



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best (*Attached to back of Agenda paper*)

3.2 Audio Recording of Council meeting

4. ATTENDANCE

4.1 Apologies

4.2 Approved Leave of Absence

5. DECLARATION OF INTEREST

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 22 July 2008 the following questions were taken on notice:

6.1.1. Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Questions

1. Does the building at 11 Heppingstone Street, South Perth comply with Condition (6) of the 8 January 2001 Grant of Planning Consent. Yes or No.
2. Does the building at 11 Heppingstone Street, South Perth comply with Condition (9) of the 8 January 2001 Grant of Planning Consent. Yes or No.
2. Does the building at 11 Heppingstone Street, South Perth comply with Condition (13) of the 8 January 2001 Grant of Planning Consent. Yes or No.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 4 **August 2008**, a summary of which is as follows:

1. In October 2005, the State Administrative Tribunal determined that the building does not comply with Condition (6).
2. The City is not able to confirm whether or not the building at 11 Heppingstone Street complies with Condition (9) referred to in your question. Condition (9) relates to the setbacks of the south-western facing terraces on Levels 2 and 3. As advised in the City's letter dated 2 July 2008, the 'as constructed' setbacks of these terraces have not been measured by City Officers and to accurately confirm the 'as constructed' setbacks, it would be necessary to engage a licensed surveyor.

As also advised in the City's 2 July letter, if the setbacks of the terraces do not comply with Condition (9) of the Planning Consent, the City's decision on whether to implement enforcement action would be made according to the City's best interests. Unless the non-compliance resulted in adverse effect on the amenity of neighbouring properties, enforcement action would be unlikely. Inspection of the terraces from the street shows that they do not adversely affect neighbourhood amenity and therefore the engagement of a licensed surveyor to accurately measure the 'as constructed' setbacks could not be justified.

3. Yes. Condition (13) requires the finished floor level to be no higher than 9.4 metres relative to the datum shown on the site plan submitted with the application for Planning Consent. As advised in the City's letter dated 11 June 2008, the report of RM Surveys, Licensed Surveyors dated 19 November 2002, confirmed that the 'as constructed' floor levels are in conformity with the levels shown on the Planning Consent plans.

6.1.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

As the proposed development at 93 South Perth Esplanade is a Grouped Dwelling will the land owned by the Water Corporation be part of the 'parent lot' when or if this development is strata titled?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 12 August 2008, a summary of which is as follows:

The proposed development comprises Multiple Dwellings, **not** Grouped Dwellings.

In the context of the development in question, the R-Codes define the term 'site' as the lot on which the dwellings stand. The 'site' in this instance comprises Lot 29 (No. 93) South Perth Esplanade, together with the portion of the Water Corporation sewer reserve which traverses that lot. That is the development site irrespective of whether the completed development is strata titled. The question as to whether the Water Corporation land will be part of the 'parent lot' if the development is strata titled, will need to be determined when a licensed land surveyor prepares and lodges the strata plan. The answer to this question does not have any bearing on the manner in which the development application was assessed and approved.

6.2 PUBLIC QUESTION TIME : 26.8.2008

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22.7.2008

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 P516 "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, not open to the public, is recommended by the Department of Local Government and Regional Development's "*Council Forums Paper*" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing - July Ordinary Council Meeting Held: 15.7.2008

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

7.2.2 Concept Forum Civic Hall/Library Meeting Held: 16.7..2008

Peter and Graham Hunt from Peter Hunt Architect (PHA) presented an update on the Civic Hall/Library Project. Questions were raised by Members and responded to by the architects/officers.

Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum Canning Bridge Study Update Meeting Held: 29.7..2008

Representatives from Project Team GHD and from DPI provided an update on the Canning Bridge Study. Questions were raised by Members and responded to the presenters/officers.

Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum Town Planning Major Developments Meeting Held: 6.8.2008

Officers of the City together with applicants provided an overview of proposed major developments at No. 53 Bickley Crescent re Proposed Building for use by Southcare and Six Multiple Dwellings at 152B Mill Point Road and responded to questions raised by Members.

Notes from the Concept Briefing are included as **Attachment 7.2.4.**

7.2.5 Concept Forum Growth, Climate Change and Water Shortages Meeting Held: 5.8.2008

Representatives from 'Resilient Communities' provided a pre-briefing to the all day Forum on Climate Change scheduled for 11 August 2008.

Notes from the Concept Briefing are included as **Attachment 7.2.5.**

8. PRESENTATIONS

8.1 PETITIONS -

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

8.1.1 Petition dated 28 July 2008 received from (neighbour)Kerry Haywood, Canning Highway, Como together with 15 Signatures against the proposal for a Veterinary Clinic at 338 Canning Highway Como.

Text of petition reads: *We the undersigned are strongly opposed to having the veterinary clinic that has been proposed for Lot 531 (No. 338) Canning Highway, Como. The primary concerns for the residents of the surrounding area are: drug aspect - noise -increased traffic flow to the area - property prices*

RECOMMENDATION

That the Petition dated 28 July 2008 received from Kerry Haywood, Canning Highway, Como together with 15 signatures against the proposal for a Veterinary Clinic at No. 338 Canning Highway, Como be forwarded to the Development and Community Services Directorate for assessment together with other submissions received as part of the report on this matter being presented to the September 2008 Council meeting.

8.2 PRESENTATIONS - Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.

8.2.1. Presentation from PTA (Public Transport Authority) of Mandurah Rail Line.

The Mayor to present a commemorative photograph of the Mandurah Rail Line to the City of South Perth from the Public Transport Authority.

8.3 DEPUTATIONS - A formal process where members of the community may, **with prior permission**, address the Council on Agenda items where they have a **direct** interest in the Agenda item.

8.4 COUNCIL DELEGATES Delegate's written reports to be submitted to the Minute Secretary prior to **8 August 2008** for inclusion in the Council Agenda.

8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 23 July 2008

A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 23 July 2008 is at **Attachment 8.4.1.**

RECOMMENDATION

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 23 July 2008 be received.

8.5 CONFERENCE DELEGATES Delegate's written reports to be submitted to the Minute Secretary prior to **8 August 2008** for inclusion in the Council Agenda.

8.5.1. Conference Delegate: National Congress and Business Expo : Golf Coast 25 - 28 May

A report from the Chief Executive Officer summarising his attendance at the Local Government Managers Australia, National Congress and Business Expo held on the Gold Coast between 25 - 28 May 2008 is at **Attachment 8.5.1.**

RECOMMENDATION

That the Delegate's Report in relation to the Chief Executive Officer's attendance at the Local Government Managers Australia, National Congress and Business Expo held on the Gold Coast between 25 - 28 May 2008 be received.

9. METHOD OF DEALING WITH AGENDA BUSINESS

Chair to advise meeting of en bloc method of dealing with Agenda Business.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Submissions on Proposed Naming of Right-of-Way 123, Como (Item 10.3.8 referred Council 27.11.2007)

Location: Right-of-Way No. 123 situated within block bounded by Wooltana St, Edgumbe St, Manning Rd and Lockhart St, Como
Applicant: Council
File Ref: ROW 123
Date: 1 August 2008
Author: Laurence Mathewson, Trainee Planning Officer
Reporting Officer: Steve Cope, Director Development and Community Services

Summary

To consider submissions on the naming of Right-of-Way 123 and to make a recommendation to the Geographic Names Committee.

Background

Location

The location of ROW 123 is shown on the map below:



Condition and Usage

ROW 123 is paved for the entire length of the open portion. The ROW is closed at the southern end abutting Manning Rd and is not paved in this section. ROW 123 is 5.0 metres in width. There are seven car bays adjacent to ROW No. 123 which rely upon access from the ROW. The ROW is not required for pedestrian access to dwellings and there are no mail boxes in the ROW.

Previous Right-of-Way Naming

At Council’s December 2001 meeting, five ROWs were approved for naming. Separate requests for naming had been received from three owners, each from a different ROW. The ROWs approved for naming were Nos. 86, 93, 94, 103, and 104. All of these are parallel to Canning Highway and the reason for Council’s support for naming was that there were a range of difficulties in relation to giving directions to visitors to the abutting properties. Prior to naming, there was a trial of “location signs”. The “location signs” were placed at each end of the ROW and indicated that the laneway provided rear access to certain properties which front on to Canning Highway. The trial had mixed results.

At Council’s June 2006 meeting, two more ROWs were approved for naming. The ROWs approved for naming were Nos. 75 and 76.

Right-of-Way 123 - Naming Request

The request to name ROW 123 is from Dr Deborah Jenner, the former owner / occupier of a dwelling which has vehicle access from the ROW. Dr Jenner advises that:

- ROW 123 is used extensively by residents and visitors;
- It is difficult to direct tradespersons to her dwelling from the ROW; and
- It is difficult to direct visitors to her dwelling from the ROW.

At its November 2007 meeting, the Council agreed to advertise the proposal to name ROW 123 “Tulip Lane”.

Comment

The consultation section below describes the consultation undertaken with the adjoining owners and occupiers.

Consultation

Advertising - February 2008

There are no statutory advertising procedures for proposals to name a right-of-way. However at its November 2007 meeting the Council resolved to advertise the proposal to the owners and occupiers of properties abutting the right-of-way for 21 days. The proposed name “Tulip Lane” was advertised in February 2008, to approximately 30 dwellings abutting the right of way. Seven submissions were received, and these are summarised as follows:

Submitter 1	Owner	<ul style="list-style-type: none"> • Against. • Not an appropriate Australian name for the area. • “Gum Tree Lane” more appropriate.
Submitter 2	Owner / occupier	<ul style="list-style-type: none"> • Agree. • Short name appropriate for ROW 123.
Submitter 3	Owner / occupier	<ul style="list-style-type: none"> • Agree.
Submitter 4	Owner	<ul style="list-style-type: none"> • Agree.
Submitter 5	Owner	<ul style="list-style-type: none"> • Against. • “Amber Lane” more appropriate.
Submitter 6	Owner / occupier	<ul style="list-style-type: none"> • Against. • Would prefer a name that is either a native Australian or that is found growing along the lane.
Submitter 7	Owner	<ul style="list-style-type: none"> • Agree. • Name represents a flower that looks nice and is therefore an appropriate name for the lane.

Of the seven submissions received during the period of advertising, four of the submitters agreed with the naming proposal whilst three were against. Those properties that did not respond are deemed to have no objection to the naming proposal. Consequently there is a broad consensus from properties abutting ROW 123 that “Tulip Lane” is an appropriate name.

Geographic Names Committee - Landgate

Comment was requested from an officer of the Geographic Names Committee with regard to the name “Tulip Lane”. The officer advised that “Tulip Lane” is considered a suitable name for Right-of-way 123.

Policy and Legislative Implications

Council does not have a policy to guide decisions as to whether or not the naming of particular right-of-ways will be supported, and if so, how names will be selected.

The Geographic Name Committee policy titled “Road Naming Guidelines (2001)” provides the following guideline for the naming of ROWs:

“The increase in urban density in new development and urban redevelopment has resulted in many narrow short lanes and right-of-ways requiring names. The naming of such roads is supported with a preference for use of the road type lane and short names. Laneways will normally only be named if a name is required for addressing purposes. The leg of a battleaxe lot is not a laneway.”

Financial Implications

If Council resolves to proceed with the naming proposal, and the Geographic Name Committee consents to name the right-of-way, the cost to install a sign at each end will be approximately \$300 per sign (a total of approximately \$600).

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City’s unique natural and built environment.

OFFICER RECOMMENDATION ITEM 10.0.1

That....

- (a) the Council recommends that Right-of-Way No. 123 (situated within the block bounded by Wooltana Street, Edgumbe Street, Manning Road and Lockhart Street, Como) be named “Tulip Lane”;
- (b) the Minister for Lands be advised of the Council’s recommendation; and
- (c) submitters and the new owner of No. 30 Manning Road be notified of the Council’s recommendation to the Minister for Lands.

10.0.2 Ownership/Management Collier Park Village Hostel: Report on Submissions
(Item 10.0.2 May 2008 Council Meeting)

Location: City of South Perth
Applicant: Council
File Ref: CS/501/4
Date: 1 August 2008
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to advise on submissions received following Council's endorsement of a 'brief' calling for 'expressions of interest' for the ownership / management of the Collier Park Village Hostel at the May 2008 Council meeting.

Background

The operations of the Collier Park Hostel, following the 2006 Council decision to retain ownership / management of the facility, have been under review on a regular basis. The Hostel has been the subject of extensive internal / external reports, workshops and presentations from aged care providers in recent times.

In response to a *Future Directions Workshop* held February 2008 a report was presented to the April and then to the May 2008 Council meetings. At the May 2008 Council meeting it was resolved:

That the Brief inviting "not for profit" organisations to lodge Expressions of Interest for the ownership / management of the Collier Park Village Hostel be endorsed.

Comment

In response to the May 2008 Council resolution, Expressions of Interest were called for by advertisements in the West Australian newspaper on 31 May and 7 June 2008 and via documentation placed on the City web pages.

Following the close of the advertising period on 30 June 2008 one compliant submission has been received in relation to the Expressions of Interest called for the Collier Park Village Hostel. **Confidential Attachment 10.0.2** refers. The submission was lodged by Southern Cross Care - the organisation that prepared a comprehensive submission on the Collier Park Hostel facility two years ago. A representative from the Collier Park Village Residents' Committee was present to witness the opening of submissions received on 30 June 2008.

Prior to the close of the Expressions of Interest, Meath Care (Inc) advised that it was interested in examining the viability of the proposal but no submission was received on the due date. Rather, MeathCare advised that its power point presentation given to Elected Members at an informal Briefing in February 2008 should be used as its 'expression of interest'. As this "Submission" is not compliant, it cannot be considered as part of the EOI submission process and must be rejected.

Despite this, MeathCare remains interested in developing a proposal for Council consideration. Subsequent to the closing date, on 31 July 2008, a detailed submission was received from MeathCare which addresses the opportunities contained in the EOI and may be the subject of a future report.

The principal features of the Southern Cross Care proposal are as followings:

- use of the Hostel would be gradually phased to a Centre of Excellence for the Residential Care of People with Dementia;
- the existing facility would be retained;
- the existing City staff would be transferred to Southern Cross Care;
- the City would have no direct role in the operation or management of the centre;
- for the first two years of the arrangement, the City would pay to Southern Cross Care a Management Fee of \$10,000 per month;
- any operational surplus during the two year period would be returned to the City;
- after the first two year period, a profit share arrangement would be negotiated;
- arrangements that currently apply to existing village residents when transferring to the Hostel would continue;
- the terms of the arrangement would be for 5 years with a 5 year option;
- no interest was expressed in relation to the vacant land to the immediate east of the Collier Park Village complex.

Whilst meeting some of the desired outcomes contained in the Expression of Interest document (EOI) it is not believed that the submission received from Southern Cross Care fully maximises the potential available in the EOI. There are probable financial advantages in the proposal - particularly in the medium to long term if the current operating loss situation can be turned into an operating surplus as potential profit share options are offered.

The downside however, (at least from local residents point of view), is that the Hostel would be gradually converted to a dementia centre (albeit a Centre of Excellence) which would make village resident transfer less likely. In addition, the City would be required to pay a Management Fee of \$120,000 pa and no interest has been shown in development of the vacant land to the immediate east of the Collier Park Village. The submission therefore, whilst compliant and attractive in part, does not fully respond to the opportunities created by the EOI to integrate and expand the existing Hostel service into that of another similar service provider. It is therefore recommended that the submission not be accepted for these reasons.

Consultation

Consultants advice has been sought on the management of the Hostel on previous occasions, the most recent of which was a comprehensive report prepared by Southern Cross Care which was considered by Council in October 2006.

Other consultants have been engaged to improve operational and financial efficiencies and internal reviews have been conducted.

Representatives from the Collier Park Residents Committee participated in the '*Future Directions Workshop*' in August 2007 and the Interviews Workshop conducted in February 2008.

As a result of the May 2008 Council resolution Expressions of Interest were called for by advertisements in the West Australian newspaper on 31 May and 7 June 2008 and via documentation placed on the City web pages.

Discussions have been held with representative of the Management Committee in relation to the submissions received.

Policy and Legislative Implications

Expressions of Interest called in accordance with the provisions of the *Local Government Act* and Tender Regulations.

Review of financial issues associated with the Collier Park Hostel have been consistent with Council resolutions.

Financial Implications

Operational costs of the Collier Park Hostel have traditionally exceeded operational revenue. Recent financial results are as follows:-

	Operating Revenue	Operating Expenditure (Excluding Non cash)	Operating Loss	Capital
	\$	\$	\$	\$
2004/2005	1,058,549	1,130,047	71,498 +	99,931
2005/2006	1,153,020	1,235,423	82,403 +	53,452
2006/2007	1,261,558	1,366,439	104,881 +	34,472
2007/2008	Estimate 1,297,900	1,361,780	63,890 +	62,017

Strategic Implications

This matter is in line with Goal 2 of the Strategic Plan: *To foster a sense of Community and a prosperous business environment.*

Sustainability Implications

The Collier Park Hostel is not sustainable from a financial point of view. Whilst it can be regarded as a service provided to ratepayers the residents do not pay rates. The high level of subsidisation is a possible cause for concern (approximately \$3,750 per Hostel resident).

OFFICER RECOMMENDATION 10.0.2

That....

- (a) Southern Cross Care be thanked for their Expression of Interest in relation to the ownership / management of the Collier Park Village Hostel; and
- (b) a report on the MeathCare submission be considered at the September 2008 meeting of Council.

10.0.3 Council Lounge (*Item 12.1 referred July 2008 Council meeting*)

Location: City of South Perth
Applicant: Council
File Ref: IC/CB/1/1
Date: 1 August 2008
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to review Policy P501 “Use of Council Facilities” particularly in relation to the Council Lounge.

Background

At the July 2008 Council Meeting, as a result of a Notice of Motion, Council resolved as follows at Item 12.1:

That Policy P501 “Use of Council Facilities” be reviewed, particularly in relation to the use of the Council Lounge, and a report be submitted for consideration to the August 2008 meeting of Council.

Comment

Council’s resolution to review Policy P501 came about as the result of concerns raised by some Councillors upon the temporary relocation of a staff member into the Council Lounge and the way that the decision to do so had been made.

The workstation was established in the Council Lounge so that the staff member in question, the Mayor’s secretary, could be located close to the Mayor’s office for reasons of operational efficiency and effectiveness.

It is presently anticipated that the use of this location will be necessary for a period of approximately 18 months pending completion of the first phase of the building works associated with the library renovations. For the initial part of this period, the office space created would be occupied by the Mayor’s secretary whilst for the second part of this period the office space would be occupied by the Mayor during renovations to the existing Mayoral Office. The proposed building works include provision for the installation of a workstation in a re-designed Mayoral office to accommodate the Mayor’s secretary.

In consultation with the Mayor and on the basis that there was no other suitable location for a workstation close to the Mayor’s office and having regard to the temporary nature of the arrangement, the CEO agreed to the Mayor’s suggestion for the officer to be re-located to the Council Lounge area.

This process of decision-making is consistent with the general conditions of use for the Council lounge area as set out in Policy P501. The Council lounge is an area of the City set aside and maintained for the use of councillors generally. However as the lounge area also incorporates the Members’ Resource Facility it may be acknowledged that the installation of a workstation in the area for the Mayor’s secretary enhances the capacity of the Facility to assist Elected Members in their work.

In the context of the above and taking into account the views of members as expressed during debate on Agenda Item 12.1 of the July meeting, policy P501 has been reviewed in order to clarify how City facilities may be best utilized. A copy of the revised policy is at **Attachment 10.0.3.**

The revised Policy P501 makes it clear that Council may by resolution, determine the use of the lounge facility.

Consultation

The Mayor was involved in discussions on this topic and Elected Members informed of the nature of the relocation.

Legislative and Policy Implications

The contents of the report and reviewed policy P501 is consistent with the relevant provisions of the *Local Government Act*.

Financial Implications

Nil

Strategic Implications

The content of the report is consistent with the City's Strategic Plan 2004-2008: **Goal 5 - Organisational Effectiveness - *To be a professional, effective and efficient organisation.***

OFFICER RECOMMENDATION ITEM 10.0.3.
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That Council resolves to adopt revised Policy P501 "Use of Council Facilities" as set out in **Attachment 10.0.3.**

10.0.4 Boatshed Cafe Lease - Report on Submissions (*Item 10.5.3 referred from July 2008 Council Meeting*)

Location: City of South Perth
Applicant: Millar Holdings PL (Graeme Millar)
File Ref: CP/608/4
Date: 14 August 2008
Author: Sean McLaughlin, Legal and Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Discussions have been ongoing for a number of years with respect to reviewing the leasing arrangements for the Boatshed Cafe which is located in Sir James Mitchell Park. In April 2007 Graeme Millar, Principal of Millar Holdings PL, current lessee of the Boatshed Cafe, presented the City with a proposal for an extension of the lease, together with an application for building improvements and a liquor licence.

At its June 2007 meeting, Council gave in-principle agreement to this proposal and endorsed administrative action to:

- (i) Initiate all necessary statutory procedures to obtain appropriate tenure arrangements;
- (ii) Commission an independent valuer/property analyst to provide advice on the commercial implications of the proposal;
- (iii) Prepare necessary documentation in relation to varying the current lease; and
- (iv) Consent to an application from Millar Holdings PL for a liquor licence at the premises.

Since that time the administrative steps outlined above have been actively pursued and are now largely concluded. A new draft lease was presented to Council for its consideration and endorsement at the July 2008 meeting.

At the July 2008 meeting, Council endorsed the revised tenure and leasing arrangements and authorised the Chief Executive Officer to initiate the local public consultation procedure required under the *Local Government Act* for the disposal of land. Local public notice was given on 29 July 2008, in accordance with section 3.58 of the Act, by publishing a notice in the *Southern Gazette* community newspaper and by placing notices on the Civic Centre public notice board and in the two Walter Murdoch libraries.

The consultation procedure concluded at 5 pm on 13 August 2008. As no submissions were received, Council, having previously resolved to endorse the new lease arrangement may authorise the CEO to execute the necessary documentation upon the revised tenure arrangements being completed and a new lease being granted to the City by the Minister for Lands.

Background

The current lease, which commenced in November 1994 for a term of 21 years, provided for the construction and operation of the Boatshed Cafe by the current lessee. The Cafe is located on a reserve for public recreation which is managed by the City under a management order issued pursuant to the *Land Administration Act*.

The Lessee Proposal

In his April 2007 proposal, Mr Millar sought to extend the term to the current maximum permissible under the terms of the management order, which is 21 years. In support of his Proposal, Mr Millar noted that since 1994 when the lease commenced, public attitudes and entertainment needs have changed considerably and this has prompted the need to review the existing facilities and operations at the Cafe to make it more relevant to modern business practice and the needs of patrons, the lessee and the City.

In conjunction with the proposed new leasing arrangements, Mr Millar has agreed to make significant improvements to the premises. In anticipation of the new leasing arrangements, Mr Millar advises that painting of the building is in progress and that he has recently completed restoration of the timber decking for the kiosk, installed new floors in the restaurant and installed a new cool room - at a cost of approximately \$148,000.

Revised Tenure Arrangements

Because the current lease is located on a public reserve managed by the City under the terms of a management order issued by the Minister for Lands under the *Land Administration Act*, any change to current arrangements must be approved by the Minister or her delegate.

Consultation has been ongoing with the DPI in relation to excising the lease area from the reserve and leasing the area to the City. The Minister wrote to the City in December 2007 agreeing to excise the area from the reserve and lease it to the City for a term of 21 years for the specific purpose of operating a cafe/restaurant.

Upon Council's endorsement of the new leasing arrangements and at the conclusion of the section 3.58 procedure, the DPI can proceed to implement the revised tenure arrangements.

New Rental Agreement

Each party appointed independent property valuation consultants to assist in determining an appropriate rental for a new lease. The City commissioned DTZ and Mr Millar engaged Christie Whyte Moore Property Valuers.

The DTZ review of the rental arrangements applying to similar commercial establishments in the Perth metro area provided an indicative rental assessment in the range \$57,650 to \$67,250 per annum for the current lease area of 961 sq. m. This equates to \$60 to \$70 per sq. m.

The valuation from Christie Whyte Moore suggested a rental rate applicable to the circumstances of the Boatshed Cafe in the vicinity of \$50 per sq. m.

Enlarged lease area

A complicating factor arose upon a proposal from DPI to use an enlarged lease area (which DPI had surveyed), for the purposes of excising the lease area from the reserve and negotiating a new lease. DPI proposed that an enlarged lease area be created to include existing 1 metre wide access pathways on the eastern and foreshore boundaries of the building, together with the road access and parking area which lies beyond the boundary of the current lease area at the rear of the premises.

The enlarged lease area, as surveyed by DPI, is 1,574 sq. m. This represents an increase of 613 sq. m. on the existing lease area of 961 sq. m.

Mr Millar has agreed to use the enlarged area as the basis for the calculation of a new rent and consistently with the report from Christie Whyte Moore has proposed to pay \$50 per square metre for the enlarged lease area. This would result in an annual rent to the City of \$78,700 (exclusive of GST). This is significantly higher than the \$50,000 per annum which the City currently receives (and would receive under the current lease for the remainder of the term). DTZ assessed the proposed rate of \$50 per sq. m. and although adopting a slightly different methodology considered that it is reasonable to apply a discounted rate of 50% in the circumstances. It is acknowledged that much of the increase in the enlarged lease area is not essential to and does not directly support the operation of the Cafe.

The new lease provides for a triennial market review of the rent - a provision which is absent from the current lease. DTZ advised, and City Officers agree, that the combination of a significantly higher rent and regular market review is more practical and preferable to the current arrangement which included a profit bonus clause which was acknowledged to be impractical and unworkable.

In summary, the proposed rent of \$78,700 is significantly higher than the \$50,000 p.a. currently received and which, apart from CPI increases, is the maximum the City would receive for the remaining 7 years of the current lease.

Features of the New Lease

The new lease has the following features:

- Rent of \$78,700 p.a. plus GST, adjusted annually in accordance with the CPI for Perth;
- Market rent review every three years;
- Term of 21 years;
- Permitted use of premises includes use as a restaurant to provide meals for patrons, for the purpose of a kiosk and food servery to provide and serve take-away food and beverages and to take table bookings or reservations;
- The sale and supply of liquor to patrons of the premises for consumption is permitted in accordance with the *Liquor Control Act*; and
- At the expiry of the term, ownership of the premises will revert to the City.

A review of comparative agreements for similar commercial operations in other favourable locations in metro Perth indicate that this constitutes a very good outcome for the City.

A copy of the new lease is at **Attachment 10.0.4**.

Comment

Section 3.58 public notice procedure

Where a local government proposes to dispose of land it owns (or manages under a management order) by lease, it must initiate the local public consultation procedure set out in section 3.58 of the *Local Government Act* which involves publication of notices in a locally circulating newspaper and placement of notices on City notice boards inviting submissions concerning the proposed disposal be made to the City. A notice was placed in the *Southern Gazette* on Tuesday 29 July 2008 and the statutory notice period of two weeks concluded on Wednesday 13 August.

No submissions were received by the City within the statutory period.

Council may now resolve to enter the new lease and authorise the CEO to request DPI to proceed with the revised tenure arrangements and to execute the new lease once those tenure arrangements are concluded.

Consultation

The Department of Planning and Infrastructure has been consulted in relation to tenure issues. DTZ has been consulted in relation to property valuation and commercial issues. Public consultation has been undertaken pursuant to section 3.58 of the *Local Government Act*.

Policy and Legislative Implications

Any policy and legislative implications are described in the report.

Financial Implications

The financial implications are described in the report.

Strategic Implications

The strategic implications of the report are consistent with the City's Strategic Plan 2004-2008 **Goal 5: Organisational Effectiveness - *To be a professional, effective and efficient organisation.***

Sustainability Implications

Any sustainability implications arising out of the report are consistent with the City's Sustainability Strategy 2006-2008.

OFFICER RECOMMENDATION ITEM 10.0.4

That Council authorises the Chief Executive Officer to:

- (a) request the Department for Planning and Infrastructure to proceed with the excision of the agreed lease area from the reserve and the granting of a new lease to the City for a term of 21 years; and
- (b) arrange for the execution of the lease at **Attachment 10.0.4**

10.1 GOAL 1: CUSTOMER FOCUS

Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Concept Plans for the Refurbishment of the Library and Civic Hall

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 August 2008
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

This report provides a brief summary of the progress to date on the Library and Civic Hall upgrade project to assist Council in making an informed decision on progressing from concept plans to the preparation of detailed drawings for the new facility.

Background

Since 2004, the City has been progressing a carefully staged strategy to upgrade the buildings on the Civic Centre site at Sandgate St to make them more relevant to community need. The objective has been to make them more vibrant and user-friendly and to take advantage of new technologies and service delivery models to improve their functionality. To date, the administration building has been upgraded and modestly expanded - including the creation of a new customer foyer. The Council Chamber has also been expanded and enhanced with new technology to support greater public participation in the decision making process.

These first two phases of the project were completed in October 2006 and since that time the City has been undertaking a comprehensive program of project planning activities for the refurbishment of the library and halls including:

- Understanding our community's needs and expectations through stakeholder forums, surveys, open days at the facilities and other relevant consultation activities.
- Seeking specialist input on contemporary approaches towards the provision of library services and multi-purpose community facilities.
- Investigating opportunities to responsibly incorporate sustainability initiatives within the refurbished buildings.
- Council and officers working with the appointed architect to refine different configurations for the facility to ensure that the best possible solution is achieved to address the competing design priorities.
- Seeking external funding to support the City's financial commitment to the project.
- Developing informed quantity surveyors estimates of the potential project cost.

Throughout the process, there have been a number of structured workshops, briefings, stakeholder meetings and technical forums to allow a well informed set of concept drawings to be developed. The outputs from those forums have been integrated into an overall concept plan for the facility which has been presented to Council - and which is now brought forward as the subject of this report.

Comment

The new facility is expected to be an iconic building that provides a dynamic community hub. In addition to the challenge of responsibly upgrading City's ageing library and hall facilities is the challenge of finding suitable accommodation for the South Perth Learning Centre (which will need to be relocated when the Civic Triangle site is re-developed in the near future). The concept plans presented by Peter Hunt Architect for the new facility embrace and successfully meet each of these challenges. Important outcomes from the new design include the expansion of the current inadequate library facility from around 760m² to over 1,450m² and the re-configuration of the main hall to allow the flexibility to use it as one large room or numerous small community group spaces. The concept plan for the facility suggests the inclusion of an integrated infant health facility, community group incubator, adult learning centre and a performance area. Importantly, all of these proposed initiatives have been supported by stakeholder feedback - and the major external funding body.

Consultation

As noted earlier in the report, there has been extensive community consultation and involvement in this project since it was first flagged in the 2004 Strategic Financial Plan - continuing right up to the present time. A wide variety of consultation methods have been employed on this project to seek out community views - and the City has been rewarded with some useful and informative feedback. The feedback and ideas from those sources have now been integrated to assist in refining the concept plans. Council Members have been kept informed of the progress of the project by a series of structured briefings, presentations and updates via the Council Members Bulletin.

Policy and Legislative Implications

Whilst the presentation of these Concept Plans is only a precursor to the lodging of a formal development application in the future, a number of legislative obligations that will attach to the project at a later date (including but not limited to those in relation to town planning, building codes, universal access, tendering and purchasing) are acknowledged.

Strategic Implications

This project reflects the successful incorporation of each of the City's strategic goals. Primarily it relates to the goals of Customer Focus and Community Enrichment - but in achieving these objectives, the City must also respect the obligations underpinning the goals of Financial Viability, Environmental Management and Infrastructure Management. Successful attainment of these objectives will lead to Organisational Effectiveness in the way in which the City provides services to our community.

Financial Implications

The City's Strategic Financial Plan has provided notional funding towards this project (pending detailed quantity surveyors estimates) of around \$8.0M over several years. Of this, some \$3.0M is already held in the Future Building Works Reserve and a further \$1.25M is provided in the current year budget. The remainder was notionally allocated (and funded) for 2009/2010 budget.

Based on the concept plans, professional quantity surveyors have indicated that costing of the project may be in the order of \$10.5M (based on the information available at this time - which is less sophisticated than full Tender Drawings). Given recent escalations in building costs - this is not considered unreasonable - and with some responsible re-allocations of future funding would be able to be accommodated. The project timeline (approximately 15 months once construction starts) suggest a completion date of around September 2010 - and plans are currently being prepared to ensure continuity of service to our customers during the construction period.

The City has also secured a \$1.5M grant from LotteryWest towards the project (contingent on certain aspects of the plan being included in the final design). This money is budgeted in the 2008/2009 budget - although project timing (after allowing for detailed design, tendering and construction) and the funders 'reimbursement model' suggests that the funding may not actually be drawn down until later in the project period.

Sustainability Implications

This project reflects the City's significant commitment to sustainability principles. At the heart of the project is a recognition of the importance of the social dimension of sustainability which is addressed by creating a vibrant hub which encourages community involvement. In designing the building and considering how people will access, connect and interact with it - careful thought will be given as to how to responsibly embrace the environmental dimension of sustainability. The project management, funding model and decisions about how to balance the competing demands associated with the project will be significantly impacted by considerations relating to the financial dimension of sustainability.

OFFICER RECOMMENDATION ITEM 10.2.1

That Council endorses the concept plans for the Refurbishment of the Library and City Hall (**Attachment 10.2.1**) and authorises Peter Hunt Architect to proceed to the development of detailed designs for the facility in line with the project plan.

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Carport Addition to Single House Lot 122 (No. 16) Third Avenue, Kensington.

Location: Lot 122 (No. 16) Third Avenue, Kensington
 Applicant: Straight and True Patios
 Lodgement Date: 23 April 2008
 File Ref: 11.2008.182 TH3/16
 Date: 1 August 2008
 Author: Laurence Mathewson, Trainee Planning Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

This application for planning approval proposes a carport addition to an existing single house at 16 Third Avenue, Kensington. Council determination is sought in relation to compliance with Council Policy P370_T “General Design Guidelines for Residential Development”.

Slight modifications have been recommended to the proposed carport to bring it in conformity with Policy P370_T provisions. The officer recommendation is for approval, subject to conditions.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	526 sq. metres
Building height limit	7.0 metres
Development potential	1 Dwelling
Plot ratio	Not applicable

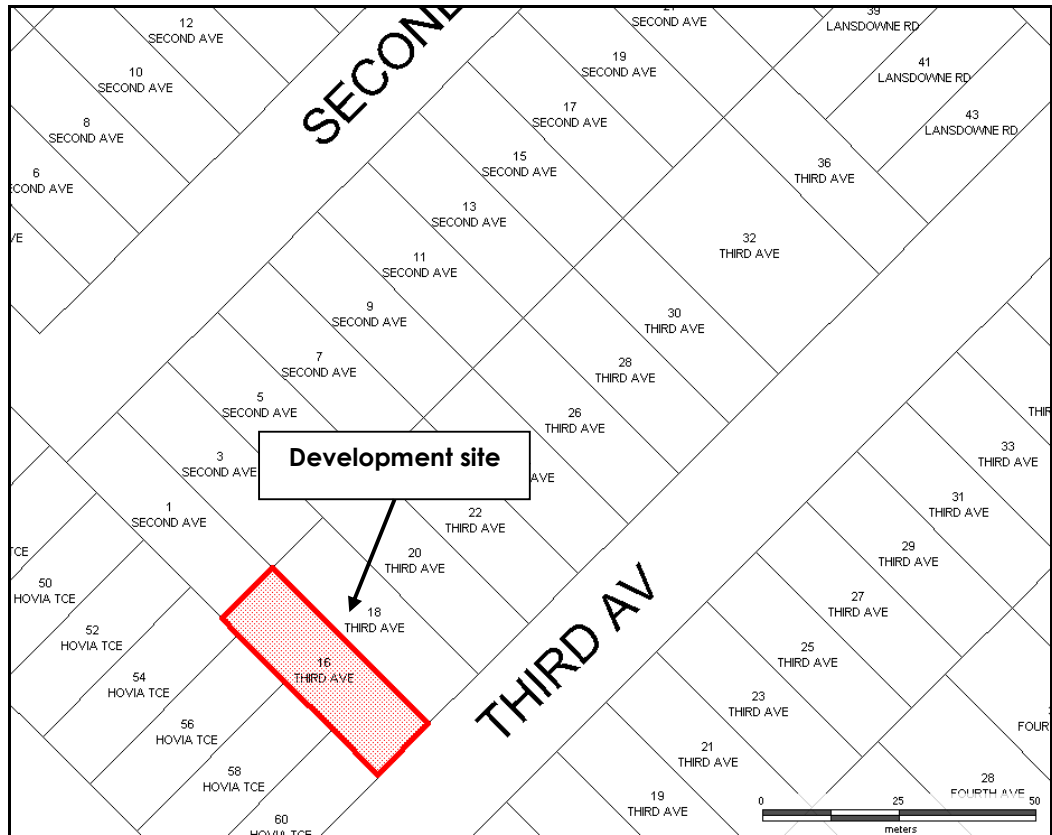
This report includes plans of the proposal referred to as **Attachment 10.3.1**.

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

1. Amenity Impact

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

The location of the development site is shown below. The site is adjoined by residential uses on all boundaries.



Comment

(a) Description of the proposal

The proposal is for a carport to be located forward of the existing dwelling, with a front setback of 5.585 m.

(b) Policy P370_T “General Design Guidelines for Residential Development”

The objectives of Policy P370_T seek to enhance the residential amenity standards generally, with the Policy provisions offering specific guidance as to Council’s expectation in this respect. The specific relevant policy provision is expressed in the following manner:

“3. Streetscape Character

All residential development shall be designed in a manner that will preserve or enhance the desired streetscape character ... In assessing the design compatibility of a proposed development, the Council will have regard to the primary and secondary contributing elements as identified in the preceding definition of the “design compatibility”.

***Design compatibility** means the extent to which a proposed residential building is visually in harmony with neighbouring existing buildings within the focus area.*

***Primary** elements contributing to design compatibility area generally scale, colour form and shape; and rhythm. **Secondary** elements include construction materials; setbacks from the street and side boundaries; the extent and nature of site landscaping visible from the street; and architectural details.*

and;

6(f). *Design of Carports, Garages and Outbuildings*

“The design and materials of construction of carports, garages and habitable outbuildings shall be compatible with the existing or proposed dwelling. Where a proposed carport is designed with a pitched roof, either half-height or full-height brick piers are required to be used to support the roof.”

The “focus area” means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting that section of the street. Within the focus area (the area from Hovia Terrace, south, to Landsdowne Road, north) there is strong design and material compatibility between dwellings and carports, garages and habitable outbuildings.

The photos below are of two examples of carports (23 and 26 Third Avenue respectively) that demonstrate design and material compatibility within the focus area, they are representative of the current streetscape character.



The applicant proposes a Colorbond metal roof where the existing dwelling has a tiled roof. Therefore the proposed carport does not demonstrate material compatibility required under Clause 6(f) of P370_T. Furthermore the carport proposed by the applicant would not be in keeping with the current streetscape.

(c) **Side setback from the adjoining residential property**

The proposed side setback of the carport is required to be 1.0 metre instead of the proposed 0.75 metre setback. It is observed that the lesser setback proposed along the side boundary complies with the performance criteria provisions of Clause 6.3.1 “Buildings setback from the boundary” of the R-Codes 2008 and will not have an adverse amenity impact on the adjoining property, hence recommended for approval.

(d) **Car parking bay dimensions and clearances**

Clause 6.5.1 “On-site parking provision” of the Residential Design Codes 2008 requires that for single houses, two car parking bays be provided on-site. These parking spaces may be provided in tandem. The proposal complies with this requirement.

The proposal also complies with Clause 6.3(8) of TPS6 which prescribes the requirements for car parking bay dimensions as follows:

(8) *Car parking bays and associated accessways shall not be of lesser dimensions than those prescribed in Schedule 5 measured clear of the face of any column or pier and shall be increased by 0.3 metres where a wall, column, pier or fence abuts a side of a car parking bay.*

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

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

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

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

- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The proposed carport satisfactorily addresses all of the above matters except for matters (j) and (n) listed above. The proposed roofing material of the carport does not match with that of the existing dwelling. A recommended condition of approval will address these issues.

Consultation

Neighbour consultation

Neighbour Consultation has been undertaken for this proposal for the proposed side setback variation on the north-eastern side of the development site to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners and occupiers of the property at No. 18 Third Avenue were invited to inspect the application and to submit comments during a 14-day period. During the advertising period no submissions were received in relation to the proposed development.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council policies have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City’s unique natural and built environment.*

Sustainability Implications

The proposal is seen to have no impact in terms of sustainability.

OFFICER RECOMMENDATION ITEM 10.3.1

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 the carport addition to a single house on Lot 122 (No. 16) Third Avenue, Kensington **be approved**, subject to the following conditions:

(a) **Standard Conditions**

660 validity of the approval

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

(b) **Specific Conditions**

Revised drawings shall be submitted, and such drawings shall incorporate the following:

(i) The external materials and colour finish of the proposed carport shall match with those of the existing building.

(c) **Standard Important Footnotes**

647	revised drawings required	648	building licence required
649A	seeking approval for any variations	651	appeal rights - SAT

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

10.3.2 Bentley Technology Precinct Structure Plan
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Location:	Bentley Technology Precinct
Applicant:	Hames Sharley for Department of Industry and Resources
Lodgement Date:	26 June 2008
File Ref:	LP/502
Date:	6 August 2008
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director Development and Community Services

Summary

In connection with the planning for the Bentley Technology Precinct (BTP), Council Members have received a number of briefings from the project consultants. The Precinct occupies land in approximately equal proportions in both the City of South Perth and the Town of Victoria Park. The proponent is the State Government's Department of Industry and Resources (DoIR). To facilitate the planned development of the precinct, a range of consultants have been engaged by DoIR. The consultants have prepared a Structure Plan and the necessary documentation for amendments to the Metropolitan Region Scheme and the South Perth and Victoria Park Town Planning Schemes. This report only deals with the Structure Plan because the Scheme Amendment documents are not yet in a suitable form for presentation to a Council meeting.

The BTP Structure Plan was received by Council under cover of a letter from consultants, Hames Sharley dated 25 June 2008. That letter advises that the Structure Plan has been submitted "for the assessment and consideration of Council". Officers of the City have assessed and considered the Structure Plan and this report reflects that assessment. During the course of preparation of the Structure Plan, the City has provided the consultants with an "Issues Paper" itemising issues to be addressed in the Structure Plan or the related Town Planning Scheme amendments. While the majority of the identified issues have been satisfactorily addressed, a number of significant issues have not yet been resolved and require further liaison between City officers and the consultants. This report discusses the issues which have not yet been resolved.

Because of the significance and importance of the proposal, and having regard for the considerable time that the City has invested in the project development, including being represented at various steering and technical meetings, and conducting briefings and presentations on the topic (as well as the complexity of the statutory processes involved) the matter is being presented to Council for information only at this stage as a progress report.

The City recognises that the re-development of the BTP is a significant and bold project that will generate many benefits for the City as well as the State but at the same time recognises that the City must act with the best interests of its ratepayers and residents in mind.

It is important to note that the Structure Plan cannot be formally adopted by Council until the related amendments to the South Perth Town Planning Scheme No. 6 have been finalised, as the Scheme Amendments provide the necessary enabling power to rezone the affected land.

Background

This report includes Notes of City of South Perth Concept Forums held on 2 October 2007, 29 November 2007 and 25 June 2008 at **Attachment 10.3.2**.

(a) Past history and current stage of progress

The events leading to the preparation of the current Structure Plan are briefly outlined below:

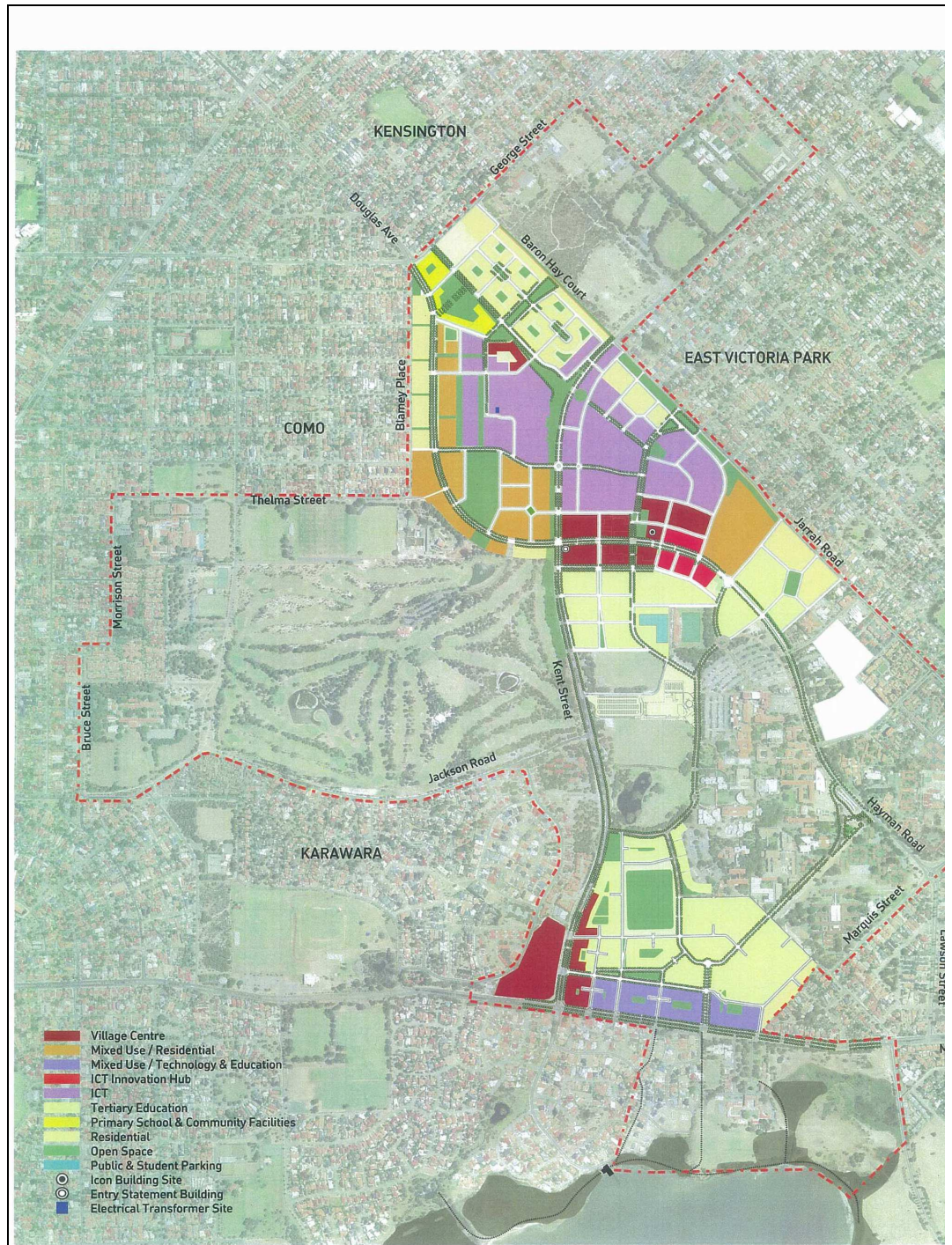
The first Planning studies associated with the area now known as the Bentley Technology Precinct were implemented about 13 years ago, as an initiative of the then Minister for Commerce and Trade, Hendy Cowan. The Chairman of the original Technology Precinct Taskforce was Professor John de Laeter from Curtin University. The final report of that taskforce was presented to Minister Hendy Cowan on 22 May 1996.

No further progress was made for some years following the completion of the original study. However the planning of the precinct has been reactivated over the past three years. The current Structure Plan is based broadly on the Bentley Technology Precinct Development Framework prepared under the guidance of Epcad in November 2005. In 2007 Hames Sharley was commissioned to further develop the existing framework into a Structure Plan. Preparation of the Structure Plan and related Scheme Amendment documents has been in progress since the latter part of 2007. The Structure Plan under discussion, was lodged with the City on 26 June 2008.

(b) Description of the subject land

The land comprising the Bentley Technology Precinct occupies an area of 314 hectares. A diverse range of land uses are contained within the overall precinct. Major land uses within the 'core' area include Technology Park; Curtin University; Department of Environment and Conservation; Department of Agriculture and Food; and CSIRO headquarters. Numerous other land uses occupy the balance of the precinct, however the Structure Plan does not propose further development in the 'non-core' areas.

The location of the Precinct is shown below:



(c) Previous Council briefings and progress report

Council Members have been progressively kept informed about the progress of the Bentley Technology Precinct study through four briefings and information in the Council Members’ Bulletin. The dates of those briefings and the date of issue of the Bulletin are listed below.

- Tuesday, 2 October 2007 - Council Members' Concept Forum.
- Thursday, 29 November 2007 - Two briefings (Concept Forums); one for Council Members and the other for the public.
- Tuesday, 25 March 2008 - Joint briefing held at the Town of Victoria Park.
- Friday, 20 June 2008 - Information item in Council Members' Bulletin No. 24/2008.
- Wednesday, 25 June 2008 - Concept Forum attended by Council Members and officers from City of South Perth and Town of Victoria Park.

Notes from the Concept Forums held at the City of South Perth comprise **Attachment 10.3.2**.

Comment

(a) Aims and general description of the Structure Plan

The aims of the Structure Plan as presented in the Consultant's report are as follows:

- Plan for development flexibility;
- Increase capacity for internal connectivity between people and organisations;
- Encourage greater community use;
- Develop a model sustainable community;
- Develop an environment that is a showcase for modern urban development;
- Attract the right people; and
- Develop a successful innovation centre.

Numerous strategies and principles to give effect to these aims are described in the Consultant's report.

The Consultant's covering letter contains the following comments relating to the Structure Plan:

"The Structure Plan is intended to guide the development of the Precinct as one of the major integrated technology and learning hubs in the world. This will be achieved through the establishment of a Precinct that offers seamless integration of the Technology Park with the adjoining tertiary education facilities, the provision of a variety of work place types, residential uses and pedestrian linkages, and by creating a village 'heart' in which residents, workers and visitors alike can interact and gather.

The Precinct provides for the creation over time of a vibrant community with 13,000 residents and 30,000 employees linked to the wider locality, where people can 'work, live and play'. The introduction of a village centre as well as residential uses will bring life to the public realm, improving the security of the area. The Structure Plan provides for leading edge urban design, engineering, transport and environmental solutions to facilitate the sustainable development of the Precinct, allowing for short, medium and long term benefits to both the Precinct and the wider locality.

The Structure Plan for the Bentley Technology Precinct will illustrate the proposed structure and layout of the Precinct, acting as a broad framework to provide the context for the Western Australian Planning Commission, the City of South Perth and the Town of Victoria Park to consider more detailed Precinct plans for each identified sub-precinct which in turn will provide the basis for future subdivision and development proposals."

(b) Issues of concern

City Officers have been supportive of the BTP proposals in principle since planning commenced in the latter part of 2007. However, certain issues have not been resolved to the officers' satisfaction. The key issues are described as follows:

(i) Proximity of proposed mixed or residential development to Waste Transfer Station, the City Operations Centre and Dog Pound

The existing road reserve for Hayman Road is very wide. The Structure Plan proposes the relocation of Hayman Road to the northern perimeter of the road reserve. "Mixed Use / Residential" development is proposed on the south side of the realigned roadway within the road reserve. This new development would be too close to the City's existing Waste Transfer Station, the City Operations Centre and Dog Pound and would not comply with Environmental Protection Authority guidelines. Further comments in this respect, provided by the Manager, Environmental Health and Regulatory Services are contained in the "Consultation" section of this report.

(ii) Preservation of heritage-listed buildings

The building complex on the Department of Environment and Conservation site on Hayman Road is listed in the City's Municipal Heritage Inventory (Category 'B'). Under the Structure Plan, the major building cluster would be preserved, however a smaller group of buildings to the east would not be preserved. Unless the proponents formally justify to the City that certain buildings need not be preserved, the Structure Plan should be modified.

The former State Herbarium is also a Category 'B' place on the City's Municipal Heritage Inventory. The Structure Plan report states that the WA Herbarium is to be retained. However, that intention is not reflected in the actual Structure Plan which identifies a proposed new road extending eastwards from Hayman Road, which would traverse the land now occupied by the Herbarium. To give effect to the stated intention in the Structure Plan report, the associated plan needs to be revised.

(iii) Adequacy of the local road network

At this stage, the Senior Officers of the City's Infrastructure Directorate are not satisfied that the proposed road network and intersection treatments are adequate to service the future traffic and transport requirements for the Bentley Technology Precinct and surrounding areas. Further comments on this issue, provided by the Director, Infrastructure Services and Manager Engineering Infrastructure are contained in the "Consultation" section of this report.

(iv) Other issues relating to infrastructure

Other issues of concern relating to infrastructure are also discussed in the "Consultation" section of this report. These issues relate to drainage management, future servicing by public utility authorities, and infrastructure provision and costs amongst other things.

(c) Statutory processes for implementation

Prior to subdivision or development applications being approved, the following processes must be implemented:

- Structure Plan;
- Town Planning Scheme Amendments - Metropolitan Region and Local Schemes;
- Road closures;
- Detailed Area Plans; and
- Vision keeping.

- (i) Structure Plan
To enable development of the Precinct to be implemented, the Structure Plan must be approved by the City of South Perth, the Town of Victoria Park and the Western Australian Planning Commission. The Structure Plan cannot be finally adopted by the City of South Perth until the No. 6 Town Planning Scheme has been amended to provide enabling power in this respect.
- (ii) Amendments to Metropolitan Region Scheme (MRS)
Amendments to the MRS are necessary in relation to the planned reduction in the width of the Kent Street road reserve, and to rezone land in the Town of Victoria Park currently reserved for 'Public Purposes'.
- (iii) Amendments to Town Planning Scheme No. 6 (TPS6)
Two separate amendments to TPS6 are necessary. Amendment No. 13 will provide enabling power for the adoption of Special Control Areas, Structure Plans, Development Contribution Areas and Detailed Area Plans. Amendment No. 14 will rezone the land to correspond to complementary rezoning of land in the Town of Victoria Park.

The creation of a Special Control Area is necessary to facilitate the adoption of the Structure Plan containing performance-based controls which differ from the existing control mechanisms in TPS6. Amendment No. 13 will also create Development Contribution Areas where developers are required to contribute to, or meet the full cost of infrastructure. Finally, Amendment No. 13 will facilitate the later progressive adoption of Detailed Area Plans.

Amendment No. 14 will rezone the land comprising the Special Control Area to the 'Technology and Innovation Zone'. The same zone will be introduced into the Victoria Park Town Planning Scheme.

- (iv) Road closures
The road reserves of Kent Street and Hayman Road are very wide, approximately 60 metres. The BTP Structure Plan proposes reductions in the width of both road reserves. After the Structure Planning process has been completed, in relation to the surplus portions of these road reserves, road closure action needs to be implemented in accordance with the procedure in the Land Administration Act.
- (v) Detailed Area Plans
After the Structure Plan has been approved in final form, the next stage will be the preparation of Detailed Area Plans (DAP) for each sub-precinct. Each DAP will expand upon the Structure Plan and will detail particular development controls for the sub-precinct to which it relates.
- (vi) Vision Keeping
Managing the implementation of the Structure Plan is critical. Therefore it is currently proposed that DoIR, the proponents, will establish an "entity" to oversee the development of the Precinct in accordance with the Vision and Aims detailed in the Structure Plan report. Part of the process involves establishing a "Precinct Design Advisory Group" (PDAG) and a "Joint Statutory Planning Panel" (JSPP) to review and process subdivision and development applications. Further comments regarding the PDAG and JSPP are contained in sub-section (vii) below.

(vii) Assessment of subdivision and development applications

As described above, Scheme Amendments, the Structure Plan and Detailed Area Plans need to be adopted before subdivision and development applications can be considered. These statutory and regulatory instruments must be approved by Council. When these documents are in place, the intention is to introduce a streamlined assessment and approval process for any subdivision and development proposals which conform to the statutory and regulatory instruments. In this regard, the following is proposed:

A new procedure will be introduced for assessment of development applications relating to land in the Precinct. For this purpose, two different assessment panels will be established. These are to be known as:

- Precinct Design Advisory Group (PDAG); and
- Joint Statutory Planning Panel (JSPP).

The membership of the PDAG will include one Senior Officer from each Council, a Senior Officer of DoIR, the Government Architect, one officer from the Department for Planning and Infrastructure (DPI), four Consultants with expertise in architecture, sustainability, engineering, landscape architecture, urban design and urban transport. The role of the PDAG will be to consider applicants' development proposals prior to lodgement of formal development applications. The PDAG would provide preliminary advice to assist applicants when lodging development applications.

The JSPP will comprise a Senior Officer from each Council with delegated authority to approve development applications and the DoIR and DPI representatives on the PDAG. Those representatives would be non-voting members in relation to determination of applications. Their role would be to provide continuity and advice in the decision-making process.

Where a subdivision or development proposal conforms to the statutory and regulatory instruments and both Council officers on the JSPP consider that the application should be approved, the intention is that those officers would have delegated authority from their respective Councils to grant approval. Conversely, where either of the Council officers on the JSPP does not support a particular proposal, the application will be referred to a meeting of the relevant Council for determination.

(d) Curtin University's proposed Master Plan

In addition to the proposed Structure Plan for the Bentley Technology Precinct, it is also known that Curtin University is in the process of preparing a Master Plan for land under its control. This plan looks at potential development on the university land over the next 20 to 30 years. It is anticipated that the University's draft Master Plan will be released for public comment towards the end of September 2008. That draft Master Plan proposes the following:

- Significantly enhanced educational facilities, generally located in the eastern central area where existing facilities are located;
- A central north/south main transport corridor which shows a relocated bus depot from the eastern side of the campus to the central core on the main transport route;
- Commercial and retail developments located on and around the central transport corridor;
- Opportunities for residential nodes in precincts on the western side of the university land.

Whilst none of the Curtin University land is located within the City of South Perth, its impact on the City in terms of transport and drainage could potentially be significant. The planned future development on the Curtin University land potentially matches the growth envisaged in the Bentley Technology Precinct Structure Plan.

Having regard to the cumulative impact of planned development in both the broader Bentley Technology Precinct and on the University site, further liaison and discussion is necessary between all affected parties, namely the BTP proponents, Curtin University, South Perth and Victoria Park Councils. It would be desirable if the outcome of these discussions were known before the Council expresses its position on the BTP Structure Plan.

Consultation

(a) Infrastructure Services

The Director, Infrastructure Services and Manager, Engineering Infrastructure have been consulted. The comments provided below were recently forwarded to the Project Manager for the Bentley Technology Precinct under a joint letter from the City of South Perth and Town of Victoria Park.

(i) General Comments

The Town of Victoria Park and City of South Perth Officers have met to discuss the proposal and consider that at this point, they are unable to support the proposal due to a number of outstanding issues in relation to the Structure Plan. Some of the critical information required as supporting documents for the proposed development was provided only recently with the formal submission of the documents. Once those documents were reviewed, it was obvious that there were still issues to resolve and commitments to be made, to ensure the success of the development and the progression of the proposed Metropolitan Region Scheme amendment.

A list of questions and issues are outlined below and it is suggested that a meeting involving relevant consultants and Officers from both Councils and DPI is required to deal with these issues.

(ii) Town Of Victoria Park comments

1. The ARUP drawing numbers C-01-SK-103, 203 and 403 design plans are not to scale.
2. Truncations are required at all intersections i.e. proposed Road just North of Hayman Rd. Also, at some of the road intersections the truncation provided does not appear to be sufficient to accommodate sight distance requirements, public infrastructure and services.
3. Atlantis cells are not the preferred disposal system for Stormwater.
4. The removal of the stormwater sump on the North East Corner of Hayman Road then requires additional land for stormwater storage elsewhere i.e. in the Golf Course land. Is this area adequate? Will the levels enable this to occur? Has on site infiltration analysis been undertaken on the existing soil?
5. Drainage within the development i.e. Watts Place currently drains to the Sump at Hayman and Kent intersection. This proposal looks to change that, so can this occur? How will the internal drainage be catered for?
6. There is no road profile provided to determine the extent of road reserve required.
7. There must be a minimum 4.5 metre road verge width along the entire length of the road along the entire length.

8. Kerb alignment into Technology Park has right angle kerbing. This cannot occur.
9. The pedestrian bridge over Kent Street is still proposed but not shown on any plans. What is the exact location and will there be enough road reserve width to build it?
10. The Sidra Analysis of Hayman intersection 'Future restrained' denotes queue lengths and delays. Does this cater for the potential bus traffic and frequency rates predicted and does it ensure a rapid transit service can be provided?
11. The issues of predicted traffic volumes on local roads (inside and outside of the Precinct) have not been agreed nor the configurations, in particular the number of access points onto Jarrah Road and other local distributor roads within the area. There has been no consideration of traffic infiltration and impacts on the surrounding road network or any idea of how this will be managed and by whom? Who will pay for the works required to address the likely impacts?
12. Commitments within and beyond the Precinct in relation to public transport, traffic and parking have not been fully identified or documented. Any impacts beyond the Precinct need to be in part or fully funded by DoIR. In particular parking, transport, infrastructure and traffic management provisions.
13. Public transport and the parking strategy are critical to this developments success. All parties (including the Public Transport Authority) need to agree to the implementation, including responsibilities and a list of funded commitments to ensure the project works, as these components are critical in underpinning the success or failure of the project.

(iii) City of South Perth comments (to be read in conjunction with those comments supplied by the Town of Victoria Park)

General

The Master Plan for the Bentley Technology Precinct (BTP) is a bold and ambitious proposal that will benefit both the Town of Victoria Park (ToVP), **the City of South Perth (CoSP), and the prosperity of the State generally.** However, the benefits need to be fully understood against the backdrop of the impact such a major redevelopment has on the surrounding suburbs and existing infrastructure. Unless and until all of the impacts are fully resolved and solutions determined a decision on whether the proposal and MRS amendment should be supported cannot be made at this time.

Traffic and transport

Without doubt traffic remains the most significant impact on the adjoining suburbs. The traffic assessment prepared for the Department of Industry and Resources (DoIR) by Transcore is predicated on a "restrained public parking strategy" which reduces trip generation and encourages greater use and frequency of public transport. The conclusion from the Consultants using the restrained model is qualified in respect to the capacity of the existing roads to accommodate the increased traffic volumes. To achieve the increased traffic volumes on the existing road network, the intersection layout, signal phasing with public transport priority and other traffic management measures become essential.

Under the restrained strategy, traffic flows on streets such as Hayman Road are envisaged to increase from around 2,159 vehicles per peak hour (vph) in 2005 to about 2,975 vph at the end of the modelling period (2031). Notwithstanding the “qualified” assertion by the Traffic Consultant that the road network can support the increased number of vehicles, the questions to be resolved are whether the residents of;

- South Terrace where daily traffic flows are likely to increase from 1,147 vph to about 1,999 vph;
- Douglas Avenue 1,162 vph to 1,802 vph); and
- George Street 934 vph to 1,370 vph)

as examples could accept the inconvenience caused by the increased traffic volumes and how best to mitigate these impacts. Already on other streets with similar traffic volumes, development approvals today require entry and exit movements to/from properties to be in the forward direction only.

As traffic volumes increase on the major roads there is a real risk of through motorists infiltrating into the local street system with consequent impact on a much wider community. Therefore, measures to mitigate against infiltration need to be assessed and either incorporated into or a commitment given within the Structure Plan.

For public transport to be successful priority movement (rapid transport) for buses along roads and intersections must be provided and this does not appear to have been factored into the development and/or traffic modelling (apart from choice words in the report). The CoSP concur with Points 11, 12 and 13 from the ToVP, in that the modelling has only focused on the Bentley Technology Precinct and has clearly not considered any impacts outside of the area as a result of increased traffic volumes, increased reliance on public transport, what improvements are required on the network (including intersections) to meet the future traffic and transport demand, and most importantly, who pays for the improvements to the local road network both inside and outside of the BTP.

The existing roundabout at the intersection of Kent Street/Hayman Road is to be removed and the intersection realigned and controlled by traffic signals. The predicted Level of Service (LOS) for the Kent Street/Hayman Street intersection is LOS D (for both the AM and PM peak periods); however there are a few legs where LOS E is achieved. The traffic analysis assumes a “restrained traffic” scenario, however if more cars use the road system or there is less uptake on the use of public transport, the intersections will become saturated and ineffective.

It is therefore considered that the target LOS for the Kent Street/Hayman Street intersection (and others) should be LOS C as it will be difficult and costly to retrofit the intersection(s) in the future if the traffic modelling forecast is not realised (due to a reduction in the road reserve width). Further, it is unclear what affect a priority movement for buses will have on the intersections and LOS, hence this will need to be considered in more detail in the traffic modelling.

Other points of concern are:

- The ARUP drawing numbers C-01-SK-103 and 203 do not appear to make any allowance for dedicated on-road cycle lanes. Is it the intention to provide dedicated cycle lanes in Kent Street and Hayman Street or construct off-road facilities?
- In order for the traffic and transport scenario to work as identified in the traffic study, Curtin University will need to be a partner in the BTP and endorse the rationalisation of car parking on their land to force staff and students to use public transport. Therefore, has Curtin University become a partner and agreed to limit/reduce the number of parking bays on their land to meet BTP traffic and transport objectives?
- The traffic study uses 2005 traffic data. As it is 2008, it is considered reasonable that up-to-date traffic data be applied to any traffic modelling.

Hayman Road

The ARUP drawing numbers C-01-SK-103 and 203 respectively show the realignment and apparent reduction in road reserve width of Hayman Road. It should be noted that:

- The ToVP and CoSP have not been provided with any information detailing why it should support or otherwise the reduction in land area for the Hayman Road reservation;
- The new alignment of Hayman Road is located north of the existing road carriageway, yet there are no details showing how the new road (and pathways) connects to the existing road carriageway to the east and west of Kent Street.
- There are no details showing the total impact to Hayman Road as a result of the road realignment.

Sight distance

The sight distance at major road intersections off Kent Street appear to be impeded by the need to rationalise the road boundaries for the MRS amendment. Sight distance as defined by AustRoads Part 5 Intersections at Grade must be provided at all road intersections to ensure that the intersections meet the future traffic and transport demand.

Local Water Management Strategy (LWMS)

Neither the ToVP or CoSP have been provided with a copy of the LWMS which underpins the Local Structure Plan. Therefore, it is difficult for either local government to properly assess whether drainage (and nutrient management) is being appropriately addressed by the BTP. Therefore, the following issues will need to be addressed:

- How is stormwater managed (and attenuated) within the confines of the Bentley Technology Precinct?

- What water reuse initiatives are proposed for the Bentley Technology Precinct so as to encourage greater use of water and/or less conveyance of stormwater runoff to the ToVP and CoSP drainage systems?
- What is the maximum discharge permissible to the Water Corporation drainage system immediately downstream of the Bentley Technology Precinct?
- The road reserve for Kent Street is to be reduced to 30 metres based on traffic grounds. However, the road reserve also provides opportunity for the land to be used for drainage and other purposes. Therefore, it is the opinion of the CoSP that the land area for Kent Street may need to be greater than 30 metres to allow for the management and detention of stormwater.
- Existing drainage basins at Kent Street are to be removed to allow for greater lot yield within the Bentley Technology Precinct. Yet, there is no provision for drainage basins anywhere else in the structure plan to manage stormwater runoff (apart from an infiltration area within the Collier Park Golf Course). Therefore, where are the drainage basins required to offset those removed from within the Bentley Technology Precinct?
- The ARUP concept drawing C-01-SK-203 shows a 185 metre long by 15 metre wide infiltration area within the Collier Park Golf Club. This infiltration area shall be deleted from the drawings as the CoSP has not agreed to the provision of this drainage within its land. Showing the information on the drawings may only lead to an assumption that the CoSP supports the proposed drainage measures, which clearly it does not at this time.
- Like the ToVP, the CoSP have concerns about the use of Atlantis Cells for the disposal of stormwater. Therefore, what other stormwater management systems have been considered for use in the local road system?

Public utilities

The drawings show existing services within Kent Street and Hayman Street respectively. Public utility authorities should be contacted to ascertain land requirements for future servicing in the area. It may be that a 30 metre wide road reservation does not meet future servicing requirements for power, water, sewer, and telecommunications and this should be clarified prior to commencing any MRS amendment.

Waste Transfer Station

The CoSP currently operates a Waste Transfer Station and Operations Centre (depot) and these are located off Thelma Street. The realignment of Hayman Road and incorporation of residential / commercial development on the southern side of Hayman Road will result in the buffer being reduced to the Waste Transfer Station. Therefore, the following issues will need to be addressed in the LSP:

- How will the developers of the Bentley Technology Precinct ensure that appropriate buffer distance is provided to the existing Waste Transfer Station off Thelma Street?
- In the event that an appropriate buffer distance cannot be achieved, is it the intention of the developer to amend the LSP?
- If there is no intention to modify the LSP, will the developer fund the relocation of the Waste Transfer Station (including possible land purchase) or modify the premises to accommodate an appropriate buffer to residential/commercial development?

Infrastructure

There can be no misunderstanding as to who is responsible for Infrastructure provision. The TOVP and CoSP should not be expected to meet any costs associated with the public infrastructure detailed in the Structure Plan. All roads, drains, street-lighting, landscaping, power, water and other utilities required to be provided by a developer will be the responsibility of the DoIR.

The realignment of Hayman Road eastwards will involve complete reconstruction of both carriageways and possibly a raising of the street levels to more closely align to the existing Dick Perry Drive (running parallel to Hayman Road) including the provision of new street-lighting. The expectation of both the ToVP and CoSP is that this would be undertaken at the Developers cost.

Other direct costs to the developer involving City Infrastructure would include (but not be limited to):

- the stormwater drainage basin in Hayman Road immediately south of George Street;
- the below ground stormwater retention cells in Hayman Road either side of the entrance to Burville Court;
- the relocation or replacement of all existing public infrastructure affected by the realignment of Hayman Road and Kent Street;
- the below ground stormwater retention cells along Blamey Place and currently within that portion of land off Hayman Road proposed as residential development; and
- The intersection with Thelma Street with the realigned Hayman Road and the provision of an adequate intersection treatment to cater for the increased traffic (traffic in Thelma Street regularly queues to beyond Blamey Place at certain times within the morning or afternoon peak hour);
- The provision of any drainage within the Collier Park Golf Course, including modification to existing water bodies, if approved by the CoSP.
- Provision of enhanced footpaths, cycleways and bus shelters.
- Street lighting.

(b) Manager, Environmental Health and Regulatory Services

The City's Manager, Environmental Health and Regulatory Services has been consulted and has provided the following comments in relation to the proximity of the proposed development to the Collier Park Waste Transfer Station:

"The City's Collier Park Waste Transfer Station (the transfer station) is located at the corner of Thelma Street and Hayman Road, Como. In accordance with the Environmental Protection Authority's (EPA) "Guidelines for the Assessment of Environmental Factors" (the Guidelines) the transfer station is defined as a "waste depot" and is a premises on which waste is stored or sorted, pending final disposal or re-use. The Guidelines require a separation distance between industrial and sensitive land uses of 200 metres. The proposed developments will fall within the buffer distance and will be in the order of 60 metres from the transfer station, at the closest point.

The Guidelines have been developed by the EPA to provide advice to proponents, responsible authorities, stakeholders and the public, about the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a proposal or scheme during the Environmental Impact Assessment process. The EPA expects that proponents will give full attention to the Guidelines when they submit a proposal for assessment. The Guidelines specifically addresses generic separation distances between industrial and sensitive land uses to avoid conflicts between these land uses. The Guidelines take into account protection of the environment as defined by the Environmental Protection Act 1986 (EP Act) with a focus on protecting sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure. A proponent or responsible authority wishing to deviate from the advice in the Guidelines would be expected to put a well-researched, robust and clear justification arguing the need for that deviation. The purpose of the buffer distances is to counteract the types of emissions which are expected to be generated by the transfer station. These potentially include noise and air emissions (i.e. dust and odours). The levels of emissions may at times exceed amenity levels considered acceptable to the proposed sensitive land uses areas.

In line with the requirements of the Environmental Protection Act, it will be incumbent for the City to take all reasonable and practicable measures to prevent or minimise emissions from the transfer station if development was to be approved near or encroach within the buffer distance. It is generally expected that, through appropriate site layout, design of facilities, and the implementation of engineering and process controls, emissions from transfer station may be prevented from impacting beyond the buffer distances. Generally, but not always, impacts on the environment decrease with increasing buffer distance from the source of the emission. The buffer distance is necessary in many situations including the City's transfer station to avoid or minimise the potential for land use conflict. While not replacing the need for best practice approaches to emission management, the use of buffer distances is a useful tool in achieving an acceptable environmental outcome."

(c) Community consultation

During the course of preparing the Structure Plan, there has been a considerable amount of community consultation and engagement. Further formalised consultation procedures will be implemented in accordance with the relevant statutory processes.

(d) Design Advisory Consultants (DAC)

It has not yet been confirmed whether the City's DAC Architects will be consulted on development applications, when submitted progressively at a later time, noting the intention to establish a unique assessment procedure for development proposals in the Precinct as described above.

Policy and Legislative Implications

The various statutory procedures involved have been described above.

Financial Implications for the City

As referred to in the 'Consultation' section of this report, consistent with usual practice for the development of 'greenfield' sites, all infrastructure costs associated with the development of the Bentley Technology Precinct should be met by DoIR or the subsequent developers of individual lots.

All required development contributions will be stipulated in the Town Planning Scheme Amendment. The matter of obtaining further development contributions in relation to community facilities should be pursued and resolved prior to the Scheme Amendment being initiated by Council.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City's unique natural and built environment.*

In terms of financial implications for the City, the matter also relates to Goal 6 "Financial Viability" identified in the Strategic Plan. Goal 6 is expressed in the following terms: *To provide responsible and sustainable management of the City's financial resources.*

Sustainability Implications

It is intended that the detailed design of the Precinct and of individual developments will incorporate best practice with respect to sustainability.

Conclusion

This report has highlighted *the progress of the statutory requirements of the proposal and identified some unresolved issues* in relation to the design of the Structure Plan. In addition to asking Council to assess and consider the Structure Plan, the consultants have asked Council to initiate the statutory Scheme Amendment processes relating to both the Metropolitan Region Scheme and the City's Town Planning Scheme No. 6. However, due to the interdependence of the Structure Plan and the Scheme Amendments, it would not be appropriate for Council to initiate the Scheme Amendments until the outstanding Structure Plan issues have been resolved. Officers from both Councils are continuing to liaise with the BTP consultants in relation to these issues. It is intended that, when the issues have been addressed in a satisfactory manner, a further report will be presented to Council:

- (a) indicating preliminary support for the Structure Plan; and
- (b) initiating the Scheme Amendment processes

OFFICER RECOMMENDATION ITEM 10.3.2

That...

- (a) the report on the Bentley Technology Precinct Structure Plan be received for information at this stage; and
- (b) when the Structure Plan has been modified to address the *outstanding* issues identified in the report, a further report will be presented to Council:
 - (i) indicating support for the Structure Plan; and
 - (ii) initiating the Scheme Amendment processes.

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

1. Specified uses

(vii) Non-residential "DC" uses within the Residential zone.

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) Description of the proposal

The subject site is currently developed with a Single House with a use of the same, as depicted in the site photographs of **Attachment 10.3.3(b)**.

The proposal involves a change of use from Single House to Consulting Rooms, as depicted in the submitted plans of **Attachment 10.3.3(a)**. It is not proposed to alter the existing building, however there are proposed modifications to the surrounds for parking and access, as well as a modest sign in the front yard.

The proposal complies with the Town Planning Scheme No. 6 (TPS6), the Residential Design Codes of WA 2008 (the R-Codes) and relevant Council Policies as discussed in more detail below.

(b) Plot ratio

There is no plot ratio control for this site, being either a residential or non-residential use.

(c) Open space

The area of open space is not being altered from the existing development.

(d) Building height

The building heights are not being altered from the existing development.

(e) Street setback

The street setbacks are not being altered from the existing development.

(f) Boundary walls

There are no boundary (parapet) walls, existing or proposed.

(g) Wall setbacks

The wall setbacks are not being altered from the existing development.

(h) Visual privacy setbacks

There is no visual privacy implications, existing or proposed, in regards to Element 8 of the R-Codes.

(i) Solar access for adjoining sites

The area of overshadow is not being altered from the existing development.

(j) Finished ground and floor levels - minimum

The ground and floor levels are not being altered from the existing development.

(k) Finished ground and floor levels - maximum

The ground and floor levels are not being altered from the existing development.

(l) Car parking

The required number of car bays is 10, and the proposed number of car bays is 10, therefore, the proposed development complies with the car parking element of the R-Codes.

(m) Number of practitioners

The number of practitioners permitted is 1, and the number of practitioners is 1, therefore, the proposed development complies with Table 4 of TPS6, noting that a specific condition of such is recommended.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) *the preservation of the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

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

Consultation

(a) Design Advisory Consultants’ comments

The DAC comments are not required as there are no architectural changes to the current development.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners of properties at Nos. 109 and 113 Manning, 1, 3, 3A, 4, 4A, 5, and 6 Welwyn Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of 9 neighbour consultation notices were mailed to individual property owners. During the advertising period two submissions were received; one in favour and one against the proposal. The comments of the submitters, together with officer responses, are summarised as follows:

Submitter’s Comment	Officer Response
Increased traffic and noise.	The site is on a controlled intersection of a District Distributor and a Local Distributor, with a commensurate level of traffic noise. Also, advice from the Manager of Engineering Infrastructure (see above) is that traffic issues are not significant enough to require further attention. The comment is NOT UPHELD .
Antisocial behaviour and security if not fenced on boundary.	Concerns relayed to applicant, with security lights proposed upon this request, however security fencing is not a planning consideration. The comment is NOTED .
General no objection to proposal.	The comment is NOTED .

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council policies have been provided elsewhere in this report.

Financial Implications

Nil

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City’s unique natural and built environment.*

Sustainability Implications

There are no sustainability implications relating to this application.

Conclusion

The proposal will not have a detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme objectives. Provided that standard conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.3

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 change of use from Single House to Consulting Rooms on Lot 429 (No. 2) Welwyn Avenue, Manning **be approved**, subject to:

(a) Standard Conditions

349	car parking to be modified	455	dividing fences standards
352	car parking bays marked	508	landscaping approved and completed
354	car parking - condition of sightlines for drivers	660	expiration of approval

Footnote A full list of Standard Conditions is available for inspection at the Council Offices during normal business hours.

(b) Specific Conditions

- (i) The number of staff approved to operate from the premises is for one practitioner and three support staff;
- (ii) The proposed sign is not to be illuminated without the prior application and approval of the City; and
- (iii) The widths of car parking bays.

(c) Standard Advice Notes

648	building licence required	646	landscaping standards - general
647	revised drawings required	649A	minor variations - seek approval
645	landscaping plan required	651	appeal rights - SAT

Footnote A full list of Advice Notes is available for inspection at the Council Offices during normal business hours.

(d) Specific Advice Notes

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements;
- (ii) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to designing a landscaping plan for the street verge areas as required; and
- (iii) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

10.3.4 Proposed Building to be Used by Southcare 53 Bickley Crescent, Manning.

Location: Lot 342 (No. 53) Bickley Crescent corner Manning Road, Manning
 Applicant: Environs Design Group
 File Ref: 11.2008.88.1 BI1/53
 Application Date: 28 February 2008
 Date: 4 August 2008
 Author: Lloyd Anderson, Planning Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

The application for planning approval relates to a proposed building designed for use by Southcare Incorporated. Council determination is required pursuant to the provisions of Delegation DC342 as the proposal constitutes Non-residential development within the Residential zone.

At its ordinary meeting in February 2006, Council granted planning approval for a new building at the abovementioned premises to be used for the purposes of “religious activities”. In addition, this application was considered at its ordinary meeting in December 2007 for an extension in the time to substantially commence development from 24 months to 36 months. At that meeting, the applicant advised that they may pursue an alternative design, it was stated:

“extension of our planning approval will provide sufficient time for Southcare to finalise development of a two storey construction option it is considering, whilst maintaining existing planning certainty”.

Subsequently, the applicant has submitted plans for a two storey development for approval by Council. This application has been thoroughly assessed by City officers. The proposed development satisfies the requirements associated with a “use not listed” under Clause 3.3(7) of TPS6. In addition, Council needs to determine issues relating to building setbacks, parking, traffic and landscaping requirements. The recommendation is for approval subject to a number of standard and special conditions.

Background

Zoning	Residential
Density coding	R20
Lot area	1017 sq. metres
Building height limit	7.0 metres
Development potential	Two Grouped Dwellings
Plot ratio	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(b)** Owner of the land (Southcare) has also submitted letters dated 9 May 2008, 27 June 2008 and 30 July 2008 in support of the proposal.

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

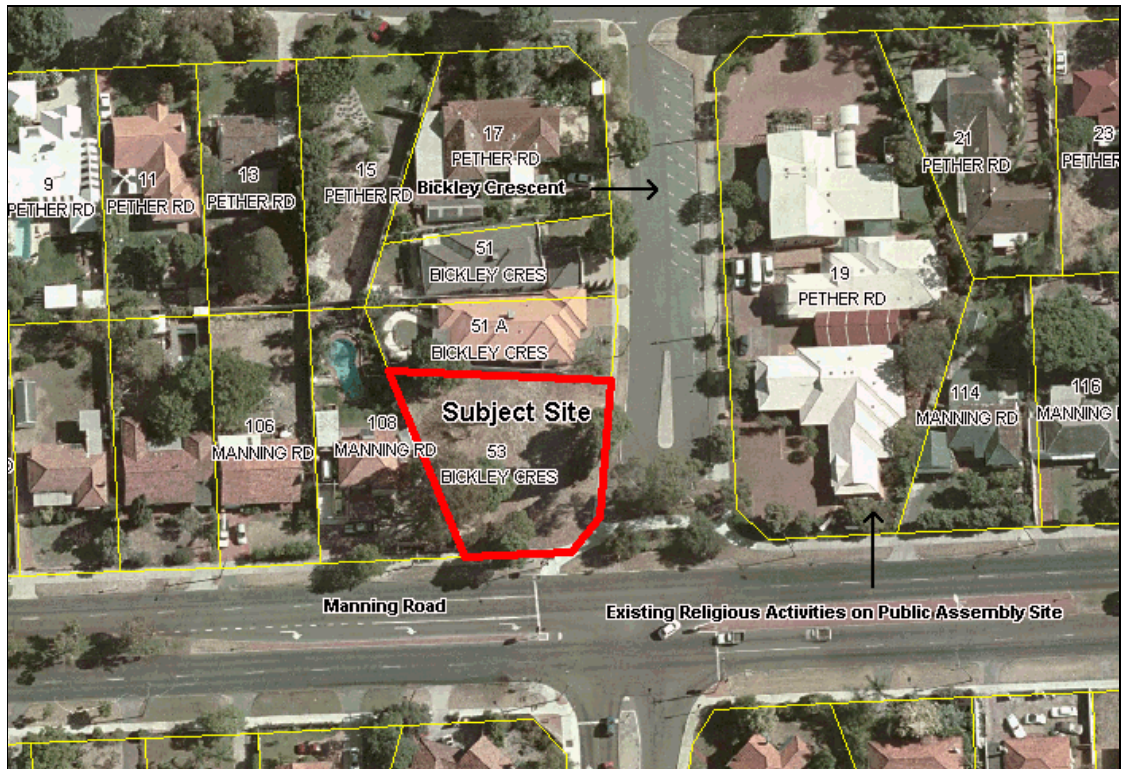
- I. Specified Uses**
 - (i) Non-residential “DC” uses within the Residential zone.

4. Matters previously considered by the Council

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

Council needs to have regard to the extent of amenity impact (if any) arising from the proposed Non-residential use within a Residential area. The amenity considerations include the design and character of the proposed building, in the context of the surrounding residential area and the compatibility of the use within the surrounding area.

The location of the development site is shown on the aerial photograph below. The site is adjoined by residential zoned land to the north and west, Manning Road to the south and Bickley Crescent to the east. The land on the opposite side of Bickley Crescent is zoned Public Assembly and is approved for “religious activities”. That site is occupied by Southcare together with a Uniting Church.



(The above image may be viewed in colour electronically.)

Comment

(a) Description of the proposal

In assessing the application for planning approval, Planning Officers have liaised with the City’s Legal and Governance Officer and McLeods Lawyers. The legal advice is the use of the building can neither be defined as “religious activities” or “office” as defined by the City’s Town Planning Scheme No. 6. Consequently, Southcare’s proposed development has been treated as a “use not listed” under Clause 3.3(7) of TPS6.

The proposed development is a two storey building, with 15 car parking bays and a garden shed. The plans for the development show that the ground floor consists of:

- general administration areas with a number of workstations;
- two interview rooms;
- reception area;
- Manager's office;
- kitchen;
- storeroom;
- toilets; and
- lift.

The plans show the first floor consists of:

- boardroom;
- meeting room;
- balconies;
- training room;
- Manager's office, finance manager's office, finance officer and debt collector's office;
- storeroom, kitchen, toilets and lift.

There are no clearly defined development requirements for a "use not listed" under clause 3.3(7) of TPS6. The development requirements of "religious activity" use, "office" use and relevant Council Policies have been used as a guide to assist in the assessment of this proposal.

(b) Design

Design in accordance with Clause 5.5 of TPS6 and the Design Advisory Consultant (DAC) comments, specifically recommend:

- colours and materials structure to match the streetscape;
- mid-level roofing to be provided along the southern boundary at a width of 1.2 metres; and
- a gate to the car parking area so as to restrict access to the site after hours and increase security for the surrounding residential properties.

The applicant has modified the design of the proposal to include the above as recommended by City officers. The applicant's letter dated 30 July 2008 also explains the changes made to the development in order to comply with TPS6, Council Policy and the recommendations of the DAC. The design is acceptable.

(c) Landscaping

TPS6 prescribes a 25% landscaping requirement for "religious activities", used as a guide in this instance. The site plan indicates that 19.34% landscaping has been provided. In accordance with Clause 7.8 "Discretion to Permit Variations from Scheme Provisions" of TPS6, Council can exercise discretion in this regard. The design allows for the proposed landscaping on site to be highly visible from both the streets. When seen along with the landscaping within the street reserve, the perceived visual impact will help in achieving the desired result. The following landscaping on site is being provided:

- To enhance the perceived visual impact of the landscaping from Manning Road and Bickley Crescent, the height of proposed fencing along these streets is no higher than 1.2 metres solid. This will help achieve street surveillance and also enhance the streetscape character. For privacy and security reasons, the fence height around the courtyard is 1.8 metres;

- 1.5 metres wide landscaping along the eastern boundary adjoining Bickley Crescent to screen the car parking bays; and
- Two large shade trees.

The applicant’s letter dated 30 July 2008 explains landscaping in more detail. It is recommended that a lesser amount of on-site landscaping be accepted on this basis. A landscaping plan is required to be submitted for approval by the City prior to issuing a building licence. A condition to this effect is included in the recommendations of this report.

(d) Setbacks

TPS6 prescribes a setback requirement for “religious activities”, used as a guide in this instance. The applicant requests that Council exercise discretion with respect to the following setbacks:

Boundary	Prescribed by Table 3 of TPS6	Proposed Setback
Bickley Crescent – Primary Street	6.0 metres	4.5 metres
Manning Road – Secondary Street	6.0 metres	2.482 metres
Rear setback – Western boundary	6.0 metres	2.83 at the closest point of the building, and a nil setback at the proposed garden store

The discretion to vary setback requirements prescribed under TPS6 is provided in clause 7.8(1). In exercising this discretion, and in accordance with clause 7.8(1)(b), Council is to be satisfied that:

- (i) *approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) *the non-compliance will not have an adverse effect upon the occupiers and users of the development or the inhabitants of the precinct or upon the likely future developments of the precinct; and*
- (iii) *the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct Plan for that precinct.*

The proposed setback variations are considered to be acceptable in this instance as the building has been designed meeting the setback requirements prescribed by the Residential Design Codes for an ordinary residential dwelling.

(e) Outbuilding and boundary walls

The outbuilding is intended to store a variety of equipment used by Southcare. The applicant’s letter dated 30 July 2008 describes the use of the outbuilding in greater detail. The proposed boundary walls of the outbuilding are not considered to impact the streetscape character, the outlook from an adjoining dwelling or garden, sunlight loss for adjoining properties is minimal and no glare will be caused as a result. Therefore the outbuilding and boundary walls are supported by City officers.

(f) Parking and traffic

Since TPS6 does not provide any requirements for a “Use Not Listed”, “office” land use requirements have been used as a guide in this instance. Parking requirements for “office” are prescribed in Table 6 of TPS6 at a ratio of one car parking bay per 25 sq. metres of gross floor area of which not less than 10% with a minimum of two bays shall be reserved for visitors. The gross floor area of the proposed development is 414.24 sq. metres which generates the need for 17 car parking bays. 15 car parking bays associated with the proposed development have been provided on site.

In regards to traffic generated from the proposal, advice from the Manager, Engineering Infrastructure is that:

“The base peak morning hour traffic flow (two directional) in Bickley Street near Southcare is 28 vehicles per hour (vph), with afternoon peak at 19vph. Overall traffic count for day is about 178 vehicle trips. The combined peak hour traffic flow equates to about 27% of total. The 12 hour traffic count at approx 173vpd provides on average for about 13vph for every other hour. Unlike Curtin University (and the Technology Precinct) where a clear am and pm peak hour can be identified (approx 1 trip generated in the morning peak for every square metre of usable floor space, and much less in the pm), trips to Southcare are more likely to be evenly distributed across the working day.

In the absence of any qualitative data I believe an office development such as Southcare would not generate more than 1 trip per working day for each square metre of office space or add more than 257 vehicles to the street. It is generally conceded that 1600 vpd is the uppermost limit for local residential streets before traffic management becomes a requirement. The City has long held the view that 1000 vpd is the lower limit before traffic management needs to be considered. At just under 500 vpd it falls well short of the lower limit set for traffic management. The presence of the Southcare Administration/Office at 53 Bickley Crescent will have negligible traffic impact on the adjoining properties in Bickley Street.”

The applicant has provided adequate justification in this regard in the 30 July 2008 letter. Having regard to advice from Manager Engineering Infrastructure, as provided below, and observation that traffic volumes can be accommodated without causing hazards or unreasonable congestion in surrounding streets, City Officers recommend that the number of bays provided is sufficient.

For this reason, the exercising of Council discretion is recommended to permit a variation from the normal car parking requirement. The discretion to approve variations from the car parking requirements prescribed under TPS 6, is provided in accordance with Clause 7.8(1). In exercising this discretion, and in Clause 7.8(1)(b), Council is to be satisfied in relation to the “amenity” and “orderly and proper planning” expectations referred to in that clause, as set out in part (c) above. It is considered that the abovementioned criteria (Clause 7.8(1)(b)) are satisfied, and therefore it is recommended that the variation in respect of car parking provision be approved.

(g) Building height limits

TPS6 prescribes a building height limit of 7.0 metres to the site. The proposal complies with the TPS6 prescribed building height limit.

(h) Finished floor levels

The proposal complies with the floor levels required by Clause 6.9 “Minimum Ground and Floor Levels” and Clause 6.10 “Maximum Ground and Floor Levels” of TPS6.

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

The proposal has been assessed according to the listed Scheme Objectives and is considered to comply with the overriding Scheme Objective of Clause 1.6(1).

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

Objective (a) Maintain the City's predominantly residential character and amenity;

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

Objective (g) Protect residential areas from the encroachment of inappropriate uses.

In regards to Objectives (a), (f) and (g), whilst the internal layout of the proposed building is characteristic of an “office”, the building has been externally designed with a residential character thus ensuring that the amenity of the surrounding residential area is preserved and that the building is in harmony with the character and scale of existing residential development.

Objective (d) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.

In regards to Objective (d), it can be said that the proposal builds on the existing community facilities and services provided on the public assembly zoned land opposite the subject site.

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

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

(a) the preservation of the amenity of the locality;

(b) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;

(c) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.

In regards to item (a), (b) and (c), it can be said that the proposal preserves the amenity of the locality through its residential character and its compatibility within the surrounding residential area in terms of height, bulk, orientation, construction materials and general appearance.

- (d) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

In regards to item (d), it is considered that, whilst the proposal does not provide 25% of the site as landscaped area, with the provision of additional landscaping in the road reserve, this will represent adequate provision of landscaping in this instance.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 7 April 2008. The proposal was not well received by the consultants. They made the following comment:

- (i) The architects observed that the proposed development had all the characteristics of an office building. It was noted that an "office" is a "prohibited use" on the subject lot that is zoned residential under the City's current Town Planning Scheme No. 6.*
- (ii) It was also noted that the City had in the past approved a single storey office building intended to be used in conjunction with "religious activities". However, the design, scale and layout of this two storey development clearly suggests that it will be used as any other typical office building, with no characteristics that relate it to the surrounding residential development.*
- (iii) Noting that there is no through road link between Manning Road and Bickley Crescent, it was observed that the level of vehicular traffic generated by this development and passing through the residential development will have an adverse amenity impact on the neighbourhood.*
- (iv) The incompatible use was seen as the major issue which will not lead to orderly and proper planning.*
- (v) The purpose of providing a garden store / shed in conjunction with the office building is unclear.*
- (vi) The architects recommended that the proposal should be refused.*
- (vii) The provision of two entry points to the building was questioned. It was observed that such a layout lends itself to the use of the building as an "office".*
- (viii) The architects advised that if the Council decided to approve the proposed development, a condition be placed on the approval requiring a caveat to be placed on the title stating that "the building not to be used for, or sold as an office building but only to be used for purposes relating to "religious activities"."*

The above comments have been relayed to the applicant. The applicant's letter dated 30 July notes the points relating to the residential character of the proposed building and considers the design to be entirely compatible with surrounding residential developments. Design changes in relation to the DAC comments are discussed elsewhere in this report and are generally supported by City officers.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal in accordance with TPS6 requirements of 'clause 7.3 - Advertising of Applications'. 'Area 2' consultation, wider than that required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes" and clause 13(b) of Policy P104 "Neighbour and Community Consultation in Town Planning Processes" was carried out at the discretion of the Director, Development and Community Services. Wider consultation was considered appropriate to assess the potential amenity impact on the neighbourhood.

The owners of properties at Nos. 49, 50, 51 and 51A Bickley Crescent, Nos. 107, 108 and 109 Manning Road, Nos. 8, 9, 10A, 10B, 11, 12, 13, 16A, 16B, 17, 18, 19, 21, 21A, 23 and 25 Pether Road, 61 and 63 Crawshaw and No. 2 Welwyn Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of twenty six (26) neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period two submissions were received; one in favour and one against the proposal. The comments of the submitters, together with officer responses, are summarised as follows:

Submitter's Comment	Officer Response
Traffic speed on Pether Road and Godwin Avenue is hazardous. Many drivers come around the corner of Davilak Crescent and into Godwin Avenue too fast.	The comment is NOTED . However, in relation to the proposed development, advice from the Manager, Engineering Infrastructure is: <i>"the City does not have traffic traffic counts for Pether Road, and while anecdotes of speeding drivers might influence a decision to impose traffic management, it cannot be used to determine the outcome of an application. Traffic volumes in Pether Road (Canavan Crescent to Davilak Street) will be less than 3500vpd (the upper limit for traffic in residential streets before the traffic becomes an issue) and more likely under the 1000 vpd (or 1600 vpd) minimum at which traffic management needs to be considered. The Southcare proposal should not add more than 150 vehicles per day to the section of Pether Road (Bickley to Canavan Crescent, and will have zero impact overall on the operation of the street."</i>
Break in and burglary may increase due to the proposal as miscreants may believe that the premises hold valuable property and cash.	The applicant has proposed a gate at the entry and fencing around the premises. The comment is NOTED .
Privacy of adjacent neighbours will be affected.	Major openings and unenclosed outdoor active spaces (balconies, verandahs, terraces or other outdoor living areas) which have a floor level of more than 0.5 metres above natural ground level are setback in accordance with the Residential Design Codes.
No objection to proposal.	The comment is NOTED .

(c) **Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure has documented the requirements with respect to on-site parking bays, crossovers, ground levels and stormwater drainage.

(d) **Senior Health Officer, Environmental Health**

The Environmental Health Department has provided detailed comments concerning the design of the bin enclosure.

(e) **Legal and Governance Officer**

The Legal Governance Officer and McLeods Law Firm provided legal clarification in regards to the use of the proposed development. Specifically the question was asked as to whether the proposed development should be classified as an "office" or as "religious activities" for the purpose of dealing with the application.

The following comments (summarised) were provided:

- It is evident that the building will be used primarily for administrative tasks associated with the delivery of services provided by Southcare;
- To a lesser extent, the building will be used to provide services on site to Southcare's clients (e.g. face to face counselling and day care activities);
- The objectives of Southcare appear to be directed towards the provision of non-religious services to various classes of disadvantaged people who are in need of those services within the South Perth community.
- The objectives, purposes and activities of Southcare does not suggest that these are primarily directed towards the fulfilment of certain functions relating to a religion or the advancement of a religion.
- The nature and purpose of the activities being undertaken by Southcare does not suggest they are undertaken for the purpose of deriving profit, therefore it is not a business.
- Notwithstanding that the activities to be undertaken within the proposed building are administrative or clerical in nature, it does not come within the "office" use class as those activities are not undertaken in the course of a business.
- The development could be treated as a "use not listed" under Clause 3.3(7) of the Scheme, provided the notice requirements of Clause 7.3 are first satisfied.
- Clause 3.3(7) provides Council with the discretionary power to approve Southcare's development.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council policies have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City's unique natural and built environment.*

Sustainability Implications

Site planning and design of the proposed building has employed the following design elements:

- Minimised the west facing windows;
- Maximising the north facing windows; and
- Landscaping has been included around the building to reduce heat reflection.

OFFICER RECOMMENDATION ITEM 10.3.4

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 building designed for purpose of "use not listed - Southcare" on Lot 342 (No. 53) Bickley Crescent, Manning **be approved**, subject to:

(a) **Standard Conditions**

340 (northern and western walls of the garden store) 352, 353, 354, 390, 393, 427, 445, 455 (side and rear), 456, 470, 471, 507, 508, 511, 531, 550, 560, 660, 664.

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

(b) Specific Conditions

- (1) The refuse receptacle area is to be provided with the following:
 - (a) A tap connected to an adequate supply of water;
 - (b) Suitably screened from view from the street by a wall/fence that is smooth and impervious and constructed of approved materials not less than 1.5 m in height;
 - (c) An access way of not less than 1.0 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate/s;
 - (d) Smooth, impervious floor of not less than 74mm thickness, evenly graded and adequately drained to a minimum 100mm diameter industrial graded floor waste;
 - (e) Easy access to allow for the removal of containers;
 - (f) Bin areas constructed within the building are to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1.0 sq. metre of floor area, ducted to the outside air;
 - (g) The minimum size of the bin enclosure is at a rate of 1.5 sq. metres per 240 litre bin or 2.5 sq. metres per 1100 litre bin. Alternatively as negotiated and to the satisfaction of the City's Manager, Environmental Health and Regulatory Services.
- (2) All modifications to the existing kerbing that defines the turning head will be a direct cost to the application. The City can effect the modifications as recoverable works. The work will include the removal of kerbing and reinstatement with black asphalt.
- (3) As the proposed crossing impacts on the existing turning head, the crossing is to be constructed in concrete nominally 3.8 metres in length and 5.5 metres in width.
- (4) An "island" to define the extent of the "right" angled parking bays will be installed as per the Applicants Plans but will be open at the kerb line to allow for drainage.
- (5) The crossing is to be constructed so that the footpath appears continuous throughout the crossing i.e. the first 1800mm of the crossing is to fall away from the property line at a minimum of 2.5%.
- (6) the building may only be used for purposes which are consistent with 'religious activities' as defined in TPS6 and as undertaken by an organisation or body with a constitution and objectives similar to those of Southcare.'

(c) Standard Important Advice Notes

645, 647, 648, 651.

Footnote A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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(d) Specific Important Advice Notes

- (1) A commercial office use is prohibited on the subject site which is zoned residential under the City's Town Planning Scheme No. 6 (TPS6). Therefore, the applicant and owners are advised that the development, which is subject of this approval, shall not be used for commercial office purposes, as defined in TPS6. If it is intended to use the building for any purpose other than approved, the owners are required to apply for formal planning approval from the City.
- (2) Please liaise with the City's Engineering Infrastructure and Environment Departments with respect to the preparation of the required landscaping plan.

10.3.5 Proposed 6 Multiple Dwellings No. 152B Mill Point Road, South Perth.

Location: Lot 67 (No. 152B) Mill Point Road, South Perth
 Applicant: Manor Home Builders
 File Ref: 11.2007.594 MI3/152B
 Application Date: 7 December 2006
 Date: 4 August 2008
 Author: Lloyd Anderson, Planning Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

This application for planning approval is for 6 Multiple Dwellings in a 9 storey building. It is recommended the application be approved subject to a number of standard and special conditions.

Background

This application was previously approved by Council in October 2004. Condition (20) of that planning approval states the validity of the approval ceases if construction is not substantially commenced within 24 months of the date of planning approval (i.e. by October 2006). Since construction works had not commenced within that time period, another application has been submitted for approval.

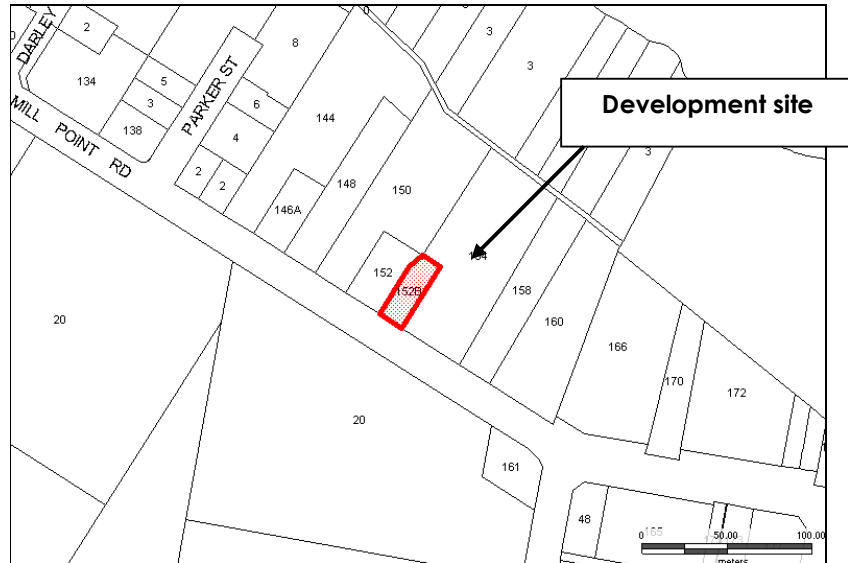
The proposed development has not changed noticeably since the original approval was issued, however, in relation to assessing plot ratio, the method has changed. With respect to the building in question, store rooms that are above ground level, podium level cellars and lobbies for the exclusive use of each dwelling were not included in the original plot ratio calculations. However based on the definition of plot ratio in the Residential Design Codes (2008), these areas are now included in the plot ratio calculations. Accordingly the applicant has now somewhat reduced the amount of plot ratio floor area.

Zoning	Residential
Density coding	R80/R100
Lot area	645 sq. metres
Building height limit	28 metres
Development potential	6 Multiple Dwellings
Mill Point Road setback	9.0 metres
Maximum allowable plot ratio	1.25 (806 sq. metres)

This report includes the following attachments:

- Confidential Attachment 10.3.5(a)** Plans of the proposal.
- Attachment 10.3.5(b)** Letter from designer, dated 20 June 2007, discussing plot ratio issues.
- Attachment 10.3.5(c)** Letter from designer, dated 23 August 2004, discussing plot ratio, boundary walls, landscaping, car parking and access, visual privacy, stores, inconsistencies, boundary setbacks and related matters (in association with the 2004 approval, however still somewhat relevant to this proposal).

The location of the development site is shown below. The property is currently developed for the purpose of 6 Single Bedroom Dwellings in a 3 storey building constructed in 1955. The building is known as “Kiribilli” and is in a rather derelict condition.



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

2. Large scale development proposals

- (ii) *Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height. NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.*

The proposed building is 28 metres high.

4. Matters previously considered by the Council

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

Previously considered by Council in October 2004.

Comment

(a) Description of the proposal

The following information provides a brief summary of the proposed building:

Basement

Storerooms for each of the 6 dwellings (Note: in accordance with the definition contained within the Residential Design Codes 2008, plot ratio does not include non-habitable space that is wholly below natural ground level). The proposed storerooms are wholly below natural ground level;

Ground floor

Residents car park containing 12 car parking bays (two bays each for unit) and two visitor parking bays forward of the security gates;

<u>First floor</u>	Communal open space and communal amenities (gym, entertainment room, male and female change rooms and linen storage);
<u>Second to sixth floors</u>	One dwelling per level; and
<u>Seventh and Eighth floors</u>	Lower floor of penthouse on seventh floor and upper floor of penthouse on eighth floor.

(b) Density coding

The property is assigned a dual density coding of R80/R100 within Town Planning Scheme No. 6. In order to qualify for development at the higher density, it is necessary to satisfy at least four (4) performance criteria from a list of eight (8). The proposal satisfies the following four criteria required for development at the R100 density coding:

- (i) *The site was coded R100 under the No.5 Scheme.*
- (ii) *The site is adjoined on at least two boundaries by a lot or lots which:*
 - (A) *have been re-subdivided or redeveloped with;* or
 - (B) *are the subject of a current planning approval for;*
a greater number of dwelling than previously existed or currently exist on such lots.
- (v) *At least 80% of the original subdivided lots on the same side of the street as the development site and within the same focus area:*
 - (A) *have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or*
 - (B) *are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots.*
- (vi) *All occupiers' car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street.*

(c) Plot ratio

Using the R100 density coding and site area of 645 sq. metres, a total of 806.25 sq. metres of plot ratio floor area is allowed. Calculations show the proposed plot ratio floor area is 813 sq. metres, including ducts. The discrepancy is minor, therefore it is recommended a condition of approval be imposed requiring the applicant to demonstrate compliance with the 806.25 sq. metre maximum, prior to the issue of a building licence. Suggested modifications include a reduction in the size of the family room on each floor or removal of a section of the penthouse on the upper floor.

No part of the balconies of the dwellings has been included in the plot ratio calculations. It is the case that all the balconies have been modified to be open on two or more sides. Obscure screening extends to a height of 1.65 metres, where visual privacy issues have been identified. Where such screening is used, this is still classified as an 'open' side, according to advice communicated in a publication circulated by the Department for Planning and Infrastructure. The architectural drawings have been modified to "open up" the balconies not included in plot ratio calculations. Officers are of the opinion that the extent to which the balconies have been opened up is sufficient.

In accordance with the definition of plot ratio in the R-Codes (2008):

“The ratio of the gross total of all floors of buildings on a site to the area of land in the site boundaries. For this purpose, such areas shall include the areas of any walls but not include the areas of any lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandah open on at least two sides.”

Based on the above definition, the calculation of plot ratio does not include storerooms wholly below natural ground level.

(d) Boundary walls

The boundary wall assessment has not changed from the previous approval issued in 2004. The 2008 application proposes the same boundary walls.

The application proposes boundary walls on the west, north and east sides of the development site. Although the proposed walls are longer and higher than would ordinarily be supported by the City, it is recommended that the walls in question be approved after having regard to the relevant amenity considerations in Policy P376_T “Residential Boundary Walls”. As will be discussed later in this report, the application was subject to neighbour consultation in 2004 and 2008 and no submissions were received.

Eastern Property Boundary

The boundary wall along the eastern property boundary is approximately 32.8 metres in length and 4.5 metres in height. It is located alongside a car parking area associated with the adjoining “High Tor” building.

Northern Property Boundary

The boundary wall along the northern property boundary is approximately 12.2 metres in length and 4.7 metres in height. It is located adjacent to an area of dense landscaping on the adjoining property “High Tor”, and because the boundary wall is located on the southern side of the adjoining property, this is favourable from an overshadowing / solar orientation perspective.

Western Property Boundary

The boundary wall along the western property boundary is approximately 31.8 metres in length and 4.7 metres in height. It is located alongside a car parking area on the adjoining lot.

The boundary walls are supported as proposed.

(e) Setbacks

The setback assessment has not changed from the previous approval issued in 2004. The 2008 application proposes the same setbacks.

Town Planning Scheme No. 6 prescribes a 9.0 metre building setback from the Mill Point Road property boundary. The applicant has complied with the front setback requirements with the exception of a balcony projection approximately 4.0 metres in length and 1.5 metres in width. Clause 4.3(c) of Scheme 6 gives Council the ability to approve a balcony projection into the street setback area. The balconies in question provide greater articulation and visual interest to the front elevation of the building.

Given the size of the lot and the maximum permissible building height limits, it has been difficult for the applicant to achieve compliance with the Acceptable Development requirements prescribed in the Residential Design Codes with respect to side and rear setbacks. The building has been designed with articulation on each of its side elevations. This has been achieved through angled walls and various indentations. As a result the applicant has requested the development be assessed against the relevant Performance Criteria contained within Clause 6.3.1 of the Codes. This clause contains the following provisions:

“Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with the protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties”.*

With respect to the following setback variations the applicant is requesting the Council to exercise discretion under the Performance Criteria set out in Clause 6.3.1 P1 of the R-Codes and Clause 7.8 of TPS6:

Eastern Property Boundary

Along the eastern property boundary, the building has a wall length of approximately 26 metres. Although this wall is articulated through the design incorporating angled walls and indentation, the design does not technically allow the setback requirements for any portions of the wall to be calculated independently from one another. On this basis, the Acceptable Development provisions of the R-Codes would require a setback of approximately 9.0 metres to the 7th floor of the building (approximately 25 metre wall height and 26 metre wall length) and a setback of approximately 6.0 metres to the 8th floor of the building (approximately 29 metre wall height and 15 metre wall length).

Western Property Boundary

Along the western property boundary, the building has a wall length of approximately 28 metres. Setbacks range from 3.0 metres minimum to 4.6 metres. Once more, although this wall is articulated through the design incorporating angled walls and indentation, the design does not technically allow the setback requirements for any portions of the wall to be calculated independently from one another. On this basis, the Acceptable Development provisions of the R-Codes would require a setback of approximately 10.5 metres to the 7th floor of the building (approximately 25 metres wall height and 28 metre wall length) and a setback of approximately 11 metres to the 8th floor of the building (approximately 28 metre wall height and 25 metre wall length).

The proponent has provided the following comments in support of their submission:

- The development has an unrestricted northern aspect with direct access to indoor and outdoor living areas, whilst ventilation and air circulation is provided via major openings to the south. Furthermore, the development abuts a car park area on the eastern side and a multiple dwelling development with reasonable side boundary setbacks on the western side. In summary, unrestricted solar access and adequate air circulation and ventilation to the building will be provided.

- The eastern adjacent property is a car park, and therefore access to direct sun to this space not a requirement. The western adjacent property has north-south orientation and sufficient side setbacks which maximising solar access and allows ventilation.
- The development has a strong north-south orientation. The balconies proposed on the northern side of the development have direct access from indoor living areas thereby providing unrestricted access to direct sun for the residents. Furthermore, the proposed communal open spaces are also designed to gain maximum benefit for the northern exposure.
- The proposed development does not impact on the ability of the adjoining existing, development from obtaining unrestricted access to the northern sunlight.
- An objective of the development philosophy was to facilitate energy efficient living. This has resulted in angled side walls, which clearly ameliorate the impact on building bulk on adjoining properties, when compared with a bland, straight, single dimensional wall. The design promotes interesting side elevations, has an element of depth and disperses the building bulk in a more sensitive and equitable manner.
- The angled walls used in the design of the side elevations are not only beneficial in terms of energy efficiency. Minor nib wall extensions to major openings are proposed for the purpose of screening sight lines, thereby protecting privacy to areas on adjoining properties. Although this design element is arguably more relevant to the Western property, the design also takes into consideration the future residential potential of the adjacent Eastern property and likewise protects the privacy of future indoor and outdoor living areas.
- Finally, it is noteworthy that during consultation period no objections to the design of the proposed development were received by the City of South Perth, thereby further supporting the view that the development is not considered to have a detrimental impact on the amenity and enjoyment of adjoining residential land.

It is noted side setbacks for the building have been approved on the lot immediately to the east ranging from approximately 3.9 metres to around 7.5 metres. This lot has a width of 23.5 metres.

A setback of at least 7.5 metres has been provided between the proposed building and the rear property boundary.

With a lot width of only 15.5 metres it is not possible to provide setbacks in the vicinity of 10 metres from each side boundary. In summary, the setbacks that have been provided are considered reasonable having regard to:

- Lot dimensions - A reasonable proportion of the lot has been maintained as open sided setback area while the building is tall and slender (it ranges from around 6.0 metres in width to around 9.0 metres in width);
- The nature of existing development on adjoining properties. The adjoining portion of the lot to the east is developed for the purpose of a car park, while the side walls of the building that has been approved on the lot immediately to the west is essentially blank;

The arguments put forward by the applicant are generally supported by the assessing officer. In light of the proceeding comments, the applicant's proposed setbacks are supported.

(f) Building height

The proposed development complies with the TPS6 prescribed building height limit of 28 metres.

(g) **Visual privacy**

The visual privacy assessment has changed from the previous approval issued in 2004. The 2008 application proposal relies upon assessment pursuant to the Performance Criteria with respect to visual privacy. The cones of vision provided on the plans demonstrate visual encroachments occurring on the adjoining properties. To this extent the following justification is provided for consideration by the Council in its determination of the issue. The applicant requests that the issue be assessed under the Performance Criteria of Clause 6.8.1 of the 2008 Residential Design Codes.

The relevant Performance Criteria requires residential development to be designed having regard to the following:

“Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where these are used, they should be integrated with the building design and have minimal impact on residents’ or neighbours’ amenity.

Where opposite windows are offset from the from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.”

Visual Encroachment - North Western

The applicant has provided the following case against the Performance Criteria in the relation to the north western visual encroachment:

“It is submitted that the visual encroachment upon the adjoining western property is of an insignificant nature, and indeed does not prejudice the performance criteria of the Residential Design Codes, nor will it impact on the amenity of adjoining residents. The area that is affected by the 7.5 metre cone of vision is an unusual, triangular portion of the lot which is understood to be primarily used for landscaping and will not serve as active functional outdoor purpose within the adjoining proposed development.

Furthermore, the proposed multiple dwelling development on the adjoining western property will have individual balconies (outdoor living spaces) for the residents...

Finally, the view that the visual encroachment will not adversely impact on the amenity of adjoining residents is supported by virtue that no objection to the development were received by the City as part of the community and neighbour consultation process.”

The applicant’s comments are generally supported, and it is recommended that the overlooking from the balconies in the north western direction be supported pursuant to the relevant Performance Criteria.

Visual Encroachment - North Eastern

This variation from the Acceptable Development provisions of the R-Codes is not considered to meet with the Performance Criteria. The proposed balconies on the north eastern side are positioned directly opposite habitable room windows on the adjoining property at No. 154 Mill Point Road. A condition of approval is recommended, requiring the applicant to demonstrate compliance with the visual privacy provisions of the R-Codes in relation to the north eastern balconies of all floors, or alternatively to provide screening to the balconies which satisfies the screening requirements of the R-Codes.

Visual Encroachment - South Eastern

The balconies along the south eastern side of the proposed building have been “opened up” to comply with Condition (17) of the 2004 approval, which states:

- (A) *The design of the balconies to the front and rear of the building shall be modified to provide the greatest amount of “openness” possible while still maintaining compliance with the minimum extent of screening necessary to comply with the visual privacy provisions of the Residential Design Codes.*

This requirement was also recommended by the Design Advisory Consultants (DAC) in 2008 (see DAC comments section in this report). The applicant was required to show the cone of vision associated with the “opening up” of the balconies (see plans). In summary, the balconies on the south-eastern side are considered reasonable having regard to the following:

- Car parking adjacent to the subject site and there being no overlooking of sensitive areas.
- The overlooking of the car park is considered to be a mutual benefit to be gained, as a clear view will exist between the building and the car park, encouraging surveillance, which will aid security.
- In respect to solar access of the dwellings, the opening of the balconies will maximise the morning sun for the family rooms of the dwellings.

The arguments put forward by the applicant are generally supported by the assessing officer. In light of the preceding comments, the visual privacy requirements of the R-Codes for the balconies on the south-eastern side of the dwellings are considered to be met.

(h) Open space including communal open space (landscaping)

The open space assessment has not changed from the previous approval issued in 2004. The 2008 application proposes the same amount of open space. The proposed development complies with overall open space and communal open space requirements. However, in accordance with the requirements of Clause 6.4.5(A5) of the Residential Design Codes, a landscaping plan is required to be submitted for approval by the City prior to issuing a building licence. A condition to this effect is included in the recommendation of this report.

(i) Car parking

12 car parking bays for the occupiers of the 6 dwellings and two visitor car bays (outside the security barrier) have been provided. All bays have been designed in accordance with provisions of TPS6. It is recommended that the parking arrangement be approved as proposed.

(j) Solar access for adjoining sites

The proposal complies with the amount of overshadowing allowed by the R-Codes.

(k) Finished ground and floor levels

The proposal complies with the ground and floor levels required by Clause 6.9 “Minimum Ground and Floor Levels” and Clause 6.10 “Maximum Ground and Floor Levels” of TPS6.

(l) Storerooms

The storeroom dimensions and areas comply with the R-Codes requirements.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

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

The proposal is considered to be satisfactory in relation to all of these objectives.

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
 - (i) *the preservation of the amenity of the locality;*
 - (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
 - (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
 - (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
 - (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
 - (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*

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

The proposal is considered to be satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' comments

The proposal was referred to the June 2004 meeting of Council's Design Advisory Consultants (DAC). The advisory architects held no objection to the general design of the building in 2004.

The proposal was also referred to the April 2008 meeting of Council's Design Advisory Consultants, their comments are as follows:

"The architects observed that the adjoining properties have car parking adjacent to the subject site and there may not be any overlooking of sensitive areas. Hence the screens on the relevant sides of the rear balconies could be eliminated subject to a detailed assessment.

Due to the presence of car parking bays, windows could be incorporated into the east facing bedrooms, which will provide views of Burswood Park and the hills beyond.

More information needs to be provided on the survey site plan relating to the building footprints, and ground and floor levels of the adjoining properties.

The Advisory Architects stated that a plot ratio variation in this particular instance could be supported, noting that the building is quite narrow and when seen from the street will assist in minimising the perceived building bulk."

The above comments have been relayed to the applicant. Design changes in relation to the DAC comments are discussed elsewhere in this report and are generally supported by City officers.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes".

The development site is adjoined by two other properties; No. 152B Mill Point Road, and "High-Tor" (No. 154 Mill Point Road) to the east and north. The development proposal was advertised to each of the adjoining property owners due to the application being referred to a Council meeting for determination, and because the proposal incorporates boundary walls to the side and rear boundaries of the site.

No submissions were received from any adjoining property owner as a result of the advertising.

(c) **Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. An appropriate condition of approval regarding stormwater drainage has been included in the recommendation to this report.

(d) **Environmental Health**

Comments have also been invited from the Building and Environmental Health areas of the City's administration. Environmental Health Services provided comments with respect to a suitable bin enclosure, sanitary conveniences, Environmental Protection (Noise) Regulations 1997 and noise generally. Advice notes concerning these matters are included in the recommendation of this report.

(d) **Building Services**

The Team Leader, Building Services had no comments to make on the proposal at this stage; however if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, the R-Codes and Council Policies have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City's unique natural and built environment.*

Sustainability Implications

This proposed development has balconies facing north which will have access to northern sun, designed keeping in mind the sustainable design principles in accordance with the R-Codes and Council's Draft Sustainable Design Policy.

OFFICER RECOMMENDATION ITEM 10.3.5

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 6 Multiple Dwellings on Lot 67 (No 152B) Mill Point Road **be approved**, subject to:

(a) **Standard Conditions**

340 (northern, eastern and western), 351, 352, 353, 375, 390, 393, 445, 470, 471, 509, 550, 625, 660.

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

(b) **Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) A reduction of the plot ratio floor area contained within the building by 6.75 sq. metres to a figure not exceeding 806.25 sq. metres;
 - (B) Demonstrate compliance with the visual privacy provisions of the R-Codes in relation to the north eastern balconies, or alternatively, provide screening to the which satisfies the screening requirements of the R-Codes.

- (H) The removal of the Nib on the southern side on the 1:200 scale site plan. The site plan drawing is required to be amended to conform to the floor plans.
 - (ii) The car parking bays shall be allocated to the respective dwellings as shown on the approved drawings.
 - (iii) Perforations or openings in any of the visual privacy screening shall not comprise more than 20% of the surface area of the screen.
 - (iv) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed Compliance Certificate from a Licensed Land Surveyor on behalf of the building owner or owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.
- (c) **Standard Important Footnotes**
645, 646, 647, 648, 651.

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

- (d) **Specific Advice Notes**
- (i) Engineering Infrastructure
Stormwater drainage is to be designed in accordance with the requirements of Policy P415 “Stormwater Drainage Requirements for Proposed Buildings” and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells should only be used in the design for temporary detention purposes. The Private Drainage Conditions indicate the quantity of water permitted to be discharged to the street system as that volume during the peak storm that would have been discharged had the lot remained in its natural state and without any development.
 - (ii) Environmental Health
 - (A) **Bin enclosure** - A suitable bin enclosure(s) will need to be provided. The location of the refuse enclosure / area is to be to the satisfaction of Council’s Manager, Environmental Health and Regulatory Services. The refuse receptacle area is to be provided with the following:
 - (1) A tap connected to an adequate supply of water;
 - (2) Suitably screened from view from the street by a wall / fence that is smooth and impervious and constructed of approved materials not less than 1.5 metres in height;
 - (3) An access way of not less than 1.0 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
 - (4) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;

- (5) Easy access to allow for the removal of containers;
 - (6) Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1.0 square metre of floor area, ducted to the outside air;
 - (7) The minimum size of the bin enclosure is to the satisfaction of the City's Manager, Environmental Health and Regulatory Services at a general rate of 1.5 sq. metres per 240 litre bin or 2.5 sq. metres per 1100 litre bin.
- (B) **Sanitary conveniences** - All sanitary conveniences must be constructed in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations, 1971. In particular Regulation 5, Section 5(b) "Construction Specification of Sanitary Conveniences" and Regulation 12 "Mechanical Ventilation".
- (C) **Environmental Protection (Noise) Regulations 1997** - Construction work on a premises shall be carried out between 7:00 am and 7:00 pm from Monday to Saturday. No construction work is to be conducted at any other time including Sundays or Public Holiday unless in accordance with Regulation 7, 13 and unless otherwise approved by the City of South Perth Chief Executive Officer and subject to:
- (1) Construction work to be carried out in accordance with AS 2436 – 19981;
 - (2) The equipment used on the premises is the quietest reasonably available;
 - (3) The construction work is carried out in accordance with a noise management plan that,
 - Is approved by the City's Chief Executive Officer, and
 - submitted no later than 7 days prior to any construction work;
 - (4) Provide written notification to all premises likely to receive noise emissions that fail to comply with prescribed standards under Regulation 7, at least 24 hours prior to the commencement of any construction; and
 - (5) That the construction work is reasonably necessary at that time.
- (D) **Noise generally** - All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Annual Tender 10/2008 Replacement of Slab Paths.
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Location: City of South Perth
 Applicant: Infrastructure Services Directorate
 File Ref: 10/11/12 2008
 Date: 4 August 2008
 Author: Les Croxford, Manager Engineering Infrastructure
 Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Tender 10/2008 was advertised in the West Australian newspaper on Saturday 24 May 2008. This report outlines the tender and assessment process and recommends acceptance of the tenders that provides the best value and level of service to the City.

Background

The *Local Government Act 1995* (as amended) requires tenders to be called for all works and services having a value in excess of \$100,000. Council has delegated to the CEO authority to accept tenders for the annual supply of certain goods and services up to a maximum value of \$200,000.

Comment

Tender 10/2008 Replacement of Concrete Slab Footpaths with poured (insitu) concrete.

Tenders were invited as a Schedule of Rates Contract. The contract value was determined using 18,000 square metres of path as the notional quantity of path to be replaced during the 2008/2009 financial year (the quantity of pathway is an estimate only and the City does not guarantee that this amount of path will be replaced during the contract period). The notional quantity of work to be undertaken in 2008/09 is similar to the area of slab paths replaced in the previous financial year.

At the close of the Tender advertising period five (5) submissions from registered companies had been received, these being tabled below:

Tenderer	Total Price (GST Exclusive)
Westside	\$ 813,000
Techsand	\$1,053,000
Roadsite Kerbing	\$1,053,000
Dowsing Concrete	\$799,200
MMM	\$865,800

Evaluation of the tenders received were based on the following criteria.

1	Demonstrated Ability to do the service on time	20%
2	Conformity with Tender Specification	20%
3	Referees	10%
4	Price	50%
	Total	100%

The tender assessment report is provided as **Attachment 10.4.1** and recommends to Council that the tender from Dowsing Concrete be accepted.

The tender from Dowsing Concrete contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Invitation to Tender.

The tender from Dowsing Concrete not only was the lowest tender received but also recorded the higher score (10.00) in the Evaluation Matrix. The recommended tenderer has previously undertaken similar work for the City and their performance has been satisfactory.

The City recently called tenders for Various Minor Concrete Works (new/infill paths, access ramps and crossings) having a notional contract value of \$130,000. This Tender has been determined under Delegated Authority with Dowsing Concrete being awarded the contract on the basis of providing “Best Value” to the City. In the assessment, Dowsing Concrete was the second lowest tender received but returned the highest weighted score (9.84) in the Evaluation Matrix and hence was awarded the contract on this basis.

Based on the assessment of all tenders received for Tender 10/2008, this report recommends to Council that the tender from Dowsing Concrete be accepted for a period of 12 months up to 30 June 2009 inclusive at the following Schedule of Rates and Total Estimated Cost (GST Exclusive):

Rate for Footpath Replacement (m ²)	Estimated Cost for Footpath Replacement (Area = 18,000m ²)	Pram Ramp Rate (\$/Ramp)	Estimated Cost for Pram Ramps (No. = 300)	Total Estimated Cost (\$)
\$39.40	\$709,200	\$300.00	\$90,000	\$799,200

Consultation

The following Tender was advertised in the West Australian newspaper on Saturday, 24 May 2008:

- Tender 10/2008 Replacement of Concrete Slab Footpaths with poured (insitu) concrete.

Policy and Legislative Implications

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

The following Council Policies also apply:

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

Financial Implications

Full cost of the works reflected in the tender has been provided in the current 2008/09 Operations and /or Capital Works Budgets.

Strategic Implications

The calling of tenders (forms part of Goal 6 Financial Viability) for goods and services to complete the various operations and Capital Works Programs is consistent with Goal 4 Infrastructure - Strategy 4.1 “*Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level.*”

OFFICER RECOMMENDATION ITEM 10.4.1

That Council accepts the Tender submitted by Dowsing Concrete for the Replacement of Concrete Slab Footpaths with Poured (Insitu) Concrete in accordance with Tender Number 10/2008 for the period 1 July 2008 to 30 June 2009 inclusive.

10.4.2 Annual Tender 11/2008 Supply of Sweeping Services.

Location: City of South Perth
 Applicant: Infrastructure Services Directorate
 File Ref: 10/11/12 2008
 Date: 4 August 2008
 Author: Les Croxford, Manager Engineering Infrastructure
 Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Tender 11/2008 was advertised in the West Australian newspaper on Saturday 24 May 2008. This report outlines the tender and assessment process and recommends acceptance of the tender that provides the best value and level of service to the City.

Background

The *Local Government Act 1995* (as amended) requires tenders to be called for all works and services having a value in excess of \$100,000. Council has delegated to the CEO authority to accept tenders for the annual supply of certain goods and services up to a maximum value of \$200,000.

Comment

Tender 11/2008 Supply of Sweeping Services to car parks, precincts, special commercial zones, and unscheduled sweeping.

Tenders were invited as a Schedule of Rates Contract based on a series of fixed schedules. The schedules do not include the district sweep which is undertaken each quarter by the Town of Victoria Park. The Town of Victoria Park does not have the capacity to undertake the additional street sweeping listed in Tender 11/2008.

At the close of the Tender advertising period two (2) submissions from registered companies had been received, these being tabled below:

Tenderer	Total Price (GST Exclusive)
Cleansweep	\$222,300
Sweepcare	\$287,150

Evaluation of the tenders received were based on the following criteria.

1	Demonstrated Ability to perform the service on time	30%
2	Referees	20%
3	Price	50%
	Total	100%

The tender assessment report is provided as **Attachment 10.4.2** and recommends to Council that the tender from Cleansweep be accepted.

The tender from Cleansweep contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Invitation to Tender.

The tender from Cleansweep not only was the lowest tender received but also recorded the higher score (9.00) in the Evaluation Matrix. The recommended tenderer has previously undertaken similar work for the City and their performance has been satisfactory. Hence, this report recommends to Council that the tender from Cleansweep be accepted for a period of 12 months up to 30 June 2009 inclusive at the following Tender Prices (GST Exclusive).

The works involved are as follows:

Street	Section	Days of Week	Frequency	Time
Car Parks	Refer Table 1 Specification	Monday to Friday	September December March	6:00 am to 4:00 pm
Special Commercial Zones	Refer Table 2 Specification	Monday &/or Friday	Weekly or Twice Weekly	6:00 am to 8:00 pm
Angelo Street Mends Street Preston Street Roads & Paths 1 Mill Point Road Zoo Path - Onslow to Mends St Thursday Sweep	Refer Table 3 Specification	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	Daily - 365 days	6:00 am to 8:00 pm

Consultation

The following Tender was advertised in the West Australian newspaper on Saturday, 24 May 2008 were:

- Tender 11/2008 Supply of Sweeping Services to carparks, precincts, special commercial zones, and unscheduled sweeping.

Policy and Legislative Implications

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

The following Policies also apply:

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

Financial Implications

Full cost of the works reflected in the tender has been provided in the current 2008/09 Operations and /or Capital Works Budgets.

Strategic Implications

The calling of tenders (forms part of Goal 6 Financial Viability) for goods and services to complete the various operations and Capital Works Programs is consistent with Goal 4 Infrastructure - Strategy 4.1 *“Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level.”*

OFFICER RECOMMENDATION ITEM 10.4.2

That Council accepts the Tender submitted by Cleansweep for the Supply of Sweeping Services to Carparks, Precincts, Special Commercial Zones, and Unscheduled Sweeping in accordance with Tender Number 11/2008 for the period 1 July 2008 to 30 June 2009 inclusive.

10.4.3 Annual Tender 12/2008 Supply Traffic Management Services.

Location: City of South Perth
 Applicant: Infrastructure Services Directorate
 File Ref: 10/11/12 2008
 Date: 4 August 2008
 Author: Les Croxford, Manager Engineering Infrastructure
 Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Tender 12/2008 was advertised in the West Australian newspaper on Saturday 24 May 2008. This report outlines the tender and assessment process and recommends acceptance of the tenders that provide the best value and level of service to the City.

Background

The *Local Government Act 1995* (as amended) requires tenders to be called for all works and services having a value in excess of \$100,000. Council has delegated to the CEO authority to accept tenders for the annual supply of certain goods and services up to a maximum value of \$200,000.

Comment

Tender 12/2008 Supply of Traffic Management Services within the City of South Perth.

Tenders were invited as a Schedule of Rates Contract. The contract value was determined using an estimated 2600 hours of traffic management across four different work scenarios (the quantity of work is an estimate only and the City does not guarantee the amount of traffic management hours quoted). The notional quantity of hours was based on the amount of traffic management utilised during preceding financial years. The work scenarios were based on typical situations that reflect a variety of work carried out in the City ranging from basic traffic control to more complex situations involving intersections and roundabouts.

At the close of the Tender advertising period six (6) submissions from registered companies had been received, these being tabulated below:

Tenderer	Total Price (GST Exclusive)
Altus	\$229,000
Taborda	\$216,150
ATM	\$220,650
WARP	\$232,418
Carringtons	\$217,250
QTM	\$195,808

Evaluation of the tenders received were based on the following criteria.

1	Demonstrated Experience in completing similar tasks	20%
2	Skills and experience of Key personnel	10%
3	Referees	20%
4	Price	50%
	Total	100%

The tender assessment report is provided as **Attachment 10.4.3** and recommends to Council that the tender from Quality Traffic Management (QTM) Pty Ltd be accepted.

The tender from Quality Traffic Management Pty Ltd contains all completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Invitation to Tender.

The tender from Quality Traffic Management Pty Ltd not only provided the lowest contract value but also recorded the highest score (10.00) in the Evaluation Matrix. The recommended tenderer has previously undertaken similar work for the City and their performance has been satisfactory. Hence, this report recommends to Council that the tender from Quality Traffic Management Pty Ltd be accepted for a period of 12 months up to 30 June 2009 at the following Schedule of Rates and Total Estimated Cost of \$195,808 (GST Exclusive):

Item 1 (1300 Hours/Year)	Item 2 (700 Hours/Year)	Item 3 (350 Hours/Year)	Item 4 (250 Hours/Year)
\$40.53 / hour	\$82.56 / hour	\$126.92 / hour	\$163.62 / hour

Note: Item 1 = One person crew/one vehicle complete with signs/cones
 Item 2 = Two person crew/one vehicle complete with signs/cones
 Item 3 = Three person crew/two vehicles complete with signs/cones
 Item 4 = Four person crew/three vehicles complete with signs/cones

The tender comparison was based on the lowest total bid price (ie Quality Traffic Management Pty Ltd at \$195,808).

Consultation

The following Tender was advertised in the West Australian newspaper on Saturday, 24 May 2008:

- Tender 12/2008 Supply of Traffic management services within the City of South Perth.

Policy and Legislative Implications

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

The following policies also apply:

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

Financial Implications

Full cost of the works reflected in the tender has been provided in the current 2008/09 Operations and /or Capital Works Budgets.

Strategic Implications

The calling of tenders (forms part of Goal 6 Financial Viability) for goods and services to complete the various operations and Capital Works Programs is consistent with Goal 4 Infrastructure - Strategy 4.1 *“Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level.”*

OFFICER RECOMMENDATION ITEM 10.4.3

That Council accepts the Tender submitted by Quality Traffic Management Pty Ltd for the Supply of Traffic Management Services in accordance with Tender Number 12/2008 for the period 1 July 2008 to 30 June 2009 inclusive.

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.
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Location: City of South Perth
Applicant: Council
Date: 1 August 2008
Author: Rajiv Kapur, Acting Manager, Development Assessment
Reporting Officer: Steve Cope, Director Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of July 2008.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:

“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City Officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of July 2008, fifty-four (54) development applications were determined under delegated authority **Attachment 10.5.1** refers.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

Sustainability Implications

Reporting of Applications for Planning Approval Determined Under Delegated Authority contributes to the City’s sustainability by promoting effective communication.

OFFICER RECOMMENDATION ITEM 10.5.1

That the report and **Attachments 10.5.1** relating to delegated determination of applications for planning approval during the months of July 2008, be received.

10.5.2	Use of the Common Seal
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Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 4 August 2008
 Author: Sean McLaughlin, Legal and Governance Officer
 Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:

That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.

Comment

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Register

Extracts from the Register for the month of July 2008 appear below.

Nature of document	Parties	Date Seal Affixed
Deed of Agreement to enter CPV Lease	CoSP & Margaret Stewart	29 July 2008
CPV Lease	CoSP & Margaret Stewart	29 July 2008
Registration of CPV Lease	CoSP & Margaret Stewart	29 July 2008
Surrender of CPV Lease	CoSP & Dorothy Ward	31 July 2008

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City’s Standing Orders Local Law 2007 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

The report aligns to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

Sustainability Implications

Reporting of the use of the Common Seal contributes to the City’s sustainability by promoting effective communication.

OFFICER RECOMMENDATION ITEM 10.5.2

That the report on the use of the Common Seal for the month of July 2008 be received.

10.5.3 Appoint Council Delegates - WALGA Systematic Sustainability Forum

Location: City of South Perth
Applicant: Council
File Ref: EM/11
Date: 8 August 2008
Author: Kay Russell, Executive Support Officer
Reporting Officer: Chief Executive Officer

Summary

The purpose of this report is to appoint Council Delegates to attend the state-wide Forum scheduled to be held on 15 September 2008 to address the responses to the recommendations contained in the WALGA draft report *The Journey - Local Government Sustainability into the Future*.

Background

The Draft report by the WALGA SSS Taskforce: *The Journey - Local Government Sustainability into the Future* was released to Local Government at an Industry Forum in February 2008. The document proposes a new structure for Local Government "to improve delivery of services to communities while retaining local representation" and was open for feedback and comments from Local Governments.

Comment

At the April 2008 meeting Council endorsed the City's responses to the recommendations contained in the WALGA draft report *The Journey - Local Government Sustainability into the Future*. Following consultation with Local Government, the Systemic Sustainability Report and recommendations have been modified and largely reflect our own detailed submission on those recommendations. The changes are reflected in **Attachment 10.5.3** which is WALGA's response to all of the submissions.

This topic was considered by Council Delegates to the WALGA South East Metropolitan Zone (SEMZ) Meeting held on 23 July (represented by Mayor James Best and Councillor Kevin Trent). A summary of this issue is provided at paragraph 4.1 contained on Agenda Item 8.4.1.

WALGA responded favourably to all of the comments made in the City of South Perth submission. As a result of the changes to the SSS Report, the SEMZ endorsed the amended report. At the WALGA AGM on Saturday 2 August an alternative Motion was adopted which required the consideration of the WALGA Board at the State Council Meeting on 3 August.

Subsequently the WALGA Board meeting held on Sunday 3 August, adopted the following resolution, having regard for the debates of all Zones the previous week and on a Notice of Motion at the WALGA Meeting on Saturday 2 August 2008:

"That....

1. *a draft final report be prepared based on the revised recommendations with the following amendments:*
 - * *In recommendations 2 & 3 the term "models" be replaced with the term "examples";*
 - * *The addition of the words "banded levels of compliance" as an additional dot point in recommendation 7;*
 - * *Deletion of the proposed "gross debt to economically realisable assets" indicator from recommendation 15;*

- * *Recommendation 19(b) be altered to read "That the WA Local Government Cost Index be delivered via a website; managed by the Department of Local Government and Regional Development; that allows local governments and/or regions to input individual expenditure to customise their weightings and develop an index tailored to their circumstances."*
- 2. *the Association convene a special State-wide Forum for local Governments to review and respond to the amended draft report;*
- 3. *the outcomes of the State-wide Forum be considered at a Special State Council meeting immediately following the Special Forum, to determine the final report; and*
- 4. *member local Governments be requested to advise of the recommendations and/or issues that they specifically wish to discuss at the State-wide Forum.*

As a consequence, a State-wide Forum will be held on 15 September 2008 and WALGA has requested Council appoint Delegates to attend (and vote) at that forum.

Consultation

Industry-wide involvement resulted in the SSS Report which was circulated to each local government for comment as part of the consultation process.

Policy and Legislative Implications

The motive behind the WALGA SSS Report is sustainable local government and it is appropriate that Council provides Delegates to attend the Forum *The Journey - Local Government Sustainability into the Future*. As the amended SSS Report has been amended to reflect the City's position, the direction of the Report should be supported.

Financial Implications

Nil at this time.

Strategic Implications

Consistent with the Strategic Plan: Goal 5 "Organisational Effectiveness" *To be a professional, effective and efficient organisation.*

Sustainability Implications

The WALGA Systematic Sustainability Study report is progressing towards implementing sustainable local government.

OFFICER RECOMMENDATION ITEM 10.5.3

That Council appoints Mayor James Best and Councillor Kevin Trent as its Delegates together with the CEO, Cliff Frewing as Deputy Delegate, to attend the upcoming WALGA Forum on Systematic Sustainability Study - *The Journey - Local Government Sustainability into the Future* and to vote on behalf of the City consistent with the Council's adopted position.

10.5.4 Local Government Sustainable Development Conference-Sydney 10-11 September
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Location: Darling Harbour, Sydney
Applicant: Council
Date: 8 August 2008
File Ref: HR/ST/3
Author: Kay Russell, Executive Support Officer
Reporting Officer: Chief Executive Officer

Summary

The purpose of this report is to give consideration to Councillor attendance at the Sustainable Development Conference 2008 to be held in Sydney on 10 and 11 September 2008.

Background

This 'Peak Environment Event for Local Government' is a two-day conference which will feature award-winning and leading-edge best practice case studies in sustainable development, including addressing challenges of sustainability and providing advice for how local governments can achieve their sustainable development goals in a cost-effective manner.

Comment

Over 30 experts and leaders in sustainability will address the conference on the following topics:

- Reducing the Carbon Footprint of Local Government
- Climate Change and Energy Efficiency
- Built Environment Initiatives
- Green Purchasing and Procurement
- Water Conservation and Planning
- Community Engagement in Environmental Initiatives
- Sustainable Planning and Urban Design
- Waste Management and Resource Recovery

The Conference will also feature best practice case studies in sustainable development, including:

- Sustainable Sydney 2030 Plan
- Gold Coast City Councils Bold Future 30 year Sustainable Plan Ipswich Council (*Winner of Environmental Management Category of the 2008 United Nations Association of Australia World Environment Day Awards*)
- Beverley Water Reclamation Scheme, Kogarah Council (*Winner of Operations/Management Projects category of 2008 International Water Association's Project Innovation Awards*)
- Melton Shire Council (*Winner of 2007 Sustainable Cities Award*)

Further details of the conference program can be found in **Attachment 10.5.4** and is also accessible on the following website:

<http://www.halledit.com.au/conferences/sustainability/2008>

Councillor Bill Gleeson has indicated his interest in attending this conference.

Consultation

The City has adopted a Sustainability Strategy and Management System and it is important that Councillors are kept up to date with the current issues facing Local Government. The Sustainable Development Conference 2008 appears to provide a very good forum for this.

Policy and Legislative Implications

Council Policy P513 requires that:

A Council Member must obtain the approval of Council (by way of resolution) before travelling in the course of his or her duties:

- (a) outside Western Australia;
- (b) by plane within Western Australia; or,
- (c) to a conference or other scheduled event that will keep the Council member away from the City for three or more days.

Financial Implications

The total estimated cost of Elected Member attendance including registration, airfares, accommodation and meals is approximately \$2,500 (Note: this cost is based on economy airfares).

Funding for Elected Member attendance can be accommodated within the current budget.

Strategic Implications

It is important that Elected Members be provided with the opportunity to participate in National Conferences to keep abreast of emerging trends and best practices.

This report is consistent with Goal 5 “Organisational Effectiveness” of the City’s Strategic Plan: *To be a professional , effective and efficient organisation* and compliments the areas relating to Goal 2 “Community Enrichment” and Goal 3 “Environmental Management” of the Strategic Plan.

OFFICER RECOMMENDATION ITEM 10.5.4

That Council approve the attendance of the following Elected Member(s) at the Sustainable Development Conference 2008 to be held at Darling Harbour Sydney on 10 and 11 September 2008 at an estimated cost of \$2,500 per person.

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - July 2008

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 August 2008
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries compiled according to the major functional classifications compare actual performance against budget expectations. These are presented to Council with comment provided on the significant financial variances disclosed in those reports.

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 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 also reflects the structure of the budget information provided to Council and published in the Annual Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control. It also measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value - whichever is the greater. Whilst this is the statutory requirement, the City provides comment on a number of lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from when the first budget amendment is recognised. This schedule reflects a reconciliation of movements between the 2008/2009 Adopted Budget and the 2008/2009 Amended Budget including the introduction of the capital expenditure items carried forward from 2007/2008.

A monthly Balance Sheet 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 the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The major components of the monthly management account summaries presented are:

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
(draft only - still subject to further year end adjustments)
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure-Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements-**Attachment 10.6.1(6)(A)** (*not presented for July*)
- Rate Setting Statement - **Attachment 10.6.1(7)** (*not presented for July*)

Operating Revenue to 31 July 2008 is \$25.75M which represents 101% of the \$25.61M year to date budget. The major factors contributing to this favourable variance are a large building license fee for the Gracewood Retirement Village (not anticipated for this stage of the year) and a significant (\$50,000) DSR grant revenue towards costs associated with the Recreation Club Development Officer position.

All other revenue items were on or very near budget expectations for the month. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 31 July 2008 is \$2.37M which represents 91% of the year to date budget of \$2.61M. Operating Expenditure to date is around 6% favourable in the Administration area, 17% under budget in the Infrastructure Services area and 3% under for the golf course.

Favourable variances in the administration areas relate to budgeted (but vacant) staff positions, timing differences on utilities, less than budgeted expense for landfill costs for the month and interest expense from borrowings not yet incurred. Variances in the Infrastructure area relate primarily to timing differences whilst operational and maintenance programs are developed and initiated. Golf Course expenditure remains favourable largely due to vacant staff positions.

To accommodate the complex year end transactions associated with fixed assets, depreciation expense will not be calculated in July but will be reinstated for all assets in August. This is not an unusual practice - and is reflected in the budget phasing.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 12% under the budget allocation for the 216.3 FTE positions approved by Council in the budget process - after agency staff invoices were received at month end. Actions are underway to recruit for a number of the current vacancies.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$0.10M at 31 July - the capital revenue budget is not phased to commence until August. Revenue received to date relates to two units at the Collier Park Village that were re-leased in July and a small road grant that was invoiced in July - slightly ahead of budget phasing.

Capital Expenditure at 31 July 2008 is \$0.98M. Again the Capital Expenditure budget is phased to commence in August but some minor start up expenditure has been incurred to date. 80% of the year to date capital expenditure relates to payment of a cash call on the UGP project.

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 and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan - *'To provide responsible and sustainable management of the City's financial resources'*. Such actions are necessary to ensure the City's financial sustainability.

Sustainability Implications

This report primarily addresses the 'Financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, 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.

OFFICER RECOMMENDATION ITEM 10.6.1

That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2008

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 August 2008
Authors: Michael J Kent and Deborah M Gray
Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as the funds held in "cash backed" Reserves. Significant holdings of money market instruments are involved so an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which the delegations are being exercised. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections.

Comment

(a) Cash Holdings

Total funds at month end of \$28.54M compare very favourably to \$23.19M at the equivalent stage of last year. Reserve funds are some \$6M higher than at the equivalent stage last year due to higher holdings of cash backed reserves whilst Municipal Funds are \$0.5M lower due to the increased level of outstanding debtors. The free cash position is good - with initial collections from rates slightly ahead of last year but this is possibly timing related. Ratepayer feedback to changes in rates as a result of revised GRVs and the lower rate in the dollar has been very positive. The City has put in place a number of convenient and customer friendly payment methods and will use the Rates Early Payment Incentive Prize to encourage positive early cash collections. Unlike many of our local government peers, the City was not inconvenienced in any way by the collapse of the Bill Express rates collection service - as we had made an informed decision not to participate in that initiative.

Monies brought into the year (and our subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects later in the year. As previously noted, astute selection of appropriate financial investments has meant that the City does not have any exposure to higher risk investment instruments such as CDOs (the sub prime mortgage market).

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$4.56M (compared to \$5.06M at the same time in 2007/2008). **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end is \$29.33M compared to \$22.59M at the same time last year. This is largely due to higher holdings of Reserve Funds at this time.

The portfolio currently comprises at-call cash, term deposits, bank bills and floating rate notes. Analysis of the composition of the investment portfolio shows that approximately 84.5% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities. The City's investment policy requires that at least 80% of investments are held in securities having a S&P rating of A1.

This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational guidelines for investments. All investments currently have a term to maturity of less than 1 year - which is considered prudent in times of rising interest rates as it allows greater flexibility to respond to future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Interest revenues (received and accrued) for the year to date total \$0.19M - significantly up from \$0.13M at this time last year. This result is attributable to higher cash holdings, rising interest rates and timely, effective treasury management. Throughout the year it will be necessary to balance between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The average rate of return on financial instruments for the year to date is 7.89% with the anticipated yield on investments yet to mature currently at 7.93%. This reflects careful selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs have been providing a return of 7.0% since early March.

(c) Major Debtor Classifications

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtors classifications (rates, general debtors and underground power) are provided below.

(i) Rates

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of July 2008 represent 12.4% of total rates levied compared to 9.0% at the equivalent stage of the previous year. This is largely a timing difference due to the rates being levied a few days earlier this year. However, ratepayer feedback to date has suggested that the rating and communication strategies used for the 2008/2009 rates strike are being well received and we should establish a good foundation for successful rates collections during the year.

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the early payment incentive scheme (generously sponsored by local businesses) will again be supported by timely and efficient follow up actions by the City's Rates Officer.

(ii) General Debtors

General debtors stand at \$1.07M at month end excluding UGP debtors (although this balance will be subject to further year end adjustments as the financial statements are prepared). This compares to \$1.04M at the same time last year. Most debtor category balances are very similar to those at a corresponding time last year.

(iii) Underground Power

Of the \$6.78M billed for UGP in May 2008, some \$3.05M was collected by 31 July with approximately 43% of those in the affected area electing to pay in full and a further 42% opting to pay the first instalment. The remaining 15% have yet to make a payment and will be the subject of follow up collection actions. The unpaid UGP debtors are currently accruing interest on the outstanding balances as advised on the initial UGP notice. The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the Strategic Plan - *'To provide responsible and sustainable management of the City' financial resources'*.

Sustainability Implications

This report addresses the 'Financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

OFFICER RECOMMENDATION ITEM 10.6.2

That Council receives the 31 July 2008 Statement of Funds, Investment and Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(1)**
- Summary of Cash Investments as per **Attachment 10.6.2(2)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(3)**

10.6.3 Warrant of Payments Listing

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 8 August 2008
Authors: Michael J Kent and Deborah M Gray
Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 July 2008 and 31 July 2008 is presented to Council for information.

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 from either the Municipal Fund or the Trust Fund and the transaction recorded in the City's financial records.

Comment

A list of payments made since the last list was presented is prepared and is presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan - *'To provide responsible and sustainable management of the City's financial resources'*.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.3

That the Warrant of Payments for the month of July 2008 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

10.6.4 End of Year Financial Statements

Note: *This report to be circulated separately prior to the August Council Meeting.*

10.6.5 Capital Projects

Note: *This report to be circulated separately prior to the August Council Meeting.*

10.6.6 Reporting of Significant Financial Variances

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 4 August 2008
Author/Reporting Officer: Michael J Kent , Director Financial and Information Services

Summary

To comply with the current legislation, every local government is required to annually adopt a 'threshold' (calculated in accordance with the Australian Accounting Standards - AAS5) to guide the reporting of material financial variances in statements of financial activity. The identification and reporting of relevant variances between actual performance and budget expectations is an integral part of effective financial management. This report presents an appropriate materiality threshold and places it in the context of the City's current financial reporting practices.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format consistent with relevant accounting pronouncements and principles. Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. Clause 5 of this regulation provides that *'Each financial year, a local government is to adopt a percentage or value calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances'*.

Whilst AAS5 - Materiality is no longer an in-force accounting standard, the themes of the former standard are still instructive. Indeed its definition of 'materiality' is reproduced in the AUASB Glossary which notes that 'materiality' decisions necessarily reflect the exercise of professional judgement - but the general principle is that an item may be considered material if its omission, mis-statement or non disclosure has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by management or the governing body of the entity.

Comment

The standard recognises that determining thresholds for materiality is an arbitrary matter influenced by the characteristics of the entity and the users of the financial reports. It suggests that an amount which is greater than 10% of the 'appropriate base amount' can be considered material - and that any amount below 5% of the 'appropriate base amount' is considered immaterial. Professional judgement is required for amounts in between.

Based on a strict minimal compliance approach, this concept of materiality would only apply in the City's case to a few large variances – in some cases from \$20,000 to \$160,000 depending on the particular line item. This is clearly not conducive to an effective or responsible discharge of accountability.

The standard provides guidance on whether or not a reporting entity is 'required' to disclose an item as being material – but this does not preclude the entity from voluntarily disclosing variances which, by themselves, may not be determined as being material.

As an organisation which aspires to best practice in financial management, the City should apply a 'relative' materiality concept. That is, relating the variance to the particular line item on the report. Clearly there is no worthwhile purpose in reporting a 15% variance on a \$500 line item but conversely a 10% variance on a \$100,000 item is worth identifying and providing comment on.

The suggested approach would be therefore, to suggest that for line items under \$100,000 any variance on the financial summary schedules of greater than \$5,000 is significant - and should be commented upon. For line items greater than \$100,000 a variance of greater than 5% of the line item value should be identified and reported.

To illustrate the benefits of this dual approach - it would, for example, pick up a \$108,000 expenditure on a \$100,000 line total as well as a \$13,000 expenditure on an \$8,000 line total - but not a \$5,000 variance on a \$400,000 line. Importantly, it would not require reporting of larger percentage, but immaterial dollar amounts, such as a \$2,500 expenditure on a \$2,000 line total - which avoids cluttering the report with many minor items.

It is also very important to recognise that adopting such a threshold sets only a 'minimum compliance standard'. The City can, of its own volition, report on smaller variances where the item is considered, in the professional judgement of the City's accounting staff, to be of interest to the community and Council Members. That is, the City can build on the basic variance reporting requirements to provide information in excess of the statutory requirements.

Indeed, this is consistent with the City's current approach to its monthly reporting of variances. The existing approach is well in excess of the new statutory requirements - and has been recognised as being a very effective and informative approach.

The City also does, and continues to, produce additional schedules on capital works etc noting the relevant variances and providing comment on those variances. This adds value to the information required to meet our statutory reporting obligations and provides a higher level of accountability to the community.

Consultation

This report is prepared in response to a statutory obligation. It represents the view of the City's qualified accounting professionals who are required to exercise their professional judgement in preparing the City's financial reports and variance schedules. These reports provide evidence of the soundness of financial management being employed by the administration. They also provide information and discharge financial accountability to the City's ratepayers.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan - *'To provide responsible and sustainable management of the City's financial resources'*.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34 & 35. Adopting this recommendation would not result in any lessening of the current level of financial accountability currently provided by the City's financial reporting regime.

Financial Implications

The report establishes the minimum standards for identifying and reporting variances between actual and budgeted financial performance.

OFFICER RECOMMENDATION ITEM 10.6.6

That

- (a) the City adopts the following materiality thresholds for the purposes of identifying and reporting significant financial variances:
 - (i) \$5,000 on line items having a total value of up to \$100,000; and
 - (ii) 5% of the line item total value for items having a total value in excess of \$100,000;
- (b) it is recognised that this threshold sets only the minimum disclosure requirements and City officers are encouraged to provide information on lesser variances where the information is considered to add value - but still yields a positive cost to benefit ratio for providing the disclosure.

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Cr Doherty

I hereby apply for Leave of Absence from all Council Meetings for the period 30 September to 10 November 2008 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

17. RECORD OF VOTING



Mayors Activity Report -- July 2008

July 2008	Activity
Thursday, 31 July	Attend Local Government Convention + CEO + Councillors Kevin Trent, Sue Doherty, Les Ozsdolay and Ian Hasleby. Attend ICLEI forum 'Adapting to Climate Change: Sustainable Local Governments' + CEO @ Perth Convention Centre
Wednesday, 30 July	Attend Rotary Public Forum - Chinese Gardens + Councillors Bill Gleeson, Pete Best and Kevin Trent. Attend Dr Ian Farnie's retirement at Curtin University + cr Sue Doherty. Mayor/CEO weekly meeting Attend Kensington Primary School assembly.
Tuesday, 29 July	Council Briefing - Canning Bridge Study Update 1 Traffic & Parking for Major Events: meeting with ratepayer & Manager, Environmental Health and Regulatory Services Meeting to discuss Climate Change issues with Manager City Environment and City Sustainability Coordinator Attend Committee for Perth forum: presentation from Mr Fred Uhir (Chicago Millennium Park Inc). St Mary's Church restoration - meet with John Mahar
Monday, 28 July	Give speech at Sponsor's Event 'Supporting our Community' + councillors Zoo Board Meeting @ Perth Zoo
Sunday, 27 July	Attend Manning Bowling Club AGM
Friday, 25 July	Two day training Course Australian Institute of Management-University of Western Australia WA (@UWA) 'Managing Social Performance' + Manager, Community Culture & Recreation Attend Governor's Prayer Breakfast (as guest of South Perth Church of Christ) @ Burswood
Thursday, 24 July	Presentation to winners @ City of South Perth Young Writers Awards Training Course 'Managing Social Performance' @ UWA
Wednesday, 23 July	Attend South East Metro Zone Meeting + CEO @ Town of Victoria Park (WA local Government Association) Meeting with WA Council of Social Service (WACOSS) Lyn McLaren Attend Office of Crime Prevention 'Think Tank' @ Technology Park

AGENDA : ORDINARY COUNCIL MEETING : 26 AUGUST 2008

July 2008	Activity
Tuesday, 22 July	Council meeting Attend workshop: Renewal of State Crime Prevention Strategy Attend Community Forum: Canning Bridge Rail Station @ South of Perth Yacht Club Chinese Gardens project - Meet Warren McCamey and Warren Towell from Rotary Club.
Monday, 21 July	Attend Como Probus Club: Presentation & Questions about City of South Perth
Friday, 18 July	Key Note speech on leadership to John Curtin Leadership Academy.
Thursday, 17 July	Opened Christobel Bennet exhibition @ Heritage House + CEO + Councillors
Wednesday, 16 July	Briefing :Civic Hall & Library Project - Presentation update by architect
Tuesday, 15 July	Council Briefing - Agenda items Parking complaints/issues: meeting with Manager, Environmental Health and Regulatory Services and Customer Focus Coordinator Mayor/CEO weekly meeting Attend workshop : Federal Government's Regional Development Australia + CEO
Monday, 14 July	Toy library : promotion in Comer Park Community engagements opportunities -- discussion with resident
Saturday, 12 July	Attend South Perth Lions Club - Changeover event
Friday, 11 July	Parking infringement complaint: Meeting ratepayer
Thursday, 10 July	LG Conference : preparation with city delegate, Cr Kevin Trent Sponsors Function 28 July & Schools Partnership Function 13 August :Discussion with Manager, Community Culture and Recreation
Wednesday, 9 July	CEO KPI's: Meeting to further progress with Anne Lake + CEO
Thursday, 3 July	- On leave of absence/ school holidays
Tuesday, 8 July	
Wednesday, 2 July	Council Briefing: Town Planning - Major Developments Esther Foundation: Meet Rod & Patricia Lavater + CEO - update on Esther House's activities Resilient Communities: meeting with David Platt (Curtin Uni) + Larry Quick (author of 'Resilient Futures') Como Furniture Mart - meeting with owner Curtin Business School: Meet with Dr Linley Lord
Tuesday, 1 July	Council Briefing: CEO Evaluation + Anne Lake + CEO Mayor/CEO meeting