



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 23 February 2010 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

Mayor / Council Representatives Activities Report for the months of December 2009 and January 2010 attached to the back of the Agenda.

3.2 Audio Recording of Council meeting

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

3.3 Public Question Time

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the City's web site for anyone wanting to submit a written question. He further stated that it was preferable that questions were received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.4 Correspondence Received from John Day, Minister for Planning, Culture and the Arts regarding No. 11 Heppingstone Street, South Perth.

The Mayor 'tabled' correspondence received from John Day, Minister for Planning, Culture and the Arts in relation to No. 11 Heppingstone Street, South Perth.

4. ATTENDANCE

Present:

Mayor J Best (Chair)

Councillors:

I Hasleby	Civic Ward
V Lawrance	Civic Ward
P Best	Como Beach Ward
G Cridland	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
S Doherty	Moresby Ward
K Trent, RFD	Moresby Ward

Officers:

Mr S Bell	Acting Chief Executive Officer
Ms V Lummer	Director Development and Community Services
Mr S Camillo	Manager Environmental Health and Regulatory Services (until 7.29pm)
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services (until 8.25pm)
Mr P McQue	Manager Governance and Administration
Mr M Taylor	Manager City Environment
Ms P Arevalo	Marketing Assistant
Mrs K Russell	Minute Secretary

Gallery

There were 10 members of the public present and no member of the press.

4.1 Apologies

Cr R Wells, JP	McDougall Ward (ill-health)
Mr C Frewing	Chief Executive Officer
Mr M Kent	Director Financial and Information Service

4.2 Approved Leave of Absence

Nil

5. DECLARATION OF INTEREST

The Mayor reported having received a Declaration of Interest from Cr Ozsdolay in relation to Agenda Item 10.0.1. He further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declarations would be read out immediately before the Item in question was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 15 December 2009 the following question was taken on notice:

6.1.1 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

1. Is the asking of verbal questions by members of the public during question time, permitted in accordance with Local Law Standing Orders 2007 part 6.7?
2. Does the Mayor know the answer to question 1?
3. In answering questions will the Mayor and / or CEO comply with the Customer Service Charter in respect to the responses? Will the answers be clear and unambiguous? Will the answers meet the Council's obligations and policies? Will the answers be clear so as to avoid the repeat of the questions?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 18 December, 2009, a summary of which is as follows:

1. Procedures for the asking of and responding to questions raised by members of the public at a meeting, referred to in Regulation 6.1 of the Act, are to be determined by the person presiding at the meeting. The person presiding has determined that questions are required to be in writing.
2. Yes.
3. The objectives of the Customer Service Charter are being met.

6.2 PUBLIC QUESTION TIME : 23.2.2010

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. He said that the written questions received in advance of the meeting will be dealt with first, there is a limit of two questions per person and long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. He then opened Public Question Time at 7.03pm.

Note: *Written Questions submitted prior to the meeting were provided (in full) in a powerpoint presentation for the benefit of the public gallery.*

6.2.1 Mr Barrie Drake, 2 Scenic Crescent, South Perth
--

(Written Questions submitted prior to the meeting)

I refer to Questions from Cr Doherty at Item 13.2.3 of the Minutes of the Council Meeting held 15 December 2009 relating to "Planning Approval vs Neighbour Consultation" and ask the following questions of a similar nature:

1. If an adjoining property owner ie neighbour wrote a letter to the City of South Perth complaining about the possible overbuilding of that neighbour's site during its construction with the said letter's contents being ignored; consequently resulting in the site being overbuilt by 30% or more and adversely affecting the said neighbour's property, what recourse do the neighbours have?

2. If an adjoining property owner ie neighbour, exceeds the requirements of the building licence issued by the City and overbuilds their site by 30% or more , what recourse do the neighbours have who are adversely affected, assuming the City does nothing to stop the overbuilding.
3. If the affected neighbour suffers a financial loss as a result of their neighbour's overbuilding of their site, do the affected neighbours have a legal claim to recover their losses and if so from who?

Summary of Response

The Mayor stated that only specific matters under the control of Council will be responded to and not hypothetical questions.

Mr Drake said No. 10 Jubilee Street is the property in question which is vastly overbuilt.

The Mayor stated that the questions were taken on notice.

6.2.2 Mr Luciano D'Ambrogio, 85 Waterford Avenue, Waterford

(Written Question tabled at the Council meeting)

Summary of Question

Can Council please provide the number of people who have contacted the City's Health Department regarding the mosquito problem within all areas of the City of South Perth?

Summary of Response

The Manager Environmental Health advised that a Register of Complaints is maintained by the City. He further stated that since October 2009 there had been 24 mosquito complaints received.

Summary of Question

Is the Register of Complaints available for public viewing?

Summary of Response

The Mayor replied no.

6.2.3 Mr Geoff Defrenne, 24 Kensington Street, Kensington

(Written Questions tabled at the Council meeting)

Note: The Mayor stated that in line with the Council resolution at the May 2009 Council Meeting the questions relating to No. 11 Heppingstone Street, South Perth would not be accepted.

Summary of Question

Item 3 on tonight's Agenda relates to Australian of the Year Awards:

1. Is the Council and residents as pleased as James appears to be in being nominated for Australian of the Year?
2. Has the City publicly acknowledged every resident of the City for being nominated as Australian of the Year?
3. Will the Mayor make similar announcements when he is notified of Code of Conduct complaints against him and the findings of those complaints.
4. In answering these questions will the Mayor comply with the City's Code of Conduct and Standing Orders?

Summary of Response

The Mayor responded:

1. Cannot answer for others.
2. No.
3. Hypothetical
4. Standing Orders is currently under review.

Close of Public Question Time

There being no further questions from other members of the public gallery the Mayor closed Public Question time at 7.15pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 15.12.2009

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Grayden

That the Minutes of the Ordinary Council Meeting held 15 December 2009 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, 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 - December Ordinary Council Meeting and Presentation of the CoSP draft Physical Activity Plan Held: 8.12.2009

Officers of the City presented background information and answered questions on items identified from the December Council Agenda. Consultant Jill Powell then gave a presentation on the draft Physical Activity Plan for the City of South Perth. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Forum: Town Planning Major Developments Meeting Held: 2.12.2009

Officers of the City / the applicant presented background on a proposed 4 storey development at No. 93 South Perth Esplanade. Questions were raised by Members and responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum: Town Planning Major Developments Meeting Held: 3.2.2010

Officers of the City / the applicants presented background on a proposed development at No. 63 South Perth Esplanade. Questions were raised by Members and responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Forum: AICD Governance Training – Role of Council and Councillors: Meeting Held: 9.2.2010

Mike Horabin of the Australian Institute of Company Directors (AICD) provided Governance Training on the role of the Council and Councillors. Questions were raised by Members and responded to by the presenter.

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

7.2.5 Concept Forum: Water Sensitive Water Design Presentation: Meeting Held: 10.2.2010

Officers of the City gave a presentation on Water Sensitive Water Designs. Questions were raised by Members and responded to by officers.

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

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.5 INCLUSIVE

Moved Cr Trent, Sec Cr Cala

That the comments and attached Notes under Items 7.2.1 to 7.2.5 inclusive on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (12/0)

8. PRESENTATIONS

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

8.1.1 Petition received 5 January 2009 from J McGrath, 5/16 Coode Street, South Perth together with 25 signatures objecting to proposal at No. 12 Coode Street, South Perth.

Text of the petition reads:

We the undersigned object to the proposal for Four x 4 storey Single Houses at Lot 2 (No. 12) Coode Street, South Perth and request that the Council rejects the proposal.

RECOMMENDATION

That the petition received 5 January 2010 from J McGrath, 5/16 Coode Street, South Perth together with 25 signatures in relation to the proposed development at No. 12 Coode Street, South Perth be forwarded to the Development and Community Services Directorate for consideration as part of a report on this proposal to the first available Council Meeting.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Best, Sec Cr Ozsdolay

That the petition received 5 January 2010 from J McGrath, 5/16 Coode Street, South Perth together with 25 signatures in relation to the proposed development at No. 12 Coode Street, South Perth be forwarded to the Development and Community Services Directorate for consideration as part of a report on this proposal to the first available Council Meeting.

CARRIED (12/0)

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

8.2.1 Thank a Volunteer Presentation Neil McDougall Park: 18.12.09

The Mayor reported that at a presentation held at Neil McDougall Park on 18 December the City acknowledged the long time contribution of the volunteer members of the City of South Perth Environmental Action Group and presented Joan Boardman and Angela Carr with Certificates of Appreciation.

8.2.2 Australian of the Year Awards 2010 – Mayor Best

Deputy Mayor Sue Doherty presented a Certificate of Congratulations from the National Australia Day Council to Mayor James Best on his nomination for the Australian of the Year Awards 2010.

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

Note: Deputations in relation to Agenda Items 10.0.1 and 10.3.4 were heard at the February Council Agenda Briefing held on 16 February 2010.

Requests for a Deputation to Address Council, received from Mr Barrie Drake, 2 Scenic Crescent, South Perth and Mr Geoff Defrenne, 24 Kennard Street, South Perth, on Agenda Item 3.4 were declined.

8.4 COUNCIL DELEGATES

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

A report from Mayor Best, Cr Trent and the CEO summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 25 November 2009 at the Town of Armadale is at **Attachment 8.4.1**.

Note: The Minutes of the WALGA South East Metropolitan Zone meeting of 25 November 2009 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Reports at **Attachment 8.4.1** in relation to the WALGA South East Metropolitan Zone Meeting held 25 November 2009 be received.

8.4.2. Council Delegate: Rivers Regional Council: 17 December 2009

A report from Council Delegates summarising their attendance at the Rivers Regional Council Meeting held 17 December 2009 at the City of Mandurah is at **Attachment 8.4.2**.

Note: The Minutes of the Rivers Regional Council Ordinary Council Meeting of 17 December 2009 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.4.2** in relation to the Rivers Regional Council Meeting held 17 December 2009 be received.

8.4.3. Council Delegate: Perth Airports Municipalities Group – 17 December 2009

A report from Crs Hasleby and Burrows summarising their attendance at the PAMG Meetings held at the Shire of Mundaring on 17 December 2009, which was also attended by the Manager Environmental Health and Regulatory Services, is at **Attachment 8.4.3.**

Note: The Minutes and Attachments of the Perth Airports Municipalities Group Meetings held 17 December 2009 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.3** in relation to the PAMG Perth Airports Municipalities Group Meetings held 17 December 2009 be received.

8.4.4. Council Delegate: WALGA South East Metropolitan Zone:27 January 2010

A report from Mayor Best, Cr Trent and the CEO summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 27 January 2010 is at **Attachment 8.4.4.**

Note: The Minutes of the WALGA South East Metropolitan Zone meeting of 27 January 2010 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.4** in relation to the WALGA South East Metropolitan Zone meeting held 27 January 2010 be received.

COUNCIL DECISION ITEMS 8.4.1 – 8.4.4

Moved Cr Burrows, Sec Cr Trent

That the Delegate's Report at:

- **Attachment 8.4.1** in relation to the WALGA South East Metropolitan Zone Meeting held 25 November 2009;
- **Attachment 8.4.2** in relation to the Rivers Regional Council Meeting held 17 December 2009;
- **Attachment 8.4.3** in relation to the PAMG Perth Airports Municipalities Group Meetings held 17 December 2009; and
- **Attachment 8.4.4** in relation to the WALGA South East Metropolitan Zone meeting held 27 January 2010

be received.

CARRIED (12/0)

Note: Manager Environmental Health and Regulatory Services retired from the meeting at 7.29pm

8.5 CONFERENCE DELEGATES

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Acting Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 16 February 2010.

The Acting Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.1 Declaration of Interest
- Item 10.0.5 Alternative Motion Cr Cala
- Item 10.3.3 Alternative Motion Cr Cala
- Item 10.3.4 Alternative Motion Cr Doherty

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Cala, Sec Cr Grayden

That with the exception of Withdrawn Items 10.0.1, 10.0.5, 10.3.3 and 10.3.4 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.2, 10.0.3, 10.0.4, 10.2.1, 10.3.1, 10.3.2, 10.3.5, 10.4.1, 10.5.1, 10.5.2, 10.6.1, 10.6.2, 10.6.3, 10.6.4 and 10.6.5 be carried en bloc.

CARRIED (12/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

DECLARATION OF INTEREST

The Mayor read aloud the Declaration of Interest received from Cr Ozsdolay as follows:

In accordance with the Local Government (Rules of Conduct) Regulations 2007 Section 11 I wish to declare a Conflict of Interest in Agenda Item 10.0.1 (Removal of Restrictive Covenant Affecting Density) on the Council Agenda for the meeting to be held 23 February 2010. I am a resident of Waterford, one of the suburbs that is the subject of report Item 10.0.1 on the February 2010 Council Agenda. I do not consider however that this will in any way affect my vote and I will therefore remain in the Council Chamber during the debate and participate in the vote.

Note: Cr Ozsdolay remained in the Council Chamber.

10.0.1 Amendment No. 15 to TPS6 : Removal of Restrictive Covenants Affecting Density - Consideration of Submissions (Item 10.0.1 May 2009 Council meeting refers)

Location: City of South Perth
Applicant: Council
File Ref: LP/209/15
Date: 1 February 2010
Author: Gina Fraser, Senior Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of the proposed Amendment No. 15 to Town Planning Scheme No. 6 (TPS6) is to introduce provisions to assist in removing restrictive covenants that affect density. The draft Amendment proposals were endorsed by the Council in May 2009 and have been advertised for community comment. The submissions that were received are discussed in this Report. The recommendation is that Amendment No. 15 proceed to finalisation with modification and that this recommendation be forwarded to the Minister for Planning for final approval.

Background

This report includes the following attachments:

Attachment 10.0.1(a)	Report on Submissions.
Attachment 10.0.1(b)	Schedule of Submissions.
Attachment 10.0.1(c)	Modified Amendment No. 15 document for final adoption.

Amendment No. 15 was initiated at the May 2009 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 22 June 2009, allowing community advertising and consultation to proceed.

Comment

The community consultation in relation to the proposed Amendment No. 15 was initiated on 7 July and concluded on 21 August 2009. The proposal was advertised in the manner described in the 'Consultation' section of this report and resulted in 58 submissions. *The personal details of the submissions are confidential, but are available for Councillor scrutiny in the Council Members' lounge.* However, the submissions are discussed in the Report on Submissions at **Attachment 10.0.1(a)** and in greater detail in the Schedule of Submissions at **Attachment 10.0.1(b)**. The Schedule also contains recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council will need to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. When the Council's recommendations have been conveyed to the Minister for Planning, he is responsible for the final determination of the Amendment.

Consultation

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and City policies, was undertaken in the manner resolved at the May 2009 Council meeting, as follows:

- A community consultation period of 46 days, the required minimum period being 42 days.
- Notices mailed to owners of all residential-zoned properties within Manning, Salter Point and Waterford - a total of 3,049 were mailed.
- Southern Gazette newspaper notice in two issues: 'City Update' column - on 7 and 21 July 2009.
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City's Libraries and Heritage House, and on the City's web site ('Out for Comment').

During the 46-day advertising period, 58 submissions were received. Many of these were detailed and complex. Some have resulted in the Council's recommendation to modify the original Amendment proposals, contributing to a more appropriate outcome.

The submissions are discussed in the Report on Submissions and the Schedule of Submissions contained in **Attachments 10.0.1(a)** and **10.0.1(b)**, respectively. These documents will be provided to the Western Australian Planning Commission for further consideration and for recommendation to the Minister for Planning.

As a result of certain submissions from landowners in Waterford and “St Lucia”, the Amendment text has been modified to exclude those localities from the new provisions which facilitate the removal of restrictive covenants. In anticipation of the Minister’s support, the final, modified Amendment text will also be provided to the WAPC and the Minister. A copy of each submission, in full, has been placed in the Council Members’ Lounge for perusal prior to the Council meeting. The submissions will also be provided, in full, to the WAPC and the Minister.

Policy and Legislative Implications

When approved, Amendment No. 15 will have the effect of simplifying the process that must be implemented by property owners for the removal of ‘single dwelling covenants’, allowing the normal Town Planning Scheme No. 6 provisions to prevail.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 15 is itemised below, together with the time frame associated with each stage of the process. Those stages which have been completed, including consideration at the February 2010 Council meeting, are shaded:

Stage of Amendment Process	Time
Preliminary consultation under Policy P355	Not applicable
Council decision to initiate Amendment No. 15 to TPS6	26 May 2009
Council adoption of draft Scheme Amendment No. 15 proposals for advertising purposes	26 May 2009
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	29 May 2009
Receipt of EPA’s response	22 June 2009
Public advertising period of not less than 42 days (the actual consultation period was 46 days)	7 July to 21 August 2009
Council consideration of Report on Submissions in relation to Amendment No. 15 proposals	23 February 2010
Referral to the WA Planning Commission and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Schedule of Submissions; • Council’s recommendations on the proposed Amendment No.15; • Three signed and sealed copies of the modified Amendment No. 15 documents for final approval. 	Early March 2010 (estimated)
Minister’s final determination of Amendment No. 15 to TPS6	Unknown
Publication by the City of the approved Amendment No. 15 notice in <i>Government Gazette</i>	Unknown

Following the Council’s decision to recommend to the Minister that Amendment No. 15 proceed with modifications, three copies of the modified Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council’s recommendation.

Financial Implications

Scheme Amendment requests by individuals attract a City Planning Fee calculated under the City’s *Schedule of Fees and Charges*. No planning fee applies where there is no ‘applicant’, as in the case of Amendment No. 15. Therefore all costs associated with Amendment No.15 (Officers’ time, community consultation, statutory advertising) have been met by the City.

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

Amendment No. 15 provides an opportunity for the Council to simplify the development process for the majority of those owners whose properties are encumbered with a restrictive covenant which limits development to a Single House. Such a restriction is not compatible with the adopted Town Planning Scheme No. 6 density coding within some parts of the City, including Manning, Salter Point and Waterford. TPS6 was prepared and adopted by way of a public process, following proper procedure, and having regard to comments received from members of the community. The Amendment is consistent with sustainability principles in that it will remove an anomalous barrier not imposed by TPS6, which is presenting difficulties to landowners who wish to develop to their normal density entitlement under TPS6.

Conclusion

To date, the proposed Amendment No. 15 has been supported by the Council. During the public consultation period, a number of comments were received from submitters expressing concerns and objections to the proposals. Some of these concerns have resulted in appropriate modifications to the Amendment, to the extent discussed in the attached documents.

Having regard to all of the submitters' comments and assessment of them by City Officers, the proposed modified Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed with modification be forwarded to the Minister.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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Moved Cr Lawrance, Sec Cr Cala

That ...

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) Submissions 1.1 to 1.37, inclusive, unconditionally supporting Amendment No. 15 be upheld;
 - (ii) Submissions 2.1 to 2.5, inclusive, conditionally supporting the proposed Amendment No. 15 be partially upheld;
 - (iii) Submissions 3.1 to 3.16, inclusive, opposing Amendment No. 15 be generally not upheld; and
 - (iv) Amendment No. 15 proceed with modification to the extent and in the manner recommended in the Report on Submissions at **Attachment 10.0.1(a)** and the Schedule of Submissions at **Attachment 10.0.1(b)**;
- (b) Amendment No. 15 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the modified Amendment No.15 document, as required by those Regulations;
- (c) the Report on Submissions at **Attachments 10.0.1(a)**, the Schedule of Submissions at **Attachment 10.0.1(b)**, a copy of the submissions and three executed copies of the modified Amendment No.15 document at **Attachment 10.0.1(c)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning; and
- (d) the Submitters be advised of the above resolution and be thanked for participating in the process.

CARRIED (8/4)

10.0.2 Amendment No.18 to TPS6 : Penrhos College - Consideration of Submissions (*Item 10.0.1 August 2009 Council meeting refers*)

Location: Lot 2199 (No. 6) Morrison Street/Thelma Street/Murray Street, Como
Applicant: The Planning Group WA Pty Ltd (TPG), Town Planning and Urban Design consultants on behalf of Penrhos College
Lodgement Date: Not applicable
File Ref: LP/209/18
Date: 1 February 2010
Author: Gina Fraser, Senior Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of the proposed Amendment No. 18 to Town Planning Scheme No. 6 (TPS6) is to introduce provisions to enable the 7.0 metre building height limit applicable to the Penrhos College site to be exceeded to a maximum of 10.5 metres within a portion of the site, provided that all applicable performance criteria in the Scheme are met. The draft Amendment proposals were endorsed by the Council in August 2009 and have been advertised for community comment. The submissions that were received are discussed in this Report. The recommendation is that Amendment No. 18 proceed to finalisation without modification and that this recommendation be forwarded to the Minister for Planning for final approval.

Background

This report includes the following attachments:

Attachment 10.0.2(a) Report on Submissions and Schedule of Submissions.

Attachment 10.0.2(b) Amendment No. 18 document for final adoption.

Amendment No. 18 was initiated at the June 2009 Council meeting and endorsed for community consultation in August 2009. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 29 September 2009, allowing community advertising and consultation to proceed.

Comment

The community consultation in relation to the proposed Amendment No. 18 was initiated on 20 October and concluded on 4 December 2009. The proposal was advertised in the manner described in the 'Consultation' section of this report and resulted in 2 submissions. The submissions are discussed in the Report on Submissions and Schedule of Submissions at **Attachment 10.0.2(a)**. The Schedule also contains recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council will need to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. When the Council's recommendations have been conveyed to the Minister for Planning, he is responsible for the final determination of the Amendment.

Consultation

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and City policies, was undertaken in the manner resolved at the August 2009 Council meeting, as follows:

- A community consultation period of 46 days - from 20 October to 4 December 2009 (the required minimum period being 42 days).
- Notices mailed to owners of all surrounding residential-zoned properties - a total of 50 were mailed, in addition to Notices being provided to nearby residents of Collier Village.

- Southern Gazette newspaper notice in two issues: ‘City Update’ column - on 20 October and 3 November 2009.
- Site notices in 4 strategic locations on the Amendment site.
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City’s Libraries and Heritage House, and on the City’s web site (‘Out for Comment’).

During the 46-day advertising period, 2 submissions were received, comprising a letter of unconditional support from Western Power, and a joint letter of conditional support from three residents of Collier Village seeking to preserve their amenity. With respect to the latter, performance criteria already proposed in the Amendment address the issues raised by the joint submitters. Therefore, there is no need to modify the Amendment in response to the submission.

The submissions are discussed more fully in the Report on Submissions and Schedule of Submissions contained in **Attachment 10.0.2(a)**. This document will be provided to the Western Australian Planning Commission for further consideration and for recommendation to the Minister for Planning. In anticipation of the Minister’s support, executed copies of the Amendment Report will also be provided to the WAPC and the Minister.

Policy and Legislative Implications

When approved, Amendment No. 18 will introduce provisions to TPS6 to enable the 7.0 metre building height limit applicable to the Penrhos College site to be exceeded to a maximum of 10.5 metres within portion of the site, provided that all applicable performance criteria are met.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 18 is itemised below, together with the time frame associated with each stage of the process. Those stages which have been completed, including consideration at the February 2010 Council meeting, are shaded:

Stage of Amendment Process	Time
Preliminary consultation under Policy P355	Not applicable
Council decision to initiate Amendment No. 18 to TPS6	23 June 2009
Council adoption of draft Scheme Amendment No. 18 proposals for advertising purposes	25 August 2009
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	9 September 2009
Receipt of EPA’s response	29 September 2009
Public advertising period of not less than 42 days (the actual consultation period was 46 days)	20 October to 3 November 2009
Council consideration of Report on Submissions in relation to Amendment No. 18 proposals	23 February 2010
Referral to the WA Planning Commission and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Schedule of Submissions; • Council’s recommendations on the proposed Amendment No.18; • Three signed and sealed copies of the Amendment No. 18 documents for final approval. 	Early March 2010 (estimated)
Minister’s final determination of Amendment No. 18 to TPS6	Unknown
Publication by the City of the approved Amendment No. 18 notice in <i>Government Gazette</i>	Unknown

Following the Council’s decision to recommend to the Minister that Amendment No. 18 proceed without modifications, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council’s recommendation.

Financial Implications

Scheme Amendment requests by individuals attract a City Planning Fee calculated under the City's *Schedule of Fees and Charges*. The aim of this fee is to fully meet all costs incurred by the City in processing the Amendment. The fee has been paid by the applicant.

Strategic Implications

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

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

Sustainability Implications

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 sustainable design principles.

The proposal has been advertised for community comment and no substantive objection has been received.

Conclusion

To date, the proposed Amendment No. 18 has been supported by the Council. During the public consultation period, only one submission was received from the local community, seeking to ensure that neighbours' amenity is protected. This will be fully addressed at the time of any future development application.

Having considered the submitters' comments, the proposed Amendment should now be finally adopted by the Council and a recommendation that the Amendment proceed without modification should be forwarded to the Minister.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2
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That ...

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) Submission 1.1 unconditionally supporting Amendment No.18 be upheld;
 - (ii) Submission 2.1 conditionally supporting the proposed Amendment No.18 be partially upheld; and
 - (iii) Amendment No.18 proceed without modification as recommended in the Report on Submissions and Schedule of Submissions at **Attachment 10.0.2(a)**;
- (b) Amendment No.18 to Town Planning Scheme No.6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No.18 document, as required by those Regulations;
- (c) the Report on Submissions and Schedule of Submissions at **Attachment 10.0.2(a)** and three executed copies of the Amendment No.18 document at **Attachment 10.0.2(b)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning; and
- (d) the Submitters be advised of the above resolution and be thanked for participating in the process.

CARRIED EN BLOC RESOLUTION

10.0.3 City of South Perth Strategic Plan 2010 – 2015 (*Item 10.5.3 referred Council Meeting 15.12.2009*)

Location: City of South Perth
Applicant: Council
File Ref: CM/601
Date: 1 February 2010
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report seeks Council adoption of the Strategic Plan 2010 – 2015 following the 45 day community consultation period undertaken in December 2009 and January 2010.

Background

The Council endorsed the City of South Perth Strategic Directions Plan 2010 – 2015 for public comment for a period of 45 days, 16 December 2009 to 29 January 2010 at its meeting held 15 December 2009. The City undertook an extensive communications campaign to advise the community of the ability to make submissions on the draft Strategic Plan during December 2009 and January 2010. There was only one submission received which is perhaps not surprising given the City had previously engaged in an extensive consultation exercise over a number of years with the *Our Vision Ahead* process.

Comment

The draft Strategic Plan 2010 – 2015 is at **Attachment 10.0.3**. The Council's principal activities will be carried under six key areas, five of which are directly from the *Our Vision Ahead* community vision goals.

- Creating opportunities for a safer, active and connected **Community**
- Nurture and develop natural spaces and reduce impacts on the **Environment**
- Accommodate the needs of a growing population with a planned mix of **Housing and Land Uses**
- Plan and develop safe, vibrant and amenable **Places**
- Improve accessibility to a diverse and interconnected mix of **Transport** choices

The sixth area is related to the organisation's internal systems and processes to ensure that the community's themes can be delivered in a proper and accountable manner.

- Ensure that the City's **Governance** enables it to respond to the community's vision in a sustainable manner whilst delivering on its service promises.

The draft Strategic Plan 2010 – 2015 is very closely linked to the *Our Vision Ahead* document recently adopted by Council after considerable community involvement.

The one submission received sought to protect existing lot sizes in Kensington and whilst important, is not considered to be a topic for specific inclusion in the Strategic Plan. The topic is generally covered in the Goal of "Places" (Plan and develop safe, vibrant and amenable Places).

There have been minor amendments made to the draft Strategic Plan 2010 – 2015 by the Administration since December 2009 to ensure that the document is worded at the same strategic level and consistent with the *Our Vision Ahead* document and more accurately reflects the needs and expectation of the community in respect to:

- Addressing the needs of a diverse community
- Planning for a rapidly expanding population
- Planning for the needs of an ageing population
- Addressing the ‘leakage’ of economic and social activity
- Addressing the demand for a mix of services, activities and active places within walking distances of most homes
- Addressing the threats of biodiversity loss, peak oil and climate change
- Responding to changing demands for service delivery and community interaction
- Meeting the higher community expectations in respect to leadership and effective governance.

A three-year Corporate Plan 2010 – 2013 is presently being developed. The Plan will include priority projects with targets and key performance indicators that will be reviewed annually to deliver the long term goals and outcomes specified in the Strategic Plan 2010 – 2015.

Consultation

The draft Strategic Plan 2010 - 2015 was available for public comment from 16 December 2009 to 29 January 2009, a period of 45 days. A single submission was received from a resident who expressed a desire for the suburb of Kensington to retain its present residential zonings.

Policy and Legislative Implications

Section 5.56 of the *Local Government Act 1995* provides that:

(1) *A local government is to plan for the future of the district.*

(2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Local Government (Administration) Regulations 1996 Clause 19C and 19D provide:

“19C. Planning for the Future – s.5.56

1 *In this regulation and regulation 19D –*

“plan for the future” means a plan made under section 5.56.

2. *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*

3. *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*

4. *A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*

5. *A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modification, as is relevant.*

**Absolute majority required.*

6. *If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.*

7. *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.*
8. *A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.*
9. *A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*

19D. Notice of plan to be given

1. *After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government it to give local public notice in accordance with subsection (2).*
2. *The local public notice is to contain –*
 - a) *Notification that –*
 - i. *a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
 - ii *details of where and when the plan may be inspected;*

or

 - b) *where a plan for the future of the district has been modified –*
 - i *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and*
 - ii. *details of where and when the modified plan may be inspected.”*

Financial Implications

In its forward financial planning and budget process the City will allocate appropriate funding to support the adoption of the Strategic Plan 2010 - 2015 in line with its organisational and financial capacity.

Strategic Implications

The proposed Strategic Plan will guide the strategic direction for the City of South Perth, from 2010 to 2015.

Sustainability Implications

The draft Strategic Plan 2010 – 2015 is based on the sustainability principle of planning for and meeting the needs of the present without compromising the ability of future generations to plan and meet their own needs.

The draft Strategic Plan 2010 – 2015 also contains initiative 2.5 “*Build capacity within the City and community including partnering with stakeholders, to manage climate change risk and opportunity, through leadership, adaptation and mitigation*”.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3</p>

That

- (a) the Council adopt the City of South Perth Strategic Plan 2010 – 2015 at **Attachment 10.0.3**; and
- (b) the submitter be thanked for the submission received.

CARRIED EN BLOC RESOLUTION

10.0.4 Amendment of Parking Local Law and Penalty Units Local Law (*Item 10.5.6 referred November 2009 Council Meeting*)

Location: City of South Perth
Applicant: Council
Date: 4 February 2010
Author: Jelette Jumayao, Research and Administration Officer
Reporting Officer: Phil McQue, Manager Governance and Administration

Summary

To enable the City to regulate car parking during the staging of the 2010 Red Bull Air Race, it is necessary to amend the City's Parking Local Law to provide for the establishment of General No Parking Areas in specified locations at specified times. It is necessary to amend the Penalty Units Local Law in order to double the penalty which will apply for infringement of those parking restrictions during the specified times.

The *Local Government Act* (the Act) sets out the procedural requirements for the making of a local law. The process is initiated by Council resolving to give State-wide public notice of the proposed local law; and subsequently, by Council considering any submissions received before proceeding to make the local law.

Background

At its October 2009 meeting Council endorsed the holding of the 2010 Red Bull Air Race on Sir James Mitchell Park which included the imposition of road closures and parking restrictions on Saturday 17 and Sunday 18 April 2010.

In order to implement the parking restrictions, amendments are required to the Parking Local Law to provide for the establishment of a General No Parking Zone and to the Penalty Units Local Law to increase the penalty applicable during the weekend of the Red Bull Air Race. Clause 7.4 of the Parking Local Law enables the City to establish General No Parking Zones for specified areas at specified times, by prescribing the time and area in a Schedule to the local law.

The Penalty Units Local Law enables the City to prescribe modified penalties for the infringement of parking restrictions imposed for special events such as Red Bull Air Race. A modified penalty is expressed in 'penalty units' and the value of a penalty unit is normally \$10.00. It is proposed to increase the value of the penalty unit to \$20.00 for parking infringements occurring during the Red Bull Air Race. This is consistent with the practice adopted for Sky Show.

Comment

Procedural Requirements - Purpose and effect

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.

Parking Local Law

The purpose of the proposed amendment to the Parking Local Law is to provide for the establishment of a General No Parking Zone for the times and locations set out in the Schedule to the Parking Local Law. The effect of the proposed amendment to the Parking Local Law is to impose car parking restrictions during the times and at the locations prescribed.

Penalty Units Local Law

The purpose of the proposed amendment to the Penalty Units Local Law is to provide for an increase to the value of a penalty unit at the locations and during the times specified in the Schedule to the local law. The effect of the proposed amendment to the Penalty Units Local Law is to double the penalty for committing any of the offences prescribed in the Schedule to the local law. The text of the proposed amendment local law is at **Attachment 10.0.4**.

Public consultation

Section 3.12(3) of the Act requires the local government to give State-wide public notice stating that the local government proposes to make a local law the purpose and effect of which is summarized in the notice.

Notices were placed in the *West Australian* newspaper on Friday 4 December 2009 and in the *Southern Gazette* newspaper on Tuesday 8 December 2009. In addition, notices were placed on the notice boards at the Civic Centre and branch libraries.

Submissions about the proposed local law were invited for a period of 6 weeks. After the last day for submissions, being Wednesday 27 January 2010 Council may consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

No submissions were made during the submission period, however the City received a submission of comments after the submission period from the Department of Local Government. One of the comments from the Department of Local Government was the current format of the local law, they made suggestions about reformatting the local law so that it was *Government Gazette* ready. Some of the minor changes made to the local law from the previous presented local law include; now separating the two local laws being amended into part 2 and part 3, keeping headings in the centre, taking out page numbers, adding and deleting minor words and overall making the local law clearer and *Government Gazette* ready.

The only major change that has occurred from the Department of Local Governments comments was changing the name of the local law to ***City of South Perth (Parking and Penalty Units) Amendment Local Law 2009***, to remove the additional reference of "Local Laws" that is unnecessary. These changes have made the proposed amendment local law more clear and illustrates how the published amendment local law will look. Council may now decide, by absolute majority, to make the amendment local law as set out in **Attachment 10.0.4**.

Policy and Legislative Implications

Section 3.12 of the *Local Government Act* and regulation 3 of the *Local Government (Functions & General) Regulations* set out the procedural requirements for the making of a local law.

Financial Implications

Nil.

Strategic Implications

The proposal is consistent with Strategic Goal 5: ***"To be a professional, effective and efficient organisation."***

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.4
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That Council resolves to adopt* the Amendment (Parking and Penalty Units Local Laws) Local Law 2009, **Attachment 10.0.4**, pursuant to section 3.12 of the *Local Government Act*.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.0.5 Collier Park Golf Course Master-Plan Implementation (*Item 10.5.4 referred July 2009*)

Location: City of South Perth
Applicant: Council
File Ref: PR/301
Date: 5 February 2010
Author: Mark Taylor, Manager City Environment
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

The purpose of this report is to inform the Council of progress made towards the implementation of the Collier Park Golf Course Master-plan and to determine the required budget to allow the City to consider implementation of the first stage of the project, that is, to upgrade the “Island Nine” course in the 2010/2011 financial year.

Background

The Collier Park Golf Course (CPGC) opened in 1984. At the time, it was the leading public golf course in Western Australia and considered to be one of the best of this type in Australia. CPGC is now facing increased competition from other public courses, some of which have received significant investment in recent years.

Operating the Course is a major business undertaking for the City. In 2008/2009 the budgeted operating revenue was \$1.85 million and budgeted operating result was \$440,000. The Course has averaged 106,500 patrons per year over the last nine years.

The Course is generally well maintained, but very little asset replacement has occurred since it was first opened in 1984. As a result, most of the principal infrastructure is now over 25 years old. The Course is looking ‘tired’ and the playing standard has deteriorated in recent years. This is mainly because the irrigation system is wearing out. The CPGC buildings are also showing their age and furniture (seats, signs, etc) is generally old.

For CPGC to be considered as one of the premier public golf courses in WA, a strategic approach is required to ensure that future funding is directed to the appropriate areas. As a result, the City embarked on a Master-planning process for the CPGC.

As part of the Master-planning process, the following components were assessed:

- Location of course facilities and driving range;
- Irrigation supply and condition;
- Course layout;
- Landscaping (including furniture and signage).

The Master-plan recommended

- Replacement of the current irrigation system due to its age and condition;
- Purchase of a new ‘state of the art’ central irrigation control system to better manage water delivery and usage;
- Construction of a storage lake to reduce the Course ‘watering window’ and to better treat iron in the water;
- Investigate the potential to harvest storm-water;
- Amendments to the Course layout to bring it up to contemporary standards;
- The provision of distinctive landscape themes for each of the three nine hole courses (Pines, Lake & Island);

- A new landscaped entry statement and road alignment into the Course;
- Extension of the car park by 100 bays to cater for proposed new facilities;
- Enhancing the presentation and landscaping of all three lakes on the Course;
- Identification of conservation and rehabilitation zones;
- Potential furniture and signage palettes.

At the meeting held on 28 July 2009 the Council resolved the following in regard to the Master-plan for the Collier Park Golf Course:

That...

- the Master-plan prepared for the Collier Park Golf Course at Attachment 10.3.8(b) be adopted;*
- copies of the Master-plan be made available for viewing at the Collier Park Golf Course, and the City's Civic Centre and Operations Centre;*
- the replacement of the Course irrigation is considered a priority and be the subject of a separate report to Council, at the earliest opportunity, identifying the scope, cost, funding source and implementation timeframe; and*
- the other elements of the Master-plan be progressively implemented as priorities and budgets allow.*

Comment

It is obvious from the estimates provided in the July 2009 Council report that the Master-plan implementation process would be expensive. To that end it was decided to attempt the implementation in stages to lessen the financial impact on the City and to ensure that disruptions at the course were kept to a minimum during the upgrade.

The redevelopment of the Course can be logically achieved by completing a 9 hole course at a time, as they are effectively separate and are proposed to be 'themed' as such in the Master-plan. Being a 36 hole golf course, taking 9 holes out for redevelopment still enables 18 hole golf to be played.

The 'Island 9' course has been chosen as the first to be upgraded. The reason for this is because it contains the proposed new irrigation lake. In order to upgrade the irrigation system, the redevelopment of this lake must occur first.

Ideally, the redevelopment of the Island 9 should mean completion of all of the proposed Master-plan upgrades, such as:

- Layout changes, including modifications to the lake;
- Pump, bore and irrigation replacement;
- New furniture;
- Key landscaping area upgrades.

As a result, the following investigations and design work has been completed.

Stormwater Harvesting

Best practice water management is considered to be an essential part of any Course improvement planning. The City is fortunate as the Collier Main Stormwater Drain (Water Corporation owned) runs through the Course and is expressed on the surface by two of the three lakes present. Officers see this as an opportunity to potentially offset groundwater use for irrigation by harvesting the available stormwater.

Consultant engineers were engaged to assess alternative water source options and water quality requirements for the new irrigation system for the Course. They have completed their investigation and have advised that up to 22.10 ML/pa could be harvested from the stormwater system. This is about 5% of the estimated annual water demand required to adequately irrigate the golf course (437 ML/pa). As the stormwater will be available primarily in winter, when the irrigation system is rarely in use, this water, on face value, is not that useful. As a result it is proposed not to use this water to fill the lake, but to recharge the aquifer, by allowing it to soak into the ground in the vicinity of the lake. The City can use the recharge to demonstrate best practice in water management for the Course, in discussions on water allocation with the Department of Water. In addition, the stormwater will be treated to improve its quality prior to recharge of the aquifer.

Lake Redevelopment

At present, the Course is watered on demand from a series of groundwater bores linked together by a ring main. Water is drawn directly from the bores at the time of watering. It is proposed to draw water from a redeveloped lake on the Island 9, with the water level being maintained by the bores. This lake is well situated on the Course with plenty of room in the vicinity to house pumps and equipment.

The lake has been redesigned to hold a minimum of two day's water supply for the Course, which provides some insurance against major bore failure. It also means that the bores do not necessarily have to be running at the time the irrigation is in operation. In addition, as part of the layout improvements, the consultant golf professional wanted to enhance the existing lake to bring water 'in play' to a greater degree.

As a result of the detailed design process, the lake in the Island 9 has been substantially changed. The new design at **Attachment 10.0.5** features two water bodies which meet the layout changes requested, irrigation supply requirements and the desire to harvest stormwater for reuse opportunities. The water supply lake will require lining to maintain a water level to ensure that it remains 'in play' and retains a minimum of two day's supply for the course.

The other water body intercepts the Collier Main Stormwater Drain. This water body will be seasonal to enable it to recharge the aquifer via infiltration and is proposed to be heavily vegetated as part of the desire to improve the course aesthetics and water quality.

Irrigation Replacement

A new irrigation system has been designed based on the new course layout and lake changes. This includes the pump requirements to move water around the Course. The irrigation system has been designed to be water efficient and will be connected to a state of the art central control system which will be supported by soil moisture probes and a weather station to ensure optimal water use. The lake will be the water source of the whole Course. The existing irrigation system will be modified and connected to it where practicable.

Course Layout Changes

A golf professional was engaged during the Master-plan development to provide his assessment of potential layout changes for each of the nine hole courses to meet contemporary golfing standards. His subsequent report, was reflected in the Master-plan. This information has been used by the landscape architects in the development of a detailed design scheme for the Island 9. It is proposed that the golf professional be engaged again, in a supervisory role, to assist the implementation process.

Course Furniture Upgrades

The consultant landscape architects have included furniture (i.e. seats, fountains, bins and shelters etc), signage and landscaping to improve the aesthetics and facilities at the course. The brief for this work was to provide a scheme befitting a good quality public golf course and one that can be maintained relatively cheaply and replaced easily, if required. The proposed changes to the Island 9 Course and remaining eighteen holes embrace this vision.

Consultation

Council has been periodically updated of progress of the Master-planning process via the internal 'Bulletin'.

The Course Master-plan was the subject of a Council Concept Briefing held on Tuesday 30 June, 2009.

Specialist consultants have been engaged to assist with the development and implementation of the Course Master-plan.

Policy and Legislative Implications

Implementing the recommendations of the adopted Collier Park Golf Course Master-plan.

Financial Implications

A more comprehensive assessment of costs to upgrade the Island Nine course has been developed during the detailed design process.

The breakdown of costs is as follows:

• Irrigation lake development	\$1.72 million
• Groundwater lake (stormwater harvesting)	\$0.25 million
• New irrigation system (including pumps & central control)	\$2.29 million
• Furniture upgrades	\$0.15 million
• Course layout changes	\$0.85 million
• Fees / charges / consultancies	\$0.20 million
Total	<u>\$5.46 million</u>

Please note that the Island 9 will be the most expensive of the three nine hole courses to be upgraded, because it contains the irrigation lake, pump and central control systems. The remaining courses will not require this additional expense when they are upgraded.

The City currently has \$1.8 million in Reserve for the Collier Park Golf Course. A potential funding strategy for implementation of this project would be for the City to borrow the funds required to complete the works against the Reserve.

Council could choose to implement the entire project at once, or stage the project, however the officers recommend completing the Island 9 to the standard adopted in the Master-plan in one project.

This would need to be considered in the 2010/2011 budget process against other priorities.

Strategic Implications

The relevant section of the City’s Strategic Plan relating to this proposal is Goal 3 Environmental Management - *To sustainably manage, enhance and maintain the City’s unique natural and built environment* and in particular Strategy 3.3 *Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community..*

Sustainability Implications

The Master-plan, as a strategic document, sets the parameters by which course development is to occur and these are based on sustainability principles. Such sustainability initiatives include but are not limited to:

- Use of state of the art reticulation system that is more efficient and water wise;
- Stormwater harvesting and reuse of treated stormwater to reduce the need to irrigate the course using bore/ground water;
- Use of native (endemic) vegetation that requires minimal watering and maintenance;
- Use of alternative energy sources such as solar power for lighting;
- Use of porous pavements for roads and car parking.

OFFICER RECOMMENDATION ITEM 10.0.5

That...

- (a) the design scheme for the redevelopment of the ‘Island 9’ at the Collier Park Golf Course, comprising lake, irrigation, furniture and layout improvements be approved, and
- (b) a funding and implementation strategy for the ‘Island 9’ redevelopment be considered by the Council during the 2010/2011 annual budget deliberations.

MOTION

Cr Ozsdolay Moved the officer recommendation. Sec Cr Burrows

FORESHADOWED MOTION

Cr Cala Foreshadowed moving the following Motion, if the current Motion is Lost:

That...

- (a) the progress of the implementation of the Collier Park Golf Course Master Plan be noted; and
- (b) a funding and implementation strategy for ‘Island 9’ redevelopment comprising lake, irrigation, furniture and layout improvements be developed for consideration by Council during the 2010/2011 annual budget deliberations against other strategic financial objectives.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5

The mayor Put the Motion

That...

- (a) the design scheme for the redevelopment of the ‘Island 9’ at the Collier Park Golf Course, comprising lake, irrigation, furniture and layout improvements be approved, and
- (b) a funding and implementation strategy for the ‘Island 9’ redevelopment be considered by the Council during the 2010/2011 annual budget deliberations.

CARRIED (9/3)

10.1 GOAL 1 : CUSTOMER FOCUS
Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 Lord Mayor's Distress Relief Fund Donation

Location:	City of South Perth
Applicant:	Council
File Ref:	CR/201
Date:	5 February 2010
Author:	Jelette Jumayao, Research and Administration Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

This report recommends that the City donate \$5,000 to the Lord Mayor's Toodyay Bushfire Appeal 2009 to help that devastated community rebuild and also recommends that the City donate \$5000 to the Red Cross Haiti Earthquake appeal to help the with relief operations.

Background

Lord Mayor's Toodyay Bushfire Appeal

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has the approval of the Australian Taxation Office for tax deductibility of contributions.

Appeals administered by the Fund raise money to assist those suffering hardship as well as helping residents repair their properties and restore normal living conditions. Communities across the State, interstate and overseas have been assisted by the Fund when facing adversity resulting from such natural disasters as floods, bushfires and cyclones. Examples of relief appeals include:

- Cyclone Olivia (1997)
- Ashburton River Floods (1997)
- Brookton/Pingelly Fires (1997/1998)
- Esperance Floods (1999)
- Moora Floods (1999)
- Cyclone Vance (1999)
- WA Bali Casualties Appeal (2002/2003)
- Tenterden Fires (2003)
- Australia Day Tsunami Collection (2005)
- Dwellingup Fires (2007)

The Fund provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service. The Lord Mayor's Distress Relief Fund can offer immediate financial assistance and advice in the event of such a disaster.

Since 1996, the Fund has distributed in excess of \$3.3 million to Western Australian residents. Public appeals for donations are not always launched owing to the small impact a disaster may have on the wider community. In these instances, the Fund provides support from its financial reserves with examples being the 2002 Gingin Fires and the 2004 Dumbleyung Fires.

- All donations are fully accounted for. All Board Members are volunteers and the administrative support is provided free of charge by the City of Perth.

On 29 and 30 December 2009 the Toodyay community suffered severely from a major bushfire. Over 37 homes have been lost and many families have lost everything. Damage is still being assessed but the impact on the community is devastating.

More information about the Lord Mayor's Distress Relief Fund and the Lord Mayor's Toodyay Bushfire Appeal 2009 can be accessed at www.appealswa.org.au

Haiti Earthquake Appeal

Due to the magnitude of the Haiti earthquake and the damage to the urban infrastructure, firm figures are unknown, however it is estimated that up to three million people have been hurt or left homeless. International Committee of the Red Cross (ICRC) staff say people are in the streets with very limited access to shelter, sanitation, water, food and medical care. With a network of volunteers in 186 countries around the world, Red Cross is able to respond moments after a disaster occurs, even in locations as remote as Haiti.

Relief items started arriving in Haiti on 16 January 2010 and a logistics and administrative centre is being established in the Dominican Republic with Santo Domingo recommended to receive inbound air and sea freight.

The funds raised through the Haiti earthquake appeal will be used to:

- Support emergency relief, rehabilitation and recovery activities for communities affected by the disaster in Haiti
- Send specialist aid workers to assist in the Red Cross Red Crescent Movement response
- Support longer-term Red Cross programs of assistance in the affected areas.

More information about the Haiti Earthquake 2010 Red Cross Appeal can be found at <http://www.redcross.org.au>

Comment

The City has in the past provided support, separately to the Lord Mayor's Appeal, for other specific disastrous events such as:

- \$10,000 - Tsunami Disaster Relief (2005)
- \$1,000 - Bali Casualties Appeal (2002)
- \$2,000 - Moora Floods (1999)

In 2006 and 2008 the City, through a resolution of council, donated an amount of \$5,000 to the Lord Mayor's Distress Relief Fund.

Consultation

The City has received this request for funds along with related information from the City of Perth.

Policy and Legislative Implications

Nil.

Financial Implications

The \$10,000 to be costed against the Donations Budget.

Strategic Implications

The donation to the Lord Mayor's Toodyay 2009 Bushfire Appeal and the Haiti Earthquake 2010 Red Cross Appeal aligns with the City's Strategic Plan - Goal 2: Community Enrichment: *"To foster a strong sense of community..."*

Sustainability Implications

Participating in a significant and established funding program such as the Lord Mayor's Toodyay Bushfire Appeal 2009 and the Haiti Earthquake 2010 Relief Fund rather than responding to individual applications of this type on an ad hoc basis reduces duplication of assessment leading to greater organisational effectiveness while ensuring the City is responsive to community need at times of crisis.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.2.1**

That an amount of...

- (a) \$5,000 be donated to the Lord Mayor's Toodyay Bushfire Appeal 2009; and
- (b) \$5,000 be donated to the Haiti Earthquake 2010 Red Cross Appeal.

CARRIED EN BLOC RESOLUTION

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed 4 x 4 storey Multiple Dwellings - Lot 501 South Perth Esplanade (previously Lot 5 (No. 5) Ferry Street and Lot 7 (No. 63) South Perth Esplanade), South Perth

Location: Lot 501 South Perth Esplanade [previously Lot 5 (No. 5) Ferry Street and Lot 7 (No. 63) South Perth Esplanade], South Perth
Applicant: Palazzo Homes Pty Ltd
File Ref: 11.2009.505 SO1/63
Date: 1 February 2010
Author: Lloyd Anderson, Senior Planning Officer
Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

This development was approved by Council in August 2007, however the applicant was unable to substantially commence construction within a two-year time period in accordance with the condition of approval. The reapplication is for the same development, being a four storey development comprising of four multiple dwelling units constructed to the maximum allowable 13.0 metre height limit. The recommendation is for approval, subject to a number of standard conditions.

Lot 5 (No. 5) Ferry Street and Lot 7 (No. 63) South Perth Esplanade have now been amalgamated to form a new Lot 501, South Perth Esplanade, refer **Attachment 10.3.1(b)** showing the amalgamation, hence this reapplication is in addition to the nine multiple dwellings in a five storey building approved on the same lot by Council in April 2009.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	3,137 sq. metres effective lot area
Building height limit	13.0 metres
Development potential	24 Multiple Dwellings
Setback	4.0 metres
Maximum allowable plot ratio	1.00 (3,089 sq. metres)

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

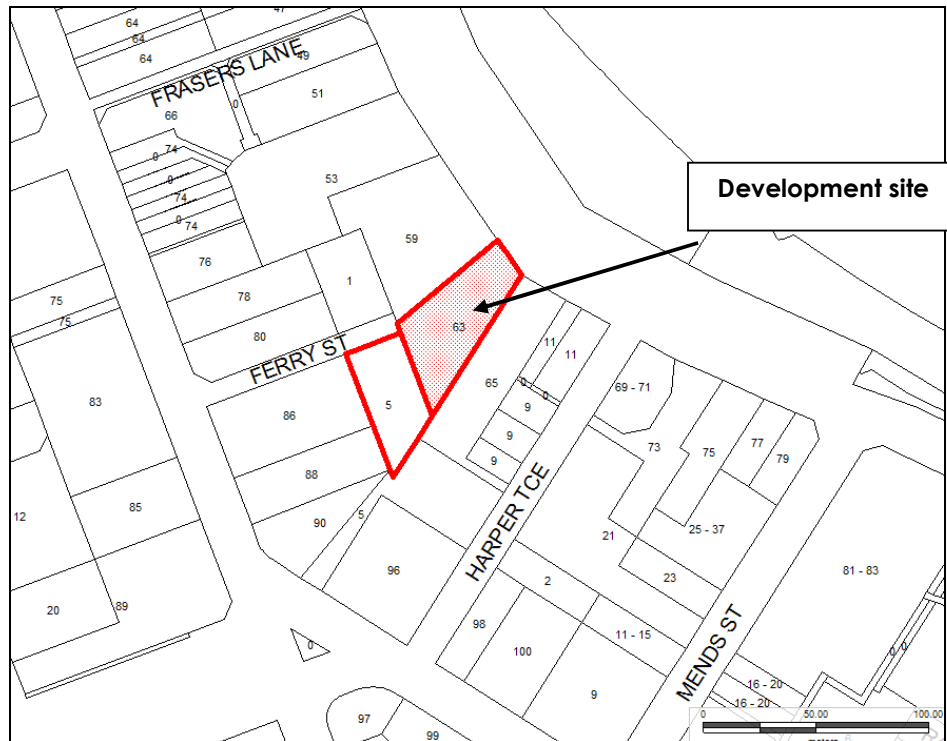
Large scale development proposals

(ii) *Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height.*

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

The application has been referred to the Design Advisory Consultants who have provided comment.

The location of the development site is shown below. The development site fronts South Perth Esplanade, and on either side of the development are established multiple dwellings.



This report includes the following attachments:

Confidential Attachment 10.3.1(a)	Plans of the proposal
Attachment 10.3.1(b)	Amalgamation plan of Lot 5 (No. 5) Ferry Street and Lot 7 (No. 63) South Perth Esplanade forming a new Lot 501 South Perth Esplanade.

Comment

(a) Description of the proposal and surroundings

The proposal comprises of four multiple dwelling units, undercover parking area, communal open space / pool and roof terrace as depicted in the submitted plans referred to in **Confidential Attachment 10.3.1**.

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

(b) Building height

The proposed development complies with the TPS6 prescribed building height limit of 13.0 metres.

(c) Plot ratio

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

- Plot ratio area used by the building approved at the April 2009 Council meeting: 1798.36 sq. metres;
- Plot ratio area remaining: 1338.64 sq. metres;
- Plot ratio area of the building proposed: 1335.2 sq. metres;
- Total plot ratio used for both buildings: 3133.56 sq. metres; and
- Remaining plot ratio not used for both buildings: 3.44 sq. metres.

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

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

All building elements referred to in the above definition have been taken into consideration.

(d) Boundary setbacks including boundary walls

The required setback from South Perth Esplanade is 12.0 metres, in accordance with Table 2 of TPS6. The building is set back 12.0 metres from the front boundary. The balcony is set back 10.0 metres from the boundary, which complies with Clause 4.3(1)(c) of TPS6 which allows a balcony to extend 2.0 metres forward of the prescribed setback from the street alignment.

On the north-western boundary, the building is required to be set back 4.5 metres from the side boundary. At the closest, point the building is set back 2.6 metres with the majority of the building being set back 4.4 metres. The proposed variation is seen to satisfy the “performance criteria” contained within the R-Codes, and does not detrimentally affect the amenity of the adjoining property. It is recommended that the proposed setback variation adjacent to the north western property boundary be accepted as proposed.

On the south-eastern boundary towards the rear of the subject site, the proposal involves the construction of a wall on the boundary. As viewed from the adjoining property, the wall has a maximum height of 2.8 metres and an average of 2.65 metres. The proposed boundary wall complies with the requirement of the City’s Town Planning Policy P350.2 “Residential Boundary Walls” as the proposal will have a minimal impact on the amenity of the adjoining property. As a standard condition of approval, the wall is to be finished to the satisfaction of the adjoining landowner, or in the case of a dispute, to satisfaction of the City.

On the south-eastern side the building is required to be set back 4.5 metres. In accordance with Clause 3.3.1(v) of the R-Codes, the required setback distance can be reduced by half the width of the adjoining battleaxe access leg. As the adjoining property has a 3.0 metre wide vehicular access leg running from the rear to front of the property along the adjoining side boundary, the stated setback can be reduced by 1.5 metres. In taking this into account, the setback required is reduced to 3.0 metres. At the closest point the building is set back 2.67 metres, with the majority of the building being set back over 3.0 metres. The proposed variation is minor and is seen to satisfy the “performance criteria” contained within the R-Codes, and does not detrimentally affect the amenity of the adjoining property. It is recommended that the proposed setback variation adjacent to the south-eastern property boundary be accepted as proposed.

(e) Open space including communal open space (Landscaping)

The proposed development complies with overall open space and communal open space requirements. However, in accordance with the requirements of Clause 6.4.5(A5) of the Residential Design Codes, a landscaping plan is required to be submitted for approval by the City prior to issuing a building licence. The landscape plan is to include at least one tree not less than 3.0 metres in height at the time of planting, and of a species approved by the City shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling in accordance with the City’s Town Planning Policy P350.5 “Trees on Development Sites and Street Verges”. The tree/s shall be maintained in good condition thereafter. A condition to this effect is included in the recommendation of this report.

(f) Car parking

Twelve (12) car parking bays for the occupiers (three per dwelling) of the four dwellings and no visitor car bays have been provided (two have been provided for the rear development). All bays have been designed in accordance with provisions of TPS6. It is recommended that the parking arrangement be approved as proposed.

(g) Visual privacy

The application complies with the acceptable development of the R-Codes relating to visual privacy.

(h) Solar access for adjoining sites

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

(i) **Finished ground and floor levels**

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

(j) **Essential facilities**

The storeroom dimensions and areas comply with the acceptable development of the R-Codes.

The “Essential Facilities” acceptable development of the R-Codes requires the following for multiple dwelling developments:

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

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

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

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

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

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

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of the Scheme 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;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meetings held on 21 May 2007 and 30 November 2009. Their comments are as follows:

"The Advisory Architects' comments from the DAC meeting held on 21 May 2007 - The design has not changed from what was previously approved by Council.

- *The Advisory Architects considered that the design of the proposal will be compatible with surrounding development in the focus area.*
- *The Architects noted that the building had not been designed to take advantage of northern light for the occupants of the dwellings.*

The Advisory Architects' comments from the DAC meeting held on 30 November 2009 are as follows:

- *The officers informed the Design Advisory Architects that the proposed development had been to an earlier meeting in May 2007 and confirmed that the drawings were largely the same as approved at the Council meeting in August 2007.*
- *Planning assessment of the drawings will need to reflect the current R-Codes and Town Planning Policy provisions, and any new planning issues should be identified and addressed accordingly.*
- *The Architects considered that the design and built form of the proposed development will be compatible to the surrounding development, having regard to the new developments that have been approved within the focus area over the past two years.*
- *The building had not been designed to take advantage of the northern light for the occupants of the dwellings."*

The Advisory Architects considered that the design of the proposal will be compatible with surrounding development in the focus area.

The Architects noted that the building had not been designed to take advantage of northern light for the occupants of the dwelling. There are no mandatory "planning" requirements which link directly to this point and the assessing officer is of the view that the proposal does not warrant modification with respect to this matter.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 "Neighbour and Community Consultation in Town Planning Processes". During the advertising period, no submissions were received from the owners / occupiers of the properties. However, a number of comments in relation to visual privacy, overshadowing and boundary walls were received by the City when the application, lodged in 2007, was advertised. Those comments were suitably addressed by the applicant prior to the grant of approval.

(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. The points raised can be summarised as follows:

- The pedestrian access from South Perth Esplanade is to comply with the Disability Standards for access ramps.
- The stormwater drainage for the building must be designed and installed in accordance with the provisions of Policy P415 “Stormwater Drainage Requirements for Proposed Buildings”.
- The crossover to Ferry Street will require further details. The entrance will be clearly distinguishable from Ferry Street and at a level that ensures no entry of stormwater from Ferry Street.

(d) **Manager, Environmental Health and Regulatory Services**

The Manager, Environmental Health and Regulatory Services was invited to comment on the bin storage areas. He has provided confirmation that the bin storage area as shown on the drawings is adequate in size and appropriately located.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications

Even though the proposed dwellings do not take advantage of the northern sunlight for their living areas, noting that this will result in overlooking of habitable spaces on the adjoining north-western property, large balconies for the dwellings, facing South Perth Esplanade, have access to northern sunlight as well as cool breeze during summer months. The communal open space on the first floor level (swimming pool and roof terrace) has also been designed to gain solar access. Overall, the development is observed to be designed keeping in mind the sustainable design principles.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.1**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for four multiple dwellings on Lot 501 South Perth, South Perth **be approved**, subject to:

(a) Standard Conditions

340	Parapet wall (south-eastern) - Finish of surface	625	Sightlines for drivers
616	Screening to be permanent	455	Dividing fence standards
390	Crossover standards	550	Plumbing hidden
393	Verge and kerbing works	508	Landscaping approved and completed
410	Crossover effects infrastructure	425	Colours and materials - Match existing
352	Car parking allocation to be marked on site as indicated on the approved plans	509	Landscaping plan required
470	Retaining walls - If required	660	Expiration of approval
471	Retaining walls - Timing		

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

(b) Specific Conditions

- (i) The development requires provision of adequate “open air” clothes drying facilities at ground level screened from view from the primary or secondary street in accordance with Clause 5(b) of Council Policy P350.1 “Sustainable Design”.
- (ii) The applicant is required to demonstrate compliance with Clause 6.8.1 “Visual Privacy” of the R-Codes, specifically major openings and unenclosed outdoor active habitable spaces within the cone of vision of an upper-level dwelling shall not overlook more than 50 per cent of the outdoor living area of a lower level dwelling directly below and within the same development.
- (iii) The car parking bays shall be allocated to the respective dwellings as shown on the approved drawings.
- (iv) At least one tree, not less than 3.0 metres in height at the time of planting and of a species approved by the City, shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling. The tree/s shall be maintained in good condition thereafter.

(c) Standard Advice Notes

648	Building licence required	646	Landscaping standards - General
647	Revised drawings required	649A	Minor variations - Seek approval
645	Landscaping plan required	651	Appeal rights - SAT

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

(d) Specific Advice Notes

- (i) The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings. Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes.

- (ii) As advised by the City's Engineering Infrastructure Department:
 - (A) Stormwater drainage is to be designed in accordance with the requirements of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings" and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system, including onsite storage. The ability to store stormwater run off from the design event on site for reuse is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design other than for temporary detention purposes.

- (iii) As advised by the City's Environmental Health Department:
 - (A) The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores.
 - (B) The swimming pool will need to comply with all requirements of the Health Act (Swimming Pool) Regulations 1964. The builders will have to apply to the Department of Health (Applied Environmental Health) for swimming pool approval, prior to the issue of a building licence by the City.

CARRIED EN BLOC RESOLUTION

10.3.2 Change of Use (Approved Multiple Dwellings to a Proposed Mixed Development) within a 4-Storey Building (plus Terrace). Lot 19 (No. 26) Banksia Terrace, South Perth

Location:	Lot 19 (No. 26) Banksia Terrace, South Perth
Applicants:	Mike Taddei
Lodgement Date:	6 November 2009
File Ref:	11.2009.481 BA2/26
Date:	1 February 2010
Author:	Matt Stuart, Senior Statutory Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

In 2008 and 2009, the City processed a series of applications for a 4-storey building (plus terrace) for Lot 19 (No. 26) Banksia Terrace, South Perth (the site). The City, the Council and SAT refused the applications and appeals, up until the Applicant provided suitably amended plans, which the Council approved at their meeting held in October 2009.

In November 2009, the Applicant lodged a fresh application to change the use of a portion of the ground floor back to the originally intended land use of Office, which is the focus of this report. This has resulted in the change of use of the previously approved Multiple Dwellings to a Mixed Development. Therefore, the entire development has been assessed against the provisions that are applicable to a mixed development land use.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Plot ratio	TPS6 Clause 7.8(1)(a)(ii)

It is recommended that the proposal be approved subject to conditions.

Background

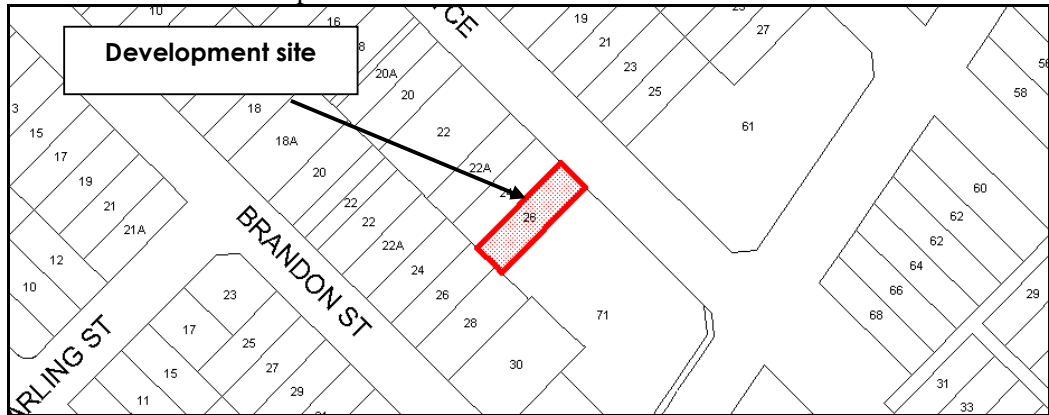
The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	516 sq. metres
Building height limit	10.5 metres
Development potential	4 Dwellings
Plot ratio	1.0 (Residential Development)

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of proposal, plus all floor plans and elevations
- Attachment 10.3.2(b)** Site photographs.

The location of the development site is shown below:



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

6. Amenity impact

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

In relation to item 6 above, the extent of amenity impact arising from the proposal is considered acceptable (see comments below).

Comment

(a) Background

In April 2008, the City received a pre-lodgement application for 3 Multiple Dwellings and an Office in a 4-storey building (plus terrace) for Lot 19 (No. 26) Banksia Terrace, South Perth (the site).

In May 2008, before preliminary advice was provided on the pre-lodgement application, the City received a development application for the same development on the site. The application was refused under delegated authority; with the subsequent appeal dismissed by the SAT in April 2009.

In May 2009, the Applicant lodged an application for a residential-only development in a 4-storey building (plus terrace). The design of the building in this application varied little from the previous design, with the main change being the ground floor Office amended to be a communal gymnasium, in order to circumvent the need to meaningfully amend the bulk of the building. The City recommended that the application be refused by the Council, which the Council upheld at their meeting held in July 2009.

In August 2009, the Applicant lodged an appeal of the Council decision; where at the mediation phase the Applicant chose to meaningfully amend the plans. As a result of an order from the SAT for the Council to consider the amended plans, the Council approved the application at their meeting held in October 2009.

In November 2009, the Applicant lodged a fresh application to change the use of the ground floor communal gymnasium back to the originally intended Office land use, which is the focus of this report.

(b) Description of the Surrounding Locality

The subject site has a frontage on Banksia Terrace to the north, and is situated adjacent to Hillcrest Apartments to the east, a Single House to the south and a Single House to the west. The site photographs at **Attachment 10.3.2(a)** show the subject site in relation to neighbouring land uses.

It should also be noted that the site is zoned 'Highway Commercial' of R80 (high) density, with the same to the east; but is adjacent to 'Residential' zoned properties of R15 (low) density to the south and the west.

(c) Existing Development on the Subject Site

The subject site is currently developed with a disused, non-residential building (also known as the old TAB site), as depicted in the site photographs at **Attachment 10.3.2(a)**.

(d) Description of the Proposal

The proposal involves the change of use of the approved ground floor communal gymnasium to an Office land use at **Attachment 10.3.2(b)**.

The proposal complies with the *Town Planning Scheme No. 6 (TPS6)* via an exercise in discretion to plot ratio, as discussed below.

(e) **Plot Ratio- residential vs non-residential**

As the previously approved development was wholly residential, the plot ratio was calculated as per its definition in the R-Codes, which excludes communal facilities such as the ground floor gymnasium. As the permissible residential plot ratio under the Table 1 of the R-Codes is 1.0 (516m²), the proposed development complied with a proposed plot ratio of 1.00 (515m²).

Now that the communal gymnasium is proposed to be an Office, the land use of the site becomes a non-residential “Mixed Development” as defined by the Scheme. Consequently, the non-residential plot ratio for the development is controlled by the Scheme under Table 3 and the definitions section (reference “plot ratio”).

The permissible non-residential plot ratio is 0.5 (258m²) under Table 3 of the Scheme, whereas the proposed plot ratio is 1.17 (605m²). Therefore the proposed development does not comply with the plot ratio control of the Scheme.

In further examining the proposal under cl. 7.8 “Discretion to Permit Variations from Scheme Provisions”, plot ratio can be varied by the Council under sub-clause 7.8(1)(a):

Subject to sub-clause (2), if a development the subject of an application for planning approval does not comply with site requirements prescribed by the Scheme with respect to:

(ii) plot ratio;

the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

Furthermore, the Council must be satisfied that sub-clause (b) is being met:

The power conferred by this sub-clause may only be exercised if 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 the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (iii) the proposed development meets the objectives for the City as specified in the precinct Plan for that precinct.*

Whilst it is agreed that previously proposed designs on the site had an unacceptable impact of bulk upon the neighbours and streetscape, the approved plans were meaningfully amended by the Applicant to reduce those impacts. Accordingly, it is considered that when the currently proposed development (the Office land use) is compared with approved development, there is no additional plot ratio related impacts upon the neighbours and community in general.

Accordingly, as it is considered that the proposed development meets sub-clause (b) and complies with the Scheme in general, it is therefore recommended that the proposed development be approved.

(f) Car Parking

The required number of car bays is 10, where the proposed number of car bays is 10. Therefore the number of proposed car bays complies with the car parking elements of the R-Codes (for residential land uses) and the Scheme (for non-residential land uses).

However, the Table 6 of the Scheme also requires that a minimum of two bays for the Office shall be reserved for visitors, whereas the proposed plans do not indicate visitor bays and the under ground car parking is physically obstructed from the street via a garage door. Accordingly, it is recommended that the application be approved upon a condition that amended plans be provided that demonstrates clearly marked and maintained visitor bays that are not physically obstructed from the street.

(g) Bicycle Parking

Table 6 of the Scheme also requires that 2 bicycle bays be provided for the Office land use. Accordingly, it is recommended that the application be approved upon a condition that amended plans are provided that demonstrates 2 bicycle bays.

(h) Landscaped Area

The required minimum landscaping area is 77.4 m² (15 percent); whereas the proposed landscaping area is 310m² (60 percent), therefore the proposed development complies with the landscaping requirements of Table 3 of TPS6.

(i) 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:

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

The following general Scheme objectives are met:

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (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;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *the topographic nature or geographic location of the land;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants' comments

As the current proposal does not involve any architectural considerations, an additional referral to the DAC is not considered necessary.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Neighbour and Community Consultation in Town Planning Processes'. The owners and strata management of properties at Nos 9 - 28 Banksia Terrace, Nos 24, 26, 28 and 30 Brandon Street, and Nos 61, 68, 71 and 80 Canning Highway were invited to inspect the application and to submit comments during a 14-day period. A total of 25 neighbour consultation notices were mailed to individual property owners and strata bodies. During the advertising period, 2 submissions were received, nil in favour and 2 against the proposal. The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter's Comment	Officer's Response
The physical structure not to be altered from previous approval.	The physical structure is not proposed to be altered from previous approval. The comment is NOT UPHELD .
Proposed building to comply with relevant planning controls.	Agreed. The comment is UPHELD .
Questioning the usability of visitor bays behind a security gate.	Recommend condition satisfies this concern. The comment is UPHELD .

(c) **Manager, Engineering Infrastructure**

As the proposed structure is not proposed to be changed from the previously approved plans, the previous comments from the Manager, Engineering Infrastructure is considered satisfactory. The section previously recommends that:

- (i) The vehicle crossing should be amended to be a minimum 1.37 metres from the side boundary;
- (ii) Standard condition required for stormwater drainage; and
- (iii) Confirming the advice from parks relating to the removal of the street tree.

In response, amended plans satisfy point (i), a standard condition (445) is recommended (point ii), and matter relating to the street tree has been finalised (point iii).

(d) **Other City Departments**

As the proposed structure is not proposed to be changed from the previously approved plans, the previous comments from the Environmental Health and the Parks and Environment areas of the City's administration are considered satisfactory.

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

Environmental Health Services provided comments with respect to bins, sanitary conveniences, kitchens and noise. He recommends that:

- (i) All bins to comply with City environmental health standards;
- (ii) All fans and pumps comply with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, in regards to potential noise pollution;
- (iii) All laundries and kitchens comply with City Local Law 16 (1) and Regulation 10 of the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues; and
- (iv) All sanitary and laundry conveniences comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the *Health Act (Laundries and Bathrooms) Regulations*, in regards to potential health issues.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the Manager, Environmental Health Services.

The Parks and Environment section provided comments with respect to the setback of the proposed crossover from a street tree. The Section recommends that:

- (i) Street tree can be removed at a cost of \$5,717.05, to be paid by the Applicant;
- (ii) The neighbouring Sugar Gum tree would have to be removed;
- (iii) The neighbouring Tuart tree should be saved, subject to a detailed report on how construction would enable this;
- (iv) The neighbouring Peppermint tree should be saved but pruned and monitored throughout construction;
- (v) The neighbouring Jacaranda tree should be saved but pruned; and
- (vi) The neighbours should be consulted and evidence of acceptance provided to the City.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the Manager, Parks and Environment.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Sustainability Implications

Regarding onsite sustainability, noting the constraints posed by the development site with respect to the significant slope of ground, as well as not a very favourable orientation of the lot, the officers observe that outdoor living areas at the ground level as well as on the roof top have been provided that have access to winter sun. Accordingly, the proposed development is seen to achieve an outcome that pays regard to the sustainable design principles.

Conclusion

The proposal is observed to have an acceptable amenity impact on the adjoining residential neighbours, and meets the relevant Scheme, R-Codes and City Policy objectives and provisions. Accordingly, it is considered that the application should be approved.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.2**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Change of Use (Approved Multiple Dwellings to a Proposed Mixed Development) in a 4-storey building (plus terrace) on Lot 19 (No. 26) Banksia Terrace Street, South Perth **be approved**, subject to:

(a) Standard Conditions

410	crossover effects infrastructure	616	screening to be permanent
415	pay cost for removal of street tree	352	marked car bays
390	crossover standards	354	maintain car bays
625	sightlines for drivers	550	plumbing hidden
470	retraining walls- if required	445	stormwater drainage
471	retaining walls- timing	427	colours & materials- details
455	dividing fence standards	664	inspection (final) required
340	parapet walls- finish of surface	660	expiry of approval
615	screening to be provided		

(b) Specific Conditions

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

- (A) Standard condition No. 353 (marked visitor bays);
- (B) The visitor bays are not physically obstructed from the street; and
- (C) Standard condition No. 330 (provide bicycle bays).

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

(c) Standard Advice Notes

648	building licence required	649A	minor variations- seek approval
647	revised drawings required	651	appeal rights- SAT

(d) Specific Advice Notes

The applicant is advised that:

- (i) The applicant/developer and the owners are to comply with the requirements set out in Council Policy P399 "Final Clearance Requirements for Completed Buildings". Policy P399 requires the applicant to engage a licensed land surveyor, drawn from the City's panel, to undertake survey measurements on a floor-by-floor basis. The surveyor is to submit progressive reports to the City regarding compliance with the approved building licence documents. The City will not issue final clearance certificates until satisfied that the completed building is consistent with the building licence documents and the requirements of other relevant statutes.
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements;
- (iii) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to submitting a landscaping plan for the street verge areas as required; and
- (iv) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

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

CARRIED EN BLOC RESOLUTION

10.3.3 Proposed Two Storey Residential Building for Use as Student Accommodation - Lot 47 (No. 227) Manning Road, Waterford

Location: Lot 47 (No. 227) Manning Road, Waterford
 Applicant: Charlie Haddad (BGC Residential)
 Lodgement Date: 19 August 2009
 File Ref: 11.2009.322 MA3/227
 Date: 1 February 2010
 Author: Laurence Mathewson, Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

To consider an application for planning approval for a two storey Residential Building for use as student accommodation on Lot 47 (No. 227) Manning Road, Waterford. The proposal complies with the City’s Town Planning Scheme No. 6, the 2008 R-Codes and City policies.

It is recommended that the proposal be approved subject to conditions.

Background

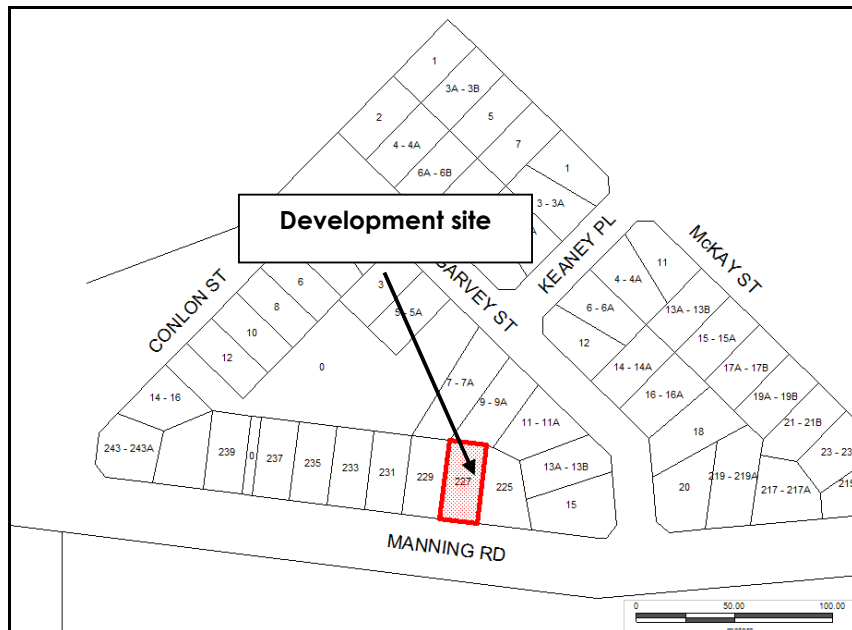
The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	777 sq. metres
Building height limit	7.0 metres
Development potential	1 Dwelling

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** Applicant’s supporting email.

The location of the development site is shown below:



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

1. Specified uses

- (i) *Residential Building.*

Comment

(a) Description of the surrounding locality

The development site has a frontage on Manning Road and located adjacent to the development site is single storey residential developments to the north, east, and west. The development site is located approximately 200 metres from Curtin University.

(b) Existing development on the subject site

The existing development on the subject site currently features a single storey house.

(c) Description of the proposal

The proposal involves the construction of a two storey Residential Building for use as student accommodation. Eight rooms are proposed. The Residential Design Codes 2008 define a Residential Building as:

“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or residential school.”*

As listed in Table 1 (Zoning – Land Use) of Town Planning Scheme No. 6, a Residential Building is a “DC” (discretionary use with consultation) use in residential zoned areas.

The following component of the proposed development does not satisfy the Scheme requirements:

- (i) Car parking.

Accordingly, planning conditions and important notes are recommended to deal with issues related to the current shortfall in the number of car parking bays onsite.

(d) Complying matters

The proposal complies with the *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council policies including:

- (i) Tree preservation;
- (ii) Finished ground and floor levels – Minimum;
- (iii) Finished ground and floor levels – Maximum;
- (iv) Street setback;
- (v) Building design;
- (vi) Vehicular access;
- (vii) Driveway gradient;
- (viii) Wall setbacks;
- (ix) Open space;
- (x) Building height;
- (xi) Visual privacy; and
- (xii) Solar access for adjoining sites.

(e) **Car parking**

Neither the Residential Design Codes 2008 nor Town Planning Scheme No. 6 prescribe car parking requirements for a Residential Building land use. In order to determine the projected car parking demand for the development proposal, "Student Housing" which is the nearest comparable land use, has been used as a guide.

Table 6 of Town Planning Scheme No. 6 requires car parking be provided for "Student Housing" in the following manner:

Residents	As determined by the Council.
Visitors	Up to 2 dwellings – 2; 3 to 5 dwellings – 3; 6 to 8 dwellings – 4; 9 to 13 dwellings – 5; and 14 dwellings and above - 1 per 4 dwellings.

The intended use of the residential building is student accommodation. In considering the likely demand for car parking onsite, the City has given consideration to the following factors:

- (i) The proximity of the development site to Curtin University, which is located less than 200 metres from the development site and Karawara Shopping Centre, which is located within walking distance of the development site.
- (ii) The close proximity of the development site to public transport on Manning Road.
- (iii) The likely occupants of the building, which given the nature of the development proposal, will be international students. Generally, international students will not own a car during their period of study due to running costs associated with vehicle ownership, and the temporary nature of their residence.

The factors listed above will reduce the reliance on car usage and consequently the number of bays onsite. Four bays are observed to be sufficient to accommodate the projected car parking demand for the occupants of the Residential Building.

For the purposes of calculating visitor bay requirements, the Residential Building is observed to be equivalent to two dwellings (two × four bedroom dwellings; one on each floor). "Student Housing" requires two visitor bays for two dwellings, therefore an additional two visitor bays are required in addition to the four bays required for the occupants of the Residential Building. A total of six car parking bays is therefore required for the entire development.

Drawings depict four compliant bays onsite, two bays short of the required six. The proposed development therefore does not comply with the car parking requirement of the R-Codes. In conversation with the assessing officer, the applicant has confirmed that the owner is willing to provide an additional two bays at the rear of the proposed building to comply with the requirements. However, the City has not yet received a written confirmation in this regard in response to the assessing officer's email dated 15 January 2010. It is therefore recommended that a condition be applied requiring revised drawings be submitted prior to the issue of a building license that show an additional two car parking bays onsite.

(f) Sustainable design

City Policy P350.1 (Sustainable Design) strongly encourages all proposed developments to incorporate measures of sustainable design to enhance the quality of life of occupants while minimising any adverse effects upon the occupants, neighbours and wider community. It is acknowledged that Policy P350.1 does not override other TPS6, R-Codes and policy requirements.

In assessing the current proposal, it is noted that the proposed development will not overshadow any adjoining properties. Furthermore, In accordance with Policy P350.1 drawings have incorporated the following sustainable urban design principles:

- (i) Ground floor and upper floor level areas have large windows to optimise solar access.
- (ii) The size of windows to the west and east facing walls have been minimised to reduce heat transfer.
- (iii) The applicant has included soft landscaping around the building to reduce heat reflection. Information regarding the proposed species has not been provided, but the owner is encouraged to plant native species with low water reliance.

The proposed development therefore complies with Council Policy P350.1.

(g) 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:

- (f) safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) protect residential areas from the encroachment of inappropriate uses; and*
- (h) utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

(h) 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;*
- (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;*
- (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;*
- (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 proposed development is considered satisfactory in relation to all of these matters.

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 “Consultation for Planning Proposals”. The owners and occupants of Nos. 7-7A, 9-9A, 11-11A, 13A – 13B and 15 Garvey Street, and Nos. 225, 229 and 234 Manning Road were invited to inspect the application and to submit comments during a 14-day period. A total of 15 neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, three submissions were received, all against the proposal. The comments of the submitters together with officer response are summarised as follows:

Submitter's Comments	Officer Response
<p><u>Loss of privacy</u> Upper floor windows will overlook the backyards of adjoining rear properties, reducing the privacy of these areas.</p>	<p>The upper floor windows are setback approximately 20 metres from the rear lot boundary. The Residential Design Codes 2008 prescribes a minimum setback of 4.5 metres for bedrooms and studies and 6.0 metres for habitable rooms. The proposed setback therefore clearly meets the relevant planning controls and the City is unable to take further action with respect to this issue. The comment is NOT UPHELD.</p>
<p><u>Noise</u> The noise generated by eight students is likely to have a detrimental impact on the amenity of surrounding neighbours.</p>	<p>Any activities conducted will need to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times. The comment is NOTED.</p>
<p><u>Glare from roof</u> Pitch and material of the proposed roof will generate significant glare.</p>	<p>The proposed 30 degree roof pitch and colorbond roofing are observed not to be extraordinary or unusual. Furthermore, the statutory planning provisions do not require an assessment of the glare factor or compliance with a set of specific criteria. The comment is NOTED.</p>
<p><u>Loss of property value</u> Proposed Residential Building for use as student accommodation will reduce the value of neighbouring properties in the area.</p>	<p>This is not a valid planning consideration. The comment is NOT UPHELD.</p>
<p><u>Numbers of students</u> There is the risk that more than eight students will occupy the building.</p>	<p>The eight proposed bedrooms are not large enough to accommodate more than one person per room. The number of students is therefore limited to eight by virtue of the size of the rooms. To ensure that the number of students is consistent with the number of rooms it is recommended that a condition be imposed limiting the number of students to eight. Failure to comply with this condition will result in the matter being referred to the City's Compliance Officer for investigation. The comment is NOTED.</p>

(b) Department of Planning

As the development site is located on Manning Road the application was referred to the Department of Planning for comment. An officer from Urban Transport Systems at the Department of Planning advises that:

- (i) The Department of Planning has no objections to the proposal on regional transport planning grounds.

(c) Manager, Engineering Infrastructure

Engineering Infrastructure Services has provided the following comments on a range of issues relating to car parking and traffic, arising from the proposal:

- (i) As the development falls within the Como Drainage Precinct the following applies:
- Stormwater reuse is encouraged;
 - All stormwater is to be retained on site;
 - Soak well discharge is the required method of disposal for new buildings; and
 - Discharge to the street system is not available.

The capacity of the soak wells is to be determined by an appropriately experienced person having considered both the intense short duration 1 in 10 year storm event as well as the less intense but much longer duration rain event. The rate at which water can infiltrate into the underlying soil will determine the quantity and capacity of the soak wells.

- (ii) The crossing is to be constructed to comply with the City of South Perth Small Plan SP30. The crossing is to be constructed in concrete and is defined as the standard crossing.

Accordingly, an important note has been recommended requiring compliance with the Engineering Infrastructure requirements.

(d) Environmental Health

Environmental Health Services has provided the following comments:

- (i) In accordance with the *Health Act 1911* and Part 8 of City of South Perth Health Local Laws 2002, this proposal is deemed to be a “Lodging House” and therefore will require compliance with the following:
- *Health Act 1911*; and
 - Part 8 of the City of South Perth Health Local Laws 2002.

Accordingly, an important note has been recommended requiring compliance with the Environmental Health requirements.

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, and is considered to be satisfied. 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 sustainability implications for this application have been addressed elsewhere in this report. The development application is seen to achieve a favourable outcome that has regard to sustain design principles.

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours and meets all of the relevant Scheme, R-Codes and City policy objectives and provisions, provided that conditions are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.3

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two storey Residential Building for use as student accommodation on Lot 47 (No. 227) Manning Road, Waterford, **be approved** subject to:

(a) Standard Conditions

616	Screening to be permanent	456	Dividing fence - Timing
393	Verge and kerbing works	377	Screened clothes drying
625	Sightlines for drivers	550	Plumbing hidden
470	Retaining walls- If required	506	Retained trees shown on plans
471	Retaining walls- Timing	425	Colours and materials - Matching
455	Dividing fence- Standards	427	Colours and materials - Details
660	Expiry of approval		

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

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) An additional two car parking bays shall be provided onsite and are to comply with the R-Codes and Scheme provisions;
 - (B) The garage is not to be used for habitable purposes;
 - (C) The number of occupants inhabiting the Residential Building shall not exceed eight at any one time;
 - (D) The development shall comply with the provisions of subclause (3)(b) of Clause 4.8 “Student Housing” of the Town Planning Scheme No. 6 (TPS6). ; and
 - (E) The development shall comply with the provisions of subclause (3)(d) of Clause 4.8 “Student Housing” of TPS6.

(c) **Standard Advice Notes**

648	Building licence required	646	Landscaping standards - General
647	Revised drawings required	646A	Masonry fence requires BA
651	Appeal rights – SAT	649A	Minor variations - Seek approval

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

The applicant is advised that:

- (i) Having regard to the amenity of the residents of the building, the applicant / owner are encouraged to provide an outdoor roofed area in conjunction with the building, which is suitable for outdoor activities. The applicant / owner are advised of the requirement to obtain planning and building approvals prior to constructing such a structure;
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Services to ensure satisfaction of all of the relevant requirements;
- (iii) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure Department to ensure satisfaction of all of the relevant requirements;
- (iv) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
- (v) In order to minimise roof glare, the owner is encouraged to select an appropriate roof colour; and
- (vi) The owner is encouraged to plant landscaping that incorporates native plant species with low water reliance.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.3. The officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Trent

That....

- (a) the officer Recommendation not be adopted;
- (b) the application for planning approval for a two storey Residential Building for use as student accommodation on Lot 47 (No. 227) Manning Road, Waterford, **be refused** on the following grounds:
 - (i) insufficient parking;
 - (ii) lack of orderly parking and vehicular circulation;
 - (iii) failure to meet the Scheme Objectives in regard to Clause 1.6 of Town Planning Scheme No.6 in regard to: (f) safeguard and enhance the amenity of residential areas; and (g) protect residential areas from the encroachment of inappropriate uses.
 - (iv) failure to meet the conditions of Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No.6 in regard to: (i) the preservation of the amenity of the locality; (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for loading, unloading, manoeuvre and parking of vehicles on site; and (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;

- (v) failure to meet Goal 3 “Environmental Management” – To effectively manage, enhance and maintain the City’s unique natural and built environment;
- (vi) the proposal will have a detrimental impact on adjoining residential neighbours; and
- (vii) the site for the development proposal is part of an area of Waterford that is presently identified for a comprehensive planning review. The City discourages piecemeal development until this review is complete, as this could compromise any future recommendations that arise from this review.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Motion

- lack of sufficient parking is central to refusal
- provision of only four car bays / officer assessment for only four resident bays and two visitor bays is flawed
- if there are eight bedrooms, there will be a need for eight car parking bays
- vast majority of local / or overseas students in the main have a car
- because the site is on Manning Road , there is no capacity for street parking for visitors
- two visitor bays required in the officer recommendation will be totally inadequate
- without the ability to park on the street, parking on site is going to become chaotic and create a very unsafe situation
- location of the site along one of the busiest sections of Manning Road, makes it imperative that vehicles can exit the site in a forward position
- failure to provide for orderly parking/vehicular circulation will create a blight on this part of Waterford, severely impacting on the amenity for residents
- TPS6 Scheme Objectives re parking are there to ensure Council gives due regard to amenity when considering any application – Council has a responsibility to preserve the amenity of the locality
- in its present form, the proposal will have a detrimental impact on the quality of life of neighbours and consequentially the value of their properties.
- putting aside parking/traffic issues, it is unfortunate and puzzling that any owner in this area, known as the Waterford Triangle, should be putting any applications forward at this time; because this area of Waterford is to have a comprehensive planning review in the coming year, which could in fact provide owners with significantly further development potential. Any piecemeal development occurring until this is complete could compromise any future recommendations.
- student accommodation in the form of a residential building is designated ‘discretionary’ so that Council can consider it on its merits
- residential buildings need to be carefully considered by Council as they can change the character of any residential street in South Perth, creating an unsafe and unsightly environment if badly designed or do not provide orderly parking and vehicular circulation.

Cr Trent for the Motion

- we are considering an application on busy Manning Road
- note in the officer report no comments from engineering department on road safety
- for traffic/road safety issues support alternative Motion

COUNCIL DECISION ITEM 10.3.3

The Mayor put the Motion

That....

- (a) the officer Recommendation not be adopted;
- (b) the application for planning approval for a two storey Residential Building for use as student accommodation on Lot 47 (No. 227) Manning Road, Waterford, **be refused** on the following grounds:
 - (i) insufficient parking;
 - (ii) lack of orderly parking and vehicular circulation;
 - (iii) failure to meet the Scheme Objectives in regard to Clause 1.6 of Town Planning Scheme No.6 in regard to: (f) safeguard and enhance the amenity of residential areas; and (g) protect residential areas from the encroachment of inappropriate uses.
 - (iv) failure to meet the conditions of Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No.6 in regard to: (i) the preservation of the amenity of the locality; (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for loading, unloading, manoeuvre and parking of vehicles on site; and (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;
 - (v) failure to meet Goal 3 “Environmental Management” – To effectively manage, enhance and maintain the City’s unique natural and built environment;
 - (vi) the proposal will have a detrimental impact on adjoining residential neighbours; and
 - (vii) the site for the development proposal is part of an area of Waterford that is presently identified for a comprehensive planning review. The City discourages piecemeal development until this review is complete, as this could compromise any future recommendations that arise from this review.

CARRIED (12/0)

Reason for Change

Council were of the opinion the parking/traffic issues will have a detrimental impact on the amenity of the area.

10.3.4 Proposed Two Storey Additions to an Existing Single House - Lot 9 (No. 3) First Avenue, Kensington

Location:	Lot 9 (No. 3) First Avenue, Kensington
Applicant:	Ecotecture
Lodgement Date:	11 June 2009
File Ref:	11.2009.214 FI3/3
Date:	1 February 2010
Author:	Lloyd Anderson, Senior Statutory Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

To consider an application for planning approval for two storey additions to the existing Single House on Lot 9 (No. 3) First Avenue, Kensington. The proposal is considered to comply with the City’s Town Planning Scheme No.6, the 2008 R-Codes and City policies. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Setbacks (Where residential)	R-Code Performance Criteria 6.3.1 P1
Boundary wall	TPS6 Clause 1.6, Clause (2)(f) and Clause 7.5(a), (j) and (s)

It is recommended that the proposal be approved subject to conditions.

Background

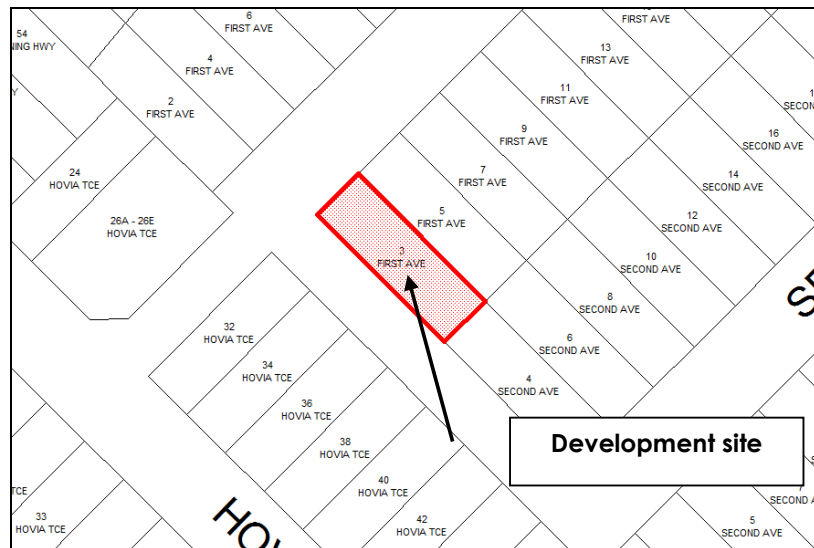
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	519 sq. metres
Building height limit	7.0 metres
Development potential	Single House
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(b)** Applicant’s supporting report.

The location of the development site is shown below:



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

- 3. **The exercise of a discretionary power**
 - (iii) *Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.*

In relation to the extent of departure from relevant policies, City officers consider that Council should make the determination.

6. Amenity impact

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

The proposed development is considered to fit into the existing streetscape character. The proposal is also observed to have regard to the amenity of the adjoining properties. However, the adjoining property owner's view on this matter is different from that of the City officers.

7. Neighbour comments

In considering any application, the assigned delegate shall fully consider any comments made by any affected landowner or occupier before determining the application.

An adjoining neighbour does not support the proposal (see neighbour consultation).

Comment

(a) Description of the proposal

The proposal involves the construction of a two storey building on Lot 92 (No. 3) First Avenue, Kensington (the site), as depicted in the submitted plans at **Confidential Attachment 10.3.4(a)**. The City's Design Advisory Consultants (DAC) commented on the proposal at a meeting held on 9 November 2009 and provided favourable comments on the overall site planning. City officers also consider that the proposal complies with the *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council policies, all discussed below.

(b) Land use and dwelling design

The applicant has stated in **Attachment 10.3.4(b)** that the design has the appearance of one dwelling as the colours and the materials will match in accordance with the City of South Perth Policy P350.4. Comments from the City's Design Advisory Consultants at their meeting held in December 2009 generally support the applicant's position. The DAC comments are listed under the Design Advisory Consultants comments section of this report.

In accordance with the DAC comment above, City officers recommend that a condition be placed that the development is to be *"actually used as one dwelling and not two, by placing appropriate conditions of approval"*. The recommended wording of the condition is as follows:

"The site shall not be used for any other use other than a Single House without obtaining the necessary planning approval from the City of South Perth."

As stated in **Attachment 10.3.4(b)**, the owner intends to run a "Home Office" from the subject property information, an application for planning approval is not required; however a "Home Office" is required to operate within the constraints of the No. 6 Scheme. The applicant has provided the following:

- *Will not employ more than one person not a member of the occupier's household.*
- *Does not and will not cause injury to or adversely affect the amenity of the neighbourhood.*
- *Does operate and will operate in the existing house and will not occupy an area greater than 30 square metres.*
- *Does not and will not involve the retail sale, display or hire of goods of any nature, other than infrequently.*
- *Does not result in the requirement for a greater number of parking facilities than normally required for a Single House or an increase in traffic volume in the neighbourhood.*
- *Does not involve the presence, use or calling of a vehicle more than 1 tonne tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles.*
- *Does not involve the use of an essential service of greater capacity than normally required in a residential zone.*
- *Involves the design and manufacture of jewellery.*
- *Does not involve the storage of goods, merchandise, materials, equipment or supplies other than within a building.*
- *Does not entail clients or customers travelling to and from the dwelling.*
- *Does not involve any advertising signs on the premises.*
- *Does not require any external change to the appearance of the dwelling.*
- *The business operates from the above address as a wholesale design manufacturing business with retail services being provided by other businesses outside of the South Perth community.*
- *Hours of operation differ but are within usual business hours of 9:00am to 5:00pm.*

City officers are satisfied that the above description meets with the definition of “Home Office” and will issue a letter in support of the operation of a “Home Office”.

(c) Fencing greater than 1.8 metres in height

The proposal also includes fencing greater than 1.8 metres for 9.5 metres of the lot boundary to the north-east. Clause 6.7 of Town Planning Scheme No. 6 (TPS6) states that planning approval is required for any fence higher than 1.8 metres. Increasing the height of the fence to 2.4 metres will not have an adverse visual amenity impact on the adjoining property. The provisions of Clause 8 of Council Policy P350.7 “Fences higher than 1.8 metres”, states:

“Except in circumstances where higher fencing is employed to achieve compliance with the visual privacy requirements of the R-Codes, it is not generally necessary for a fence to exceed a height of 1.8 metres. A higher fence may have an adverse amenity impact in terms of:

- (a) excessively dominant and unattractive visual impact;*
- (b) increased shadow effect;*
- (c) restriction on sunlight penetration; and*
- (d) restriction on views.*

Clause 6.7 of TPS6 restricts fence height to a maximum of 1.8 metres unless approval is granted for a higher fence. A written request must be submitted to the City for any proposed fence exceeding 1.8 metres in height. In considering such a request, the City must be satisfied that the proposed fence will not adversely affect the amenity of any property in the locality and will not clash with the exterior designs of neighbouring buildings.

In recognition of the potential adverse amenity impacts of higher fences, the City will not normally approve a fence height greater than 1.8 metres without the written agreement of the affected adjoining neighbour. The City will consult the adjoining neighbour upon receipt of a written request for a higher fence.”

As stated above, before approving the proposed fence, the Council must be satisfied that the proposed fence will not have an adverse amenity impact. The proposed height in lieu of 1.8 metres will only have a minimal visual impact on the adjoining rear property, consistent to the provisions of Clause 8(a) of Policy P350.7 “Fences higher than 1.8 metres”. In addition, written agreement has been provided to the City of South Perth by adjoining property owners. In assessing the fence height, officers consider that the proposal complies and is supported by the City.

(d) Boundary wall on the rear boundary – South-east

The development proposes a boundary wall to a height of approximately 1.8 to 2.0 metres for a length of 6.52 metres at the rear of the property to the south-east. The wall has been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in Policy P370.2:

- The effect on the existing streetscape character.
- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall.
- Overshadowing of adjoining habitable room windows or outdoor living areas.
- Impact of bulk on adjoining outdoor living areas.

The proposed wall would abut an existing paved area for a pool pump, with a 2.0 metre high wall setback approximately 1.0 metre into the adjoining property screening a pool (outdoor living area). Under Council Policy P350.2, the permitted height of residential boundary (parapet) walls adjacent to neighbouring outdoor living areas is a maximum of 2.7 metres high from the neighbour’s ground level, therefore given the screen wall and the proposed height of the wall being less than 2.7 metres, the development complies with Policy P350.2.

Objecting comments from the neighbour have been received (see neighbour consultation) relating to the boundary wall.

(e) Wall setback from the rear boundary – South-east

The Acceptable Development of the R-Codes for the density of R15 require a 6.0 metre rear setback to the rear of the property, however the application proposes a 0.0 metre rear setback (boundary wall) and a 1.0 metre setback for the remainder of the wall towards Second Avenue. In accordance with the Performance Criteria of the R-Codes which reads:

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

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

City officers consider that this setback variation from the Acceptable Development meets the abovementioned Performance Criteria of the R-Codes for the following reasons:

- As stated by the DAC, the outdoor living area located in the centre links the two portions of the house while gaining solar access to the appurtenant spaces.
- The height of the wall on the boundary is between 1.8 to 2.0 metres in height as proposed; the wall is not seen to negatively impact the direct sun and ventilation to the adjoining outdoor living area at the rear.
- The adjoining property to the rear has a carport within the rear setback area adjacent to the proposed wall variation.
- There are other examples in the street and location where the City has exercised discretion in accordance with the Performance Criteria to approve structures in this area.
- Single storey walls are normally acceptable in terms of impact on adjoining properties. However, the upper floor section of the development has been set back slightly less than 6.0 metres from the boundary, even though the setback has been marked as 6.0 metres on the drawing. A condition to this effect has been placed in order to achieve compliance with the Acceptable Development of the R-Codes.
- Walls built up to the boundary are often preferable to walls set back a short distance.
- The property at the rear at No. 4 Second Avenue overlooks the backyard of No. 3 First Avenue, therefore the proposed addition to the rear is seen to prevent this overlooking into the proposed outdoor living area which will assist in protecting privacy for the subject property.

In assessing the wall setback issues, and noting the upper floor is required to be set back 6.0 metres, officers are of the view that the proposal complies with the Performance Criteria.

Objecting comments from the adjoining neighbour have been received (see neighbour consultation) relating to the setback variation.

(f) Significant views

Council Planning Policy P350.9 (Significant Views) requires the consideration for the loss of significant view from neighbouring properties.

The neighbouring properties to the rear of the subject site currently enjoy views of the Perth City skyline and Swan River (significant views), and written objection to the loss of those views has been lodged with the City. However as discussed in the section above, given that the upper floor of the proposed development is required to be setback 6.0 metres from the rear boundary in accordance with the Acceptable Development of the R-Codes, it is considered that the proposed development will demonstrate compliance with the policy.

Objecting comments from the neighbour have been received (see neighbour consultation) relating to significant views.

(g) 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:

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

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

(h) 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;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

The proposed development is considered satisfactory in relation to all of these matters.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 21 May 2007 and December 2009. Their comments are as follows:

- *The Architects observed that the proposed development shows a practical and innovative design outcome that unifies the existing traditional house with the proposed additions.*
- *The outdoor living area located in the centre, links the two portions of the house while gaining solar access to the appurtenant spaces.*

- *The proposed garage on the south-east side of the property adjoins a car parking structure on the adjoining lot, hence observed to be acceptable, subject to it being compliant with the setback and minimum dimension requirements.*
- *For a better functional linkage between the two portions of the dwelling, the Architects recommended that the design should be slightly modified to allow for a direct link between the existing sitting area and the proposed dining area.*
- *The City should ensure that the proposal is actually used as one dwelling, and not two, by placing appropriate conditions of approval.*

These comments have been considered in the assessment of the development.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 “Neighbour and Community Consultation in Town Planning Processes”. The owners of properties at No. 5 First Avenue and No. 4 Second Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of two neighbour consultation notices were mailed to individual property owners. During the advertising period two submissions were received, one in favour with conditions and one against the proposal.

The comments of the submitters together with officer response are summarised as follows:

Submitter's Comments	Officer Response
<p><u>Drawings incomplete</u> Can not comment until complete drawings available showing the context of the site.</p>	<p>The information provided complies with the requirements of Clause 7.2 (2) of the City of South Perth Town Planning Scheme No. 6. The comment is NOT UPHELD.</p>
<p><u>Two free standing structures</u> Each lends itself to independent use; existing house as a free standing commercial building and new construction at the rear of the property of a free standing independent house. Concerns relating to the use of the development site as Ancillary Accommodation or a Home Occupation.</p>	<p>In accordance with the DAC, City officers suggest that a condition be placed that the site is “actually used as one dwelling and not two by placing appropriate conditions of approval”. The recommended wording of the condition is as follows: <i>“The site shall not be used for any other use other than a Single House without obtaining the necessary planning approval from the City of South Perth.”</i> The comment is UPHELD.</p>
<p><u>Concerns relating to business use of existing building</u> Parking for business use is inadequate, increased traffic likely and the property is not zoned for a commercial use.</p>	<p>City officers are satisfied that the description provided in Section B of this report meets with the definition of “Home Office” and will issue a letter in support of the operation of a “Home Office”. Therefore no traffic will result. The comment is NOTED.</p>
<p><u>Bulk and scale</u> Not in keeping with an R15 code and the proposal would create the appearance of a subdivided property not in character with the low density streetscape of Kensington.</p>	<p>The design of the development as a Single House has been supported by the DAC and the general style of the development such as height, roof pitch, fencing and colour of materials is acceptable. The comment is NOT UPHELD.</p>

Submitter's Comments	Officer Response
<u>Rear setback</u> With the exception of mirroring a garage to the adjoining property, it is not appropriate to relax the 6.0 metre rear setback as the proposal does not ensure adequate direct sun and ventilation to adjoining properties, or assist in protecting privacy between adjoining properties.	See comments provided by City officers in Section (d), (e) and (f) of this report. The comment is NOT UPHELD.
<u>Secondary street setback</u> It is inappropriate to allow a lot zoned for single residential use to have two street frontages and to treat the secondary street as if it were the primary street.	The secondary street setback complies with the Acceptable Development of the R-Codes (2008). The comment is NOT UPHELD.
<u>Visual privacy</u> Not happy with the extent to which our property is being overlooked.	The development complies with the Acceptable Development of the R-Codes relating to visual privacy. The comment is NOT UPHELD.
<u>Over height boundary fence</u> Can not see a problem with this, providing there is no encroachments into our property.	As shown on the site plan, the wall is contained on the subject property. The comment is NOTED.
<u>Setback variation adversely impacts a significant view</u> The natural fall of the surrounding properties creates a panorama vista not obtainable from the majority of residential properties within the City.	The upper floor of the development complies with Acceptable Development of the R-Codes to be set back 6.0 metres from the rear and the proposal complies with the building height limits. The comment is NOT UPHELD.

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, other than the payment of fees.

Strategic Implications

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

Sustainability Implications

Noting the orientation of the lot, the officers observe that the proposed outdoor living area has access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

The proposal will not have a detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme, R-Codes and City policy objectives and provisions. Provided that conditions are applied as recommended, / accordingly, it is considered that the application should be conditionally approved / refused.

OFFICER RECOMMENDATION ITEM 10.3.4

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for additions and alterations to a Single House on Lot 92 (No. 3) First Avenue, Kensington, **be approved** subject to:

(b) Standard Conditions / Reasons

340	Parapet walls - Finish of surface	455	Dividing fence - Standards
390	Crossover standards	456	Dividing fence - Timing
410	Crossover affects infrastructure	377	Screened clothes drying
393	Verge and kerbing works	425	Colours and materials - Matching
625	Sightlines for drivers	427	Colours and materials - Details
470	Retaining walls- If required	660	Expiry of approval
471	Retaining walls- Timing		

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

(b) Specific Conditions / Reasons

- (i) The site shall not be used for any other use other than a Single House without obtaining the necessary planning approval from the City of South Perth.
- (ii) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The upper floor section of the development is required to be setback 6.0 metres from the rear south-east boundary in accordance with the Acceptable Development of the R-Codes.
 - (B) At least one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling. The tree/s shall be maintained in good condition thereafter.

(c) Standard Advice Notes

648	Building licence required	646	Landscaping standards - General
647	Revised drawings required	646A	Masonry fence requires BA
651	Appeal rights - SAT	649A	Minor variations - Seek approval

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

(d) Specific Advice Notes

The applicant is advised that due to potential disturbance to existing structures, the tree(s) referred to in Condition (b) preferably should be planted at least 3.0 metres from any building or boundary fence.

MOTION

Cr Hasleby Moved the officer recommendation, Sec Cr Ozsdolay

AMENDMENT

Moved Cr Doherty, Sec Cr Cala

That the officer recommendation be amended by the inclusion of the following Specific Conditions (*italics*)

(b) Specific Conditions / Reasons

- (i) The site shall not be used for any other use other than a Single House without obtaining the necessary planning approval from the City of South Perth.
- (ii) ***Prior to the issue of a building license the owner/s, at their cost, must enter into an agreement with the City which:***
 - (A) ***provides for the approved extensions to the existing single house to be used for no purpose other than as part of that single house;***
 - (B) ***is to be binding on the current and all future owners of the property; and***
 - (C) ***is to be supported by an absolute caveat registered against the title of the property***
- (iii) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The upper floor section of the development is required to be setback 6.0 metres from the rear south-east boundary in accordance with the Acceptable Development of the R-Codes.
 - (B) ***The roof pitches of the boat store and top floor of the development to be no greater than 20 degrees.***
 - (C) At least one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling. The tree/s shall be maintained in good condition thereafter.

The Mayor Put the Amendment

LOST (5/7)

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.4**

The Mayor Put the Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for additions and alterations to a Single House on Lot 92 (No. 3) First Avenue, Kensington, **be approved** subject to:

(c) Standard Conditions / Reasons

340	Parapet walls - Finish of surface	455	Dividing fence - Standards
390	Crossover standards	456	Dividing fence - Timing
410	Crossover affects infrastructure	377	Screened clothes drying
393	Verge and kerbing works	425	Colours and materials - Matching
625	Sightlines for drivers	427	Colours and materials - Details
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Footnote A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

(b) Specific Conditions / Reasons

- (i) The site shall not be used for any other use other than a Single House without obtaining the necessary planning approval from the City of South Perth.
- (ii) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The upper floor section of the development is required to be setback 6.0 metres from the rear south-east boundary in accordance with the Acceptable Development of the R-Codes.
 - (B) At least one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site prior to occupation of the dwelling. The tree/s shall be maintained in good condition thereafter.

(c) Standard Advice Notes

648	Building licence required	646	Landscaping standards - General
647	Revised drawings required	646A	Masonry fence requires BA
651	Appeal rights - SAT	649A	Minor variations - Seek approval

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

(d) Specific Advice Notes

The applicant is advised that due to potential disturbance to existing structures, the tree(s) referred to in Condition (b) preferably should be planted at least 3.0 metres from any building or boundary fence.

CARRIED (12/0)

10.3.5 Proposed Additions (Garage and Patio) to Two Storey Single House - Lot 4585 (No. 55) Todd Avenue, Como
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Location: Lot 4585 (No. 55) Todd Avenue, Como
 Applicant: Mr D J Casson
 Lodgement Date: 6 November 2009
 File Ref: 11.2009.482 TO1/ 55
 Date: 1 February 2010
 Author: Cameron Howell, Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

To review a condition of planning approval granted under delegated authority on 5 January 2010 for the addition of a garage to a two storey Single House on Lot 4585 (No. 55) Todd Avenue, Como. The applicant has requested that one of the listed conditions of planning approval be deleted at a Council meeting. The condition requiring consideration by the Council is:

- “(1) Revised drawings shall be submitted, to the satisfaction of the City, and such drawings shall incorporate the following:
- (i) The garage boundary wall on the eastern side of the development site is to be made open, with only brick piers to support the garage roof permitted above a height of 1.8 metres as measured from the level of the ground adjacent to the proposed boundary wall at any point, between the 6.0 metre and 12.0 metre primary street setback line”.

The applicant seeks to remove the above condition. The provision of an open section to the garage is to minimise the visual impact of building bulk as viewed from the street and having boundary walls abutting both the western and eastern side boundaries of the development site, in accordance with Clause 8 of City Policy P350.2 “Residential Boundary Walls”.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary wall requirements - City Policy P350.2	TPS6 Clause 9.6(6)

It is recommended that the request to remove Condition (1)(i) of planning approval be refused.

Background

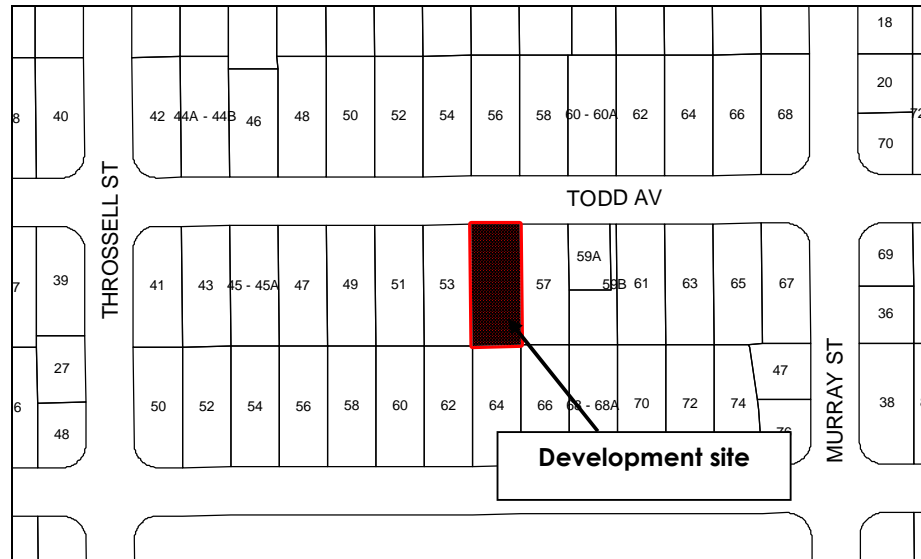
The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	1012 sq. metres
Building height limit	7.0 metres
Development potential	1 Dwelling
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.5(a)** Plans of the proposal.
Attachment 10.3.5(b) Site photographs.
Attachment 10.3.5(c) Applicant’s supporting letter.

The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is referred to a Council meeting as the applicant’s request involves discretion to City Policy P350.2 “Residential Boundary Walls”.

Comment

(a) Background

On 6 November 2009, the City received an application for additions of a garage, a patio and a front brick wall to an existing two storey Single House, and alterations to the existing driveway and crossover on Lot 4585 (No. 55) Todd Avenue, Como (the site). A neighbour consultation letter was sent to the owner and the occupier of 57 Todd Avenue on 19 November 2009 as the proposed development included a boundary wall on the left (eastern) side of the development site. Neither the owner nor the occupier submitted any comments to the City. The application for planning approval was granted under delegated authority on 5 January 2010, subject to several conditions.

The City received a letter from Mr Casson on 20 January 2010, requesting Condition 1(i) to be removed from the planning approval. Refer **Attachment 10.3.5(c)**.

(b) Description of the surrounding locality

The development site has a frontage on Todd Avenue. The properties located within the focus area (between Throssell Street and Murray Street) of the site are predominately single houses. There are no examples within the focus area where development is built on both side boundaries.

The immediate property towards the east of the site has a single storey single house constructed upon it. The adjoining dwelling is set back approximately 4.0 metres from the boundary of the site and approximately 10 metres from the street alignment boundary. The driveway of the adjacent property is located between the dwelling and the proposed garage boundary wall on the site. The adjoining dwelling will not obscure the view of the proposed boundary wall as viewed from the street.

The site photographs at **Attachment 10.3.5(b)** show the location of the dwellings located on the adjoining properties to the immediate west and east of the site.

(c) **Existing development on the subject site**

The existing development on the subject site is a two storey Single House. The existing dwelling is built up to the boundary on the western side of the site, and this boundary wall is set back 6.0 metres from the street alignment boundary. The site photographs at **Attachment 10.3.5(b)** show the existing dwelling on the site and its relationship to the adjoining properties located to the west and the east as viewed from Todd Avenue.

(d) **Description of the proposal**

The proposal involves the construction of additions to a two storey Single House on Lot 4585 (No. 55) Todd Avenue, Como (the site), as depicted in the submitted plans at **Confidential Attachment 10.3.5(a)**. The patio, garage and the alterations to the existing driveway and crossover were conditionally approved under delegated authority on 5 January 2010. The site photographs at **Attachment 10.3.5(b)** show the relationship of the site to surrounding development.

The garage is proposed to be constructed on the eastern side of the existing dwelling. The boundary wall component of the garage on the eastern boundary is proposed to be 14.76 metres in length, 3.2 metres high and is to be set back 6.0 metres from the street alignment boundary. No openings in the boundary were proposed by the applicant.

A revised drawings condition for the garage to be open above 1.8 metres between 6.0 and 12.0 metres from the street alignment, was included on the Notice of Delegation to bring the boundary wall into compliance with Clause 8 of City Policy P350.2 "Residential Boundary Walls". Clause 8(b) of this policy states that:

"Boundary walls will normally only be permitted to abut only one side boundary of a lot. However, the City may approve walls on both side boundaries in the following circumstances:

(b) where the development site is wider than 12.0 metres, in the interests of maintaining streetscape compatibility and avoiding the visual impact of unrelieved building bulk, walls will only be permitted to abut both side boundaries where one of the boundary walls is set back at least 6.0 metres further from the street alignment than the other boundary wall".

The proposal conflicts with the above clause as the garage boundary wall is proposed to be set back less than 6.0 metres further than the existing boundary wall. The site is wider than 12.0 metres (20.12 metres wide). The existing boundary wall on the western boundary is set back 6.0 metres from the street alignment. The garage boundary wall on the eastern boundary is also proposed to be set back 6.0 metres from the street alignment.

The application of Condition 1(i) upon the proposed development exempts the section of the wall located between the 6.0 metre and 12.0 metre setback line from the street alignment boundary from the application of this policy, in accordance with Clause 4(b)(ii) of P350.2. In addition, the provision of openings in the boundary wall will reduce the visual impact of the proposed wall's building bulk, as viewed from the street. The wall height of 1.8 metres corresponds to the maximum height of a boundary fence that does not require the planning approval of the Council, in accordance with Clauses 7.1(2)(b) and 6.7 of Town Planning Scheme No. 6.

The applicant's letter at **Attachment 10.3.5(c)** provides justification from the applicant's perspective why the condition should be deleted from the planning approval.

The proposal complies with the *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2010* (the R-Codes) and relevant Council policies, subject to revised drawings for the driveway and crossover being submitted at the building licence application stage to satisfy Conditions (1)(ii), (1)(iii) and (1)(iv), with the exception of the remaining non-complying aspects, all discussed below.

(e) **Boundary wall - East**

The wall without the opening has been found to have an adverse effect on the amenity of the adjoining property when assessed against the following elements of the “amenity test” referred to in Policy P350.2:

- The effect on the existing streetscape character.

The wall has been found to not have an adverse effect on the amenity of the adjoining property when assessed against the following elements of the “amenity test” referred to in Policy P350.2:

- The outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- Overshadowing of adjoining habitable room windows or outdoor living areas; and
- Impact of bulk on adjoining outdoor living areas.

No comments from the neighbour were received (see neighbour consultation).

In accordance with Clause 7(a) of the policy, boundary walls are generally required to be set back a minimum of 6.0 metres from the street alignment boundary. In accordance with Clause 8(b) of the policy, another proposed wall on the other side boundary has to be set back at least 6.0 metres further away from the street alignment than the other boundary wall (resulting in a total setback of at least 12.0 metres for this wall).

The setback of the existing wall on the western boundary is 6.0 metres. The proposed boundary wall on the eastern boundary will need to be set back at least 12.0 metres from the street alignment boundary to achieve compliance. Since the proposed garage boundary wall is set back only 6.0 metres instead of the required 12.0 metre setback, officers are of the view that the proposal will adversely impact upon the streetscape character.

The garage boundary wall will not be located next to an outdoor living area of the adjoining property, hence there won't be an adverse impact on the amenity of the adjoining property.

Written agreement from the adjoining neighbour is required at the building licence application stage for the surface finish of the boundary, or in the case of a dispute, to the satisfaction of the City in accordance with Condition 4 of the planning approval for this application.

The proposed development does not comply with the policy as the garage boundary has not been set back a sufficient distance from the street alignment boundary. The removal of the condition will increase the visual impact of the boundary wall as viewed from the street.

(f) 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 following general Scheme objectives are not met:

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

(g) 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:

(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; and

(x) any other planning considerations which the Council considers relevant.

The proposed development is not considered satisfactory in relation to all of these matters.

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 “Consultation for Planning Proposals”. The owners and occupiers of the property at No 57 Todd Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of two neighbour consultation notices were mailed to the property owners and occupiers. During the advertising period, no submissions were received.

Policy and Legislative Implications

Comments in relation to various relevant provisions of Town Planning Scheme No. 6, 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, and is considered to be satisfied. 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 officers observe that the deletion of this condition will result in an adverse amenity impact on the streetscape character. Therefore, the sustainability implications will only relate to the visual amenity of the street.

Conclusion

The proposal will have a detrimental impact on adjoining residential neighbours, and does not meet all of the relevant Scheme, R-Codes and City policy objectives and provisions. It is considered that the proposed deletion of Condition 1(i) of planning approval should be refused.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5
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That with respect to the applicant's request for the deletion of Condition 1(i) of planning approval for proposed Additions (Garage and Patio) to Two Storey Single House at Lot 4585 (No. 55) Todd Avenue, Como the applicant be advised that in accordance with Policy P350.2 "Residential Boundary Walls", Council is not prepared to delete the condition as it will result in a development that will have a detrimental impact upon the streetscape.

CARRIED EN BLOC RESOLUTION

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Fixed Price Tender Construction of Cycle Paths SJMP

Location:	City of South Perth
Applicant:	Council
File Ref:	Tender 34/2009
Date:	3 February 2010
Author:	Les Croxford Manager Engineering Infrastructure Fraser James, Tenders and Contracts Officer
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 34/2009 for *The Construction of Cycle Paths in Sir James Mitchell Park, South Perth.*

This report outlines the assessment process used during evaluation of the tenders received and recommends acceptance of the tender that provides the best value for money and level of service to the City.

Background

A shared use path was constructed on Sir James Mitchell Park over twenty years ago. The shared use path in the section Ellam Street to the eastern end of the South Perth Esplanade was initially constructed as an asphalt path but was subsequently widened with a concrete pedestrian only path abutting the shared use path. Over time the usage on the path has resulted in conflict between pedestrians and cyclists and a call to separate the paths. The ambiguity of a "relatively narrow" pedestrian path abutting the shared use path leads to confusion with users and has the potential to result in a

serious incident. Separation of the paths has already commenced with the construction in December 2008 / January 2009 of a concrete pedestrian path closer to the edge of the Swan River. This path within the section Coode Street to the eastern end of the South Perth Esplanade enabled the existing path with some realignment to be dedicated as a cycling only path.

The shared use path in the section Coode Street through to Ellam Street is now proposed to be separated with a new asphalt path over much of its length and a short section of new pedestrian path provided in the vicinity of Hurlingham Road car park. Generally the existing shared path where it is retained will convert to pedestrian only use.

A Request for Tender was recently called for '*The Construction of Cycle Paths in Sir James Mitchell Park, South Perth*'. Tender 34/2009 was advertised in the West Australian on the 23 December 2009 and closed at 2.00 pm on the 12 January 2010.

At the close of the Tender advertising period six (6) compliant tenders and one (1) alternative tender had been received and are listed below :

- Allearth Group
- HAS Earthmoving
- Keslake Nominees
- Ceck Civil Engineering
- WATPAC Civil & Mining
- MMM (WA) P/L

All tenders conformed to the requirements of the Request for Tender with MMM (WA) P/L providing both a compliant as well as an alternative tender.

Comment

This tender is for the construction of a Red Asphalt Cycle Path with Flush Kerbing and associated earthworks. It also includes the construction/removal of existing concrete/bitumen paths associated with the new path construction.

The Contractor is required to supply all plant, labour and materials to complete the works detailed on the drawings. This work generally includes the following:

- Clearing, grubbing of vegetation and topsoil, and construction of final earthworks including compaction, removal of excess cut to spoil;
- Construction of base course and asphaltic concrete wearing course as detailed on the civil works drawings;
- Maintenance of access for existing roads and paths for the duration of the works;
- Application of soil stabilisation material as described in this specification; and
- Trimming and clearing of verges for the whole site to the Superintendent's satisfaction.

The Tender is a Fixed Price Contract split into four sections with an estimated price of \$450,000. This tender does not include the concrete pedestrian path section required to effect the separation and returfing of those areas where the former shared use is completely removed and replaced with the separated paths. The concrete works and the turf replacement will be undertaken by contractors who have been retained on Annual Contracts. The contractors who completed the path works in 2008/09 will again carry out the concrete and returfing activities.

The tender period is from 24 February 2010 with completion by 30 June 2010. The extended construction window of four months is due to the need to construct the works either side of the Red Bull air race.

At the close of the Tender advertising period six (6) compliant tenders with one (1) alternative tender had been received. The alternative Tender did not have a fixed price so it is not included in the table. The tender prices are shown in table A below:

TABLE A - Tender Prices

Tenderer	Tender Price (GST Exclusive)
Allearth Group	\$374,000
HAS Earthmoving	\$387,010
Keslake Nominees	\$420,029
Ceck Civil Engineering	\$449,530
WATPAC Civil & Mining	\$686,862
MMM (WA) Pty Ltd	\$823,860

The tenders were reviewed by an evaluation panel of City Officers—and the three lowest priced tenders were shortlisted for further assessment. The three tenders were assessed against the qualitative selection criteria outlined in the Request for Tender. The qualitative criteria is noted in Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform to time and budget	15%
2. Work records and experience	10%
3. Industrial relations and safety record	5%
4. Referees	5%
5. Price	65%
Total	100%

The weighted score and the tender price of the tenders received is shown in Table C below.

TABLE C - Weighted Score and Contract Price

Tenderer	Total Tender Price (GST Exclusive)	Weighted Score
Allearth Group	\$374,000	9.45
HAS Earthmoving	\$387,010	9.27
Keslake Nominees	\$420,029	8.80

The tender submitted by Allearth Group was the lowest of the tenders assessed and recorded the highest score of 9.45 in the evaluation matrix.

Analysis of the tenders against the qualitative criteria matrix indicated that the tender from Allearth Group provided the best value to the City and is recommended. The small difference in tender values and the closeness of the weighted scores reflects on the proven capability of the contractors to complete the task.

Consultation

Tender 34/2009 The Construction of Cycle Paths in Sir James Mitchell Park, South Perth was advertised in the West Australian on Wednesday 23 December 2009. six (6) compliant tenders with one (1) alternative tender were received.

Policy and Legislative Implications

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

The following Council Policies also apply:

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

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Inclusive).

Financial Implications

The full cost of the asphalt path works reflected in the tender has been provided in the current 2009/2010 Capital Works Budgets. The current allocation for Account 5452 SJMP Paths is \$595,000. This amount includes a grant of \$297,913 which was allocated by the Federal Government from its National Bike Paths Projects fund and in response to the economic stimulus package. In addition, Red Bull have stated that they are prepared to contribute a total of \$24,000 towards path construction, however this amount is not included in the \$595,000 as at the time of writing this report no funding had been received from Red Bull.

To complete the separation of the pedestrian and cycle paths, the total cost of the works to be performed by Contract (i.e. asphalt path, construction of concrete path sections, and returfing of selected areas etc) is \$692,000. To fund the shortfall it is recommended to Council that the funding allocated to Account 5449 SJMP Narrows East Car Park, as required to complete the path works, be transferred to Account 5452 SJMP Paths. It is not possible to complete the upgrade to the Narrows East Carpark this financial year due to the number of additional projects added to the Capital Works program as a result of grants allocated to the City by the Federal Government in response to the economic stimulus package.

Strategic Implications

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

Sustainability Implications

This tender will ensure that the City is provided with the best available service to complete the capital and maintenance works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City’s road and pathway network.

SJMP is the major recreational park within the City and one of the more important within the metropolitan area. Providing additional amenity through infrastructure is seen as adding to the social capital of the City and therefore sustainability.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1

That:

- (a) the tender submitted by the All Earth Group for the construction of cycle paths in Sir James Mitchell Park in accordance with Tender 34/2009 be accepted; and
- (b) additional funding for the project be provided by the following *amendment to the adopted Budget.

A/C No	Description	Budget \$	Adjustment \$	Revised Budget \$
5452	SJMP Paths	595,000	97,000	692,000
5449	SJMP Narrows East Car Park	100,000	(97,000)	3,000

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 1 February 2010
 Author: Rajiv Kapur, Manager Development Services
 Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of December 2009 and January 2010.

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 December 2009, forty-three (43) development applications were determined under delegated authority at **Attachment 10.5.1(a)**.

During the month of January 2010, forty-seven (47) development applications were determined under delegated authority at **Attachment 10.5.1(b)**.

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.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1</p>

That the report and **Attachments 10.5.1(a)** and **10.5.1(b)** relating to delegated determination of applications for planning approval during the months of December 2009 and January 2010, be received.

CARRIED EN BLOC RESOLUTION

10.5.2 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 1 February 2010
 Author: Kay Russell, Executive Support Officer
 Reporting Officer: Phil McQue, Governance and Administration Manager

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.

December 2009

Nature of document	Parties	Date Seal Affixed
Debenture	City of South Perth and the Western Australian Treasury Corporation	4 December 2009
Collier Park Village Lease	City of South Perth and Myra Olsson	4 December 2009
Collier Park Village Lease	City of South Perth and Glenyce May Gibney	4 December 2009
Section 70A Notification	City of South Perth and Paul and Collette Mansutti	7 December 2009
Surrender of Lease	City of South Perth and Eleonora Antonia Oldenburg	15 December 2009
Collier Park Village Hostel Lease	City of South Perth and Noreuil Elizabeth Huggins	18 December 2009
Collier Park Village Hostel Lease	City of South Perth and Irene Mavis Billington	24 December 2009

January 2010

Nature of document	Parties	Date Seal Affixed
Withdrawal of Caveat	CoSP and Mr Brian Holmes	21 January 2010

Consultation

Not applicable.

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

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

Sustainability Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.5.2**

That the report on the use of the Common Seal for the months of December 2009 and January 2010 be received.

CARRIED EN BLOC RESOLUTION

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - January 2010

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 February, 2010
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

The attachments to this financial performance report are part of the suite of reports that were recognised with a Certificate of Merit in the last 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 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. This schedule reflects a reconciliation of movements between the 2009/2010 Adopted Budget and the 2009/2010 Amended Budget including the introduction of the capital expenditure items carried forward from 2008/2009 (after August 2009).

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 and 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);** and
- Rate Setting Statement - **Attachment 10.6.1(7).**

Operating Revenue to 31 January 2010 is \$34.07M which represents 101% of the \$33.63M year to date budget. Revenue performance is close to budget expectations overall - although there are some line item differences. Municipal Fund interest revenues have further improved and are now close to budget expectations despite weak investment rates in the early part of the year. Reflecting the positive improvement in WA's economic climate, Planning and Building Services revenue is well ahead of budget expectations due to higher than budgeted levels of activity. Collier Park Village revenue is close to budget expectations but the Hostel revenue lags budget expectations due to room vacancies (an unusual situation) and lesser commonwealth subsidies being received (since the commonwealth funding model has been adjusted to the detriment of our facility). Grant funding for events has been better than anticipated - and is adjusted in the Q2 Budget Review. Parking revenue (meter parking and infringements) remains comfortably ahead of budget to the end of January. Golf Course revenue remains around 8% ahead of budget targets and total revenues from this facility are 9% ahead of budget. The plant nursery reflects a substantial book gain in the carrying value of nursery greenstock. A significant developer contribution (to be offset by an equivalent expenditure item) is also recognised in Engineering Infrastructure Services.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances at **Attachment 10.6.1(5)**. Relevant items have been adjusted in the Q2 Budget Review presented as Item 10.6.5 of the February Council Agenda.

Operating Expenditure to 31 January 2010 is \$20.79M which represents 98% of the year to date budget of \$21.14M. Operating Expenditure to date is 4% under budget in the Administration area, 2% over budget in the Infrastructure Services area and 3% under budget for the golf course. There are several favourable variances in the administration areas that relate to budgeted (but vacant) staff positions (currently covered to some extent by consultants) in the CEO Office, Building Services and Rangers areas. Waste collection site fees have resulted in a small favourable variance against budget to date. Timing differences exist on software purchases and catering but these will reverse in the immediate future. Golf Course expenditure is close to budget overall with some minor offsetting variances. Most other items in the administration areas remain close to budget expectations to date other than minor timing differences.

Some (cost neutral) re-distribution of parks maintenance budgets has occurred in the Q2 Budget Review to better reflect the (in-use) maintenance regimes at SJMP, EJ Oval and in the Manning Ward. Streetscape maintenance is currently ahead of budget and adjustments are being made to the program to recognise the accelerated works undertaken to date although these changes are yet to be reflected in the accounts. Environmental services and building maintenance are currently close to budget expectations other than a couple of timing differences. Fleet and mobile plant operating costs are very close to budget but charge out rates and overhead recovery rates have had to be reviewed and adjusted for the start of the new calendar year to try to address under-recoveries from these operational areas. To date the results of this action are not yet visible.

There are some small unfavourable variances relating to road and path maintenance as a consequence of taking advantage of contractor availability - but these are of a timing nature and will reverse in the future. There are favourable variances on street lighting and street sweeping but these should also reverse later in the year.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 4.0% under the budget allocation for the 217.6 FTE positions approved by Council in the budget process - after having allowed for agency staff invoices to month end.

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)**. Relevant items have been adjusted in the Q2 Budget Review presented as Item 10.6.5 of the February Council Agenda.

Capital Revenue is disclosed as \$1.68M at 31 January against a year to date budget of \$1.43M. Some \$0.28M of this reflects additional 'revenue' from the UGP project (which will be used to offset the unbudgeted costs over and above the project cash calls). There is an unfavourable variance relating to the timing of lease premiums and refurbishment levies attributable to re-leased units at the Collier Park Village. Two units were leased during January but there are a further five vacant at present. 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 January 2010 is \$5.78M which represents 87% of the year to date budget and some 31% of the full year budget (after the inclusion of carry forward works approved by Council in August). Management is closely monitoring delivery of the capital program and is again using the staged capital program approach of running a 'Deliverable' and a 'Shadow' capital program to ensure that organisational capacity and expectations are 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	1,765,000	1,511,802	87%	7,120,000
Financial & Information Services *	197,000	192,444	98%	720,000
Planning & Community Services	320,000	255,356	80%	922,850
Infrastructure Services	4,137,507	3,561,705	87%	9,165,990
Golf Course	247,700	256,219	103%	418,200
Total	6,667,207	5,777,526	87%	18,347,040

* Financial and Information Services is also responsible for the Library building project which constitutes the majority of the capital expenditure under the CEO Office

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'*.

Sustainability Implications

This report primarily addresses the 'financial' dimension of sustainability. It achieves this on two levels. Firstly, it promotes accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1
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That

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

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2010
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 February 2010
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; and
- 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 and 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 funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these 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 same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$43.39M compare favourably to \$37.84M at the equivalent stage of last year. Reserve funds are some \$0.30M lower than at the equivalent stage last year - reflecting higher holdings of cash backed reserves to support refundable monies at the CPV (\$1.2M higher) but \$1.5M less holdings in the Future Building Works Reserve as monies are applied to the new Library & Community Facility project.

Municipal funds are \$5.8M higher due to the additional \$1.5M in restricted funds (IAF and Lotteries grant relating to the Library and Community Facility) and the transfers back from Reserves for the same project (\$1.6M) - plus more favourable timing of cash outflows for other capital projects. This year so far, we have had much lesser capital outflows because we are not making regular cash calls on the UGP Project and the larger cash outflows for the Library Project (structural steel and concrete works) have yet to occur.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have continued to have the desired effect in relation to our cash inflows. 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 \$17.89M (compared to \$12.04M at the same time in 2008/2009). **Attachment 10.6.2(1).**

(b) **Investments**

Total investment in money market instruments at month end was \$41.93M compared to \$37.38M at the same time last year. This is due to the higher holdings of Municipal Funds as investments as described above. In the current year we also have higher cash holdings in bank accounts as required by the grant funding obligations.

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 96.3% 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 - excepting Westpac which had a 25.4% allocation. This will be slightly reduced at the next available maturity date. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Interest revenues (received and accrued) for the year to date total \$1.02M - well down from \$1.57M at the same time last year. This result is attributable to the substantially lower interest rates particularly early in the year - notwithstanding higher levels of cash holdings. Rates were particularly weak during July and much of August but have strengthened slightly since late September as banks have undertaken capital management initiatives.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding, investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 4.29% with the anticipated weighted average yield on investments yet to mature now sitting at 5.27% (compared with 4.96% last month). Investment results to date reflect careful and prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs continue to provide a modest return of only 3.50% - although this is a significant improvement on the 2.75% on offer early in the year.

(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 debtor's category classifications (rates, general debtors & underground power) are provided below.

(i) **Rates**

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of January 2010 (after the due date for the third instalment) represent 89.0% of total rates levied compared to 88.1% at the equivalent stage of the previous year.

This is a particularly pleasing result given the challenging economic climate at present. It also reflects a good community acceptance of the rating and communication strategies applied by the City in developing the 2009/2010 Annual Budget.

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) has again been 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 \$1.66M at month end excluding UGP debtors compared to \$1.75M last month. The December outstanding balance last year was \$1.62M. The major changes in the composition of the outstanding debtors balances (year on year) are \$0.20M decrease in the amount of GST refundable - but invoices raised for (confirmed) grants associated with Australia Day, Youth & Family Zone & Fiesta which are expected to be collected by the end of March. The balance of parking infringements outstanding is also higher than last year. Debtors relating to Pensioner Rebates, outstanding CPH fees and other sundry debtors are similar to or slightly less than the previous year balances. The majority of the outstanding amounts are government & semi government grants or rebates - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) **Underground Power**

Of the \$6.77M billed for UGP (allowing for adjustments), some \$5.47M was collected by 31 January with approximately 73.0% of those in the affected area electing to pay in full and a further 26.2% opting to pay by instalments. The remaining 0.8% has yet to make a payment. However, most of these 19 remaining properties are new billings or disputed billing amounts. Several of these have now become the subject of follow up collection actions by the City as they have not been satisfactorily addressed in a timely manner (three were cleared in December). Collections in full are currently better than expected which had the positive impact of allowing us to defer UGP related borrowings until late in June 2009 but on the negative side, resulted in less revenue than was budgeted being realised from the instalment interest charge.

Residents opting to pay the UGP Service Charge by instalments are subject to interest charges which accrue 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 UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan).

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 31 January 2010 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)**

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 February 2010
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 January 2010 and 31 January 2010 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 (regular supplier) or Non Creditor (once only supply) payment.

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

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. 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 report format now reflects 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 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

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

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND] COUNCIL DECISION ITEM 10.6.3

That the Listing of Payments for the month of January as detailed in the report of the Director of Financial and Information Services at **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Capital Projects Review to 31 December 2009

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 1 February 2010
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 31 December 2009. Officer comment is provided only on the significant identified variances as at the reporting date.

Background

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis early in the month immediately following the reporting period - and then presented to the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of the capital works program and to allow them to seek clarification and updates on scheduled projects.

The complete Schedule of Capital Projects and attached comments on significant project line item variances provide a comparative review of the Budget versus Actual Expenditure and Revenues on all Capital Items. Although all projects are listed on the schedule, brief comment is only provided on the significant variances identified. This is to keep the report to a reasonable size and to emphasise the reporting by exception principle.

Comment

Excellence in financial management and good governance require an open exchange of information between Council Members and the City's administration. An effective discharge of accountability to the community is also effected by tabling this document and the relevant attachments to a meeting of Council.

Overall, expenditure on the Capital Program represents 89% of the year to date target - and 28% of the full year's budget. During the earlier part of the financial year, capital works are designed, tendered and contractors appointed but most actual expenditure occurs from the second quarter on.

The Executive Management Team acknowledges the challenge of delivering the remaining capital program and has recognised the impact of:

- contractor and staff resource shortages
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

It therefore closely monitors and reviews the capital program with operational managers on an ongoing basis - seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility. The City has also successfully implemented the 'Deliverable' and 'Shadow' Capital Program concept to more appropriately match capacity with intended actions and is using cash backed reserves to quarantine funds for future use on identified projects.

Comments on the broad capital expenditure categories are provided in **Attachment 10.6.1(5)** of this Agenda and details on specific projects impacting on this situation are provided in **Attachment 10.6.4(1)** and **Attachment 10.6.4(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. Their responses have been summarised in the attached Schedule of Comments.

Consultation

For all identified variances, comment has been sought from the responsible managers prior to the item being included in the Capital Projects Review.

Policy and Legislative Implications

Consistent with relevant professional pronouncements but not directly impacted by any in-force policy of the City.

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there will necessarily be some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Comments. This is consistent with responsible management practice.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City' financial resources'*.

Sustainability Implications

This report addresses the 'Financial' dimension of sustainability. It achieves this by promoting accountability for resource use through a historical reporting of performance. This emphasises the proactive identification of apparent financial variances, creates an awareness of our success in delivering against our planned objectives and encourages timely and responsible management intervention where appropriate to address identified issues.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.4**

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 December 2009, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

10.6.5 Budget Review for the Quarter ended 31 December 2009

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 February, 2010
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A review of the 2009/2010 Adopted Budget for the period to 31 December 2009 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

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

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

Background

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

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

Although not required to perform budget reviews at greater frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter.

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

Comment

The Budget Review is typically presented in three parts:

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

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

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

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 10 July 2009.

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$37,250 to the projected 2009/2010 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

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

The adopted budget at 10 July showed a Closing Position of \$133,389. The changes recommended in the Q2 Budget Review will result in the (estimated) 2009/2010 Closing Position being adjusted to \$139,065 (up from the estimated Closing Position of \$101,815) after allowing for required adjustments to the estimated opening position, accrual movements and reserve transfers.

The impact of the proposed amendments in this Q1 Budget Review report on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2008/2009 year end accounts.

TABLE 1: (Q1 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	85,000	(134,000)	(49,000)
Financial and Information Services	148,000	(161,500)	(13,500)
Planning and Community Services	246,000	(182,000)	64,000
Infrastructure Services	650,911	(615,161)	35,750
Opening Position	0	0	0
Accrual Movements & Reserve Transfers	0	0	0
Total	1,129,911	1,092,661	37,250

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

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

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2009/2010 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	127,250	(159,750)	(32,500)
Financial and Information Services	436,478	(442,268)	(5,790)
Planning and Community Services	441,700	(288,850)	152,850
Infrastructure Services	1,267,849	(1,180,274)	87,575
Opening Position	0	(196,459)	(196,459)
Accrual Movements & Reserve Transfers	0	0	
Total change in Adopted Budget	2,273,277	2,267,601	5,676

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City's budget, the overall budget closing position has essentially been maintained at the same level as was determined by Council when the budget was adopted in July 2009.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City' financial resources'*.

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5

That following the detailed review of financial performance for the period ending 31 December 2009, the budget estimates for Revenue and Expenditure for the 2009/2010 Financial Year, (adopted by Council on 10 July 2009 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the February 2010 Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review at **Attachment 10.6.5(1)**;
- Items funded by transfers to or from Reserves at **Attachment 10.6.5(2)**;
- Cost neutral re-allocations of the existing Budget at **Attachment 10.6.5(3)**; and
- Review of Capital Items at **Attachment 10.6.5(4)**.

CARRIED EN BLOC RESOLUTION
And By Required absolute Majority

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Application for Leave of Absence : Cr Lawrance

I hereby apply for Leave of Absence from all Council Meetings for the period 7 to 14 April 2010 inclusive.

11.2 Application for Leave of Absence : Cr Cala

I hereby apply for Leave of Absence from all Council Meetings for the period 8 May to 29 May 2010 inclusive.

11.3 Application for Leave of Absence : Cr Trent

I hereby apply for Leave of Absence from all Council Meetings for the period 19 to 23 March 2010 inclusive.

COUNCIL DECISION ITEMS 11.1 TO 11.3

Moved Cr Ozsdolay, Sec Cr Grayden

That Leave of Absence be granted from all Council Meetings for:

- (a) Cr Lawrance for the period 7 to 14 April 2010 inclusive;
- (b) Cr Cala for the period 8 to 29 May 2010 inclusive; and
- (c) Cr Trent for the period 19 to 23 March 2010 inclusive.

CARRIED (12/0)

Note: Manager Development Services retired from the Meeting at 8.25pm.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members

Nil

13.2 Questions from Members

13.2.1 Tree Planting – Sir James Mitchell Park.....Cr Hasleby

Summary of Question-

Not long after the COSP tree planting program in Sir James Mitchell Park last year, I drew to Council's attention that three of the new trees near the children's play area in the vicinity of the Scented Garden had been poisoned or sabotaged and were dead or dying. Since then COSP staff replaced the three trees with another three healthy species and it is again my regret to draw to Council's attention that the three alternative trees also have been poisoned or sabotaged and are dead or dying. Will the City again replace the three trees that have been damaged beyond recovery and what can be done for surveillance of the affected area and assistance from the public to identify the person or persons responsible for this wanton and repeated act of vandalism?

Summary of Response

The Mayor responded that the City will be replacing the recently planted and now dead trees in Sir James Mitchell Park. The replacement will occur when the weather cools, thereby increasing the potential for the trees to survive.

In regard to surveillance, it would be nigh on impossible to catch someone attacking the trees, as it would more than likely be done under the cover of darkness. It would be better to publicise the issue as much as possible, including the installation of signage at the site of the attack, clearly stating the City's position and consequences if the attacks continue.

13.2.2 Customer Service TrainingCr Best

Summary of Question-

How many employees, of the 200+ employees at all levels, have participated in specific Customer Service Training in the past 24 months? Who were the course providers and at what level were the participants? If the answer for 24 months is Zero then how many in the past five years? Which Department were the participants from? Were any from beyond the Customer Service section?

Summary of Response

The Mayor advised that In the last 2 years, a total 95 of the City's employees have participated in customer service related training. Predominantly the service provider has been West Coast Tafe - although the City has also made use of the very highly regarded Brian Greedy to deliver focused programs to staff groups at team days (eg: Library staff). Analysis of the attendees shows:

Customer Service Training 2008/2009		
Department	Participants	Training Provider
Community Culture & Rec	3	West Coast TAFE
Library & Heritage	30	West Coast TAFE/Brian Greedy
Engineering Infrastructure	3	West Coast TAFE
City Environment	4	West Coast TAFE
Development Services	11	West Coast TAFE
Enviro Health & Rangers	3	West Coast TAFE
Finance	7	West Coast TAFE
Customer Focus	6	West Coast TAFE
Total	95	

13.2.3 Corella NuisanceCr Hasleby

Summary of Question

A flock of *little corellas* or the scientific name: *Cacatua sanguinea* - has become a nuisance in the South Perth and Victoria Park areas by defoliating trees, digging up lawn for food on parks and ovals and creating a nuisance with their loud calls and roosting and ranging behaviours. According to the Department of Environment and Conservation (DEC) these birds largely originate from other parts, where they escaped or were released from aviaries and subsequently bred in the wild. As a native species, the *little corella* is protected under the provisions of the *Wildlife Conservation Act 1950*, administered by DEC. The flock of little corellas affecting the parks, trees and ovals in South Perth and Victoria Park has increased rapidly in the past 12 months to around 2000 birds.

Can a joint approach from the City of South Perth and Town of Victoria Park be made to the DEC to reduce or relocate the flock of little corellas, which if left unchecked may increase in flock size to rival those in the Kimberley of 60,000 to 70,000 birds?

Summary of Response

The Mayor responded that officers will make contact with relevant staff at the Department of Conservation and Environment and Town of Victoria Park to attempt to address this issue. Councillors will be informed of the results of this approach via the Elected Members Bulletin.

13.2.4 Mosquito Problem WaterfordCr Ozsdolay

Summary of Question

Following feedback from residents during the summer of 2008/9 the City developed a Mosquito Management Plan which has been adopted during this summer. While some aspects of the plan have been successful it is clear through feedback from residents that there is still room for considerable improvement. Residents have been in regular contact with Ward Councillors and the City appraising them of the ongoing problem. Of particular concern from residents has been that no fogging has been undertaken this summer to date.

Can officers:

1. Provide an update on the fogging position up to now and for the future?
2. Advise what arrangements are being made to review the plan for this summer, when such a review will take place, and how feedback from residents will be incorporated?
3. Advise when the Mosquito Management Plan for 2010/11 will be finalised and made available to residents?"

Summary of Response

The Mayor advised that:

1. The City Environmental Health Officers have maintained a stringent monitoring program of the Waterford Wetland area for any potential mosquito activity. The monitoring focuses on the larva activity. Where there is any emergence of adult mosquito, the EHO's monitor the extent of the numbers by trapping and species identification to determine breeding sites. The best treatment is Vectabac larvicide to kill mosquito larva before they merge to adults with fogging only used as a last resort. Vectibac is a biological control for mosquito larvae and the safest means of treating mosquito. The position on fogging will remain the same for the future, "that fogging will be used as a last resort for mosquito management because fog or chemical vapour is non species specific and the impact on human health should not be underestimated.
2. The current Mosquito Operational Management Plan (MMP) is a management practice and will be reviewed at the end of the mosquito season from April/May 2010. The MMP will focus on the technical aspect of Vector Control in wetland areas and include reference to the community issues/feedback from the previous season.
3. A draft Mosquito Policy will be developed for public consultation in May 2010 and be available to residents for feedback to the City.

13.2.5 Flag Pole Project Sir James Mitchell ParkCr Grayden

Summary of Question

Following a briefing held on 8 September 2009, on 11 November 2009 a Concept Forum was held in relation to the SJMP Flagpole Design Options. At that Concept Forum members endorsed the concept plan presented, however, there was no agreement reached as to the final plan to be implemented by the City. Indeed, it was envisaged that the final plan would be presented to Council for adoption before its implementation. At the November 2009 Council meeting the comments and notes of the briefing held on 11 November 2009 were noted. At this point in time Council has not approved a final plan for implementation.

1. When will the final plan for the SJMP Flag Pole Design come before Council for approval?
2. Can Council and the community be assured that the final plan for the SJMP Flagpole Design will not be implemented until:
 - Adequate community consultation has occurred?; and
 - Council resolves to adopt the final plan?

Summary of Response

The Mayor responded that Council officers are of the understanding that the Final Plan for the proposed Flag Pole project, incorporating changes suggested by Councillors at the Workshop held in November 2009, would be circulated for Council Member information via the Bulletin. The next stage of the process would be for officers to present to Council for approval a report dealing with a 'Construction Tender'.

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

that an item of 'New Business of an Urgent Nature' considered to be of an urgent nature in relation to the Flag Pole proposal for Sir James Mitchell Park had been received from Cr Grayden.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 14

Moved Cr Cala, Sec Cr Skinner

That Council accept the item of New Business.

CARRIED (12/0)

14.1 Flag Pole Proposal Sir James Mitchell Park : Cr Grayden 23.2.2010

I hereby give notice that I intend to move the following Motion of 'New Business of an Urgent Nature' at the Council Meeting to be held on 23 February 2010.

MOTION

That, before its implementation, the final design for the Sir James Mitchell Park Flagpole project be approved by Council.

MEMBER COMMENT

1. Councillors participated in a Concept Forum in relation to the SJMP Flagpole Design Options on 11 November 2009, following a prior briefing on 8 September 2009.
2. The project was intended to revitalise a high profile area and coincide with the City's 50th year anniversary and Australia Day 2010.
3. The concept was generally endorsed by Councillors attending the Concept Forum, however, a final design was not agreed and it was envisaged that the final design would come before Council for its approval. Not all Councillors attended that Concept Forum.
4. The Notes from the Concept Forum were noted at the November 2009 Council meeting, however, no decision has been made by Council as to the final plan to be implemented.
5. Despite the project is of significant importance and interest to the City as a whole, there has been no general community consultation and Council has not had an opportunity to review or approve the final design.
6. Funding considerations cannot be a reason to forego due process being followed and preclude Council from exercising final responsibility for the adoption or otherwise of the final plan.

OFFICER COMMENT

1. Two Council briefings were held in late 2009, including a site inspection in November. The project was also discussed during the Sir James Mitchell Park tree planting presentation in August 2009 where Officers indicated that the landscaping of this area would occur during flagpole construction;
2. The flagpole project was suggested as a way for the City to recognise its 50th year.
3. It was the understanding of the Officers that the project did not require further Council approval but that comments from the briefings be incorporated into the detailed design.
4. The officer's approach is consistent with the wording contained in the Notes of the briefings and accordingly the project has been amended and is now ready for tendering. Council were however to be advised via the Bulletin the detailed design once it had been finalised.
5. The Sir James Mitchell Park Community Advisory Group was consulted about the design, including regular progress reports from City officers.
6. The City has applied for grant funding to implement this project and was successful in being allocated \$78,000 from the Federal Government (from the stimulus package). Although the City has not received the funding as yet, officers understand that the funding needs to be expended by 30 June 2010. On this basis, work on the project should commence following the Red Bull Air Race in April. Failure to commence work after Red Bull may result in Council forgoing the grant funding. Whilst funding is not the dominant issue, it is still nonetheless relevant given the project, as it currently exists, cannot be delivered without the grant funding.

COUNCIL DECISION ITEM 14.1

Moved Cr Grayden, Sec Cr Best

That, before its implementation, the final design for the Sir James Mitchell Park Flagpole project be approved by Council.

CARRIED (9/3)

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

Nil

16. CLOSURE

The Mayor closed the meeting at 9.28pm and thanked everyone for their attendance.

DISCLAIMER

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

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

These Minutes were confirmed at a meeting on 23 March 2010

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

Note: Due to a technical malfunction there is no electronic record of the voting at the February 2010 Council Meeting.