



**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** *(Note: Attached to the back of Agenda paper)*
- 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 27 May 2008 the following questions were taken on notice:

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

Summary of Question

Does the legal responsibility rest with the landowners to comply with the Grant of Planning Consent or is it up to the City to enforce it?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 10 June 2008, a summary of which is as follows: -

Before a building licence is issued for a proposed building, City officers must be satisfied that the working drawings and specifications are consistent with the sketch plans and related planning consent. Landowners have a legal responsibility to construct the building in accordance with the building licence drawings and specifications.

The City has legal enforcement powers, however, the decision as to whether or not to implement enforcement action is made by the City according to the City's best interest, and is entirely discretionary.

6.1.2 Mr Barrie Drake, 2 Scenic Crescent, South Perth

Condition (13) of the Grant of Panning Consent issued to the owners of 11 Heppingstone Street on 8 January 2001 stated “*the finished floor level shall be no higher than 9.4 metres relative to the datum shown on the site plan*”.

In a report dated 19 November 2002 by RM Surveyors (the City’s Surveyors at the time) it stated that the observed finished floor level was 13.51 metres with a datum of 3.01 metres, this leaves the finished floor level ie Level 4, to be 10.5 metres ie 1.1 metre higher than the 9.4 metres stated in Condition (13). Please explain this to the Elected Members, the gallery here and the ratepayers of the City of South Perth.

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 10 June 2008, a summary of which is as follows:

The perceived anomaly regarding the respective heights of Level 1 and Level 4 of the building comes about due to the project architects having used different datum reference points on the planning consent drawings and the subsequent building licence drawings.

In order to correctly determine the actual height difference between Level 1 and Level 4, only the building licence drawings should be referred to. In their 19 November 2002 report, RM Surveys confirmed the “as built” levels of each floor of the building. Based on the levels recorded on the building licence drawings, that report states that Level 1 is 4.07m relative to the architect’s assumed datum point (temporary benchmark of RL 3.01). The surveyor’s report further states that the height of Level 4 is 13.51m relative to the same datum, being 9.44m higher than Level 1. The Surveyor’s report confirms that the ‘as constructed’ levels are in conformity with the levels shown on the Planning Consent plans.

6.2 PUBLIC QUESTION TIME : 24.6.2008

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 27.5.2008

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.

Note: As per Council Resolution 11.1 of the Ordinary Council Meeting held 21 December 2004 Council Agenda Briefings, with the exception of *Confidential* items, are now open to the public.

As per Council Resolution 10.5.6 of the Ordinary Council Meeting held 26 June 2007:

- the “*Work in Progress*” **draft** Agenda to be made available to members of the public at the same time the Agenda is made available to Members of the Council; and
- applicants and other persons affected who wish to make Deputations on planning matters be invited to make their Deputations to the Agenda Briefing.

- 7.2.1 Agenda Briefing - May Ordinary Council Meeting Held: 20.5.2008**
Officers of the City presented background information and answered questions on items identified from the May Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**
- 7.2.2 Concept Forum - R-Codes Update - Meeting Held: 21.5.2008**
Officers of the City presented an overview of the updated Residential Design Codes (R-Codes) effective from 29 April 2008. Notes of the Concept Forum are included as **Attachment 7.2.2.**
- 7.2.3 Concept Forum -Draft Budget Presentation - Meeting Held: 3.6.2008**
Officers of the City presented an update on progress of the draft Budget and answered questions from Members. Notes from the Concept Briefing are included as **Attachment 7.2.3.**
- 7.2.4 Concept Forum - City of South Perth Youth Sustainability Advisory Board Meeting on World Environment Day - held 5.6.08**
The Ambassadors, representatives from six schools in the City, informed the meeting about the Youth Sustainability Advisory Board and the Footprints Program. Notes of the Concept Forum are included as **Attachment 7.2.4.**
- 7.2.5 Concept Forum - Availability of Plans to the Public - Meeting Held: 10.6.2008**
Officers of the City presented an update on the proposal to make plans, the subject of applications, available to the public and answered questions from Members. Notes from the Concept Briefing are included as **Attachment 7.2.5.**
- 7.2.6 Concept Forum - Prostitution Legislation - Meeting Held: 11.6.2008**
Officers of the City, together with representatives from McLeods Barristers and Solicitors and an industry representative provided information on the implications of the State Government's recent Prostitution Legislation. Notes from the Concept Forum are included as **Attachment 7.2.6.**

8. PRESENTATIONS

8.1 PETITIONS -	A formal process where members of the community present a written request to the Council
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8.2 PRESENTATIONS -	Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.
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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.
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8.4 DELEGATES' REPORTS	Delegate's written reports to be submitted to the Minute Secretary prior to 6 June 2008 for inclusion in the Council Agenda.
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9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Draft Revised Policy P350 'Residential Design Policy Manual.' Endorsement for advertising. (Item 10.0.2 February 2008 Council meeting refers)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801/350
Date:	2 June 2008
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Steve Cope, Director Development and Community Services

Summary

This report presents the fourteen draft revised City-wide residential policies comprising Part 1 of Policy P350 'Residential Design Policy Manual'. It is recommended that Part 1 of the Policy Manual be endorsed to enable public consultation on these draft revised policies to be implemented. The document will then be advertised as a 'Planning Policy' according to the requirements of Town Planning Scheme No. 6, City Policy P104 'Neighbour and Community Consultation in Town Planning Processes', and the recommendation of this report.

Background

The draft revised policies comprising Part 1 of Policy P350 'Residential Design Policy Manual' are presented with this report for consideration by the Council. For simplicity throughout this report, the document is hereafter referred to as the 'Policy Manual'.

This report is to be read in conjunction with the following attachments:

- **Attachment 10.0.1 (a)** Council report 10.0.2 of February 2008.
- **Attachment 10.0.1 (b)** Part 1 of Policy P350 'Residential Design Policy Manual'.
- **Attachment 10.0.1 (c)** Notes of Concept Forum on Residential Design Policy Manual Policies held on 5 February 2008.
- **Attachment 10.0.1 (d)** Notes of 'Special' Design Advisory Consultants meeting held on 25 February 2008.
- **Attachment 10.0.1 (e)** Department for Planning and Infrastructure (DPI) letter dated 10 April 2008.

The draft Policy Manual was last considered at the February 2008 Council meeting, when the revisions undertaken at that time were fully explained in a report **Attachment 10.0.1(a)** refers. Consideration of the Policy Manual was deferred pending further review of the first Policy contained therein, being Policy P350 (1.1) 'Sustainable Design', because "*it was believed important that Policy P1 'Sustainable Design' be further reviewed to express the City's intentions in relation to the environmental impact of buildings within the City of South Perth*".

The Policy Manual, **Attachment 10.0.1(b)**, is now in a suitable form to be advertised for public comment. The advertising process will commence when the document has been endorsed by the Council for this purpose. It is expected that further modifications to various policies could arise as a result of submissions received in response to this community advertising process.

The Policy Manual is a supporting 'policy' status document, prepared and adopted under the provisions of Clause 9.6 of Town Planning Scheme No. 6 (TPS6).

The full background and description of the Policy Manual were contained in the report comprising Agenda Item 10.0.2 of February 2008 **Attachment 10.0.1(a)**. Council Members are referred to that document for detailed explanation of Policies 2 to 13 inclusive. At that time, Policy 14 “Use or Closure of Rights-of-Way” had not been included. Modifications which have been undertaken since that time are described in the ‘Comment’ section below.

Part 1 ‘City-Wide Residential Policies’ of the Policy Manual will comprise the following:

- Introduction
- Policy P350 (1.1) Sustainable Design
- Policy P350 (1.2) Residential Boundary Walls
- Policy P350 (1.3) Car Parking Access, Siting, and Design
- Policy P350 (1.4) Additions to Existing Dwellings
- Policy P350 (1.5) Trees on Development Sites and adjoining Street Verges
- Policy P350 (1.6) Safety and Security
- Policy P350 (1.7) Fencing and Retaining Walls
- Policy P350 (1.8) Visual Privacy
- Policy P350 (1.9) Significant Views
- Policy P350 (1.10) Ancillary Accommodation
- Policy P350 (1.11) Aged or Dependent Persons' Dwellings
- Policy P350 (1.12) Single Bedroom Dwellings
- Policy P350 (1.13) Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6
- Policy P350 (1.14) Use or Closure of Rights-of-Way.

Comment

In February 2008, the draft revised Policies 1 to 13 were fully described. The relevant report from that date is now included in **Attachment 10.0.1(a)**, for convenience.

Modifications which have been undertaken since February are described below:

(a) Council Members’ Concept Forum

- Council Members have been briefed on the contents of the Policy Manual several times in recent years. Most recently, a dedicated Concept Forum on this subject was held on 5 February 2008, when Council Members had the opportunity to comment on each policy as it was presented. The Notes from the Concept Forum are provided as **Attachment 10.0.1(c)**. Council Members’ requested modifications, along with others, have been incorporated into the Policy Manual, contributing to a greatly improved document which will serve the City for many years.

(b) Design Advisory Consultants comments

- On 25 February 2008, the City’s Design Advisory Consultants (DAC) were briefed on the Policy Manual. The Advisory Architects discussed each policy and provided comments for the further improvement of certain provisions where appropriate. As a result of this process, a number of valuable modifications have been made, and these are described under the relevant policy headings below. The Notes of the ‘Special’ DAC meeting are provided in **Attachment 10.0.1(d)**.

(c) **Internal consultation**

- On 21 February 2008, the City's Planning Officers were briefed on the Policy Manual. The officers examined each policy in detail based on experience received in other local authorities and within this Council, resulting in certain practical improvements being made to the policies. These changes are included under the relevant policy headings below.

(d) **Re-indexing of all policies**

- The Policy Manual, as presented, comprises only Part 1, but it will eventually contain a Part 2, comprising precinct-based streetscape policies where relevant. Since the Policy Manual was presented in February, the indexing of the Part 1 policies has been refined in anticipation of Part 2 being added to the Manual at a later time. Hence, all of the policies comprising Part 1 now include the index number "1" and for clarity, are linked to the Policy Manual's identification number being P350. For example, "Policy 5" has become "Policy P350 (1.5)". From now on, the policies will be referred to in this way.

(e) **2008 R-Codes references**

- The 2008 version of the revised R-Codes became operative on 29 April 2008 and did not become available to City Officers until early in March, some weeks after the draft Policy Manual was completed and presented to the February Council meeting. Due to the recent gazettal of the 2008 R-Codes, it has become necessary to further revise each of the policies.
- The R-Codes are now more definitive as to the purposes for which Local Planning Policies may be prepared by local governments. This aspect of the policies has been closely examined and modifications have been made where appropriate.
- All of the draft policies previously presented to the Council have now been further modified to include the 2008 R-Codes references where clause numbers have been cited in the policies. Each policy has been examined and modified where necessary, to ensure complete compatibility between the provisions of the policies and those of the R-Codes. In some cases, such changes have been very minor, while in other cases more substantial change has been required.

(f) **General formatting and text improvements**

- In addition to the more substantive modifications described under the policy headings below, the Policy Manual has been further improved with respect to its formatting and text provisions. The need for much of this improvement came about as a result of the more major changes arising from the latest R-Code changes and DAC and officer comments.

(g) **Policy P350 (1.1) 'Sustainable Design' modifications**

- The main reason for the deferment of the Policy Manual in February was to enable Policy P350 (1.1) to be expanded to more clearly express the City's position on this important aspect of residential design.
- Since February, the policy has been expanded considerably, but is still under review and further input is welcome. Consequently, rather than continue to delay publicising this draft policy, it is proposed that the 'preliminary draft' version of the policy be advertised for general community comment, while at the same time continuing to seek expert professional advice. This course of action will be to the overall best advantage of the City, without compromising the quality of the final version of the Sustainable Design Policy.

- There are also benefits in advertising the entire Policy Manual as a complete document to enable all of the component policies to be read in the context of all other policies.
 - The City is committed to sustainability through its Sustainability Policy and Strategy relating to all of the City's responsibilities and programs. These documents provide the scope and direction for every facet of the City's efforts toward sustainability. Section 1 "Status" of Policy P350 (1.1) in the Policy Manual has been expanded to clarify that this policy is aligned to the City's over-arching Sustainability Policy and Strategy.
- (h) **Policy P350 (1.2) 'Boundary Walls' modifications**
- Clause 6 - Change arising from comments from both DAC and Planning Officers. Table 1 has been deleted because the policy emphasises that amenity factors are the basis for assessing boundary walls. The February version of this policy had included a table prescribing certain maximum wall lengths for specified wall heights. This table is now recognised as being in conflict with the amenity-based approach of the policy.
 - Clause 10 - Modified to reflect the DAC comments regarding the surface finish of a proposed boundary wall.
- (i) **Policy P350 (1.3) 'Car Parking Access, Siting and Design' modifications**
- Clauses 7, 8 and 13 - Changes arise from DAC improvements and clarification, and from Council Members' comments.
- (j) **Policy P350 (1.4) 'Additions to Existing Dwellings' modifications**
- Various clauses - Changes to reflect the Council's more accepting position with respect to skillion roofs, while also respecting streetscape and the need to match, in the case of additions to an existing dwelling. The 18.0 metre setback requirement in the February version of the policy has been modified to permit skillion roof additions to existing dwellings to be located as close as 12 metres from the street boundary.
- (k) **Policy P350 (1.5) 'Trees on Development Sites and Street Verges' modifications**
- Clause 7 - Expansion and clarification in response to the DAC's comments.
- (l) **Policy P350 (1.7) 'Fencing and Retaining Walls' modifications**
- The provisions relating to the height of front fencing have been modified to more closely reflect the new R-Codes explanations with respect to the extent to which a solid fence to a maximum of 1.8 metres is permissible within the front setback area. A new explanatory diagram has also been included.
- (m) **Policy P350 (1.11) 'Aged or Dependent Persons' Dwellings' modifications**
- Numerous changes have been required as a result of changes to the R-Codes.
 - 'Scope' - Now identifies provisions that apply where Aged or Dependent Persons' Dwellings is a 'D' (discretionary) Use and those that apply when it is a 'P' (permitted) Use within TPS6.
 - Clause 9 (now clause 10) - Has been changed in recognition of the expanded R-Codes provisions (which are drawn from Australian Standard 4299:1995) and also to incorporate DAC suggestions, by deleting the policy's former provisions which had detailed certain required design features. Instead, if an applicant is not following the R-Codes' more detailed Acceptable Development requirements, the applicant is to submit written justification citing authoritative sources, and to demonstrate that, by alternative means, the proposed development meets or exceeds the Acceptable Development requirements of the R-Codes.

(n) **Policy P350 (1.13) ‘Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6’ modifications**

- Clause 6 - a new clause inserted to clarify open space, landscaping, car parking, store rooms, bin storage areas and laundry facilities which must be provided in order to bring existing development into conformity with TPS6 and R-Codes requirements.
- Clause 7 (formerly clause 6) - renumbered. This clause still relates to the upgrading of existing facilities in the old developments, as it had previously.

(o) **Policy P350 (1.14) ‘Use or Closure of Rights-of-Way’ modifications**

- This policy was not presented to the Council in February, as the City was still negotiating with DPI officers on certain aspects of it. Discussions with DPI officers have been completed and the policy has been appropriately modified. The draft policy was ‘finalised’ following confirmation that the position expressed in the policy is acceptable to WAPC and DPI officers in relation to the closure and partial closure of rights-of-way. The policy reflects the State Government prohibition of partial closures.
- Policy P350 (1.14) deals with the following:
 - Clause 5 - Vehicular access via rights-of-way:
 - (a) Primary or secondary vehicular access via ‘essential’ rights-of-way is permitted.
 - (b) Primary vehicular access via ‘obsolete’ rights-of-way is not permitted.
 - (c) Temporary secondary vehicular access via obsolete rights-of-way is permitted.
 - Clause 6 - Upgrading and maintenance of essential rights-of-way:
 - Upgrading and maintenance required for primary vehicular access.
 - Upgrading not required for secondary vehicular access.
 - Clause 7 - Design guidelines for developments adjoining essential rights-of-way.
 - Clause 8 - Minimising vehicular access from a public street.
 - Clause 9 - Partial closure of a right-of-way not supported.
 - Clause 10 - Possible support for closure of obsolete rights-of-way and applicants’ responsibilities.
 - Clause 11 - Vehicular access to commercial premises.
- Other than in respect of not supporting partial closure, the policy closely reflects the City’s previous Right-of-Way policy.

In a letter dated 10 April 2008, **Attachment 10.0.1(e)**, the DPI advise that “..*The provisions of the draft policy relating to the partial closure of rights-of-way are noted and are generally consistent with the Department’s recommendations to the Western Australian Planning Commission for reasons of limited passive surveillance...*”

In conclusion, the draft policy seems to generally be in accordance with the Crown Land Administration and Registration Practice Manual 2003 and not inconsistent with the policies of the Western Australian Planning Commission. Each application for the closure of a right-of-way will clearly need to be assessed by the Western Australian Planning Commission on its individual merits...”.

The main reasons given in various WAPC policy documents for opposing partial closure, are that this may:

- cause vehicular access difficulties for visitors to dwellings adjoining the right-of-way, due to the absence of a turning circle at the closed end of the right-of-way; and

- create a ‘dead end’ without opportunities for surveillance, thus providing the potential for entrapment.

The City’s Policy P350 (1.14) is now consistent with this position.

For some months, the City has been negotiating with officers of the DPI to determine an appropriate approach to right-of-way closures generally, to progress beyond a ‘stalemate’ situation that appeared to have developed. This situation was highlighted by the WAPC’s refusal of the proposed partial closures of Rights-of-Way 82 and 106. At its meeting held on 27 November 2007, the Council considered this matter and resolved that “*representatives of the Western Australian Planning Commission be invited to attend a Council Concept Forum briefing early in 2008 to discuss the WAPC advice of 31 August 2007 not to support the closure of ROWs 82 and 106.*” The purpose of the meeting was to provide an opportunity for Council Members to obtain clarification of the WAPC’s rationale in not supporting the requested partial closures, as stated in the 31 August 2007 letter. DPI officers were duly invited to meet and address Council Members on this subject, but did not indicate their agreement to do so. Instead, the attached Policy P350 (1.14) has been endorsed by DPI officers as being generally compatible with their own approach. Therefore, a direct meeting between Council Members and DPI officers is no longer necessary, and there is no impediment to the Council considering the revised draft policy.

Consultation

(a) Design Advisory Consultants

A copy of the Policy Manual was provided to each of the City’s Design Advisory Consultants (DAC) at their scheduled meeting on 11 February 2008. At a subsequent specially convened DAC meeting on 25 February, the consultant architects were fully briefed and commented on each policy where they saw the need for improvement, **Attachment 10.0.1(d)** refers. Their suggestions have either been incorporated into the particular policies, or in cases where the changes would be more substantial or officers disagree with the suggestion, will be included as a submission for consideration by the Council following the community consultation process.

(b) Community consultation

None of the policies within the Policy Manual has yet been made available for community comment. When the Council endorses the document for this purpose, the consultation procedures contained in clause 9.6 of TPS6 and Policy P104 will be activated. As prescribed in these documents, the minimum extent of advertising required for a Planning Policy is described below:

Consultation period: Not less than 21 days

Method of advertising: Notice published in two consecutive issues of a local newspaper circulating within the Scheme area. The *Southern Gazette* newspaper is the usual paper used for this purpose.

In addition to these requirements, it is also long-standing practice to advertise all draft Planning Policies on the City’s web site, with copies available for reference in the foyer of the Civic Centre and in the City’s Libraries.

When the previous version of the Policy Manual was advertised for public comment in 2004, the consultation period was 28 days. Some of the policy provisions are now more complex than they were previously, and with wider and more specific consultation, a longer period might be appropriate. As recommended in February, it is again recommended that the Policy Manual be advertised for comments for a period of 60 days.

It is intended that the widest appropriate consultation will be undertaken, recognising the central role to be performed by the Policy Manual in guiding residential design within the City. Accordingly, it is proposed that, at the commencement of the community advertising period, the following agencies and groups be provided with a copy of the Policy Manual and invited to comment on any aspect of it:

Specialist City groups -

- The Community Sustainability Advisory Group
- The City's Design Advisory Consultants
- The City's Water Team

Community progress groups -

- Kensington Community Association Inc.
- Association of Residents and Ratepayers of Karawara

Other local governments -

- Town of Victoria Park
- City of Canning
- City of Melville

Government agencies -

- Department of Water
- WestNet Energy (AlintaGas)
- Main Roads Western Australia
- Western Power Corporation
- Western Australian Planning Commission
- Office of Energy

Professional interest groups -

- Western Australian Local Government Association (WALGA)
- Urban Development Institute of Australia (Western Australia)
- Australian Association of Planning Consultants (WA)
- Housing Industry Association
- Royal Australian Institute of Architects

(c) City Departmental Input

In the course of preparing the Policy Manual, several relevant departments of the City administration were consulted and provided comment on their respective areas of expertise.

Policy and Legislative Implications

The Residential Design Policy Manual is a major statutory document comprising policies on various aspects of residential development. The document will constitute a Planning Policy for the purposes of clauses 1.5(e), 1.6(2)(b), 7.5(f) and 9.6 of Town Planning Scheme No. 6. The Policy Manual has been prepared in fulfilment of the No. 6 Scheme Objective set out in clause 1.6(2)(b) of TPS6.

This Policy Manual will be a document guiding all residential development within the City of South Perth and will be taken into consideration by developers, the Council and by City Officers when considering design elements of residential development applications.

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.*

This matter also relates to Goal 5 “Organisational Effectiveness”. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

Sustainability Implications

Part 1 of the Policy Manual contains 14 policies relating to a wide range of design aspects of residential buildings within the City. These policies will have a significant impact on the growth and character of the district. In particular, Policy P350 (1.1) ‘Sustainable Design’ and Policy P350 (1.5) ‘Trees on Development Sites and Street Verges’ will have a direct impact on sustainability aspects of the environment of the City.

Each of the policies comprising Part 1 of the Policy Manual has been thoroughly examined by officers within the Planning department and by other relevant departments of the City, including the City Sustainability Coordinator. It is considered by those officers that the Policy Manual is now in a form which is suitable for use for some considerable time, subject to minor modifications from time to time, and that the attached draft Policy Manual should now be advertised to the wider community for comment.

OFFICER RECOMMENDATION ITEM 10.0.1

That

- (a) Part 1 of the draft revised Policy P350 ‘Residential Design Policy Manual’, containing an Introduction and fourteen individual policies, comprising **Attachment 10.0.1(b)**, be endorsed for the purpose of public consultation;
- (b) public advertising of the draft revised Policy Manual be undertaken in accordance with the following:
 - Consultation period: Not less than 60 days;
 - Method of advertising: Notice published in the ‘City Update’ column of two consecutive issues of the ‘Southern Gazette’ newspaper; Notice published once in a Saturday issue of the ‘Western Australian’ newspaper; Notice displayed in the City’s Public Notice Board; and A media release in a local newspaper.
 - Display of Policy Manual: ‘Out for Comment’ page of the City’s web site; and a copy available for reference in the foyer of the Civic Centre and in the City’s Libraries and Heritage House;
 - Groups to be consulted: At the commencement of the community advertising process, the following agencies and groups be provided with a copy of the draft revised Policy Manual and invited to comment on any aspect of it:

10.0.1 (cont'd)

Specialist City groups -

- The Community Sustainability Advisory Group
- The City's Design Advisory Consultants
- The City's Water Team

Community progress groups -

- Kensington Community Association Inc.
- Association of Residents and Ratepayers of Karawara

Other local governments -

- Town of Victoria Park
- City of Canning
- City of Melville

Government agencies -

- Department of Water
- WestNet Energy (AlintaGas)
- Main Roads Western Australia
- Western Power Corporation
- Western Australian Planning Commission
- Office of Energy

Professional interest groups -

- Western Australian Local Government Association (WALGA)
- Urban Development Institute of Australia (Western Australia)
- Australian Association of Planning Consultants (WA)
- Housing Industry Association
- Royal Australian Institute of Architects

and

- (d) a report on any submissions received be presented to the earliest available Council meeting following the conclusion of the advertising period.

10.0.2 Submissions on Proposed Closure of Surplus Portion of Wooltana Street Road Reserves, Como *(Item 10.3.7 of February 2008 Council Meeting)*

Location: Wooltana Street Road Reserve, Como
 Applicant: David Caddy on behalf of Main Roads Western Australia
 File Ref: WO1
 Date: 3 June 2008
 Author: Stephanie Radosevich, Customer Service Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

This report considers submissions on the proposed partial closure of a surplus portion of the Wooltana Street road reserve, Como that was initiated at the February 2008 Council meeting. The report recommends that the Council refuse the proposed closure based upon the submissions received during the advertising period.

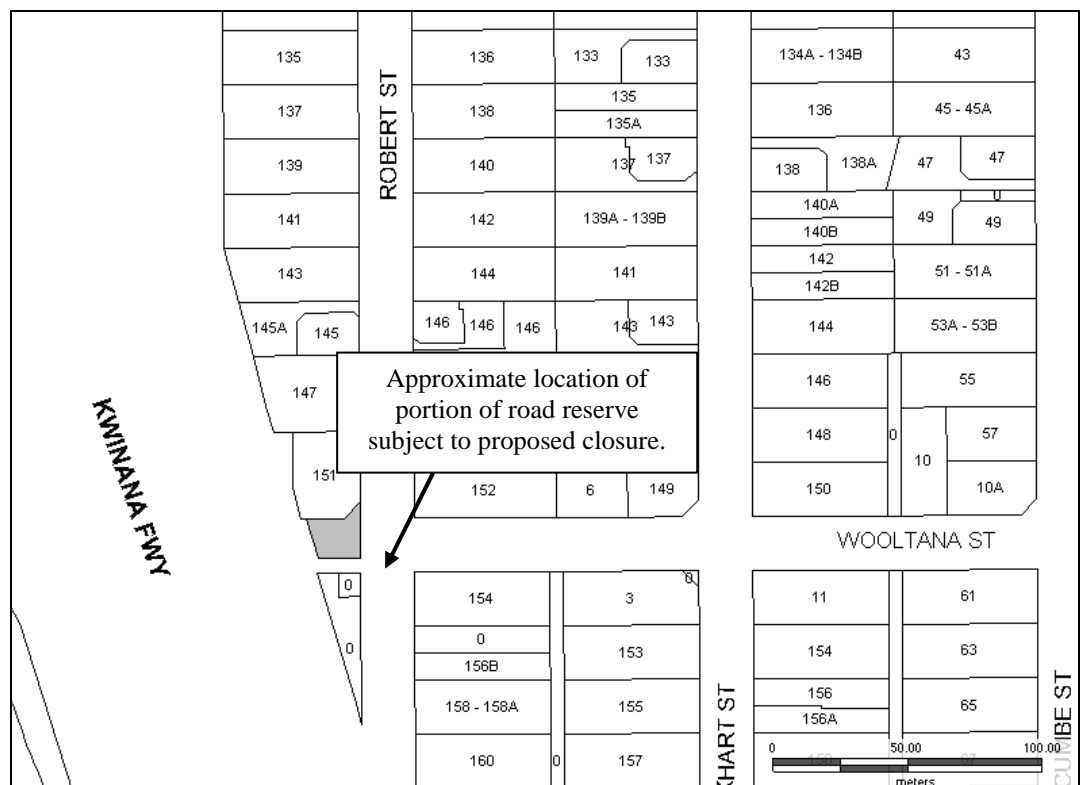
Background

This report includes the following attachment:

Attachment 10.0.2 Plans of the proposed closure.

Location

The subject portions of road reserve are located in Wooltana Street and Robert Street, as shown on the location map below:



Previous attempts at closure

There have been no previous attempts to close the road reserve.

Comments

The subject land

The subject portion of the road reserve is adjacent to the Lot 4322 (No. 151) Robert Street, which is vacant land. The Certificate of Title for Lot 4322 describes this adjacent lot as “unallocated Crown Land”. The area of Lot 4322 is 772 sq. metres. Lot 4322 is apparently under the control of Main Roads Western Australia (MRWA). The request that Council resolve to close a portion of the Wooltana Street road reserve has been submitted on behalf of MRWA.

The affected portion of road reserve is situated between Robert Street and the Kwinana Freeway and is regarded by MRWA as surplus to requirements. There is no road pavement on the subject land. The constructed portion of Wooltana Street terminates at Robert Street.

The closure proposal

Following closure, it is proposed that the “road” land will be amalgamated with the adjacent Lot 4322 (No. 151) Robert Street. The amalgamated lot would have an area of 1057 sq. metres and would be offered for sale as a Residential R40 lot which could accommodate up to four Grouped Dwellings, subject to design and other requirements.

The width and extent of the proposed easement over the land has been recently clarified. As reported to Council in February 2008, the Water Corporation initially requested a 20 metre wide easement over the subject land to protect an existing water main. That easement would have constrained development over the entire area of the subject land. In response to the City’s request for clarification, the Water Corporation subsequently advised that a recent review of their requirements had determined that a 10 metre wide easement would be sufficient.

Consultation

Consultation has been undertaken in accordance with the requirements of Section 58 of the Land Administration Act (as amended).

Adjoining landowners

The landowners within the focus area of the affected portion of road reserve have been consulted by the City regarding the proposed closure. During the advertising period a petition consisting of 37 signatures and 7 submissions was received in relation to the proposed development. All submissions object to the proposed closure as it has the potential of blocking views of the river that the residents are currently enjoying, when the vacant lot is developed in the future.

Where land already zoned for residential development has the potential to obstruct views from neighbouring residential properties, the protection of views from those neighbouring properties cannot be guaranteed. However, in the present instance, the circumstances are somewhat different. The current reservation applied to the “road” land prevents any building development which could obstruct views. The effect of the road closure would be to create development potential over the land which was formerly road reserve. To the extent that the proposed road closure could create such development potential, it is considered that the neighbours’ objections relating to loss of views have some validity and should be supported. If the subject portion of the road reserve is closed, the resultant development would have a significant impact on the neighbouring properties. Therefore, the officer recommendation is that the Council not support the proposal.

Service authorities

The services authorities were notified on 7 and 8 April 2008 and no objections to the proposed closure were received. However, there are a number of requirements that would need to be met, as set out below:

Water Corporation	No objection	610mm water main requires a 10 metre easement
Alinta Gas	No objection	230mm steel medium pressure gas main requires relocation. A quote can be provided if a purchase order is provided.
Western Power Corporation	No objection	No requirements
Department for Planning Information (DPI) - Western Australian Planning Commission (WAPC), Metro South East	No objection	No requirements
Telstra	No response	

Notice of Motion

A Notice of Motion was published in the City Update of the *Southern Gazette* newspaper on Tuesday 8 April, 15 April, 22 April 2008. The notice of motion is only required to be published once in a newspaper circulating within the district. One submission was received as a result of this advertising. The submission objects to the proposed closure with the same argument adjoining landowners have regarding the river views which will be blocked, that residents are currently able to enjoy.

Canning Bridge Train Station Precinct Study

In the 'Consultation' section of this report, it is stated that the officer recommendation is to not support the road closure proposal due to the adverse effect on views from neighbouring residential properties. Separately from this concern, it is to be noted that the subject land could potentially perform some function as part of a pedestrian access route to the Canning Bridge train / bus station. With this opportunity in mind, even if the 'views' issue were not seen to be sustainable, it would be premature to support the proposed road closure in advance of completion of the Canning Bridge Train Station Precinct Study.

Policy and Legislative Implications

The road closure would be implemented in accordance with the provisions of the Land Administration Act.

Financial Implications

This issue has no impact in this particular area.

Strategic Implications

This matter relates to Goal 3 "Environment 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 could have a positive impact on sustainability in terms of catering to the current social demand for more land for development purposes. Conversely, future planning for the area, particularly pedestrian access to the Canning Bridge Train Station, requires further consideration.

OFFICER RECOMMENDATION ITEM 10.0.2

That ...

- (a) pursuant to Section 58 of the Land Administration Act 1997, having regard to the valid objections received during the public advertising period, no further action be taken towards the closure of the surplus portion of the Wooltana Street road reserve; and
- (b) all affected owners of land be advised of Council's resolution.

10.0.3 CEO Evaluation Committee Recommendations (*Item 10.0.1 referred May Council Meeting*)

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 6 June 2008
Author: Cliff Frewing, Chief Executive Officer

Summary

Following on from Council's resolution last month, Council is now required to make an appointment of a member of the Como Beach Ward to the CEO Evaluation Committee.

Background

At Item 10.0.1 of the May 2008 Meeting Council resolved as follows:

That....

- (a) Council appoint a Councillor from the Como Beach Ward as a Member of the CEO Evaluation Committee; and*
- (b) the Ward Member not currently a member of the CEO Evaluation Committee be authorised to act as Deputy in the event that the Ward Member, who is a Committee Member, is unable to attend any meeting.*

Council is now required to appoint a member of the Como Beach Ward to the CEO Evaluation Committee.

Comment

In accordance with Council's resolution detailed above, nominations are invited from members of the Como Beach Ward to be a member of the CEO Evaluation Committee. The member not appointed will automatically become the Deputy in the event that the appointed Member is unable to attend the meeting.

Consultation

Matter raised at a previous meeting of the CEO Evaluation Committee and a report prepared for Council consideration.

Policy and Legislative Implications

Report item consistent with the resolution adopted by Council in May 2008.

Financial Implications

Nil

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 10.0.3

That Council appoint Cr from the Como Beach Ward as a member of the CEO Evaluation Committee.

10.1 GOAL 1 : CUSTOMER FOCUS

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Red Bull Air Race 2008

Location:	City of South Perth
Applicant:	Council
File Ref:	RC/112
Date:	3 June 2008
Author:	Sebastian Camillo, Manager Environmental Health Services
Reporting Officer:	Steve Cope, Director, Development and Community Services

Summary

To consider an application made by Red Bull Air Race GmbH via its appointed Manager, Ms Shani Wood from Shani Wood Events for the use of Sir James Mitchell Park to hold a Red Bull Air Race over Perth Waters on the Swan River in November 2008 and to approve the road closures for the event.

Background

Council has previously approved the use of Sir James Mitchell Park to Shani Wood Events for the last two years to stage the final leg of the Red Bull Air Race. Shani Wood Events, EventsCorp and the Western Australian Government were extremely satisfied with the success of those events which generated an unprecedented public support and interest attracting an estimated 300,000 visitors to the South Perth foreshore each year. In 2007, the event attracted an estimated 9,000 extra visitors to Western Australia generating more that \$14 million dollars into the State economy.

This year is the final year of the initial three contract and EventsCorp and the Western Australian Government have supported the event to 2008 and will enter into negotiation with the Red Bull Air Race GmbH for the continuation of the event for a further period.

In April 2008, the City received an application from Shani Wood Events, Project Managers for Red Bull Air Race GmbH, seeking approval to use the South Perth Foreshore, Sir James Mitchell Park from the Mends Street Jetty to Ellam Street, to host the final leg of the 2008 World Series on the 1 and 2 November 2008.

Red Bull Air Race is owned by Red Bull Air Race GmbH, a global company based in Austria. The 2008 event approval agreement, if supported by Council will be between the City of South Perth and Red Bull Air Race GmbH. Shani Wood from Shani Wood Events has been appointed by Red Bull Air Race GmbH as the Event Project Manager, heading the National Event Production Group (NEPG) for the Perth event. EventsCorp will work closely with Shani Wood and the NEPG.

Comment

This year there will be up to 12 events internationally with the final leg being held in Perth. On-site preparation for the event will commence from 16 October 2008 with the completion being 16 November 2008.

This year it is proposed that the aircraft will be relocated from Jandakot Airport to Langley Reserve (Perth) on Wednesday 29 October 2008. Practice session will take place on Thursday 30 October and Friday 31 October 2008. Qualifying time trials and elimination races will commence on Saturday 1 November 2008 with the Quarter final, Semi final and Final Competition Race being held on Sunday 2 November 2008. The aircraft will be relocated back to Jandakot Airport on Monday 3 November 2008.

The event is projected to attract the same number of visitors as last year being some 250 thousand visitors to the City's foreshore on the final day of the competition and will be televised to over 60 countries throughout the world.

The event activities will impact on the City and its community for its duration, particularly on the final day of the competition. Shani Wood Events and EventsCorp propose to manage the event along similar management plans as the previous two years and to other large events such as Skyworks etc held within the City, without any financial impost being incurred by the City. Shani Wood Events and EventsCorp will provide unconditional guarantee that all funding for the event will be undertaken by them.

The Red Bull Air Race management plan will focus on the following areas:

- Essential structures
- Crowd control measures
- Traffic Management / Road Closures
- Waste Management
- Significant media and communications campaign.

1. Public Infrastructure and Amenities

There are various temporary structures proposed to be erected and securely fenced with 1.8 metre fencing in three (3) areas of Sir James Mitchell Park, from Mends Street Jetty to Ellam Street Reserve which are essential to the event. They consist of the following areas:

- (a) International Area - Sir James Mitchell Park
- Grandstand Viewing (5,000 seating capacity)
 - Race Tower
 - Media Centre
 - High Flyers Lounge
 - Business Class Race Club
 - Broadcast Station
 - Prize Podium
 - Merchandise containers
 - International Infrastructure Compound (Coode Street car park area)
 - Temporary Office Containers
 - Storage Containers
 - Toilets (for staff)
 - Catering (for staff)
 - Generators
 - Static Aircraft Displays, Public Air Gate Zone (PAZ)

- Other Infrastructure
 - Police Compound
 - Emergency Control Compound (ECC)
 - Seven x large video screens (Vidi Walls), scaffold mounted
 - Three x Public Service Areas (toilets, first aid, event information lost children and lost property areas)
 - Merchandise shelters
 - Catering vendors

- (b) Aqua Compound (fenced, including Ellam Street car park)
 - 6 x 40 ft Storage Containers
 - 220 volt Generator
 - 2 x 10 cube compressors
 - Temporary Pontoon (on the river at Ellam Street)

The main focal operations area is centred on Sir James Mitchell Park, from Mends Street Jetty eastward to Ellam Street. The Coode Street boat ramp is to be temporarily closed to the public from 28 October 2008 to 4 November 2008 (inclusive) and an application for temporary closure will be sent to the Department of Planning and Infrastructure (Marine Branch) by the applicant, seeking approval.

An application for an extended liquor licence will be submitted to the Department of Racing Gaming and Liquor by the applicant for alcohol at the following locations:

- Race Tower (Capacity - 200 people)
- High Flyers Lounge (Capacity - 500 people)
- Foreshore Grandstand (Capacity 5,000 people)

The spectator viewing locations are proposed to be along the South Perth foreshore. All Public Service Areas (PSA's) including first aid, toilets, lost children post, food outlets etc, will be provided by Red Bull Air Race GmbH and Shani Wood Events.

In the previous two events the applicants were required to comply with comprehensive detailed "Conditions of Approval" and reimburse the City of all costs associated with the conduct of this event on Sir James Mitchell Park.

The conditions in relation to this application as detailed in the recommendations to this report will again be similar to the previous years events with the applicants requiring to agree with Council's conditions for the use of Sir James Mitchell Park, and paying the hire fee of \$35,000 and bond of \$25,000 prior to the event.

2 Crowd Control Measures

The Western Australian Police Service (WAPS) will have three Emergency Control Compounds (ECC) and Operational Compounds on Sir James Mitchell Park and will commence patrolling from approximately 8.00 am on the mornings of the respective race days.

The purpose of the compounds on the foreshore is to allow the WAPS to be strategically and operationally located on the front line and to provide access for the officers and various Hazard Management Agencies (HMA's) a rapid response to any incident. This measure worked particularly well during the previous events and will again be implemented in 2008.

3. Road Closures (Access Restricted Area)

This year there will be some air race trials and practice flights for three days prior to the final competition race days which are to be held over two days on Saturday 1 and Sunday 2 November 2008.

Based on the experience gained from the previous years events there will be some significant changes to the proposed road closures. This has been determined following extensive public consultation with City officers, emergency services agencies, residents and retail representatives within the effected road closure and parking restricted areas.

There will not be extensive road closures required for Saturday 1 November 2008 similar to the Saturday of the 2007 event. . This year the road closures will be significantly reduced on the Saturday 1 November compared to the final race day, Sunday 2 November 2008.

The road closures will be as follows:

- Saturday 1 November 2008:
Mill Point Road east from Onslow Street, to Coode Street (including King Edward Street to Hopetoun Street and Forrest Street to Hopetoun Street), to Douglas Avenue to Mill Point Road.
- Sunday 2 November 2008:
Roads bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, including Way Road to Canning Highway.

All roads within the effected areas as mentioned above will be managed by Traffic Controllers from 6 am to 6 pm on the respective days, and in accordance with clause 7.4 and schedule 4 of the City's *Parking Local Law 2003*.

This area will be known as the "Access Restricted Area" and will be restricted with no parking on the road or verge and have controlled or staffed road closures at each of the 23 intersections. Eight intersections will be available into the access restricted area to residents, visitors and businesses. A permit system to enter into the Access Restricted Area for residents, their visitors (those who can be parked on site only) and businesses will again be implemented and managed by Shani Wood Events in conjunction with the City, similar to last years event.

The early closure is required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement during the event and particularly at the closure of each finale race days. The road closures will be advertised in accordance with the requirements of the *Local Government Act 1995*.

To provide vehicle and pedestrian safety, Police Traffic Branch and Emergency Services supports the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

Shani Wood Events will be employing the services of a traffic management company to secure the road closures as mentioned in this report.

4. Traffic Management (Parking Restricted Area)

The parking restricted area would extend from the access restricted area (as per item 3) to South Terrace, up to Canning Highway and back to Ellam Street and be effective from 7.00 am to 5.00 pm on both Saturday 1 November 2008 and Sunday 2 November 2008.

This area will be restricted with no parking on the road or verge **on one side of the road only** and normal parking on the other side. Street signage, community advertising and pamphlet drop will publicise these restrictions.

The Police Traffic Branch and Emergency Services support the exclusion of vehicles parking on the road verge on one side of the road within the parking restricted area which enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles. These restrictions in the previous Safer Australia Day Strategies implemented by the City were successful in clearing the traffic and pedestrian congestion at the end of the event.

5. Waste Management

Shani Wood Events will be responsible for supplying rubbish bins and arrangements for the removal of waste associated with the event. Approximately 200 x 240L rubbish bins will be located along on the South Perth foreshore and serviced throughout the event to ensure that litter is not left on the ground.

Shani Wood Events will implement the public place recycling program “Do the Right Thing”. Details of this campaign will be provided to the City’s Environmental Health Services prior to the event.

7. Media and Communications

Shani Wood Events will provide an effective media and communications campaign to ensure that all residents and visitors for the air race fully understand the restrictions that will apply on the final day’s of the event. The City will need to undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City’s restrictions are effectively communicated.

Consultation

Consultation has occurred with officers of Red Bull Air Race GmbH, Shani Wood Events, EventsCorp and also the following external organisations:

- City of Perth
- Civil Aviation Safety Authority (CASA)
- Town of Victoria Park
- Main Roads
- WA Police Force
- Public Transport Authority
- State Emergency Service

Policy and Legislative Implications

Nil

Financial Implications

As detailed in the report the applicant will provide unconditional guarantee that all funding for the event will be undertaken by them.

Strategic Implications

Red Bull Air Race GmbH and Shani Wood Events propose to manage the event in accordance with Goal 2 of the City's Strategic Plan, Community Enrichment. In particular, reference is made to Strategic Plan, Strategy 2.7 which involves the development of strategic directions for events, arts, leisure and heritage that encourages a vibrant and participative community.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.2.1

That...

- (a) Council approves the application from Red Bull Air Race GmbH and Shani Wood Events, Project Manager for the proposed Red Bull Air Race including the use of Sir James Mitchell Park subject to the following conditions and requirements, to be incorporated within a binding document setting out the terms under which Events Corp would cover all costs and event management obligations incurred for the proposed Red Bull Air Race:
- (i) A hire charge of \$35,000 plus a bond of \$25,000 for post event restoration for the use of the Sir James Mitchell Park is to be lodged with the City and payment must be made prior to the event;
 - (ii) Where any costs associated with the restoration of the reserve exceed the bond amount, these costs will be recoverable from the reserve hirers;
 - (iii) Public Liability Cover to the amount of \$100,000,000 is to be arranged by the Red Bull Air Race GmbH and jointly made out to the applicants and City of South Perth, to indemnify the City against any damage, injury or death to persons or property;
 - (iv) The event is to be held between the hours of 8.30 am to 5.00 pm on air race days;
 - (v) The area is to be left in a clean and tidy condition with no damage caused, with Shani Wood Events being responsible for all the cleanup costs;
 - (vi) Due to limited power and water on site, any requirements outside of these services, is the responsibility of Shani Wood Events;
 - (vii) Shani Wood Events will undertake any set up from 7.00 am to 7.00 pm, if the equipment to be erected cannot be installed in the hours approved on the days of the event. The equipment and structures to be removed within 4 days following after the event;
 - (viii) Shani Wood Events will be permitted to carry out / construct the following activities;
 - (A) International Area - Sir James Mitchell Park:
 - Grandstand Viewing (5,000 seating capacity)
 - Race Tower
 - Media Centre
 - High Flyers Lounge
 - Business Class Race Club
 - Broadcast Station
 - Prize Podium
 - Merchandise containers

- International Infrastructure Compound (Coode Street car park area)
 - Temporary Office Containers
 - Storage Containers
 - Toilets (for staff)
 - Catering (for staff)
 - Generators
 - Static Aircraft Displays, Public Air-Gate Zone (PAZ)
 - Other Infrastructure
 - Police Compound
 - Emergency Control Compound (ECC)
 - Seven x large video screens (Vidi Walls), scaffold mounted
 - Three x Public Service Areas (toilets, first aid, event information lost children and lost property areas)
 - Merchandise shelters
 - Catering vendors
- (B) Aqua Compound (fenced, including Ellam Street car park)
- 6 x 40 ft Storage Containers
 - 220 volt Generator
 - 2 x 10 cube compressors
 - Temporary Pontoon (on the river at Ellam Street)
- (ix) Red Bull Air Race GmbH will be required to construct an alternative shared use path around any area assigned to the Race Organiser, where the assigned area obstructs or partially obstructs the existing path, with such path being constructed to the AustRoads Guidelines 14 Bicycles;
- (x) Red Bull Air Race GmbH will be required to construct pavements or otherwise increase the load bearing capacity of those areas requiring heavy vehicle access, so as to minimise the impact on the park or any public infrastructure located either above, on or below ground;
- (xi) Red Bull Air Race GmbH is to liaise with the City regarding:
- The layout of the event which is to be submitted at least 2 (two) weeks prior commencement;
 - The layout of the reticulation system, positioning of marquees and vehicles for parking and fencing surrounding the proposed venue;
 - Provision of adequate fencing surrounding the proposed venue;
- (xii) Shani Wood Events is to liaise with the City's, Environmental Health and Regulatory Services to ensure:
- Adequate portable toilet facilities with approved disposal systems to be provided at Events Corp expense;
 - Requirements for food handling are met;
 - Adequate rubbish bins are provided at Shani Wood Events expense;
 - All rubbish bins to be serviced and litter removed from the reserve daily;
 - Noise Management Plans are provided in accordance with the Environmental Protection (Noise) Regulations 1997.

- (xiii) Shani Wood Events is to apply to the City's Building Services to obtain:
 - A building licence for the erection of any temporary structure/marquee on Sir James Mitchell Park; and
 - Approval for signage and sponsorship requirements.
 - (xiv) Shani Wood Events to provide an effective media and communications campaign to ensure that all residents and visitors to the event so that they suitably understand the restrictions that will apply throughout the City; and
 - (xv) Shani Wood Events to be responsible for all costs associated with the event, including but not limited to the planning and implementation of parking measures including preparation of parking plans, residents information brochures, advertising and communication plan to effected residents and general public, sign installation and removal, labour costs and all other costs associated with road barriers and access control points.
- (b) Council authorise the following arrangements relating to road closures and parking restrictions;
- Saturday 1 November 2008:
Temporary road closures bounded by Mill Point Road east from Onslow Street, to Coode Street (including King Edward Street to Hopetoun Street and Forrest Street to Hopetoun Street), to Douglas Avenue to Mill Point Road be closed from 6 am to 6 pm on Saturday 1 November 2008. The road closures to be managed by Traffic Controllers employed by Shani Wood Events.
 - Sunday 2 November 2008:
Temporary road closures bounded by Labouchere Road to Angelo Street to Douglas Avenue to Mill Point Road to Ellam Street, including Way Road to Canning Highway are closed from 6 am to 6 pm on Saturday 1 November 2008. The road closures to be managed by Traffic Controllers employed by Shani Wood Events.
 - Implementation of Parking Restrictions bounded by Labouchere Road to South Terrace to Canning Highway to Ellam Street, excluding the access restricted areas from 6 am to 6 pm on both Saturday 1 November 2008 and Sunday 2 November 2008 as described in the report.

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Gwentyfred Road Reserve draft Concept Landscape Design

Location:	Corner Gwentyfred Road and George Street, Kensington
Applicant:	Council
File Ref:	GEI
Date:	5 May 2008
Author:	Tamara Wilkes, City Landscapes Officer
Reporting Officer:	Mark Taylor, Manager City Environment

Summary

The City of South Perth investigated the landscaping of the reserve located on the corner of Gwentyfred Road and George Street in Kensington (Gwentyfred Reserve) following representation from the local Ward Councillors.

Consultation commenced between the City and residents in July 2007. The draft Concept Landscape Design was presented to Council on 26 February 2008 where Council resolved for this design to be advertised for formal community comment for one month. The Concept Landscape Design, **Attachment 10.3.1** refers, was advertised during April and May 2008 with eight comments received, all in favour of the design. In view of this it is recommended that Council adopt the draft plan.

Background

The Gwentyfred Reserve was identified for landscaping following recommendations from the local Ward Councillors. As the reserve, located at the corner of Gwentyfred Road and George Street, had never been developed a detailed community consultation process was commenced. The nearby George Street Reserve also lacked development and was included in the consultation but is not part of this report.

The consultation included an onsite meeting and neighbourhood survey to determine whether the reserves should be developed and what type of developments the community would like to see. A draft Concept Landscape Design was devised from the recommendations received.

Comment

The landscape design aims to provide a tranquil retreat for local residents and pedestrians. The curved path provides relief from adjacent traffic by directing pedestrians along an alternative route to the road side footpath and through trees and groundcovers. The path widens at its central point to a circular paved area, bounded by three park benches. The circular seat arrangement aims to encourage conversation and interaction between park users. Five fruiting Olive trees will be planted around the conversation zone to create a greater sense of visual separation and privacy from the traffic on George Street. The canopy of the Olive trees will be pruned during development, to prevent total screening of the seating from adjacent residences and the road.

The design has used native plants to encourage visitation by native birds from surrounding bush areas. It was deemed environmentally unsustainable to install a ground water bore for such area. Temporary reticulation will be used from a truck fill point, to water the plants once per week over summer for a period of two years. After two years the plants will establish and will no longer require supplementary watering.

The design has considered security of park users and the amenity of the landscape to the two adjacent residences. All plants have mature height less than one metre to limit the threat from concealed dangers in the gardens. Tree species will be positioned to avoid overhanging and shading adjacent premises or positioned away from dwellings.

The draft Concept Landscape Design was put out for comment to the community from 8 April until 9 May 2008. Eight submissions were received with all completely in favour of the park.

A brief of the comments received are:

Community Comment:	Officer Response:
Fully support proposed design. Thank you for the opportunity to comment.	Noted
Plan looks inviting and will be a good entrance statement for South Perth precinct.	Noted
In favour of the design. Would like to see works commence this winter	With Council approval, implementation can begin in July 2008.
Landscaping looks good. Please choose a path colour that does not reflect summer sun glare.	The colour specified is suitable for glare reduction.
Thank you for the opportunity to comment. Looks attractive, functional and is overall satisfactory. Include a feature that will decrease traffic noise from speeding cars, such as a raised garden bed, one metre high wall or dense vegetation along the road side.	Landscape plants specified will generally grow to one metre in height. Noise reduction is not likely to be addressed with vegetation only but original consultation did not recommend walling.
Solar powered lighting for paths / conversation area. Gazebo or similar for the conversation area for the shade. Park seats to be anti graffiti. Inclusion of rubbish bins at path entrances. Stylish fencing about the vegetation to prevent damage through vandalism. Thank you for providing the park.	Original consultation conclusion was to not have lighting in the area. The tree planting should provide ample shade in time. This is standard practice. A rubbish bin will be located near the bus stop and entrance. The area will be monitored to see if a further bin is required. The planting of the <i>Ficinia nodosa</i> rush border around the paths is designed to reduce the pedestrian access into the landscaping and reduce damage.
Delighted and look forward to it. Hopefully bushes will be low and shady trees will be high to keep it safe.	This is the main design element.
Like the design, concerned with ongoing maintenance, as people leave rubbish in the area.	The reserve will have ongoing maintenance as per the reserve maintenance schedule.

The comments have been considered and taking into account previous community recommendations the officers consider no changes are required to the Concept Landscape Design. A rubbish bin will be installed near the bus stop on completion of the landscaping.

Consultation

Feedback was previously gathered through an information brochure, survey questionnaire and on site meeting in July 2007.

The draft Concept Landscape Design was placed out for comment from 8 April until 9 May 2008. Information was sent to all neighbourhood residents (approximately 400 houses) informing them of the comment period and where to view the draft plan. Copies of the draft plan were made available for community viewing at the Civic and Operations Centres, Civic and Manning Libraries and via the City's web site.

Policy and Legislative Implications

Community consultation with regard to this project is consistent with Policy P103, *Communication and Consultation*.

Financial Implications

The remaining 2007/08 budget for this project is \$8,750. It is proposed that this be carried over to augment the proposed 2008/09 Capital Works allocation of \$30,000. This is considered sufficient to implement the project.

The total landscaping estimate of this project involves site preparation, path and hardstand construction, reticulation, furniture installation and all planting.

Strategic Implications

This item is consistent with Strategy 3.3 of Goal 3 *Environmental Management*, of the City's Strategic Plan, 2004-2008:

Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community.

OFFICER RECOMMENDATION ITEM 10.3.1

That the draft Gwentyfred Road Reserve Concept Landscape Design be adopted.

10.3.2 Proposed Two Storey Single House. Lot 15 (No. 64) Brandon Street, Kensington.

Note: Consideration of this application withdrawn at the applicant's request.

10.3.3 Patio Addition to a Single House. Lot 158 (No. 12) Wandarra Close, Karawara.

Location: Lot 158 (No. 12) Wandarra Close, Karawara
 Applicant: One Stop Patio Shop
 Lodgement Date: 2 April 2008
 File Ref: 11.2008.155 WA3/12
 Date: 3 June 2008
 Author: Laurence Mathewson, Trainee Planning Officer
 Reporting Officer: Steve Cope, Director, Development and Community Services

Summary

This application for planning approval proposes a patio addition to the rear of an existing single house at No. 12 Wandarra Close, Karawara. The proposed patio has a 1.0 metre setback from the greenway, which is situated along the rear boundary, and a 0.5 metre setback from the adjoining residential property on its right side.

The City of South Perth Town Planning Scheme No. 6 (TPS6), Clause 4.3 “Special Application of Residential Design Codes - Variations” subclause (1)(e)(ii) in relation to developments in Precinct 11 Karawara, in areas other than the Karawara Redevelopment Area, requires ‘a Single House, a Grouped Dwelling and any associated outbuilding shall be set back an average of 6.0 metres from the boundary of an open space reserve provided that the minimum setback shall be not less than 3.0 metres’.

With an aim to ensure that the proposal promotes the objectives contained within the City’s TPS6, slight modifications have been recommended to the patio to bring it in conformance with TPS6 provisions. The officer recommendation is for approval, subject to conditions.

Background

This report includes the following attachments:

- Attachment 10.3.3(a)** Plans of the proposed development.
- Attachment 10.3.3(b)** Letter of justification provided by the owners dated 14 May 2008.

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	559 sq. metres
Building height limit	7.0 metres
Development potential	Single House
Plot ratio	Not applicable

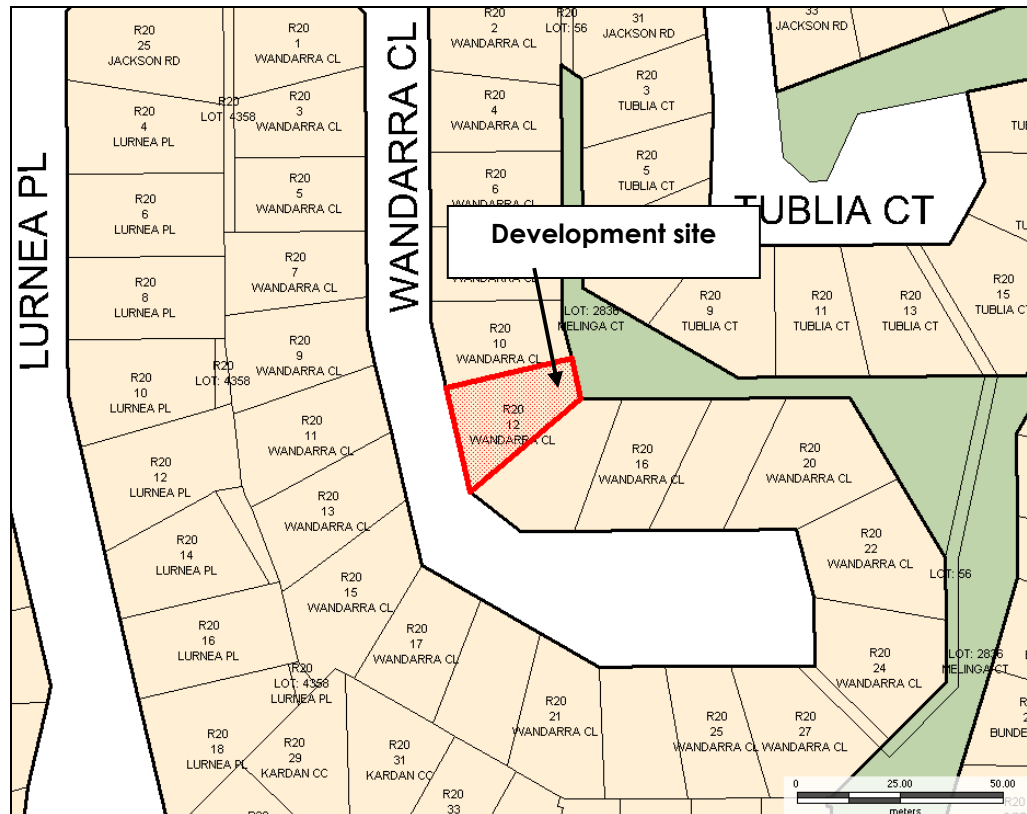
In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the delegation:

- 1. The exercise of a discretionary power**
Proposals representing a significant departure from the No. 6 Town Planning Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval (subject to conditions requiring amended drawings).

2. **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 northern and southern boundaries, and by an open space reserve at rear.



Comment

(a) **Description of the proposal**

The proposal is for a patio addition to a single house within the rear setback. The proposed patio would be setback 1.0 metre from the rear boundary.

(b) **Rear setback from the greenway**

The proposed 1.0 metre rear setback of the patio does not comply with Clause 4.3 “Special Application of Residential Design Codes - Variations” (1)(e)(ii) of TPS6 which states as follows:

‘a Single House, a Grouped Dwelling and any associated outbuilding shall be set back an average of 6.0 metres from the boundary of an open space reserve provided that the minimum setback shall be not less than 3.0 metres’.

The applicant is requesting the Council to exercise discretion with respect to the setback variation. The officer’s assessment is that the proposed siting of the patio with a 1.0 metre setback from the rear boundary is not consistent with the established character of the greenway in this area (refer Figure 1), and will adversely impact the visual amenity, hence should not be approved as proposed.



Figure 1 - Existing setbacks from the greenway

It is also acknowledged that providing an average 6.0 metre setback to the proposed patio from the greenway, as required by TPS6, will result in a patio area that can not practically be used by the residents. However, compliance with the 3.0 metre minimum setback requirement can be achieved and allows for a patio that is 2.0 metres wide at its minimum and 4.0 metres wide at the maximum. Such a patio will be of an area of approximately 12.0 sq. metres.

With respect to the colour compatibility of the proposed addition to the existing dwelling, it is noted that the colour of the proposed patio is Surf Mist (close to being white) is in contrast with the woodland grey colour of the roof over the existing dwelling. The proposed variation is acceptable noting that the patio is an open type structure unlike the dwelling which is an enclosed space. To achieve the desired level of compatibility between the patio and the main dwelling, it is recommended that the colour of the fascia and gutters of the patio should match with those of the existing dwelling.

(c) Side setback from the adjoining residential property

The proposed side setback of the Patio is required to be 1.0 metre instead of the proposed 0.5 metre setback. It is observed that the lesser setback proposed along the side boundary will not have an adverse amenity impact on the adjoining property, hence recommended for approval.

(d) Outdoor living area for the dwelling

Clause 6.4.2 "Outdoor living areas" of the Residential Design Codes 2008 (R-Codes 2008), requires such an open area to have at least two-thirds of the required area without permanent roof cover. The required outdoor living area for this dwelling at R20 density coding is 30.0 sq. metres and the required unroofed area is 20.0 sq. metres. The proposal complies with this R-Codes requirement.

(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 list of 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;*
- (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.*

Consultation

Neighbour consultation

Neighbour Consultation has been undertaken for this proposal for the proposed setback variation on the right 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. 14 Wandarra Close 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 10.3.3

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 patio addition to a single house on Lot 158 (No. 12) Wandarra Close, Karawara **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**
- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The colour finish of the facia and gutter of the proposed patio shall match with that of the existing building.
 - (B) Having regard to Clause 4.3(1)(e)(ii) of TPS6, a minimum setback of 3.0 metres be maintained from the open space reserve.

- (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.

10.3.4 Proposed Additions to an Existing Single House. Lot 49 (No. 32) Elizabeth Street, South Perth.

Location: Lot 49 (No. 32) Elizabeth Street, South Perth
 Applicant: Peter Beyer
 File Ref: 11.2008.128
 Date: 3 June 2008
 Author: Lloyd Anderson, Planning Officer
 Reporting Officer: Steve Cope, Director Development and Community Services

Summary

This application for planning approval is for additions on Lot 49 (No. 32) Elizabeth Street, South Perth. Specifically issues are the carport located within the front setback area forward of the existing dwelling, boundary walls abutting both side boundaries and a 1.8 metre high fence in the front setback area.

Additions are compliant with car parking bay dimensions prescribed by the City’s Town Planning Scheme No. 6 (TPS6), colours and materials to match the existing building, and carport incorporating brick piers in accordance with Policy 370_T “General Design Guidelines for Residential Development”.

None the less, the proposed conflicts with the requirements of “Residential Design Codes 2008 (R-Codes)”, P370_T “General Design Guidelines for Residential Development”, P376_T “Residential Boundary Walls” and Policy 3 “Car parking Access, Siting, and Design” of the Draft Policy P350 “Residential Design Policy Manual”.

The proposal is seen to be incompatible to the existing Elizabeth Street streetscape for the following reasons:

- (a) Where it is possible to achieve the required setback, the carport should be located behind a 4.5 metre street setback line as measured from the street alignment;
- (b) Carports located within the front setback area is not a characteristic of the subject focus area of Elizabeth Street between Addison Street and Canning Highway;
- (c) A continuous built form from one side boundary to another is proposed with two boundary walls, consequently the built form dominates, giving an inner built-up city feel. This is not a characteristic of R15 low density coding; and
- (d) 1.8 metre high fences are not permitted within the front setback area.

Accordingly, it is recommended that the application **be refused**.

Background

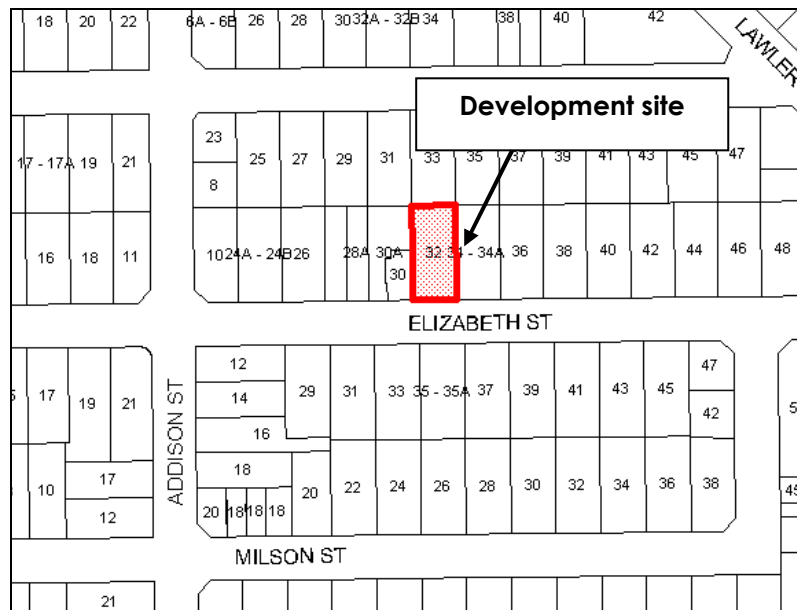
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	878 sq. metres
Building height limit	7.0 metres
Development potential	Single House
Maximum 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)** Letter from architects, dated 26 May 2008 in response to planning issues.

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



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:

“The exercise of a discretionary power

Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the Scheme, relevant planning policies or local laws.”

Comments

(a) Description of the proposal

The proposal complies with all of the requirements of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below.

The proposal incorporates additions to the North Western boundary being a store and a carport and 1.8 metre high fence within the front setback area. The proposal also incorporates alterations to the existing carport on the South Western boundary.

The applicant’s letter, **Attachment 10.3.4(b)** describes the proposal in more detail.

(b) Residential Design Codes 2008

A proposed 1.8 metre high fence within the front setback area does not comply with Clause 6.2.5 “*Street walls and fences*” of the R-Codes.. It is appropriate to design front fences and walls to ensure that a clear view exists between the building and the street. This front setback continues in the R15 coding 6 metres in depth from the front street alignment.

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

Council Policy P370_T “General Design Guidelines for Residential Development” requires that:

*“In the case of existing dwellings which do have space behind the front setback line to accommodate car parking, the siting of carports within the front setback area will **not** be permitted **unless**:*

- (i) *such siting is consistent with the established streetscape character attributable to the existence of other carports within the front setback area, in the section of the street in which the new carport is proposed to be located; and*
- (ii) *the design and construction materials of the proposed carport are compatible with the existing dwelling.”*

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 on to that section of the street.

In this case, the siting of a carport within the front setback area is not consistent with the predominant character of Elizabeth Street, and the most important point is that the dwelling has on site parking provision behind the street setback line. Where it is possible to achieve the required setback, the general expectation is to locate the carport in such a manner that it complies with the setback requirements and has regard to the existing streetscape which is characterised by soft landscaping visible in the front setback areas of dwellings along the street.

In addition a secondary element of design compatibility as per Council Policy P370_T “General Design Guidelines for Residential Development” is the extent and nature of site landscaping visible from the street. In this instance the landscaping will be significantly reduced because of the extent of the proposed hardstand within the front setback area.

(d) Policy P376 “Residential Boundary Walls Policy”

A continuous built form is proposed with two boundary walls abutting the side boundaries. Consequently the built form dominates, giving an inner built-up city feel. Not a characteristic of R15 density coding. The policy requires, if possible, to have a break up in the building bulk as seen from the street, as in only one boundary wall. The purpose of which is to give a open streetscape feel and moderate the impact of building bulk as viewed from the street.

(e) Width of the existing and proposed crossovers

Having regard to Clause 6.5.4 "Vehicular Access" of the R-Codes 2008, subject to a minimum driveway width of 3.0 metres at the street frontage boundary, driveways should not occupy more than 40 percent of the frontage of a property. No single driveway shall be wider than 6.0 metres, and driveways in aggregate shall be no greater than 9.0 metres for any one property.

The subject lot has a frontage of 20.12 metres. 40 percent of the frontage equates to a total width of 8.0 metres for the crossovers. The existing crossover is 3.65 metres wide, while the proposed crossover is 5.82 metres wide. The total crossover width for the property is therefore 9.47 metres, which exceeds the permitted width by 1.47 metres.

The aggregate figure of 9.0 metres is applicable when crossovers for a property are positioned on more than one street, as in the case of corner lots. Therefore, this provision does not apply to this property.

Therefore, it is noted that the total width of the existing as well as the proposed crossovers for the dwelling are in conflict with the R-Codes provisions.

(f) Draft Policy P350 “Residential Design Policy Manual”

Draft Policy P350 states:

- (iv) *Where a carport is proposed to be sited within the front setback area of an existing dwelling and two existing roof covered parking bays complying with the minimum dimensions prescribed in TPS6 are already located behind a 4.5 metre street setback, or there is a practical location to provide such bays behind the 4.5 metre street setback;*
- (A) *neither of those existing parking bays is permitted to be converted to another use; and*
- (B) *a setback of less than 4.5 metres will not be permitted for the proposed carport, unless the focus area is characterised by at least one-third of the lots already having carports in the front setback area.*

Even though the policy is still in draft form, noting that the policy has been presented before the Council and its contents have been agreed to in principle, the intent of the policy should still be observed. Point (B) states that one third of the lots would need to have carports in the front setback area which is not the case in focus area and therefore does not meet this requirement. It is suggested that a setback of less than 4.5 metres for a carport should not be permitted in this case. Officers conclude the objective of the policy has not been achieved.

(g) 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 not to meet the following 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.*

(h) 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:

- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (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.*

Consultation

In accordance with the provisions of Policy P104 “Neighbour and Community Consultation in Town Planning Processes”, it was necessary to undertake neighbour consultation with respect to the proposed development to both adjoining property owners. Neither neighbour has provided comments.

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 in this 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 been designed keeping in mind the sustainable design principles. The proposal maximises solar access to habitable rooms and private outdoor spaces. By virtue of north-south orientation of the lot, the development also allows solar access to the adjoining properties.

Conclusion

The proposed development conflicts with the provisions of the R-Codes, Council Policy P370_T “General Design Guidelines for Residential Development”, Council Policy P376_T “Residential Boundary Walls” and Draft Policy P350. The proposed development is seen to adversely impact upon the visual amenity of the Elizabeth Street streetscape; it is recommended that the application be refused.

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 additions to an existing Single House on Lot 49 (No. 32) Elizabeth Street **be refused**, for the following reasons:

- (a) The subject property has sufficient accessible space for the provision of two car parking bays behind the front setback line. Therefore, a carport within the front setback area is inconsistent with the provisions contained within the Residential Design Codes 2002 as well as Clause 11(d) of Council Policy P370_T, “General Design Guidelines for Residential Development”.
- (b) Having regard to Clause 8 of Council Policy P376_T, “Residential Boundary Walls”, boundary walls on both side boundaries are normally not accepted unless they are staggered by a distance of 6.0 metres to reduce the visual impact and building bulk as perceived from the street.
- (c) The total width of the existing and proposed crossovers for the dwelling conflict with Clause 6.5.4 "Vehicular Access" of the R-Codes 2008.
- (d) The Applicant failed to demonstrate that the proposed structures meet the Acceptable Development or Performance Criteria 6.2.5 (Street Walls and Fences) of the Residential Design Codes of WA, specifically the visually permeable nature of fences within the primary street setback area.
- (e) The proposal is inconsistent with the existing streetscape character of Elizabeth Street.
- (f) Approval of the proposed development would be contrary to the orderly and proper planning of the locality.
- (g) The proposed development conflicts with the “Scheme Objectives” identified in Clause 1.6 of the City of South Perth Town Planning Scheme No. 6.
- (h) The proposed development conflicts with the “Matters to be Considered by Council” in Clause 7.5 of the City of South Perth Town Planning Scheme No. 6.

Standard Advice Note

651 (appeal rights).

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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10.4 GOAL 4: INFRASTRUCTURE

10.4.1 National State Road Safety BlackSpot Program Submission 2009-2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FS/FA/1
Date:	3 June 2008
Author:	Trevor Quinn, Acting Manager Engineering Infrastructure
Reporting Officer:	Les Croxford, Acting Director Infrastructure Services

Summary

Each year the City is invited to submit for consideration projects qualifying for National and State BlackSpot Funding. The closing date for submissions for the 2009/10 National and State BlackSpot Programs is 25 July 2008. The submission will be developed from a schedule of projects from National and State BlackSpot lists in accordance with the guidelines. This report seeks endorsement of the schedule of projects for forwarding to MRWA.

Background

The National and State Road Safety BlackSpot Program is a Commonwealth and State Government initiative administered by Main Roads Western Australia (MRWA). The program targets road locations where crashes are occurring and aims to fund cost effective, safety oriented projects by focusing on locations where the highest safety benefits and crash reductions can be achieved.

All submissions are considered on their merits and evaluated against the criteria set by the Australian Transport Safety Bureau (ATSB). Separate criteria apply for the National BlackSpot Program and its state counterpart.

Main Roads Western Australia collects all data relating to road crashes and has developed two lists relating to eligible projects within each local government i.e. National BlackSpot list, State BlackSpot list.

Not all crashes can be resolved by engineering means. The project list has been developed using familiar and successful treatments for reducing crashes.

The criteria used in the assessment to determine the Benefit/Cost Ratio (BCR) are:

- crashes for the 5 year period 2003 to 2007 inclusive for qualifying audits;
- crash costs based on crash type cost, not crash severity costs; and
- all capital costs, including contributions by others, and ongoing maintenance costs.

Comment

The schedule of projects has been developed from crash data available to the City. An “electronic work book” developed by MRWA will be used for the evaluation of the individual sites and the results will form the basis of the submission.

The “electronic workbook” uses crash data and the results obtained from other known treatments to determine the appropriate solution to minimise the incidence of the crash type. The Benefit to Cost Ratio is the probable savings in the incidence of crashes against the capital cost of effecting the improvements.

Based on the set criteria six (6) intersections have been identified as warranting treatment. Each of the intersections has a record of either rear end or right angle crashes. It is acknowledged that a reduction in rear end and right angle crashes is possible by improving the various aspects of the intersection layout or by the installation/modification of traffic signals. If successful in attracting funding these projects will be programmed for completion by January 2010.

Where an identified project involves a signalised intersection an “Agreement in Principle” from MRWA has been obtained.

The following Table summarises the intersections identified for inclusion in the National and State BlackSpot submission:

Intersection	Problem	Proposed Treatment	Score	Total Cost
Manning Road & Ley Street	Pedestrian Safety	Introduction of pedestrian phase and general upgrade	Audit	\$165,000
Manning Road & Kent Street	Rear end collisions on Kent Street	Anti-Skid Treatment	2.35	\$70,000
Mill Point Road & Coode Street	Rear end crashes on Mill Point Road	Anti-Skid Surface	2.17	\$55,000
Robert Street & Cale Street	Right angle crashes on approaches.	Installation of Roundabout	3.07	\$90,000
Hayman Road & Burvill Court	Right angle crashes	Seagull Island	2.05	\$7,250
*South Terrace & Hayman Road	Right angle and Rear end crashes	Signal Upgrade and Left Turn Slip	2.08	\$220,000

(* Subject to MRWA “Approval in Principle)

The Bentley Technology Master Plan requires the realignment of Hayman Road up to and including the signal controlled intersection at South Terrace/George Street/ Douglas Avenue. The listed upgrade works for the intersection are required for the effective management of the intersection whether Hayman Road is realigned or not.

The project as listed is primarily an electrical upgrade to the existing signals to incorporate the additional safe turning movements, with less than 25% of the project costs for the new left turn slip lane form George Street. The signalised intersection is eligible for funding under the National BlackSpot Program (100% Commonwealth funding).

Until the Master Plan has been finalised it is improbable that the signalised intersection and to a lesser extent the treatment at Burvill Court would receive consideration for funding under the State BlackSpot Program. If funding was successful under the National Program it would be utilised so as to compliment the realignment works of the Master Plan being funded from State sources.

Consultation

In accordance with Policy P103 and Management Practice M103 Communication & Consultation the level of communication/consultation required for the proposed works is level I (inform). This consultation will be completed if the City is successful in attracting funding for the works. Notwithstanding the project schedule as developed and the success of the application Council could at any stage of the consultation process withdraw from any or all of the projects if at that time the project(s) were not seen to be in the best interests of the City.

Policy and Legislative Implications

There are no policy or legislative implications in respect to this matter.

Financial Implications

Projects that are approved under the National BlackSpot Program will have no financial implications for 2009/2010 financial year as the works would be fully funded. Where projects receive State funding then the City will be required to contribute one third of the project cost in 2009/10.

Strategic Implications

This proposal is consistent with Goal 4 - Strategy 4.1:

“Develop plans, strategies and management systems to ensure Public Infrastructure Assets (roads, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level”.

OFFICER RECOMMENDATION ITEM 10.4.1

That the Schedule of Projects, as identified in report Item 10.4.1 of the Agenda for the June 2008 Council meeting, form the basis of the City of South Perth Submission for Funding under the National and State BlackSpot Programs to be forwarded to Main Roads Western Australia on or before 25 July 2008.

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 3 June 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 May 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 May 2008, forty one (41) 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 May 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: 5 June 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 May 2008 appear below.

May 2008

Nature of document	Parties	Date Seal Affixed
Removal of Expired term CPV Lease	City of South Perth	15 May 2008
Deed of Agreement to enter CPV Lease	City of South Perth & Mary Kinsella	15 May 2008
CPV Lease	City of South Perth & Mary Kinsella	15 May 2008
Registration of CPV Lease	City of South Perth & Mary Kinsella	15 May 2008
SEMRC Agreement	City of South Perth	15 May 2008
Deed of Variation re SEMRC Agreement	City of South Perth	15 May 2008
Switch your thinking! Intellectual Property Licence Agreement	City of South Perth & City of Gosnells	23 May 2008
Deed of Agreement to enter CPV Lease	City of South Perth & Mary Birch	26 May 2008
CPV Lease	City of South Perth & Mary Birch	26 May 2008
Registration of CPV Lease	City of South Perth & Mary Birch	26 May 2008

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

Policy and Legislative Implications

Clause 21 of the City's Standing Orders Local Law 2002 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 May 2008 be received.

10.5.3 Constitutional Recognition of Local Government

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/205
Date:	12 June 2008
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The absence of formal recognition of local government in the Australian Constitution is a significant omission. The achievement of formal recognition remains one of the main objectives of the Australian Local Government Association (ALGA). Having local government recognised in the Constitution has been at the forefront of debate in successive National General Assemblies of Local Government.

As a result of the Rudd Government's promise to conduct a referendum on the issue, the ALGA has developed a strategic process for engaging with local government across the country and has prepared resource materials to inform the discussion of those issues which are likely to arise from the referendum proposal.

WALGA has written to all local governments in the State urging each to consider its position on the question of constitutional recognition and the form that recognition may take. This consultation will feed into the WALGA Local Government Week Convention at which representatives will be appointed to attend a National State and Expert Forum proposed for August/September.

ALGA proposes to convene a National Constitutional Forum in December 2008 to establish an agreed local government approach.

Background

The push to achieve constitutional recognition of local government has been given new impetus with the election, last November, of a Labor Federal Government. The Australian Labor Party went into the election with a commitment to consult during its first term with local government on the process for achieving constitutional recognition.

The ALGA has decided to take the lead and be in a position to steer this issue forward.

ALGA, in consultation with state and territory local government associations, is convening a *Local Government Constitutional Summit – A Special National General Assembly* at the end of this year to bring local governments together to discuss and, if possible, agree on a position to put to the Federal Government.

ALGA considers that recognition in the Australian Constitution is one of the most important challenges facing local government today. It is an issue that ALGA considers needs to be managed properly if local government is to maximise the opportunity to succeed in this challenge.

Prior to the December 2008 Summit, each local government will be consulted on its position through the relevant State and Territory Associations. ALGA has prepared **Explanatory Notes** which set out the background to the issue of constitutional recognition and discuss the different ways in which that recognition may occur. The options range from symbolic recognition to a form of recognition which provides for a different funding relationship with the federal government.

The **Explanatory Notes** are at **Attachment 10.5.1**. Further information is available on the ALGA website at www.alga.asn.au/constitutionalrecognition/.

Comment

In establishing a process of consultation through 2008, ALGA suggests that local governments may wish to consider -

- Should recognition be simply symbolic?
- Should it impose funding obligations on the Commonwealth?
- Should it protect local government from forced structural change?
- Does local government have other expectations from constitutional recognition?

ALGA is seeking feedback from local government on a number of specific objectives set out below but suggests that in providing feedback local government should consider:

- The relative benefits to the community;
- The likelihood of gaining commonwealth support for local government's objectives;
- The risk of taking multiple or complex issues to the electorate; and
- The likelihood of opposition.

In particular, ALGA is, asking local government to rate the following objectives as either high - medium - low or nil:

1. Direct federal funding;
2. Guaranteed minimum level of funding;
3. Symbolic recognition of local government;
4. Constitutional protection - requiring states to maintain a system of local government;
and
5. Protection of councils from arbitrary dismissal.

From the list above, symbolic recognition is the least likely to face opposition and is likely to be the option most favoured. The more ambitious options such as direct and/or guaranteed funding are more likely to attract opposition from the other levels of government. Constitutional protection is in a similar position and for similar reasons.

The implications and complexity of the differing objectives suggests that local governments may wish to remain somewhat circumspect about adopting a hard and fast position this early in the consultation process. It may be prudent at this stage to adopt a supportive position on symbolic recognition but to encourage ALGA/WALGA to obtain further information on the implications of the more ambitious objectives in order to determine whether they should be pursued. Other non-constitutional methods (for example, enhanced status at CoAG) of obtaining a similar result to some of the objectives, could also be considered.

WALGA suggests that once a local government has adopted a position its representatives may wish to take this to its zone meetings and contribute to the discussion of the issues at the Local Government Week Convention in August 2008.

Consultation

ALGA is conducting an extension Local Government consultation exercise on this topic and is at a very preliminary stage.

Legislative and Policy Implications

Any legislative and policy implications of matters arising are discussed in the report.

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.***

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.5.3

That Council...

- (a) resolves to support the process of engagement and consultation established by the ALGA in the drive for recognition of local government in the Constitution and supports the ALGA in seeking to advance the objectives of financial certainty and stability for local government; and
- (b) give further consideration to this subject following any Motions adopted by WALGA at the Local Government Convention.

10.5.4 Review of Collier Park Golf Course Lease

Location:	Collier Park Golf Course
Applicant:	Council
File Ref:	PR/301
Date:	3 June 2008
Authors:	Mark Taylor, Manager City Environment
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report reviews the outcome of public consultation relating to the proposed two year extension of the Collier Park Golf Course lease with the existing, long term tenant, Rosetta Holdings Pty Ltd. In accordance with section 3.58 of the *Local Government Act 1995*, a public consultation process has been completed and no submissions were received.

This report recommends that:

- Council accept the negotiated terms of the proposed two year interim lease extension with Rosetta Holdings for the Pro Shop, Cart Store, Driving Range and Kiosk of the Collier Park Golf Course.
- A process is commenced with Rosetta Holdings for the long term planning and development of the course with the aim to report back to Council in July 2009. This will provide Council with sufficient time to decide whether to enter into a new long term lease with Rosetta or commence a tender process for a new lease arrangement.

Background

Council at the April 2008 meeting resolved as follows:

“That

- (a) Council requests the CEO to initiate the required public consultation process for an interim two year lease as prescribed under section 3.58 of the Local Government Act (1995) relating to the Disposition of Property ; and*
- (b) a report be presented to the earliest meeting of Council following the community consultation process, outlining feedback received and to give consideration to formalising the lease.*

In the officer comment section of the April 2008 report the following was stated:

The negotiated terms of this draft interim two year lease have been considered and endorsed by Rosetta Holdings Pty Ltd. Should the public notice review not present any obstacle to proceed, Rosetta are happy to finalise the lease arrangement with the City and work closely with the staff to assist with the longer term planning and development of the course facilities.

Should Council adopt the officer’s recommendation, apart from its obvious intent, City officers will be engaging consultants and conducting research in relation to the longer term, i.e. potential lease arrangements after the initial two year period. It is open to Council to take the view that given the long term nature and success of the business relationship with the golf course controller Rosetta Holdings, recognition that commercial returns from the golf course have now been negotiated and acknowledgement that the current controller wishes to inject further capital investment to improve facilities, the lease should be expanded for a further term.

Unless this occurs in the short term, it is clear that no major improvement in facilities will occur within the next 3 years or so and as a consequence of the uncertainty, the market share and position of the Collier Park Golf Course may slide. An alternative course of action is that during the remainder of 2008 (but within the two year lease extension period) officers not take any action with respect to tendering out the golf course operations but discuss possible further lease extension conditions with the current controller. This aspect will be considered further when a report is prepared in relation to any public submissions received.

Comment

(a) Outcome of Public Consultation

A public notice was prepared for the West Australian Newspaper and appeared in the Saturday edition on 10 May 2008. The consultation period was for three weeks and finished on Friday 30 May. At the close of the comment period, no public submissions were received in respect to the proposal.

(b) Proposed Lease Extension

A copy of the proposed lease forms an attachment to this report (***Confidential Attachment 10.5.4 refers***). The proposed lease has been prepared as an extension to the original lease executed between Rosetta Holdings and the City in 1987; and the subsequent variations and extensions agreed in 1996, 1998 and 2003. The proposed lease has been reviewed by Rosetta Holdings and City Officers, with all parties agreeing in principle to the extended lease terms.

As all requirements have been met under *Section 3.58 of the Local Government Act 1995*, it is recommended that Council extend the existing lease with Rosetta Holdings Pty Ltd for a further two years commencing 1 July 2008.

(c) Future Planning Process

Further to the officer comment made in the April 2008 report, City Officers are of the view that it is time a process is initiated for the longer term planning and development of the Golf Course. Collier Park has long been one of the best public golf courses in the State but is now showing its age. Golf course management is a very competitive business with significant investment currently being made by many of the competitor public courses in the greater metropolitan area. It is important that Collier Park maintains (and potentially enhances) not only its reputation, but also its market share. To achieve this, significant investment will need to be made to Course infrastructure in the near future.

For the City to achieve the best outcome it is imperative that this process be in partnership with the Course Lessee. Rosetta Holdings has indicated its willingness to participate in a planning process with the City, having already presented a “vision” to Council at an Elected Member’s briefing in 2007.

To that end it is recommended that Rosetta Holdings be invited to participate in the planning process and on its completion, a confidential report be prepared for Council to consider the new vision for the course and also a longer term partnership with Rosetta Holdings Pty Ltd. It is anticipated that the planning process will take twelve months, so it is proposed to report to Council by July 2009 with a vision and plan for the Collier Park Golf Course. This will allow Council eleven months to review the vision and plan and then decide whether it wants to enter into another long term lease with Rosetta Holdings or seek public tenders for a new lease.

Consultation

Council has been regularly informed and updated during this process through reports, Concept Briefings and memoranda. In addition regular contact has been maintained with the Lessee to ensure that they also have been kept abreast of the City's intentions with regard to the lease extension.

Expert advice has been sought through McGees Property (valuers), DTZ (financial advisors) and Woodhouse Legal (lease drafting) to ensure that the matter is progressed in a manner consistent with the market in which the facility operates and in accordance with relevant legislation.

Following Council's resolution at the April meeting, a three week public consultation process was initiated as per Section 3.58 of the *Local Government Act* which relates to the disposition of property.

A notice was prepared for the West Australian Newspaper and appeared in the Saturday edition on 10 May 2008. The consultation period was for three weeks and finished on Friday 30 May 2008.

It is proposed that Council be kept updated and appraised of the planning and development process for the golf course via the Elected Members Bulletin and one or more Concept Briefings.

Policy and Legislative Implications

Policy P609 "Lease of City Owned Buildings" applies.

Section 3.58 of the *Local Government Act* relating to Disposition of Property is also relevant.

In addition the requirements of the *Commercial Tenancies (Retail Shop Agreements) Act 1985* apply as outlined in the comments section of this report.

Financial Implications

The renegotiation of the proposed two year lease has a direct effect on the return the City receives from the course. Over the past twelve months the return from the course to the Municipal Fund was \$374,288 after meeting all operating costs and the provision for future asset replacement.

The proposed interim lease offers an increase in return to the City in the order of \$40,000 from the first year and \$70,000 from the second year of the lease.

Strategic Implications

It should be noted that in a strategic sense the proposal to put in place an extended lease period allows time for appropriate long term planning of one of the City's most valuable assets. This will ensure that future long term financial return from this facility is maximised and a best possible use is made of this important City asset.

The relevant sections of the City's Strategic Plan relating to this proposed course of action are:

Goal 6, Financial Viability - *To provide responsible and sustainable management of the City's financial resources.*

Strategy 6.2- *Maximise community benefit and value for money from City expenditures and use of our Assets.*

Goal 5 - Organisational Effectiveness - *To be a professional, effective and efficient organisation.*

Strategy 5.3 - *Develop partnerships with organisations which provide mutually beneficial opportunities for resource sharing and the exchange of ideas.*

Sustainability Implications

The aim of this report is to achieve a more sustainable financial return to the City from the Collier Park Golf Course lease.

OFFICER RECOMMENDATION ITEM 10.5.4

That

- (a) Council requests the Chief Executive Officer to enter into a two year extension of the lease with Rosetta Holdings Pty Ltd, as per ***Confidential Attachment 10.5.4***, for the Pro Shop, Cart Store, Driving Range and Kiosk of the Collier Park Golf Course, commencing 1 July 2008;
- (b) a process be established with Rosetta Holdings to initiate longer term planning and development of the course facilities;
- (c) Council be appraised of this process through regular updates and specific Concept Briefings; and
- (d) a report be presented to Council by July 2009 detailing the outcome of the planning process and recommending options upon the expiration of the extended two year lease period on 30 June 2010.

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - May 2008

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 7 June 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. This schedule reflects a reconciliation of movements between the 2007/2008 Adopted Budget and the 2007/2008 Amended Budget including the introduction of the capital expenditure items carried forward from 2006/2007.

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)**
- 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 10.6.6(A) and 10.6.6(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 May 2008 is \$33.53M which represents 101% of the \$33.26M year to date budget. The major factor contributing to this favourable variance (over 55% of the difference) is significantly better than anticipated investment revenue performance due to higher volumes of cash held and higher investment rates on offer. Rates revenue performance remains strong - and ahead of budget. Higher than expected revenues from the Building Services and Planning areas have also contributed to the favourable result as have higher RCS and maintenance fee revenues from the Collier Park Hostel and continuing good performance on parking infringements.

The unfavourable variance in relation to less than expected revenue from rubbish service levies has been partly addressed following an extensive audit of services provided - but will still finish the year unfavourable to budget. Lower than anticipated revenue continues to be generated from green fees at the golf course - and this trend is being investigated to determine which of several factors are causing this. Grant revenue relating to street lighting has come in some 23% below budget expectations and this poses a question as to how sustainable all night street lighting is in future. Currently the City receives only \$13,400 in grant revenue to support a service that costs upwards of \$360,000 annually to provide.

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 May 2008 is \$29.00M which represents 99% of the year to date budget of \$29.17M. Operating Expenditure to date is around 2% favourable in the Administration area, 2% over budget in the Infrastructure Services area and 4% under for the golf course. There are however a number of 'over' and 'under' budget line items within this balanced result.

Most of the favourable variances in the administration areas again relate to budgeted (but vacant) staff positions, although other factors such as savings on bank fees, consultants and non planning legal advice are also significant contributors. Offsetting these is a significant

escalation in cleaning costs for all City buildings and facilities (this is currently the subject of ongoing investigations and audits). Variances in the Infrastructure area that were of a timing nature earlier in the year for operational and maintenance activities have now reversed as the various programs have occurred - most notably in the areas of drainage maintenance, street sweeping and bus shelter maintenance. Golf Course expenditure remains favourable largely due to vacant staff positions and a timing difference for the consultant looking at leasing options for the course. The favourable timing variance on building maintenance activities has been maintained, but not worsened. Overheads in the two Infrastructure areas continue to be monitored and adjusted and will need to be further corrected at year end.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.0% under the budget allocation for the 213.4 FTE positions approved by Council in the budget process - after agency staff invoices were received at month end. There have been some offsetting increases in expenditure on consultants, particularly in the Human Resources, Building Services and Infrastructure areas to ensure service continuity in spite of the 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 \$8.70M at 31 May against a budget of \$9.12M. The biggest component of this is the UGP levy (\$6.79M against a budget of \$6.87M). There are still some UGP charges to be recognised for a couple of large properties that should rectify the apparent under-performance in the near future. It is important to appreciate that the revenue from the UGP charge is recognised as soon as the invoice is raised - but almost all of this revenue remains uncollected at 31 May 2008. In the 4 days from billing date to month end, some \$110,000 was collected. The due date for the UGP 1st instalment (or those paying in full) is 24 June 2008.

Lease premiums and refurbishment levies from recently occupied units at the Collier Park Village remain well ahead of budget expectations with the number of units turned over higher than expected. As this turnover relates largely to the frailty of residents, it is very difficult to model accurately - but it is regularly monitored by senior management. It is important that this extra revenue is generated as the cost of refurbishing the higher number of vacated units is also expected to be higher than budgeted by year end.

A \$0.30M budgeted grant for building works on the new community facility will now not be recognised in this year - but a much larger grant contribution will be budgeted and recognised next year. Timing differences on grants for road works and foreshore erosion control projects also contribute to the variances at reporting date.

Capital Expenditure at 31 May 2008 is \$8.15M against a year to date budget of \$12.31M (representing 66% of the year to date budget). Given that the City is aiming to complete and have received invoices for slightly less than \$2.0M in further works in June, it is still likely that carry forward works will remain in the \$2.8M range.

A summary of the progress of the revised capital program (including the carry forward works approved by Council at the August meeting) by directorate is provided below.

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	220,000	64,395	29%	295,000
Financial & Info Services	284,500	215,954	76%	360,000
Planning & Community Services	990,167	486,531	49%	1,203,500
Infrastructure Services	8,824,560	5,624,107	64%	9,369,560
Golf Course	373,478	147,127	49%	373,478
Underground Power	1,615,000	1,615,485	100%	1,615,000
Total	12,307,705	8,153,599	66%	13,216,538

Capital Expenditure relating to the former Corporate and Community Services directorate was re-classified among the other directorates in line with the revised organisational structure during the Christmas break and is now being reported under the new format.

Around one half of the variance in the CEO area relates to a timing difference on the City Visioning project which will be carried forward into 2008/2009. Unspent Council Members Discretionary Ward Funds (including carry forward funds from 2006/2007) represent the remainder of the variance. The Director Financial & Information Services has contacted Council Members to clarify intentions in relation to the ward funding allocations and the agreed initiatives are being progressed. Some funds have still not yet been allocated. Details of the variances relating to Capital Revenue and Capital Expenditure items are provided in **Attachment 10.6.1(5)** of this Agenda.

The attachments to this report also include a Rate Setting Statement (required under Regulation 34 of the Local Government Financial Management Regulations). As advised in the Director's report to the last Audit and Governance Committee, this schedule is only relevant or meaningful at the date that rates are struck - hence it is provided monthly simply to achieve statutory compliance.

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.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2007/2008 provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received.
- (d) the Rate Setting Statement provided as **Attachment 10.6.1 (7)** be received.

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

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 June 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 \$27.97M compare very favourably to \$26.06M at the equivalent stage of last year. Whilst reserve funds are some \$6M higher than at the equivalent stage last year due to higher holdings of cash backed reserves, Municipal Funds are lower due to the increased level of outstanding debtors and most of the budgeted UGP Revenue not yet having been collected. The free cash position continues to be favourably impacted by excellent rates collections to date - with collections within 0.3% of last year's best ever result. Our customer friendly payment methods, prompt and pro-active debt collection actions and the Rates Early Payment Incentive Prize have all contributed positively to this very pleasing result. The net Municipal cash position is weaker relative to May 2007 by around \$3.9M - but this is largely due to a \$3.1M transfer of funds quarantined for future capital projects into Reserves during March.

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. Astute selection of appropriate financial investments means 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 \$4.29M (compared to \$8.17M in 2006/2007). **Attachment 10.6.2(1)**.

Considering future cash demands for capital and operating expenditure for the remainder of the year, and likely cash inflows (as budgeted) during the same period, the City currently anticipates finishing the year slightly ahead of this year's budgeted cash position (after allowing for quarantined / committed funds for carry forward works). This situation is being re-assessed on an ongoing basis throughout the remainder of the year as it is a fundamental input to the budget process - and the UGP collections throughout June have the capacity to skew the cash position in either direction.

(b) Investments

Total investment in money market instruments at month end is \$27.70M compared to \$25.37M at the same time last year. Although the split between Municipal & Reserve Funds has changed, the overall positive difference still relates to good cash collections, higher reserve cash holdings and delayed outflows for capital projects.

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 78% 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. The slightly lesser holding of 78% at month end was simply the result of a timing difference on maturity dates and the portfolio will be re-balanced in accordance with policy guidelines within June so that it is within the self imposed benchmarks at next month end.

These actions will ensure credit quality and is 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 2.10M - significantly up from \$1.71M at this time last year. This result is attributable to higher cash holdings, rising interest rates and timely, effective treasury management. During the year it is 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 7.18% with the anticipated yield on investments yet to mature currently at 7.76%. 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 6.50% since November 2007 and 7.0% since early March.

(c) **Major Debtor Classifications**

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 May 2008 (after the due dates for the final rates instalment) represent 97.0% of total rates levied compared to 97.3% at the equivalent stage of the previous year. This suggests that collections to date remain strong - being within 0.3% of last year's best ever collection result. This continues to provide evidence that the rating and communication strategies used for the 2007/2008 rates strike have again established a good foundation for successful rates collections this year. Of the 3% of total rates yet to be collected, one commercial rates debtor represents around one twentieth of this amount - accordingly this debtor is being targeted for collection action.

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) supported by timely and efficient follow up actions by the City's Rates Officer in relation to outstanding debts, have also had a very positive impact on rates collections.

General debtors stand at \$1.22M at 31 May 2008 excluding UGP debtors (down from \$1.99 last month) and compared to \$0.76M at the same time last year. However, this 'difference' is attributable to an additional \$0.23M in refundable GST, accrual of grants funds not yet received and higher outstanding claims for pension rebates on rates (being addressed in June). These amounts are regarded as entirely collectible debts and represent only a timing difference.

From July 2008 (after the first due date for UGP debtors), progress in collecting UGP debtors will be regularly reported to Council so that open and transparent reporting of this significant category of debtors is also provided.

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 May 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:	6 June 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 May 2008 and 31 May 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 May 2008 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence : Cr Burrows 13-23 July 2008 inc

11.2 Request for Leave of Absence : Cr Doherty 24-28 July 2008 inc

11.3 Request for Leave of Absence : Cr Trent 11-23 November 2008 inc

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
Nil

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 – May 2008

MAY 2008	ACTIVITY
Friday, 30 May	Attend morning tea to raise awareness for Infantile Batten Disease @ Banksia Café Private Citizenship Ceremony
Thursday, 29 May	Conference: 'Leadership from Effectiveness to Greatness' Dr Stephen Covey' @ Burswood Attend 17th Republican of the Year dinner with City of Perth Lord Mayor
Wednesday, 28 May	Deliver Curtin Guest Lecture "Stakeholder engagement" @ Curtin Business School Attend South East Metropolitan Zone Meeting @ City of South Perth
Tuesday, 27 May	Mayor/ acting CEO Meeting Meeting Vince Carcione - Old Telstra Site on Manning Road (developer update) with Director, Development & Community Services Council Meeting
Monday, 26 May	Zoo Board Meeting @ Perth Zoo
Friday, 23 May	Assembly Presentation @ Penhros College Attend 2008 Rob Riley Memorial Lecture @ Curtin
Thursday, 22 May	Attend Australia's Biggest Morning Tea
Wednesday, 21 May	Training Course: Administrative Law for Non-Lawyers @ UWA Council Briefing - R-Codes Update
Tuesday, 20 May	Workshop: 3rd dialogue Cafe @ Technology Precinct Council Briefing - Agenda Items
Sunday, 18 May	Presentation to Como Bowling Club AGM, Hensman Street, South Perth
Thursday, 15 May	SEMRC: Signing of proposed Establishment Agreement and Deed of Amendment by Mayor and CEO Opening Poetry in the Park - McDougall Park

AGENDA : ORDINARY COUNCIL MEETING: 24 JUNE 2008

MAY 2008	ACTIVITY
Wednesday, 14 May	<p>Seminar: Light Rail Transit - Bentley Technology Precinct redevelopment with CEO + Director Development & Community Services</p> <p>Keynote address - Curtin Business School Prizes ceremony awards</p>
Tuesday, 13 May	<p>Mayor/CEO Meeting</p> <p>Meeting with Vice-Chancellor Jeanette Hackett - future ideas for Bentley Campus and possible partnership opportunities between City and Curtin</p> <p>Council Briefing: Concept Drawings for Library and Hall by Peter Hunt Architects</p>
Monday, 12 May	<p>Workshop - Curtin University Masterplan Update and Implementation Plan with CEO and Director, Development and Community Services</p>
Saturday, 10 May	<p>National Thanksgiving Prayer Breakfast with Deputy Mayor Colin Cala Cr Sue Doherty & Cr Kevin Trent &</p>
Friday, 9 May	<p>2008 Post Budget Breakfast @ Burswood + CEO</p> <p>Meeting with Cleanaway re: Noise from rubbish collection with Manager Environmental Health and Regulatory Services</p> <p>Attend opening Joseph Green Centre 2, Wesley College + CEO</p>
Thursday, 8 May	<p>Workshop: "Graffiti vs Urban Art?" by PTA & Millennium Kids</p>
Wednesday, 7 May	<p>Meeting Rotary – idea for Chinese Gardens</p> <p>Meeting Steve McQuillan - idea for southperth.onestop.com</p> <p>Graffiti Response/ process understanding meeting with Manager City Environment & Manager Community Culture and Recreation</p>
Tuesday, 6 May	<p>Seminar: WALGA Roads Forum 2008 @ Hyatt Regency Perth</p> <p>Council Briefing: Network City - Canning Bridge</p>
Monday, 5 May	<p>Meeting Sam Smith - South Perth Hospital - future visioning</p> <p>Mayor/CEO Meeting</p>
Friday, 2 May	<p>Opening Valerie Parker Art Exhibition</p>
Thursday, 1 May	<p>Meeting with Graham Miller - Boatshed Restaurant</p> <p>Meeting with Anne Lake - CEO Evaluation Next Steps</p> <p>Attend Opening 'Committee for Perth' @ 996 Hay Street Perth by acting Premier, Eric Ripper MLA.</p>