



**ORDINARY COUNCIL MEETING  
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## **ORDINARY COUNCIL MEETING AGENDA**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

*Chairperson to open the meeting*

**2. DISCLAIMER**

*Chairperson to read the City's Disclaimer*

**3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

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

**3.2 Audio Recording of Council meeting**

**4. ATTENDANCE**

**4.1 Apologies**

**4.2 Approved Leave of Absence**

**5. DECLARATION OF INTEREST**

**6. PUBLIC QUESTION TIME**

**6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Council meeting held 26 May 2009 there were no questions taken on notice. Twelve of the fourteen questions 'tabled' by Mr Geoff Defrenne at the commencement of the May Council Meeting were taken as 'correspondence' by the Mayor and a response was provided by letter to Mr Defrenne dated 9 June.

**6.2 PUBLIC QUESTION TIME : 23.6.2009**

**7. CONFIRMATION OF MINUTES / BRIEFINGS**

**7.1 MINUTES**

**7.1.1 Ordinary Council Meeting Held: 26.5.2009**

**7.1.2 CEO Evaluation Committee Meeting Held: 8.6.2009**

**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 - May Ordinary Council Meeting Held: 19.5.2009**  
Officers of the City presented background information and answered questions on items identified from the May Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**
- 7.2.2 Concept Forum Budget Process Update Meeting Held: 20.5.2009**  
Officers of the City presented an update on the Budget process and responded to questions raised by Members.  
Briefing Notes from the Concept Forum are included as **Attachment 7.2.2.**
- 7.2.3 Concept Forum - Travel to Canberra, Community, Crime & Safety Meeting, Solar Design, Australia Day and Water Strategy - Meeting Held: 2.6.2009**  
Officers of the City presented background information in relation to the topics listed and responded to questions raised by Members.  
Briefing Notes from the Concept Forum are included as **Attachment 7.2.3.**
- 7.2.4 Concept Forum Major Town Planning Development & Sustainable Design in Existing Streetscapes Meeting Held: 3.6.2009**  
Officers presented background information in relation to Proposed Additional Uses (Office/Café) at 123 Melville Parade, Como and responded to questions raised by Members. The Mayor provided notes from the 'Sustainable Design in Existing Streetscapes' seminar.  
Briefing Notes from the Concept Briefing are included as **Attachment 7.2.4.**
- 7.2.5 Concept Forum : Draft Budget Presentation Meeting Held: 9.6.2009**  
Officers of the City presented the *draft* Budget in relation to their areas and responded to questions raised by Members.  
Briefing Notes from the Concept Briefing are included as **Attachment 7.2.5.**

## 8. PRESENTATIONS

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

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

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

**8.4 COUNCIL DELEGATES**

- 8.4.1. Council Delegate: WALGA South East Metropolitan Zone: 27 May 2009**  
A report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 27 May 2009 is at **Attachment 8.4.1.**

The Minutes of the WALGA South East Metropolitan Zone meeting of 27 May 2009 have also been received and are available on the *iCouncil* website.

### RECOMMENDATION

That the Delegate's Reports in relation to the WALGA South East Metropolitan Zone Meeting held 27 May 2009 be received.

**8.4.2. Council Delegate: Two Rivers Catchment Group 15 April 2009**

Cr Ozsdolay attended the Two Rivers Catchment Group Meeting on Wednesday 15 April 2009 at the Town of Victoria Park. The Minutes of the Two Rivers Catchment Group Meeting 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 : 15 April 2009 be received.

**8.4.3. Council Delegate: River Regional Council : 4 June 2009**

A report from Delegates Mayor Best and Cr Trent, summarising their attendance, together with the CEO and Manager Environmental Health and Ranger Services at the Rivers Regional Council Meeting held 4 June 2009 is at **Attachment 8.4.3.**

**Note:** The Minutes of the Rivers Regional Council Ordinary Council Meeting held on 4 June 2009 have also been received and are available on the *iCouncil* website.

**RECOMMENDATION**

That the Delegate's Report in relation to the River Regional Council Meeting held 4 June 2009 be received.

**8.5 CONFERENCE DELEGATES**

Nil

**9. METHOD OF DEALING WITH AGENDA BUSINESS**

**10. R E P O R T S**

**10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

**10.0.1 Planning Policy P355 "Consultation for Planning Proposals": Report on Submissions**

Location:	City of South Perth
Applicant:	Council
File Ref:	A/CM/7
Date:	2 June 2009
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Rod Bercov, Acting Director, Development Services

**Summary**

Following a 35-day consultation period, this report has been prepared in response to submissions received on proposed Planning Policy P355 "Consultation for Planning Proposals". A modified version of the Policy is also presented for Council consideration. The recommendation is that the modified Policy P355 be adopted as a replacement for the currently operative Policy P104.

**Background**

Planning Policy P355 “Consultation for Planning Proposals” will replace the currently operative Planning Policy P104 which was adopted on 26 July 2005 as the City’s first comprehensive neighbour and community consultation Policy relating to ‘Planning’ proposals of all kinds. The draft Policy P355 has been advertised and recommended modifications are now presented for Council consideration and final adoption.

The attached Policy P355 represents the end of a very long and complex review process, the first to have been undertaken since Policy P104 was adopted. This review has been so thorough that the extent of change to the original Policy P104 has led to the creation of a new Policy. With a change from Goal 1 ‘Customer Focus’ to Goal 3 ‘Environmental Management’, and a consequent change of identifying Policy number, the document now presented for final adoption is a new Policy. This was explained more fully in the relevant March 2009 report which also contained:

- detailed descriptions of the numerous differences between the draft Policy P355 and the current Policy P104; and
- detailed descriptions of the numerous factors which were taken into account by officers in the initial preparation of Policy P355, including several Council briefings and concept forums, with early opportunity for Councillor input.

**Attachment 10.3.2** comprises the modified Policy P355 in a form suitable for final adoption.

**Comment**

At the March 2009 meeting, the Council endorsed the draft Policy P355 for the purpose of community consultation. The draft Policy was advertised for 35 days, 14 days longer than the minimum period specified in Policy P104. This resulted in two submissions from members of the community, as well as several improvements suggested by Planning Officers. The recommended modifications are discussed fully in the ‘Consultation’ section of this report.

**Consultation**

Being a ‘Planning Policy’, Policy P355 was advertised pursuant to the provisions of clause 9.6 of Town Planning Scheme No. 6 (TPS6) and Policy P104. Based on these requirements and the March 2009 Council resolution, Policy P355 was advertised in the manner described below:

Minimum required advertising	Advertising undertaken
Newspaper, once a week for two consecutive weeks	<ul style="list-style-type: none"> <li>• Notice was published in the ‘City Update’ column of the Southern Gazette newspaper on 21 and 28 April 2009</li> <li>• Notices and documents were also displayed in the Civic Centre, Libraries, Heritage House and on the City’s web site under ‘Out for Comment’</li> </ul>
Not less than 21 days	35 days, to accommodate Council Members’ expectations expressed in this regard at the March meeting.

The community consultation process resulted in two written submissions from members of the community. The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter's Comment	Officer Response
<p>1. I don't believe the proposed Policy goes far enough in terms of requiring neighbourhood consultation for the building of Single Houses, much the same as the previous Policy P104 in this regard - i.e. there is no neighbourhood consultation for Single Houses except where, in the opinion of the planning officer, certain conditions are met.</p> <p>Clause 1.3.11 in the Consultation Matrix needs to be amended to apply only to a single storey house. I suggest another line be added to the Matrix requiring mandatory neighbourhood consultation for double storey properties. Such properties are more likely to have an impact on neighbours' views and privacy. In regards to the importance of views to residents, this is often the reason why people build double storey residences.</p> <p>My recent experience has been with a double storey residence next to our house. We were given no opportunity to comment during the approval process. This was despite the large impact of this building on both our views and privacy. Under FOI, I viewed the site plans for this property and found that the location of our kitchen windows was omitted from the site plans of the new building that were submitted to the Council. Such an omission can impact a planning officer's decision when assessing the visual impact of a proposed application. If neighbourhood consultation had been undertaken in this case I would have pointed this out to the planning officer.</p> <p>Furthermore, when neighbourhood consultation is undertaken, access to the plans submitted to the Council is free to residents. This is not the case once the plan has been approved. Viewing plans under FOI is expensive to residents. It cost me over \$90 in my case. In summary, it seems to be common sense to make it mandatory that a double storey single residence or higher requires mandatory neighbourhood consultation.</p>	<p><b>(a) Consultation inviting comments</b></p> <p>Clause 1.3.11 relates to a proposed 'Single House' without reference to the number of storeys, provided that it complies with all aspects of the R-Codes, TPS6 and City Policies. In such a case, no consultation is undertaken by the City. However, Part 1.2 of the Matrix contains numerous amenity 'triggers' which would cause consultation to be undertaken. In relation to Single House proposals, the most commonly arising situations where neighbour consultation is required, include:</p> <ul style="list-style-type: none"> <li>• Matters determined at a Council meeting</li> <li>• Boundary walls</li> <li>• Site filling and retaining walls</li> <li>• Setback variations for certain streets listed in TPS6 Table 2 for residential uses</li> <li>• Side or rear setback variations</li> <li>• Overshadowing</li> <li>• Development in Salter Point</li> <li>• Significant views</li> </ul> <p>Residential development is controlled by the R-Codes unless a variation is listed in TPS6. Clause 5.1 of the R-Codes precludes the Council from making policies imposing more stringent requirements than the R-Codes, except in a limited number of circumstances. Visual privacy is an aspect of development where a local planning policy is not permitted.</p> <p>Policy P355 identifies those aspects of development where neighbours may influence the City's decision-making process to a greater or lesser degree. That clause states that neighbours cannot make a significant contribution in the case of proposed development conforming to all normal requirements.</p> <p>It would not be appropriate for the City to invite comments from neighbours on aspects of development that are permitted "as of right" by the R-Codes because the City would not have discretionary power to require modifications to the design. Where a two-storey Single House complies with all aspects of the R-Codes, TPS6 and City Policies, there is no reason to invite comments from neighbours. To do so would be to imply that there is an opportunity to have the plans changed or refused by the City. This would be misleading, raising unrealistic expectations that the neighbours are able to contribute to the outcome.</p> <p><b>(b) Notification for information only</b></p> <p>For the reasons explained above, it would not be appropriate for the City to invite neighbours' comments on two-storey Single House proposals unless variations from the R-Codes are requested. However, it is recognised that the closest neighbours are likely to have more interest in the proposed development and may wish to be informed even where the proposal complies with all normal</p>

	<p>requirements.</p> <p>If, in addition to the 'mandatory' neighbour consultation procedures, the City were to implement additional actions to inform all neighbours for all proposed developments, substantial additional costs would be incurred, particularly in relation to staff resources. This is also likely to lead to delays in processing applications and more appeals to the State Administrative Tribunal.</p> <p>Balancing responsible consideration of the issues referred to above, against community expectations, it is considered that applicants should be strongly encouraged to engage with their neighbours. This action would reinforce comments in the R-Codes which are reproduced in the proposed Policy P355. In this regard, the R-Codes and Policy P355 state that it is courteous and often beneficial for applicants to engage with neighbours well in advance of a formal application, with the object of negotiating mutually acceptable outcomes.</p> <p>To give effect to this initiative, <b>IT IS RECOMMENDED</b> that the City's standard acknowledgement letter to applicants be expanded to encourage them to provide opportunities for neighbours to inspect their plans. This should also be reinforced by way of an "Important Note" on the Notice of Determination of the development application.</p> <p>The comment is <b>UPHELD</b> to the extent described in (b) above.</p>
<p>2. My own experience of the planning process during redevelopment of the block to the rear of our home several years ago was not a positive one. Other residents on my street have anecdotes about loss of amenity after two storey construction adjacent to their older homes.</p> <p>As housing stock renewal continues, I feel the review of the consultation policies is a welcome enhancement of the planning process and I acknowledge the process and work undertaken by Council and the planning staff.</p> <p>Clause 9(b)(ii) of Policy P355 addresses the issues that most align with our difficulties in being made aware of the dwelling design and its effect on our amenity, and being able to articulate our concerns in the late stages of the construction.</p> <p>In situations where R-Code compliance requires no consultation, I would argue that the potential for enduring neighbour disputes is precisely because of lack of consultation in planning situations in which the R-Codes are used to their limits; that is, in ways that achieve the letter of the Code but that adjacent residents dispute as being not in the spirit of the Code.</p> <p>The ability to require consultation at Council discretion where the proposal under consideration may "<i>adversely affect the amenity of an adjoining property</i>" in clause 9(b)(ii) addresses my concerns. I would request Council and the planning team to consider the following options</p>	<p>The R-Codes, TPS6 and Council Policies are designed to facilitate development throughout the City in a way that will protect both neighbours' amenity and also the right of owners to develop their land. Neighbours' amenity is deemed to be satisfactorily protected when full compliance with those documents is achieved. This is a fair, equitable and accountable process which results in consistent decisions.</p> <p>The submitter refers to a difficulty experienced by some people in articulating concerns during the late stages of construction of a development. In fact, community consultation is undertaken prior to a decision on the development application and not during construction.</p> <p>Any land owner expects to be able to design to the limits that the R-Codes permit. In many cases, a land owner's Single House proposal is permissible "as of right", with little or no opportunity for modification by the Council. In such cases, it would be inappropriate for the City to seek comments from neighbours because any objections to a permissible aspect of a proposed development could not be upheld by the Council.</p> <p>Responses to the submitter's suggestions:</p> <p>(a) Any person who is consulted by the City is welcome to make an appointment to discuss the proposal with the processing officer. It is agreed that a person who lacks the knowledge or ability to examine plans and make a written submission within the time available should be</p>



<p>in preparing its internal protocols. They relate to clause 9(b)(ii) and clause 6(g) which states that <i>“Where a person has been invited to comment on a Planning proposal and no submission is received within the nominated time period, the Council will take this to mean that the person has no comment to make”</i>:</p> <p>(a) Will the mechanism ascertain whether a person such as a sole occupant pensioner or any other person has <i>not responded</i> because they lack the knowledge or capacity to undertake a comment in response to Council’s request? This may include the resident’s ability to interpret plans or understand the effect on amenity of the proposed development.</p> <p>(b) Does Council see a need for advice to home owner / occupiers on engagement of an advocate who can assist in understanding the issues and help the owner articulate a response to Council?</p> <p>(c) In an email of support to Mayor James Best for the success of the public forum on powering the City with renewable energy recently, I noted:</p> <p><i>“It was interesting to hear the alternative perspective from the young woman seeking to include slit windows on a new design and the astute observation from another attendee that planning and modifying buildings for energy conservation will see another round of disputes between community members.”</i></p> <p>James explained that a group of Councillors are considering new opportunities for mediation in the disputes. I wholeheartedly endorse the consultation review and any other mediation efforts by Council.</p>	<p>encouraged to speak with an officer. While the City officer cannot assist the person in writing their submission, the officer will impartially explain all aspects of the proposal on which comment is sought, which could affect the amenity of the neighbour. <b>IT IS RECOMMENDED</b> that the City’s standard letter to neighbours be expanded to encourage neighbours to seek advice from a City Planning Officer.</p> <p>(b) Any person who attends the City offices to view plans prior to making a written submission may be accompanied by up to two other people. Such people could be experts in planning or architecture, or family, friends or other neighbours. The City cannot provide independent advocates for neighbours’ assistance. <b>IT IS RECOMMENDED</b> that the City’s standard letter to neighbours be expanded to advise that they may be accompanied by up to two other people.</p> <p>(c) The discussion between the submitter and the Mayor is noted.</p> <p>The comment is <b>UPHELD</b> to the extent described in (a) and (b) above.</p>
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In addition to the submissions from members of the community, City officers have suggested a number of formatting and clarification improvements to Policy P355 to further enhance it as a document which will be in daily use by Planning officers and others. Such changes have not resulted in any significant change to the operative effect of the Policy. The recommended changes are shown in the attached Policy document in red font.

**Policy, Legislative and Administrative Implications**

The statutory process for revising and adopting a Planning Policy has been undertaken in accordance with the process prescribed in clause 9.6 of TPS6. After the Council finally adopts Policy P355, the only remaining part of the statutory process is to publish the fact once in a newspaper circulating in the district. Such Notices are published in the ‘City Update’ column of the *Southern Gazette* newspaper. From that date, the new Policy will become operational and Policy P104 will cease to operate.

**Financial Implications**

This matter has implications to the extent of the cost of advertising the draft Policy P355 for consultation, and to the extent of the cost of wider minimum neighbour consultation required by the Policy after it is implemented.

### **Strategic Implications**

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

This matter also relates to Goal 1 “Customer Focus”, identified within the Council’s Strategic Plan. Goal 1 is expressed in the following terms: *“To be a customer focused organisation that promotes effective communication and encourages community participation.”*

The rigorous review of Policy P104, culminating in the new Policy P355 also relates to Goal 5 “Organisational Effectiveness”, identified within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *“To be a professional, efficient and effective organisation.”*

### **Sustainability Implications**

Policy P355 contributes to the City’s sustainability by promoting effective communication and encouraging community participation to the most effective level in various Planning processes. The currently operative consultation policy, P104, has been well tested since its initial adoption in 2005, and has been extensively reviewed over a period of more than two years. Policy P355 incorporates many forms of improvement to make it a more comprehensive and user-friendly document. The Policy provisions themselves expand the extent of consultation to a considerable degree, ensuring the most appropriate level of consultation is undertaken throughout the community for every kind of Planning proposal.

The document has been made available to Council Members at different times during the review period and to the community for input. This has resulted in very useful and constructive improvement. Policy P355 is now in an appropriate form to be finally adopted by the Council. Policy P355 should be sustainable for several years without the need for further modification.

<b>OFFICER RECOMMENDATION ITEM 10.0.1</b>
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That ...

- (a) Council, under the provisions of clause 9.6 of the City of South Perth Town Planning Scheme No. 6, adopts Planning Policy P355 ‘Consultation for Planning Proposals’, comprising **Attachment 10.0.1**, to supersede the existing Policy P104 ‘Neighbour and Community Consultation in Town Planning Processes’;
- (b) the City’s standard neighbour consultation letters be expanded to:
  - (i) encourage the consulted neighbours to seek advice from a City Planning officer, by appointment, prior to preparing a written submission; and
  - (ii) advise that, when visiting the Civic Centre to speak with a Planning officer, the consulted neighbours may be accompanied by up to two other people of the neighbours’ choice; and
- (c) in cases where neighbours are not consulted under Policy P355:
  - (i) the City’s standard acknowledgement letter to applicants be expanded to encourage them to inform neighbours of the proposed development and to invite the neighbours to inspect the development plans; and
  - (ii) an additional “Important Note” be included on the Notice of Determination of the development application to reinforce the desirability of engaging with the neighbours prior to commencement of construction.

**10.1 GOAL 1 : CUSTOMER FOCUS**  
**Nil**

**10.2 GOAL 2: COMMUNITY ENRICHMENT**

<b>10.2.1 Manning District Centre</b>
---------------------------------------

Location:	City of South Perth
Applicant:	Council
Date:	June 2009
Authors:	Helen Doran-Wu Acting Manager Community Culture and Recreation
Reporting Officer:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to consider the outcomes of consultation undertaken on the Manning District Centre. The aim of the consultation was to develop Concept Plans following a review of Manning Community Facilities and the relocation of the Manning Library. The Manning Community Facility Study with all attachments is available in the Councillors Lounge.

**Background**

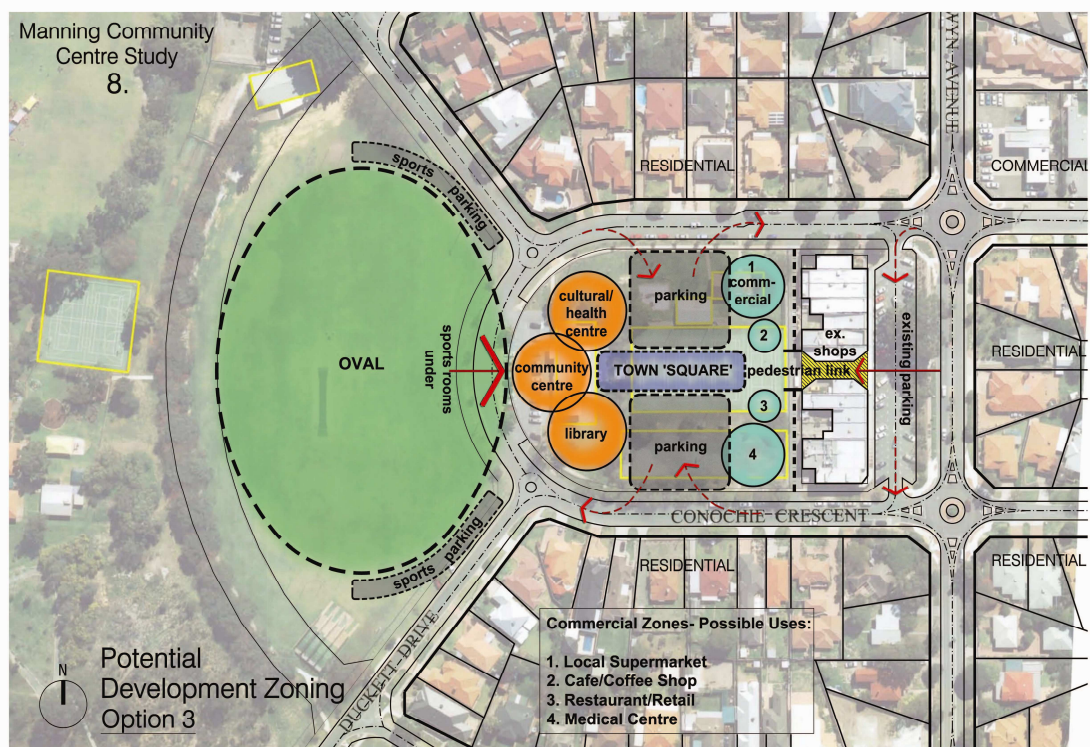
Following the report of 9 February 2008, the City engaged CSD Consulting to conduct a comprehensive community survey with key stakeholders to develop concept plans for the Manning District Centre and investigate the preferred location for Manning Library. It is intended that the proposed facility would incorporate the uses currently in the Manning Hall, James Miller Pavilion, Manning Infant Health Clinic and the Tennis Club Pavilion. A presentation of the progress of the Study was made at a Council Briefing on 7 April 2009. As outlined in the Study the redevelopment of the Manning District Centre is key to sustaining and supporting community and sporting groups while recognising that several of the current facilities are reaching the end of their serviceable life.

**Comment**

Consultation with stakeholders, affected residents and library users occurred from September 2008 to December 2008. A reference group was established with key stakeholders, to help bring the outcomes of the consultation together and discuss the concept plans. The stakeholders included representatives from a range of community groups and State Government Departments, adjacent neighbours and staff. In all, 200 people participated in a comprehensive consultation process.

The final report on the Manning District Centre Community Facility delivered 20 recommendations. These covered the nature and scale of the facility, land use, traffic management, the relocation of the library and ongoing consultation.. Although outside the scope of the project, the report also explored optional concept plans that would enhance the interaction between the Welwyn Street shops and the facility. The relationship is considered to be integral to the overall creation of vibrancy in the area.

Map of existing facilities \_ Diagram 1



Map of Option 3 outlining proposed community and commercial facilities - Diagram 2

*Community Facility Report: Highlights*

Overall, the report found that there is a high level of enthusiasm for a new community facility that integrates community, sporting and commercial activities. Further, there is a desire for a local facility that meets local needs and not the needs of the broader region. It was envisaged that the following groups would be located at the centre:

- Child and Community Health Centre
- Multipurpose Activity ('Hall') Space
- Playgroup room and associated outdoor space
- Early Years/community rooms
- Moorditch Keila Aboriginal Centre
- Manning Rippers Football Club
- Manning Library.

The consultants developed four precinct options:

**Option 1:** Development of a community hub and town square, reconfiguration of the James Miller Oval and closure of the Bradshaw Crescent loop road, but assumes **no** changes to the existing shops. See Section 3.12.1, page 25 of the final report.

**Option 2:** Is a variation of Option 1 but incorporates underground parking. The aim is to minimise the need for ground level parking and create more community space. See Section 3.12.2, page 26 of the final report.

**Option 3:** Is a variation of Option 1 that incorporates a significant reconfiguration of the shops at Welwyn Avenue. The aim is to develop, and link, a community hub and a vibrant commercial precinct. See Section 3.12.3, page 27 of the final report.

**Option 4:** Is a variation of Option 3 that incorporates the complete redevelopment of the shops. See Section 3.12.4, page 28 of the final report.

The preferred scenario, Option 3, incorporates major enhancements to the community facilities and provides for changes to the Welwyn Avenue shops. An advantage of Option 3 is that it also enhances the connection between the shops and the facility. While creating a vibrancy, this option also addresses issues regarding safety, increased local amenity and the access laneway. While the consultation has indicated that support for altering the shops exists further consultation with the Welwyn Avenue shop owners would need to occur to determine the viability of the current proposal. The City would not be responsible for costs associated with changes to the shopping precinct. Option 3 also includes a proposal for residential development to be incorporated into the project. The provision of housing and density will require further discussion and investigation as part of the four level consultation process. Due to the significant advantages of this proposal and indicated support, it is recommended that Council supports Option 3 subject to further investigation.

Currently, the land, the subject of the review and on which existing community facilities are located, is classified as an 'A' Class reserve. The land is vested in the City for the purposes of hall, community health centre and recreation. The Study Report proposes a change to part of the vesting in order to consider the development of a small supporting commercial area (identified as areas 1 - 4 on Diagram 2) and associated car parking, as outlined in Option 3. If Option 3 was to be progressed, the City would have to apply to the Department of Planning and Infrastructure (DPI) for a 'change of vesting' of that part of the reserve currently utilised by the tennis courts to commercial. The proposed change would then align the use of the land with the proposed purpose. However, this process could take up to two years.

To expedite the process of the 'change of vesting' the City should investigate whether or not the proposed changes would be supported by DPI as soon as practical. If the 'change of vesting' is approved, the City would not have to amend the City's Town Planning Scheme No. 6 as the land is already zoned Neighbourhood Centre Commercial. To facilitate the development of Option 3 it is recommended that Council should seek the opinion of the Department of Planning and Infrastructure on the development of a commercial area, and associated parking, on the small section of land indicated on Option 3, p27, of the final report.

In addition, the report has recommended that traffic management needs to be considered in further detail. In particular, it has been suggested that the Bradshaw Crescent 'loop' road that separates the hall from the oval should be closed. The closure was seen to have wide support and requires further investigation. Responses to the consultation indicate that the loop should be closed regardless of the outcomes for the facility. Residents considered that the loop is a major barrier to the school and is a traffic hazard, particularly for children. Other comments suggested that the loop encouraged speeding. It is therefore recommended that the closure of the 'loop' be further investigated as a matter of priority.

The provision of the community facilities can still proceed without the change of vesting referred to as this only relates to the area of land between the Welwyn Avenue shops and the proposed location of the new community facilities. Planning for the new facilities as well as researching issues associated with closing the Bradshaw Crescent loop road should therefore continue.

The consultants' report outlines four levels of consultation required to build on the '*foundation of trust*' that has been developed over the project (See page 47). The levels move from broad general consultation through to meetings with key stakeholders and planning groups.

- Level 1: Key Stakeholders ie City of South Perth, Child and Adolescent and Community Health Division, Moorditch Keila, Welwyn Traders Association, Department of Child Protection, Manning Rippers Footy Club, Manning Toy Library, immediate adjacent residents.
- Level 2: Most affected ie. Library users, adjacent residents, hall users, local retailers, other precinct users. Meeting with the public to be held to look at the overview of the recommendations, potential timeline for development and comment on the report with sensitivity to their needs.
- Level 3: Broader public meeting to outline the recommendation, potential timeline for development, comment on the report.
- Level 4: Develop an ongoing reference group made up of key stakeholders for the life of the project.

Of note, at level one, the consultants will meet directly with key stakeholders as identified above. Level one consultation is designed to give people the opportunity to receive feedback and comment on the report, endorse the broad direction proposed, and to advise on the ongoing collaboration process. Therefore, it is recommended that the four level consultation phase, as outlined in the report, be commenced.

#### *Relocation of the library.*

In general, the relocation of the library was favorably received. Of those surveyed, 79% did not consider that the relocation would cause any significant issues. They considered that the current location was unsuitable as it was on a busy road and is isolated. Further, they felt that co-locating the library with other services, including the shops, offered significant advantages. However, lack of public transport to Bradshaw Crescent was considered to be an issue.

Curtin Primary school and the Collier Park Village residents, however, stated that the current location was preferred. The report recommends that officers should consider how the issues of the relocation will be mitigated and that further consultation with adversely affected library users should occur. Therefore, it is recommended that, at the appropriate time, officers conduct further consultation with key library users.

### **Consultation**

Consultation was comprehensive with 200 people directly involved in answering surveys, phone calls and public meetings. The following stakeholders participated:

- City of South Perth
- Manning Library users
- Department of Child and Adolescent Health
- Department of Child Protection
- Southcare
- Moorditch Keila
- Manning Senior Citizens Club
- Welwyn Ave Traders Association
- South Perth Lions Club
- Manning Rippers Football Club
- Manning Primary School
- Playgroups
- Manning Toy Library
- Selected Additional Regular Manning Hall Users
- Young people
- Nearby residents including those immediately adjacent and within an 800 meter radius.

### **Policy and Legislative Implications**

Planning for the 'change of vesting' of part of the 'A' Class reserve and closure of part of the Bradshaw Crescent loop road to commence.

### **Financial Implications**

The Manning Community Facility report has indicated an overall project cost for Option 3 of \$15.8 million. This is comprised of \$9.8 million on the community facility and new library, \$5.9 million on development of the commercial component and \$140,000 on oval development. The City would not be responsible for the redevelopment costs associated with the commercial component of the project.

If the project is supported, all sources of funding will be investigated including Commonwealth, State and other, alternative, sources. If Option 3 is developed as proposed with a commercial component and if the 'change of vesting' is approved, there may be a potential to source alternative funding from selling or leasing the land. However, this requires further investigation.

As described above, the project consultants will be engaged to facilitate level 1 and 2 consultation. The cost to the City will be \$5 480.

### **Strategic Implications**

Goal 1: Customer Focus, Strategy: 1.7 *Establish consultative community mechanisms in order to involve the community in planning and development of local area precincts.*

Goal 2: Community Enrichment, Strategy: 2.2 *Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations.*

Goal 4: Infrastructure: 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.*

Goal 6: Financial Viability: Strategy: 6.1 *Ensure appropriate sources of funding can be accessed when required to fund identified priorities included in the Strategic Financial Plan and Annual Budget* and Strategy 6.2 *Maximise community benefit and value for money from City expenditures and use of our assets.*

**Sustainability Implications**

The creation of community hub such as the Manning District Centre is consistent with the concept of building strong sustainable communities by strengthening community networks and creating more opportunities to interact.

Opportunities also exist through this initiative to rationalise and modernise facilities incorporating best practice sustainability initiatives.

<b>OFFICER RECOMMENDATION ITEM 10.2.1</b>
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That....

- (a) Option 3, as identified in Report Item 10.2.1 of the June 2009 Council Agenda be supported subject to further investigation;
- (b) the recommendations of the Manning Community Facility Study be accepted;
- (c) Council seek the opinion of the Department of Planning and Infrastructure on the development of a commercial area, and associated car parking, as outlined in Option 3;
- (d) the closure of the Bradshaw Crescent 'loop' road be investigated as a matter of priority;
- (e) the Consultants be engaged to facilitate Levels 1 and 2 of the 4 x level consultation phase on the community facility and such consultation to address both the proposed Community Hub and also the attitude to increasing residential density of the land surrounding the community facility.
- (f) the officers commence further consultation with key library users on the relocation of the library.



**10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT**

**10.3.1 Request for Amendment to TPS6 - Performance-Based Increase in Building Height Limit for Penrhos College (Amendment No. 18).**

Location: Lot 2199 (No. 6) Morrison Street / Thelma Street / Murray Street, Como  
Applicant: The Planning Group (TPG), Town Planning and Urban Design consultants on behalf of Penrhos College  
Lodgement Date: 15 May 2009  
File Ref: LP/209/18  
Date: 2 June 2009  
Author: Gina Fraser, Senior Strategic Planning Officer  
Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

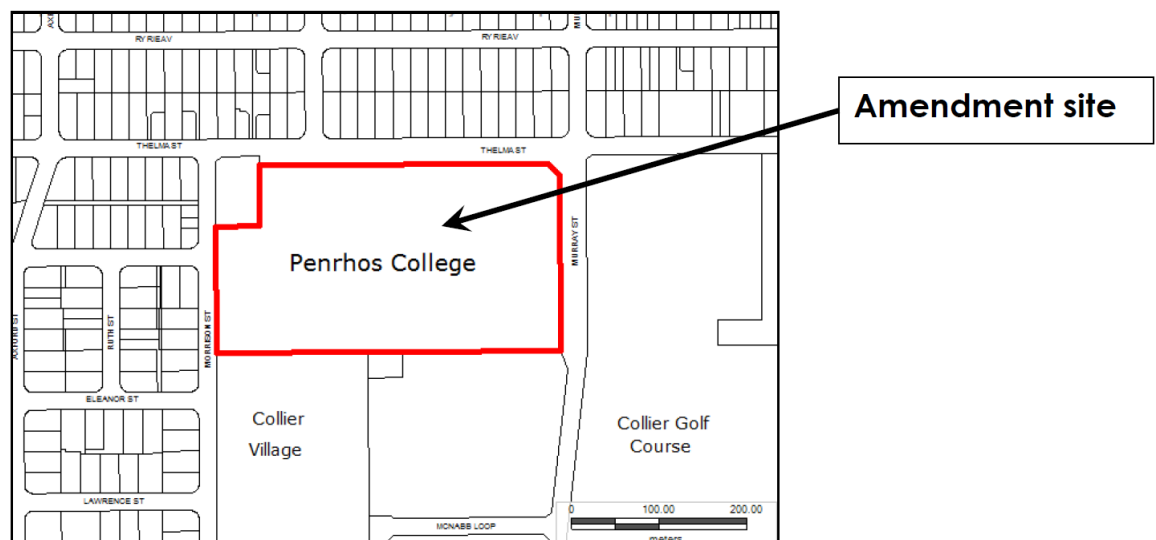
To consider a request for an Amendment to Town Planning Scheme No. 6 (TPS6) to increase the maximum permissible building height to 10.5 metres on the Penrhos College campus, subject to meeting all of the performance criteria being introduced by this Scheme Amendment. The proposed performance criteria are site-specific and have been designed to achieve a desirable sustainable outcome.

It is recommended that the request be supported, and that Amendment No. 18 to TPS6 be initiated.

**Background**

The requested Scheme Amendment is described fully in **Attachment 10.3.1** to this report, being the applicant's Scheme Amendment Request report prepared by consultants TPG Town Planning and Urban Design.

The Amendment site location and details are shown below:



<b>Site name</b>	Penrhos College
<b>TPS6 zoning</b>	Private Institution
<b>Density coding</b>	R30
<b>Lot area</b>	8.1468 hectares
<b>Current building height limit</b>	7.0 metres
<b>Predominant development</b>	Educational Establishment and Student Housing
<b>Maximum permitted plot ratio</b>	0.6.

The statutory Scheme Amendment process requires this request to be referred to a Council meeting for consideration. In addition, after the Scheme Amendment has been finally approved by the Minister, the subsequent development application will be referred to a Council meeting because it falls within the following category described in Council Delegation DC342:

**2. Large scale development proposals**

- (ii) *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.*

**Comment**

**(a) Description of the requested Scheme Amendment**

The Scheme Amendment request is contained in the consultant’s report which comprises **Attachment 10.3.1**.

The Amendment does not propose an ‘outright’ increase to the building height limit for the site. Rather, the existing 7.0 metre Building Height Limit would remain on the Scheme Map and continue to apply to the site. However, in line with the overriding Scheme Objective to encourage ‘performance-based development’, the proposal is to introduce a range of performance criteria which must be met in order for a proposed development to be ‘eligible’ for a building height of more than 7.0 metres to a maximum of 10.5 metres.

TPS6 clause 5.4 ‘Development Requirements for Certain Sites’ already contains site-specific performance-based provisions relating to six non-residential sites. Under this clause, development of the nominated sites must meet the criteria listed for those sites in order to ‘qualify’ for the specified additional development entitlements. This most commonly relates to additional building height, plot ratio or use of the land.

The current request relates only to additional building height. If the requested Scheme Amendment is initiated and ultimately reaches finality, the performance-based approach to increased building height will facilitate the redevelopment and improvement of certain older buildings within the Penrhos College campus in a sensitive way.

In the consultant's Scheme Amendment Request report at **Attachment 10.3.1**, TPG requests that clause 5.4 be modified by adding the following new sub-clause (7):

- “(7) (a) *In this sub-clause, ‘Site G’ means Lot 2199 (No. 6) Morrison Street, Como.*
- (b) *In respect of Site G, the Council may grant planning approval for a building up to 10.5 m in height above natural ground level if it is within the following development parameters:*
- (i) *Buildings greater than 7.0 m high and up to a maximum of 10.5m can be located along the southern boundary adjacent Lot 3296 (R38665) on the basis that the building does not cause any overshadowing of Lot 3296 at noon on 21 June;*
  - (ii) *Buildings fronting Morrison Street and Murray Street greater than 7.0 m high and up to a maximum of 10.5 m can be located where the building is within an angle plane measured from 1,600 mm high at the boundary on the opposite side of the street and through a point at the 7.5 m boundary setback line and 7.0 m high;*
  - (iii) *Buildings fronting Thelma Street located opposite residential dwellings greater than 7.0 m high and up to a maximum 10.5 m can be located where the building is within the angle plane measured from 1,600 mm high at the boundary on the opposite side of the street and through a point at the 7.5 m boundary setback line and 7.0 m high;*
  - (iv) *Buildings are to be of an architectural design quality considered by the Council to be visually exceptional and incorporate environmentally sustainable design features;*
  - (v) *Landscaping provided on Site G will be of a standard considered by Council to be exceptional and will:*
    - *continue to ameliorate the variation in building height between buildings on Site G and those adjoining or opposite the site; and*
    - *enhance the local natural environment.*
  - (vi) *Any trees to be removed from Site G to facilitate new building must be replaced and the species, number and location of replacement trees are to be approved by the Council;*
  - (vii) *Any development which involves the demolition or substantial modification of an existing building shall be accompanied by a heritage assessment statement adequately justifying the proposed demolition or modification and describing the effect of the proposal on the character or appearance of other buildings within Site G; and*
  - (viii) *The facades of any existing building to be demolished or substantially modified in order to achieve a height of 10.5 m shall be photographically recorded at the expense of the owner, such record being provided to the City for its heritage archives prior to any of the proposed works being undertaken.”*

*Refer to Appendix B - Site Plan and Proposed Height Planes (Attachment 10.3.1)*

TPG presents the proposal as being consistent with the objectives of TPS6 and the principles of orderly and proper planning, on the basis that any new building would be designed by experienced architects in a way that would be sympathetic to the character of the existing built form, both within the site and in surrounding areas. The consultant presents a possible draft clause which could be modified to form the draft Scheme Amendment clause.

The request relates only to building height limit. No other Scheme provisions would be affected by the requested Scheme Amendment.

**(b) Assessment of the proposal**

The Penrhos College site is zoned 'Private Institution' with a residential density coding of R30. The density coding only applies to residential development. The site is developed with educational buildings, Student Housing and open spaces. The requested addition to clause 5.4 would have the benefit of ensuring that any future development on the campus which relied on this clause would be sensitive to environmental and amenity considerations.

In assessing the merits of the proposal, City officers are satisfied that the proposal would have minimal impact on the surrounding locality, having regard to the following:

**(i) Encouragement of sustainable design**

The performance criteria have been designed to achieve not only visually attractive design but also design which incorporates sustainability principles. For a major educational establishment, this is an ideal opportunity for such principles to be encouraged. Demonstration of environmentally sustainable design is required by the performance criteria.

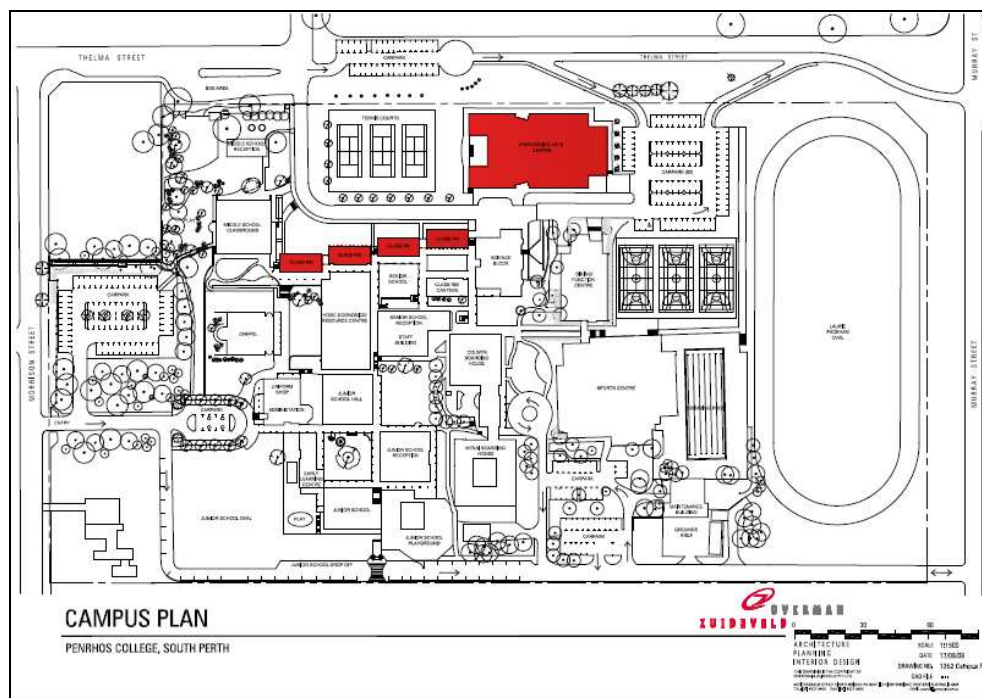
**(ii) Extent of development remains the same**

The proposal would not intensify the use of the site beyond the current entitlement because the zoning, density coding, maximum permitted plot ratio and all other site requirements would remain the same. No development provision, other than building height limit, would be affected. In the case of those buildings designed to a height of more than 7.0 metres to a maximum of 10.5 metres, the design will be required to meet all of the proposed listed performance criteria.

**(iii) Character of the locality remains unaffected**

The community is familiar with the existing development of the subject site, which is zoned 'Private Institution'. The land to the north, east and south-east is currently developed with parks and recreation reserves and institutional buildings. However, land to the south-west, containing the City's residential Collier Village, would need to be more sensitively protected. The proposed performance criteria accommodate this concern. The proposal would therefore not negatively affect surrounding residential character and amenity.

The Penrhos College site is developed predominantly with large, institutional buildings. Several of the existing buildings exceed the current 7.0 metre Building Height Limit for the site. The applicant advises that the performing arts centre, the largest building on the campus, exceeds the height limit by approximately 1.5 metres; and four classroom buildings exceed the height limit by a similar amount. The earliest buildings on the site were approved in the early 1970s, prior to the City's first building height controls being implemented. This anomaly would be rectified by the proposed Scheme Amendment. The following plan shows the location of these buildings within the campus:



**(iv) Protection of local amenity**

The proposal will facilitate renovation and expansion of Penrhos College facilities which the applicant describes as being much needed, while ensuring that surrounding residential amenity is protected. This is achieved by limiting building height by means of a graduated plane on those parts of the campus which directly face low density housing. Specific criteria will protect surrounding residential amenity.

**(v) Protection against overshadowing**

One of the applicant's proposed criteria to be included in clause 5.4(7) would ensure that the neighbouring Collier Village to the south would be protected from any overshadowing at noon on 21 June, when the sun is at its most northern extremity. This requirement is more stringent than would be required by the R-Codes for a new residential development.

**(vi) Replacement of trees**

The Penrhos College site is situated within an area which formerly formed part of the Collier pine plantation. This site, as well as other surrounding sites in the vicinity, still contains several healthy pine tree specimens. These trees are known to provide a popular food source and habitat for the endangered black cockatoos. In recognition of this, the applicants propose that the performance criteria include a requirement that any trees that are to be removed must be replaced with a species which will continue to enhance the natural environment, and be of a kind acceptable to the City.

(c) **Recommended clause 5.4(7)**

The approach of the applicant to achieve a performance-based outcome is generally supported by City officers. The criteria are designed to enable the College to continue to develop in the most appropriate way to provide for the needs of its students, while ensuring that the amenity of surrounding residential areas will be fully protected. The criteria have been developed through discussion with City officers over several months.

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

Having regard to the preceding comments, the proposal is considered to meet the overriding objective of TPS6 in requiring and encouraging performance-based development which retains and enhances valued attributes of the City. In terms of the general objectives listed within clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

- (b) *Introduce performance-based controls supported by planning policies and Precinct Plans;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (k) *Recognise and preserve areas, buildings and sites of heritage value; and*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

**Consultation**

(a) **Design Advisory Consultants**

This Scheme Amendment proposal has not been referred to the City's Design Advisory Consultants for comment. However, any development proposal resulting from the new Scheme provisions will be required to be referred to the DAC.

(b) **Neighbour consultation**

Neighbour Consultation is not required to be undertaken at this preliminary stage of the Scheme Amendment process. However, should the Council resolve to initiate an amendment to TPS6, draft Scheme proposals will be prepared and presented to the Council to endorse for the purpose of community consultation. Consultation would then be undertaken to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes', and the *Town Planning Regulations*. The statutory consultation period is not less than 42 days. Details of the methods of consultation will form part of the Council's resolution when endorsing the draft Amendment document at a future meeting.

**Policy and Legislative Implications**

The Scheme Amendment would have the effect of modifying the City's operative Town Planning Scheme No. 6 in terms of the building height controls applicable to the Penrhos site. Although the Council may initiate a Scheme Amendment at its discretion, once it has been initiated, the final decision will be made by the Minister for Planning.

The current proposal would be progressed as Amendment No. 18 to TPS6, following the statutory Scheme Amendment process set out in the *Town Planning Regulations*. The process is set out below, together with an estimate of the likely time frame for each stage:

Stage of Amendment Process	Estimated Time
Council decision to initiate Amendment No. 18 to TPS6 <i>(Note: This is the stage of the current request)</i>	23 June 2009
Payment of Planning Fee by Penrhos College following Council decision to initiate Amendment No. 18	Unknown
Council adoption of draft Amendment No. 18 Report and Scheme Text for advertising purposes	Unknown, but at the first available Council meeting following City's receipt of Planning Fee and appropriate formal Amendment documents from the applicant
Referral of draft Amendment No. 18 documents to EPA for environmental assessment during a 28 day period, and to WAPC for information	Unknown (28 days)
Public advertising period of not less than 42 days <i>(Note: Policy P104 precludes community consultation processes from being undertaken between mid-December and mid-January)</i>	Unknown - the City normally allows a slightly longer period than the minimum 42 days, to provide for mail deliveries and slightly late submissions
Council consideration of Report on Submissions in relation to Amendment No. 18 proposals	Unknown, but at the first available Council meeting following the conclusion of the statutory advertising period
Referral to the WAPC and Minister for consideration of: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council's recommendation on the proposed Amendment No. 18;</li> <li>• Three signed and sealed copies of Amendment No. 18 documents for final approval</li> </ul>	Unknown, but usually within two weeks of the Council meeting at which submissions were considered
Minister's final determination of Amendment No. 18 to TPS6	Unknown
Publication by the City of Notice of the Minister's approval of Amendment No. 18 in the <i>Government Gazette</i> and a local newspaper; and notification to all submitters	Unknown - following receipt from PlanningWA of the Minister's final approval

The total process usually takes 12 to 18 months from the date on which the Amendment is initiated.

### **Financial Implications**

The issue has some impact on this particular area, to the extent of payment of the required Planning Fee by the applicant. The *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City of South Perth 'Fees and Charges Schedule 2008/2009' provide for a Planning fee to be charged with respect to the preparation and processing of a requested Scheme Amendment. Maximum hourly rates applicable to certain levels of Officer are prescribed in the Regulations and have been adopted into the Council's fee schedule. The Regulations provide for the fee to be paid at the time of lodgement of the rezoning request. The City's practice is to request payment of the fee following the Council's decision to initiate the Amendment process although calculation of the fee commences from the date of lodgement of the Amendment request and may also cover preliminary discussions with the applicant.

In the current case, City officers participated in preliminary discussions with Penrhos College's consultants some months ago, long before it was established that a Scheme amendment request would be lodged. These preliminary investigations have not been included within the fee calculation. However, the fee applicable to Amendment No. 18 is currently being 'logged' and is being calculated from the date of receipt of an initial Scheme Amendment request from TPG dated 4 August 2008. Discussions since that time have resulted in the current Amendment request which is dated 15 May 2009.

The Planning Fee is required to be determined in the first instance based on an estimate of the amount of time likely to be spent on the proposal by relevant officers. The City's 'Fees and Charges Schedule 2008/2009' includes GST as part of the listed officers' hourly rates. In addition to those charges, the *Planning and Development (Local Government Planning Fees) Regulations* provide for the City to charge for recovery of advertising and other incidental costs incurred by the City in the investigation or processing of the proposal.

The Regulations stipulate that "*any moneys paid in advance by an applicant to a local government for estimated costs or expenses ... that are not incurred by the local government are to be refunded to the applicant on the completion of the service.*" However, should the estimated fee paid by the applicant prove to be less than the actual cost incurred by the City, it is the practice of this Council not to charge the applicant any additional fee.

The City's 'Fees and Charges Schedule 2008/2009' does not include all of the fees permitted to be charged by the Regulations. However, the Council will shortly be considering an expanded range of fees covering other elements of the City's expenses in relation to Scheme Amendments, including legal fees, direct costs for advertising, overheads and so on. If such additional fees are adopted as part of the Council's 2009/2010 Fees and Charges Schedule, those new fees will apply to any expenses incurred after the date of adoption of the new schedule of fees.



Having regard to the above, it is recommended that an estimated total Planning Fee of \$10,000 be imposed for Amendment No. 18, payable immediately following Council's resolution to initiate Amendment No. 18 as requested.

**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 applicant's site-specific performance-based approach to the requested Scheme Amendment meets the criteria of sustainable design. The proposed performance criteria ensure that any development which results from the Amendment will be sensitive to the community, the site and the environment. City officers have further refined the consultants' originally suggested performance criteria to ensure that any proposed development will achieve an outcome that demonstrates adherence to the sustainable design principles.

**Conclusion**

Having regard to the discussion contained in this report, City officers are satisfied that the requested Amendment concept should be endorsed and the Amendment No. 18 process initiated. The Scheme Amendment process is designed by statute to be open and accountable, and inclusive of community input. The first stage is to initiate the process. Next, the Council will be presented with a formal Amendment No. 18 report and the statutory text of the Amendment. When this has been endorsed and duly advertised for community comment, the Amendment proposals will be reconsidered by the Council in the context of any submissions received. A further decision will then be made regarding the Council's recommendation to the Western Australian Planning Commission and the Minister for Planning. The Council's recommendation would be either to proceed with the Amendment, modify it, or not proceed with it. The final decision will be made by the Minister.

**OFFICER RECOMMENDATION ITEM 10.3.1**

That .....

- (a) Council in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by adding a new sub-clause (7) to clause 5.4 with the following effect:
- “(7) (a) *In this sub-clause, ‘Site G’ means Lot 2199 (No. 6) Morrison Street, Como.*
- (b) *In respect of Site G, the Council may grant planning approval for a building greater than 7.0 metres in height to a maximum of 10.5 metres in height, if it is satisfied that:*
- (i) *any such building will not cause any overshadowing of Lot 3296 at noon on 21 June;*
- (ii) *the height of any such building fronting Morrison Street or Thelma Street shall be contained beneath an angle plane extending from a height of 1,600 millimetres measured at the street boundary of any residential property directly opposite Site G to a height of 7.0 metres measured 7.5 metres inside the street boundary of Site G;*
- (iii) *any such building is of an architectural design quality considered by the Council to be visually exceptional and incorporates environmentally sustainable design features;*
- (iv) *landscaping to be provided on the site will be of a standard considered by the Council to be outstanding and to contribute positively to -*
- (A) *the visual quality of all streetscapes of which the site forms a part;*
- (B) *the balance between the variation in building heights between buildings on Site G, and between buildings on Site G and those on neighbouring sites; and*
- (C) *the local natural environment;*
- (v) *any trees to be removed from Site G are replaced, and the species, number and location of replacement trees are to be approved by the Council;*
- (vi) *any such development which involves the demolition or substantial modification of an existing building shall be accompanied by a heritage assessment statement adequately justifying the proposed demolition or modification and describing the effect of the proposal on the character or appearance of other buildings within Site G; and*
- (vii) *the façades of any existing building to be demolished or substantially modified in order to achieve a height of 10.5 metres, shall be photographically recorded at the expense of the owner, such record being provided to the City for its heritage archives prior to any of the proposed works being undertaken.”; and*
- (b) as the Council has resolved to initiate the Scheme Amendment No. 18 as requested, the applicants be requested to submit:
- (i) payment of the estimated Planning Fee of \$10,000 including GST; and
- (ii) a draft Amendment Report containing the draft text of Amendment No. 18 to the City of South Perth Town Planning Scheme No. 6, for consideration by the Council when in suitable form.

**10.3.2 Application for Planning Approval for Proposed Additional Uses - Office & Cafe / Restaurant Lot 51 (No. 123) Melville Parade, Como.**

Location: Lot 51 (No. 123) Melville Parade, Como  
 Applicant: Andrew Dart  
 Lodgement Date: 09 April 2009  
 File Ref: 11.2009.130 ME3/123  
 Date: 7 June 2009  
 Author: Matt Stuart, Senior Statutory Planning Officer  
 Reporting Officer: Rod Bercov, Acting Director, Development Services

**Summary**

To consider an application for planning approval for additional land uses of Office and Cafe / Restaurant with modified street parking on Lot 51 (No. 123) Melville Parade, Como. The proposal conflict with clause 6.3 “Car Parking” of the City’s Town Planning Scheme No. 6, which requires:

1. *Subject to sub-clause (4), in the case of Uses listed in Table 6, car parking bays shall be provided to the respective numbers prescribed in that table.*

It is recommended that the proposal be refused.

**Background**

The development site details are as follows:

<b>Zoning</b>	Neighbourhood Centre Commercial
<b>Density coding</b>	R60
<b>Lot area</b>	1,340 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	A variety of non-residential uses and/or 8 Multiple Dwellings
<b>Plot ratio limit</b>	0.75 for non-residential, 0.7 for residential

This report includes the following attachments:

- **Confidential Attachment 10.3.2(a)** Plans of the proposal
- **Attachment 10.3.2(b)** Site photographs
- **Attachment 10.3.2(c)** Applicant’s supporting letters



**Comment**

**(a) Description of the Surrounding Locality**

The subject site is located adjacent to an office development to the south, adjacent to a Single House on land coded R80 to the east, Parks and Recreation local reserve on the opposite side of Eric Street to the north, and the Kwinana Freeway reserve opposite Melville Parade to the west, as seen in site photographs in **Attachment 10.3.2(b)**.

**(b) Existing Development on the Subject Site**

The existing development on the subject site currently features a 'Showroom' land use (known as FurnitureMart) within a two-storey building, and a 'Single House' land use in a single-storey dwelling, as depicted in the site photographs in **Attachment 10.3.2(b)**.

**(c) Description of the Proposal**

In respect of the two-storey non-residential building, the proposal involves:

- The retention of the 'Showroom' land use on part of the ground floor;
- An additional land use and construction of a kiosk (technically a 'Cafe/Restaurant' land use as defined by the Scheme) on part of the ground floor; and
- A change of land use to 'Office' for the entire upper floor.

For the single-storey residential building the proposal involves:

- A change of land use to 'Office' for the entire building.

The existing and proposed development is depicted in the submitted plans of **Attachment 10.3.2(b)**.

The car parking components of the proposed development do not satisfy clause 6.3 "Car Parking" of the City's Town Planning Scheme No. 6 which states:

- (1) Subject to sub-clause (4), in the case of Uses listed in Table 6, car parking bays shall be provided to the respective numbers prescribed in that table.

In relation to the car parking deficiency, Clause 7.8 of TPS6 provides discretionary power for the Council to grant approval for variations if Council is satisfied that there will be no adverse amenity impact on the locality. In this instance, City Officers consider that this discretionary power should not be exercised.

The Applicant's supporting letter, **Attachment 10.3.2(c)**, describes the proposal in more detail.

The proposal complies with *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2009* (the R-Codes) and relevant Council Policies with the exception of the non-complying issues, discussed below.

**(d) Car Parking**

The required number of car bays is 44 (see table below), whereas the proposed number of car bays is 26 (59 percent), comprising of 13 bays on site and 13 additional bays in the street reserve. These 13 additional car parking bays in the road reserve involve the removal of 8 existing parallel car parking bays and creation of 21 angular and right angle parking bays. Therefore the proposed development does not comply with the Table 6 “Car and Bicycle Parking” of the Scheme, due to a shortfall of 18 bays, or a 31-bay shortfall based on the on-site bays without taking account of the proposed additional bays in the street reserve.

<b>Industry - Service, Office, Shop</b>			
<b>Land Use</b>	<b>GLA (sq.m)</b>	<b>Rate</b>	<b>Required</b>
Showroom	previously approved	0.050	4.00
Office - Ground floor	119.90		6.00
Office - Upper floor	417.50		20.88
			<b>30.9</b>

<b>Other Land Uses</b>			
<b>Land Use</b>	<b>Dining Floor Area</b>	<b>Rate</b>	<b>Required</b>
Café/Restaurant	62.85 sq.m	0.200	12.57
			<b>12.6</b>
<b>Total</b>			<b>44</b>

In assessing the shortfall of car parking bays, there are two considerations:

- Cash-in-lieu of bays (“deficit bays”); and/or
- Discretion to permit variations from the required number of bays.

*(i) Cash-in-Lieu of Car Parking Bays*

The proposed development includes modifications to the street verge, street alignment, car parking bays within the street reserve and street trees. The design of the bays and trees has been favourably received by the City’s Engineering Infrastructure and Parks and Environment departments (see ‘Consultation’ section below).

Clause 6.3(5)(b) of TPS6 contains the provisions relating to cash payment in lieu of car bays:

*‘..... where the required minimum number of car parking bays ..... is not provided on the development site, the Council may accept a cash payment in lieu of the provision of some or all of those bays, subject to the following requirements:*

*(i) The Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, with the intention of implementing such proposals within five years from the date of granting planning approval. Such proposals may include one or more conditions. This proposal includes the following:*

*(A) the provision of additional public parking bays in the vicinity of the development site; .....*

Subject to a payment for the construction of the bays, the City intends to construct the said bays. However the amount of money paid under the “cash-in-lieu” provision of TPS6 is calculated on the value of land on the development site that would otherwise be used for parking bays, as well as the City’s construction cost for bays on City land. Therefore the amount payable for the parking shortfall would be significantly higher than the construction cost of additional parking bays in the street reserve. Under these circumstances, Clause 6.3(5)(b) cannot be invoked.

(ii) *Discretion to Permit Variations*

Notwithstanding the required number of car parking bays, the Council may approval a variation from the requirement as clause 7.8(1) of TPS6 enables the Council to grant approval to a proposal which does not comply with the Scheme with respect to a number of site requirements, including car parking. The relevant provisions of clause 7.8(1)(a) read as follows (emphasis added):

*“... if a development ... does not comply with site requirements prescribed by the Scheme with respect to ... (v) car parking; ... and (vii) related matters ... the Council may, notwithstanding that non-compliance, approve the application unconditionally or **subject to such conditions as the Council thinks fit**”.*

This situation is safeguarded by paragraph (b) of clause 7.8(1), which reads (emphasis added):

*“The power conferred by this sub-clause may **only be exercised if the Council is satisfied that:***

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

(iii) *Evaluation of parking options:*

As an alternative to invoking Clause 6.3(5) of TPS6 (“cash-in-lieu” provisions), with a view to supporting a car parking concession (of some magnitude) subject to appropriate conditions, consideration has now been given to invoking the more general discretionary clause of TPS6, being Clause 7.8. Consideration has been given to the extent to which the Applicant might reasonably be required to make a cash payment in order to contribute to improved parking facilities in the general vicinity, in return for the granting of a car parking concession on the development site. In this regard, the following comments are provided:

Council has previously required ‘cash-in-lieu’ payments in relation to a parking deficit on three other development sites in the near vicinity of the site currently under consideration. The other sites are those occupied by the Broadwater Pagoda at 112 Melville Parade (Parade (parking deficit of 11 bays), and an office building - Troika House at 129 Melville Parade (parking deficit of 10 bays). In a location more distant from the subject development site, a cash-in-lieu payment was also provided in relation to the Broadwater Resort at 137 Melville Parade.

In considering the granting of a car parking concession under Clause 7.8 of TPS6, it would be appropriate to again require a cash payment towards the improvement of parking facilities in the general vicinity of the development site. As the cash-in-lieu clause [clause 6.3(5)] is not being invoked in this instance, the Council is able to determine the amount of the cash payment without being constrained by the “formula” prescribed in that clause.

Council does have plans to expand the supply of public parking bays in the general vicinity of the development site as per the verge parking proposed in this application, noting that if the proposed development is approved with parking bays less than the required amount, the proposed development could potentially place increased stress on existing parking facilities.

The previous ‘cash-in-lieu’ payments contributed to the City’s construction of the following works:

- The construction of 45 bays in Comer reserve, accessed from Melville Parade;
- The resurfacing and remarking of those parking bays adjacent the Broadwater Pagoda located on Comer Street;
- The formalization of parking bays located in Eric Street; and
- The widening of Melville Parade to accommodate on-street parking, resulting in a net increase of 10 bays.

The City’s construction cost is in the order of \$2,100 per parking bay constructed within the road reserve, as advised by the Manager of Infrastructure Services. 13 additional car parking bays are proposed in the road reserve which involves the removal of 8 existing parallel car parking bays, and creation of 21 angular and right angle parking bays. Therefore, for the construction works relating to these 21 parking bays, the applicant might reasonably be required to pay the sum of \$44,100 in return for the granting of a parking concession.

An alternative line of justification has been raised, which is that the “Cafe/Restaurant” land use is more akin to a kiosk, however the use of Kiosk is not recognised by the Scheme. It is noted that the kiosk does not involve “inside” dining and is open to the elements to varying degrees, which can only decrease the numbers of customers (averaging throughout a year), and therefore the demand on car parking.

In addition, it is recognised that a considerable proportion of customers for the kiosk will not require car parking facilities as they will be:

- Inter-suburban cyclist utilising the metropolitan bicycle paths and bridges within the immediate vicinity (parallel to the Kwinana Freeway);
- Intra-suburban cyclists and pedestrians (local residents); and
- Local workers already supplied with car parking bays.

In considering all of the above factors for justifying a car parking shortfall, the actual car parking demand may be much less than the 12.6 bays required by the Scheme, however there is insufficient evidence to prove or disprove the matter. Furthermore, the Applicant has been unable to definitively clarify the matter.



(iv) *Conclusion regarding car parking*

It may prove to be the case that the parking shortfall could be justified and that a variation could be supported. However it has not yet been justified that a variation of 41 percent (18 bays) should be supported under the terms of Clause 7.8(1) of TPS6 in relation to:

- Orderly and proper planning;
- Amenity of the locality;
- Effect upon locality occupiers, inhabitants or likely future development; and
- The objectives of the Scheme.

As the provision of car parking bays is a critical planning issue, this matter requires a recommendation of refusal from the assessing officer.

If the Council is satisfied that the proposed development complies with the amenity provisions of Clause 7.8 of TPS6, and is considering approving the proposed development with appropriate conditions, the officers recommend that the applicant should be required to pay for the construction of 21 car parking bays within the road reserve. As explained above in section (d)(iii), 21 new bays comprise 8 existing and 13 proposed bays. On the basis of the construction cost of \$2,100 per parking bay as advised by the Manager, Infrastructure Services, the applicant / owner should be required to pay \$44,100 to the City.

(e) **Bicycle Parking**

The required number of bicycle bays is 5, whereas the proposed number of bicycle bays is 20. Therefore the proposed development complies with the bicycle parking clause of Scheme.

It is also noted that the development proposal also involves 20 bicycle bays for customers and employees, which is considered an ample facility.

(f) **Plot Ratio**

As the buildings were previously approved and the floorspace is not increasing, the application cannot be assessed under plot ratio requirements.

(g) **Landscaping**

As the buildings were previously approved, and only the land uses are changing, a retrospective requirement for landscaping is not appropriate. Notwithstanding, the proposed development includes an acceptable level of landscaping.

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

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:

- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*

The following general Scheme objectives are **not met**:

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (ii) *the preservation of the amenity of the locality;*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 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;*
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) any social issues that have an effect on the amenity of the locality;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) whether adequate provision has been made for access by disabled persons;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) any other planning considerations which the Council considers relevant.*

The applicant has not yet provided evidence to satisfy City officers that the proposal is satisfactory in relation tot Items (i), (s) and (w).

**Consultation**

**(a) Design Advisory Consultants' Comments**

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held in May 2009. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below:

DAC Comments	Developer's Responses	Officer's Comments
The drawings should clearly distinguish between the existing building and the proposed modifications to the buildings.	No comment provided.	The plans are clear as to the proposed development. The comment is <b>NOT UPHELD.</b>
While the Architects stated that the concept of a proposed mix of land uses on the subject site is encouraged, further consideration needs to be given to the design outcome. The layout of Cafe and Shop area needs to be improved upon.	No comment provided.	Possibly sound architectural advice, but not a statutory requirement. The comment is <b>NOTED.</b>
Details of colours and materials needs to be provided.	No comment provided.	Colours to be provided as a condition. The comment is <b>UPHELD.</b>
The proposed Cafe should be encouraged as it is observed to potentially revitalize the corner of Melville Parade and Eric Street.	No comment provided.	Generally accepted, but no action required. The comment is <b>NOTED.</b>
Access to toilets from the Cafe area has not been provided. On the other hand, two sets of toilets provided for staff are not required.	Toilets will not be needed as we are not offering any inside dining this should also aid in customers not getting too comfortable.	The lack of customer toilets feeds into the justification that less car parking bays are required. Also, public toilets are located immediately across the road. The comment is <b>NOT UPHELD.</b>
Disabled toilet and parking facilities have also not been provided.	No comment provided.	Not a statutory requirement. Disabled bay could be provided on site by sacrificing a normal bay; however car parking is a statutory requirement which is currently in deficit. Alternatively, an "easy access" bay could be provided in the street reserve. The comment is <b>NOTED.</b>
While noting that a glass screen has been proposed around the proposed Cafe, feasibility of design measures should be considered to minimise the impact of traffic noise and wind on the proposed cafe.	Design measures are shown on our drawing with a wind buffer on top of the courtyard wall.	The comment is <b>NOTED.</b>
The Assessing Officer should carefully check the proposed number of car parking bays against the Scheme requirement; specifically whether car parking required for the proposed Cafe has been accounted for.	We are only targeting local residents and office workers. No one would exit the freeway especially to get a sandwich from our café, so we feel no extra parking should be needed.	The comment is <b>NOTED.</b>

DAC Comments	Developer's Responses	Officer's Comments
The Architects enquired whether cash-in-lieu provisions were being applied to the car parking bays proposed to be constructed in the street verge.	I am fully prepared to pay for the construction costs only, for the works which will gain an extra 13 bays. Cash in Lieu can only be applied if there is a provision to spend the monies on a parking project in the immediate area. Our plan is to rejuvenate the foreshore end of Eric Street and Melville Parade by adding landscaping and extra parking, a kiosk in an attractive courtyard, and leave our shop that has served the community for the last 40 years. Any cash in lieu payments sourced will end our project before it's begun.	See discussion on car parking. The comment is <b>NOTED</b> .
Reciprocal parking should be considered for the proposed uses.	Reciprocal parking is not an option with our neighbouring property.	Not proposed. No further action required. The comment is <b>NOTED</b> .
The kerb will need to be realigned to match with the outside edge of the car parking bays.	Any kerb realignment will be undertaken by the City at our cost.	No comment from Infrastructure Services, but will be resolved to the City's satisfaction via the building licence. The comment is <b>NOTED</b> .

**(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'. All owners of properties abutting Eric Street and the northern half of Mary Street were invited to inspect the application and to submit comments during a 14-day period. A total of 67 neighbour consultation notices were mailed to individual property owners and strata bodies. During the advertising period, 4 submissions were received- 1 in favour, 1 neutral and 2 against the proposal. The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter's Comments	Officer's Responses
Fully support the plans, the proposed changes could only benefit the community.	The comment is <b>NOTED</b> .
To make No. 3 Eric Street a doctor or dentist surgery would also be welcomed- there is none in the immediate vicinity.	The comment is <b>NOTED</b> .
No objection	The comment is <b>NOTED</b> .
Details of communications between the submitter and the landowner of the site.	Communications with the two parties is irrelevant to the assessment of the application. The comment is <b>NOT UPHELD</b> .

<b>Submitter's Comments</b>	<b>Officer's Responses</b>
The size of the street does not appear to be sufficient to accommodate the proposed parking.	The individual dimensions of the bays comply with the Town Planning Scheme, with the greater dimensions subject to the expertise of Infrastructure Services (see internal referral below). The comment is <b>NOT UPHELD</b>
The location of the proposed angled parking would cause more traffic to be driven down the residential Eric Street.	It is anticipated that car movements would increase along Eric Street, however there are no indications that the volume will be unacceptable. It is noted however that Eric Street currently has a mixed-character, with residential non-residential uses abutting and commensurate vehicular movement patterns. The applicant has not yet submitted justification to allay the submitter's fears in this regard. In the absence of such justification, the comment is <b>UPHELD</b> .
The property to the south of the site already uses Eric Street via a Right Of Way (ROW).	That property's large car parking area only has street access via that ROW. Furthermore, the ROW is privately owned (on the subject site), and the said property (and the Complainant) has legal rights of passage. The comment is <b>NOT UPHELD</b> .
Proposed parking along the ROW is a safety concern.	The proposed car bays are of suitable dimensions, and because they abut a ROW will not affect safety. Furthermore, it is noted that the existing accessway and parking design provides ample sightlines and distances. The comment is <b>NOT UPHELD</b> .
Recommend demolishing the dwelling for parking.	Not proposed, no further action required. The comment is <b>NOTED</b> .
Recommend paying for bays in the street reserve.	Refer to the expertise of Infrastructure Services (see internal referral below). The comment is <b>UPHELD</b> .
Recommend access through the ROW be redirected through Melville Parade.	Eric Street is a public street for public use. Furthermore, redirecting will require a street closure or the like, which is a lengthy process (if desired). Finally, the Manager of Engineering Infrastructure has not recommended this course of action. The comment is <b>NOT UPHELD</b> .
Possible increase in traffic movements.	It is anticipated that car movements will increase along Eric Street, however there are no indications that the volume will be unacceptable. It is noted however that Eric Street currently has a mixed-character, with residential non-residential uses abutting and commensurate vehicular movement patterns. The comment is <b>NOT UPHELD</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. As an overview, the Manager recommends that:

General

- (i) The truncation area of Melville Parade and Eric Street is acceptable if the City Environment section approves the streetscape design;
- (ii) The wooden sleeper retaining wall along the Eric Street footpath is inadequate and must be replaced, with an appropriate boundary fence installed thereafter;

Stormwater

- (iii) Stormwater is to comply with City standards, re-use is encouraged, discharge is not acceptable and street system discharge is available;
- (iv) Stormwater drainage design and application to the City by a qualified/experienced person is to cater for a 1 in 10 year storm event;
- (v) Drainage design is to incorporate on-site storage to enable controlled discharge to the street as per a Private Drainage Connection with a maximum flow of an approximately 10 percent runoff coefficient or less than 3 lisecs as verified by design;

Crossing

- (vi) Concrete crossovers to City specification (SP30) are to be extended out to the alignment of the amended kerb;
- (vii) Crossovers are to be at 90-degrees to the street (+/- 1500mm) with a minimum 100mm above the gutter line;
- (viii) Existing brick pedestrian paving is to be extended through the crossover;
- (ix) No part of the existing crossing is to be raised or lowered to accommodate internal levels;

Street Parking

- (x) Additional car parking bays can be afforded on the south side of Eric Street by reducing the footpath width and reconfiguring the kerb line;
- (xi) Additional car parking bays can be afforded on the north side of Eric Street in the existing verge of an addition 5-bays only;
- (xii) All costs of construction will be at full cost to the Applicant;
- (xiii) All works are to comply to the City's specifications and standards, undertaken under superintendence of Engineering Infrastructure; and
- (xiii) The street and immediate areas are well-served by existing street parking. Their use by the proposed development should incur either a 'nominal payment in lieu of constructing on-site parking' or an ongoing 'fixed charge' for use of the bays.

**(d) Environmental Health Services**

The Environmental Health Services provided comments with respect to bins, specifications and noise. They recommend that:

*(i) Bin Enclosure*

- (a) A tap connected to an adequate supply of water;
- (b) Smooth, impervious walls constructed of approved materials not less than 1.5 metres in height;
- (c) 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 garbage bin, fitted with a self-closing gate;
- (d) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100mm diameter industrial graded floor waste;

- (e) Easy access to allow for the removal of containers;
- (f) 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; and
- (g) 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 1.5m<sup>2</sup> per 240 litre bin or 2.5m<sup>2</sup> per 1100 litre bin.

(ii) Plans and Specifications

Detailed plans and specification of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and rubbish bin enclosures, are to be submitted to and approved by Council's Environmental Health Services prior to construction, manufacture and installation.

The plans should include details of:

- (a) The structural finishes of all floors, walls and ceilings;
- (b) The position, type and construction of all fixtures and equipment (including cross-sectional drawings of benches, shelving cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc);
- (c) All kitchen exhaust hoods (e.g. over cooking equipment) and mechanical ventilation systems (e.g. sanitary conveniences), mechanical services, hydraulic services, grease traps and provisions for waste disposal;
- (d) Construction and position of refuse enclosure; and
- (e) All staff and patron sanitary conveniences and change rooms, if any.

(iii) Noise Generally

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

**(e) Parks and Environment**

The Parks and Environment section provided comments with respect to the proposed street trees. The Section recommends that:

- (i) Remove and replace 4 trees with Manchurian Pear (*Pyrus Ussuriensis*) after construction at Applicant's cost as per Policy P350.5 (8B and 8G);
- (ii) All new trees on plan to be Manchurian Pear trees to match and be of good stock and size;
- (iii) Root guard and grates to be fitted to each trees. Reticulation to be fitted to each tree;
- (iv) All at Applicant's cost; and
- (v) Post planting maintenance costs will be waived as Applicant will be installing reticulation to each tree.

**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 determination has no financial implications.

### **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 application relates to the retention of the existing buildings, which has positive sustainability implications. To be more specific, existing buildings are not to be demolished and become landfill; and avoiding the construction of a new building will avoid a large amount of construction waste becoming landfill.

In addition, the proposal involves the planting of a series of trees in the street verge close to the northern property line, at the Applicant’s cost. With the species recommended by the City’s Parks section being deciduous (Manchurian Pears), the trees will affect the street and nearby buildings with cooling shade in the warmer months, and warming sunlight in the cooler months.

Furthermore, the proposed fencing and glazing around the proposed kiosk dining area, will prevent strong winds from adversely effect the area, thus reducing the requirement for heating in cooler months.

### **Conclusion**

The proposal may have a detrimental impact on adjoining residential neighbours, and does not meet the relevant Scheme objectives and provisions (car parking requirements). In this respect, the applicant has not provided adequate justification to alleviate the City Officers’ concern. Accordingly, it is considered that the application should be refused.

## **OFFICER RECOMMENDATION ITEM 10.3.2**

That....

- (a) 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 additional uses of Office & Cafe / Restaurant with modified street parking on Lot 51 (No. 123) Melville Parade, Como, **be refused** for the following reason:
- The proposed development does not comply with sections 6.3 and 6.4 (Car and Bicycle Parking) of the City of South Perth Town Planning Scheme No. 6, specifically the proposed 26 car parking bays, only 13 of which are located on the development site, in lieu of the required 44 bays; and
- (b) **Standard Advice Notes**  
651 Appeal Rights- SAT

### **Footnote:**

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



<b>10.3.3 Water Action Plan</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	EM/107
Date:	12 June, 2009
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

### Summary

The City of South Perth is a participant in the Water Campaign™, an international freshwater management program developed by the International Council for Local Environmental Initiatives (ICLEI). The aim of the program is to build the capacity of local government to reduce water consumption and improve local water quality. This is achieved by progressing through a series of milestones. The City has already achieved Milestones 1 and 2.

To achieve Milestone 3, Council is required to formally endorse a Water Action Plan (WAP). A draft WAP at **Attachment 10.3.3** has been prepared and it is recommended that it be adopted by Council.

### Background

The Water Campaign™ is a program developed by ICLEI and is supported by the Federal and State Governments. The program is an international movement of local governments and their stakeholders who are committed to achieving tangible improvements in the sustainable use of water resources.

The Water Campaign™ is based on a similar framework as ICLEI's other international sustainable development campaign, Cities for Climate Protection® (CCP®), which the City of South Perth successfully completed and is now implementing CCP Plus.

The Water Campaign™ was launched at the ICLEI World Congress in June 2000, and was introduced into Australia in 2001. The Water Campaign™ provides local governments with a framework and structured approach to actively assess their consumption of water and how activities affect water quality within their area. Local government progression through this program framework is marked by milestones which progress the water management initiative through a series of steps as outlined below.

- Milestone 1** Conduct a water consumption inventory and analysis for Corporate and Community consumers. Produce a water quality checklist;
- Milestone 2** Develop water goals in four action areas;
- Milestone 3** Produce a Water Action Plan;
- Milestone 4** Undertake implementation of the Water Action Plan, assessment and reporting of the quantitative and qualitative benefits resulting from the implemented actions; and
- Milestone 5** Review and evaluate local government's progress in the Water Campaign™.

The Water Campaign™ addresses water management at the corporate and community levels. The corporate module addresses water management in areas that the City can directly control through its own operations. The community module addresses how the City can influence its community, mostly through town planning and community education and behaviour change campaign. Both of these levels address two modules - Water Conservation and Water Quality.

There are 120 Local Government Authorities participating in the Water Campaign™ program throughout Australia, including 40 from Western Australia. The Water Campaign™ program has resulted in significant water use reductions and cost savings for participating local governments and demonstrates local government leadership in the management of our precious water resources.

**Comment**

The City of South Perth was recognised by the State Government for its commitment to the Water Campaign™ and achievement of Milestone 1 at the ICLEI WA Recognition Ceremony on the 19 May 2005. The completion of Milestone 2 in April 2006 had set community and corporate water management goals as a quantifiable statement of the City's intention to move forward on water management.

- (a) Corporate Water Conservation  
To reduce corporate scheme water consumption by 40% below 2002/03 levels by 2010 and achieve a further 10% reduction by 2012. Overall this will result in a 50% reduction in scheme water consumption from 2002/03 levels by 2012;
- (b) Corporate Water Quality  
To achieve 50 points of actions from the corporate Water Campaign™ water quality action cards by 2010 and achieve a further 20 points by 2012. Overall this will result in the achievement of 70 points of actions from the corporate Water Campaign™ water quality action cards by 2012;
- (c) Community Water Conservation  
To reduce community scheme water consumption by 20% below 2002/03 levels by 2012 and achieve a further 5% reduction by 2012. Overall this will result in a 25% reduction in scheme water consumption from 2002/03 levels by 2012; and
- (d) Community Water Quality  
To achieve 50 points of actions from the Community Water Campaign™ water quality action cards by 2010 with a further 20 points by 2012. Overall this will result in the achievement of 70 points of actions from the Community Water Campaign™ water quality action cards by 2012.

These goals form the basis of the WAP for the City of South Perth. By achieving these goals the City will demonstrate strong leadership and commitment, and raise community awareness about water management issues.

As part of the Milestone 3 progress, the City's Water Team in partnership with the Eastern Metropolitan Regional Council (EMRC) has produced the draft WAP to address water management issues and to support groundwater conservation objectives and strategies outlined in the Water Conservation Plan (2008). The WAP has been designed in accordance with ICLEI's suggested template that was adopted to reflect the City's water management issues in both corporate and community sectors.

The WAP represents the City's commitment to improve water management for both the City and its residents and ratepayers. The Plan has been driven by the City's commitment to two programs, the International Council for Local Environmental Initiatives (ICLEI) Water Campaign™ and the State Water Strategy (2003).

The WAP outlines the City's position regarding water management and focuses on water management in the four areas including:

1. Corporate Water Conservation;
2. Community Water Conservation;
3. Corporate Water Quality; and
4. Community Water Quality.

The WAP also identifies the City's four water management target goals and sets out a project pathway for the City to achieve these goals by 2012.

The target goals will be accomplished through the implementation of practical and effective measures to manage the City's water resources in both the corporate and community sectors. A range of positive outcomes are expected from the implementation of the WAP including reduced operating costs, improved water quality, reduced water consumption, social and environmental benefits and leadership.

The first section of the Plan outlines the Water Campaign™ background and the City's progress through the milestone framework. It also presents the City's urban profile and stormwater runoff management. In addition, this section indicates the City's water management position and highlights the measures that have already been undertaken to improve water quality and reduce scheme water consumption within both corporate and community sectors.

Section two of the Plan includes scheme water consumption inventory results and water quality analysis providing readers with an understanding of the high water consuming activities and sources of water pollutants from the City and community, gathered for Milestone 1 of the Water Campaign™. In addition, the section identifies base year profiles for corporate and community water conservation modules that best represent the City's and community's current water management position.

Section three of Plan presents a statement of water management goals that the City of South Perth has endorsed to achieve Milestone 2 of the Water Campaign™. This section also outlines goal justification, meaning that each goal is achievable, measurable and relevant to City's operations and fits within the State water conservation and management recommendations.

Section four of the Plan provides an Executive Summary of the City's Water Conservation Plan, prepared to meet Department of Water (DoW) groundwater management requirements and includes corporate groundwater consumption data, conservation objectives and strategies.

Section five highlights a number of strategies that the City has undertaken since the base year 2002/2003 in order to improve water quality and reduce water consumption within both corporate and community sectors.

The sixth section lists and prioritises proposed water management actions and policies to be implemented to achieve water management goals and progress through the Water Campaign™. This section identifies links to existing programs, strategies, plans and policies where proposed water management actions are reflected. In addition to this it also outlines potential benefits and savings that the City will gain by implementing proposed actions.

The City's commitment to an overarching WAP review process is outlined in section seven. This will enable the City to keep on track with water management actions meaning that actions remain appropriate and priority actions implemented.

The eighth section states an endorsement date to demonstrate that the City has accepted responsibility for the WAP, indicating its intent to take the direction outlined in this plan.

The WAP is designed as a 'living' document that has the ability to change subject to new opportunities and priorities to reflect the City's water management needs. The Plan also outlines a number of strategies that will be undertaken to reduce water consumption and improve water quality within both Corporate and Community Sectors.

The WAP is based on ICLEI's Water Action Cards Template and presents 12 community key initiatives and 11 corporate key initiatives supported by suggested water management actions. The key initiatives of the Water Action Plan include:

Community Water Conservation key initiatives:

- To allow the ongoing improvement of data collected for the Water Campaign™ inventory and therefore allow the selection of targeted and effective actions;
- To reduce water consumption through avoiding water use where waterless options exist;
- To reduce the amount of potable/ground water used; and
- To treat and utilise low quality water produced from one application to be used in another application.

Community Water Quality key initiatives:

- To minimise the generation and export of silts and sediments off site during construction activities;
- To minimise the environmental impacts of excessive use of herbicides and pesticides on receiving environments;
- To minimise exposure of potential acid sulphate prone soils to air and therefore reduce acidification of soils, damage to constructed assets and impacts on receiving environments;
- To minimise the export of gross pollutants to receiving environments;
- To assist in developing a better understanding of and minimise the environmental impacts of excessive nutrient loads to receiving environments;
- To minimise the environmental impacts of aquatic centre discharges and to examine opportunities to optimise this resource;
- To reduce and mitigate the impacts of groundwater contamination; and
- To reduce water recharge to the groundwater table in areas affected by salinity.

Corporate Water Conservation key initiatives:

- To allow the ongoing improvement of data collected for the Water Campaign™ inventory and therefore allow the selection of targeted and effective actions;
- To reduce water consumption through avoiding water use where waterless options exist;
- To reduce the amount of potable/ground water used and
- To treat and utilise low quality water produced from one application to be used in another application.

Corporate Water Quality key initiatives:

- To minimise the generation and export of silts and sediments off site during council construction activities;
- To minimise the environmental impacts of excessive use of herbicides and pesticides on receiving environments;
- To minimise exposure of Potential Acid Sulphate Prone Soils to air and therefore reduce acidification of soils, damage to constructed assets and impacts on receiving environments;
- To minimise the export of gross pollutants to receiving environments;
- To assist in developing a better understanding of and prompt action to minimise the environmental impacts of excessive nutrient loads to receiving environments;
- To reduce and mitigate the impacts of groundwater contamination; and
- To reduce water recharge to the groundwater table in areas affected by salinity.

Following adoption by the Council, the staged implementation of the WAP will begin. It should be noted that due to the nature of the Plan, it is dynamic and has the capacity to change subject to new opportunities and priorities for the City. The target year for the water consumption and water quality goals set as part of Milestone 2 is 2012. It is envisaged that there will be an annual review of the WAP to determine progress toward reaching the target goals and also to incorporate any changes that may need to be included in the budget.

The implementation of water management actions outlined in the WAP will allow the City to progress successfully through Milestone 4 of the Water Campaign™ and to work toward the achievement of the City's water management goals. As part of Milestone 4, the City will be able to quantify water actions identifying water savings and water quality improvement achieved from implemented actions. To ensure successful implementation of the WAP the City's key staff are required to be actively involved in the action implementation process establishing a high degree of ownership on the project.

Benefits of Actions:

Through implementation of the WAP, the City will gain the following:

- Money savings by lowering reducing water bills;
- Water savings through the reuse of stormwater and treated wastewater;
- Water quality improvement by applying environmentally sound practices within both Corporate and Community sectors;
- Social and environmental benefits that include the support of various education programs;
- Local leadership establishment in water resource management; and
- Partnerships development with various stakeholders and local residents.

Resources:

ICLEI's Water Campaign™ support officer will deliver Milestone 4 training to the City's water team officers. Further participation in the Water Campaign™ will provide the City with access to ICLEI's Document Manager Tool (web based software) to enable the City to report on and quantify implemented actions.

Additional Resources:

- Direct information and technical support from EMRC's Environmental Consultant assisting with action implementation and action reporting process.
- Access to expertise and networks of Councils to exchange ideas and solutions;
- Promotion of best practice show case actions in the area of sustainable water management; and
- Access to the Water Campaign™ website.

Promotion and recognition

- Communications and media materials to help gain local support for sustainable water management initiatives; and
- Recognition events where Councils are recognised for the milestones achieved.

The draft Water Action Plan (Attachment 10.3.3) is presented to Council for adoption.

Should the City of South Perth achieve Milestone 3 by June 2009, then the City will be officially recognised and awarded this achievement at the Annual ICLEI Recognition Event held in conjunction with the Annual WALGA Conference. This is a strategic opportunity for the City's Mayor and Elected Members to be acknowledged for supporting sustainable water management initiatives within the City.

**Consultation**

The Water Team carried out a series of officer consultation sessions engaging a wider range of the City's staff into the WAP development process to ensure that relevant staff take a full ownership of the proposed water management actions.

The Water Team undertook research followed by officer consultation to establish linkages between the City's Sustainability Strategies and the WAP. The Water Team also consulted with appointed officers, from various City departments in relation to the proposed water actions to reflect the City's water conservation and water quality needs within both community and corporate sectors. The relevant officers agreed on proposed water actions and identified priority for each action as well as determined the actions budget requirement.

The draft WAP was the subject of a concept briefing to Councillors on 2 June, 2009.

**Policy Implications**

The City's progress through the Water Campaign™ milestone framework is consistent with policy P303 Groundwater Management and the City's Sustainability Strategy (2006-2008).

The water management actions that are outlined in the WAP reflect the following actions in the Sustainability Strategy Action Plan (2006-2008):

**Financial Implications**

In 2008/09 the City contributed \$11,500 (ex GST) to progress through Milestone 3 and to complete development of the WAP. The City will allocate a further \$12,000 (ex GST) in the 2009/10 Infrastructure Services Capital Works program to commence implementation of the WAP.

A moderate level of in-house resources will be required to carry out the priority actions which include:

- Implementing high to medium priority actions from the WAP;
- Applying for funding through the Federal or State Government Grants to implement water actions;
- Relevant Officer time for the Water Team quarterly meetings; and
- Relevant Officer time for one to one meetings as required.

The implementation of the WAP actions becomes the responsibility of departments identified in the Plan. Submissions for funding of identified projects/actions will need to be negotiated and prepared in accordance with each Department's financial planning.

**Strategic Implications**

This item is consistent with Strategy 3.3 of Goal 3 *Environmental Management* of the City's Strategic Plan.

By progressing through the Water Campaign™ milestone framework, the City will be fulfilling relevant components in the Sustainability Strategy 2006/08 and will increase the City's water management profile.

<b>OFFICER RECOMMENDATION ITEM 10.3.3</b>
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That Council adopts the Water Action Plan at **Attachment 10.3.3** to achieve Milestone 3 of the Water Campaign™.

**10.4 GOAL 4: INFRASTRUCTURE**  
Nil

**10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS**

<b>10.5.1 Applications for Planning Approval Determined Under Delegated Authority.</b>
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Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 3 June 2009  
Author: Rajiv Kapur, Manager, Development Services  
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 May 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 May 2009, thirty eight (38) 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.

<b>OFFICER RECOMMENDATION ITEM 10.5.1</b>
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That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of May 2009, be received.



<b>10.5.2</b>	<b>Use of the Common Seal</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 8 June 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.

**May 2009**

Nature of document	Parties	Date Seal Affixed
Deed of Agreement to enter CPV Lease	CoSP & Lois McAdam	05 May 2009
CPV Lease	CoSP & Lois McAdam	05 May 2009
TPS 6 - Amendment No. 11	CoSP	05 May 2009
TPS 6 - Amendment No. 16	CoSP	05 May 2009
Deed of Variation - CPV Lease	CoSP & Hope Mann	06 May 2009
Funding Agreement - Community Infrastructure Program	CoSP & Australian Government	26 May 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.

<b>OFFICER RECOMMENDATION ITEM 10.5.2</b>
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That the report on the use of the Common Seal for the month of May 2009 be received.

**10.6 GOAL 6: FINANCIAL VIABILITY**

**10.6.1 Monthly Financial Management Accounts - May 2009**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 6 June 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 May 2009 is \$35.78M which represents 99% of the \$35.95M year to date budget. Revenue performance is 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 on target. We are achieving less than budgeted performance for planning and building revenue as development activity contracts due to the downturn in the property market. Revenues from scheduled vehicle trade-ins that were delayed now represent the majority of revenue shortfalls - although some of the proceeds reflect actions taken to place the traded vehicles at auction. Parking meter and infringement fees continue to lag budget targets by a significant amount - although the appointment of a new resource to address this adverse trend is now showing some positive results.

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 May 2009 is \$31.75M which represents 102% of the year to date budget of \$31.24M. Operating Expenditure to date is 3% under budget in the Administration area, 7% over budget in the Infrastructure Services area and 3% over budget for the golf course.

Whilst the overall result presents as being very close to budget, there are some over-budget expenditures that are being shielded by 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).

Waste collection arrangements and site fees have resulted in a favourable variance against budget. Golf Course expenditure is close to budget overall - but it has unfavourable variances overall due to greater than budgeted expenditure on fertilising, turf maintenance and cleaning activities.

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

Streetscape maintenance remains slightly ahead of budget at present, but current expenditure has been reigned in as the program is now substantially completed. Park maintenance reflects an element of 'over-servicing' parks relative to our available level of budget and resources. Recovery of overheads in the Engineering Infrastructure area is also behind target but this will be retrospectively adjusted for year end.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 4.92% 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. Whilst external consultants have been used to assist in covering for vacancies, 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 \$2.21M at 31 May against a year to date budget of \$2.14M. The favourable variance relates to lease premiums and refurbishment levies resulting from the accelerated turnover of units at the Collier Park Village. 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 May 2009 is \$14.8M which represents 94% of the year to date budget - and some 76% of the full year budget. Approximately 37% 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.

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	200,500	146,018	73%	1,511,000
Financial & Information Services	314,000	259,771	83%	486,500
Planning & Community Services	1,172,500	1,111,286	95%	1,814,844
Infrastructure Services	8,369,925	7,550,104	90%	10,352,464
Golf Course	240,000	148,857	62%	278,800
Underground Power	5,500,000	5,652,832	103%	5,500,000
<b>Total</b>	<b>15,796,925</b>	<b>14,868,868</b>	<b>94%</b>	<b>19,943,608</b>

### 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 ITEM 10.6.1

That ....

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Schedule of Movements between the Adopted & Amended Budget provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received;
- (d) the Monthly Rate Setting Statement provided as **Attachment 10.6.1(7)** be received;

**10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 May 2009**

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 June 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 \$29.80M compare favourably to \$27.97M at the equivalent stage of last year. Reserve funds are some \$3.0M 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 \$1.3M lower due the capital program being more advanced at this time in the current year - including cash outflows for the UGP project cash calls (\$5.50M). The free cash position is still solid - with collections from rates currently within 0.60% 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 such an outstanding result for the City in a challenging economic climate.

These debt collection actions are an 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 continues to experience a significant rate of 'cash burn' (net cash outflow) at this stage of the financial 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 scheduled until early June.

Effectively managing these items remains 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, fixed 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). Hence, finance staff are now progressing the 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.

Projections of 'cash burn' for the remainder of the year support the need to complete the borrowings at this time as well as continuation of the collection of outstanding 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 \$2.87M (compared to \$4.25M at the same time in 2007/2008). **Attachment 10.6.2(1).**

**(b) Investments**

Total investment in money market instruments at month end was \$29.22M compared to \$29.70M 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. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 87.4% 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 one 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 was adjusted through a re-balancing of the portfolio during February to April to reduce exposure to Citibank (Australia) and to place more funds with two larger Australian Banks (NAB & 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 \$2.05M - slightly down from \$2.10M at this time last year. This result is attributable to lesser interest rates notwithstanding higher levels of reserve cash holdings - as well as timely, effective treasury management. 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 remains a critical determinant of the rate of return received 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 despite numerous cuts to official rates over the year. Reserve Fund interest is still on target relative to last year due to higher cash holdings although Municipal Fund interest revenue is somewhat lower than at the same time last year. 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 very harsh impact on investment returns in the later part of this year.

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 5.96% (compared with 6.09 last month) with the anticipated yield on investments yet to mature falling similarly to 4.01% (compared with 4.10% 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 May 2009 represent 96.4% of total rates levied compared to 97.0% 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 \$1.17M at month end excluding UGP debtors - which compares to \$1.22M at the same time last year. GST Receivable is lower than at the same time last year - but month end accruals for grant funds relating to events and road works are slightly higher. 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 \$4.73M was collected by 31 May with approximately 63.6% of those in the affected area electing to pay in full and a further 35.6% 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 ITEM 10.6.2**

That Council receives the 31 May 2009 Monthly Statement of Funds, Investment & Debtors comprising:

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

### 10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 June 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 May 2009 and 31 May 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.

<b>OFFICER RECOMMENDATION ITEM 10.6.3</b>
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That the Listing of Payments for the month of May as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

<b>12.1 Mayoral Allowances.....Cr Gleeson .2.6.2009</b>
---

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 23 June 2009:

MOTION

That....

(a) consideration be given to revoking Item 10.6.5 clauses (d) and (e) insofar as it relates to the Minutes of the Council Meeting dated 26 May 2009 as follows:

(d) the Mayoral Allowance for 2009/2010 be set at \$60,000 payable in quarterly instalments in advance;

(e) the Deputy Mayoral Allowance for 2009/2010 be set at \$15,000 payable in quarterly instalments in advance.

*(Note: Support of a Minimum of One Third of the Members is Required)*

*Being:* Crs Gleeson, Hasleby, Burrows, Ozsdolay and Wells

(b) Item No. 10.6.5 clauses (d) and (e) insofar as it relates to the Minutes of the Council Minutes dated 26 May 2009 be revoked:

*(Note : An Absolute Majority is Required);*

(c) the Mayoral Allowance for 2009/2010 be set at \$48,500 payable in quarterly instalments in advance; and the Deputy Mayoral Allowance for 2009/2010 be set at \$12,125 payable in quarterly instalments in advance.

MEMBER COMMENT

In the current global financial crisis the Mayoral and Deputy Mayoral Allowances should be set at CPI only.

COMMENT CEO

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Chief Executive Officer comments as follows:

The CEO has nothing further to add to the commentary provided in the officer report at Item 10.6.5 of the May Council meeting.

**12.2 Assessment of 11 Heppingstone Street, under TPS5 .. Cr Gleeson .2.6.2009**

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 23 June 2009:

MOTION

That....

- (a) the building at Lot 38 (No. 11) Heppingstone Street, South Perth be assessed in accordance with Town Planning Scheme No. 5 which was the operative Scheme when the development was approved; and
- (b) a report on the assessment be provided at the next Council meeting.

MEMBER COMMENT

The building at No. 11 Heppingstone Street has never been correctly assessed. Mr Drake has been asking questions about this building since May 2002. By assessing the building under TPS5 it will answer those questions, and if assessed properly, hopefully put an end to them.

The development comprises two Multiple Dwellings contained within a four storey building that was approved at the December 2000 Council Meeting by the Council of the day (the three Commissioners). A Building Licence was issued by the Manager Building Services under Delegated Authority during February 2002 together with the Grant of Planning Consent dated 8 January 2001.

Mr Drake maintains that the three most important Conditions on the Grant of Planning Consent were not complied with - these being the Conditions that control the height and bulk of the building. (Conditions (6), (9) and (13).

COMMENT CEO

In accordance with Clause 5.3(4)(d) of Standing Orders Local Law 2007 the Chief Executive Officer comments as follows:

The issue of the height, plot ratio and setbacks in relation to No. 11 Heppingstone Street are issues the City has been dealing with for many years in connection with this development. In 2004, Council resolved that it was satisfied with the plot ratio, height and setbacks.

Following an approach by Mr Drake to the Minister, the matter was referred to the State Administrative Tribunal for consideration. The State Administrative Tribunal delivered its decision in relation to the plot ratio issue on 14 October 2005. The SAT found that the building was built in excess of allowable plot ratio due to using a "mistaken practice" in relation to calculation of plot ratio.

This particular matter has now been resolved following the Minister issuing an order for the building to be modified

With regard to building height, the officer report to the March 2004 Council meeting states that there appeared to be a small degree of non-compliance with the building height limit with respect to the lift shaft only. In this respect, at the March 2004 meeting, the Council resolved that it is satisfied that the "as constructed" height of the building does not detract from the amenity of the locality.

In relation to setbacks, the 2004 Council report noted that Council had used its discretion when considering setbacks.

It is therefore considered that the issues associated with the development have been satisfactorily addressed.

**13. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE**

<b>13.1.1 Global Insurance Market .....Cr Best</b>
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Summary of Question

What steps, if any, are being taken to protect the City from possible collapse in the global insurance market?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 3 June 2009, a summary of which is as follows:

The City maintains a comprehensive suite of professional and business Insurances in accordance with our Risk Management Strategy.

To ensure that the City has access to comprehensive insurance products at competitive prices, the City uses the Local Government Insurance Service (LGIS) as its insurance provider. This collective purchasing arrangement has the combined purchasing power of almost all of the major Western Australian Local Governments which ensures that it has the best possible access to insurers.

As it is not possible to speculate what may happen in the global insurance market, the City's current strategy is to maintain its purchasing / bargaining strength through partnership with LGIS. As part of a responsible business practice we will continue to monitor market trends and events in the global insurance market.

**13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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

**15. MEETING CLOSED TO PUBLIC**

**15.1 Matters for which the Meeting May be Closed.**

**15.2 Public Reading of Resolutions that may be made Public.**

**16. CLOSURE**

**17. RECORD OF VOTING**





## Mayors Activity Report - May 2009

May 2009	Activity
Friday, 29 May	2009 National Day of Thanksgiving Prayer Breakfast @ + Cr Kevin Trent
Wednesday, 27 May	Attend South East Metropolitan Zone meeting @ Armadale with Deputy Mayor Colin Cala, and Cr Kevin Trent, and manager Environmental Health. CEO Evaluation Committee meeting with consultant + Cr Colin Cala + Human Resources Manager
Tuesday, 26 May	Council meeting Mayor/Acting CEO weekly meeting
Monday, 25 May	Zoo Board meeting Meeting Manning with proposed Manning Community Assoc Meeting with Geoff Defrenne re: public question time process
Saturday, 24 May	Our Vision Ahead conference @ Como Secondary College + Crs Sue Doherty, Kevin Trent & Pete Best
Thursday, 21 May	Briefing: Australia Day 2009-2010- Family Zone South Perth + CEO, Crs Sue Doherty, Kevin Trent & Travis Burrows
Wednesday, 20 May	Briefing : Budget Process Update Attend Council reform meeting with CEO & Deputy Mayor Colin Cala at Town of Victoria Park with Mayors of Belmont & Victoria Park Meeting with Steve Irons MP, Member for Swan @ his offices, East Victoria Park Give presentation at John Curtin Leadership Academy launch @ Curtin University Give Key note address at Curtin Student Guild 40th anniversary celebration
Tuesday, 19 May	Council Briefing - Agenda items Mayor/CEO weekly meeting
Monday, 18 May	Citizenship ceremony Local Chambers Visioning. Meeting with CEO and Charles Bellows (CEO) Meeting with Professor John Howard - Curtin University environmental Science South Perth Primary Right of Way 15 meeting with CEO + Legal & Governance Officer

AGENDA : ORDINARY COUNCIL MEETING: 23 JUNE 2009

- Friday, 15 May                      Attend St Columba's Centenary Oval 'official opening'  
Present prizes @ South Perth Primary School assembly
- Thursday, 14 May                    Attend John Curtin Leadership Academy Board meeting @ KPMG Boardroom  
Attend 'Digital Decoding' Presentation @ City of Canning + Crs Kevin Trent and Bill Gleeson
- Wednesday, 13 May                 Attend Boomtown 2050 :Scenarios for the Future of Perth @ UWA + Crs Colin Cala, Sue Doherty, Kevin Trent, Les Ozsdolay, Pete Best + Senior Strategic Planning Officer  
Signing of Rivers Regional Council Deed of Amendment with Shire of Waroona + CEO and Alex Sheridan CEO & Ron Hoffman Chairman of Rivers Regional Council  
Neighbourhood Watch meeting with Manning residents + Cr Ozsdolay, Acting Manager Community Culture & Recreation, , Community Development Officer + Human Resources Manager
- Tuesday, 12 May                    Briefing: Local Government Reform & Discussion on Public Question Time  
Give film interview to two Mercedes College students re their *Power and Persuasion* documentary on the Global Financial Crisis  
Mayor/ CEO weekly meeting
- Monday, 11 May                     Meeting with Moresby Street shop owners + Cr Sue Doherty
- Saturday, 9 May                     Attend Amanda Young Foundation 09 Charity Ball as guests of Penrhos College @ Burswood Grand Ballroom
- Friday, 8 May                        Attend Hammond Legal opening @ East Perth premises  
Attend media photoshoot of Sandon Park Tree damage by poisoning + Cr Les Ozsdolay
- Thursday, 7 May                    CoSP Awards Presentation for As We See It and Indigenous Youth Basketball Program + Cr Sue Doherty  
Attend Mediation meeting @ Castledine Mediation and Legal Services re 11 Heppingstone St + CEO with Mr Barrie Drake & Geoff Defrenne
- Wednesday, 6 May                 Town Planning Workshop - Major Developments  
Discussion re Heppingstone St + CEO + Acting Director Development Services
- Tuesday, 5 May                     Mayor/CEO weekly meeting  
Convened e-waste meeting with Curtin University: Claire Bean & Platinum Group Metals (PGM) Refiners - Rick Wakelin + Manager Environmental Health and Regulatory Services

AGENDA : ORDINARY COUNCIL MEETING: 23 JUNE 2009

- Monday, 4 May Attend LGMA / WALGA Reform Strategy Workshop @ Hyatt Hotel + Crs Kevin Trent & Sue Doherty + CEO + Director of Finance.
- Sunday, 3 May Attend SP Historical Society Old Mill Masterplan workshop @ CoSP with CEO, Crs Colin Cala, Kevin Trent, Sue Doherty, Manager Libraries & Heritage, Heritage Services Librarian, Architect, Garry Lawrence & Member for South Perth, John McGrath MLA
- Launch of new Transperth ferry @ Bellhouse Cafe, Mends St Jetty + CEO.
- Saturday, 2 May Attend Manning Bowling Club trophy presentation
- Friday, 2 May Meeting with Geoff Defrenne re: public question time
- Cheque presentation \$2m federal funding South Perth Hall and Library by Senator Chris Evans + CEO, Crs Sue Doherty, Brian Hearne, Pete Best
- Old Mill discussion with Alan Parsons