principles of the R – Codes for the following reason:

- the setback of the garage does not detract from the streetscape and allows clear vision of the dwelling from the northern side.

(d) Lot Boundary Setbacks – (south wall, ground floor)

	Deemed-to-comply provision	Proposed
South Side Setback (proposed stairs, existing bedroom 3, lounge, WIR, ensuites)	1.5 metres	1.2 metres
<p><i>Design Principles:</i> <i>Buildings set back from lot boundaries so as to:</i> •Reduce impacts of building bulk on adjoining properties; •Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and •Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</p>		

The proposed development includes the extension of the southern side stairwell wall by approximately 3.1 metres. The extension is in line with the existing house. It is noted that the southern wall addition is to match the existing house externally with reference to colours and materials. The section of single storey wall is 3.4 metres in height, mimicking the existing single storey wall height.

The variation is single storey with a wall height of 3.4 metres to keep with the existing wall height.

Accordingly, it is considered that the proposed setback to the southern boundary satisfies the design principles of the R – Codes for the following reasons:

- the extension is in line with the setback of the existing dwelling and has limited additional impact in terms of building bulk onto the adjoining property given the 300mm variation; and
- no additional shadow is cast to the adjoining property as a result of the setback variation, as the proposal is replacing an existing porch.

(e) 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;*
- (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;*
- (ii) *the preservation of the amenity of the locality;*

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

(f) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 26 and 30 Norfolk Street were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 3 consultation notices were sent and 2 submission(s) were received, against the proposal. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
1. A major reduction in natural light to my main living area, kitchen and back patio/ garden area caused but the overshadowing of the proposed new buildings (all three areas currently receive wonderful light from the northerly aspect);	All visual privacy issues have been addressed and comply with Section 5.4.1 of the R codes. The existing house at the rear is not setback far enough from the laneway to use access off the laneway.
2. A reduction in privacy	Whilst overshadowing will occur, every room has other means of light

<p>resultant from the height and overlocking windows of the proposed additions;</p> <p>3. An appreciable reduction in my property value as a direct consequence all of the above.</p> <p>4. The plan shows a parapet wall for a double garage is to be constructed on the boundary between 28 Norfolk St and 30 Norfolk St. This all is located right outside my front room windows and most importantly my kitchen window. I will already loose natural light with the addition of a second storey to 28 Norfolk St and the construction of a parapet wall outside my front room and kitchen windows will prevent even afternoon Northern light entering making these rooms dark.</p> <p>I understand from our discussion that the North West corner of the proposed garage does not comply with the required setback for garage which you informed me the deemed to comply setback is at 4.5 meters from the front boundary. As the owner of 28 Norfolk St has access to his property from a rear laneway, together with other Norfolk St home owners, I suggest this would be a reasonable alternative to the proposed plan and allow me some light to the most important rooms in my house.</p>	<p>as addressed in part (b) of the comment section above.</p> <p>The boundary wall complies with Policy P350.02.</p> <p>The proposed garage variation complies with the average setback requirements and open space compensation. Whilst it does not meet the deemed to comply setback requirements landscaping is also required to reduce the building bulk impact. The garage portion adjacent to the property boundary is setback a compliant 6 metres.</p> <p>The comment is NOTED.</p>
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(b) Engineering Infrastructure

Engineering Infrastructure was invited to comment on a range of issues relating to the proposed crossover, stormwater and laneway access, arising from the proposal. This section recommends that:

“No vehicles will be allowed to block pedestrian traffic on the City’s verge.

10.3.3 Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth

Chevron sign can be moved to the other side of the property – but must be located in a reasonable line for southbound traffic to see in their headlights.

Driveway and crossover will need to be at least 500mm off property boundary, if driveway could bend around to closer to perpendicular with the roads, pedestrian safety would increase”.

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

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 2015-2025 which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

Sustainability Implications

The proposed additions have minimal sustainability implications compared to the approved development.

Conclusion

The retention and improvement of existing house stock is encouraged. It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. The additions are complementary to the design and style of the existing dwelling. Accordingly, it is considered the application should be conditionally approved.

Attachments

- 10.3.3 (a):** Site Photographs No. 28 Norfolk Street
- 10.3.3 (b):** Development Plans
- 10.3.3 (c):** Applicant Justification
- 10.3.3 (d):** No. 30 Norfolk Street Floor Plans (*Confidential*)
- 10.3.3 (e):** Streetscape - Norfolk Street
- 10.3.3 (f):** Previous Planning Approvals

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.

Location: Lot 347 (No. 100) Manning Road, Manning
 Ward: Manning Ward
 Applicant: Dirk Gildenhuis
 File Reference: D-17-39243
 DA Lodgement Date: 4 May 2017
 Meeting Date: 23 May 2017
 Author(s): Victoria Madigan, Statutory Planning Officer
 Reporting Officer (s): 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

To consider an application for development approval for a Change of Use from Single House to Consulting Rooms on Lot 347 (No. 100) Manning Road, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Minimum Lot Area	TPS6 clause 7.8(1)
Minimum Lot Frontage	
Landscaping (non-RES)	
Bicycle Parking	TPS6 clause 6.4(5)
Signs	TPS6 clause 6.1.2 & Council Policy P308 Signs
Land Use (Consulting Rooms 'DC' Use)	TPS6 clause 3.3

Officer Recommendation

Mover: Councillor Fiona Reid
Seconded: Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Change of Use from Single House to Consulting Rooms on Lot 347 (No.100) Manning Road, Manning **be approved** subject to the following conditions:

(a) Standard Conditions

352	car bays- marked and visible	455	dividing fences- standards
354	car bays- maintained	456	dividing fences- timing
390	crossover- standards	508	landscaping approved & completed
445	stormwater infrastructure	625	sightlines for drivers

(b) Specific Conditions

(i) The approval of the 'Consulting Rooms' use is valid for two (2) year from the date of this approval. A new development approval will be required to extend the use of 'Consulting Rooms' past this time.

- (ii) In accordance with the requirements of clauses 6.14 (2) and (5) of Town Planning Scheme No. 6, a landscaping plan showing 25% of the entire site landscaped shall be submitted for approval by the City. No person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until:
- a. The City has approved a landscaping plan; and
 - b. The landscaping has been completed in accordance with the plan approved by the City.
- (iii) The hours of the operation shall be limited to Monday to Friday: 8am to 5pm.
- (iv) A maximum of one (1) practitioner is permitted to operate on site at any one time.
- (v) One locker is required to be provided in accordance with the requirements of clause 6.5(a) of Town Planning Scheme No. 6.
- (vi) The paved car park and driveway will be connected to a sufficient number of soak wells that will capture and contain all storm water falling on the site. The design and installation of the soak wells is to be to the satisfaction of the City.
- (vii) The existing crossover will need to be modified to be widened on the east side to provide an overall 5.5 metre width crossing for two way movement. The crossing is to be constructed with a 1200mm radius turnout to permit a total kerb opening of 7.9 metres to the satisfaction of the City.
- (viii) Vehicle buffers are to be installed along parking bays adjacent to external fences. Details in this respect are to be noted on the plans prior to the submission of a building permit.

(c) Standard Advice Notes

700A	building licence required	766	landscaping- general standards
725	fences note- comply with that Act	790	minor variations- seek approval
762	landscaping- plan required	795B	appeal rights- council decision

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

AMENDED MOTION AND COUNCIL DECISION

Mover: Councillor Sharron Hawkins-Zeeb

Seconder: Councillor Colin Cala

That the Officer's Recommendation be amended to read as follows:

(b) Specific conditions

- (i) The approval of the 'Consulting Rooms' use is valid for ~~two (2)~~ four (4) years from the date of this approval. A new development approval will be required to extend the use of 'Consulting Rooms' past this time.

CARRIED (9/0)

Reasons for Change

In the name of reasonable planning practices.

Herewith consideration is afforded to both applicant and forward planning issues; activation is encouraged; removes the impact of uncertainty of future outcomes; a fairer approach with win/ win outcome.

The land use being applied for is currently one deemed to bring benefits to the local area and our residents. Access to these facilities benefit the City in increasing offerings to our residents. This is primarily the reason why we should encourage and support this amendment.

The local planning strategy is currently under review and it is seeking to address such issues as precinct functions and locations or commercial uses. The area identified will most probably compliment the strategy and therefore a further reason why it should be supported. In the case of it not being identified in the future as a commercial area, the extension of the further two years would not impact adversely on this.

The amendment then became the substantive.

COUNCIL DECISION

Mover: Councillor Fiona Reid

Seconded: Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Change of Use from Single House to Consulting Rooms on Lot 347 (No.100) Manning Road, Manning **be approved** subject to the following conditions:

(a) Standard Conditions

352	car bays- marked and visible	455	dividing fences- standards
354	car bays- maintained	456	dividing fences- timing
390	crossover- standards	508	landscaping approved & completed
445	stormwater infrastructure	625	sightlines for drivers

(b) Specific Conditions

- (i) The approval of the 'Consulting Rooms' use is valid for four (4) years from the date of this approval. A new development approval will be required to extend the use of 'Consulting Rooms' past this time.
- (ii) In accordance with the requirements of clauses 6.14 (2) and (5) of Town Planning Scheme No. 6, a landscaping plan showing 25% of the entire site landscaped shall be submitted for approval by the City. No person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until:
 - a. The City has approved a landscaping plan; and
 - b. The landscaping has been completed in accordance with the plan approved by the City.
- (iii) The hours of the operation shall be limited to Monday to Friday: 8am to 5pm.
- (iv) A maximum of one (1) practitioner is permitted to operate on site at any one time.

Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.

- (v) One locker is required to be provided in accordance with the requirements of clause 6.5(a) of Town Planning Scheme No. 6.
- (vi) The paved car park and driveway will be connected to a sufficient number of soak wells that will capture and contain all storm water falling on the site. The design and installation of the soak wells is to be to the satisfaction of the City.
- (vii) The existing crossover will need to be modified to be widened on the east side to provide an overall 5.5 metre width crossing for two way movement. The crossing is to be constructed with a 1200mm radius turnout to permit a total kerb opening of 7.9 metres to the satisfaction of the City.
- (viii) Vehicle buffers are to be installed along parking bays adjacent to external fences. Details in this respect are to be noted on the plans prior to the submission of a building permit.

(c) Standard Advice Notes

700A	building licence required	766	landscaping- general standards
725	fences note- comply with that Act	790	minor variations- seek approval
762	landscaping- plan required	795B	appeal rights- council decision

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

CARRIED (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	825 sq. metres

The location of the development site is shown in **Figure 1** below:

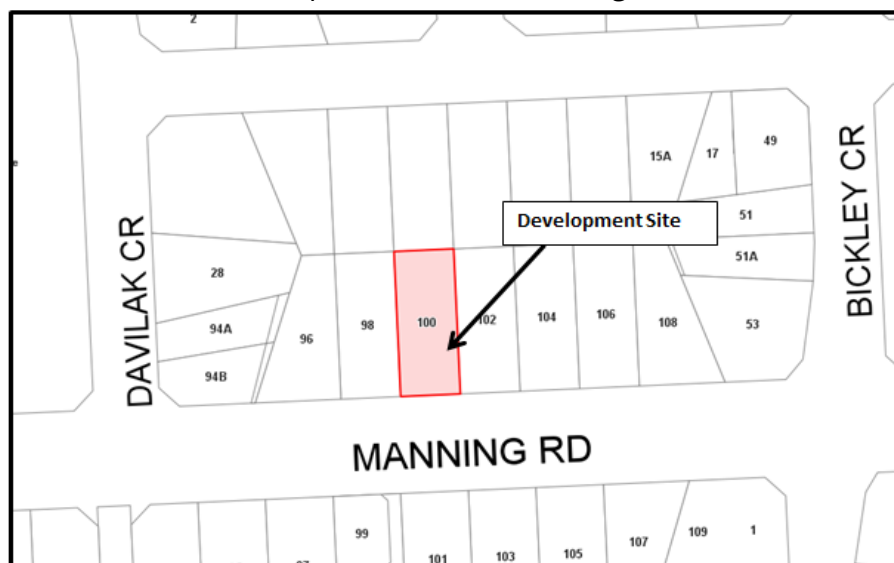


Figure 1 - Development Site

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.

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

1. Specified uses

(g) *Non-residential “DC” uses within the Residential zone;*

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 September 2016, the City received an application for a Change of Use from Single House to Consulting Rooms on Lot 375 (No. 100) Manning Road, Manning (the Site). The application was referred to the Council meeting held on 26 April 2017.

The application was deferred from the Council Meeting as the Applicant wished to make a deputation to remove proposed Condition 1 of the approval. The applicant was unable to make a deputation at the Agenda Briefing held on the 18 April 2017 and therefore requested the opportunity to justify the reasons why Condition 1 should not be enforced. Condition 1 states “The approval of the ‘Consulting Rooms’ use is valid for two (2) year from the date of this approval. A new development approval will be required to extend the use of ‘Consulting Rooms’ past this time.”. The applicant has been in contact with the City and will make a deputation at the Council Agenda Briefing held on 16 May 2017.

(b) Existing Development on the Subject Site

The existing development on the Site currently features a land use of Single House, as depicted in the site photographs in **Attachment (c)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Manning Road to the south and is located adjacent to single residential dwellings to the north, east and west as seen in **Figure 2** below:



Figure 2 – Aerial of Site

(d) Description of the Proposal

The proposal involves a Change of Use from Single House to Consulting Rooms with operating hours from 8am to 5pm Monday to Friday with one chiropractic practitioner and one receptionist at any given time. The existing single house is to remain with internal modifications to comply with BCA requirements for a Class 5 building including disabled access. The existing garage is to be demolished to accommodate the development of 8 car parking bays to the rear of the development site as depicted in the submitted plans in **Attachment (b)**. Access to the parking area will be off Manning Road via a 3 metre wide driveway and 5 metre wide crossover.

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

- Street setbacks (TPS6 Table 5)
- Site Works & Levels (TPS6 clause 6.9, 6.10 and Council Policy P350.07 clause 10.
- Building height (TPS6 clause 6.1A).
- Car Parking (TPS6 Table 6).
- Dimensions of Car Parking Bays and Access Ways (TPS6 clause 6.3.8 and Schedule 5).
- Crossover and conflict with infrastructure (Council Management Practice M403 and Council Policy P350.03).
- Driveway Gradients (TPS6 clause 6.10.2 and Council Policy P350.03)
- Finished floor and ground levels (TPS6 clause 6.10).
- Sight lines (R-Codes clause 5.2.5).
- Driveway gradient (TPS6 clause. 6.10(2)).

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.

The following planning aspects require the exercise of discretion to be approved and are discussed further in the report:

- Land use – “DC” (Discretionary with Consultation) (TPS6 clause 3.3 and Table 1).
- Development requirements for non-residential Uses (Site Area, Site Frontage, Landscaping) (TPS6 Table 3).
- Non-residential bicycle parking bays (TPS6 clause 6.4.1)).
- Signs (TPS6 clause 6.12)

The discretionary matters are also addressed by the applicant in their Development Proposal Letter, contained in **Attachment (a)**.

(e) Land Use

The proposed land use of Consulting Rooms is classified as a ‘DC’ (Discretionary with Consultation) land use in Table 1 of TPS6. The use of Consulting Rooms is currently considered appropriate in this location and will provide the community with access to medical services. Such uses contribute to the range of uses available to local residents and are encouraged. It is noted that Manning Road is reserved for ‘Other Regional Road’ purposes under the Metropolitan Region Scheme and experiences high levels of traffic. Traffic generated from this use will be minimal and will have limited impact on the surrounding residential area.

(f) Development Requirements for Non-Residential Uses in the Residential Zone

As the proposed development is a non-residential use in a residential zone, the minimum requirements for consulting rooms are depicted in Table 4 of TPS6. The sections requiring discretion to be exercised are copied in the table below, along with the applicant’s proposal:

Discretion to be Exercised	TPS6 Requirement	Proposa l	Variation
Lot Area (Table 4 TPS6)	Minimum 900m ²	825m ²	75m ²
Frontage (Table 4 TPS6)	Minimum 20m	18.23m	1.77m
Landscaping Table 4 TPS6)	Minimum 25% of site (206.25m ²)	72.85m ² (8.83%)	133.4m ²

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed lot area, lot frontage and landscaping, if Council is satisfied that all requirements of that clause have been met.

The applicant has provided justification in support of the proposed variations:

“The proposed change of use fits within the strategic planning framework set out in the Local Commercial Strategy because it adds to the diversity of commercial activities available to the community. The proposed use of 100 Manning Road does not contravene the objectives of TPS6 because it is to be undertaken within the existing building and will therefore not change the character of the built form or scale of the current residential area. The residential character of Manning Road has been slowly changing over the

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.

years as non – residential uses increase predominantly as a result of increased traffic volumes drives down the desirability to live on Manning Road. These non-residential land uses form a natural buffer between Manning Road and the adjacent residential areas.

The minimum lot size and minimum lot frontage does not have a material impact on the application given the details of compliant car parking”.

Lot Area and Lot Frontage

Taking the above matters into account, it is evident the crossover and access requirements can be met as depicted in the proposed plans and recommended conditions and therefore the variation can be supported. Furthermore all parking is provided on site. It is noted that the proposed development has similar impact to existing non-residential uses along Manning Road as depicted in **Attachment (d)**.

Accordingly, it is recommended that the proposed development satisfies the relevant Scheme Objectives and clause 7.8.1 of TPS6 for the following reasons:

- As the building is existing, the built form and scale has not been changed;
- The proposal is consistent with the diverse streetscape of residential and non-residential uses.
- All parking and associated access requirements can be satisfied.

It is recommended that the lot frontage and lot area variations be supported

Landscaping

The landscaping requirements as per Table 3 of TPS6 require a minimum landscaped area of 25% of the overall site. The development site is proposing 72.85m² (8.83% of the required 25% landscaping).

The applicant provided the following comment:

“The landscaping requirements outlined in Clause 6.14 of TPS6 will be adhered to during the development of the new parking area and driveway”.

In this instance, it is recommended that the proposed landscaping provision could be increased to 25% as required by the Scheme. There is sufficient area surrounding the existing building that could be landscaped, in particular the area fronting the street. As such a condition should be placed on the approval requiring the applicant to submit a landscaping plan demonstrating 25% of the site area to be landscaped in accordance with Table 3 of TPS6.

(g) Bicycle Parking

The bicycle requirements including end of trip facilities as per Table 6 of TPS6 and clause 6.4.4 are set out in the table below:

Discretion to be Exercised	TPS6 Requirement	Proposal	Variation
Bicycle Bays	1 per practitioner	1	Nil
Lockers	1 per bicycle bay	1	Nil
Showers	1 male and 1 female per 10 bays = 0.2	Nil	1 male shower 1 female shower

TPS6 clause 6.4(5) requires the provision of end-of-trip facilities where bicycle bays are required to be provided for the use of staff. 1 bicycle bay requires 1 secure clothes lockers and 1 pair of showers (1 male and 1 female shower in separate change-rooms per 10 bays). The internal fit out of the consulting rooms identifies the provision one lockers, which can be used as a bicycle end-of-trip facility. No shower facilities are provided.

The applicant has provided justification copied below:

“We believe bicycle bays and lockers will encourage short bicycle trips (by some customers), as opposed to long distance cycling (for example by the staff). For this reason separate male and female showers will not be utilised (as cyclist do not shower after every short trip) and therefore showers have not been proposed. We seek the Council’s discretion to waive this requirement”.

Taking the above matters into account, it is noted that it is most likely the practitioner will drive to work; given the car parking calculation includes the number of practitioners proposed.

Accordingly, it is recommended that the proposed development satisfies the relevant Scheme Objectives and clause 6.4(5) of TPS6 for the following reason:

- A shower is not likely to be utilised by one staff member, given they are allocated a car parking bay.

(h) Signage

The proposed development includes signage on one A- Frame board to be placed adjacent to Manning Road during the day and brought into the building in the evening.

The signage proposed adjacent to the building is observed to be consistent with signage provided in the surrounding vicinity and is considered to meet the provisions of TPS6 cl. 6.12 and Policy P308.

The A Frame sign on the site is approximately 1.2 metres in height and 0.9 metres wide with an area of 1.08m²

The applicant has provided justification copied below:

“In accordance with Clause 6.12 of the TPS6 the applicant is also requesting approval for a standard size A-Frame sign of 900mm in width and 1200mm in height. The purpose of the sign is simply to direct patients to the consulting rooms to meet their prior arranged appointments. The intention is not to attract walk in patients”.

TPS6 clause 6.12(6) requires that when determining an application for planning approval for a sign, the [decision maker] shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.

The 1.2 metre high A Frame sign is observed to be consistent with the Scheme and policy provisions and is of comparable scale and visual impact as the nearby signs along Manning Road, as what would be expected for Consulting Rooms and other non-residential uses within the area.

(i) Local Planning Strategy

The City's Local Planning Strategy is currently under review. As part of this review the City will be considering how certain precincts function and where commercial uses should be located. A key objective of the Scheme is to maintain the City's predominantly residential character and amenity. The site is zoned Residential R20 and is located just outside the Canning Bridge Activity Centre. This Centre was recently recognised in Town Planning No. 6 and will comprise a mix of residential, civic, office, retail and entertainment uses. How development occurs along the remainder of Manning Road will need to be considered in the context of the Activity Centre. The Draft Local Housing Strategy in 2011 identified the area of Manning Road adjacent to the Centre, as possibly allowing for medium intensity residential development.

Given the above it is recommended a Temporary Development Approval be issued under clause 72 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of two (2) years. The applicant will need to submit an application for development approval should they wish to extend the use beyond this time. The City will then be able to reconsider whether or not the use of Consulting Rooms along Manning Road is appropriate when the Local Planning Strategy has been further developed and the desired form of development in this area has been determined.

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

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

(k) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies as depicted in the **Figure 3** below were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 20 consultation notices were sent and 1 submission(s) was received. The comments from the submitter, together with officer and applicant response are copied below.

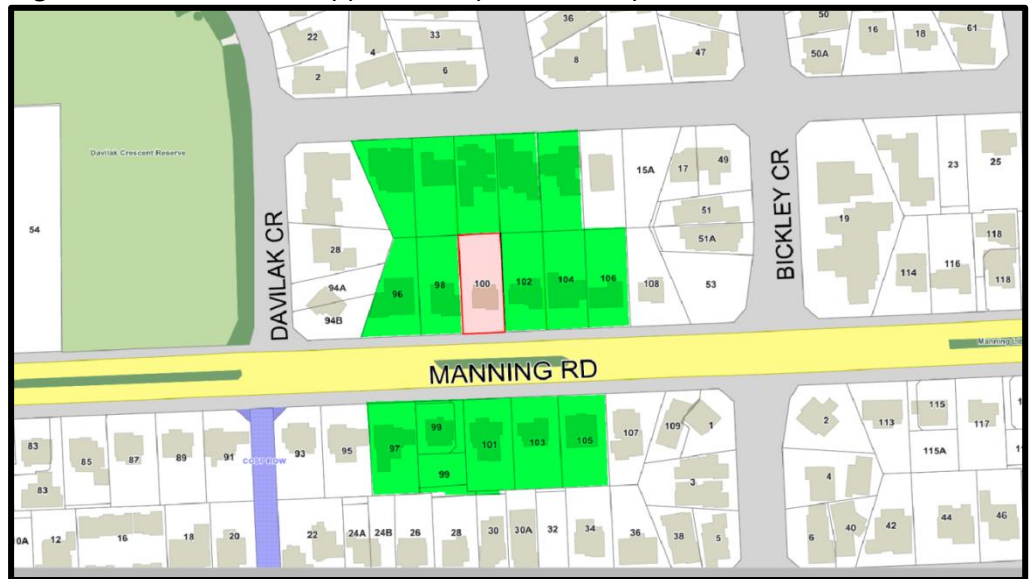


Figure 3 – Matrix of Area 1 Advertising

Submitters' Comments	Applicants Response	Officer's Response
Whilst there is no issue with the construction going ahead, I would like to put forward a request in regards to the carpark that sits just behind my back fence. The issue is concerning visiting cars damaging the existing fence as there is not seen	The client will install some type of wheel stoppers along parking bays adjacent to external fences. The client does not wish to revise the drawings to show this, but would agree to this as a condition of the approval.	Provision for wheel stops has been included as a condition of approval. The comment is NOTED.

<p>on the plans received, any buffer, curbing or bollards in place to stop any such eventuality from happening.</p> <p>Running in accordance with Clause 7.3(2) of council regulations, I don't feel that these requests are too much to ask, and that a safeguard be put in place in front of the carparks to ensure that it doesn't.</p>		
--	--	--

(b) Internal Administration

Comments were invited from Engineering Infrastructure and Building Services section(s) of the City's administration.

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to the crossover, car parking and traffic generated from the proposal. This section raises no objections and has provided comments in **Attachment (e)**.

The City's Building Surveyor commented that the building would be required to change to a Class 5 building to comply with the Building Code of Australia requirements, the proposal will be the subject of a building permit application which will be thoroughly examined at a later stage.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officer(s).

(c) External Agencies

Comments were also invited from the Department of Planning with respect to the Site being on or abutting a regional road reservation. This agency raises no objections and does not recommend standard conditions and/or notes be placed on the approval as depicted in **Attachment (f)**.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officer(s).

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 2015-2025 which is expressed in the following terms: Accommodate the needs of a diverse and growing population.

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning.

Sustainability Implications

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

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

Attachments

- 10.3.4 (a):** Development Proposal - Cover Letter
- 10.3.4 (b):** Development Plans
- 10.3.4 (c):** Site Photographs
- 10.3.4 (d):** Non - Residential Uses Manning Road
- 10.3.4 (e):** Engineering Referral
- 10.3.4 (f):** Department of Planning Referral

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Tender 2/2017 "Provision of Bore and Pump Maintenance Services"

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Reference:	D-17-39750
Meeting Date:	23 May 2017
Author / Reporting Officer (s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.2 Foster and promote sustainable water, waste management and energy management practices.

Summary

This report considers submissions received from the advertising of Tender 2/2017 for the "Provision of Bore and Pump Maintenance Services".

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Cheryle Irons

That Council approves the tender submitted by Hydroquip Pumps and Irrigation for the "Provision of Bore and Pump Maintenance Services" for the resolved tender price of \$101,548 per year in accordance with Tender Number 2/2017 for the period of three years plus a further one year at the City's discretion

CARRIED EN BLOC (9/0)

Background

A Request for Tender (RFT) 2/2017 for the 'Provision of Bore and Pump Maintenance Services' was advertised in The West Australian on 28 January and closed on 14 February.

Tenders were invited as a *Schedule of Rates*.

The contract is for a period of three years plus a further one year at the City's discretion.

Comment

At the close of the tender advertising period three submissions had been received and these are tabled below:

TABLE A - Tender Submission

Tender Submission
1. Hydroquip Pumps and Irrigation
2. Total Eden
3. Western Irrigation

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	30
2. Key Personnel, Skills and Resources	20
3. Tenderer's Plant and Equipment	30
4. Methodology	20
TOTAL	100

Based on the assessment of all submissions received for Tender 2/2017 'Provision of Bore and Pump Maintenance Services', it is recommended that the tender submission from Hydroquip Pumps and Irrigation be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*

10.5.1 Tender 2/2017 "Provision of Bore and Pump Maintenance Services"

- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The full cost of the works is reflected in the 2017/2018 and following three years Capital and Operations budgets.

Strategic Implications

The report is consistent with the [City's Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

10.5.1 (a): Recommendation Report for Tender 2/2017 (*Confidential*)

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Management Account Summaries

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-39975
Date:	23 May 2017
Author:	Les Mainwaring, Interim Manager Financial Services
Reporting Officer:	Colin Cameron, Director Corporate 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 (in accordance with legislative requirements).

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: Councillor Colin Cala
Seconded: Councillor Cheryle Irons

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 for April 2017 provided as **Attachment (a) - (e)** be received
- (c) the Schedule of Significant Variances for April 2017 provided as **Attachment (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 for April 2017 provided as **Attachment (g) & (h)** be received.
- (e) the Rate Setting Statement for April 2017 provided as **Attachment (i)** be received.

CARRIED EN BLOC (9/0)

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 120 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.

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) will be provided each month from October onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2016/2017 Adopted Budget and the 2016/2017 Amended Budget including the introduction of the unexpended capital items carried forward from 2015/2016.

10.6.1 Management Account Summaries

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

Operating Revenue to 30 April 2017 is \$56.40M which represents 98% of the \$57.47M year to date budget. Revenue performance is close to budget in most areas other than items identified below.

Rates revenue is on budget, whilst Investment revenues are 14% under budget. Parking revenue is 6% behind budget targets following a quieter than expected third quarter.

Planning revenues are 26% under budget (despite downwards budget revisions) due to the slowing of activity particularly in the station precinct. Building Services revenue is currently above budget by 14%. These revenues will need to be carefully monitored in future months to assess further impact on the attainment of the (revised downwards) full year budget targets.

Waste management revenues are less than 1% under budget expectations and Collier Park Golf Course revenue continues to track at 6% under budget following a downwards revision in the Q2 Budget Review.

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

Operating Expenditure to 30 April 2017 is \$44.28M which represents 95% of the year to date budget of \$46.41M. Operating Expenditure shows as 3% under budget in the Administration area. Operating costs are 8% under budget for the golf course and show as being 5% under budget in the Infrastructure Services area.

In addition to the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers, savings on consultancy or vacant staff positions.

10.6.1 Management Account Summaries

In the Infrastructure Services operations area, there are some favourable variances at the end of the month that relate to timing differences on maintenance activities and these are expected to continue to reverse out.

Fleet operations currently show that whilst cash costs are being effectively managed well within budget, recovery of plant charge-out against jobs remains problematic. A different strategy is being progressively implemented to try to better understand and manage plant charge recoveries.

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

Where appropriate, relevant expenditure adjustments were made in the Q2 Budget Review.

Capital Revenue is disclosed as \$4.43M at 30 April which is 10% under the year to date budget of \$4.95M. Capital Expenditure to 30 April is \$16.93M representing 75% of the (revised) year to date budget of \$22.44M.

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

TABLE 1 - CAPITAL EXPENDITURE BY SERVICE AREA GROUPING

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	1,149,000	229,806	20%	1,214,000
Major Community Projects	4,800,000	4,468,561	93%	5,500,000
Financial & Information	1,715,000	670,937	39%	1,760,000
Development	175,000	323,117	185%	250,000
Community Services	715,000	638,498	89%	725,000
Infrastructure Services	13,138,005	10,071,182	77%	14,164,505
Waste Management	206,000	148,249	72%	665,000
Golf Course	539,420	377,657	70%	936,612
Total	22,437,425	16,928,008	75%	25,215,117

A Schedule showing the movements in the budget since adoption is also presented from the November meetings onwards.

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.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

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

10.6.2 Statement of Funds, Investments and Debtors at 30 April 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-39977
Date:	23 May 2017
Author:	Les Mainwaring, Interim Manager Financial Services
Reporting Officer:	Colin Cameron, Director Corporate 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 (in accordance with legislative requirements).

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: Councillor Colin Cala

Seconded: Councillor Cheryle Irons

That Council receives the 30 April 2017 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment (a)**
 - Summary of Cash Investments as per **Attachment (b)**
 - Statement of Major Debtor Categories as per **Attachment (c)**
- CARRIED EN BLOC (9/0)**

Background

Effective cash management is an integral part of proper business management. The 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.

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 are \$67.90M which compares unfavourably to \$71.55M at the equivalent time last year. This is largely the result of planned drawdowns from Reserves as contributions towards the Manning Hub project. Last month, total funds were \$71.14.

Municipal funds represent \$15.65M of this total, with a further \$51.15M being Reserve Funds. The balance of \$1.11M relates to monies held in Trust.

In July 2015, the previous 24 reserves were consolidated into just 15 with this consolidation being effected with the transfer of funds from the Future Municipal Works Reserve and Future Building Works Reserve into the Major Community Facilities Reserve; from the Parks and Streetscapes Reserve into the Reticulation & Pump Reserve; and from the Paths and Transport Reserve into the Sustainable Infrastructure Reserve.

The only significant reserve movements since 30 June 2016 have related to movements of leaseholder funds associated with the Collier Park Village and transfers reflecting the operating results of the Collier Park Village and Golf Course.

The largest Reserve balance is the Major Community Facilities Reserve, but the land sale proceeds currently quarantined in that reserve do not represent 'surplus cash'. These funds are being progressively utilised as part of carefully constructed funding models for future major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

Details of cash holdings (disclosed by fund) are presented as **Attachment (a)**.

(b) Investments

Total investment in money market instruments at month end was \$66.48M compared to \$70.18M at the same time last year.

Funds are invested in secure Australian Authorised Deposit-taking Institutions (ADIs) to generate interest until those monies are required to fund operations and projects during the year.

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 global financial and corporate environment.

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.

10.6.2 Statement of Funds, Investments and Debtors at 30 April 2017

Analysis of the composition of the investment portfolio shows that at reporting date, 92% of the funds were invested in securities having a S&P rating of A1 (short term) or better.

The City also holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 47.4% of its investments in such institutions.

In meeting this objective, the City has necessarily invested 8.5% of its funds in investments rated at BBB+.

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 month end 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 (b)**.

Interest revenue (received and accrued) for the year totals \$1.61M. This compares to \$1.87M at the same time last year as a consequence of 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 to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position.

Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Current Department of Local Government guidelines prevent investment of funds for periods longer than one year.

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 a modest 2.28%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of 1.25% since the 3 August 2016 RBA decision.

Currently Department of Local Government Guidelines (presently withdrawn for revision) provide very limited opportunities for investment diversity as they emphasise preservation of capital. Unfortunately, there is a large pool of local government investment funds and a rather limited demand for deposits - so investment opportunities are both modest and scarce.

(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 and general debtors).

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment (c)**. Rates collections to the end of April 2017 (1 instalment remaining) represent 96.26% of rates collectible (excluding pension deferrals) compared to 97.16% at the same time last year.

(ii) General Debtors

General debtors stand at \$2.37M at the end of the month (\$2.25M last year). Last month debtors were \$2.54M. Most debtor balances are not materially different.

Continuing positive collection results are important to effectively maintaining our cash liquidity. 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.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). 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.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

10.6.2 Statement of Funds, Investments and Debtors at 30 April 2017

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-17-39978
Date:	23 May 2017
Author:	Les Mainwaring, Interim Manager Financial Services
Reporting Officer:	Colin Cameron, Director Corporate 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 (in accordance with legislative requirements).

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 April 2017 and 30 April 2017 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(428)	\$3,947,714.28
Cheque Payment to Creditors	(18)	\$64,650.35
Total Monthly Payments to Creditors	(446)	\$4,012,364.63
Cheque Payments to Non Creditors	(84)	\$527,419.75
Total Payments	(530)	\$4,539,784.38

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Cheryle Irons

That the Listing of Payments for the month of March 2017 as detailed in **Attachment (a)**, be received.

CARRIED EN BLOC (9/0)

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. The payment listing is now submitted as **Attachment (a)** to this Agenda.

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.

10.6.3 Listing of Payments

These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

In accordance with feedback from Council Members, the attachment to this report has been modified to recognise a re-categorisation such that for both creditors and non-creditor payments, EFT and cheque payments are separately identified. This provides the opportunity to recognise the extent of payments being made electronically versus by cheque.

The payments made are also listed according to the quantum of the payment from largest to smallest - allowing Council Members to focus their attention on the larger cash outflows. This initiative facilitates more effective governance from lesser Council Member effort.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

10.6.3 (a): Listing of Payments

10.6.4 Proposed Amendment No. 54 (Deemed Provisions) to Town Planning Scheme No. 6 - Initiation of Amendment and adoption of draft Amendment provisions

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-17-39790
Date:	23 May 2017
Author:	Gina Fraser, Senior Strategic Planning Officer
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

On 19 October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* became operational. Schedule 2 of the Regulations 'Deemed Provisions for Local Planning Schemes' contains a series of clauses which are 'deemed' to have immediate effect as part of all local planning schemes within Western Australia, and automatically replace corresponding provisions in local planning schemes. This Amendment No. 54 to Town Planning Scheme No. 6 brings the Scheme Text into alignment with those Deemed Provisions by identifying all those clauses of the Scheme Text which are affected, and either deleting them, amending them as necessary, or retaining them as 'Supplemental Provisions'. This report explains how this is to be achieved and seeks the Council's initiation of the Amendment No. 54, and endorsement of the draft Amendment provisions as outlined in **Attachment (a)**.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Cheryle Irons

That Council –

- (a) Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to initiate the proposed amendment No. 54, to Town Planning Scheme No. 6 as shown in attachment (a);
- (b) Pursuant to clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that Amendment No. 54 is a '**basic**' amendment for the following reasons:
 - (i) the amendment deletes provisions that have been superseded by the Deemed Provisions in Schedule 2;
 - (ii) the amendment modifies references throughout the Scheme to

- State Acts that apply to the Scheme or the Scheme area, to be consistent with the corresponding updated or replacement Acts; and
- (iii) the amendment modifies the Scheme so that it is consistent with a State Planning Policy (SPP 3.1 Residential Design Codes, 2015).
- (c) Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed Amendment No. 54 to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*; and
- (e) Upon receiving clearance from the Environmental Protection Authority, forward Amendment No. 54 to the Western Australian Planning Commission in accordance with Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for assessment and approval by the Minister for Planning.

CARRIED EN BLOC (9/0)**Background**

The Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* have been in operation since October 2015. Schedule 2 of the Regulations comprises 'Deemed Provisions' that apply to all local planning schemes. The purpose of the Deemed Provisions is to standardise the approach to certain Planning processes and procedures throughout the State, and to eliminate individual local government variations in what has become standard practices and requirements.

These provisions supersede similar clauses in all local planning schemes throughout Western Australia. The Deemed Provisions therefore render many parts of Town Planning Scheme No. 6 (TPS6) redundant, or in need of amendment. Further, since the gazettal of TPS6 there have been various modifications to other state government legislation that are referenced in various clauses throughout TPS6.

Amendment No. 54 proposes a large number of minor amendments to the Scheme Text as a means of bringing it into conformity with the Deemed Provisions and other State legislation.

Comment

In order to bring the Scheme Text into alignment with the Deemed Provisions, and remove those parts of the Scheme Text which have been superseded by the Deemed Provisions, it is necessary to amend the Scheme by:

- deleting those TPS6 provisions which have been superseded by corresponding clauses in the Deemed Provisions;
- amending TPS6 clauses in which only parts of the provisions are out of alignment with the Deemed Provisions;
- amending terminology used throughout the Scheme Text to be consistent with terminology used within the Deemed Provisions;
- updating cross-references to clauses to relate to the relevant Deemed Provisions clauses; and

Proposed Amendment No. 54 (Deemed Provisions) to Town Planning Scheme No. 6 - Initiation of Amendment and adoption of draft Amendment provisions

- retaining those TPS6 provisions which supplement corresponding clauses in the Deemed Provisions, as a new Schedule A 'Supplemental Provisions to the Deemed Provisions'. In some cases, Scheme clauses are not completely superseded by the corresponding Deemed Provisions clause, because a particular part of the Scheme provision is not addressed by the Deemed Provisions. In such cases, those parts of the Scheme clause which have not been superseded are being retained. The Regulations have made allowance for this through the mechanism of a new Schedule A 'Supplemental Provisions to Deemed Provisions', which may be inserted into the local planning scheme. Consequently, a number of Scheme clauses, or partial clauses, have been transferred into the new Schedule A.

Other amendments proposed by Amendment No. 54 throughout the Scheme Text involve updating the titles and section references of State Government Acts which have changed since TPS6 was approved in 2003. It also amends references to, and clauses affected by, changes to the R-Codes which have occurred.

The above modifications are discussed more fully in **Attachment (a)** to this report.

The *Planning and Development (Local Planning Schemes) Regulations 2015* defines amendments to local planning schemes under three categories:

- (a) **basic** – an amendment which is for the purpose of correcting administrative errors, or undertaking required amendments to bring a local planning scheme into conformity with State legislation;
- (b) **standard** – an amendment which changes development requirements, such as zoning, but would have only a minimal impact on neighbouring land and residents; and
- (c) **complex** – an amendment which would not be consistent with State legislation, is of a scale that is likely to have a significant effect on neighbouring land, or is directed by the Minister under the Act, or relates to a development contribution area.

As part of the process for Amendment No. 54, the Council is required to resolve which of the above categories best defines the Amendment. Having regard to the purposes of Amendment No. 54 (which is to undertake required amendments to the Scheme so that it aligns with the Deemed Provisions of the 2015 Regulations), the amendment is classified as a 'basic' amendment. However, under regulation 59, the Western Australian Planning Commission [WAPC] may reassess the Council's determination of the Amendment category, and may direct the Council to make a new resolution which satisfies the WAPC's assessment of the kind of Amendment. The process for each category of amendment differs considerably in relation to community consultation, which also affects the duration of the process.

The Amendment No. 54 provisions have been prepared after informal consultation with officers of the Department of Planning, which has greatly assisted the refining of the proposals. Where Amendment proposals do not coincide with comments provided by Department of Planning officers, explanations have been included in the Amendment Report (**Attachment (a)**) for consideration by the WAPC and the Minister.

Consultation

As a 'basic' amendment, the Regulations do not require Amendment No. 54 to be advertised for community consultation because the particular changes are required by law and there would be no benefit to the community in seeking comments on them. Therefore, the Amendment will not be presented to the Council for consideration a second time.

The Council's resolution to initiate and adopt the Amendment, which is recommended by this report, will be forwarded as the Council's recommendation to the WAPC for the Minister's final approval. This 'fast track' process is designed to reduce the processing time.

Despite its classification as a 'basic' amendment, Amendment No. 54 will need to be forwarded to the Environmental Protection Authority (EPA) in the normal way. Upon receipt of clearance by the EPA, Amendment No. 54 will be forwarded to the WAPC for final processing.

Policy and Legislative Implications

The changes proposed by Amendment No. 54 will bring TPS6 into alignment with related State Government legislation.

When approved by the Minister for Planning, these changes will be incorporated into the Scheme Text, making it a far more useful and reliable document.

The statutory Scheme Amendment process as it relates to the proposed Amendment No. 54 as a 'basic' amendment is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment No. 54 as a 'basic' amendment	26 May 2017
Council adoption of draft Amendment proposals	26 May 2017
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early June
When clearance is received from EPA, City sends Amendment documents to WAPC for assessment	Within 1 week of receipt of EPA clearance (Regulation 58 requires that Amendment be sent to WAPC within 21 days of Council resolving to initiate the Amendment)
WAPC assesses Amendment and refers it to Minister for final approval	Regulation 60 requires WAPC to recommend to the Minister within 42 days of receiving the Amendment from the City
Minister's final determination of Amendment and publication in Government Gazette	Not yet known

Financial Implications

Minimal operational costs relate to the processing Amendment No. 54, but there are no costs in relation to community advertising or other incidental processes.

10.6.4 Proposed Amendment No. 54 (Deemed Provisions) to Town Planning Scheme No. 6 - Initiation of Amendment and adoption of draft Amendment provisions

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

When finally approved, Amendment No. 54 will bring the Scheme Text into alignment with State Government legislation to be trusted as an accurate and reliable up-to-date statutory document.

Conclusion

The Amendment No. 54 Report, comprising Attachment (a), contains a full description and justification of the Amendment proposals. It is recommended that the Council initiate the statutory process and adopt Amendment No. 54 as a 'basic' amendment to enable the proposed the Amendment to be further processed and finally approved by the Minister.

Attachments

10.6.4 (a): Amendment Report - Amendment No. 54 'Deemed Provisions'

Prior to discussion on this item the Presiding Member read aloud Councillor Jessica Black's Declaration of Interest as follows:

"I wish to declare an impartiality interest in Agenda Item 10.6.5 Tender 6/2017 "Construction of the Rangers and Waste Administration Building" on the Agenda for the Ordinary Council Meeting of 23 May 2017. I declare that in 2015 I worked with one of the tenderers, as a contractor. It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly."

10.6.5 Tender 6/2017 "Construction Of The Rangers And Waste Administration Building"

Location:	Waste Transfer Site- 199 Thelma St. COMO WA 6152
Ward:	Not Applicable
Applicant:	Not applicable
File Reference:	D-17-39256
Meeting Date:	23 May 2017
Author(s):	Shirley King Ching, Building and Assets Coordinator
Reporting Officer (s):	Mark Taylor, Director Infrastructure 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

This report considers submissions received from the advertising of Tender 06/2017 for the "Construction Of The Rangers And Waste Administration Building".

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council approves the tender submitted by Fleetwood Pty Ltd for the "Construction Of The Rangers And Waste Administration Building" for the resolved tender price of \$404,611 excluding GST, in accordance with Tender Number 06/2017 for the period of four to five months inclusive.

CARRIED (9/0)

Background

The City budgeted in 2016/17 to construct a new building to accommodate the Rangers and Waste Administration staff on the site of the Recycling Centre, 199 Thelma Street Como.

A Request for Tender (RFT) 06/2017 for the 'Construction of Ranger and Waste Administration Building' was advertised in The West Australian on 1 April 2017 and closed at 2:00 pm on 26 April 2017.

Tenders were invited as a *Schedule of Rates / Lump Sum Contract*.

The RFT is for the '*Construction of Rangers and Waste Administration Building*'.

The contract is for the period four to five months.

Comment

At the close of the tender advertising period eight submissions had been received and these are tabled below:

TABLE A - Tender Submission

Tender Submission
1. Budo Group Pty Ltd
2. Fleetwood Pty Ltd
3. Inspired Property Group Pty Ltd
4. Maintenance and Construction Services
5. Metrocon Pty Ltd
6. Shelford Constructions Pty Ltd
7. Total Project Solutions
8. ZD Construction

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience of Company and Personnel	30%
2. Methodology	20%
3. Company Profile	20%
4. Tenderer's Resources	20%
5. Occupational Safety and Health	5%
6. Sustainability Experience	5%
Total	100%

Based on the assessment of all submissions received for Tender 06/2017 'Construction of Rangers and Waste Administration Building', it is recommended that the tender submission from Fleetwood Pty Ltd be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The full cost of the works is reflected in the 2016/17 budget.

Strategic Implications

The report is consistent with the [City's Strategic Community Plan 2015-2025](#).

Sustainability Implications

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

Attachments

- 10.6.5 (a):** RFT 06/2017 Rangers & Waste Construction- Evaluation Report
(Confidential)

11. APPLICATIONS FOR A LEAVE OF ABSENCE

Applications for Leave of Absence were submitted by:

- Mayor Sue Doherty for the 2 June 2017 only
- Councillor Travis Burrows for the period 5 June – 11 June 2017 inclusive
- Councillor Fiona Reid for the period 17 June – 21 June 2017 inclusive

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Sharron Hawkins-Zeeb

Seconded: Councillor Colin Cala

That the Leave of Absence applications submitted by:

- Mayor Sue Doherty for the 2 June 2017 only
- Councillor Travis Burrows for the period 5 June – 11 June 2017 inclusive.
- Councillor Fiona Reid for the period 17 June – 21 June 2017 inclusive

be approved.

CARRIED (9/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the April 2017 Ordinary Council Meeting there were no Questions from Members Taken on Notice.

13.2 QUESTIONS FROM MEMBERS – 23 MAY 2017

Nil

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

Nil

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

Reports regarding these matters have been circulated separately to Councillors.

Prior to closing the meeting to the public and prior to discussion on the following Item, the Presiding Member, Mayor Sue Doherty read aloud her Declaration of Interest as follows:

"I wish to declare a financial interest in Agenda Item 15.1.1 Alteration / Redefinition of Licenced Premises (Como Hotel) – Liquor Commission Hearing at the Ordinary Council Meeting of 23 May 2017. I declare that I was the recipient of election related gifts prior to the Mayoral election in October 2015, from Pierre Sequeira (owner of the Karalee Bottle Shop and Liquor Barons, Angelo Street). It is my intention to vacate the Council Chamber before the Item is discussed and voted on."

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

This item is considered confidential in accordance with the Local Government Act 1995 section 5.23(2) (d) as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Ref:	D-17-40017
Date:	23 May 2017
Author:	Phil McQue, Manager Governance and Marketing
Reporting Officer:	Geoff Glass, 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:	6.5 Advocate and represent effectively on behalf of the South Perth community.

PROCEDURAL MOTION TO CLOSE THE MEETING TO THE PUBLIC AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Colin Cala

That the following Agenda Items be considered in closed session, in accordance with s5.23(2) of the Local Government Act 1995:

15.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

CARRIED (9/0)

At 8.22pm the Presiding Member asked members of the Gallery to vacate the Chamber until invited back to hear the public reading of the resolutions that may be made public and invited Deputy Mayor Glenn Cridland take the Chair as Presiding Member.

Mayor Doherty than vacated the Chamber.

Deputy Mayor Glenn Cridland assumed the Chair.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: -

That should Council resolve to agree for Jackson McDonald to prepare for and appear before the Liquor Commission hearing for the determination of the alteration / redefinition of the licensed premises Como Hotel, it note that it will cost between \$60,000 and \$90,000.

LAPSED FOR WANT OF A SECONDER

ALTERNATIVE MOTION AND COUNCIL DECISION

Moved: Cr Glenn Cridland

Seconded: Cr Fiona Reid

That **the Officer's Recommendation not be adopted** and Council instead:

defer this item to the June 2017 Ordinary Council Meeting, or a suitable Special Council Meeting that occurs before that date (such as one called in for a JDAP RAR report), subject to a more detailed / updated report being provided to that meeting, with the report including:

1. an option of a reduced scope of legal work to be undertaken - with a view to substantially reducing expenditure on the City's liquor licensing objection costs for the Commission hearing;
2. details of previous Council decisions to make the liquor licensing objection; and
3. the actual costs of the City's liquor objection to date.

CARRIED (8/0)

Reasons for Alternative

The report as presented at the May 2017 Council Agenda Briefing needs further refinement and additional detail:

1. Given that it is unlikely that the City would provide significant (if any) further evidence to their original submission to the Commission and the City's lawyers may be able to avoid the requirement to attend the entire hearing, it may be possible to reduce the scope of the brief with a consequential cost reduction for the City,
2. The reduced scope may enable the City's original submission be represented and adequately supported at the full Commission hearing,
3. There is benefit in a more detailed history of this liquor licensing objection being provided to Council, including previous Council decisions on the objection, and actual costs to date incurred on the liquor licensing objection,
4. The further information would assist the Council make a more informed decision regarding the Council's consistent objection to the Dan Murphy's

on this location, and

5. The City is not required to respond to the Commission's request for it to be represented at the full Commission hearing until the end of June.

The City along with the Department of Main Roads has taken an unwavering and consistent approach of opposing the Dan Murphy's liquor barn on this unsuitable site.

It is acknowledged that the Council supporting the residents and its decision to oppose the barn has come at a financial cost.

Given the City's consistent and unwavering opposition to the proposal of a Dan Murphy's Liquor warehouse (1,000 sq mtr) at this site, including a significant now approved scheme amendment regarding appropriate locations for such barns in the City's town planning scheme (NB which prevents a Dan Murphy's store on this site), it is appropriate to be represented at the Commission hearing.

The question is can it be done much more cost effectively and how much has already been spent on the liquor licensing objection to date.

It would be prudent for this decision to be made with an appropriately detailed report covering these matters.

At 8.32pm the Deputy Presiding Member called for a procedural motion to reopen the meeting to the public.

PROCEDURAL MOTION TO REOPEN THE MEETING AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Jessica Black

That the meeting be reopened to the public to hear the public reading of the resolution that may be made public.

CARRIED (8/0)

At 8.33pm the Deputy Presiding Member invited members of the public back into the Chamber to hear the public reading of the resolutions that may be made public. Mayor Doherty also returned to the Chamber and resumed the Chair as Presiding Member.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15.2.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

The Governance Officer read aloud the resolution as detailed at Item 15.1.1.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.35pm.

17. RECORD OF VOTING

4.2 Amendment to Approved Leave of Absence – Cr Glenn Cridland

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

6.2 Procedural Motion to Extend Public Question Time by 15 Minutes

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

6.2 Procedural Motion to Extend Public Question Time by 5 Minutes

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

7.1 Confirmation of Minutes

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

7.2 Noting of Briefings

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

8.1.1 Petition – The Westralian Centre Concept – Request for Special Council Meeting

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

8.1.2 Petition – Proposed 27 Multiple Dwellings within a 6 Storey Building – 73 Park Street, Como

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

8.4 Council Delegates' Reports

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

9.1 En Bloc Motion

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

10.3.2 Proposed Change of Use From Local Shop to Cafe/Restaurant at Lot 2 (No. 51-57) George Street, Kensington

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

10.3.3 Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth (Amended Motion)

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

10.3.3 Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning (Amended Motion)

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

10.3.4 Proposed Change of Use from Single House to Consulting Rooms. Lot 347 (No. 100) Manning Road, Manning

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

10.6.5 Tender 6/2017 "Construction Of The Rangers And Waste Administration Building"

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

11 Applications for Leave of Absence

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

15.1 Procedural Motion to Close the Meeting to the Public

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

15.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

For: Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

Absent: Mayor Sue Doherty

15.1 Procedural Motion to Reopen the Meeting to the Public

For: Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

Absent: Mayor Sue Doherty

APPENDIX

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

1. Dr Sarah Schladow of 3/20 Garden Street, South Perth Received: 26 April 2017	Response provided by: Geoff Glass, CEO
<i>[Preamble] I am increasingly concerned with the proposed expenditure of ratepayers' money - seemingly in contradiction of survey results for Foreshore Management - and would appreciate answers on the following issues, in the interests of public transparency, please:</i>	
<p>1. New Economic Development and Tourism Officer: What is Council's rationale for this, given that a considerable majority - 63% - of respondents were 'very or somewhat satisfied' with the City's events programme as it currently stands. If the rationale is based on the 14% of people who were 'very or somewhat dissatisfied', could you please explain the reasons given for dissatisfaction? And what is the likely salary for such an officer?</p>	<p>Reference to the potential for this position was from a Council resolution to undertake an external independent review of events conducted by the City. In the event that the City at some stage appoints an Economic Development / Tourism Officer, the primary role of this position would be to facilitate and promote local economic development in the City's key activity centres.</p> <p>This function is commonly undertaken by other local authorities with a view to acting as a broker between the business community and Council, to promote and support new business investment and assisting existing businesses to be viable and sustainable, thereby creating employment opportunities.</p> <p>The City is yet to commit to the role and develop a position description and is unable to provide any potential salary details.</p>
<p>2. Westralian Centre concept plan: Why has this been 'sprung' on the community almost 'fully-formed', please?</p> <p>a) Community survey results/ratings from the SPF plan apparently indicated a marked desire for minimal permanent structures and development on the Foreshore.</p> <p>b) Why did council apparently ignore/contradict this rating and prepare a 'detailed plan . . . for the upgrade of the Flagpole site' - noted on p 53 of the Foreshore Management Plan, and accompanied by a picture of a simple shelter (which was the main suggestion at the preceding community workshops). Was the prior</p>	<p>The proposed Westralian Centre is a concept of what could meet the objectives of Node 9 of the South Perth Foreshore Strategy and Management Plan. Node 9 was identified in that Plan for a landmark site representing national, state, local and Aboriginal significance, that expresses the historical background of the area. As a concept the proposal is an idea of what might eventuate. It is not fully formed and much work and many steps remain if it is to be delivered.</p> <p>The proposed concept was developed during 2016 as a physical representation of those objectives and the Council is now seeking feedback on the features and experiences that the South Perth community and broader metropolitan area would like to see at this location. This consultation includes the City's standard practice and method of community consultation and also independent market research.</p>

development plan shown on the website as part of the Foreshore management plan? If not, why not?

- c) The survey response also showed that any work at flagpole node was of low importance, rating almost last in terms of priority. So, why has this proposal for this node been initiated by the City at considerable expense to date? not to mention in the future, when the simple flagpole and a limestone coat of arms (requiring little expenditure or maintenance) will be replaced by a large multi- purpose tourist attraction and civic public space on the . . . Foreshore' (see 'Comment' section of item 15.1.3, p 9/16). Such a 'space'/development was not mooted in public workshops or survey, and seemingly counters the spirit and apparent intent of the survey on which the Management plan was ostensibly based.
- d) I Can you explain the City's need for such a large development, please, when:
- i) A war memorial hardly fits the meaning of 'recreation'. Does Perth need another memorial (even with Anzac centenary funding)?
 - ii) No museum was mooted at the workshops, where commemoration of 'historical' sites on the Foreshore was considered as simply the use of plaques and small information boards at relevant locations
 - iii) No new (park or other) function centre was mooted at the workshops or in the survey
 - iv) Retail/shop – this is simply commercial development, which rated extremely low for the Foreshore area.
 - v) Tourism destination – the Foreshore already seems popular with tourists, who marvel at our clean, open, green, community recreation space so close to the city.

Further work on the proposed uses within the Westralian Centre will be done in the event the Council resolves to progress this initiative. As with any such attraction in a regional location of metropolitan significance, it may contain a variety of uses such as a café / restaurant, event / function space, picnic infrastructure, recreational facilities, exhibition and display spaces, community meeting place and civic / social event space.

The Westralian Centre concept was not able to be shown during the foreshore management plan as it had not been developed at that stage.

The proposed Westralian Centre concept's primary goal and focus is not economic development. Rather, it is to create a landmark civic, social and recreational space, harmonious and complementary to its natural environment, befitting of its strategic location in the Perth metropolitan region.

<p>e) The City seems to be pushing the 'economic development' of the Foreshore. I understood that the survey indicated Foreshore economic development was rated extremely low. However, economic development rated more highly for the rest of the wards. Why has the City apparently transposed the latter rating into this considerable development proposal for the Foreshore. In my opinion, this seeming 'skew' on the survey results potentially misleads ratepayers, residents, and the people of Perth and WA into thinking this was a whole-of-community-generated plan.</p>	
<p>3. Where is the basic business plan showing the cost of building AND maintaining such a structure - not to mention its actual necessity. Ratepayer funds have already been expended for setting up a 'financial proof of concept' without showing prior intent or plans - seemingly contradicting the City's supposed commitment to community survey! How does the City plan to cover any shortfall if fundraising from government and private sources is not forthcoming, or proves inadequate for the considerable cost and upkeep of this development?</p>	<p>Capital funding for the project is currently being explored with various parties.</p> <p>A detailed business plan is to presently being prepared which will include a financial model to assess the financial viability of the centre, inclusive of various funding scenarios for the Council to consider.</p>
<p>2. Mr Harry Anstey of 21 River View Street, South Perth Received: 26 April 2017</p>	<p>Response provided by: Geoff Glass, CEO</p>
<p><i>[Preamble] Agenda Item 6.1 Responses to Previous Questions Taken on Notice: I advise that I have not received any formal response to the questions I raised at the OCM of 28 March and taken on notice.</i></p>	
<p>1. Is it Council's intention not to provide its responses to my questions of 28 March at this meeting tonight?</p>	<p>The City's Public Question Time procedure provides that where questions are received 24 hours in advance of the meeting, the Council will provide a response to that question at that Council meeting.</p> <p>The procedure provides that public questions submitted at that Council meeting will be taken on notice and an answer provided in the Minutes of the next Ordinary Council meeting.</p>

	Mr Anstey's public questions were submitted at the Council Meeting held 28 March 2017. Mr Anstey's public questions were read out at the meeting, and as advised at that meeting and noted in the March 2017 Council Minutes, the response to the questions will be provided in the April 2017 Ordinary Council Meeting Minutes, which will be distributed on Friday 30 April 2017.
2. If so, is this practice consistent with the Local Government Guidelines to questions?	The City's practice of recording responses to questions received at Council meetings in the minutes of the next Ordinary Council meeting is consistent with the requirements of the Local Government Act 1995, Department of Local Government Operational Guideline 3 – Managing Public Question Time and the City's Standing Orders Local Law.
<i>[Preamble] Agenda Item 7.2 Briefings: I confirm that since my questions to the OCM of 28 March I have received an email from the Deputy Mayor, I was invited to attend a one-on-one meeting with the Corporate Support Officer and Manager Development Services on 20 April and I received an email from the CEO on 24 April. I suggest that there were significant matters concerning the questions raised but note that there is no suggestion of any these consultations. I have provided a copy of some photos and extracts from documents that were referenced as part of those discussions, so all Councillors are informed and I request that they be included in the Minutes as part of this question.</i>	
3. Is it usual practice for notes or memos to be kept of consultation about public questions?	No it is not usual to keep notes or memos about public questions. Answers to public questions are provided at the Council meeting where prior received by the City. Where a question is taken on notice the answers are provided within the Minutes of the following month's Council Meeting Minutes.
4. Will Councillors be provided with a copy of the emails and associated notes as part of the response to the questions, and noted at this Item? If Councillors are interested in my verbal summary of these briefings then I am happy to answer any queries they may have.	There are no notes in relation to the questions asked in this item. Councillors and the public will be provided with the answers as listed in this document.

6.2 PUBLIC QUESTION TIME: 23 MAY 2017

1. Mr Greg Benjamin of 42 Norfolk Street, South Perth Received: 3 May 2017	Response provided by: Acting Chief Executive Officer, Mr Mark Taylor
<p><i>[Preamble] Survey for Proposed Westralian Centre: Extracts from CoSP documents</i> <i>The City plans to use its 'Your Say South Perth' engagement portal to gather community comment... In addition, there will be a customised online survey of approximately 500 people with the survey questions currently being prepared... The City has engaged independent consultants Thinkfield to develop a customised online survey which will be sent to a representative sample of the West Australian population, as well as an additional sample of City of South Perth residents... Thinkfield have been engaged to conduct the online survey with participants to ensure a representative sample by age and gender from across Western Australia... How confident is the council about receiving the \$7 million required for the project? The City will make best endeavours to secure financial support from the State and Federal Governments as well as private funding... Consultation will commence May 2017.</i></p> <p>Sources: https://southperth.wa.gov.au/our-future/projects-and-places/westralian-centre https://southperth.wa.gov.au/about-us/news-and-publications/news-and-public-notices/news-detail/2017/04/28/westralian-centre-concept Ordinary Council Meeting – 26 April 2017 – Minutes – page 108.</p>	
<p><u>Survey response from City of South Perth ratepayers</u> 1. How many City of South Perth ratepayers are there currently?</p>	<p>The number of City of South Perth ratepayers is currently 20,092.</p>
<p>2. How many people in Total have been targeted for the online survey regarding the proposed Westralian Centre? (note the Media Statement 28 April refers to approximately 500 people as well as an unquantified additional sample of City of South Perth residents).</p>	<p>The City's independent market research, conducted by Thinkfield involves an electronic survey of 500 people from regional and metropolitan WA with an additional sample of approximately 3,540 South Perth ratepayers and residents, randomly selected.</p> <p>Independent market research of both South Perth ratepayers and residents and the broader community is considered important so that Council can determine the level of support for the Westralian Centre concept, given the concept is located on a strategic regional setting.</p>
<p>3. How many people, who are City of South Perth ratepayers, have been targeted for the online survey regarding the proposed Westralian Centre?</p>	<p>2,775 ratepayers.</p>
<p>Note: The allowable 3 questions were asked and responded to at the meeting. The responses to questions 4-6 appear below.</p>	
<p>4. If not chosen by Thinkfield, or targeted by City of South Perth, can City of South Perth ratepayers elect to complete the survey?; and if so, how?; what is the website address where this survey can be</p>	<p>Consistent with all City community consultation, Your Say South Perth is the primary focal point for this consultation.</p>

<p>completed?</p>	<p>Community consultation on the proposed Westralian Centre Concept formally commenced on Wednesday 10 May 2017 on Your Say South Perth. The site has detailed information on the concept as well as a questionnaire providing the community with the opportunity for feedback.</p> <p>Hard copies of this questionnaire have been made available at the Civic Centre, South Perth Library, Manning Library, the Senior Citizens Centres, the Old Mill and George Burnett Leisure Centre.</p> <p>A comprehensive communications plan has been implemented in order to inform the community of the proposed Westralian Centre Concept and to encourage feedback via the Your Say site.</p> <p>The questionnaire can be completed at https://yoursay.southperth.wa.gov.au/the-westralian-centre and will close 5pm Friday 2 June 2017.</p>
<p><u>Survey response regarding any funding from City of South Perth and its ratepayers</u></p> <p>5. When (date or month) is it expected to be known whether all, or how much, of the \$7 million capital cost will be funded from external sources? vs how much of the balance will be funded by the City of South Perth?</p>	<p>The date and month of any external funding for capital works associated with this project cannot be definitively provided at this stage.</p> <p>The capital cost quoted is indicative and based on initial proposed concepts. Preliminary discussions have taken place with various parties to gauge their potential interest in being involved with, or supporting the proposed Westralian Centre. Further work and planning still needs to be carried out and full costings will not be available until after detailed design is completed.</p>

<p>6. If a portion of the \$7 million capital cost is to be funded by the City of South Perth (which is currently thought to be a probable outcome), given the understanding this cost will have to be funded by City of South Perth ratepayers, will there be an additional survey targeted at City of South Perth ratepayers:-</p> <ul style="list-style-type: none"> • informing ratepayers of the impact on their rates for funding the capital cost of the Westralian Centre • whether this impact on their rates, affects their approval or rejection of the proposed Westralian Centre? 	<p>The views expressed in event of the scenario assumed in the question will be noted.</p>
<p>2. Mr Craig Dermer of 14/63 Mill Point Road, South Perth Received: 15 May 2017</p>	<p>Response provided by: Acting Chief Executive Officer, Mr Mark Taylor</p>
<p><i>[Preamble] Items of interest to the South Perth residents</i></p>	
<p>1. When the trees were cut down in Labouchere road, were tissue tests requested to determine why they died? Will any results be released to residents?</p>	<p>No tissue tests were requested from the Arborist.</p>
<p>2. Are council aware of and countenance the piping used to pump waste water from the Civic Heart site to the drain on the South East Corner of The Bowling club?</p>	<p>The City approved a piped connection from the Civic Heart site to a sewer access chamber at the rear of the Bowling Club. The applicant approached the South Perth Bowling Club and received their support. The above ground piped connection to the sewer was selected over a below ground installation to protect both the City's and the Bowling Club property.</p>
<p>3. Does Council agree that, had those questioned about their use of the proposed Station been made aware that there would be no parking, the results may have been somewhat different?</p>	<p>The City will take this question on notice and seek clarification from Mr Dermer after the meeting.</p>
<p>3. Mr Harry Anstey of 21 River View Street, South Perth Received: 19 May 2017</p>	<p>Response provided by: Acting Chief Executive Officer, Mr Mark Taylor</p>
<p><i>[Preamble] Item 7.1.2 and Appendix 6.1 Responses to my Questions 28/3 – Precise, with preface attached:- (note the preamble accompanying this question was not submitted with the Public Question Time application)</i></p>	
<p>1. Will Council immediately undertake a pro-active program, in conjunction with its arborist, to address the impacts of de-watering from both the Aurelia and Civic Heart sites to ensure that the various mature deciduous trees which have been identified progressively over the past 5 months are provided with all the necessary support,</p>	<p>The City has been watering and caring for the trees considered to be potentially affected on public land for the past three months.</p>

clean watering, treatment, etc NOW to ensure that not one more tree dies from the impact of the dewatering during the dormant season?	
<i>[Preamble] Item 7.1.2 Minutes of OCM 26 April, Item 3.1 ANNOUNCEMENTS FROM THE PRESIDING MEMBER, PUBLIC QUESTION TIME STATEMENT – Precise, with preface attached:-</i>	
<i>(note the preamble accompanying this question was not submitted with the Public Question Time application)</i>	
2. Will Council confirm that it will immediately implement a pro-active program of review of its PQT & Deputation Policies, Procedures & Code of Conduct with the Department of Local Government & Community to ensure that these PQT and Deputation procedures enable residents to receive the objectives of efficient, open and transparent procedures consistent with the City’s Guiding Values?	[Response provided by Mayor Sue Doherty] The Council recently undertook a comprehensive review of its Standing Orders Local Law (inclusive of Public Question Time). In addition, the City has received legal advice noting that its Public Question Time procedures are consistent with the Local Government Act 1995 and the Department of Local Government and Communities Guideline #13 Managing Public Question Time. As requested by the Mayor and Councillors a report will be presented to the Audit, Risk and Governance Committee meeting scheduled for 6 June 2017 on the matter of Public Question Time.
<i>[Preamble] Item 7.1.2 Minutes of OCM – Precise, with preface attached:-</i> <i>(note the preamble accompanying this question was not submitted with the Public Question Time application)</i>	
3. Will the CEO confirm that the Minutes published on the 28 April 2017 are a true and accurate record of all the business discussed and presented to the Ordinary Council Meeting held on 26 April 2017, completely consistent with the audio recording, particularly that the Responses to my Questions in the Appendix 6.1, pages 100 & 101, were provided to me prior to, and the public attending, the Meeting of 26 April 2017?	The Minutes of the 26 April 2017 Meeting are a true and accurate record. The responses to your questions Taken on Notice at the March 2017 Ordinary Council Meeting on this occasion were not sent to you personally prior to the 26 April 2017 Ordinary Council Meeting.
4. Ms Cecilia Brooke of 8/20 Garden Street, South Perth Received: 21 May 2017	Response provided by: Acting Chief Executive Officer, Mr Mark Taylor
<i>[Preamble] The proposed Westralian Centre</i>	
1. Can the City put its hand on its heart and say categorically that it will not contribute any capital funding for this project to make up any shortfall for the construction of the Facility.	As previously advised it is the City’s intention to use its best endeavours to seek external funding from a range of sources. Until that is fully explored the extent to which, if any, the Council may need to consider their contributing to any capital funding is not known.
Note: At this point the allocated 15 minutes for Public Question Time was exhausted. Council resolved to extend Public Question Time for a further	

15 minutes.	
2. The City is proposing to accept all operating and maintenance costs for the Proposed Centre. No matter how good the business plan may appear, there will always be the prospect that the City will have to subsidise its operations. What figure does the City consider an acceptable operating loss before it approves to proceed with any further effort to secure external funding?	Council is still to consider the business case. Until the Business Case has been considered the City is not in a position to provide any comment.
3. In the “Have Your Say Website” it states that: <i>In response, the Council has proposed the concept of the Westralian Centre and this concept was endorsed at the 28 February 2017 Council meeting. The City is now commencing initial consultation to inform and seek feedback from community and stakeholders on this proposal</i> This is incorrect and inconsistent with the background outlined in the introductory web details, which correctly states that it currently has only “in principle” support by Council. Is this to be corrected?	The City has made the following amendment to the “Have Your Say” site: <i>In response, the Council resolved to give in principle support to the concept of the Westralian Centre at the 28 February 2017 Council meeting. The City is now commencing initial consultation to inform and seek feedback from community and stakeholders on this proposal.</i>
5. Mr Trevor Hill of 100A Forrest Street, South Perth Received: 22 May 2017	Response provided by: Mayor Sue Doherty
<i>[Preamble] The Minutes of the Council meeting 28/02/17 indicated that the exact location of a proposed Westralian Centre was not finalised.</i>	
1. How was it that Federal MP, Steve Irons announced on 13 February 2017, in the Australian Parliament that the City of South Perth was considering a building to commemorate the 10 th Light Horse when the item was considered confidential until the Council meeting on 28 February 2017.	It is normal to consult with a number of people and relevant state and federal agencies when conceiving and developing a proposal such as the Westralian Centre. Mr Steve Irons MP, as the City’s local federal member, is considered to be a key person to discuss the concept in order to seek his advice and potential support. Mr Irons is also able to assist the City to contact relevant people within the Federal Government and its agencies with whom the City could be discussing the Westralian Centre concept.
6. Dr Jennifer Nevard of 195 Mill Point Road, South Perth Received: 22 May 2017	Response provided by: Mayor Sue Doherty
<i>[Preamble] The Minutes of the Council meeting 28/02/17 indicated that the exact location of a proposed Westralian Centre was not finalised.</i>	
1. What other locations for a Westralian Centre did the Council consider and subsequently reject?	The Westralian Centre concept is proposed to deliver on the vision for Node 9 identified through the stakeholder engagement and community consultation process. As such no other locations have been considered.

2. Why were these alternative locations rejected?	This question is not applicable.
3. Why is the proposed location for a Westralian Centre still undecided?	<p>At the February Council meeting when the Westralian Centre was considered it was resolved in part that 'the preferred location at this time being Node 9'.</p> <p>Council is keen to be clear that the project is only a proposal at this stage and following a review of the feedback from the community and investigations undertaken, a review will be undertaken before any endorsement is given by the Council.</p>
Note: The allowable 3 questions were asked and responded to at the meeting. The responses to questions 4-6 appear below.	
<p><i>[Preamble]</i> P21 of the City of South Perth's <u>Strategic and Management Plan</u> (final edition 2015) states:</p> <p><i>Strategic Asbestos Containing Material (ACM) has been identified on numerous occasions around Lake Hurlingham and Lake Douglas which were formerly rubbish tip site. 'Negligible' size pieces of ACM have been found but have been left undisturbed in situ. Management of these sites in relation to asbestos should be undertaken with reference to the City's Asbestos Removal Guideline 3.4.4.2 (in draft form March 2014)</i></p> <p><i>Other contamination details of the site relating to the former rubbish tip site are unknown, and it is recommended that soil testing is undertaken to ascertain this prior to any works in the area. Refer recommended strategies for The Lakes node particularly.</i></p> <p><i>The Department of Environment and Conservation (DEC) has compiled maps of ASS risk areas which provide a broad-scale indication of the areas where ASS (acid sulphate soils) are most likely to exist so that disturbance of ASS is avoided where possible. The SPF's probability of ASS occurrence is 'high to moderate risk of ASS occurring within 3 metres of natural soil surface for the entire foreshore, except the Esplanade and west to Mill Point, where the probability considered moderate to low.</i></p> <p>The 2015 document P21 indicated that there was a <u>low</u> risk of ASS being present in the Peninsular area however, I understand that the mature trees that died in the Peninsular area indeed <u>suffered from exposure to sulphurous acids</u>. Therefore:</p>	
4. What soil testing at the Flagpole site has been undertaken to clarify whether <i>Asbestos Containing Material (ACM)</i> contamination is present there?	No soil testing has been undertaken however this site was not previously a general rubbish tip as was an area in the vicinity of Lakes Hurlingham and Douglas. It does contain dredged spoil and some road base.
5. What soil testing at the Flagpole site has been undertaken to clarify whether Acid Sulphate Soils (ASS) contamination is present there?	No soil testing has been undertaken for ASS at the flagpole site however the City has successfully managed a number of sites requiring excavation along the foreshore such as the Millers Pool and the Promenade Wall developments.
6. How does the Council predict ratepayers would react if the trees in the vicinity of the Flagpole died from ASS as a result of disturbance to the soils through construction of a Westralian Centre?	The City has no evidence of trees on the foreshore dying as a result of ASS due to soil disturbance.

7. Dr Sarah Schladow of 3/20 Garden Street, South Perth Received: 22 May 2017	Response provided by: Acting Chief Executive Officer, Mr Mark Taylor
<p><i>[Preamble] MacroPlanDimasi (Financial proof of concept) I note that this plan includes under Revenue projections (p6) projected operational costs of the development. Perhaps not surprisingly, then, the plan also includes under revenue (p7) some \$140,000 of unfunded/unguaranteed contributions:</i></p> <ul style="list-style-type: none"> <i>• baseline funding (\$100,000) +</i> <i>• donations& sponsorship (\$37000)</i> <p><i>In addition, the plan assumes staff costs (\$100,000) based on mainly volunteer staff. This totals nearly quarter of a million dollars, for which the plan clearly states the City (ie ratepayers) will be 'ultimately responsible' over the life of this development (p5):</i></p> <p><i>a) the City 'is ultimately responsible for memorials ...even where construction costs were [State or Commonwealth] funded'. (There also appears to be a typo immediately below this. I assume the next sentence should read: the Commonwealth govt does NOT commit any funds to the capital or operational costs of memorials.)</i></p> <p><i>b) 'public funding provides between 60-100% of all operational requirements'</i></p>	
<p>1. What is Council's contingency plan for this estimated 60-100% shortfall, if other funding &/or volunteers are not forthcoming?</p>	<p>The projected operating financials are to be contained in the Business Plan yet to be submitted to Council.</p>
<p><i>[Preamble] Confidential Briefing and Meeting (21 & 28 Feb 2017 Item 15.1.3 From the FOI information I have received, the evidentiary material presented to Council and thence to the community seems incomplete to me (particularly as there is a community consultation under way). Transparency is essential on issues including (but not limited to)</i></p> <ul style="list-style-type: none"> <i>• the survey results/ratings from the SPF plan;</i> <i>• considerable community comments (and previous Council commitments) indicating a desire for minimal permanent structures on the Foreshore;</i> <i>• the 'detailed plan prepared for the upgrade of the Flagpole site' and thus prior to that Plan - noted on p 53 of the Foreshore Management Plan,).</i> <i>• the apparently sudden impetus for this multi- purpose tourist attraction and civic public space on the . . . Foreshore' (see 'Comment' section of item 15.1.3 (p 9/16).</i> 	
<p>2. Were Councillors made aware of the following - either at the 21 Feb 2017 briefing; at any time leading up to that briefing and/or the subsequent Council meeting; or at the confidential briefing of 30 Aug 2016 (p13/16)?</p> <ul style="list-style-type: none"> a. the prior community workshops discussed simple information plaques/signs acknowledging various sites on the Park; b. the community survey/s did not support development of large permanent structures on the park c. the community survey/s did not include a building/permanent structure as a 'civic ceremony and events space' at the flagpole 	<p>Councillors were aware of the details of the South Perth Foreshore Strategy and Management Plan through a series of briefings prior to its adoption. It is readily available to all Councillors for their information and referral.</p>

<p>node, or anywhere on the park.</p> <p>d. the previous 'detailed plan' for development at the Flagpole node, even though the flagpole area rated almost last in the prior survey/s in terms of 'development priority' (I note that, contrary to the Foreshore Management plan commentary (p53), there is no 'degraded infrastructure' - only a flagpole and a limestone coat of arms (requiring little expenditure or maintenance) which do not impact on recreational usage or enjoyment of the Park.)</p> <p>e. The reasons for such plan/s are surely relevant for a fully informed community response to the consultation process - particularly since this concept plan seems to have been quietly initiated without community consultation in the 2013 survey, thence to be inserted into the Foreshore Management plan. In my opinion, this counters the spirit and apparent intent of the survey on which the Management plan was ostensibly based.</p>	
<p>3. How does this concept plan meet the definition of 'recreation' in terms of management of Lot 11835 (p14/16), which continuing recreation usage was a primary concern of the community?</p>	<p>'Recreation' use has a broad definition and this proposal contains various elements that would be regarded in a contemporary society to be forms of recreation. For example, Subiaco Oval is on an MRS Reserve and is classed as recreation, the restaurants along the coast at Cambridge are on an MRS reserve and classed as recreation.</p>
<p>8. Ms Vicki Redden of 14/63 Mill Point Road, South Perth Received: 22 May 2017</p>	<p>Response provided by: Director Planning and Development, Ms Vicki Lummer</p>
<p>Note: At this point the 15 minute extension of Public Question Time was exhausted. Council resolved to extend Public Question Time for a further 5 minutes.</p>	
<p>1. What is council's position in regard to voting at WALGA, for 3rd party appeal rights to SAT, for both council and groups of ratepayers?</p>	<p>Council has not yet formed a position in regard to this matter. Councillors will be providing feedback to WALGA on its recent position paper on Third Party Appeal Rights by 31 May and a formal Council resolution will follow.</p>
<p>2. In order to prevent the RobertsDay exercise becoming a waste of time, money and energy, what can council do to put a stake in the ground and prevent any more hideous "active street front podiums", unnecessary destruction of mature trees and totally inappropriate height blds etc, being opportunistically approved?</p>	<p>Council will be considering the "South Perth Peninsula Place +Design Report" at its June meeting. At that time Council will consider priorities arising from the report and how best to move forward with the good work that was undertaken by the City and RobertsDay. It is noted that the study recommendations require changes to the planning framework which will take</p>

	a significant amount of time to complete.
3. Our legal advice states the decision to allow or refuse the request for a “change of use” for 26 Charles and 74 Mill Point on a Form 2 is for the city to make. We understand council is receiving legal advice and as there is no “Commercial in Confidence” or privacy concern on this issue, will the legal opinion be made public, but more importantly will the questions provided to the city’s legal counsel be made available? If not, why not?	As part of the consideration of these applications the City is seeking legal advice with respect to the Development Assessment Panel Form 2 process. The City will consider whether or not to make the advice available in due course.
9. Mr Paul Noble of Mends Street News & Supplies – 3/20 Mends Street Received: 22 May 2017	Response provided by: Acting Chief Executive Officer, Mr Mark Taylor
1. When will the council be commenting on the points I raised at the meeting on the 16 th May – with regards to our petition – Appendix 10.0?	The Council has heard your deputation on 16 May 2017 and will take your issues raised into consideration when deliberating on this Agenda item tonight.
Note: At this point the 5 minute extension of Public Question Time was exhausted and the Presiding Member closed Public Question Time. The responses to the remaining questions submitted appear below.	
2. How and why was the Council car park to the rear of the news agents on Mends Street sold when it was such a valuable asset to the people of South Perth?	As this was a decision of Council made some time ago, the City will take this question on notice as it requires further research.
3. Has the Council made a decision on what it proposes to do to make all the public footpaths and roads accessible and safe for the public to access the amenities on Mends Street and when will it instigate its decisions?	The City manages the roads and public footpaths in and around Mends Street on a daily basis to keep them safe and accessible. Due to development there are times when roads and footpaths are not accessible because the City deems them not to be safe for community access. The City is making every attempt to ensure the public footpaths and roads are accessible and safe for access but there are times when access ways need to be closed when considered dangerous.
10. Ms Teresa Pert of Harlequin Hair – 1/16 Mends Street Received: 22 May 2017	Response provided by: Acting Chief Executive Officer, Mr Mark Taylor
1. Can consideration be given to the establishment of a fresh food market in the Windsor car park (Sunday)?	This is an initiative being considered by the Connect South Project Working Group in conjunction with the Mends Street traders.

11. Mr Geoff Defrenne of 24 Kennard Street, Kensington Received at the Meeting 23 May 2017	Response provided by: Mayor Sue Doherty
1. Will this Council be doing a presentation at the Electors' Meeting next month?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Minutes of the June 2017 Ordinary Council Meeting.
2. Will Electors be able to ask questions based on that presentation?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Minutes of the June 2017 Ordinary Council Meeting.

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 the Ordinary Council Meeting on Tuesday 27 June 2017.

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