



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 28 April 2009 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. He paid respect to the Noongar people, custodians of the land we are meeting on and acknowledged their deep feeling of attachment to country.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best

Mayor's Activities Report for the month of March 2009 attached to the back of the Agenda.

3.2 100th Birthday Celebration

The Mayor reported attending a function, earlier in the day, at the Collier Park Village to celebrate long time resident, Lee Ireland's 100th birthday.

3.3 Service Award

The Mayor reported that Rod Bercov, Acting Director Development Services, had recently been recognised at a function for having achieved the milestone of 40 years service with the City of South Perth.

3.4 Audio Recording of Council meeting

The Mayor reported that the meeting is being audio recorded in accordance with Council Policy P517 "Audio Recording of Council Meetings" and Clause 6.1.6 of the Standing Orders Local Law which states: "*A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member*" and stated that as Presiding Member he gave his permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Present:

Mayor J Best

Councillors:

GW Gleeson	Civic Ward
I Hasleby	Civic Ward
P Best	Como Beach Ward
B Hearne	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall Ward
R Grayden	Mill Point Ward
D Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr S Bercov	Acting Director Development Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 8.14pm)
Ms C Husk	City Communications Officer
Mrs K Russell	Minute Secretary

Gallery

There were 11 members of the public present and 1 member of the press

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Cr R Wells, JP McDougall Ward

5. DECLARATION OF INTEREST

Nil

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 24 March 2009 there were a number of detailed written questions 'tabled' from:

- Mr Warren Marshall, 22A Pepler Avenue, Salter Point; and
- Mr Geoff Defrenne, 24 Kennard Street, Kensington

The Mayor advised the March Council meeting that the 'tabled' questions would be handled as 'correspondence' by the Administration.

Responses were provided by the Chief Executive Officer, to Mr Defrenne by letter dated 2 April and to Mr Marshall by letter dated 6 April 2009.

6.2 PUBLIC QUESTION TIME : 28.4.2009

Opening of Public Question Time

The Mayor advised that Public Question Time will be limited to 15 minutes. He said that written questions, provided 5 working days before the meeting would be dealt with first, in particular items relating to the Agenda, following questions from the gallery on a rotational basis and asked that questions from the public gallery be written down and that he would then read them out.. He further advised that every effort is made to provide detailed responses at the meeting to those questions provided in advance. The Mayor then opened Public Question Time at 7.08pm.

6.2.1 Mr Rick Hughes, 26 Market Street, Kensington on behalf of KCA

Note: *Written Question submitted prior to meeting read aloud by the Mayor.*

Summary of Question

The KCA supports the many activities where Council is engaging the community and would like to know what process the Council intends to use to bring together the key strategic issues facing the City with the ideas generated during the Community Visioning "Our Vision Ahead".

Summary of Response

The Mayor advised that Council has allocated \$180,000 into a community visioning program to ascertain what the community want in the next 20 years. The key priority issues of amenity, governance, social enrichment, infrastructure, sustainability and protecting the built environment, raised by the community will then be fed into the City's Business Plan.

6.2.2 Ms Betty Skinner, 166 Mill Point Road, South Perth

Note: *Written Question submitted prior to meeting read aloud by the Mayor.*

Summary of Question

I have read about the Minister of Local Government's proposed amalgamations of local authorities:

1. Is there a possibility that the City of South Perth could be merged with another Council(s)??
2. How will the Council ensure that our community interest will be protected??
3. What is the Council strategy in response to the Ministers request??

Summary of Response

The Mayor responded:

1. Yes there is that possibility. The Local Government Advisory Report 2006 recommended to the Minister that the Town of Victoria Park be split between South Perth and Belmont.
2. The City of South Perth will consider options and will undertake community consultation during May 2009.
3. We have been having meetings with adjoining and local Councils, the Local Member and held Council Briefings. We are taking the Minister's request very seriously and exploring all avenues. The Minister's 'Check List' has been addressed and a *draft* Motion prepared. An all-day workshop with LGMA on this issue is scheduled for next week with the next stage being the community consultation process.

6.2.3 Mr John Stewart, 7 Keaney Place, Waterford

Note: Written Question submitted prior to meeting read aloud by the Mayor.

Summary of Question

1. Does Council welcome public questions?
2. What sorts of questions should residents bring to the monthly Council meeting?
3. What importance does Council place on engaging residents?

Summary of Response

The Mayor responded:

1. Yes - The Council exists to serve residents.
2. There are two categories. The first is questions relating to items on the Council Agenda and the second is strategic or 'big picture' items with the focus on a productive smoothly run Council meeting.
3. Engaging residents is the most important thing we do and to this end the following sample of actions demonstrates the importance that the City places on engaging with the community:
 - Council Agenda is now available to the public one week earlier;
 - Town Planning Major Development Briefings are now open to the public;
 - development plans are available from developers for viewing;
 - the 'out for comment' section on the web seeks community input;
 - information via the City Update section in the Southern Gazette newspaper;
 - Amendments to the Town Planning Scheme advertised for comment;
 - Policy P104 Neighbour Consultation in place;
 - there have been 10 public meetings in the last year in terms of 'visioning'; and
 - Members telephone numbers available on the web

6.2.4 Mr Warren Marshall, 22A Pepler Avenue, Salter Point

Note: The Mayor reported that 50 detailed questions submitted in writing from Mr Marshall on Saturday 25 April have been have been paraphrased into six key issues, as follows. He further stated that under Standing Orders Section 6.7(6) the 50 detailed questions submitted would be responded to as normal correspondence by the administration.

Summary of Question

1. Does the City consider that all builders in the City should be required to isolate their work with temporary fences so as to minimise danger and damage to city infrastructure and to ensure safety for existing residents?
2. Will the Council consider the development and application of local laws along the lines of those existing in other Australian LGA's so as to manage better the potential for conflict between existing residents and builders with respect to the granting and operation of building licences in the City?
3. Will the CoSP review the permitted hours of work so as to be more in keeping with inner city residential living?
4. Could you tell me more about how the new public question process will be reviewed and will the review be conducted in an open, accountable, transparent and independent manner?
5. What total costs can be directly and indirectly attributable to/ allocated against public relations in the City?
6. At what stage is the City at with the amalgamation investigation process?

Summary of Response

The Mayor responded:

1. This issue is governed by the Building Code of Australia (BCA) and Conditions relating to builders are constantly being reviewed.
2. This suggestion should be discussed with Ward Councillors towards perhaps bringing forward a policy amendment.
3. Currently building construction is permitted between 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays with approval. It is acknowledged that there are issues with some builders and the way they operate their sites.
4. Essentially the public question time process currently being implemented will be reviewed at the end of this year ie following the December Council Meeting.
5. The question is Taken on Notice.
6. A response to this question has already been provided to the question submitted from Betty Skinner on the amalgamation process.

6.2.5 Ms Janet Reid, Villa 3/2 Henley Street, Como

Note: *Written Question submitted on Council Meeting Day read aloud by the Mayor.*

Summary of Question

1. How will Council cope with rising sea levels and salt water intrusion?
2. How will the foreshore (and circa 500 metres inland) from Narrows Bridge to Mt Henry Bridge be affected?
3. Will current storm-water drainage systems be sufficient for expected increased storm surge runoff?
4. Will current electricity services/infrastructure be adequate to tolerate rise in temperature?
5. How will Council protect the greening of parks and reserves, or should they be re-surfaced now?
6. How will the iconic Swan River thru South Perth be protected from increasing algae blooms?
7. Is there an evacuation procedure in place for major flooding of coastal areas (Freeway and adjoining areas).
8. What will be the survivorship of infrastructure built on re-claimed river frontage when sea levels rise?
9. Is there sufficient hospitals/medical services to cater for likely increase in water/air borne diseases?

Summary of Response

The Mayor responded:

1. Council is working hard on this significantly important issue and the Mayor asked to speak at the Summit at Parliament House, Canberra and the CSIRO Climate Protection Conference
2. that this is a question for Main Roads who look after the Freeway
3. the City's Infrastructure Directorate is reviewing issues in relation to drainage and is currently awaiting digital elevation mapping software from the Australian Government to assist in this matter.
4. this is a matter for Western Power.
5. this question are taken on notice.
6. this important issue is being addressed in consultation with the Swan River Trust
7. Yes - procedures in Local Emergency Management Plan
8. this question is taken on notice.
9. this is a question for the Health Department.

PUBLIC QUESTION TIME

The Mayor advised that the 15 minutes allocated to 'question time' had elapsed and stated that unless there is a Motion for an 'extension of time' that he proposed to close Public Question Time.

COUNCIL DECISION - EXTENSION OF TIME

Moved Cr Smith, Sec Cr Gleeson

That Public Question Time be extended by 10 minutes at 7.33pm to allow for further questions from the public gallery.

CARRIED (8/4)

6.2.6 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Mr Defrenne indicated that under the Act he had a right, and intended to use it to ask (read out) his own questions.

Point of Order : Cr Best - under the new procedure for public question time questions are to be read out by the Presiding Member.

The Mayor upheld the point of order and read aloud the following statement from the Local Government Minister, John Castrilli, which appeared in the Southern Gazette newspaper 31 March 2009....."*the Presiding Officer could determine the procedure for question time. With South Perth moving to a written question model, the onus will now be on the Council to provide more in depth and better researched responses, given the time now available to officers to research the topic.*"

The Mayor then requested Mr Defrenne adhere to the new process and 'table' his questions for the Chair to read out. Mr Defrenne refused.

COUNCIL DECISION - CLOSE PUBLIC QUESTION TIME

Moved Cr Hearne, Sec Cr Burrows

That as Mr Defrenne is not prepared to 'table' his questions, for the Chair to read out, as per the current process, that Public Question Time cease.

CARRIED (10/2)

Close of Public Question Time

Public Question Time was closed at 7.40pm

Mr Defrenne continued to interject in an attempt to ask questions.

MOTION

Moved Cr Smith - That Mr Defrenne no longer be heard and that if he persists, the Ranger be asked to remove him from the Council Chamber.

The Motion Lapsed for Want of a Seconder

LAPSED

The Mayor requested Mr Defrenne to sit down and stop interjecting as he was not following procedure.

6.2.7 Mr Barrie Drake, 2 Scenic Crescent, South Perth

Note: At this point in the meeting, although Public Question Time had ceased, three written questions relating to No. 11 Heppingstone Street, South Perth and the mediation process were 'tabled' by Mr Drake. The Mayor advised that the questions would be handled as correspondence by the Administration.

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24 March 2009

COUNCIL DECISION ITEM 7.1.1

Moved Cr Hearne, Sec Cr Ozsdolay

That the Minutes of the Ordinary Council Meeting held 24 March 2009 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, not open to the public, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing - March Ordinary Council Meeting Held: 17 March 2009

Deputations on report items were heard and officers of the City presented background information and answered questions on items identified from the March Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum Canning Bridge Station Precinct Plan Study (City of South Perth and Melville) Meeting Held: 31 March 2009

Consultant GHD presented an update on the Canning Bridge Station Precinct Plan and responded to questions raised. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum Major Town Planning Developments Meeting Held: 1 April 2009

Officers of the City presented background on proposed major Town Planning Developments at 5 Ferry Street, 60 Canning Highway and 47 Birdwood Avenue. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum - Manning Community Hub Presentation and Local Government Reform - Meeting Held: 7 April 2009

Consultants Tim Muirhead of CSD Network and Adrian Welke of Troppo Architects presented an update on the Manning Community Hub project. The CEO then provided an update on Local Government Reform. Notes from the Concept Briefing are included as **Attachment 7.2.4.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE

Moved Cr Grayden, Sec Cr Trent

That the comments and attached Notes under Items 7.2.1 to 7.2.4 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 24 March 2009 be noted.

CARRIED (12/0)

8. PRESENTATIONS

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

Nil

8.2 PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

Nil

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

Note: There were no Deputations made in relation to the April Agenda at the Council Agenda Briefing held on 17 April or the Council Meeting held on 28 April 2009.

8.4 COUNCIL DELEGATES

8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 25 March 2009

A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 25 March 2009 is at **Attachment 8.4.1.**

The Minutes of the WALGA South East Metropolitan Zone meeting of 25 March 2009 have also been received and are available on the *iCouncil* website and in the Council Lounge.

RECOMMENDATION

That the Delegate's Report in relation to the WALGA South East Metropolitan Zone Meeting held 25 March 2009 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Doherty, Sec Cr Grayden

That the Delegate's Report in relation to the WALGA South East Metropolitan Zone Meeting held 25 March 2009 be received.

CARRIED (12/0)

8.4.2. Council Delegate: Two Rivers Catchment Group 11 February 2009

Cr Ozsdolay attended the Two Rivers Catchment Group Meeting on Wednesday 11 February 2009 at the City of South Perth. The Minutes of the Two Rivers Catchment Group Meeting and the Calendar of Events for 2009 are available on the *iCouncil* website and at **Attachment 8.4.2.**

RECOMMENDATION

That the Minutes at **Attachment 8.4.2** of the Two Rivers Catchment Group Meeting Held : 11 February 2009 be received.

COUNCIL DECISION ITEM 8.4.2

Moved Cr Cala, Sec Cr Burrows

That the Minutes at **Attachment 8.4.2** of the Two Rivers Catchment Group Meeting Held : 11 February 2009 be received.

CARRIED (12/0)

8.5 CONFERENCE DELEGATES

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 21 April 2009.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn for discussion / debate:

- Item 10.2.1
- Item 10.3.2
- Item 10.5.5

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Cala

That with the exception of Withdrawn Items 10.2.1, 10.3.2 and 10.5.5 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.3.1, 10.4.1, 10.4.2, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.6.1, 10.6.2, 10.6.3, 10.6.4, and 10.6.5 be carried en bloc.

CARRIED (12/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No.11 to TPS No.6 - Variation from Prescribed Car Bay Dimensions : Report on Submissions (Item 10.0.4 March 2008 Council meeting)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/11
Date:	1 April 2009
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Rod Bercov, Acting Director, Development Services

Summary

The purpose of the proposed Amendment No. 11 to Town Planning Scheme No. 6 (TPS6) is to introduce minor variations from the prescribed car bay width. The Amendment will bring TPS6 into closer conformity with the Residential Design Codes and Australian Standard 2890.1 2004. Amendment No. 11 will give full statutory effect to provisions already contained within the Council's Residential Design Policy Manual, as part of Policy P350.3. The draft Amendment proposals have been advertised for community comment and one submission has been received in support of the proposal. The recommendation is that Amendment No. 11 proceed to finalisation without modification and that this recommendation be forwarded to the Minister for final approval.

Background

This report includes the following attachments:

- **Attachment 10.0.1(a):** Report on the Submission.
- **Attachment 10.0.1(b):** Amendment No. 11 document for final adoption.

Amendment No. 11 was initiated at the March 2008 Council meeting. During subsequent months, City officers have researched a legal technicality relating to copyright and this was satisfactorily resolved, enabling the City to progress the Scheme Amendment process.

The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 18 November 2008, allowing community advertising and consultation to proceed.

Comment

The community consultation in relation to the proposed Amendment No. 11 was initiated on 10 February and concluded on 27 March 2009. The proposal was advertised in the manner described in the 'Consultation' section of this report and resulted in one submission which supported the proposal. Therefore, there is no reason for Amendment No. 11 not to proceed. Council's support for the proposal will be conveyed in the form of a recommendation to the Minister for Planning, who will make the final determination on the proposal.

Consultation

The statutory advertising required by the *Town Planning Regulations* was undertaken in the manner resolved at the March 2008 Council meeting, as follows:

- (i) Method:
 - Mail;
 - Newspaper (two issues);
 - Notices and documents in Civic Centre, Libraries, web site.
- (ii) Extent:
 - Whole community and Environmental Protection Authority;
- (iii) Time period:
 - Not less than 42 days.

Amendment No. 11 was advertised for a period of more than 42 days, between 10 February and 27 March, 2009, inclusive, being 46 days. In line with the Council's Policy P104 and the proposed Policy P355, the advertising process was timed to avoid the holiday season centres around mid-December to mid-January, in recognition of the special nature of this period, to ensure the fullest possible response. During the advertising period, one submission was received, supporting the Amendment proposals.

The submission is discussed in the Report on the Submission contained in **Attachment 10.0.1(a)** which will be provided to the Western Australian Planning Commission for further consideration and for recommendation to the Minister for Planning.

Policy and Legislative Implications

When approved, Amendment No. 11 will have the effect of modifying clause 6.3(8) and Schedule 5 of the TPS6 Scheme Text. Schedule 5 will be expanded to include a descriptive diagram indicating the acceptable minimum car bay size and shape. This diagram is modelled on Figure 5.2 of Australian Standard AS 2890.1.2004. Written consent has been obtained from the 'copyright owner' of the Australian Standards, SAI Global, for reproduction of this diagram. This consent also extends to the use of the diagram in the City's Policy P350.3 relating to car parking.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 11 is set out below, together with the time frame associated with each stage of the process. Those stages which have been completed (including consideration at the April 2009 Council meeting) are shown shaded:

Stage of Amendment Process	Time
Preliminary consultation under Policy P104	Not applicable
Council adoption of decision to initiate Amendment No. 11 to TPS6	18 December 2007
Council adoption of draft Scheme Amendment No. 11 proposals for advertising purposes	25 March 2008
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	27 October 2008
Receipt of EPA's response	18 November 2008
Public advertising period of not less than 42 days	10 February to 27 March 2009
Council consideration of Report on Submissions in relation to Amendment No. 11 proposals	28 April 2009
Referral to the WA Planning Commission and Minister for consideration:	Early May 2009
<ul style="list-style-type: none"> • Report on Submission; • Council's recommendation on the proposed Amendment No. 11; • Three signed and sealed copies of Amendment No. 11 documents for final approval 	
Minister's final determination of Amendment No. 11 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Following Council's recommendation to the Minister that Amendment No. 11 proceed, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the recommendation.

Financial Implications

This issue has limited financial impact to the extent of the cost of advertising in the Southern Gazette newspaper and the Government Gazette upon finalisation. Under the *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City's adopted schedule of fees and charges, the City may recoup costs associated with the Scheme Amendment process where the Amendment has been requested by an external applicant. However, in this case, the Amendment was the City's initiative, so the costs cannot be recovered.

As explained above, the City has negotiated with SAI Global, owner of the Australian Standards, for the use of an Australian Standards diagram in Amendment No. 11 and other related documents. This will involve payment of a small annual fee by the City, which will enable the City to publish those documents in paper form and on the City's web site, for access by members of the public.

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 proposed Amendment No. 11 will have minimal impact in terms of sustainability however, it will promote slightly more efficient use of space for car parking on development sites, while not adversely affecting the functional operation of parking bays. To that extent, the Scheme Amendment will have beneficial sustainability implications.

Conclusion

The proposed Amendment No. 11 has been supported at all stages by the Council. During the public consultation period, no objections were received. Therefore, the proposed Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed without modification be forwarded to the Minister.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) the Submission supporting the proposed Amendment No. 11 be generally **UPHELD**; and
 - (ii) Amendment No. 11 **proceed without modification**;
- (b) Amendment No. 11 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 11 document, as required by those Regulations;
- (c) the Report on the Submission containing the Schedule of Submissions, **Attachment 10.0.1(a)** and three executed copies of the Amendment No. 11 document contained in **Attachment 10.0.1(b)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;
- (d) the Submitter be thanked for participating in the process and be advised of the above resolution.

CARRIED EN BLOC RESOLUTION

10.0.2 Proposed Amendment No. 16 to TPS No.6 - Patios and Pergolas : Report on Submissions (<i>Item 10.3.1 October 2008 Council meeting refers</i>)
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Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/16
Date:	1 April 2009
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Rod Bercov, Acting Director, Development Services

Summary

The purpose of this report is to reconsider the proposed Amendment No. 16 to Town Planning Scheme No. 6 (TPS6) relating to the control of patios and pergolas, following the recent conclusion of the consultation period. During that process, one submission was received, conditionally supporting the Amendment proposals. The recommendation is that Amendment No. 16 proceed to finalisation **with modification** and that the recommended *Modified* Amendment No. 16 document be forwarded to the Minister for final approval.

Background

The existing TPS6 definition of 'pergola' differs from the R-Codes definition of this term. The R-Codes also contain a definition of 'patio'. In combination, the differing definitions of 'pergola' and 'patio' have caused some confusion regarding correct interpretation. The R-Codes do not address certain kinds of roof covering for structures deemed to be patios, notably "vergolas" (adjustable louvres used for roofing) and "shade sails". The Scheme Amendment will rectify various anomalies and omissions regarding patios and pergolas.

The Scheme Amendment will also insert in Clause 7.1 a list of minor garden structures which do not constitute “development” and therefore do not require development approval. Among other structures, the list of exempt structures includes all pergolas as well as cubby houses and dog kennels situated behind the front setback line. The amendment will formalise long-standing practice and interpretation regarding the kinds of minor garden structures which do not require development approval.

This report includes the following attachments:

- **Attachment 10.0.2(a):** Report on the Submission.
- **Attachment 10.0.2(b):** *Modified* Amendment No. 16 document for final adoption.

Amendment No. 16 was initiated at the October 2008 Council meeting. The statutory Scheme Amendment process requires that the draft Amendment be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 24 November 2008, allowing community advertising and consultation to proceed.

Comment

The community consultation period for Amendment No. 16 was initiated on 10 February and concluded on 27 March 2009. The proposal was advertised in the manner described in the ‘Consultation’ section of this report and this resulted the receipt of one submission. The submission supports the principle of the proposed Amendment, but suggests a further improvement to the Amendment text which will better clarify the situation, in relation to pergolas.

Consultation

The statutory advertising required by the *Town Planning Regulations 1967 (as amended)* was undertaken in the manner resolved at the October 2008 Council meeting, as follows:

- Community consultation period, not less than 42 days, to begin after mid-January 2009.
- Southern Gazette newspaper Notice in two issues: ‘City Update’ column.
- Notices in Civic Centre customer foyer and on the notice-board.
- Notices in City’s Libraries and Heritage House.
- City’s web site: Notice on the ‘Out for Comment’ page.

Amendment No. 16 was advertised for longer than the minimum statutory period of 42 days, from 10 February to 27 March, 2009, inclusive, being 46 days. To ensure the fullest possible response and in accordance with the Council’s Policy P104 and the proposed replacement Policy P355, both relating to consultation in Town Planning processes, the advertising period was timed to avoid the holiday season centred around mid-December to mid-January, in recognition of the special nature of this period. During the advertising period, one submission was received, conditionally supporting the Amendment proposals. It is recommended that this submission be upheld and the Amendment No. 16 document be modified to the extent suggested by the submitter.

The submission is discussed in the Report on the Submission contained in **Attachment 10.0.2(a)** which will be provided to the Western Australian Planning Commission for further consideration and for recommendation to the Minister.

Policy and Legislative Implications

When approved, Amendment No. 16 will have the effect of modifying Schedule 1 definitions and clauses 4.3 relating to variations from the R-Codes and Clause 7.1(2) relating to development which is exempt from planning approval. The type and extent of change proposed is discussed in the Report on the Submission (**Attachment 10.0.2(a)**) and the *Modified* Amendment Report (**Attachment 10.0.2(b)**).

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 16 is set out below, together with the time frame associated with each stage of the process. Those stages which have been completed (including consideration at the April 2009 Council meeting) are shown shaded:

Stage of Amendment Process	Time
Preliminary consultation under Policy P104	Not applicable
Council adoption of decision to initiate Amendment No. 16 to TPS6	28 October 2008
Council adoption of draft Scheme Amendment No. 16 proposals for advertising purposes	28 October 2008
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	29 October 2008
Receipt of EPA's response	24 November 2008
Public advertising period of not less than 42 days	10 February to 27 March 2009
Council consideration of Report on Submissions in relation to Amendment No. 16 proposals	28 April 2009
Referral to the WA Planning Commission and Minister for consideration:	Early May 2009
<ul style="list-style-type: none"> • Report on Submission; • Council's recommendation on the proposed Amendment No. 16; • Three signed and sealed copies of the <i>Modified</i> Amendment No. 16 documents for final approval 	
Minister's final determination of Amendment No. 16 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Following Council's recommendation to the Minister that Amendment No. 16 proceed, three copies of the *Modified* Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the recommendation.

Financial Implications

This issue has limited financial impact to the extent of the cost of advertising in the Southern Gazette newspaper and the Government Gazette upon finalisation. Under the *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City's adopted schedule of fees and charges, the City may recoup costs associated with the Scheme Amendment process where the Amendment has been requested by an external applicant. However, in this case, the Amendment was the City's initiative, so the costs cannot be recovered.

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 proposed Amendment No. 16 will have minimal impact in terms of sustainability however, it will promote slightly more efficient and consistent practices in terms of the administration of planning approvals relating to pergolas and patios. To that extent, the Scheme Amendment will have beneficial sustainability implications.

Conclusion

The proposed Amendment No. 16 has been supported at all stages by the Council. During the public consultation period, no objections were received. The submission that was received supported the Amendment conditionally upon certain minor modifications which it is recommended should be incorporated into the Amendment. Therefore, the *Modified* Amendment No. 16 should now be finally adopted by the Council and a recommendation that the Amendment proceed with modification be forwarded to the Minister.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2
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That

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) the Submission conditionally supporting the proposed Amendment No. 16 be **UPHELD**; and
 - (ii) Amendment No. 16 **proceed with modification**;
- (b) The modified Amendment No. 16 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 16 document, as required by those Regulations;
- (c) the Report on the Submission containing the Schedule of Submissions, **Attachment 10.0.2(a)** and three executed copies of the *Modified* Amendment No. 16 document contained in **Attachment 10.0.2(b)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning;
- (d) the Submitter be thanked for participating in the process and be advised of the above resolution.

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1 : CUSTOMER FOCUS
Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Public Art Celebration

Location:	City of South Perth
Applicant:	Council
Date:	8 April 2009
Author:	Cheryl Parrott, Manager Library and Heritage
Reporting Officer:	Cliff Frewing

Summary

The purpose of this report is to provide an update on Council's resolution to commission a piece of public art or a similar statement to commemorate the City's 50th birthday celebrations which occur this year.

Background

This report emanates from an original proposal to erect a statue of Sir James Mitchell in Sir James Mitchell Park as part of the City's 50th birthday celebrations. The proposal was initiated on the basis that Sir James Mitchell Park is the City's principal recreation park with high exposure and one of greater Perth's better known attractions yet little is known about Sir James Mitchell after whom the park was named.

At its November 2008 meeting Council resolved, at Item 10.2.3, as follows:

That as part of the 50th Anniversary celebrations of the proclamation of the City of South Perth, the City undertake the process of advertising for 'Expressions of Interest' for suggestions of a civic art piece or similar statement in Sir James Mitchell Park, to mark this occasion.

The following further resolution to the decision was made by Council at its meeting held on 16 December 2008 at Item 10.2.2:

That....

- (a) *endorse the Expressions of Interest document procedure for calling for nominations for public art; and*
- (b) *staff assess the suggestions received and report to Council on the assessment conducted on each of the ideas.*

Comment

As a result of the resolution detailed above *Expressions of Interest* were sought via media release and an advertisement in the Southern Gazette newspaper from late December 2008 to the end January 2009. The closing date for submissions was Friday 30 January.

Only four responses were received and comprised of one objection to any major expenditure on the 50th anniversary celebration, and three submissions varying in detail from a brief email message to an eleven page submission.

Below is a summary and assessment of each of the three submissions received.

1. Avenue of Tree - Patricia Bebbington

Plant an avenue of trees (preferably native) in Sir James Mitchell Park instead of an art piece. The basis for this suggestion include environmental, health and safety reasons - refer **Attachment 10.2.1(a)**. There is no cost identified in the submission

Assessment

Tree planting will be addressed during the current public consultation process initiated by the City to prepare a landscape plan for tree planting in Sir James Mitchell Park

2. Water Feature - Russell Fuller Hill of Critical Path Management

A water feature sculpture designed to incorporate elements of the bridges spanning the Swan River. Constructed out of concrete the structure would have a tiled base incorporating a timber surround to impart a linkage to jetties and boardwalks. The central waterfall would be constructed out of stainless steel shaped to reflect the water and surroundings. An open structure, the sculpture would allow people to jump through or play within the waterfall, lighting would be utilised to highlight the fountain at night.. The nominated location for the art work is west of the Mends Street Jetty. Refer **Attachment 10.2.1(b)**. Approximate proposed cost \$190,000 which is grater than what was originally envisaged (\$120,500)

Assessment

The estimated budget for proposed water feature design is approximately \$190,000. It is envisaged additional costs would be incurred to undertake a rigorous assessment of the design for safety, sustainability, and potential ongoing maintenance costs in addition to project management costs. Further consultation with stakeholders of Sir James Mitchell Park would also be required.

3. Tile Murals - Melanie Sharpham

Three handmade ceramic tile murals be produced with the assistance of babies, small children and school children from the City. Together the murals would represent the past, the future and the present or the heritage, potential and vitality of the City. Suggested locations for the three murals were:

- Two to be located in the front of the new library; and
- The third to be located on two free standing walls near the flag pole in Sir James Mitchell Park.

In 2008 a similar project was undertaken by Melanie Sharpham with Kensington Primary School resulting in a number of murals in the school ground - Refer **Attachment 10.2.1(c)**.

Proposed cost \$40,705

Assessment

The suggestion to involve children of the City in the production of a 50th anniversary celebration artwork has merit. It was felt that the proposal to locate two murals on the front wall of the new South Perth Library was premature. In relation to locating a mural at the Flag Pole the City is currently in the process of having plans developed for the flag pole area of Sir James Mitchell Park. It is suggested that elements of the proposal be considered for inclusion by the committee overseeing the flag pole project.

Conclusion

A limited number of options were presented due to the lack of response. The three submissions received vary greatly in scale and cost, the ideas suggested in Submissions 1 and 3 can possibly be incorporated into works already in progress. The overall lack of response to the *Expressions of Interest* presented insufficient options to make a conclusive decision. If the City wishes to proceed with the Public Art project on the scale and cost of Option 2 then it is suggested that a full brief is developed and an art consultant engaged to manage the project.

Consultation

Discussion has occurred with the Chief Executive Officer, former Manager Community Culture and Recreation, Manager City Environment and Manager Library and Heritage. None of the proposals received have been the subject of community consultation.

Policy and Legislative Implications

Policy P201 "Public Art".

Financial Implications

Currently no budget provision has been made for this project although it is anticipated that provision would be made in the 2009/2010 Budget.

Strategic Implications

This project fosters a sense of community by increasing appreciation of South Perth's heritage and aligns with the City's Strategic Plan Goal 2 - Community Enrichment.

Sustainability Implications

Project assists with providing a diverse range of projects within the area of arts and culture.

OFFICER RECOMMENDATION ITEM 10.2.1

That....

- (a) Council notes Submissions 1 and 3 received in response to 'Expressions of Interest' called for ideas to commemorate the City's 50th birthday celebrations and that they be given further consideration outside of this public art process;
- (b) if Council:
 - (i) wishes to proceed with a Public Art Celebration project on the scale and cost as identified in Submission 2 then:
 - (A) an amount of \$200,000 to be allocated in the 2009/2010 budget; and
 - (B) a full Brief be developed for an art consultant to be engaged to manage the project.
 - (ii) decides not to proceed with a Public Art Celebration project on the scale of Submission 2, then the Administration be requested to prepare a further report identifying other suggestions to celebrate the City's 50th birthday.

MOTION

Moved Cr Best, Sec Cr Cala

That....

- (a) Council notes Submissions 1 and 3 received in response to 'Expressions of Interest' called for ideas to commemorate the City's 50th birthday celebrations and that they be given further consideration outside of this public art process;
- (b) Council not proceed with a Public Art Celebration project on the scale of Submission 2; and
- (c) the Administration be requested to prepare a further report identifying other suggestions to celebrate the City's 50th birthday.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best Opening for the Motion

- important the City recognise its 50th Birthday
- not appropriate to use \$200,000 in the current economic climate
- support looking at alternatives

Cr Cala for the Motion

- reinforce Cr Best's comments
- support something being done operationally to recognise this milestone
- in current economic climate cannot support \$200,000 use of ratepayer funds

AMENDMENT

Moved Cr Trent, Sec Cr Smith - that part (c) be amended to include, after the word *birthday*, the following additional words: *at a cost of no more than \$50,000.00.*

Cr Smith for the Amendment

- officers need parameters as a guide
- irresponsible to put a figure of \$200,000 to this project in a climate we cannot sustain
- agree with giving officers some guidelines
- support \$50,000 limit

The Mover and Secunder of the Motion concurred with the proposed Amendment.

Cr Ozsdolay point of clarification - ask for comment from the CEO as to whether he believes this is necessary?

Chief Executive Officer stated that he did not have a figure in mind, however as indicated during discussion, \$50,000 for a 50th Anniversary seemed a logical approach. He stated that he proposed to seek feedback / ideas on suggested projects from Members via the Bulletin.

Cr Hearne against the Amendment

- to set aside \$50,000 for this project you 'make a rod for your own back' -
- to put aside \$50,000 could be restrictive
- officer report suggests ideas which could be included in other existing works
- support including this project in with other existing projects

Cr Burrows against the Amendment

- to put a dollar figure on this project would restrict creativity
- would rather see a project brought forward - then determine how much we spend
- \$50,000 does not go far

Cr Best against Amendment

- support original Motion as put
- ask Members support Motion without the dollar figure
- against Amendment

Cr Trent for the Amendment

- June 30 is the date the City turns 50
- if we keep procrastinating we will still be discussing this in 12 months time
- set a figure and let officers proceed

Cr Smith for the Amendment

- agree with the Amendment
- if you do not set a figure you leave it wide open to public criticism
- in current economic situation with Budget about to be set - need to justify budget
- the suggested dollars per year is a good idea - takes it out of the public arena
- to go back to public again for suggestions could end up with a project resulting in rates going up then public will complain
- to budget \$200,000 is irresponsible in current economic climate
- cut our cloth to suit our situation now
- support Amendment.

The Mayor put the Amendment.

LOST (2/10)

Cr Hearne against the Motion

- Council has a 5 year Financial Plan
- support projects identified in 5 year Financial Plan
- honour our obligations in our 5 year plan and nothing more
- against Motion

COUNCIL DECISION ITEM 10.2.1

The Mayor put the Motion

That....

- (a) Council notes Submissions 1 and 3 received in response to 'Expressions of Interest' called for ideas to commemorate the City's 50th birthday celebrations and that they be given further consideration outside of this public art process;
- (b) Council not proceed with a Public Art Celebration project on the scale of Submission 2; and
- (c) the Administration be requested to prepare a further report identifying other suggestions to celebrate the City's 50th birthday.

CARRIED (10/2)

Reason for Change

Council did not support a project on the scale proposed.

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed 9 Multiple Dwelling addition to existing 4 Multiple Dwellings - Lot 501 South Perth Esplanade (previously Lot 5 (No. 5) Ferry Street and Lot 7 (No. 63) South Perth Esplanade), South Perth.

Location: Lot 501 South Perth Esplanade (previously Lot 5 (No. 5) Ferry Street and Lot 7 (No. 63) South Perth Esplanade), South Perth

Applicant: Palazzo Homes Pty. Ltd.

File Ref: 11.2008.357; FE2/5

Application Date: 4 August 2008; revised plans received on 29 February 2009.

Date: 4 April 2009

Author: Lloyd Anderson, Senior Planning Officer

Reporting Officer: Rod Bercov, Acting Director, Development Services

Summary

This application for planning approval is for 9 Multiple Dwellings in a 5 storey building, being added to the existing 4 Multiple Dwellings in a 4 storey building which has already been approved by Council on Lot 501 South Perth Esplanade, South Perth. The development is proposed to be constructed to the maximum allowable 13.0 metre height limit. It is recommended that the application be approved subject to a number of standard and special conditions.

Background

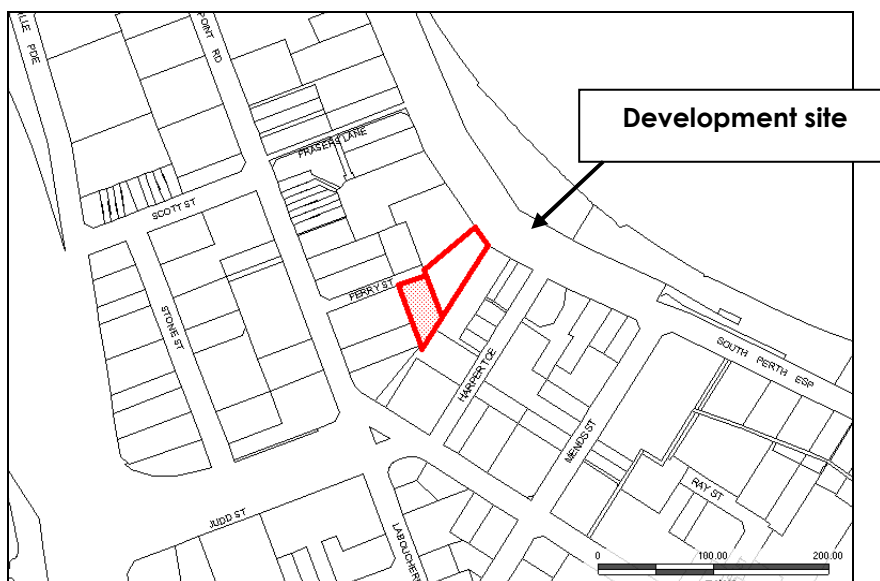
Lot 5 (No. 5) Ferry Street has been amalgamated with Lot 7 (No. 63) South Perth Esplanade to form Lot 501 with a total area of 3137 sq. metres. An application on the site for 4 Multiple Dwellings was approved at the August 2007 Council meeting. The applicant contained the building to the front section of the property to allow the rear portion to be developed with the proposed 9 Multiple Dwellings as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. The number of existing and proposed dwellings is 11 less than the permissible number, although the proposed total floor area is almost up to the prescribed limit, because the dwellings are large. The average floor area of the proposed dwellings is approximately 200 sq. metres.

Zoning	Residential
Density coding	R80
Lot area	3137 sq. metres effective lot area
Building height limit	13 metres
Development potential	24 Multiple Dwellings
Setback	4 metres
Maximum allowable plot ratio	1.00 (3173 sq. metres)

This report includes the following attachments:

- | | |
|--|--|
| Confidential Attachment 10.3.1(a) | Plans of the proposal. |
| Attachment 10.3.1(b) | Letter from designer, dated 4 August 2008, discussing plot ratio, boundary walls, landscaping, car parking and access, visual privacy, stores, boundary setbacks and related matters, and letter from designer and owner, dated 17 March 2009, relating to the proposed architectural feature, the intention not to subdivide and information relating to the driveway gradient. |

The location of the development site is shown below. The 4 Multiple Dwellings previously approved by Council are currently being constructed on the property.



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

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

The proposed external wall height of the addition is 13 metres. The application has been referred to the Design Advisory Consultants who have provided comment.

Comment

(a) Description of the proposal

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

<u>Ground floor:</u>	lobby, gymnasium, dwelling 1, residents car park containing 18 car parking bays (2 bays for each unit) and 3 visitor parking bays forward of the security gates;
<u>First floor:</u>	dwelling 2, 3 and 4;
<u>Second floor:</u>	dwelling 5, 6 and 7;
<u>Third floor:</u>	lower floor of dwellings 8 and 9; and
<u>Fourth floors:</u>	upper floor of dwellings 8 and 9.

The proposal complies with Town Planning Scheme No. 6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below. In respect of some of the variations, it is recommended that Council discretion be exercised.

City Officers have required the applicant to provide evidence that:

- (a) the architectural feature on the front of the building is not an external plumbing feature; and
- (b) the intention is not to subdivide the land once the development has been completed. If the owner intended to subdivide the land in the future the City will require a strata plan of this subdivision with the boundaries realigned.

The owner of the development has provided a letter explaining the abovementioned which is included in **Attachment 10.3.1(b)**.

(b) Plot ratio

Using the R80 density coding and site area of 3137 sq. metres, a total of 3137 sq. metres of plot ratio floor area is allowed. The proposed plot ratio floor area is 3133.56 sq. metres, not including ducts. Calculations below show this breakdown:

- Plot ratio area used by existing building approved at the August 2007 Council meeting: 1335.2 sq. metres;
- Plot ratio area remaining: 1801.8 sq. metres;
- Plot ratio area of the building proposed: 1798.36 sq. metres;
- Total plot ratio used for both buildings: 3133.56 sq. metres; and
- Remaining plot ratio not used for both buildings: 3.44 sq. metres.

In the R-Codes (2008), plot ratio is defined as:

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

All building elements referred to in the above definition have been taken into consideration. Balconies of the dwellings have not been included in the plot ratio calculations, except for a small portion of a balcony that is not open on two or more sides, as per the above definition.

(c) Setbacks

The R-Codes prescribe an average 4.0 metre and a minimum 2.0 metre building setback from the front street alignment (Ferry Street). The applicant has complied with the front setback requirements.

In relation to side and rear setbacks the application complies with the Acceptable Development requirements prescribed in the Residential Design Codes.

(d) Boundary walls

The application proposes boundary walls on the south-eastern and south-western sides of the development site. It is recommended that the walls be approved having regard to the relevant amenity considerations in Policy P350.2 "Residential Boundary Walls". The boundary walls are compliant and have been subject to neighbour consultation and no submissions were received relating to the boundary walls.

South-eastern property boundary

The boundary wall along the south-eastern property boundary is approximately 14.8 metres in length and between 1.8 and 2 metres in height. It is located alongside vegetation and a car park of the adjoining property at Lot 101 (No. 5-7) Harper Terrace, South Perth as shown in the photos comprising **Attachment 10.3.1(b)**.

South-western property boundary

The boundary wall along the south-western property boundary is approximately 44.3 metres in length and between 1.8 and 3.5 metres in height. The wall adjoins two properties:

- Adjacent to an area of car parking and clothes drying area on the adjoining property at Lot 2 (No. 86) Mill Point Road. It is considered that the visual impact of building bulk at 2.7 metres in height at this section is acceptable in accordance with clause 6 of Council Policy P350.2.
- It is located adjacent to an area of car parking on the adjoining property at Lot 15 (No. 88) Mill Point Road.

The boundary wall has been amended after a request by City Officers and is now considered satisfactory at a reduced height of 2.7 metres where it adjoins an outdoor living area. The visual impact of the boundary wall is not considered to adversely affect the amenity of the adjoining property.

(e) Building height

The proposed development complies with the TPS6 prescribed building height limit of 13 metres.

(f) **Visual privacy**

Visual Encroachment - Overlooking within the same development

A new "Acceptable Development" provision has been included in the 2008 R-Codes, stating that major openings and unenclosed spaces in Multiple Dwelling developments should not overlook more than 50 per cent of the outdoor living area of a lower level dwelling that is directly below it. Therefore a condition of development as such has been framed:

"The applicant is required to demonstrate compliance with clause 6.8.1 'Visual privacy' of the R-Codes, specifically major openings and unenclosed outdoor active habitable spaces within the cone of vision of an upper-level dwelling shall not overlook more than 50 per cent of the outdoor living area of a lower-level dwelling directly below and within the same development."

The applicant will need to demonstrate compliance with the "internal" visual privacy requirements as stated above. If this is met, then it is considered that the development will meet with the visual privacy requirements within the proposed development.

Visual Encroachment - Overlooking of adjoining site to the south east

In relation to overlooking of adjoining sites, the application relies upon assessment pursuant to the R-Codes Performance. The cones of vision provided on the plans demonstrate visual encroachments occurring on the adjoining site to the south east. To this extent the following justification is provided for consideration by the Council in its determination of the issue. The applicant requests that the issue be assessed under the Performance Criteria of Clause 6.8.1 of the 2008 Residential Design Codes.

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

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

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

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

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

In addition, Council Policy P350.8 states the following:

"Where an applicant seeks approval via the Performance Criteria path, this Policy requires the written justification and detailed drawings to demonstrate that:

(i) there is no sensitive area within a 25.0 metre 'cone of vision' from an active habitable space or outdoor living area on the development site..."

City Officers consider that the visual encroachment could be supported for the following reasons:

- In accordance with Policy P350.8 the visual encroachment does not impact a 'sensitive area' within a 25.0 metre 'cone of vision' from an active habitable space or outdoor living area on the development site;
- The area subject to the visual encroachment is an unused portion of the lot which is primarily used for landscaping and not for active functional outdoor purposes within the adjoining development;
- Within the multiple dwelling development on the adjoining property at Lot 1 (No. 65) South Perth Esplanade all dwellings have individual balconies (active habitable spaces) for the residents; and
- The applicant has used effective screening measures adjacent to a 'sensitive area' to prevent overlooking of such area.

In light of the preceding comments, the visual privacy requirements of the R-Codes for the balconies on the south-eastern side of the dwellings are considered to be met.

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

The proposed development complies with overall open space and communal open space requirements. However, in accordance with the requirements of Clause 6.4.5(A5) of the Residential Design Codes, a landscaping plan is required to be submitted for approval by the City prior to issuing a building licence. A condition to this effect is included in the recommendation of this report.

(h) Car parking

18 car parking bays for the occupants (2 per dwelling) of the 9 dwellings and 2 visitor car bays have been provided. All bays have been designed in accordance with provisions of TPS6. It is recommended that the parking arrangement be approved as proposed.

The proposed driveway gradient exceeds that which will normally be accepted by the City. The grade of the driveway should not exceed 1 : 12 within 3.65 metres of the street alignment and 1 : 8 for the remainder of the driveway in order to comply with clause 6.10 (2) of TPS6. However the proposed driveway gradient is 1:9. This is considered acceptable as a letter has been received from the property owner which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth. This arrangement is accommodated by clause 7. (b) of Council Policy P350.3.

(i) Solar access for adjoining sites

The proposal development causes adjoining properties to be overshadowed as follows:

- 5 - 7 Harper Terrace 4% (82 sq. metres) in lieu of 50% (1029 sq. metres) permitted;
- 65 South Perth Esplanade 4% (71 sq. metres) in lieu of 50% (891 sq. metres) permitted;
- 90 Mill Point <1% (1 sq. metre) in lieu 50 % (530 sq. metres) permitted;
- 88 Mill Point 2.5% (36 sq. metres) in lieu of 50% (719.5 sq. metres) permitted; and
- 86 Mill Point 2% (45 sq. metres) in lieu of 50% (1128 sq. metres) permitted.

The proposal complies with the Acceptable Development provisions of the R-Codes relating to overshadowing.

(j) Finished ground and floor levels

In accordance with clause 6.9 ‘Minimum Ground and Floor Levels’ of TPS6:

- floor levels of habitable rooms shall be not less than 2.3 metres above Australian Height Datum (*proposed minimum floor level of habitable rooms are 2.5 metres above Australian Height Datum*);
- floor levels of non-habitable rooms shall be not less than 1.75 metres above Australian Height Datum (*proposed minimum floor level of habitable rooms are 2.5 metres above Australian Height Datum*); and
- floor levels of any part of a building used for car parking shall be not less than 1.75 metres above Australian Height Datum (*proposed minimum floor level of the building used for car parking is 2.328 metres above Australian Height Datum*).

In accordance with clause 6.10 “Maximum Ground and Floor Levels” of TPS6:

- Floor levels (not including any part of a building used for car parking) shall not exceed 2.8 metres above Australian Height Datum (*the proposed level is between 1.75 and 2.5 metres above Australian Height Datum*).

The proposal complies with the minimum and maximum ground and floor levels required by Clauses 6.9 and 6.10 respectively, of TPS6.

(k) Essential Facilities

The storeroom dimensions and areas comply with the Acceptable Development provisions of the R-Codes.

In relation to “Essential Facilities”, for multiple dwellings, the Acceptable Development of the R-Codes requires:

“...an adequate common area set aside for clothes-drying, screened from view from the primary or secondary street; or clothes drying facilities excluding electric clothes dryers screened from public view provided for each multiple dwelling.”

In addition clause 5 (b) of Council Policy P350.1 ‘Sustainable Design’ requires:

*“...resource efficiency, by minimising energy consumption and optimising the use of natural daylight and cooling breezes, including, but not limited:
(iii) provision of ‘open air’ clothes drying facilities in order to discourage use of mechanical dryers or the like”*

Therefore the following condition is recommended:

“The development requires provision of adequate ‘open air’ clothes drying facilities at ground level screened from view from the primary or secondary street in accordance with clause 5 (b) of Council Policy P350.1, Sustainable Design.”

The above condition has been included in the recommendation for Council’s consideration.

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

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

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4;*
- (x) *any other planning considerations which the Council considers relevant.*

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

Consultation

(a) Design Advisory Consultants' comments

The proposal was referred to the September 2008 meeting of Council's Design Advisory Consultants (DAC), their comments are as follows:

- *“The Architects observed that the pedestrian access into Lot 7 (No. 63) South Perth Esplanade is extended to provide access to this development.*
- *The Architects observed that the driveway gradient, car parking bays and store rooms need to be carefully checked for compliance by the assessing officer, and if need be, seek additional information from the applicant.*
- *Minor incursion with respect to the building height was seen to be acceptable.*
- *The assessing officer is to carefully assess visual privacy compliance.*
- *The proposed boundary wall was observed to be higher than the height permitted by the Boundary Walls Policy.*
- *The site plan should provide additional information with respect to the adjoining properties in context of the development site such as their footprint, location of major openings and outdoor living areas.*
- *The Architects observed that the south western elevation facing Ferry Street was blank and recommended that the applicant incorporates stimulating design features / aspects such as a variety in the external materials, surface finishes, colours, texture and windows into the proposed building.*
- *Additional information is required with regards to the location on site plan from where photographs of the development site (provided by the applicant) have been taken.”*

The DAC comments are supported by City Officers which have been relayed to the applicant. The applicant has made appropriate modifications to the design in response to the DAC comments.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. No. 80 (Units 1-12) - 90 Mill Point Road, No. 59 - 65 South Perth Esplanade, No. 1 Ferry Street, No. 5 - 7 Harper Street where consulted due to the application being referred to a Council meeting for determination, and because the proposal incorporates boundary walls to the side and rear boundaries of the site.

Only one submission was received relating to the finish of the boundary wall and effective screening. Both have formed conditions of approval.

(c) Engineering Infrastructure

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

(d) Environmental Health

Comments have also been invited from the Building and Environmental Health areas of the City's administration. Environmental Health Services provided comments with respect to sanitary conveniences, mechanical ventilation, laundries / kitchens, a suitable bin enclosure and car parking ventilation. Advice notes concerning these matters are included in the recommendation of this report.

(e) **Building Services**

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

Policy and Legislative Implications

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

Financial Implications

The issue has a minor impact on this particular area, to the extent of payment of the required Planning fee by the Applicant.

Strategic Implications

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

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

Sustainability Implications

This proposed development has balconies facing north which will have access to northern sun. The proposed pool also has good solar access, being located to the north of the proposed building. In general, the design of the development reflects sustainable design principles in accordance with the R-Codes and Council’s Sustainable Design Policy.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1</p>

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 9 Multiple Dwellings on Lot 5 (No 5) Ferry Street is to **be approved**, subject to:

(a) **Standard Conditions / Reasons**

615	screening to be provided	625	sightlines for drivers
616	screening to be permanent	455	dividing fence standards
390	crossover standards	550	plumbing hidden
393	verge & kerbing works	508	landscaping approved & completed
410	crossover effects	425	colours & materials- match existing infrastructure
352	Car parking allocation to be marked on site as indicated on the approved plans	353	Visitor car parking to be clearly identified.
340	parapet walls- finish of surface	351	Screen of car parking in front setback area
470	retraining walls- if required	664	inspection (final) required
471	retaining walls- timing	509	Landscaping plan required
		660	expiration of approval

<p>Footnote A full list of Standard Conditions and Important Notes is available for inspection at the Council Offices during normal business hours.</p>
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(b) Specific Conditions

- (i) The development requires provision of adequate ‘open air’ clothes drying facilities at ground level screened from view from the primary or secondary street in accordance with clause 5 (b) of Council Policy P350.1, Sustainable Design.
- (ii) The applicant is required to demonstrate compliance with clause 6.8.1 ‘Visual privacy’ of the R-Codes, specifically major openings and unenclosed outdoor active habitable spaces within the cone of vision of an upper-level dwelling shall not overlook more than 50 per cent of the outdoor living area of a lower-level dwelling directly below and within the same development.
- (iii) The car parking bays shall be allocated to the respective dwellings as shown on the approved drawings.
- (iv) Perforations or openings in any of the visual privacy screening shall not comprise more than 20% of the surface area of the screen.

(c) Standard Important Footnotes

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

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

(d) Specific Advice Notes

- (i) The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes.
- (ii) Engineering Infrastructure
 - (A) **Dewatering**
 - The City is required to ensure any dewatering operation has no impact on the Swan River water quality.
 - If building construction requires excavation for footings, basements etc the City will require a dewatering Plan be prepared by an Environmental Consultant.
 - The Plan will take into account existing water quality, likely affect on water quality by continual pumping, quantity and duration of dewatering, and monitoring regime during dewatering operations.
 - (B) **Crossings**
 - Maximum crossing width allowed is 6 metres at property boundary with 1.85 metre extension each side at kerb line. Crossing to be constructed in concrete and as defined by SP30 and Specification.

(C) **Drainage**

- To promote sustainable development all stormwater to be captured on site and wherever practicable reused for watering and other services.
- The site is within the Mill Point Drainage precinct. Soak wells are not an acceptable method of disposal accept as part of the total storage system. Stormwater from the site is to be discharged to the street system in a controlled manner such that the discharge is limited to the flow that would have occurred from the site as if it was an undeveloped site. The quantity is to be verified by a Hydraulics Engineer but is not expected to exceed 3 litres per second (3 lisecs).
- A Drainage Plan is to be submitted to Engineering Infrastructure for assessment prior to construction.

(D) **Vehicle Access**

- By policy the maximum allowable crossing to a residential complex is 6 metres.
- The driveway levels at the boundary will be set by Engineering Infrastructure at a height at least 150mm above the gutter level of Ferry Street.
- Parking layout satisfies the Guidelines for Off-street parking. Generally bays to be 2500mm by 5500mm with end bays adjacent to walls increased to 2800mm. There are no special requirements needed in the “blind aisles”.

(E) **General**

- All existing levels in Ferry Street to remain unless specifically set by Engineering Infrastructure.

(iii) Environmental Health

(A) **Sanitary conveniences** - All sanitary conveniences must be constructed in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations, 1971*. In particular Regulation 12 - Mechanical Ventilation.

(B) **Mechanical Ventilation**

All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997*.

(C) **Laundries / Kitchens**

Laundries are to:

- Be a room that complies with *Local Law 16 (1) City of South Perth Health Local Laws 2002*.
- Be capable of containing the laundry facilities and all soiled clothing and bedding in accordance with Regulation 10 - Washing Clothes etc Prohibited in Kitchens of the *Health Act (Laundries & Bathrooms) Regulations*.
- Be separated from the kitchen by a wall, and where an opening is provided, the opening shall not extend for more than half the width of the room or not more than 1200 mm wide in accordance with Regulation 6 *Health Act (Laundry & Bathrooms) Regulations*.
- Have a door/s which when closed shall completely fill the opening in accordance with *Local Law 16 (5) City of South Perth Local Laws*.

- (D) **Bin enclosure** - The proposed bin enclosure is to be provided with the following:
- A tap connected to an adequate supply of water;
 - Suitably screened from view from the street by a wall/fence that is smooth and impervious and constructed of approved materials not less than 1.5 m in height;
 - An access way of not less than 1 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
 - Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
 - Easy access to allow for the removal of containers;
 - Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside air;
 - The minimum size of the bin enclosure is to the satisfaction of the City's Manager, Environmental Health & Regulatory Services at a general rate of 1.5 m² per 240 litre bin or 2.5 m² per 1100 litre bin.
- (E) **Carpark Ventilation**
Provisions for sufficient ventilation of the proposed carpark area are to be provided to prevent build-up of emissions from vehicular activity.
- (F) **Noise generally** - All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.
- (G) **Environmental Protection (Noise) Regulations 1997** - Construction work on a premises shall be carried out between 7:00 am and 7:00 pm from Monday to Saturday. No construction work is to be conducted at any other time including Sundays or Public Holiday unless in accordance with Regulation 7, 13 and unless otherwise approved by the City of South Perth Chief Executive Officer and subject to:
- Construction work to be carried out in accordance with AS 2436 – 19981;
 - The equipment used on the premises is the quietest reasonably available;
 - The construction work is carried out in accordance with a noise management plan that:
 - is approved by the City's Chief Executive Officer, and
 - submitted no later than 7 days prior to any construction work;
 - Provide written notification to all premises likely to receive noise emissions that fail to comply with prescribed standards under Regulation 7, at least 24 hours prior to the commencement of any construction; and
 - That the construction work is reasonably necessary at that time.

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed 7 (3 x 3 storey and 4 x 2 storey) Grouped Dwellings. Lots 33, 42 and 43 (No. 60 -62) Canning Highway, cnr Hovia Terrace, Kensington

Location: Lots 33, 42 and 43 (Nos. 60 - 62) Canning Highway cnr Hovia Terrace, Kensington
 Applicant: Overman & Zuideveld Architects
 Lodgement Date: 28 July 2008. Revised plans received on the 23 October 2008 and 10 March 2009
 File Ref: 11.2008.342; CA6/60-62
 Date: 4 April 2009
 Author: Lloyd Anderson, Senior Planning Officer
 Reporting Officer: Rod Bercov, Acting Director, Development Services

Summary

To consider an application for planning approval for 7 (3 x 3 storey and 4 x 2 storey) grouped dwellings. It is recommended the application be approved subject to a number of standard and special conditions.

Background

The development site details are as follows:

Zoning	Lot 33: Highway Commercial Lot 42: Residential Lot 43: Residential (Each lot is also partly reserved under the Metropolitan Region Scheme for the purpose of Primary Regional Roads)
Density coding	R80
Lot area	Lot 33: 809 sq. metres Lot 42: 620 sq. metres Lot 43: 593 sq. metres Total area reserved for road widening: 673 sq. metres Effective Lot Area (excluding road widening area): 1349 sq. metres
Building height limit	10.5 metres
Development potential	7 Grouped Dwellings; or 10 Multiple Dwellings.
Plot ratio	Not applicable to Grouped Dwellings
Setbacks	Canning Highway setback: 25 metres Hovia Terrace setback: Average of 4 metres and minimum 2 metres in accordance with the R-Codes.

This report includes the following attachments:

- **Confidential Attachment 10.3.2(a):** Plans of the proposal
- **Attachment 10.3.2(b):** Applicant's supporting letters dated 23 July 2008 and 10 February 2009.

The location of the development site is shown below:



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

2. Large scale development proposals

- (i) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*

NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination; and

In accordance with Council Delegation DC342, as this application proposes buildings higher than 9.0 metres, it is required to be referred to a Council meeting for determination. The application has been referred to the Design Advisory Consultants on two occasions, their comments have been incorporated into this report.

Comment

(a) Description of the proposal

The subject site currently has one dwelling and one commercial building on three lots. The three lots will need to be amalgamated prior to the issuing of a building licence for the development. The proposal involves construction of seven grouped dwellings as depicted in the submitted plans of **Confidential Attachment 10.3.2(a)**.

The proposed development complies with the maximum number of grouped dwellings that can be approved, based upon the assigned density coding and land area that will remain following the excision of land reserved in the Metropolitan Region Scheme (MRS) for the future widening of Canning Highway.

An existing commercial premise on the street corner (Lot 33), contained within the MRS reservation, is intended to be retained and utilised for commercial purposes. In conjunction with this building, it is intended to develop the portions of Lots 42 and 43 that are subject to the MRS reservation as a car park that would be used in conjunction with the commercial building on Lot 33. The City's legal advisor has confirmed that the City is not the responsible planning authority for the land that is contained within the MRS reservation.

In addition to the amalgamation referred to above, in accordance with Council Policy P374, the applicant is required to lodge a subdivision application to excise the portion of the land that is the subject of the MRS reservation. The recommendation in this report includes a condition to this effect. This will also establish conclusively that the development which is the subject of the Council's determination is classified as purely residential development and not Mixed Development. A MRS development application has been lodged for the "reserved" land, which is being dealt with by the Western Australian Planning Commission.

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

(b) Setbacks

The proposed development front on to Hovia Terrace. Compared with the 2002 R-Codes, the 2008 R-Codes definition of "Primary Street" has provided greater clarity of the intended meaning of this term which is now defined as follows:

"Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling."

In addition to the above definition, Clause 6.6(1) of TPS6, requires the side streets off Canning Highway to be used for vehicular access, rather than the Highway, whenever that option is available. This is also the expectation of the WA Planning Commission and Main Roads WA. The applicant's selection of Hovia Terrace for vehicular access to the dwellings reinforces the classification of that street as the "primary street". This is important in relation to setback requirements.

The following additional information is derived from the applicant's plans of the dwellings on proposed strata lots 1, 3 and 4 which front on to Hovia Terrace. The proposed minimum street setbacks of these dwellings are:

- Strata lot 1 (next to R.O.W.): 5.5 m (ground floor); 6.5 m (upper floor)
- Strata lot 3: 5.0 m (ground floor); 4.0 m (upper floor)
- Strata lot 4 (nearest to Canning Highway): 3.0 m (ground and upper floors);
- Cantilevered balconies project forward of the building lines for the dwellings on strata lots 1 and 3 with the minimum proposed street setbacks for balconies being 1.3 metres.

The dwellings on strata lots 1, 3 and 4 comply with R-Codes "primary street setback" requirements. In accordance with the R60 density code Acceptable Development provisions of the R-Codes, the required average setback is 4.0 metres and the minimum setback is 2.0 metres. In this instance the application complies with these requirements.

Under Clause 7.5 (n) of the City's TPS6 and Clause 3 of Council Policy P370 "General Design Guidelines for Residential Development", the Council could decide to impose more stringent setbacks from Hovia Terrace than prescribed by the R-Codes. The objective of these TPS6 and Policy provisions is to maintain visual harmony with neighbouring existing buildings within the focus area; and to preserve or enhance the desired streetscape character. "Building setbacks" is listed in Policy P370 as one of the elements contributing to design compatibility within the streetscape.

The plans show a minimum of 3.0 metres as a primary street setback which has been supported by City Officers. This is the proposed setback for only one dwelling, being the dwelling nearest to Canning Highway. As identified above, the other dwellings are setback further from Hovia Terrace. The proposed 3.0 metre setback for strata lot 4 is assisted visually by mid-level roofing to break up the building bulk as seen from Hovia Terrace., with the exception of minor balcony projections (minimum setback of 1.5 metres from the street alignment).

Clause 4.3 (1)(c) "Special Application of Residential Design Codes - Variations" of TPS6 states that:

"Council may permit a cantilevered balcony or a balcony supported by columns to extend not more than 2.0 metres forward of the prescribed setback from the street alignment, provided that any such balcony shall be set back not less than 1.5 metres from a street boundary."

The proposed development does not comply with this requirement, due to a 1.3 metre front balcony setback. It is recommended that the following condition form part of the approval:

The balcony and supporting columns of lot 4 shall be setback not less than 1.5 metres from the Hovia Terrace setback in accordance with clause 4.3 of Town Planning Scheme No. 6.

The above condition will ensure that the development complies with the relevant setback requirements and therefore it is recommended that the Council support with the above condition.

In relation to side and rear setbacks the application complies with the Acceptable Development requirements prescribed in the Residential Design Codes.

(c) Boundary wall - south western

The application proposes a boundary walls on the south western boundary of the development site abutting the property at No. 64 Canning Highway. The wall is 8.75 metres in length and 3.4 metres in height. This wall is compliant with Policy P350.2 having regard to the following:

- The boundary wall does not impact the streetscape character of any street or the outlook from an adjoining dwelling or its front garden;
- The boundary wall is not located alongside an outdoor living area of an adjoining property so is considered acceptable in relation to visual bulk; and
- Any overshadowing of the adjoining property will result from the overall height of the building and not specifically from the boundary wall.

It is recommended that the wall be approved having regard to the relevant amenity considerations in Policy P350.2 “Residential Boundary Walls”. The boundary wall is compliant, has been subject to neighbour consultation and no submissions were received relating to the boundary wall.

(d) Open space

The required minimum open space for Strata Lot 7 is 89.55 sq. metres (45 percent of this strata lot area), whereas the proposed open space area for this strata lot is 74.7 sq. metres, (37.5 percent). Therefore, the proposed development does not comply with the open space element of the R-Codes.

The definition of open space in the R-Codes (the relevant section) is as follows:

“Generally that area of a lot which is not occupied by any building and includes:

- *Areas beneath eaves overhangs, verandahs or patios not more than 0.5 m above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50 sq. metres whichever is the lesser;”*

Having regard to this definition, areas of a lot beneath eaves overhangs cannot be included in open space if they are not “open” on two sides. The rationale for this R-Code requirement is that the visual impact of building bulk is acceptable where there is only a roof above the subject portion of the site. The ‘building bulk’ impact is not acceptable where an upper floor of the building is situated over the subject portion of the site. The opening part of the definition of ‘open space’ refers to:

“generally that area of a lot which is not occupied by any building”

The application contends that the area of the site beneath an upper storey component of the building should be classified as open space. However having regard to the R-Codes definition of “open space”, this contention is incorrect.

Against this background, in order to rectify the open space deficiency, the following condition has been included in the recommendation in this report:

“The first floor balcony of strata unit 7 be modified to be open on two sides, screening may extend to a height of 1.65 metres, where visual privacy issues are identified, in order to comply with clause 6.4.1 ‘Open space provisions’ and clause 6.8.1 ‘Visual Privacy’ requirements of the R-Codes”.

If the above condition is placed then the application complies with the Open Space provisions of the R-Codes.

(e) Outdoor living areas

The required minimum outdoor living area for each dwelling, in accordance with the Acceptable Development provisions of the R-Codes must comply with the following:

- 16 sq. metres in area (in accordance with Table 1 for R60 density coding);
- Located behind front setback line (4 metres from Hovia Terrace);
- Minimum length and width dimension of 4 metres; and
- To have at least two-thirds of the required area without permanent roof cover.

However the proposed outdoor living area of:

- Strata lot 1, in the form of the balcony on the first floor is partly located forward of the front setback line and is totally covered; and
- Strata lot 3, in the form of the balcony on the first floor and is totally covered.

Therefore, the proposed development does not comply with the Acceptable Development 'outdoor living area' requirements of the R-Codes to achieve compliance, the following condition is recommended:

“Each Grouped Dwelling shall be provided with a private outdoor living area at least 16 sq. metres in area, behind the front setback line, with a minimum dimension of 4.0 metres and at least two-thirds of the required area without permanent roof cover in accordance with the provisions of Table 1 and clause 6.4.2 (A2) of the Residential Design Codes.”

Subject to design modifications to comply with this condition, the application complies with the outdoor living area requirements of the R-Codes.

(f) Landscaping

In accordance with the requirements of clause 6.4.5 (A5) of the Residential Design Codes, a landscaping plan is required to be submitted for approval by the City. No person is permitted to occupy or use the land or any building the subject of this approval for the approved unless and until:

“the City has approved a landscaping plan; and the landscaping has been completed in accordance with the plan approved by the City.”

A condition to this effect is included in the recommendation of this report. The landscaping plan must be submitted prior to the issuing of a building licence.

(g) Finished ground and floor levels- maximum

To achieve compliance with clause 6.10 “Maximum Ground and Floor Levels” of TPS6, the following conditions of approval are recommended:

- *“Ground levels of the strata lot 1 shall be lowered to a level of 16.4 metres relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots and the provisions of clause 6.10 (1) of Town Planning Scheme No. 6.*
- *Ground levels of the strata lot 3 shall be lowered to a level of 16.4 metres relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots and the provisions of clause 6.10 (1) of Town Planning Scheme No. 6.*
- *Ground levels of the strata lot 4 shall be lowered to a level of 16.4 metres relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots and the provisions of clause 6.10 (1) of Town Planning Scheme No. 6.”*

Subject to compliance with the above conditions the application complies with clause 6.10 “Maximum Ground and Floor Levels” of Town Planning Scheme No. 6.

(h) Car parking

The required number of car bays is 2 per dwelling for Grouped Dwellings. The proposed number of car bays is 14 (2 per dwelling), therefore, the proposed development complies with the car parking element of the R-Codes.

The applicant has provided evidence to support the car parking layout which is explained in **Attachment 10.3.2(b)**. The Manager, Engineering Design has inspected the car parking layout and stated that:

“All parking bays appear to satisfy the requirements for length and width and aisles are of sufficient to facilitate access / egress.”

The City has assessed the application and confirmed that layouts conform to the Australian Standards AS2890.1 and therefore Policy P350.3.

In accordance with the Acceptable Development provisions of the R-Codes, visitors parking bays need to be:

- *“clearly marked as such, located close to and clearly signposted or visible from the point of entry to the development and outside any security barrier; and*
- *providing a barrier-free path of travel for people with disabilities.”*

In this instance, 1 visitor car parking bay is required. The location of the visitor car parking bay does not comply with the Acceptable Development of the R-Codes (2008) as the bay is not located close to the point of entry to the development. However the visitor bay could be considered in accordance with the following Performance Criteria of the R-Codes:

“Car parking facilities designed and located to be convenient, secure, safe in use and consistent with streetscape objectives”

The location complies with the performance criteria for the following reasons:

- the location is convenient for the majority of the lots;
- the visitor bay is secure and safe in use; and
- if the visitor car bay was located closer to the street this would have an adverse impact on the Hovia Terrace streetscape.

However the following condition is recommended:

“The designated visitor parking bay shall be clearly identified on site by means of a sign bearing the words “Visitors’ Parking Only” in accordance with the requirements of clause 6.3 (11) of Town Planning Scheme No. 6.”

Subject to compliance with the above condition, it is considered that the visitor car parking bay should be supported.

(i) Essential Facilities

Each dwelling requires an enclosed, lockable storage area, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with a minimum area of 4.0 sq. metres, in accordance with the requirements of clause 6.10.3 (A3.1) of the Residential Design Codes. The proposed storerooms for strata lots 1, 3 and 4 do not comply. In order to achieve compliance, the following condition is recommended:

'An enclosed, lockable storage area, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with a minimum area of at least 4.0 sq. metres shall be provided for each Grouped Dwelling in accordance with the requirements of clause 6.10.3 (A3.1) of the Residential Design Codes.'

A condition to this effect has been included in the recommendation.

In relation to "Essential Facilities", for multiple dwellings, the Acceptable Development of the R-Codes requires:

"...grouped dwellings provided with an adequate clothes-drying area appurtenant to each dwelling, screened from view from the primary or secondary street."

In addition clause 5 (b) of Council Policy P350.1 'Sustainable Design' requires:

*"...resource efficiency, by minimising energy consumption and optimising the use of natural daylight and cooling breezes, including, but not limited:
(iii) provision of 'open air' clothes drying facilities in order to discourage use of mechanical dryers or the like"*

Therefore the following condition is recommended:

"Each strata lot requires provision of adequate 'open air' clothes drying facilities at ground level screened from view from the primary or secondary street in accordance with clause 5 (b) of Council Policy P350.1, Sustainable Design."

The above condition has been included in the recommendation.

(j) Trees on the development site and street verge

The City Environment Department has stated that the following should form conditions of approval:

"The Applicant is required to pay a sum of \$885.00 for removing and relocating the Jacaranda Tree as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.

Three new verge trees WA Peppermint (Agonis Flexuosa) to be planted after construction.

Existing crossover on Hovia Terrace to be removed and reinstated."

(k) Building height, Visual privacy, Solar access for adjoining sites

The development complies all requirements relating to building height, visual privacy and solar access for adjoining sites.

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

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

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4;*
- (x) *any other planning considerations which the Council considers relevant.*

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

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their November 2008 meeting. The proposal was favourably received by the Consultants. Their comments are summarised below:

- *General design and the proposed pitched roof were seen to be compatible to the existing streetscape character.*
- *For vehicles that have been provided access from the right-of-way (ROW), a 6.0 metre clearance is sufficient between the car parking bay and the edge of the ROW which also complies with the manoeuvring depth required by the City. However, it is the City's officers' view that a 6.0 metre clearance is sufficient if there are no obstructions on either side of the accessway. An additional 0.5 metre clearance will prevent vehicles from hitting against the existing boundary fences of properties on the other side of the ROW.*

In addition the City's DAC further considered the item at their April 2009 meeting. The proposal was again favourably received by the Consultants. Their comments are summarised below:

- *The setbacks of the proposed dwellings from Hovia Terrace and the right-of-way demonstrate compatibility to the setbacks of existing dwellings in close proximity of the development site.*
- *Outdoor spaces for each grouped dwelling, required for the purpose of drying out clothes, should be screened from view from the street in accordance with the R-Codes requirements.*

Design changes in relation to the DAC comments are discussed elsewhere in this report and are generally supported by City officers.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos 18 - 45 Hovia Terrace, 30 - 39 Banksia, 45 - 68 Canning and 32 - 34 Brandon Street were invited to inspect the application and to submit comments during a 21-day period. Neighbour consultation notices were mailed to individual property owners and strata bodies / occupiers. During the advertising period, 5 submissions were received generally in favour of the application, however with minor concerns.

The comment/s of the submitter/s, together with officer responses, are summarised as follows:

Submitter's Comment	Officer Response
Increased traffic and congestion - Increased pedestrian and car access to Hovia Terrace is likely to have an impact on the adjoining streets.	Section (i) of this report provides the required information. The comment is NOTED .
Car parking - Inadequate number of on-site car parking bays for a development of this type. Impact associated with the likely verge parking particularly during construction.	Section (i) of this report provides the required information. The comment is NOTED .
Colours - Colours on the surface of the buildings lack uniformity and are not compatible with the Hovia Terrace Street. The square mustard coloured wall on lot 3 is out of place. On lot 4, the four different colours lack a certain amount of uniformity and are not compatible with Hovia Terrace streetscape or amenity. This will require a more conservative approach in keeping with the local streetscape.	A standard condition to this effect has been included in the recommendations. The comment is NOTED .
Visitor car parking - The visitor parking should be visible from the street. Doubtful that anyone would drive into the complex in the expectation of finding the bay empty. Practice would dictate that they would park on the street.	Section (i) of this report provides the required information. The comment is NOT UPHELD .
Primary Street - The primary street is Hovia Terrace.	Section (b) of this report provides the required information. The comment is UPHELD .
Streetscape - The setback on Hovia Terrace is 6.0 metres and all recent developments have maintained this setback. Hovia Terrace is characterised with weatherboard houses built in the 1920's, generally with quality landscaping.	Section (b) of this report provides the required information. The comment is NOTED .
Setbacks - Setbacks are a major concern and appear to be too close to Hovia Terrace, unlike the current dwellings on this street.	Section (b) of this report provides the required information. The comment is NOTED .
Safety - The proposed setback of lot 4 to Hovia Terrace is unacceptable with steps rising from the footpath this only leaves a platform of 600mm in front of the main door. Any visitor standing on this platform and knocking on the door would be immediately in the face of the person opening the door and be forced to step down the steps. This could potentially create a safety hazard. This platform makes no allowance for an outward opening security door. This may not be a planning issue but more of a building code issue.	Section (g) of this report provides the required information relating to minimising the ground level and revised plans have been received showing the front door opening inwards. The comment is NOTED .
Garages - Lot 1 & 2 lack the required space to manoeuvre.	Section (i) of this report provides the required information. The comment is NOT UPHELD .
Bin Storage - Does not appear to be any bin storage. A view may be expressed that the bins may be stored in the garages. If there are two vehicles in the garage, there is no space for bins.	The Manager, Environmental Health & Regulatory Services has stated that each unit has sufficient area on ground level to accommodate a rubbish/recycling bin then there is no need for the bin enclosure. A common bin enclosure is required for a residential development of generally 10 units or more. The comment is NOT UPHELD .

Submitter's Comment	Officer Response
Landscaping - The artist impressions show considerable landscaping. The landscaping of this development should be of a reasonably high standard and in keeping with the local area. Delineation of the proposed tree plantings and confirmation that this will be implemented to no lesser extent than as shown on the elevations is required.	Section (f) of this report provides the required information. The comment is UPHELD .
Ground Levels along Hovia Terrace - The fill is approximately 1.0 metre above the footpath level around lots 1, 3 & 4. No reason why it is desirable to fill this section. This site is currently elevated from the street and footpath. There is no reason why it is necessary or desirable to fill this section of the site. The nature of the building already makes this an imposing structure without increasing the overall floor level and ultimate height. The additional fill will have an unnecessary adverse impact on the local amenity.	Section (g) of this report provides the required information. Filling between the street alignment and the building will no exceed 0.5 metres. The comment is UPHELD .
Lack of eaves - Eaves would enhance the consistency with the 'predominant' design of the rest of Hovia Terrace.	The DAC have considered the design and found that the development was seen to be compatible with the existing streetscape. The comment is NOT UPHELD .
External Clothes drying - There does not appear to be enough space provided for external clothes drying.	Section (i) of this report provides the required information. The comment is NOTED .
Future Lifts - The applicant should identify the lift shafts for all potential lift shafts which maybe constructed in the future.	The building currently complies with the building height limits prescribed by TPS6, any materially affect to the external appearance of the building requires Planning Approval. The comment is NOT UPHELD .
Proposed use of renovated shop corner of site - Whether any change of use is part of a separate application.	Section (a) of this report provides the required information. The comment is NOTED .
Lot 7 Generally - The unit on this lot appears to be squashed in as an afterthought. The proposal would benefit from either deletion of this unit from the plan altogether or increasing it by an additional storey. If the number of units were reduced, this would provide a more generous footprint for other units.	City Officers consider that the design of this strata lot complies with the relevant requirements of the R-Codes (2008). The comment is NOT UPHELD .
Height - Concerns about the overall height of the development and impact to Hovia Terrace and its amenity.	Section (k) of this report provides the required information. The comment is NOT UPHELD .
General Design -. Window shapes were a concern with previous development proposals and more rectangular window shapes would be more appealing. The main concern is the excessive blank walls with square windows of lot 4 facing Hovia Terrace. There is also concern lot 3 on Hovia Terrace which displays a square feature wall with a square window. The feature wall could be replaced by rectangular windows either vertical or perpendicular, which maybe more appealing to soften and minimise the impact of the walls.	The DAC have considered the design and found that the development was seen to be compatible with the existing streetscape. The comment is NOT UPHELD .

Submitter's Comment	Officer Response
<p>Removal of on street tree - There will be a number of significant trees which will be removed from the property and possibly a Jacaranda from the street verge next the driveway. There is also a large area of mature cacti currently laden with baby plants and beginning to flower. Can the developer contact the Perth Zoo or the relevant Horticultural Association to see whether they wish to propagate them rather than have them needlessly destroyed.</p>	<p>Section (j) of this report provides the required information. The comment is NOTED.</p>

The applicant has responded to the above comments, included in **Attachment 10.3.2(b)**.

(c) **Manager, Engineering Infrastructure**

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

(d) **Environmental Health**

Comments have also been invited from the Building and Environmental Health areas of the City's administration. Environmental Health Services provided comments with respect to sanitary conveniences, mechanical ventilation, laundries / kitchens, a suitable bin enclosure and car parking ventilation. Advice notes concerning these matters are included in the recommendation of this report.

(d) **Building Services**

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

(d) **Parks and Environment**

The Parks and Environment section provided comments with respect to:

- (I) *The Applicant is required to pay a sum of \$885.00 for removing and relocating the Jacaranda Tree as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.*
- (J) *Three new verge trees WA Peppermint (Agonis Flexuosa) to be planted after construction.*
- (K) *Existing crossover on Hovia Terrace to be removed and reinstated*

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 a minor impact on this particular area, to the extent of payment of the required Planning fee by the Applicant.

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

While noting the constraints posed by the development site with respect to the significant slope of ground as well as a not very favourable orientation of the lot it is pleasing to observe that living areas at ground level as well as on first floor have access to winter sun. Hence, the proposed development is seen to achieve an outcome that is based upon sustainable design principles.

<p>OFFICER RECOMMENDATION AND COUNCIL ITEM 10.3.2</p>
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Moved Cr Trent, Sec Cr Gleeson

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 7 Grouped Dwellings on Lots 33, 42 and 43 (Nos. 60 - 62) Canning Highway cnr Hovia Terrace, Kensington, be **approved** subject to:

(a) Standard Conditions / Reasons

<p>615 screening to be provided 616 screening to be permanent 390 crossover standards 393 verge/kerbing works 410 crossover effects infrastructure 352 Car parking allocation to be marked on site as indicated on the approved plans 340 parapet walls- finish of surface 470 retraining walls- if required 376 Clothes dryer to be provided for each dwelling 471 retaining walls- timing 576 Amalgamation of lots</p>	<p>625 sightlines for drivers 455 dividing fence standards 550 plumbing hidden 508 landscaping approved and completed 425 colours & materials- match existing 353 Visitor car parking to be clearly identified. 351 Screen of car parking in front setback area 664 inspection (final) required 509 Landscaping plan required 660 expiration of approval</p>
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<p>Footnote A full list of Standard Conditions is available for inspection at the Council Offices during normal business hours.</p>
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(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The balcony and supporting columns of lot 4 shall be setback not less than 1.5 metres from the Hovia Terrace setback in accordance with clause 4.3 of Town Planning Scheme No. 6.
 - (B) Ground levels of the strata lot 1 shall be lowered to a level of 16.4 metres relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots and the provisions of clause 6.10 (1) of Town Planning Scheme No. 6.
 - (C) Ground levels of the strata lot 3 shall be lowered to a level of 16.4 metres relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots and the provisions of clause 6.10 (1) of Town Planning Scheme No. 6.

- (D) Ground levels of the strata lot 4 shall be lowered to a level of 16.4 metres relative to the datum shown on the approved site plan in order to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots and the provisions of clause 6.10 (1) of Town Planning Scheme No. 6.
- (E) Each strata lot requires provision of adequate 'open air' clothes drying facilities at ground level screened from view from the primary or secondary street in accordance with clause 5 (b) of Council Policy P350.1, Sustainable Design.
- (F) The first floor balcony of strata unit 7 be modified to be open on two sides, screening may extend to a height of 1.65 metres, where visual privacy issues are identified, in order to comply with clause 6.4.1 'Open space provisions' and clause 6.8.1 'Visual Privacy' requirements of the R-Codes".
- (G) Each Grouped Dwelling shall be provided with a private outdoor living area private courtyard at least 16 sq. metres in area, behind the front setback line, with a minimum dimension of 4.0 metres and at least two-thirds of the required area without permanent roof cover in accordance with the provisions of Table 1 and clause 6.4.2 (A2) of the Residential Design Codes.
- (H) An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with a minimum area of at least 4.0 sq. metres shall be provided for each Grouped Dwelling in accordance with the requirements of clause 6.10.3 (A3.1) of the Residential Design Codes.
- (I) The Applicant is required to pay a sum of \$885.00 for removing and relocating the Jacaranda Tree as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.
- (J) Three new verge trees WA Peppermint (*Agonis Flexuosa*) to be planted after construction.
- (K) Existing crossover on Hovia Terrace to be removed and reinstated.

(c) **Standard Advice Notes**

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

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

(d) **Specific Advice Notes**

(i) Engineering Infrastructure

(A) Boundary Level

Unless otherwise determined by Engineering Infrastructure the level of the existing footpath in Canning Highway and Hovia Terrace will be taken as the boundary level. Any design level shown at the boundary that varies from the path level is to be ignored. Without the concurrence of the City no part of the footpath is to be raised or lowered to meet the design needs for internal driveways, automatic closing gates etc.

(B) Stormwater Drainage

Drainage to be in accordance with Policy P415 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M415.

The development falls within the South Perth Drainage Precinct where the following applies:

- Stormwater reuse is encouraged;
- Soak well discharge is an acceptable option; and
- Discharge to the street system is not available.

All stormwater is to be retained on site. If the level of internal paved areas is greater than the footpath then grates will be installed at all entry points. The width of the grates shall be designed to ensure 100% capture of stormwater.

The soak well size and capacity is to be determined by an appropriately qualified / experienced person to cater for a 1 in 10 year storm event. A sufficient number of soak wells is to be installed to cater for the long duration but low intensity event as this is likely to be more demanding than the short duration high intensity event taking into account the likely infiltration rate of water into the subsoil.

(C) Crossing

Two crossings are proposed for the development with additional access off an already constructed ROW. The proposal intends to utilise an existing crossing from Canning Highway to service a multi-bay parking area. Approval to widen or modify this crossing is required from Main Roads Western Australia.

A new crossing is proposed for Hovia Terrace to service an internal "roadway". The crossing is proposed as 5 metres width and will be constructed to comply with the City of South Perth Small Plan SP30. The crossing is to be constructed in concrete. The footpath in Hovia Terrace will be continuous through the crossing and constructed such that the first 1800 mm of the crossing slopes away from the boundary at a grade not less than 2.5%. A construction joint is to be placed at the alignment of the path. (It should be noted a standard concrete path installed by the City is 1500 mm wide and 300 mm from the boundary.)

The level of the crossing is to be 125mm above the gutter level at any point 1500 mm in from the kerb line. Elsewhere the crossing will be level with the verge.

(D) Access from ROW

A mountable kerb or concrete apron will be required to replace the existing kerb where access is required to the garages off the ROW. The mountable kerb (or apron) will be installed to ensure stormwater in the ROW is prevented from entering the adjacent properties. An equivalent area to a corner set back is to be maintained either side of the access to the garage. Within the "corner set back" nothing over 750mm in height is to be placed or planted etc.

(E) Parking Layout

All parking bays appear to satisfy the requirements for length and width and aisles are of sufficient to facilitate access / egress.

(F) General

The available verge width precludes any permission being extended by Building Services to the builder to “deposit or store materials on the verge”. Existing street signage, stormwater facilities and street trees removes any possibility for this to occur. The builder will be required to store all materials, site sheds and portable toilets on site and not on the verge.

No activity is to occur from Canning Highway without the consent of Main Roads. Any building activity from Hovia Terrace will require a Traffic Management Plan to be prepared. The works will include loading and unloading of materials. The Traffic Management Plan will comply with the Main Roads Code of Practice for Works in the Street. Works on the street will be restricted to certain hours of the day. The Traffic Management Plan will set the hours of street work.

During construction the street trees are to be protected from any accidental (or wilful) damage. Materials are not to be placed / leant against the tree even for short periods of time. No wash down water from the concrete transit mixer trucks or the cement mortar mixers is to be spilt or dumped on the verge or allowed to enter the street drainage system.

Landscaping and verge treatments to be as directed by City Environment.

(ii) Environmental Health

(A) Bin Enclosure

The location of the refuse enclosure/area is to be to the satisfaction of Council’s Manager, Environmental Health & Regulatory Services. The refuse receptacle area is to be provided with the following:

- A tap connected to an adequate supply of water;
- Suitably screened from view from the street by a wall/fence that is smooth and impervious and constructed of approved materials not less than 1.5 m in height;
- An access way of not less than 1 metre in width for 240 litre mobile garbage bin or 1.5 metre width for 1100 litre mobile garbage bin, fitted with a self-closing gate;
- Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
- Easy access to allow for the removal of containers;
- Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside air;
- The minimum size of the bin enclosure is to the satisfaction of the City’s Manager, Environmental Health & Regulatory Services at a general rate of 1.5 m² per 240 litre bin or 2.5 m² per 1100 litre bin.

(B) Noise Generally

All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act, 1986 and Environmental Protection (Noise) Regulations 1997.

(C) Mechanical Ventilation

Provide mechanical ventilation in the W.C., en-suite and powder rooms. Such ventilation to be ducted to the outside air and capable of effecting a rate of 10 air changes per hour; the flume should be so designed to act as an efficient natural vent in the event of the mechanical equipment failing

CARRIED (12/0)

Note: Manager Development Services retired from the meeting at 8.14pm

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Black Spot Program 2008/09 - Mary Street / Saunders Street Roundabout

Location: City of South Perth
Applicant: Council
File Ref: RO/402
Date: 2 April 2009
Author: Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Progress on the implementation of a roundabout at the intersection of Mary Street and Saunders Street has been delayed as certain design concerns have not been resolved with a local resident through the standard consultation and communication process. This report addresses those issues and the appeal provisions offered by the Cities Complaints Handling Practice and recommends that following a review of the Department decision the roundabout design as presented proceed as soon as is practicable..

Background

The Mary Street / Saunders Street intersection was identified in the 2008/09 submission as meeting the basic criteria for funding under the State BlackSpot Program. In the previous five years to December 2006, one personal injury crash and four major property only crashes were recorded at the intersection. From the qualifying treatments available, the roundabout was the most likely to result in a reduction in crashes. The Benefit to Cost Ratio of 2.3 for the standard roundabout ensured its inclusion on the program.

The standard roundabout is used extensively throughout the metropolitan area as a means of controlling traffic at intersections and reducing the severity of crashes as well as a secondary benefit of reducing overall vehicle speeds over a section of street. The standard roundabout is endorsed by Main Roads Western Australia (MRWA) the authority having sole responsibility for the installation of regulatory signage and road markings throughout Western Australia.

Comment

Typically a standard roundabout establishes the required deflection through an intersection for various vehicle speeds (the City has adopted 30kph for design purposes) that satisfy "Best Practice" design. The design is intended to accommodate all non articulated vehicles through the intersection without any encumbrance and non articulated vehicles turning right or left turn at the intersection with some difficulty i.e. without due care the rear wheels may track over the outer kerbing of the central island. The outer diameter of the central island is typically in the range 10 metres to 12 metres to satisfy the single unit design vehicle (garbage truck or fire emergency vehicle) turning circle.

Roundabouts with smaller central islands ("mini roundabout") have been installed by other local governments but not under the Black Spot Program or with the concurrence of MRWA who:

- refuse to install signage at any roundabout installation that fails to meet the minimum standards as determined in the AustRoads. Roundabout Guidelines; and
- would never in the capacity as an "expert witness endorse a design that does not comply with Australian Standards. It should be noted that the Courts will always view Australian Standards and Industry Codes of Practice / Guidelines as the minimum in determining the outcome of any action brought against a road authority.

The residents primary concern is the size of the central island and the relative proximity of their property to the outer pavement edge. The deflection for north bound through traffic in Mary Street is straight at the main entrance to the new property. The new residence has been constructed with a standard setback to the Saunders Street frontage with minimal setback to the Mary Street secondary boundary.

Modifications have been made to the standard design to "shift" the outer kerbline of the road pavement as far as is possible from the residents boundary without compromising the design and acceptance by MRWA. The amended design is included as **Attachment 10.4.1**.

It should be noted the resident requesting the design modification was not the owner at the time of the initial consultation and was not made aware by the previous owner (who had received and accepted the proposal) that a roundabout was to be installed at the intersection. The resident only became aware when the department announced its intention to commence the work.

The design as outlined at **Attachment 10.4.1** cannot be adjusted further as it is the minimum that will be accepted by Main Roads (for signing).

The options open to the City are:

- proceed with the design as submitted with / without concurrence (it should be noted the former owner of the property had no issues with the roundabout concept when first presented, and neither did any of the property owners on the other three corners); or
- not proceed with the roundabout, hand back the funding to Main Roads approved for the works to rectify an acknowledged "black spot", and utilise the City funds for another project either elsewhere in Saunders Street or the City generally.

Consultation

Consultation has been undertaken in accordance with Policy P103 Communication and Consultation. Initially considered a Level 2 Consultation (Consult - to obtain community feedback on analysis, alternatives and/or decisions.) the City circulated a design concept of the roundabout to affected property owners at the intersection. Some minor changes were effected based on the generally favourable feedback. The commitment given in the Policy is to "keep (residents) informed, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision".

With the request from the new property owner the level of Consultation has escalated to a Level 3 (Involve - to work directly with the community throughout the process to ensure its issues and concerns are consistently understood and considered).

Policy and Legislative Implications

The City has a Complaints Handling Process that enables owners / residents who feel aggrieved by a decision of the City to seek a review of that decision. The following is the Rationale Clause of Policy P140 Complaints:

The City recognises that complaints provide a valuable source of feedback on the performance of its functions and that this is of value to its customers. This policy outlines the City's commitment to a consistent approach to handling complaints."

The following is an extract from the Management Practice M140;

Division 1 of Part 9 of the Local Government Act deals with objection and appeal rights. Other legislation that the City is responsible for enforcing also contains objection and appeal rights. In many instances the City has a statutory obligation to process complaints and provide members of the public with advice of their objection and appeal rights.

Financial Implications

The Roundabout construction has been included in the Capital Works program. If the project does not proceed the City will be required to return the initial 40% of the Grant. Expenditure on the project has been minimal and the net affect of the proposal to either proceed or not proceed will not impact on the 2007/08 Budget.

Strategic Implications

This report is consistent with Goal 4 Infrastructure of the City's Strategic Plan 2004 - 2008 "*To Sustainably manage, enhance and maintain the City's Infrastructure Assets*"

Sustainability Implications

The Black Spot Program is a Government initiative to reduce the locations of known crashes through the construction of appropriate infrastructure. The Program by eliminating crashes and the trauma often associated with the crash provides for a safer and more sustainable road system.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1
--

That....

- (a) the City proceed with the installation of the roundabout as detailed on Plan Number 3689-DP as amended and outlined in **Attachment 10.4.1**; and
- (b) the affected property owners be advised accordingly.

CARRIED EN BLOC RESOLUTION

10.4.2 Civic Centre Administration Roof Replacement. Review of Tender Submissions
--

Location:	Civic Centre Building, South Perth
Applicant:	Council
File Ref:	Tender 3/2009
Date:	6 April 2009
Author:	Gil Masters, Buildings and Assets Coordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

Tenders have been received for the proposed roof replacement for the Civic Centre Administration building (Tender 3/2009). This report outlines the assessment process followed and recommends that the alternative 1 tender submitted by Fixit Maintenance & Roofing Contractors for the amount of \$181,774 plus GST be accepted.

Background

The Civic Centre Administration building has undergone significant change over the years including both internal and external additions and alterations. The original roof structure has been retained and has formed the basis for all additional works and alterations. Significant infrastructure has been added to the roof, such as air-conditioning and duct work. This has resulted in areas of patching and damage and the roof is now in very poor condition.

Comment

Tenders were called on 14 March 2009 and during the tender period thirteen sets of tender documents were distributed.

The specification for work basically involves re-sheeting the original roof. This would require the removal and replacement of roof infrastructure, a significant logistical task and one that makes what would normally be a straight forward project, quite difficult.

During the mandatory on site meeting to discuss the scope of the project, some of the prospective contractors discussed the opportunity to submit an alternative tender with a revised specification. The alternative scope would involve constructing a new roof over the section of existing roof containing the infrastructure. The reason for this was to eliminate the need to remove and replace infrastructure from the roof during construction. This could be achieved without compromising the roof and would provide the same result for the City.

Tenders closed at 12 noon on Tuesday 31 March 2009 and at the time of opening three compliant tenders were received, each with an alternative tender for the work. A fourth tender was submitted late and was therefore not considered. The prices submitted are listed below:

Tenderer	Tendered Price (ex GST)
Fixit Maintenance & Roofing Contractors	\$180,769
Fixit Maintenance & Roofing Contractors - Alternative 1	\$181,774
cpd Group Pty Ltd	\$392,000
cpd Group Pty Ltd - Alternative 1	\$469,000
Air Roofing Co	\$507,910
Air Roofing Co - Alternative 1	\$470,000

A qualitative evaluation of tenders was then completed based on the following criteria (as listed in the request for tender (RFT)):

Qualitative Criteria	Weighting %
1. Demonstrated ability to complete projects within designated timelines	15%
2. Works record and experience	10%
3. Financial capacity and commitment together with other work commitments	10%
4. Satisfactory resources to complete works	5%
5. Industrial Relations and safety record.	10%
6. Price	50%
Total	100%

The evaluation process has resulted in the following scores:

Fixit Maintenance & Roofing Contractors	Fixit Maintenance & Roofing Contractors - Alternative 1	cpd Group Pty Ltd	cpd Group Pty Ltd - Alternative 1	Air Roofing Co	Air Roofing Co - Alternative 1
8.95	8.97	5.65	5.47	5.14	5.21

Analysis of the tenders against the assessment criteria show that the alternative tender submitted by Fixit Maintenance & Roofing Contractors to be the best priced and best value for the City and is therefore recommended for acceptance by Council. The Tender Assessment Report is provided at **Attachment 10.4.2** and details the process followed.

The reasons why the alternative tender from Fixit Maintenance & Roofing Contractors has been recommended when the compliant tender was similarly priced are as follows:

- Limited disruption to services during construction;
- The advantage for the City to repair and replace roof infrastructure in future years without compromising the integrity of the roof;
- The opportunity for the City to add infrastructure such as photovoltaic cells, to the new uncluttered roof surface in future years.

Consultation

Public tenders were advertised in accordance with the *Local Government Act (1995)*.

Policy and Legislative Implications

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

The value of the tender exceeds the amount which the Chief Executive Officer has been delegated to accept, therefore this matter is referred to Council for its decision.

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

The City has allocated \$200,000 in the 2008/09 Infrastructure Capital Works program for this project.

The tender schedule includes a contingency sum of \$20,000 plus GST, to meet any unforeseen issues during construction.

Strategic Implications

This item is consistent with Goal 4 “Infrastructure” of the City’s Strategic Plan - *To sustainably manage, enhance and maintain the City’s infrastructure assets* and in particular 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.*

Sustainability Implications

The following sustainability considerations were included in the documentation to ensure:

- Thermal Efficiency of the roof and therefore energy savings;
- Roof and Ceiling Insulation achieving energy savings;
- The opportunity in the future to add photovoltaic cells to the roof structure to provide energy saving and putting power back into the grid.

Addressing these areas will have the benefit of reducing the City’s greenhouse gas emissions as well as reducing operating costs of the building.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.2
--

That the alternative tender submitted by Fixit Maintenance & Roofing Contractors for the roof replacement of the Civic Centre Administration building for the lump sum amount of \$181,774 plus GST be accepted.

CARRIED EN BLOC RESOLUTION

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 April 2009
Author/Reporting Officer: Rod Bercov, Acting Director, Development Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of March 2009.

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 March 2009, fifty-two 52 development applications were determined under delegated authority, refer **Attachment 10.5.1**.

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 AND COUNCIL DECISION ITEM 10.5.1
--

That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of March 2009, be received.

CARRIED EN BLOC RESOLUTION

10.5.2 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	6 April 2009
Author:	Kay Russell, Executive Support 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

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

March 2009

Nature of document	Parties	Date Seal Affixed
Surrender of CPV Lease	CoSP (Beth Taylor)	3 March 2009
Surrender of CPV Lease	CoSP (Heather Clark)	16 March 2009
CPV Hostel Residency Agreement	CoSP & Alice Read	16 March 2009
Licence re Bus Shelter	CoSP & Windsor Hotel South Perth P/L	12 March 2009
CPV Hostel Residency Agreement	CoSP & Reginald Fruin	23 March 2009
Deed of Agreement to enter CPV Lease	CoSP & Diane Dalton	27 March 2009
CPV Lease	CoSP & Diane Dalton	27 March 2009

Consultation

Not applicable.

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

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

Sustainability Implications

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2</p>

That the report on the use of the Common Seal for the month of March 2009 be received.

CARRIED EN BLOC RESOLUTION

10.5.3 Local Government Elections - October 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	A/EL/1
Date:	8 April 2009
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Local government elections are due in October 2009 for six elected member positions on the Council - one from each of the six wards. The Western Australian Electoral Commissioner has written to the City agreeing to be responsible for the conduct of the elections with an estimate of the cost of conducting the elections as postal elections. In accordance with the *Local Government Act*, Council needs to formally declare that the Electoral Commissioner be responsible for the conduct of the election and decide that the election be conducted as a postal election.

Background

State Parliament amended the electoral provisions of the *Local Government Act* in 2007 so that elections are to be held on the third Saturday of October in each election year, rather than in May.

The terms of one member from each of the City's six wards will expire in October.

Section 4.20 of the *Local Government Act* (the Act) enables Council to appoint the Electoral Commissioner to conduct the election. The Act requires that this must be done at least 80 days prior to the election date.

Pursuant to section 4.61 of the Act, Council may determine that the election be conducted as a postal election. Section 4.61 requires that this decision must be made after or in conjunction with the decision to appoint the Electoral Commissioner.

The City has received written confirmation from the Electoral Commissioner that he agrees to be responsible for the conduct of the elections, conditional on the proviso that Council also decides to have the election undertaken as a postal election.

The Commissioner has estimated the cost of the election at \$78,000. This estimate is based on the following assumptions:

- 25,700 electors;
- Response rate of approximately 35%;
- 6 vacancies; and
- Count to be conducted at the City's offices.

A copy of the Commissioner's letter is at **Attachment 10.5.3**.

Comment

Part 4 of the *Local Government Act* sets out the requirements for the conduct of local government elections. Section 4.20 of the Act enables Council to appoint the Electoral Commissioner to conduct elections. For the last three ordinary elections and the extraordinary election for Civic Ward in 2006, Council has appointed the Electoral Commissioner to conduct the election.

Under section 4.60 Council may decide to have the election conducted as a postal election. The last three ordinary elections and the 2006 Civic Ward by-election were conducted as postal elections.

It is recommended that Council engage the Electoral Commissioner to conduct the 2009 elections and that they be conducted as postal elections.

Consultation

The WA Electoral Commission has been consulted on the conduct of the 2009 ordinary election.

Policy and Legislative Implications

The conduct of local government elections is regulated under Part 4 of the *Local Government Act*.

Financial Implications

The WAEC's estimated cost for the 2009 ordinary election is \$78,000 inclusive of GST. This estimate does not include non-statutory advertising or one local government staff member to work at the polling place on election day. The City has allocated \$80,000 in its draft Budget.

Strategic Implications

In line with Strategic Plan Goal 5 - Organisational Effectiveness - "*To be a professional, effective and efficient organisation.*"

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.3
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That....

- (a) under section 4.20(4) of the *Local Government Act* Council declares* the Electoral Commissioner to be responsible for the conduct of the October 2009 ordinary elections; and
- (b) under section 4.61(2) of the *Local Government Act* Council decides* to conduct the October 2009 ordinary elections as a postal election.

CARRIED EN BLOC RESOLUTION

And by Required Absolute Majority

10.5.4 October Council Meeting Date

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/105
Date:	6 April 2009
Author	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is for Council to consider moving the October Council meeting date from Tuesday, 27 October 2009 to another date because the date of the Local Government elections has been scheduled for Saturday, 17 October 2009.

Background

At the meeting in November 2008 Council resolved to adopt the Council meeting calendar for the 2009 calendar year. The date set for the October meeting is Tuesday, 27 October 2009 which is the normal day for a Council meeting ie. the fourth Tuesday in the month.

Given that the third Saturday in October, ie 17 October is three days before the scheduled Council Agenda Briefing date (20 October) and nine days before the scheduled Council meeting date (27 October) it is considered appropriate to review the dates on which these meetings are held.

Comment

The Councillor calendar currently shows the last five Ordinary Council Meetings in the 2009 calendar year as follows:

Tuesday 25 August 2009
Tuesday 22 September 2009
Tuesday 27 October 2009
Tuesday 24 November 2009
Tuesday 15 December 2009

As would normally be expected the Council Agenda Briefings are scheduled on the Tuesday prior to these Council meetings. If there is no change to the October meeting date, there will be a total of nine weeks between the September, October and November Council meetings and a total of eight weeks between the October, November and December meetings which is considered normal, satisfactory and consistent practice.

However given that Saturday, 17 October is only three days before the normal October Agenda Briefing date and nine days before the scheduled October Council Meeting date it is considered to be unsatisfactory for the following reasons:

- any new Councillors elected would not receive their agendas for the Council Agenda Briefing on 20 October until elected by announcement of the Returning Officer presumably late in the evening of Saturday, 17 October. On this basis, there would be little opportunity for the newly elected Councillors to become familiar with the October round of Council agenda items;
- there would be no opportunity to conduct in-house training in relation to the “Absolute Essentials” of the Standing Orders, Meeting Procedure and Code of Conduct education and training; and
- Councillors would need to be sworn in at a “swearing-in” ceremony which would normally be scheduled for the Tuesday following election day which is the same day that the October Agenda Briefing is currently scheduled for. ie (20 October).

On this basis, there appears to be four obvious alternatives for Council to consider:

1. Hold no meetings at all in October 2009;
2. Bring forward the October meeting to an earlier date;
3. Put back the October meeting to a later date; or
4. Hold a Special Council meeting to consider items of an urgent nature.

Comments in relation to each of these options are as follows:

1. Hold no Meetings at all in October 2009

From a public accountability and customer service point of view this is the least preferred option as it would mean that reports normally prepared for consideration in October would be deferred until the November meeting. This would effectively mean there will be no Council meeting for a nine week period between Tuesday, 22 September and Tuesday, 24 November.

This is not believed to be acceptable particularly because decisions may not be able to be made in relation to Planning items within the statutory time allowed for Council decision before deemed refusal applies. Other matters may also require a decision during this period of time.

2. Bring Forward the October Meeting to an Earlier Date / Prior to Election

This option would mean that there would be three Council meetings within six weeks ie 25 August, 22 September and 13 October. It would also mean that the Agenda Briefing day would be brought forward to 6 October, which is only two weeks following the September Council meeting.

The practice of bringing forward a Council meeting is currently practised in December because of the Christmas period. By bringing forward the October meeting date by 2 weeks would mean that there would be fewer items on the agenda because the meeting has been brought forward and that it is closer to the September meeting than otherwise would occur.

This is the most preferred option because it enables the current Council to have its last meeting on the Tuesday prior to the elections and therefore enabling the new Council to be sworn in on Tuesday, 20 October allowing a full month for a Councillor induction program to be conducted and becoming familiar with Council practices and processes before the next scheduled Council meeting on Tuesday, 24 November.

3. Put Back the October Meeting to a Later Date

This option would also mean that there would be three Council meetings within seven weeks ie 3 November, 24 November and 15 December.

It is not Council's normal practice to defer a Council meeting and this would be an unusual outcome. If the meeting was put back a week to 3 November, the Agenda Briefing would be required to be held on 27 October and the swearing in ceremony could then be held on Tuesday, 20 October, one week prior to the Agenda Briefing.

It is considered that this option leaves insufficient time to properly conduct any meaningful Councillor induction program with any newly Elected Councillors during the remainder of that week or the following Monday, 26 October. At the very least there would be limited time available for this important activity.

4. Special Council meeting

Similarly, holding a Special Council Meeting to consider otherwise routine matters is not considered appropriate and is undesirable. If this option was preferred, a date would best be selected in advance without knowledge of Agenda Items and may conflict with the new Councillor Training Program.

Summary

Given the implications of the Local Government election date and how it interacts with the City's meeting calendar, it is proposed that the meeting calendar for October 2009 be reviewed to accommodate the new election day. For the reasons outlined above it is suggested that the most appropriate course of action is to bring the Council meeting date forward by two weeks in October so that the current Council can conclude its Council meeting business cycle on Tuesday, 13 October 2009.

It is not proposed to change the meeting times for any of these meetings.

Consultation

Nil but any change will be communicated to the community through articles in the City Update, Media Releases and notices on public notice boards.

Policy and Legislative Implications

The Council is able to set its own meeting dates and times which must be advertised to the community. Any change to the current adopted dates will need to be advertised in accordance with Section 5.25 (1) (g) of the *Local Government Act* (Section 12 of the Local Government (Administration) Regulation).

Financial Implications

Limited to the cost of advertising which is expected to be negligible.

Strategic Implications

In line with Strategic Plan Goal 5: Organisational Effectiveness. *'To be a professional, effective and efficient organisation.'*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.4
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That....

- (a) the October Council meeting date be brought forward from the scheduled date of 27 October 2009 to the new date of Tuesday, 13 October 2009;
- (b) the October Agenda Briefing date be brought forward from 20 October 2009 to the new date of Tuesday, 6 October 2009;
- (c) the Council Swearing-in Ceremony following the 17 October elections be set for Tuesday, 20 October 2009; and
- (d) Public Notice be given of the changes to the Council calendar through articles in the City Update, media release, notices on Public Noticeboards and amending the Council Meeting Schedule on the internet.

CARRIED EN BLOC RESOLUTION

10.5.5 Local Government Sustainable Development Conference-Sydney 12-13 May 2009

Location:	Sydney, NSW
Applicant:	Council
Date:	15 April 2009
File Ref:	HR/ST/3
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Chief Executive Officer

Summary

The purpose of this report is to give consideration to Councillor attendance at the NSW Sustainable Development Conference 2009 to be held in Sydney on 12 and 13 May 2009.

Background

This NSW Sustainable Development Conference will bring together decision-makers from the private and public sections, industry leaders, local government, scientists, conservationists and others to discuss the current and future directions and frameworks for sustainability in NSW and how it will affect the NSW state and local government, business and the community.

The Conference will provide an opportunity to examine progress towards sustainable objectives in a range of key areas such as policy and progress, water, waste and resource recovery, energy efficiency, climate change response and planning and urban design. The Conference will also feature best practice case studies in sustainable development, including supporting workplaces to become more sustainable, addressing challenges of sustainability and provide advice on how state and local government and business can achieve their sustainable development goals in a cost-effective manner.

Comment

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

- Business and Green Priorities
- Embedding Sustainability in Economic Growth
- Sustainability Report Card - How is NSW Shaping Up
- Climate Change Policy
- New Energy Efficiency Targets - What Will They Mean
- Observed and Projected Climate Change in NSW
- Managing Risks of Climate Change
- Environmental/Economic Benefits of Sustainable Energy - Australia in a Global Context
- Incorporating Sustainability into Planning and Development
- Sustainable Transport - Improving Public Transport Infrastructure
- Factoring Sea Level Rise into Planning and Infrastructure Decisions
- Regional Planning Strategies
- Infrastructure Sustainability Rating Scheme
- Biobanking - Overview and Case Studies
- National Water Reform and Sustainability /National Water Initiative
- Turning Grey Water into Blue Gold
- Major Trends in Waste Sector / Developing National Waste Policy
- Establishing a Sustainable AWT Industry in Australia
- How Local Government is Achieving Sustainability/Sustainable City Initiative
- Creating Sustainable Change by Sharing the Load
- Demonstrating a Commitment/Response to the Challenge of Sustainability

Further details of the conference program can be found in **Attachment 10.5.5** and is also accessible on the following website: <http://www.halledit.com.au/nswsdc>

Consultation

The City has adopted a Sustainability Strategy and Management System and it is important that Councillors are kept up to date with the current issues facing Local Government. The Sustainable Development Conference 2009 appears to provide a very good forum for this.

Policy and Legislative Implications

Council Policy P513 requires that:

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

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

Financial Implications

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

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

Strategic Implications

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

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

OFFICER RECOMMENDATION ITEM 10.5.5

That Council considers the attendance of Elected Member(s) at the NSW Sustainable Development Conference 2009 to be held at the Dockside Convention Centre, Sydney on 12 and 13 May 2009 at an estimated cost of \$2,500 per person.

COUNCIL DECISION ITEM 10.5.5

Note: There were no nominations from Elected Members to attend the NSW Sustainable Development Conference 2009.

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - March 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 April 2009
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

The attachments to this financial performance report are part of the suite of reports that were recognised with a Certificate of Merit in the recent Excellence in Local Government Financial Reporting awards.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report 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.

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

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

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management.

Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

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

A monthly Balance Sheet detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting the Balance Sheet on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6)(A) and 10.6.1(6)(B)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 March 2009 is \$33.79M which represents 99% of the \$34.12M year to date budget. Revenue performance is now being impacted by a number of factors related to the global financial situation. Interest revenues are now in line with the (downwards) revised revenue targets. Interim rates growth is significantly reduced (due to downwards adjustments to GRVs after rates were levied) and under performance against planning and building revenue targets is apparent as development activity contracts due to the downturn in the property market. Revenues from vehicle trade-in are lagging budget targets as some scheduled trade-ins have been delayed - but they are now progressing. Parking meter and infringement fees continue to lag budget targets by a significant amount. Recruiting is currently underway to secure staff resources to try to address this adverse trend as soon as possible.

With the financial impact of global financial events now being felt, the validity of the responsible and prudent revenue decisions that were taken during the 2008/2009 budget development process last year is being strongly reinforced. It will be even more important to ensure that long term financial sustainability remains a high priority in the upcoming budget process.

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 March 2009 is \$25.70M which represents 99% of the year to date budget of \$25.92M. Operating Expenditure to date is 4% under budget in the Administration area, 4% over budget in the Infrastructure Services area and 2% under budget for the golf course.

Whilst the overall result presents as being very close to budget, there are some over-budget expenditures that are masked by some quite significant favourable variances in the administration areas that relate to budgeted (but vacant) staff positions. There are also a number of favourable variances relating to asset carrying amounts for motor vehicles not traded as scheduled (for the same reasons as noted in the revenue comments above). Communications activities such as the updates and advertisements in the local newspaper are significantly over budget allocations due to the requirement to produce larger, more frequent publications. The Collier Park Village is incurring increased minor maintenance costs - probably related to the age of units within the complex as well as very generous lease provisions that require the City to pay for maintenance activities that might otherwise be a tenant's responsibility.

Alternative arrangements in relation to waste collection and site fees have resulted in a pleasing favourable variance against budget. Golf Course expenditure is close to budget overall - but has favourable variances in salaries due to vacant staff positions and delays in incurring promotional expenditure offset by unfavourable variances on weed control, machinery use and several minor maintenance activities.

Most other items in the administration areas are close to or slightly under budget expectations to date.

Streetscape maintenance appears well ahead of budget at present, but the program is substantially completed - suggesting that the difference is primarily a timing one. Park maintenance however, is substantially over budget - predominantly at SJMP, Richardson Park and Manning Ward parks. The responsible manager is currently investigating this and implementing immediate remedial measures to address this situation. Recovery of overheads in the Engineering Infrastructure area is behind target and strategies are being put in place to rectify this before year end.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.61% under the budget allocation for the 216.3 FTE positions approved by Council in the budget process - after all agency staff invoices were received at month end. Increased use of external consultants is assisting in covering for current vacancies which exist in areas such as Engineering, Aged Care, Building Services and Information Technology - but costs overall are within the approved budget allocations. 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 \$1.48M at 31 March against a year to date budget of \$1.43M. The favourable variance relates to some Swan River Trust grant funding received which will be brought to account in the Q3 Budget Review - along with the associated increase in capital expenditure on the approved project. Comment on the specific items contributing to the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5).**

Capital Expenditure at 31 March 2009 is \$11.51M which represents 99% of the year to date budget - and some 60% of the full year budget. Approximately 35% of this year to date capital expenditure relates to payment of cash calls on the UGP project with the remainder attributable to infrastructure works. The year to date result suggests that the City's staged capital program approach of creating both a 'Deliverable' capital program and a 'Shadow' capital program is delivering a positive outcome to this stage of the year in that organisational capacity and expectations are now perhaps more appropriately matched. The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Updates on specific elements of the capital expenditure program and comments on the variances disclosed therein are provided bi-monthly from the finalisation of the October management accounts onwards. (next due in the May Council agenda)

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	162,500	134,061	82%	1,551,000
Financial & Information Services	236,500	200,974	85%	486,500
Planning & Community Services	900,000	1,018,844	113%	1,622,344
Infrastructure Services	6,152,925	5,992,509	97%	9,661,464
Golf Course	190,000	120,506	63%	278,800
Underground Power	3,940,000	4,042,982	103%	5,500,000
Total	11,581,925	11,509,876	99%	19,100,108

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information

about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

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 which in turn promotes dynamic and prudent financial management.

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 AND COUNCIL DECISION ITEM 10.6.1
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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 Schedule of Movements between the Adopted and Amended Budget provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received; and
- (d) the Monthly Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2009
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 April 2009
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. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as the funds held in "cash backed" Reserves. Because significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which the delegations are being exercised. Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$32.33M compare favourably to \$31.89M at the equivalent stage of last year. Reserve funds are some \$2.7M higher than at the equivalent stage last year due to higher holdings of cash backed reserves to support refundable monies at the CPV.

Municipal funds are \$2.2M lower due the capital program being much more advanced at this time in the current year - including cash outflows for the UGP project cash calls (\$4.0M). The free cash position is still solid - with collections from rates currently within 0.75% of last year's excellent result. Whilst early collections were very positive with convenient and customer friendly payment methods in place - supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses); timely and effective follow up debt collection actions by the City's Financial Services officers have been instrumental in producing an outstanding result for the City in a challenging economic climate.

These debt collection actions are an extremely important and prudent action given the current global financial situation. As household finances tighten, it is important to ensure that outstanding rates debts are not seen as a deferrable financial obligation - as the City is experiencing a larger monthly 'cash burn' (net cash outflow) at present than what was anticipated for this stage of the year.

Cash inflows from areas other than rates are currently somewhat less than expected - with delays in receiving the proceeds on the sale of land adjacent to the South Perth Hospital, inability to access the Lotterywest grant for the Library & Hall project until construction is underway and borrowings related to the UGP Project not yet completed.

Effectively managing these items is a priority for the City's senior finance staff who are actively involved in addressing these matters to ensure that opportune timing of such key transactions can be responsibly balanced against organisational cash flow needs. For instance, loan borrowing rates are now at 49 year lows (and informed economists are suggesting that there is minimal prospect of further significant short term interest rate cuts). City staff are now progressing the approved and budgeted \$3.0M loan borrowings associated with the UGP project deferred payment option - as the 'crossover' between cash outflows and cash collections has now occurred. It is suggested that deferring these borrowings until now rather than when they first were scheduled to occur has 'saved' the city many thousands of dollars in interest as the borrowings can now be locked in (for the term of the loan) at record low levels.

Projections of 'cash burn' for the remainder of the year support the need to complete the borrowings at this time as well as perusing collection of other debtors and the completion of the sale of land. Senior finance staff continue to dynamically manage organisational cash flow on an ongoing and proactive basis.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year. Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is continually monitored and re-balanced as trends emerge.

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 \$6.68M (compared to \$8.90M at the same time in 2007/2008). **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$31.10M compared to \$30.11M at the same time last year. This is due to the higher holdings of Reserve Funds but significantly lesser holding of Municipal Funds.

The portfolio currently comprises at-call cash and term deposits only. Bank accepted bills are permitted - but are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 83.2% 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 an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational guidelines for investments. All investments currently have a term to maturity of less than 1 year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible 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. Counterparty mix has been further adjusted through a re-balancing of the portfolio during February to reduce exposure to Citibank (Australia) and to place more funds with two larger Australian Banks (NAB and Westpac).

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 \$1.82M - slightly up from \$1.74M at this time last year. This result is attributable to the higher reserve cash holdings and timely, effective treasury management - despite the significant falls in interest rates. Rates are weak and can still be surprisingly volatile even for safe financial instruments such as term deposits. The date on which an investment is placed is a critical determinant of the rate of return as banks manage capital, meet re-financing commitments and speculate on future action of interest rates by the Reserve Bank.

To this stage of the year, interest revenues have remained relatively strong. However, numerous large cuts to official rates over recent months have resulted in a significant downward budget adjustment to Municipal Fund interest revenue - although Reserve Fund interest is still on target (and ahead of the previous year) due to higher cash holdings. In future years, this shortfall against earlier SFP expectations will be much more severe - a potential impact of 3-4 times as much. A big portion of current year funding was placed in longer term high yielding investments before the severe rate cutting began - and this has helped to alleviate the otherwise potentially harsh impact on investment returns.

Investment performance will continue to be monitored in the light of current low interest rates to ensure pro-active identification of any further potential budget closing position impact.

Throughout 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. Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The average rate of return on financial instruments for the year to date has fallen now to 6.26% (compared with 6.52% last month) with the anticipated yield on investments yet to mature falling similarly to 4.24% (compared with 4.69% last month). Investment results to date continue to reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs are now providing a return of only 3.00% (since 3 Feb) - down from 7.00% last July!

(c) **Major Debtor Classifications**

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

(i) Rates

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of March 2009 represent 95.0% of total rates levied compared to 95.7% at the equivalent stage of the previous year. This is still regarded as a very good result to date - considering the current economic climate

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) is again being supported by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) General Debtors

General debtors stand at \$1.90M at month end excluding UGP debtors - which compares to \$2.16M at the same time last year. GST Receivable is \$0.20M higher than at the same time last year - but month end accruals for grant funds relating to events and road works are lower (\$0.40M). Both parking infringements outstanding and rates pension rebate refundable are also significantly lower. The majority of the outstanding amounts are government & semi government grants or rebates - and as such they are collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.76M billed for UGP (allowing for adjustments), some \$4.55M was collected by 31 March with approximately 61.2% of those in the affected area electing to pay in full and a further 37.9% opting to pay by instalments. The remaining 0.9% has yet to make a payment and is the subject of follow up collection actions by the City. As previously noted, a small number of properties have necessarily had the UGP charges adjusted downwards after investigations revealed eligibility for concessions that were not identified by the project team before the initial invoices were raised.

Collections in full are currently better than expected which has had the positive impact of allowing us to defer UGP related borrowings to take advantage of better loan interest rates. On the negative side, significantly less revenue than budgeted is being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments are subject to interest charges which are currently accruing on the outstanding balances (as advised on the initial UGP notice). It is important to appreciate that this is **not** an interest charge on the 'yet to completed UGP service' - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan).

The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Consultation

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

Policy and Legislative Implications

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's 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 AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 31 March 2009 Monthly 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)**

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 April 2009
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 March 2009 and 31 March 2009 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 and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor or Non Creditor payment.

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

Comment

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

The format of this report has been modified from October 2008 forwards to reflect contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance an EFT payment reference of 738.76357 reflects that EFT Batch 738 made on 24/10/2008 included a payment to Creditor number 76357 (ATO).

- **Non Creditor Payments**

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

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

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

Payments made through the Accounts Payable function will no longer be recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

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 AND COUNCIL DECISION ITEM 10.6.3
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That the Listing of Payments for the month of March 2009 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Statutory Financial Statements for Quarter ended 31 March 2009
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 April 2009
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

An Income Statement is provided for the period ended 31 March 2009 with revenues and expenditures disclosed by the local government programs specified in Schedule 1 of the Local Government Financial Management Regulations (1996). Figures are also presented by nature and type classification. Schedules comparing actual performance to budget for the period in relation to Rating and General Purpose Revenue are also provided.

Background

Whilst quarterly financial statements in the AAS27 format are now no longer required by legislation they provide a valuable alternative perspective on the City's financial performance as well as providing the financial information required by both the Australian Bureau of Statistics and Grants Commission to derive industry comparisons on a broadly aggregated basis.

The statutory format Income Statement is accompanied by a Schedule of General Purpose Revenue and supported by a supplementary Schedule of Rating Information for the corresponding period. Comment on the composition of the Statement of Financial Position as at the end of the period is considered to be value-adding report that provides information not readily apparent elsewhere.

Comment

Total Operating Revenue for the period of \$35.28M compares with the year to date budget of \$35.55M. This represents 99% of the year to date budget. Analysing the Operating Revenues by nature and type, the more significant favourable variances are in Fees and Charges and Asset Sale Proceeds areas. Most areas are very slightly under budget - the primary reasons are those that are disclosed in the Significant Variances Schedule attached to Item 10.6.1.

The principal variances disclosed by program are the favourable variances in the Housing program and the Governance program. The favourable variance in the Housing Program is due to the higher turnover of units at Collier Park Village and higher than expected RCS subsidies. Governance revenue is positively impacted by prior year performance bonus on insurance premiums which will be transferred to the Insurance Risk Reserve in the Q3 Budget Review. The Transport program is slightly behind budget due to a timing difference on road grants.

The remainder of programs are close to budget expectations for the year to date when analysed in aggregate. Individually significant variances are separately identified and addressed by either appropriate management action or by the items being included in the Q3 Budget Review.

Operating Expenditure classified according to statutory principles to 31 March 2009 totals \$31.26M and is close to the year to date Budget of \$31.31M. Analysing the Operating Expenditure items by nature and type, Employee Cost are 2% under budget (as expected due to the previously noted vacant positions - but unbudgeted prior year retrospective workers compensation premium adjustments). Materials and Contracts are 1% over budget for the year to date - reflecting increased use of contractors to cover staff shortages. Utilities and

Insurances are around 8% over budget. Interest Expense is well under budget due to deferred borrowings as is Carrying Amount of Assets (non cash expense) due to delayed trade-in of motor vehicles.

Most programs have small variances with the more significant being a favourable one in the Governance programs due to the previously mentioned vacant staff positions and an unfavourable one in the Recreation program mostly due to over budget expenditure on park and streetscapes maintenance - for the reasons noted in attachment 10.6.1(5). Relevant items are being addressed by management action or are included in the Q3 Budget Review.

The Schedule of Rating Information shows that as at 31 March 2009, the City had levied some \$20.62M in residential and commercial rates compared to a budget of \$20.65M. As often occurs in a revaluation year, interim rates movements have been more negative than positive due to appeals against the Valuer General's Office valuations being upheld. This accounts for the unfavourable variance in this area.

Salaries for budgeted and approved positions were around 6.6% below budget expectations to March 2009. There have been a number of vacancies to date in the Building Services, Health, Golf Course, Engineering, Information Technology, Library and Community, Culture and Recreation areas - a number of which have recently been filled but some are still currently being recruited for. Partly offsetting the savings in employee related costs is an increased use of consultants and significant retrospective adjustments to workers compensation insurance premiums.

The Statement of Financial Position provides a comparison of asset and liability categories at 31 March 2009 and at an equivalent time in the 2007/2008 financial year. Current Assets stand at \$35.64M as at 31 March 2009 compared to \$33.60M in March 2008. The major aspects of this change are the higher level of investment funds relating to quarantined cash backed reserves. Cash backed reserves are approx \$2.5M higher than at the equivalent time last year whilst Municipal funds are \$1.0M lower because of higher cash outflows for a more advanced capital program and some major cash inflows being delayed (for reasons discussed at Item 10.6.2). Receivables as at March 2009 are on par with last year. Importantly, these debts are all considered ultimately collectible. Rates collections to date are still good, being just 0.75% below last year's result - a commendable effort given the current economic climate.

Non Current Assets of \$184.87M compare with \$180.84 at March 2008. This increase reflects the higher valuation of infrastructure assets after these classes of asset were re-valued at 30 June 2008. Non current receivables appear somewhat higher than last year - but this is attributable to the non current portion of the UGP debts - which did not exist at this time last year. Non current receivables relating to self supporting loans have reduced relative to last year.

Current Liabilities are disclosed as \$4.12M compared to \$3.24M at 31 March 2008. The principal reason for this is an accrual of a significant creditor amount - that has been challenged and is currently being negotiated with the relevant semi government authority. Employee entitlements accrued and cash backed in accordance with statutory requirements are also \$0.25M higher than at the equivalent time last year.

Non-Current Liabilities stand at \$27.05M at 31 March 2009 compared with \$25.46M last year. This is distorted by a much higher (additional \$2.0M) holding of refundable monies for the leaseholder liability at the Collier Park Complex this year because of the leasing of previously vacated units at the village at higher values.

City borrowings undertaken as part of the overall funding package are \$0.3M lower than at the same time last financial year.

Consultation

As this is a comparative financial information report primarily intended to provide management information to Council in addition to discharging statutory obligations, community consultation is not a relevant consideration in this matter.

Policy and Legislative Implications

Actions to be taken are in accordance with Section 6.4 of the *Local Government Act* and the *Local Government Financial Management Regulations*.

Financial Implications

The attachments to this report compare actual financial activity to the year to date budget for those revenue and expenditure items.

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

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 AND COUNCIL DECISION ITEM 10.6.4

That Council receive the statutory Financial Statements for the period ending 31 March 2009 comprising:

- Income Statement **Attachment 10.6.4(1)(A) and 10.6.4(1)(B)**
- Schedule of General Purpose Funding **Attachment 10.6.4(2)**
- Schedule of Rating Information **Attachment 10.6.4(3)**
- Statement of Financial Position **Attachment 10.6.4(4)(A)**
- Statement of Change in Equity **Attachment 10.6.4(4)(B)**

CARRIED EN BLOC RESOLUTION

10.6.5 Budget Review for the Quarter ended 31 March 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	13 April 2009
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A review the 2008/2009 Adopted Budget for the period to 31 March 2009 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

- those that increase the Budget Closing Position
(new funding opportunities or savings on operational costs)
- those that decrease the Budget Closing Position
(reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

Background

Under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations*, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter.

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review. The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. The City takes this opportunity each quarter.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that simply reflect a timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review **Attachment 10.6.5(1)**

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained. The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 10.6.5(2)**.

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Strategic Financial Plan (SFP), they may be returned to a Reserve for use in a future year. There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation **Attachment 10.6.5(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 8 July 2008.

Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available.

This section also includes amendments to "Non-Cash" items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City's cash resources.

In this Budget Review, Infrastructure Services in conjunction with Financial Services have also conducted an extensive review of the current capital program. This section of the Budget Review recognises the increased scope of some major projects and seeks to accommodate the additional costs in a manner that is neutral to the budget overall. Funding opportunities have been selected from projects in which construction is unlikely to be commenced this year or which (through consultation feedback or changed circumstances) may no longer be required.

Consultation

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

Policy and Legislative Implications

Whilst compliance with statutory requirements necessitates only a half yearly budget review (with the results of that review forwarded to the Department of Local Government) good financial management dictates more frequent and dynamic reviews of budget versus actual financial performance.

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$57,500 to the projected 2008/2009 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

It is essential that this is clearly understood as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The changes recommended in the Q3 Budget Review will result in the (estimated) 2008/2009 Closing Position being adjusted to \$104,500 (up from the revised Closing Position of \$47,000) after allowing for required adjustments to the estimated opening position, accrual movements and reserve transfers.

The impact of the proposed amendments in this Q3 Budget Review report on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2007/2008 year end accounts.

TABLE 1 : (Q3 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	60,000	(45,000)	15,000
Financial and Information Services	82,500	(15,500)	67,000
Planning and Community Services	114,000	(167,500)	(53,500)
Infrastructure Services	781,000	(677,000)	104,000
Opening Position	0	0	0
Accrual Movements & Reserve Transfers	0	(75,000)	(75,000)
Total	1,037,500	(980,000)	57,500

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2008/2009 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	80,000	(55,000)	25,000
Financial and Information Services	596,000	(718,500)	(122,500)
Planning and Community Services	431,000	(499,000)	(68,000)
Infrastructure Services	2,174,167	(2,435,000)	(260,833)
Opening Position	0	(72,353)	(72,353)
Accrual Movements & Reserve Transfers	515,000	(75,000)	440,000
Total change in Adopted Budget	3,796,167	(3,854,853)	(58,686)

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

Sustainability Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.5**

That following the detailed review of financial performance for the period ending 31 March 2009, the budget estimates for Revenue and Expenditure for the 2008/2009 Financial Year, (adopted by Council on 8 July 2008 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the March 2009 Council Agenda:

- Amendments identified from the normal operations in Quarterly Budget Review **Attachment 10.6.5(1);**
- Items funded by transfers to or from Reserves at **Attachment 10.6.5(2);**
- Cost neutral re-allocations of the existing Budget at **Attachment 10.6.5(3); and**

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Cr Wells

Further to my request, at the March Council Meeting, for Leave of Absence for an undetermined period of time, I now apply for Leave of Absence from all Council Meetings for the period 6 April to 1 May 2009 inclusive.

COUNCIL DECISION ITEM 11.1

Moved Cr Hearne Sec Cr Cala

The Cr Wells be granted Leave of Absence from all Council Meetings for the period 6 April to 1 May 2009 inclusive.

CARRIED (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1.1 Parking of Boats on Verges/ Streets.....Cr Hasleby

Summary of Question

What is the Council Policy in relation to the parking of boats on verges and in the street. It seems because there is a shortage of river moorings that this is happening more frequently and sends the wrong message. Do we have a policy/guidelines on this problem?

Summary of Response

A response was provided by the Chief Executive Officer, by Memorandum dated 31 March 2009, a summary of which is as follows:

The City does not have a policy/guideline relating to the parking of boats on verges. The City officers enforce the Parking Local Laws 2003. In relation to boats, they are considered vehicles in accordance with the definition within the Parking Local Law 2003.

The Parking Local Law 2003, in section 10.6 (Parking on verges [nature strip]) states:
“A driver must not park a vehicle on a nature strip without the permission of the owner or occupier of the land that shares a common boundary with the nature strip.”

To this end, I advise that people are permitted to park their vehicles on their verges as long as they do not allow the vehicle to park for a continuous period of more than 24 hours. In this case where the City officers receive a complaint relating to a vehicle parked for a period longer than 24 hours, they can issue an infringement for breaching section 10.3 of the Parking Local Law 2003. Generally, when residents are aware that a complaint has been received about their vehicle or boat parking on a verge then they do remove it to private property or an alternative location. However, if residents choose to continuously move their vehicle so as not to breach the Parking Local Law 2003, the City officers are unable pursue the matter further.

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.2.1 Public Question Time - Questions RecordedCr Ozsdolay
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Summary of Question

I agree with the trialling of written questions being submitted in advance of the Council Meeting, albeit recognising that some people are not happy with this process, however, would like Council to consider that where a ratepayer chooses to ask questions at the Council forum that the questions, at least in summary, appear in the Minutes. I acknowledge that as the Presiding Member, you (Mayor) dealt with Mr Marshall's questions as correspondence, however I ask that this be reconsidered.

Summary of Response

The Mayor responded that he is guided by Standing Orders Local Law Item 6.7 Section 6, which states:

- (6) ***Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.***

The Mayor said that the issue was somewhat of a balancing act in ascertaining which items are strategically important and of interest to the whole City and being open and transparent. The fifty questions Mr Marshall submitted could take up 10 pages of the Minutes - are they of interest to anyone but Mr Marshall.

The Chief Executive Officer thanked Cr Ozsdolay for introducing the question and said he had also discussed similar issues in relation to questions submitted and the procedures to be followed with Cr Hearne and stated that Public Question Time is run in accordance with our Standing Orders Local Law. Under Section 6.7 'Other procedures for question time for the public' sub-clause 2 states: ***A question may be taken on notice by the Council for later response.*** Where a ratepayer has asked a question, and for one reason or another, the Mayor or CEO may state that the 'Question be Taken on Notice' then under these circumstances the questions will appear in the Minutes and in the following month's Agenda the questions and the response provided will appear in the Agenda paper.

Sub-clause 6 states: *Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.* Where written questions are provided and the Presiding Member feels it is inappropriate to answer them, these will be referred to the Administration and therefore the questions would not normally be included in the Minutes or the following month's Agenda paper. If tabled questions are not read out then they cannot appear in the Minutes. To have the questions appear in the Minutes the Council cannot vote to... *received the Minutes as a true record* if Councillors have not heard or seen the questions asked.

COUNCIL DECISION - SUSPEND STANDING ORDERS

Moved Cr Trent, Sec Cr Doherty

That Standing Orders be suspended at 8.26pm to allow Members to discuss Public Question Time procedures.

CARRIED (12/0)

COUNCIL DECISION - RESUME STANDING ORDERS

Moved Cr Trent, Sec Cr Cala

That Standing Orders be Resumed at 8.33pm.

CARRIED (12/0)

OUTCOME OF DISCUSSION ON PUBLIC QUESTION TIME

During discussion on this subject it was suggested that where a ratepayer or resident submits correspondence with questions, which is referred by the Mayor to the Administration for reply, that a summary of the content of the correspondence be read out by the Mayor and recorded in the Minutes. The Mayor as Presiding person agreed to incorporate this suggestion in future Public Question Time procedures in accordance with clause 6.6(1)(a) of the Standing Orders Local Law.

13.2.2 Control of FoxesCr Trent

Summary of Question

Will Council be taking any action to reduce the number of foxes which are becoming a nuisance in the City?

Summary of Response

The Mayor acknowledged there was a problem and stated that tracking/trapping measures were being investigated.

13.2.3 Mayors Activity ReportCr Hearne

Summary of Question

The Mayors Activity Report notes a meeting on 20 March with the Director-General of Local Government re Councillors' legal representation, what was this about?

Summary of Response

The Mayor confirmed that he met with the Director-General of the Department of Local Government, Ricky Burges the CEO of WALGA and ex Councillor Lindsay Jamieson. Discussion was held in relation to legal representation for Councillors and the Department of Local Government has given an undertaking to review this issue, however, no specific timeframe was given.

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

The Mayor closed the meeting at 8.44pm and thanked everyone for their attendance.

DISCLAIMER

The minutes of meetings of the Council of the City of South Perth include a dot point summary of comments made by and attributed to individuals during discussion or debate on some items considered by the Council.

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 26 May 2009

Signed _____
Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

28/04/2009 7:33:51 PM

Item 6.2 Public Question Time - Extension of Time : Motion Passed 8/4

Yes: Cr Bill Gleeson, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden

No: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Colin Cala

Absent: Cr Roy Wells, Casting Vote

28/04/2009 7:38:00 PM

Item 6.2 Motion to Close Public Question Time : Motion Passed 10/2

Yes: Mayor James Best, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

No: Cr Bill Gleeson, Cr David Smith

Absent: Cr Roy Wells, Casting Vote

28/04/2009 7:41:20 PM

Item 7.1.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 7:42:22 PM

Item 7.2.1 - 7.2.4 Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 7:43:25 PM

Item 8.4.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 7:46:27 PM

Item 8.4.2 Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 7:46:47 PM

Item 9 - En Bloc Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 8:01:40 PM

Item 10.2.1 Amendment Motion LOST 2/10

Yes: Cr Kevin Trent, Cr David Smith

No: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

Absent: Cr Roy Wells, Casting Vote

28/04/2009 8:02:46 PM

Item 10.2.1 Motion Passed 10/2

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

No: Cr Kevin Trent, Cr David Smith

Absent: Cr Roy Wells, Casting Vote

28/04/2009 8:10:24 PM

Item 10.3.2 Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 8:15:49 PM

Item 11.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 8:26 PM

Suspend Standing Order - Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote

28/04/2009 8:33:45 PM

Resume Standing Order - Motion Passed 12/0

Yes: Mayor James Best, Cr Bill Gleeson, Cr Ian Hasleby, Cr Brian Hearne, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr David Smith, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Roy Wells, Casting Vote