

AGENDA.

Ordinary Council Meeting

23 May 2017

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 23 May 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

19 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/

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law 2007 which provides rules and guidelines that apply to the conduct of meetings.

3.2 AUDIO RECORDING OF THE COUNCIL MEETING

This meeting will be audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.15 of the Standing Orders Local Law 2007 "Recording of Proceedings".

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

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.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 23 MAY 2017

The Presiding Member to invite those members of the public who submitted questions to read their questions.

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

Recommendation

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

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 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

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

8. PRESENTATIONS

8.1 PETITIONS

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

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.

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 (unknown), 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

That the petition received 16 May 2017 from (unknown), 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.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 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

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

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

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.

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.

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

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.

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:
- (i) have been assigned Building Height Limits of **3.0 metres**, 3.5 metres or 6.5 metres; and
 - (ii) 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>Developments 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
<i>Design Principles: 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>		

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

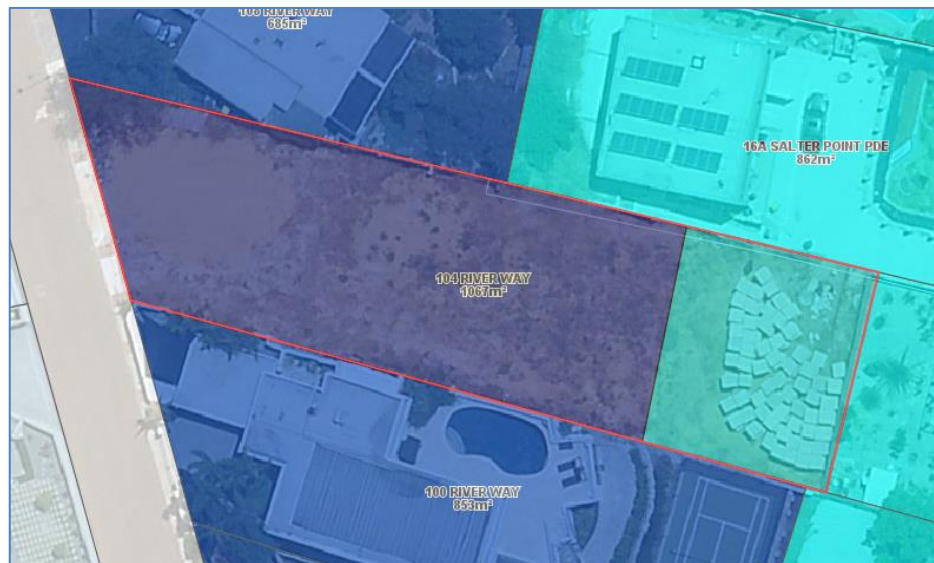
from the street boundary to comply with the requirements of Council Policy P306.

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: 9 January 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

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'.

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

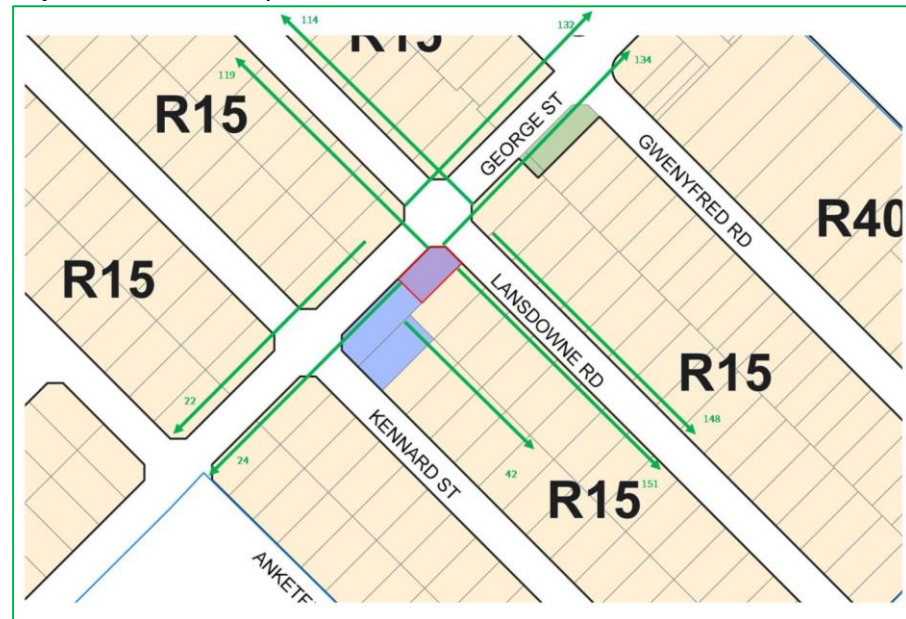
In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (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
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.	The applicant has failed to provide any justification/solution to address the car parking shortfall. It is recommended that this application be refused. The comment is UPHELD .
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	The applicant has failed to provide any justification/solution to address the car parking shortfall. It is recommended that this application be refused. The comment is UPHELD .

<p>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>	
---	--

(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.*

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

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.

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:

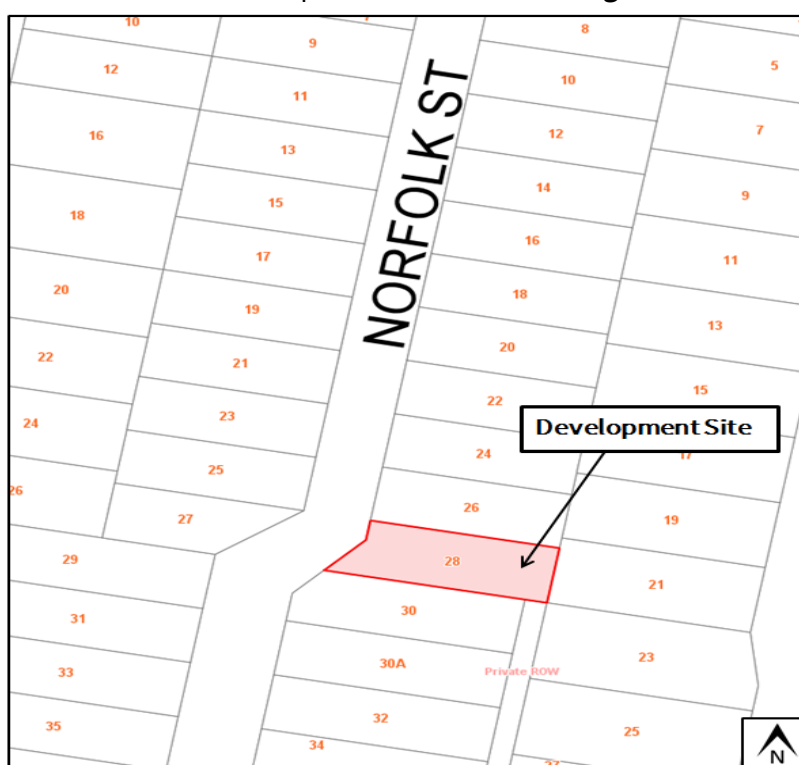


Figure 1 – Development Site

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:

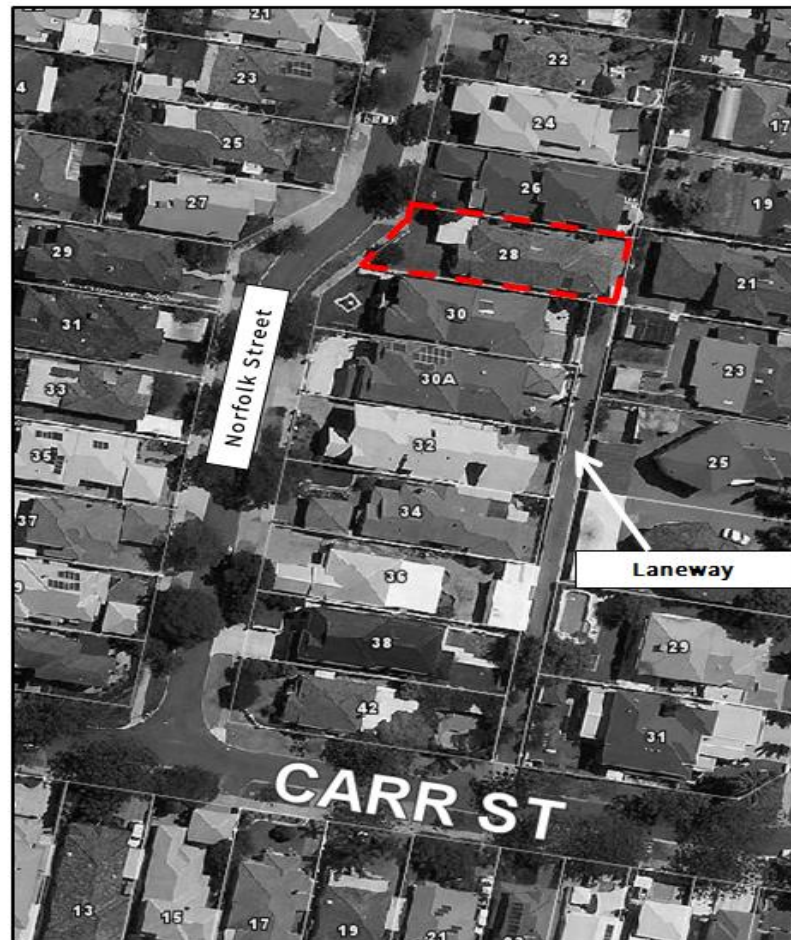


Figure 2 – Aerial of Surrounding Locality

(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)).

10.3.4a Proposed Garage and Second Storey Additions and Alterations to a Single House on Lot 26 (No. 28) Norfolk Street, South Perth

- 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 121.5m ² 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"> • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors. 		

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)**.

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

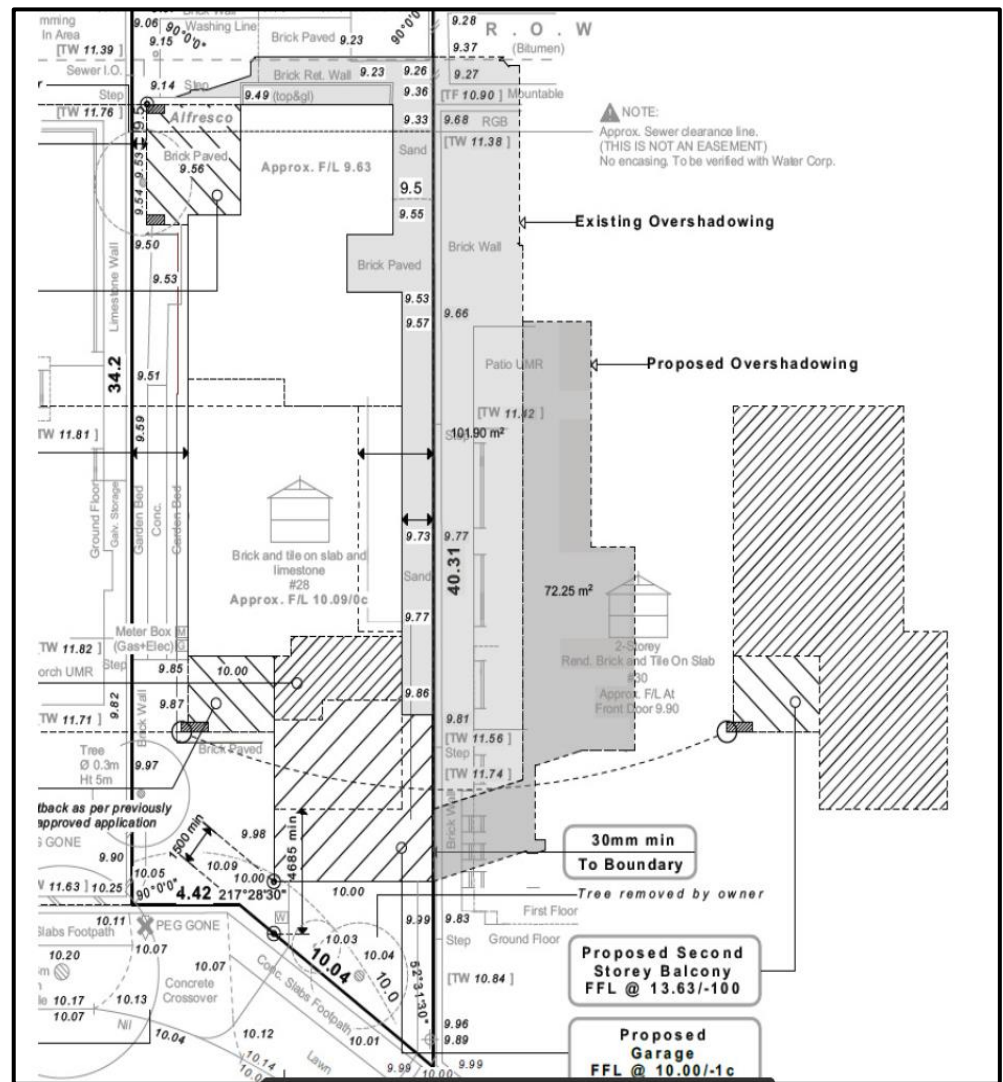


Figure 3 – Overshadowing Diagram

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><u>Design Principles R – Codes Part 5.2.1 Setback of Garage and Carports:</u> <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></p> <p><i>Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> •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. 		

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 resultant from the height and overlocking windows of the proposed additions;	Whilst overshadowing will occur, every room has other means of light as addressed in part (b) of the comment section above.
3. An appreciable reduction in my property value as a direct consequence all of the above.	The boundary wall complies with Policy P350.02.
4. The plan shows a parapet wall for a double garage is to be constructed on the boundary between 28 Norfolk St and 30	The proposed garage variation complies with the average setback requirements and open space compensation. Whilst it

<p>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>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.

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 Gildenhuys
 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

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.*

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:

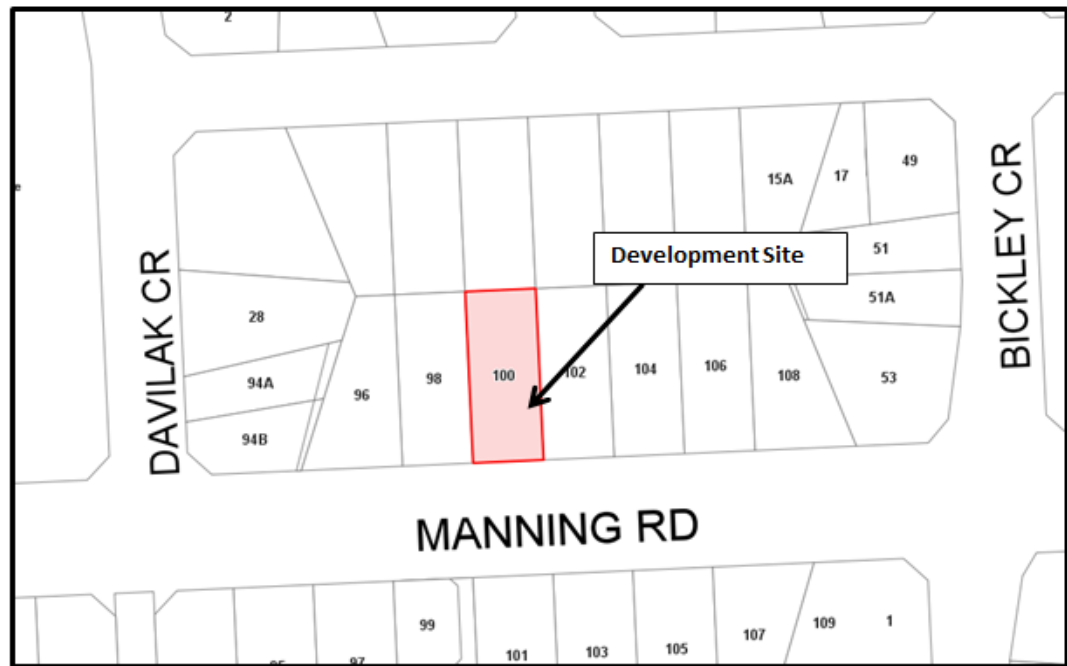


Figure 1 - Development Site

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)).

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	Proposal	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 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
<p>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 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>	<p>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.</p>	<p>Provision for wheel stops has been included as a condition of approval.</p> <p>The comment is NOTED.</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)**.

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

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.

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(s):	Mark Taylor, Director Infrastructure Services
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

That:

- (a) Council approves the tender submitted by Hydroquip Pumps and Irrigation for the “Provision of Bore and Pump Maintenance Services” in accordance with Tender Number 2/2017 for the period of three years plus a further one year at the City’s discretion
- (b) the resolved tender price be included in the Minutes of this meeting.

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;*

- *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 Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (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

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.

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.

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.

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 Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (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

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) |

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.

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 Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (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

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

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval.

They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. 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.

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

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.

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
- 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.

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'

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

Location:	Waste Transfer Site- 199 Thelma Street
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

That:

- (a) Council approves the tender submitted by Fleetwood Pty Ltd for the “Construction Of The Rangers And Waste Administration Building” in accordance with Tender Number 06/2017 for the period of four to five months inclusive
- (b) The resolved tender price be included in the Minutes of this meeting.

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 LEAVE OF ABSENCE**
- 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 13. QUESTIONS FROM MEMBERS**
 - 13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there is a matter 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. A Report regarding this matter has been circulated separately to Councillors.

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.

Officer Recommendation

That the following Agenda Item 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.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE