



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

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
Chairperson to open the meeting
2. **DISCLAIMER**
Chairperson to read the City's Disclaimer
3. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
 - 3.1 **Activities Report Mayor Best / Council Representatives** (*Attached to Agenda paper*)
 - 3.2 **Public Question Time**
 - 3.3 **Audio Recording of Council meeting**
4. **ATTENDANCE**
 - 4.1 **Apologies**
 - 4.2 **Approved Leave of Absence**
5. **DECLARATION OF INTEREST**
6. **PUBLIC QUESTION TIME**
 - 6.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
At the Council meeting held 26 October 2010 there were no questions taken on notice:
 - 6.2 **PUBLIC QUESTION TIME : 23.11.2010**
7. **CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**
 - 7.1 **MINUTES**
 - 7.1.1 **Ordinary Council Meeting Held: 26.10.2010**
 - 7.1.2 **CEO Evaluation Committee Meeting Held: 15.11.2010**
 - 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 - October Ordinary Council Meeting Held: 19.10.2010

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

7.2.2 Concept Forum - Peninsula Precinct Parking Review and SJMP Flagpole Project – Meeting Held: 20.10.2010

Officers of the City and Elected Members ‘workshopped’ criteria to be used for the Peninsula Commercial Precinct Parking Review community consultation. Officers presented a review of progress of the Sir James Mitchell Park Ceremonial Flagpole Project and considered options. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum - Town Planning Major Developments - Meeting Held: 3.11.2010

Officers of the City and applicants presented background on the proposed developments at Lot 133 Hovia Terrace, Kensington and No. 19 South Perth Esplanade, South Perth. Questions were raised by members and responded to by applicants/officers. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum – Tour of: Library Civic Hall Project, Waterford Plaza, Karawara Greenways, Waterford Triangle, Cygnia Cove and Manning Hub - Held: 10.11.2010

Elected Members and Officers toured the Library Civic Hall Project, Waterford Plaza, Karawara Greenways, Waterford Triangle, Cygnia Cove and Manning Hub. Notes of the Concept Briefing ‘tour’ are included as **Attachment 7.2.4**

8. PRESENTATIONS

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

Nil

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

8.2.1 WALGA Swan Canning Policy Forum of 21 Councils on the Rivers

A copy of the book “Discover your Rivers” to be presented to Mayor Best, in his capacity as Chair, at the launch of the WALGA Swan Canning Policy Forum 21 Councils on the Rivers.

8.2.2 Perth Electric Tramways Society

A copy of the book “Tracks by the Swan” to be presented to Mayor Best, by the Perth Electric Tramway Society Inc.

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

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegates: Rivers Regional Council Meeting : 19 August 2010

A report from Council Delegates, Crs Cala and Trent summarising their attendance at the Rivers Regional Council Meeting held on 21 October 2010 at the Shire of Murray is at **Attachment 8.4.1.**

Note: The Minutes of the Rivers Regional Council Ordinary Council Meeting of 21 October 2010 have been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.4.1** in relation to the Rivers Regional Council Meeting held 21 October 2010 at the Shire of Murray be received.

8.5 CONFERENCE DELEGATES REPORTS

8.5.1. Conference Delegate: 11th International Cities Town Centres and Communities Society Conference (ICTC) held in Coffs Harbour between 12 – 15 October 2010

A report from Cr Skinner summarising her attendance at the 11th International Cities Town Centres and Communities Society Conference (ICTC) - "*Interdependence-Web of Relationships Internationally and Locally*" - held in Coffs Harbour between 12 – 15 October 2010 is at **Attachment 8.5.1.**

RECOMMENDATION

That the Delegate's Report in relation to the 11th International Cities Town Centres and Communities Society Conference (ICTC) held in Coffs Harbour between 12 – 15 October 2010 at **Attachment 8.5.1** be received.

8.5.2. Conference Delegate: National Local Roads and Transport Congress 2010 "Building the Case for Transport Investment" and WALGA WA Transport and Roads Forum 2010

A report from Cr Trent summarising his attendance at the National Local Roads and Transport Congress 2010 and WALGA WA Transport and Roads Forum 2010 held in Bunbury between 13 – 15 October 2010 is at **Attachment 8.5.2.**

RECOMMENDATION

That the Delegate's Report in relation to the National Local Roads and Transport Congress 2010 and WALGA WA Transport and Roads Forum 2010 held in Bunbury between 13 – 15 October 2010 at **Attachment 8.5.2** be received.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed City of South Perth Dogs Local Law 2010 (referred Item 10.6.7 from August 2010 Council Meeting)

Location:	City of South Perth
Applicant:	Council
File Ref:	LE/102
Date:	4 November 2010
Author:	Phil McQue, Governance and Administration Manager
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report considers the submissions received in response to the state-wide and local Public Notice of the proposed Dogs Local Law 2010 and recommends its final adoption by Council.

Background

A draft Dog Local Law 2010 was presented to a Council Concept Forum in August 2010 as a result of the City being required to review the existing 1997 Dogs Local Law under the *Local Government Act 1995*. This draft Local Law was reviewed and modified with Councillor input at this forum and was subsequently presented to Council for consideration in August 2010.

The proposed Dog Local Law is largely based on the Western Australian Local Government Association's model dog local law with the primary objective of making provisions that ensure public safety and provide a safe co-operative community space, to control the number of dogs that can be kept on the premises and the manner of keeping of those dogs, and to prescribe areas in which dogs are prohibited or required to be on a lead.

The Council at the 24 August 2010 meeting resolved to call for public submissions in relation to the proposed Dogs Local Law 2010 to replace the City's 1997 Dogs Local Law in its entirety, in accordance with s3.12.12(3)(a)(b) and (3a) of the *Local Government Act 1995*. As required, State wide and local public notice was given for the period commencing on 28 August and concluding on 29 October 2010 stating that:

- The City proposes to make a Dogs Local Law, and a summary of its purpose and effect;
- Copies of the proposed local law may be inspected at the City's offices;
- Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given.

In accordance with s3.12(4) of the *Local Government Act 1995*, a copy of the proposed local law was also supplied to the Minister for Local Government.

Comment

The City has approximately 1,600 registered dogs. The City has developed the Dog Local Law based on the principle of it being interpreted and enforced with a great degree of commonsense, recognising that the vast majority of dog owners take their responsibilities seriously.

Thirty two submissions were received during the submission period in relation to the proposed local law, which are summarised in **Attachment 10.0.1(a)**. The majority of the submissions raised similar concerns, which are addressed as follows:

Clause 4.2 Places which are dog areas

This clause provides that dogs are to be on a lead in "*any area being used for sporting or other activities, as permitted by the local government during the times of such use*". This provision is based on best practice policy and addresses the important issue of public safety concerns in respect to the potential for dog attacks and dog nuisance issues whilst organised sport is being played. A number of local governments have had such a provision in place for a number of years due to concerns with public safety and potential liability issues which are of paramount importance. The City of Stirling experienced a very unfortunate but extreme dog attack on a young child when organised sport was being played, which was one of the reasons they introduced a similar provision in their Dog Local Law.

The City has a responsibility and duty of care to ensure that all users of its community open space are provided with a safe environment. The City has in the past received complaints about interruptions to sporting activity by dogs which could potentially injure participants, high level of dog excreta, concerned spectators and parents of young children where dogs have come into contact, and situations where players and associated sports people have come into conflict with dog owners in situations where dogs have been dangerous and off a lead.

The majority of the submissions related to dogs being required to be on a lead at Ernest Johnson Oval in South Perth (EJ Oval) when organised sport is being played. EJ Oval comprises three separate ovals (EJ Oval, Hensman Reserve and Sandgate Reserve) where on occasions different organised sporting activities occur. The effect of this provision is that where organised sport is being played on one of the reserves, dogs can still be exercised off leads on the other available reserves.

It is important to emphasise that dogs on a lead can still be exercised at any time on any of the three EJ reserves - regardless of whether or not organised sport is being played.

The Western Australian Football Commission and South Perth Junior Football Club are the most frequent patrons of the EJ Oval and they have raised concerns on a regular basis as to the issue of dogs off leads interrupting and interfering with their organised activity.

The Hensman Reserve at EJ Oval has no organised sport from October through to March, providing at least one reserve during the summer months for dogs off leads to be exercised.

It is worth noting that EJ Oval has on average two recorded dog attacks per annum, any of which could have had potentially serious consequences as has occurred in other local governments across Australia. Most local governments in the Perth metropolitan area would actually prohibit in totality any dog activity taking place on dedicated sporting areas, similar to EJ Oval.

In respect to personal training at EJ Oval, there is currently one function permit issued which provides exclusive use only for the southwest corner of EJ Oval. Dog owners would therefore still be permitted to exercise their dogs off leads on the majority of the oval on EJ Oval.

The proposed change is seen as a reasonable compromise between the needs of dogs for exercise, but also the need for organised sport to be played without interference from dogs. If adopted, the proposed provisions will also need to be publicised and include signage around EJ Oval and would be enforced by the City's rangers. A map of the dog exercise areas is shown at **Attachment 10.0.1(b)**.

Clause 5.1 Offence to excrete

The proposed local law makes it an offence if a person in charge of a dog does not immediately remove its excreta from any thoroughfare or public place, or any land without the consent of the occupier. This is the same provision as in the current local law.

Enforcement and Penalties

Part 6 sets out proposed enforcement provisions such as infringement notices. The City adopted a Penalty Units Local Law in 2003, and the proposed new Dogs local law is linked to it.

There are two types of actions that can be taken for offences under the Dog Act and the City's proposed Local Law:

- Prosecution (Court action) - for serious offences like an attack by a dog on a person that might result in hospitalisation, or where an offence has been repeatedly committed.
- Modified penalties (sometimes referred to as 'on the spot' fines) for less serious offences such as failure to remove dog excreta, or wandering at large.

The Dog Act itself sets the maximum penalty that a Magistrate can impose where an alleged offender is found guilty of a breach of the provisions of the Act at various amounts of between \$1,000 for minor offences and \$10,000 for dog attacks. Note that the provisions of the Act are applied in prosecutions due to the usually more serious nature of the offence. It is rare that the penalty provisions listed in local laws (which in effect deal with residual matters) are actually and solely used in prosecutions.

Section 50(2) of the Act also prescribes that the maximum penalty that can be imposed under a local law is \$2,000. In this regard, clause 12(1) of the City's current Dogs Local Law 1997 prescribes a maximum penalty of \$2,000 regardless of the type of offence. Consistent with the Act, the proposed new Local Law sets a maximum penalty in most cases of \$1,000 and \$2,000 if the dog involved has been declared a 'dangerous dog' under s33E of the Act.

Maximum penalties proposed in the new local law are therefore no more (and in some cases less) than the current provisions under the Act. No change is proposed to the local law as a result of this part of the submissions from the public.

In terms of modified penalties, most offences are provided for in the Dog Act Regulations. They range from \$40 for failure to give notice to a local government of the new owner of a dog, \$100 for a dog not being held on a leash in public places, to \$200 where the dog has been declared a 'dangerous dog'.

The City's existing Dogs Local Law 1997 provided for only two modified penalties, \$50 where a dog excretes on land and it is not immediately removed, and \$100 for when a dog is in a prohibited area.

The proposed new local law prescribes penalties of \$40 and \$200 for the same offences, but adds three extra offences for which modified penalties can be applied. Two of these are rarely expected to be used and relate to attempts to cause an unauthorised release of a dog from the pound or a City vehicle (modified penalty of \$200 or \$400 if a dangerous dog), but the remaining one provides for a penalty to be applied where an owner has failed to provide means for adequately confining a dog, with an 'on the spot' fine of \$50 (or \$200 if the dog is 'dangerous', reflecting the more serious nature.

The proposed modified penalties under the new local law are not considered to have changed greatly from the previous provisions, and in some areas are actually less.

Consultation

Section 3.12(3) of the *Local Government Act 1995* 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 summarised in the notice.

Notices were placed in the West Australian newspaper on 28 August 2010, in the Southern Gazette newspaper on 7 September 2010 and were also placed on the notice boards at the Civic Centre and branch libraries and in the 'Out for Comment' section on the City's website.

The proposed local law was subject to a public submission period of 62 days, well in excess of the required statutory period of six weeks, resulting in 32 submissions being received.

Policy and Legislative Implications

Section 3.12 of the *Local Government Act 1995* and regulation 3 of the *Local Government (Functions & General) Regulations* set out the procedural requirements for the making of a local law.

Section 3.12 (4) of the *Local Government Act 1995* provides that after considering public submissions in relation to a local law, a local government may resolve by absolute majority to make the local law. It is then to be published in the *Government Gazette* and will become law 14 days after gazettal. It should be noted that this will be the final version, without text boxes or notes, and with the various amendments ‘marked up’ on **Attachment 10.0.1** to this report.

A copy of the Local Law is also to be sent to the Minister for Local Government, with local public notice to be given of its final adoption, and a copy of the Local Law with an Explanatory Memoranda sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. The Standing Committee acts as a body reviewing delegated legislation such as local laws on behalf of the State Parliament. If it believes a local law or regulation is contrary to the good government of the State or if it believes there are other flaws, it may recommend disallowance to the Parliament. Whilst this is possible, in practice any concerns are usually discussed with the local government, and disallowance used only as a last resort if agreement is unable to be reached.

The Local Law would only be implemented by the City after appropriate publication of details of the new local law and its application.

Financial Implications

The costs associated with the development and implementation of this local law include consultancy fees, advertising, gazettal and publication costs, internal changes to infringement books and procedures, and internal costs such as staff training.

Strategic Implications

The proposal is consistent with Strategic Direction 6: ‘Governance’ of the Strategic Plan - *Ensure that the City’s governance enables it to respond to the community’s vision and deliver its service promises in a sustainable manner.*

As noted above, the proposed new local law also brings this area of the City’s operations into line with contemporary best practice in many other local governments throughout the State. It also deals with a number of issues that the City has been attempting to resolve.

Sustainability Implications

The sustainability implications arising out of matters discussed or recommendations made in this report are consistent with the City's Sustainability Strategy.

OFFICER RECOMMENDATION ITEM 10.0.1

That....

- (a) the Council resolve to adopt* the Dogs Local Law 2010 in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to:
 - (i) deletion of text boxes and notes in the version to be officially Gazetted; and
 - (ii) various other minor amendments as 'marked up' in **Attachment 10.0.1**;
- (b) in accordance with s3.12(5) of the *Local Government Act 1995*, the local law be published in the Government Gazette newspaper and a copy sent to the Minister for Local Government;
- (c) after Gazettal of the Local Law, in accordance with s3.12(6) of the *Local Government Act 1995*, local Public Notice be given:
 - (i) stating the title of the local law;
 - (ii) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (iii) advising that copies of the local law may be inspected or obtained from the City office.
- (d) following Gazettal of the Local Law, in accordance with the *Local Laws Explanatory Memoranda Directions* as issued by the Minister on 7 November 2005, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

** Note: An Absolute Majority required*

10.1 STRATEGIC DIRECTION 1 : COMMUNITY
Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT
Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Central Metropolitan Perth Sub-Regional Strategy - submission to Western Australian Planning Commission

Location:	City of South Perth and others
Applicant:	Western Australian Planning Commission
File Ref:	LP/223
Date:	1 November 2010
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

Council is requested to consider the City's proposed submission to the Western Australian Planning Commission (WAPC), pertaining to the release of the draft *Central Metropolitan Perth Sub-Regional Strategy* (August 2010) (draft *Strategy*). The draft *Strategy* has been released for public consultation, with comments due to the WAPC by Monday 29 November 2010.

The draft *Strategy* was released on 30 August 2010 concurrently with the final version of the *Directions 2031 and Beyond* strategic plan (*Directions 2031*) and the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*. The draft central and outer metropolitan strategies have been developed for the purpose of implementing the strategic planning framework that is outlined within *Directions 2031 and Beyond*.

The draft *Strategy* addresses issues relating to creating more housing opportunities across the 19 local government areas in the inner/middle sectors of metropolitan Perth. Of particular interest to the City of South Perth, the draft *Strategy* sets a target of 6,000 new dwellings within the district by 2031, with one-third of these required over the next 10 years. Approximately 45-49 per cent of these 6,000 dwellings are already identified and planned for in infill development projects, such as the South Perth Station Precinct and the Canning Bridge Station Precinct. Other incremental infill development will need to be appropriately planned for.

It is apparent from the content of the draft *Strategy*, that the State Government expects local governments to prepare local planning strategies so as to implement, at a local level, the central sub-regional targets on housing, transit-oriented development, public transport, services, employment and infrastructure. These targets require partnering with the State Government, private developers, service providers and the community.

The Council's submission on the draft *Strategy* comprises **Attachment 10.3.1** to this report. It will be considered by the WAPC in the preparation of the final document. The Council is now requested to adopt the attached submission.

Background

At the August 2009 meeting, Council resolved to support in principle the proposals contained within *Directions 2031: Draft Spatial Framework for Perth and Peel*; commend the WAPC for the strong support to local government through this initiative; and continue to pursue its strategic planning initiatives in a manner which is consistent with the goals of *Directions 2031*.

The draft *Strategy* is focussed on providing guidance regarding opportunities for infill development across the 19 local government areas in the inner and middle sectors of the Perth region. The draft *Strategy* is designed to address issues extending beyond local government boundaries that require a regional response, as well as commonly shared issues, responsibilities and delivery time frames. It also deals with planning challenges that are applicable to the central sub-region, with a focus on urban consolidation as opposed to managing land supply and the sustainable development of 'greenfield' lands, being the planning challenge dealt with in the *Outer Metropolitan Perth and Peel Sub-Regional Strategy*.

The draft *Strategy* comprises four parts:

Part I - Policy framework:

- Policy framework
- The Strategy

Part II - The central sub-region in context

- Historical development
- Current planning framework

Part III - Future direction

- Directions 2031
- Planned urban growth areas
- Planning for employment
- Infrastructure

Part IV - Governance

- Implementation

Directions 2031 establishes the vision for the future growth of Perth and Peel regions, being:

“By 2031, Perth and Peel people will have created a world class liveable city: green, vibrant, more compact and accessible with a unique sense of place”.

This vision is based on five themes for a liveable, prosperous, accessible, sustainable and responsible city. The objectives of each theme are as follows:

- Liveable: *Living in, or visiting our city should be a safe, comfortable and enjoyable experience.*
- Prosperous: *Our success as a global city will depend on building on our current prosperity.*
- Accessible: *All people should be able to easily meet their education, employment, recreation, service and consumer needs within a reasonable distance of their home.*
- Sustainable: *We should grow within the constraints placed on us by the environment we live in.*
- Responsible: *We have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.*

Comment

The Council's comprehensive submission on the *Strategy* is contained in **Attachment 10.3.1**. No additional comment is required in this report.

Consultation

The draft *Strategy* has been released by the Western Australian Planning Commission for public consultation, from 1 September to 29 November 2010. A briefing was held in the City's Council Chambers on 11 October 2010. At the briefing, Department of Planning officers provided a visual presentation and opportunities for questions from Councillors. The briefing was well received by Councillors. Notes from that briefing circulated previously, contain a summary of the questions and issues raised by Council Members.

The City has not undertaken any additional public consultation on the draft *Strategy*, however the City's submission will be considered by the WAPC when preparing the final version of the *Strategy*.

Policy and Legislative Implications

Directions 2031 and the draft *Central Metropolitan Perth Sub-Regional Strategy* are non-statutory strategic planning frameworks that rely on the State and local government to have an ongoing leadership role in implementing the short/medium term actions. This will involve the State Government providing advice and assistance to local governments to achieve the *Directions 2031* housing and employment targets.

The City would be responsible for developing plans and strategies to encourage innovative infill.

Financial Implications

The City is responsible for the budgeting of its capital works program and its future planning projects such as preparing a local planning strategy with the assistance of external consultants.

The WAPC may consider initiating funding support programs for the development of joint venture projects or demonstration projects using Metropolitan Region Improvement Funds. If a funding program is introduced, projects that meet specified funding criteria would still need to be considered as part of the State Government annual budget process.

Strategic Implications

The vision, objectives and content of the draft *Strategy* is consistent with the City of South Perth's vision and mission contained within its *Strategic Plan 2010-2015*. All six strategic directions are relevant to the draft *Strategy*.

Sustainability Implications

The sustainability implications of the draft *Strategy* are addressed in the Council's submission at **Attachment 10.3.1**. Complimentary to the draft *Strategy*, the Council's submission calls upon the WAPC and related State Government agencies, as a matter of priority, to:

- (a) implement all necessary actions to ensure that future urban development does not detrimentally impact on the ecological health of the Swan/Canning Rivers nor on the biodiversity of the central sub-region; and
- (b) work collaboratively towards the implementation of a central sub-regional climate change risk assessment and adaptation project.

Conclusion

The draft *Central Metropolitan Perth Sub-Regional Strategy* has been released for public comment, concurrently with the release of the final version of *Directions 2031*. The draft *Strategy* begins to focus the broad objectives and strategies contained in *Directions 2031* down to a sub-regional level. The draft *Strategy* has been prepared to ensure local governments within the central sub-region respond to the targets and strategic priorities that are contained within the draft *Strategy* and that they adequately plan for them through their local planning strategies.

The content of the draft *Strategy* is well researched and provides a strong foundation for local governments to plan for future housing, employment, transport and infrastructure that existing and future generations require.

OFFICER RECOMMENDATION ITEM 10.3.1

That the Council's submission on the draft *Central Metropolitan Perth Sub-Regional Strategy* (August 2010) comprising **Attachment 10.3.1** hereto be adopted and forwarded to the Western Australian Planning Commission.

10.3.2 Proposed Road Closure: Portion of Melville Parade adjacent to Royal Perth Golf Course - to Accommodate Mobile Telephone Transmission Equipment

Note:

This item has been withdrawn from the November Agenda by Council Officers.

10.3.3 Proposed Single-Storey Office & Café/Restaurant. Lot 2 (No. 97) Canning Highway South Perth.
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Location: Lot 2 (No. 97) Canning Highway, South Perth
 Applicant: Mr C M Cheng
 Lodgement Date: 30 March 2010
 File Ref: 11.2010.164 CA6/97
 Date: 3 November 2010
 Author: Matt Stuart, Coordinator Statutory Planning, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for a single-storey Office and Café/Restaurant on Lot 2 (No. 97) Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)

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

Background

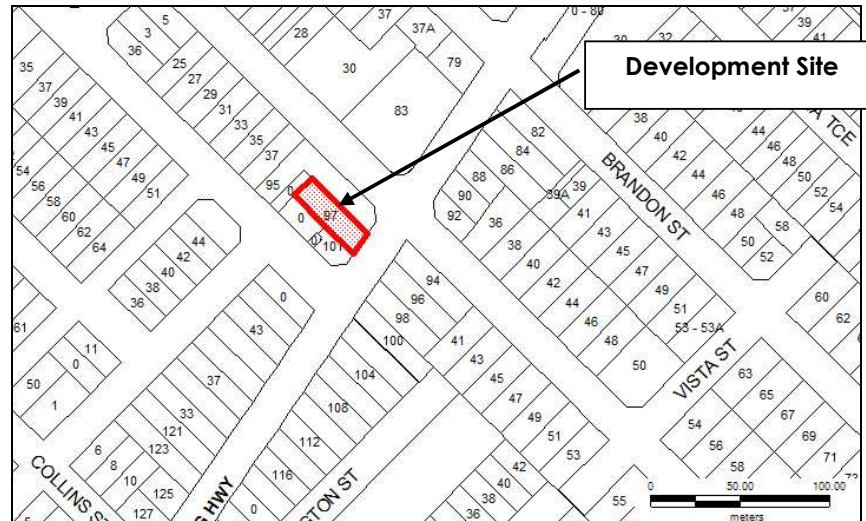
The development site details are as follows:

Zoning	PR Road & Highway Commercial
Density coding	R80
Lot area	630 sq. metres
Building height limit	10.5 metres
Development potential	5 dwellings
Plot ratio limit	0.5

This report includes the following attachments:

- **Confidential Attachment 10.3.3(a)** Plans of the proposal
- **Attachment 10.3.3(b)** Site photographs
- **Attachment 10.3.3(c)** Applicant's traffic 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

- (b) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.

Comment

(a) Existing Development on the Subject Site

The subject site is located at Lot 2 (No. 97) Canning Highway, South Perth (Site). The existing development on the Site currently features the unoccupied land uses 'Shop' and 'Café/Restaurant', as depicted in the site photographs at **Attachment 10.3.3(b)**.

(b) Description of the Surrounding Locality

The Site has a frontage to Canning Highway to the southeast, located adjacent to a Shop and Café/Restaurant (Thai with Style) to the southwest, a frontage to a CoSP ROW to the northwest and a Mixed Development (Office/Shop) to the northeast, as seen in **Figure 1** below:



(c) Description of the Proposal

The proposal involves the demolition of the existing development and the construction of a single-storey Office and Café/Restaurant on the Site, as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.3(b)**.

The following components of the proposed development do not satisfy the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) and/or Council policy requirements:

- (i) Car parking provision.

The proposal complies with the Scheme and relevant Council Policies, with the exception of the remaining non-complying aspects, with other significant matters, all discussed below.

(d) Land Use

The proposed land uses of Office and Café/Restaurant are classified as 'D' (Discretionary) land uses in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary use, it is observed that the Site adjoins non-residential uses, in a location with a non-residential streetscape. Accordingly, it is considered that the proposed use complies with the Table 1 of the Scheme.

(e) **Car Parking**

The required number of car bays is 16; whereas the proposed number of car bays is 9, a shortfall of 7 bays (44 percent). Therefore the proposed development does not comply with the car parking requirement in Table 6 TPS6.

Council discretion- cl. 6.3.4

Council has discretionary power under clause 6.3.4 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (*emphasis added*):

- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the **peak parking demand** for different uses on the development site.

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (*emphasis added*):

- (a) 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**;
- (b) 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
- (c) the proposed development meets the **objectives for the City and for the precinct** in which the land is situated as specified in the precinct Plan for that precinct.

As a response to the above sub-clauses, the Applicant has submitted a traffic report as seen in **Attachment 10.3.3(c)**, which concludes that:

The existing car parking areas around the four properties that form the Highway Commercial Centre between Salisbury Avenue and Dyson Street are utilised to less than 60% of the capacity at peak parking times with the typical usage being around 50%.

The City of South Perth Council can be satisfied that the proposed 9 new formal parking bays plus the existing 59 bays around the redevelopment site is sufficient, having regard to the peak parking demand associated with the proposed land uses.

The proposed 9 new parking bays on the property at 97-99 Canning Highway is less than the number of bays calculated for the combined land uses in accordance with the town planning scheme requirements and only slightly less than the peak parking demand when considering the differentiation of when the office parking and the coffee shop/café parking demand occurs.

The City of South Perth Council can grant planning approval for a development having a lesser number of car parking bays on site than the number prescribed in the Town Planning Scheme 6 Table.

Clause 6.3 (5) (b) cash-in-lieu of car parking bays cannot be utilised in this instance as in order to seek the cash payment, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development Site, and it does not have such proposals.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

(f) Plot Ratio

The maximum permissible plot ratio is 0.5 (315m²), whereas the proposed plot ratio is 0.3 (189m²). Therefore the proposed development complies with the plot ratio element of the Scheme.

(g) Specific Street Setback- ground floor, southeast

The prescribed minimum specific street setback (Canning Highway) is 4.0 metres to the boundary line; whereas the proposed setback is 4.25 metres, therefore the proposed development complies with Table 5 of the Scheme.

(h) Boundary Walls

In relation to the boundary walls to the north and south, as the required side setbacks are nil, and the proposal does not abut more sensitive residential properties, the proposed development complies with Table 5 of the Scheme.

(i) Landscaping

The required minimum landscaping area is 95m² (15 percent); whereas the proposed landscaping area is 103m² (16 percent), therefore the proposed development complies with the landscaping requirements of Table 3 of TPS6.

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

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

- (d) Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community; and*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:
 - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) the preservation of the amenity of the locality.**

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (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;*
- (s) whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) whether adequate provision has been made for access by disabled persons;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) any other planning considerations which the Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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'. Under the standard consultation method, individual property owners, occupiers and/or strata

bodies at Nos 95 and 101 Canning Highway and No 52 Salisbury Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 11 consultation notices were sent and 3 submissions were received, all in support of the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer Responses
General support and on opinion that the development will enhance the location and having benefit to all in the commercial area.	No response required. The comment is NOTED .
Concern that the parapet wall of the adjoining site is fragile due to its age and weak construction.	Not a planning issue, however an important note is recommended to pass this information to the Landowner and the Building section during the Building Licence phase. The comment is NOTED .

(b) Other City Departments

Comments were invited from the Environmental Health section of the City's administration.

The Environmental Health section provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises no objections and has provided recommended important notes.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the above officer.

(c) External Agencies

Comments were also invited from the Department of Planning.

The Department of Planning provided comments with respect to the Site being on or abutting a regional road reservation. This agency raises no objections and does not recommend that standard conditions and/or notes be placed on the approval.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the above officers.

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 Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions; as it will not have a detrimental impact on adjoining residential neighbours. 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 single-storey Office and Café/Restaurant] on Lot 2 (No. 97) Canning Highway, South Perth, **be approved** subject to:

(a) Standard Conditions

352	car bays- marked and visible	456	dividing fences- timing
353	visitor bays- marked and visible	508	landscaping approved & completed
354	car bays- maintained	340	parapet walls- finish of surface
625	sightlines for drivers	550	plumbing hidden
470	retaining walls- if required	664	inspection (final) required
471	retaining walls- timing	660	expiry of approval
455	dividing fences- standards		

(b) Standard Advice Notes

648	building licence required	649A	minor variations- seek approval
646	landscaping- general standards	651	appeal rights- council
646A	masonry fences require BA		

(c) Specific Advice Notes

The applicant is advised that –

(i) It is the applicant’s responsibility to liaise with the City’s Environmental Health Section to ensure satisfaction of all of the relevant requirements, with regard to:

(A) Proposed Office

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

(B) Proposed Coffee Shop

(1) Compliance with the following legislation (as amended) is required:

- (a) *Health Act 1911*;
- (b) *Health Act (laundries and Bathrooms) Regulations*;
- (c) *The City of South Perth Health Local Laws 2002*;
- (d) *The City of South Perth Al Fresco Dining Local Law 2003*;
- (e) *Health (public Buildings) Regulations 1992*;
- (f) *Food Act 2008*;
- (g) *Food Regulations 2009*;
- (h) *Australia New Zealand Food Standards Code*; and
- (i) *Australian Standard – AS 4674-2004 Design, Construction and Fit-out of Food Premises*.

- (2) Please be advised to provide two sets of drawing as per *Australian Standard – AS 4674-2004 Design, Construction and Fit-out of Food Premises* (floor plans and elevations to scale minimum 1:100) to show:
 - (a) Finishes of every wall, floor and ceiling; the position and type of every fixture, fitting and equipment; exhaust and ventilation systems, drains, grease-traps and provision for waste disposal; and
 - (b) The estimated number of patrons.
 - (C) Sanitary Conveniences- All sanitary conveniences must be constructed in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and Building Code of Australia. Separate sanitary facilities are to be provided for staff.
 - (D) Hand Basins (Soap and Hand Towels)- Provide liquid soap and paper towel dispenser or single use towels to all hand basins in the food preparation area, food service area, bar areas, patron and staff sanitary facilities.
 - (E) Noise Generally- All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*;
 - (F) *Environmental Protection (Noise) Regulations 1997*- Construction work on a premises shall be carried out between 7.00 am and 7.00pm from Monday to Saturday or Public Holiday unless in accordance with Regulation 7, 13 and unless otherwise approved by the City of South Perth Chief Executive Officer and subject to:
 - (1) Construction work to be carried out in accordance with AS 2436 – 19981;
 - (2) The equipment used on the premises is the quietest reasonably available;
 - (3) The construction work carried out in accordance with a noise management plan that,
 - (4) Is approved by the City’s Chief Executive Officer; and
 - (5) Submitted no later than 7 days prior to any construction work;
 - (6) Provide written notification to all premises likely to receive noise emissions that fail to comply with prescribed standards under Regulation 7, at least 24 hours prior to the commencement of any construction; and
 - (7) That the construction work is reasonably necessary at that time.
- (ii) Please be advised that it has been reported that the parapet wall of the adjoining site (north) is fragile due to its age and weak construction.

Footnote:	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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10.3.4 Proposed 10 Multiple Dwellings plus 1 Single Bedroom Dwelling within a 3-Storey Building. Lot 133 Hovia Terrace, South Perth.

Location: Lot 133 Hovia Terrace, South Perth
 Applicant: Boughton Architecture
 Lodgement Date: 24 June 2010
 File Ref: 11.2010.333 H04/L133
 Date: 18 November 2010
 Author: Matt Stuart, Coordinator Statutory Planning, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for 10 Multiple Dwellings plus 1 Single Bedroom Dwelling within a 3-storey building on Lot 133 Hovia Terrace, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Building setbacks	TPS6 clause 7.8(1)
Visually permeable fencing	Council Policy P350.7 clause 5

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

Background

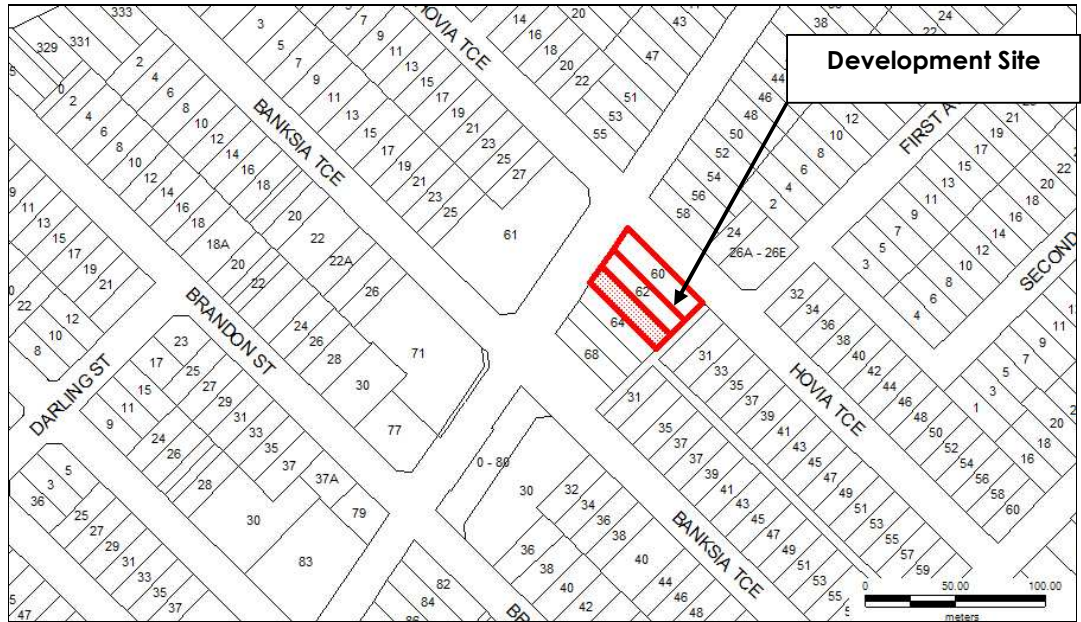
The development Site details are as follows:

Zoning	Residential / Highway Commercial
Density coding	R80
Lot area	1,348 sq. metres
Building height limit	10.5 metres
Development potential	11 Multiple Dwellings
Plot ratio limit	1.0

This report includes the following attachments:

- **Confidential Attachment 10.3.4(a)** Plans of the proposal
- **Attachment 10.3.4(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 categories described in the Delegation:

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

Comment

(a) Existing Development on the Subject Site

The subject site is located at Lot 133 Hovia Terrace, South Perth (**Site**); which is currently vacant, as depicted in the site photographs at **Attachment 10.3.4(b)**.

(b) Description of the Surrounding Locality

The subject Site has frontages to Hovia Terrace, Canning Highway and Right Of Way (**ROW**) No. 64 to the northeast, northwest and southeast respectively, and located adjacent to a Single House to the southwest, as seen in **Figure 1** below. Please note that the cadastre information in the below aerial photograph depicts the former lot boundaries, whereas the current boundary lines are depicted (approximately) as the dashed lines. The portion of the lot excised from the Site (including the existing shop/dwelling) has been resumed by the State (Main Roads WA) for the purposes of widening Canning Highway at an unknown point in the future.



(c) **Description of the Proposal**

The proposal involves the construction of 10 Multiple Dwellings plus 1 Single Bedroom Dwelling within a 3-storey building on the Site, as depicted in the submitted plans at *Confidential Attachment 10.3.4(a)*. Furthermore, the Site photographs show the relationship of the Site with the surrounding built environment at *Attachment 10.3.4(b)*.

The following components of the proposed development do not satisfy the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) requirements:

- (i) Specific street setback; and
- (ii) Visually permeable fencing.

The proposal complies with the Scheme, the R-Codes and relevant Council Policies, with the exception of the remaining non-complying aspects, with other significant matters, all as discussed below.

(d) **Land Use**

Due to a recent amalgamation and re-subdivision (as discussed above), the Site is partly zoned 'Highway Commercial' (previously No. 60 Canning Highway) and partly zoned 'Residential' (previously No. 62 Canning Highway).

As a consequence of the different zonings, the proposed land use of Multiple Dwelling is a 'D' (Discretionary) land use in the Highway Commercial zone, but 'P' (Permitted) in the Residential zone, in accordance with in Table 1 (Zoning - Land Use) of TPS6. Furthermore, the proposed land use of Single Bedroom Dwelling is a 'D' (Discretionary) land use in both zones.

In considering these permitted and discretionary land uses, they are regarded as in keeping with the surrounding development in the locality, which is mixed, but predominantly residential. Therefore the land use is considered acceptable.

(e) **Residential Density**

The permissible number of dwellings is 11 (R80), and the proposed development comprised of 11 Multiple and Single Bedroom Dwellings (R80). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

(f) **Specific Street Setback- ground floor, northwest**

The permissible minimum specific street (Canning Highway) setback is 7.5 metres (to the new boundary line), and the proposed building setback is 1.2 metres; therefore, the proposed development does not comply with Table 2 of the Scheme.

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed street setback, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed setback be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) 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**;
- (b) 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
- (c) the proposed development meets the **objectives for the City and for the precinct** in which the land is situated as specified in the precinct Plan for that precinct.

As a response to the above sub-clause, the Applicant submits the opinion that:

“The carpark is located partially below grade in a basement garage. The North-western wall of the basement is proposed to be constructed with a 1.2m setback from the Canning Highway boundary. The basement floor is significantly below existing ground level; the resultant wall height visible at street level is no greater than 1.8m and will be perceived as an extension of the boundary screen walling. Landscaping in front of the basement wall and on the roof deck above will enhance the streetscape enabling the car parking to be located within the setback without any apparent impact on the street amenity.”

For the objectives of the Scheme, please refer to section Scheme Objectives, which are considered to have been satisfied.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

(g) **Visually Permeable Fencing**

Fencing in the front setback area of a residential development is required to be a minimum 80 percent open (visually permeable) at heights greater than 1.2 metres, and the proposed fence is solid. Therefore, the proposed development does not comply with clause 5 of Council policy P350.7.

In assessing the current proposal against the relevant objectives of the policy, it is noted that the streetscape will not be significantly affected as the proposed solid fence is only a small proportion of the frontage; and casual surveillance of the street is still provided due to upper balconies. Therefore the proposed development complies with the fencing policy.

(h) Building Height

The building height limit for the Site is 10.5 metres (~4-storeys), and the proposed building height is 8.43 metres (3-storeys). Therefore, the proposed development complies with clause 6.2 "Building Height Limit" of TPS6.

(i) Plot Ratio

The maximum permissible plot ratio is 1.0 (1,268m²), and the proposed plot ratio is 0.91 (1,268m²). Therefore the proposed development complies with the plot ratio element of the R-Codes.

(j) Open Space

The required minimum open space is 60 percent of the Site (835m²), and the proposed open space is 60.1 percent (836m²). Therefore, the proposed development complies with the open space element of the R-Codes.

(k) Car Parking

The required number of car bays is 20, and the proposed number of car bays is 21, a surplus of 1 bay (5 percent). Therefore the proposed development complies with the car parking requirement of the R-Codes.

(l) Access

The proposed car parking facility adjoins a ROW, which is 5.03 metres wide, however the adjoining development on the other side of the ROW currently features a dividing fence which encroaches into the road reservation by approximately 0.8 metres. This matter was previously referred to the City's Infrastructure section, with the following comments provided:

"While the City does not condone the encroachment of the fibro fence into the ROW (Flax Lane) the City will neither support the transfer of the affected portion of the ROW to Lot 71 nor require the removal of that part of the fence from Hovia Terrace up to the proposed Strata Title Boundary except and until the property at 29 Hovia Terrace is subject to full demolition and redevelopment."

Despite the above advice, it is considered that the City may not have a choice as to whether the encroachment is amalgamated into the neighbour's lot under an action of adverse possession through Landgate. Conversely, it is believed (subject to legal advice) that if the City does not formally instruct the landowner to cease using the City's land for private purposes, and remove the offending structure, the land may be taken without consent. It is also noted that the City has already received an enquiry from the neighbour's building designer about the process of adverse possession.

As a consequence of the above, the City will make arrangements to end the rights of adverse possession.

In relation to traffic flow, the proposed land uses and the scale of the development do not warrant a traffic study, however City officers will investigate additional traffic measures such as one-way traffic in due course.

(m) Solar Access for Adjoining Sites

The maximum area of permitted overshadow is 287m² (50 percent), and the proposed overshadowing is 142m² (25 percent). Therefore, the proposed development complies with the solar access element of the R-Codes.

(n) **Boundary Wall- ground floor, south, Garage**

Under Council Policy P350.2, the permitted height of residential boundary walls (parapets), adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour's ground level, and the proposed wall does not abut an Outdoor Living Area; therefore, the proposed development complies with this element of the policy.

(o) **Visual Privacy Setback**

Due to the Site having three frontages to non-sensitive areas (streets), as well as significant screening to the southern boundary, the proposed development complies with the visual privacy element of the R-Codes.

(p) **Finished Ground and Floor Levels- maximum**

The maximum finished *ground* level permitted is 16.63 metres above AHD, and the proposed finished ground level is 16.00 – 16.55 metres. Therefore, the proposed development complies with clause 6.10.3 “Maximum Ground and Floor Levels” of TPS6.

The *maximum* finished *floor* level permitted is 16.73 metres above AHD, and the proposed finished floor level is 16.6 metres. Therefore, the proposed development complies with clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6.

(r) **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;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development; and*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (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.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) including the proponent of the previously approved plans (Mr. Fred Zuideveld), at their meeting held in July 2010. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
The Architects also commended the design for its Site planning.	No written comment.	No response required. The comment is NOTED .
The Architects observed that the proposed built form demonstrated compatibility with the existing streetscape character.		
The combination of pitched roofs and flat roofs was observed to be acceptable.		
Even though the pitched roofs have no eaves overhangs, it was noted that flat roofs were provided over the balconies and other openings to adequately shade them.		
It was noted that some of the cones of vision were incorrectly marked on the plans.	Cones of vision on floor plans have been amended and correctly marked as per Design Advisory Consultant's comments.	The amendments to the plans are suitable. The comment is NOTED .
The Architects also recommended that some of the bedroom windows, similar to the north-west facing window to Bedroom 2 of dwelling Unit 10, be made larger to allow for more natural light.	Level 2 Unit 10 bedroom 2 now has 2 windows in lieu of 1 on NW elevation to allow for more natural light as suggested by the Design Advisory Consultant.	

(b) 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'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 24, 26A-26E and 29 Hovia Terrace and Nos 58, 64 and 66 Canning Highway were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 10 consultation notices were sent and nil submissions were received.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues arising from the proposal relating to access, car parking and traffic. This section advises that the proposed design complies with the relevant engineering requirements, and therefore has no objections.

(d) Other City Departments

Comments were invited from Environmental Health section of the City's administration.

Environmental Health Services provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises no objections and has provided the following comments:

- (i) The legislative requirements for undercover car park ventilation are that ventilation is designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the Health Act (Carbon Monoxide) Regulations 1975. Although fixed aluminium louvers are indicated on Plan A.05, there is no information to confirm compliance with this.
- (ii) The location of the refuse enclosure/area is to the satisfaction of the City's Environmental Health Section and therefore compliant.
- (iii) All mechanical ventilation services, motors and pumps, e.g. air conditioners, although not indicated on the plans, are assumed to be part of this application and are required to be located in a position so as not to create a noise nuisance determined by the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
- (iv) No information is provided on the plans in relation to stormwater disposal. All downpipes are required to be connected to drains and soak wells sufficient in size to carry off all rain water falling on the roof.
- (v) No information has been provided in these plans in relation to mechanical ventilation. Ventilation is to be ducted to the outside air and capable of effecting a rate of 10 air changes per hour; the flume should be so designed to act as an efficient natural vent in the event of the mechanical equipment failing.

Accordingly, planning conditions and/or important notes are recommended to deal with issues raised by the above officer.

(e) External Agencies

Comments were also invited from the Department of Planning. The department provided comments with respect to the Site being on or abutting a regional road reservation. This agency raises no objections and does not recommend that standard conditions and/or notes be placed on the approval.

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 Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

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 has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions; as it will not have a detrimental impact on adjoining residential neighbours. Accordingly, it is considered that the application should be conditionally approved.

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 10 Multiple Dwellings plus 1 Single Bedroom Dwelling within a 3-storey building on Lot 133 Hovia Terrace, South Perth **be approved** subject to:

(b) Standard Conditions

616	screening- permanent	455	dividing fences- standards
377	screening- clothes drying	456	dividing fences- timing
390	crossover- standards	340	parapet walls- finish of surface
393	verge & kerbing works	550	plumbing hidden
625	sightlines for drivers	445	stormwater infrastructure
352	car bays- marked and visible	427	colours & materials- details
354	car bays- maintained	664	inspection (final) required
470	retraining walls- if required	660	expiry of approval
471	retaining walls- timing		

(b) Specific Conditions

The proposed front fence to Unit 2 is approved as solid and is not required to be visually permeable.

(c) Standard Advice Notes

648 building licence required 649A minor variations- seek approval
646 landscaping- general standards 651 appeal rights- council
646A masonry fences require BA

(d) Specific Advice Notes

The applicant is advised that:

- (i) It is the applicant's responsibility to liaise with the City's Environmental Health Section to ensure satisfaction of all of the relevant requirements, with regard to:
 - (a) The legislative requirements for undercover car park ventilation are that ventilation is designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the Health Act (Carbon Monoxide) Regulations 1975. Although fixed aluminium louvers are indicated on Plan A.05, there is no information to confirm compliance with this.
 - (b) The location of the refuse enclosure/area is to the satisfaction of the City's Environmental Health Section and therefore compliant.
 - (c) All mechanical ventilation services, motors and pumps, e.g. air conditioners, although not indicated on the plans, are assumed to be part of this application and are required to be located in a position so as not to create a noise nuisance determined by the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
 - (d) All downpipes are required to be connected to drains and soak wells sufficient in size to carry off all rain water falling on the roof.
 - (e) Ventilation is to be ducted to the outside air and capable of effecting a rate of 10 air changes per hour; the flume should be so designed to act as an efficient natural vent in the event of the mechanical equipment failing.

Footnote:	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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10.3.5 Proposed 4 Multiple Dwellings within a 4-Storey Building (plus Terrace). Lot 14 (No. 19) South Perth Esplanade, South Perth.
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Location: Lot 14 (No. 19) South Perth Esplanade, South Perth
 Applicant: Building Corporation WA Pty Ltd
 Lodgement Date: 13 August 2010
 File Ref: 11.2010.438 SO1/19
 Date: 2 November 2010
 Author: Matt Stuart, Coordinator Statutory Planning, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for 4 Multiple Dwellings within a 4-storey Building (plus terrace) on Lot 14 (No. 19) South Perth Esplanade, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary walls	Council Policy P350.2 clause 5 - 6

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

Background

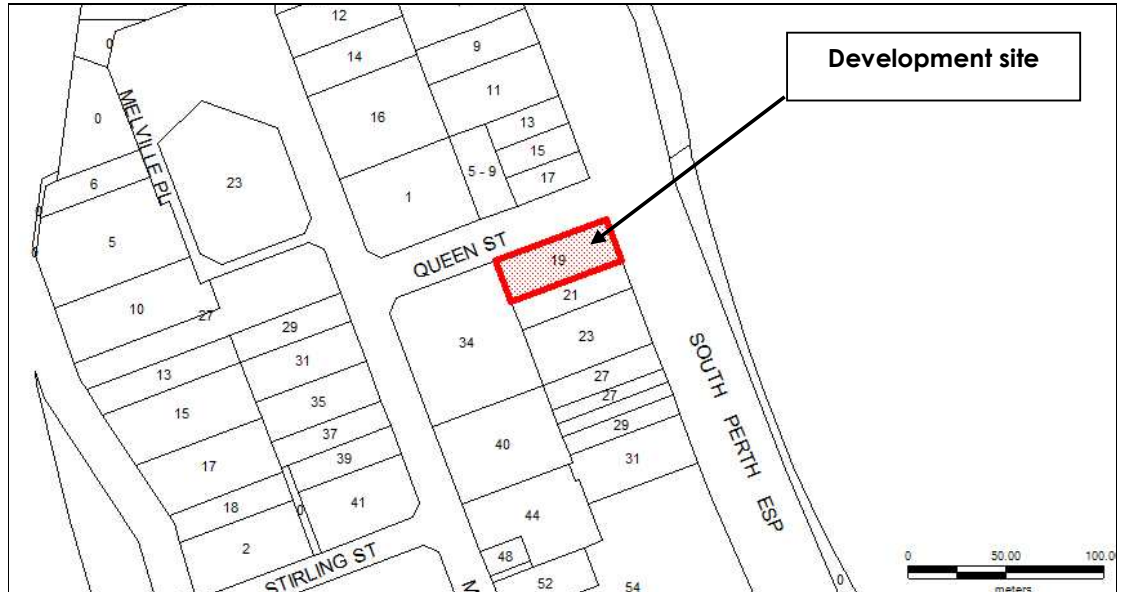
The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1,371 sq. metres
Building height limit	13.0 metres
Development potential	11 Multiple Dwellings
Plot ratio limit	1.0

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)** Swan River Trust comments

The location of the development site is shown below:



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

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

Comment

(a) Existing Development on the Subject Site

The subject site is located at Lot 14 (No. 19) South Perth Esplanade, South Perth (Site). The Site currently has no features being a vacant lot, as depicted in the site photographs at **Attachment 10.3.5(b)**.

(b) Description of the Surrounding Locality

The subject site has frontages to South Perth Esplanade to the east and Queen Street to the north, as well as located adjacent to medium-rise/high-rise Multiple Dwellings to the south and west, as seen in **Figure 1** below:



(c) **Description of the Proposal**

The proposal involves the construction of 4 Multiple Dwellings within a 4-storey Building (plus terrace) on the Site, as depicted in the submitted plans at **Confidential Attachment 10.3.5(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.5(b)**.

The following components of the proposed development do not satisfy the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) the *Residential Design Codes of WA 2008 (R-Codes)* and/or Council policy requirements:

- (i) Boundary walls.

The proposal complies with the Scheme, the R-Codes and relevant Council policies, with the exception of the remaining non-complying aspects, with other significant matters, all discussed below.

(d) **Land Use**

The proposed land use of Multiple Dwelling is classified as a 'P' (Permitted) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this permitted use, it is regarded as complying with the Table 1 of the Scheme.

(e) **Residential Density**

The permissible number of dwellings is 11 dwellings (R80), and the proposed development comprised of 4 dwellings (R29). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

(f) Plot Ratio

The maximum permissible plot ratio is 1.0 (1,371m²), and the proposed plot ratio is 1.01 (1,385m²). Therefore the proposed development does not comply with the plot ratio element of the R-Codes.

However, on the 1st floor, because a portion of a private Terrace is enclosed on three sides, making it is included as plot ratio, which is defined in the R-Codes (appendices p. 6) as not including:

“...balconies or verandahs open on at least two sides.”

Although the definition of plot ratio makes no mention of terraces, it is considered reasonable to suggest that a similar form of development such as a terrace is implied to have the same meaning as a balcony or verandah, and therefore must be open on two sides to exclude it from plot ratio calculations.

Previous SAT decisions in regard to plot ratio suggest that if a terrace has a privacy screen on one side instead of a full height wall, that side can be considered unenclosed and therefore the space will not be added as plot ratio.

As a consequence, it is considered that the southern face of the enclosed portion of the terrace on level 1 should be amended to no higher than 1.6m above the terrace level. A suitable condition has been recommended to this effect; in addition to a standard condition that the screen be permanently installed prior to occupation.

(g) Open Space

The required minimum open space is 60 percent of the site (823m²), and the proposed open space is 60 percent (823m²). Therefore, the proposed development complies with the open space element of the R-Codes.

(h) Building Height

The building height limit for the site is 13.0 metres (15.38m AHD), and the proposed building height is 12.9 metres (15.24m AHD). Therefore, the proposed development complies with clause 6.2 "Building Height Limit" of TPS6.

(i) Boundary Wall- ground floor, west, Garage

Under Council Policy P350.2, the permitted height of residential boundary walls (parapets), adjacent to neighbouring Outdoor Living Areas, is a maximum of 2.7 metres high from the neighbour's ground level, whereas the proposed wall height is 3.1-3.3 metres; therefore, the proposed development does not comply with this element of the policy

In addition, the wall has been found to have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the policy:

- No effect on the existing streetscape character;
- No outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- No overshadowing of adjoining habitable room windows or Outdoor Living Areas;
- *An impact of bulk on a large, adjoining communal Outdoor Living Areas;* and
- No comments from the neighbour (see section neighbour consultation).

In this instance, it is considered that the proposal does not comply with the policy, and is therefore is not supported by the City; however a condition is recommended to demonstrate compliance and thereby rectify this matter.

(j) Solar Access for Adjoining Sites

The maximum area of permitted overshadow is 456m² (50 percent), and the proposed overshadowing is 456m² (50 percent). Therefore, the proposed development complies with the solar access element of the R-Codes.

(k) Significant Views

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

The neighbouring properties to the west and south of the Site currently enjoy views of the Perth City skyline and Swan River (significant views); however the loss of those views is a result of the developer designing within the normal development entitlements of the Site (i.e. without a proposed variation). Furthermore, no written objection to the loss of those views has been lodged with the City. Therefore it is considered that the proposed development complies with the policy.

(l) Car Parking

The required number of car bays is 8; and the proposed number of car bays is 12 plus 2 visitor bays. Therefore the proposed development complies with the car parking requirement of the R-Codes.

(m) 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;*
- (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.*

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (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;*
- (r) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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;*
- (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; 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, subject to the recommended conditions.

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in September 2010. The proposal was favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
For a better understanding of the visual privacy and set back related impacts on the adjoining developments, floor plan drawings of the proposed building should also incorporate information on the external walls and openings of the corresponding floor plans of the adjoining buildings.	No written response provided or required.	The plans of the neighbouring developments were used during the assessment phase. The comment is UPHELD .
Clarity is required in relation to some of the spaces within the building such as the lift / staircase lobbies, and areas marked as common lounge / sun-deck; and whether they have been taken into plot ratio calculations.	No written response provided or required.	Discussions with the Applicant clarifies the communal nature of these spaces, however a condition has been drafted to ensure that the space will continue to be used as such and therefore not raise compliance issues in the future. The comment is UPHELD .
The drawings to provide clarity in terms of the south-facing externals walls of the proposed building, and how they relate to each other when viewed in the plan drawings.		Further clarity was not required for the assessment. The comment is NOT UPHELD .
The void within the entrance lobby area which forms a link between various floors may not comply with the BCA requirements which are due to become operative in January 2011.		Although this is not a planning matter, the Applicant was advised to make enquires with a suitably qualified consultant. The comment is NOTED .
The Architects observed that the proposed built form was generally compatible with the existing streetscape character.		Agreed. The comment is UPHELD .
Information on the proposed external materials and colour finishes of the building should also be provided by the applicant at the planning assessment stage.		Further to the perspective drawings, a standard condition of planning approval is included in the recommendation. The comment is UPHELD .

(b) 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’. Individual property owners, occupiers and/or strata bodies at Nos 17, 23, 21, South Perth Esplanade, Nos 1, 5, 7, 9 Queen Street and No. 34 Mill Point Road were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 13 consultation notices were sent and 2 submissions were received, both in favour of the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
No issues with the proposed development	The comment is NOTED .
Concerns relating to the undermining of the masonry dividing fence; and that works on it not be commenced prior to the neighbours' (strata) approval.	Excavation and footings are dealt with at the Building Licence phase; whilst dividing fences are dealt with under the <i>Dividing Fences Act 1961</i> (a civil matter only). The comment is NOTED .

(c) Internal Administration

Comments were invited from Engineering Infrastructure, City Environment and Building Services sections of the City's administration.

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raises no objections and has provided the following comments:

- (i) The two proposed crossovers are desirable in lieu of a large singular crossover;
- (ii) Crossovers are to be as per City specifications;
- (iii) A stormwater drainage plan is required to be lodged with the City at the Building Licence phase;
- (iv) If dewatering, a dewatering plan is required to be lodged with the City at the Building Licence phase;
- (v) Building materials are not to be stored on the verge, noting that the licence required for this purpose is not likely to be granted by the City; and
- (vi) A traffic management plan is required to be lodged with the City at the Building Licence phase.

The City Landscapes Officer, City Environment section provided comments with respect to the removal of a street tree due to the proposed crossover. This section raises no objections and has provided the following comments (in summary):

- (i) Remove tree for crossover, replace with 100L tree on verge if enough room. Owner to pay all costs for removal and replacement plus amenity value, as per Policy P350.5.8(b)(g) and P350.5.9.

The Team Leader, Building Services section 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.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officer(s).

(d) External Agencies

Comments were also invited from the Swan River Trust. The Swan River Trust provided comments with respect the potential effect of the proposed development upon the Swan River refer **Attachment 10.3.5(c)**. This agency raises no objections and recommends standard conditions and/or notes be placed on the approval.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officer(s).

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 Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

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

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and City Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.5

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 4 Multiple Dwellings within a 4-storey Building (plus terrace) on Lot 14 (No. 19) South Perth Esplanade, South Perth, **be approved** subject to:

(a) Standard Conditions

616	screening- permanent	515	landscaping- lighting
415	street tree- fee yet to be paid (\$24,277.00)	470	retraining walls- if required
		471	retaining walls- timing
416	street tree- not to be removed	455	dividing fences- standards
506	street tree- protect & retain	456	dividing fences- timing
390	crossover- standards	340	parapet walls- finish of surface
410	crossover- affects infrastructure	550	plumbing hidden
393	verge & kerbing works	445	stormwater infrastructure
625	sightlines for drivers	638	traffic management plan required
352	car bays- marked and visible	639	verge licence required
354	car bays- maintained	427	colours & materials- details
353	visitor bays- marked and visible	664	inspection (final) required
510	private tree to be planted	660	expiry of approval

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The Garage on the western boundary no higher than 2.7 metres above the neighbour's ground level where adjacent to an "Outdoor Living Area", in accordance with Council policy P350.2 clause 6; and
 - (B) The southern face of the enclosed portion of the terrace on level 1 should be amended to no higher than 1.6m above the terrace level, in accordance with the plot ratio controls of the R-Codes.
- (ii) The following areas are to be marked and uses for communal areas only:
 - (A) First Floor: Communal Lounge/Terrace/Sundeck;
 - (B) Terrace Level: Terrace; and
 - (C) All lobbies, lifts and stairs.
- (iii) If dewatering, a dewatering plan is required to be lodged with the City at the Building Licence phase.
- (iv) In relation to a verge licence for storing materials, Infrastructure Services section is unlikely to grant such approval.
- (v) As per a recommendation from the Swan River Trust, the development shall comply with the following requirements [see Important Note No. (i)]:
 - (A) Prior to commencement of development, the applicant shall determine if dewatering for construction is necessary, and if so, prepare a Dewatering Management Plan for approval by the City on advice from the General Manager, Swan River Trust (see Advice Notes 1 - 7);
 - (B) The applicant shall implement a Dewatering Management Plan if approved under Condition (A);
 - (C) Dewatering operations shall cease immediately if monitoring indicates that discharge water quality does not comply with the water quality criteria targets for Disposal of Dewatering Wastewater agreed by the Swan River Trust within an approved Dewatering Management Plan;
 - (D) Stormwater shall be contained on site, or connected to the local government stormwater drainage system;
 - (E) Prior to the commencement of development, a Stormwater Management Plan shall be prepared and submitted for approval by the City of South Perth; and
 - (F) The approved Stormwater Management plan required under Condition (D) shall be implemented.

(c) Standard Advice Notes

648	building licence required	646A	masonry fences require BA
647	revised drawings required	649A	minor variations- seek approval
646	landscaping- general standards	651	appeal rights- council

(d) Specific Advice Notes

The applicant is advised that it is the applicant's responsibility to liaise with Swan River Trust, in order to satisfactorily address all other requirements of their attached letter dated 15 October 2010, prior to the issuing of the Building Licence.

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

10.3.6 Proposed upper floor additions to an existing building (Storage and Facilities for approved Office and Shop uses) - Lot 41 (No. 1/191-199) Canning Highway, South Perth

Location: Lot 41 (No. 1/191-199) Canning Highway, South Perth
 Applicant: Mrs D J MacPherson
 Lodgement Date: 03 September 2010
 File Ref: 11.2010.493 CA6/191-199
 Date: 1 November 2010
 Author: Siven Naidu, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for proposed upper floor additions to an existing building (storage and facilities for approved office and shop uses) on Lot 41 (No. 1/191-199) Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking	Clauses 6.3 and 7.8 of TPS6
Building setback	Clauses 7.8(1) of TPS6

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

Background

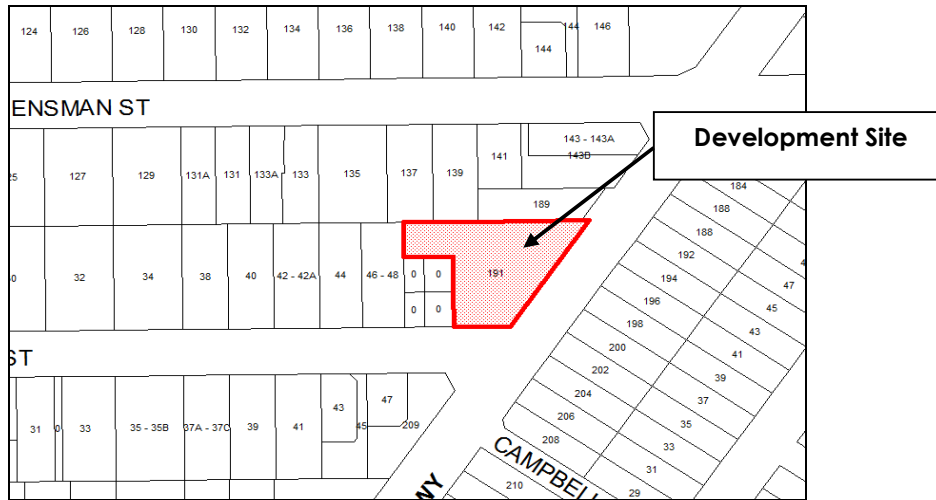
The development site details are as follows:

Zoning	Regional Road and Highway Commercial
Density coding	R80
Lot area	1,922m ²
Building height limit	10.5 metres
Development potential	10 multiple dwellings
Plot ratio limit	0.5 (961m ²) for non-residential

This report includes the following attachments:

- Confidential Attachment 10.3.6(a)** Plans of the proposal.
- Attachment 10.3.6(b)** Applicant's supporting report.
- Attachment 10.3.6(c)** 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 categories described in the delegation:

The exercise of a discretionary power

- (a) *Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant planning policies.*

Discretion is sought in relation to the car parking provisions. Whereas TPS6 requires car parking numbers based upon the gross floor area of office and shop uses within Highway Commercial Centre zone, officers observe that the proposed storage areas, tearooms and toilet facilities for the existing uses will not result in additional staff requirements, as confirmed by the applicant / owner, hence recommending exercise of discretion and approval of the additions to the building.

Comment

(a) Background

In September 2010, the City received an application for proposed upper floor additions to an existing building (storage area and facilities approved office and shop uses) on Lot 41 (No. 191-199 Canning Highway, South Perth (site).

(b) Existing development on the subject site

The subject site is located at Lot 41 (No. 191-199) Canning Highway, South Perth. The existing development on the site currently features land uses of office, shop and veterinary clinic.

(c) Description of the surrounding locality

The subject site is located in close proximity of residential development with its frontage to Canning Highway towards east and Renwick Street to the south, as seen in Figure 1 below. The development is adjoining residential developments on its northern and western boundaries.



Figure 1

(d) Description of the proposal (Storage, tearoom and toilets)

The proposal involves a first floor addition to the existing office and shop uses on the site as depicted in the submitted plans, **Confidential Attachment 10.3.6(a)**. Photographs of the subject site and spaces within the building, **Attachment 10.3.6(c)** show the relationship of the site with the surrounding built environment as well as current use of the space within the building.

The owner is experiencing a shortage of storage space within the premises as seen in the photographs, **Attachment 10.3.6(b)**. The owner / applicant has provided comments in support of their submission that the existing ground floor will remain unaltered. The office premises is occupied by the owners of the subject property, Maintenance and Contracting Services who manufacture light sense arms and other light fittings. They propose to move their light boxes, being currently stored on the ground level and at another location, to the proposed upper level storage space. Similarly, the hair salon and cosmetic shop in the adjoining tenancy intends to utilise the proposed upper floor space for storage purposes. The additional floor space will also facilitate the provision of new toilet facilities and a tearoom.

This will result in releasing the space on the ground level for better use by the customers and staff, thus improving the amenity of the users.

(e) Car parking and off-loading

The upper floor additions comprise storage areas, tearooms and toilet facilities for the existing office and shop uses on the ground floor. In accordance with Table 6 of TPS6, car parking is calculated on the basis of gross floor area of office and shop uses within the Highway Commercial Centre zone. Accordingly, TPS6 requires an additional 12 car parking bays for the proposed additions. No additional bays are proposed.

In accordance with Clause 7.8 of TPS6, discretion is sought with respect to the car parking requirements. The following information will assist in this regard:

- As has been confirmed in writing by the owner / applicant, the proposed additions will cater to the storage needs of the existing office and shop uses, described in detail under the section “Description of the proposal”. Furthermore, there will be no increase in staff numbers on the site.
- Site inspections by officers and photographs comprising **Attachment 10.3.6(c)** reveal that the existing ground floor spaces such as the lunch room, corridors and office cubicles are filled with boxes. Restricted movement and lack of space is resulting in health and safety issues for the staff as well as customers. The additions will result in releasing the space on the ground level, thus improving the amenity of the users.

Based upon the information provided above, officers are recommending exercise of discretion in relation to the car parking requirement. Accordingly, a condition of approval is recommended that the upper floor additions to the existing office and shop uses shall be used exclusively for the purposes of storage in addition to the proposed tea preparation area and toilet facilities.

In relation to the need for an area to off-load boxes delivered to these tenancies, the applicant has provided comments in support of their submission that the proposed lift will be used for carrying boxes / goods up to the first floor storage areas and it will take a maximum of 30 minutes to unload the boxes. The space in front of the three car bays closest to the building, marked 1, 2 and 3 on the site plan, will be used for this purpose. These three bays are allocated for use by the staff, hence won't cause obstruction to the customers.

Accordingly, City officers recommend a condition of approval that car parking bays 1, 2 and 3 are marked for use by staff to the office and shop tenancies.

(f) **Setbacks**

Street setback - First floor (East)

The prescribed minimum street setback is 1.5 metres for buildings (after road widening) in relation to Table 5 of the TPS6.

Having regard to Clause 7.5 subclauses (j) and (n) of TPS6, specifically the general appearance of the building and the extent to which the proposed building is visually in harmony with the neighbouring buildings within the focus area, the applicant has proposed a greater street setback to ensure that the proposed building is visually in harmony with the neighbouring buildings. The upper floor setback of 2.8 metres is observed to demonstrate compliance with the associated provisions.

Wall setback – North

The wall setback prescribed in the Table 3 of the TPS6 for non-residential development is nil, however where a non-residential development has a common boundary with land in a residential zone, the setback to the common boundary shall be the same as the R-Codes. In this instance, a 1.4 metres setback has been provided in lieu of the 2.7 metres.

Council discretion - Cl. 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed setback variation if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed setback variation be approved as the applicant has satisfied the City in relation to the following requirements of that clause:

- (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.
- (iii) The proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the Precinct Plan for that precinct.

It is observed that proposed additions about a two-unit grouped dwelling. The major opening to Unit 1 abuts an existing 1.8 metre fence and existing wall on the site. The outdoor living area is partly covered. The uncovered portion is an area with ample access to light and ventilation from the north.

The major opening to Unit 2 abuts an existing 1.8 metre fence with the proposed development not within the cone of vision.

In assessing this variation, it is concluded that the proposal complies with the discretionary clause. Therefore, the non-compliant setback is supported by the City.

(g) Building height

The building height limit for the site is 10.5 metres, whereas the proposed building height is 6.5 metres. Therefore, the proposed development complies with Clause 6.2 “Building Height Limit” of TPS6.

(h) Plot ratio

The maximum permissible plot ratio is 0.5 (961m²) for non-residential, whereas the proposed plot ratio is 0.49 (943m²). Therefore, the proposed development complies with the plot ratio element of the Scheme.

(i) Visual privacy setback

The required minimum visual privacy setback for the balcony (north) is 7.5 metres and tearoom (north) is 6.0 metres. The applicant has proposed effective privacy screening to prevent overlooking from the balcony and tearoom. Therefore, the proposed development complies with the visual privacy element of the R-Codes.

(j) 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; and*
- (i) *create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community.*

(j) 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. The proposal is considered acceptable having regard to the listed matters.

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and*
- (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.*

Consultation

(a) Neighbour consultation

Neighbour consultation was undertaken for this proposal to the extent and in the manner required by Policy P355 “Consultation for Planning Proposals” in June 2010 for the previous application lodged with the City for the same development, and refused under delegated authority. The consultation was specifically in relation to the setback variation proposed along the northern property boundary adjoining the existing grouped dwellings. Even though no written comments were received by the City, the planning assessment revealed that the setback variation will not have an adverse amenity impact upon the adjoining dwellings.

(b) Building and Environmental Health Services

The proposal will be the subject to an assessment by these departments at the building licence application stage. Since there is no change to the existing uses, no health related concerns were identified.

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 Strategic Direction 1.3 “Community” identified within Council’s Strategic Plan which is expressed in the following terms:

Encourage the community to increase their social and economic activity in the local community.

Sustainability Implications

Sustainability implications for this proposal relate to sustaining the existing commercial activities within the area without having an adverse amenity impact upon the adjoining development and ensuring that associated facilities and services are provided. Officers observe that the proposal adequately addressed the above criteria.

Conclusion

It is considered that the proposal demonstrates compliance with the relevant Scheme, R-Codes and City policy objectives and provisions. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.6

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 upper floor additions to an existing building (Storage and Facilities for approved Office and Shop uses) on Lot 41 (No. 191-199) Canning Highway, South Perth **be approved** subject to the following reasons:

(c) **Standard Conditions**

352	Car bays - Marked and visible	615	Privacy screens - Amended plans required
353	Visitor bays - Marked and visible	616	Screening - Permanent
354	Car bays - Maintained	625	Sightlines for drivers
425	Colours and materials - Matching	660	Expiry of approval
550	Plumbing hidden	664	Inspection (final) required

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) The upper floor additions to the existing office and shop uses shall be used exclusively for the purposes of storage, in addition to the proposed tea preparation area and toilet facilities.
- (ii) Car parking bays marked 1, 2 and 3 on the site plan shall be reserved for staff parking only using appropriate and visible signage.

(c) **Standard Advice Notes**

648	Building licence required	649A	Minor variations - Seek approval
647	Revised drawings required	643	Strata note - Seek strata approval
651	Appeal rights - Council		

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

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

10.5.1 South Perth Railway Station - Business Case

Location: South Perth
Applicant: City of South Perth
File Ref: TT/306/2
Date: 4 November 2010
Author: Stephen Bell, Director Infrastructure Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Earlier this year the City engaged a Business Consultant to undertake detailed financial modelling and prepare a Business Case for the future construction of the South Perth Railway Station. This report summarises the findings of the Business Case to lobby the WA State Government to have the South Perth Railway Station reinstated to the forward estimates and constructed as a matter of priority.

Background

In 2002, the then WA State Labour Government provided a commitment to construct a railway station at South Perth by 2010. This commitment stemmed from an election promise made to the Greens who voted with the government in the Upper House to defeat an opposition motion to send the then Railway Bill to a parliamentary committee for review.

Since this commitment, successive WA State Governments have continued to put back the timing for construction of a railway station at South Perth, to the point where the station is no longer an identified infrastructure project in the forward estimates. More recently, by press release dated 31 July 2009, the Minister for Transport, the Hon Simon O'Brien MLC, confirmed that the WA State Government would not construct the station during this term of government and could not guarantee that the station would be given future priority due to the need to progress more urgent infrastructure projects.

The provision of a railway station in the vicinity of Richardson Street has been planned since the introduction of the Perth to Mandurah railway line. At the time of constructing the Perth to Mandurah railway line, the Kwinana Freeway was realigned near Richardson Street at an estimated cost of \$3.0 million to allow the station platform to be built. Subsequently, in late 2008 the Public Transport Authority (PTA) commissioned an architect to develop design concepts for the new railway station. The design concept was based on the principle that the railway station was a destination rather than interchange and would be un-manned. An artistic impression of what the new South Perth railway station may look like is shown below.



View from Northbound Lane of Kwinana Freeway

In 2007 Estill and Associates prepared a Community Engagement Report which summarised the process and outcomes of the community engagement with the South Perth community in regard to the future direction of the Precinct. The report concluded that there were concerns in regard to parking and traffic volumes but support for increased density in the area and a mix of uses in the immediate vicinity of the station. This work preceded the most recent study. This work also led to a parking study being conducted within the South Perth peninsular precinct area which in turn resulted in changes being made to parking within the precinct (which is now currently the subject of further community consultation).

At about the same time as the PTA were progressing a design concept for the railway station, the City participated in a joint study with the Department of Planning (DoP) to develop a framework for accommodating higher density development and increased commercial floor-space within the precinct or approximately 800 metres from the proposed South Perth railway station. The study was completed in July 2010, with the Council considering a report on the South Perth Station Precinct study at its meeting held on 24 August 2010 (refer Agenda Item 10.4.1).

Whilst the City is keen to pursue higher densification within the South Perth Station Precinct, it may be difficult to justify significant changes to zoning if no railway station is built. In fact the promise of the railway station at Richardson Street was one of the main drivers for the South Perth Station Precinct study being commissioned in the first place. In time new developments such as that proposed at the civic triangle will create a need for a efficient and reliable public transport system to be provided.

As a consequence of the WA State Government decision to indefinitely postpone the construction of the South Perth railway station combined with the need to support the objectives of the South Perth Station Precinct study, the City sought quotations from suitably qualified Consultants to undertake detailed financial modelling and prepare a Business Case for the railway station. The Business Case is to lobby the WA State Government to allocate funding towards construction of the railway station on the basis of its financial viability and sustainability and to implement the railway station by 2013 in line with a previous commitment.

The proposed site of the railway station is located within the Kwinana Freeway reservation (between the north and south carriageways), immediately in line with Richardson Street. The diagram provided below shows the approximate location of the proposed South Perth Railway Station.



Locality Diagram - Proposed South Perth Railway Station

The draft South Perth Railway Station Business Case has been distributed to Councillors separately and does not form an attachment to this report.

Comment

In total, four (4) options were considered for the proposed South Perth Railway Station, these being:

Option	Description
1	Base Case - Status Quo (No Station)
2	Build Public Transport Authority Station Design
3	Alternative Station Design
(a)	- Build Commercial Development Station Design
(b)	- Build Mixed Use Development Station Design

Option 1 - Base Case

Under this scenario, a railway station is not provided in South Perth. This option was dismissed as it does not support the City’s objective for higher densification or increased commercial opportunities within South Perth. Further, this option does nothing to accommodate the current and future transportation demands of a growing inner City suburb.

Option 2 - Build Public Transport Authority Station Design

The PTA developed a concept design for the railway station with a pedestrian overpass above the Kwinana Freeway and a station entry building located at the north-western corner of Richardson Park. In this option, no development is anticipated on any public land around the railway station.

The railway station is unmanned with a partially covered island platform to provide protection from inclement weather to the users of the railway service. The station design has taken into consideration the surrounding environment and the built form is intended to acknowledge the Swan River. Under this option, all of the construction costs are borne by the PTA. The station would have a small number of drop-off vehicle bays but no “park ‘n ride” facility at Richardson Street.

Option 3 - Alternative Station Design

An alternative approach for the station precinct was formulated and derived through the course of the recently adopted South Perth Station Precinct Study. This option involves the construction of a substantial building on the corner of Richardson Park, with some encroachment on the road reserve of the closed section of Melville Parade.

The station development would curve around the corner of Richardson Park, with basement car parking provided. The aim of the station development would be to create a vibrant transit oriented hub with after hour activities. This “activity” would likely improve the safety and security for train users and visitors to South Perth.

Construction on Richardson Park would be sited to accommodate existing uses, namely the cricket pitches and hockey grounds. The sweeping lawn banks at the south western corner of Richardson Park would provide for spectators at the playing fields and the pedestrian link to Labouchere Road would be reinforced by extensive street tree planting and landscaping treatments. This will create a strong built form to the northern edge of Richardson Street.

Development potential exists under this railway station development scenario for a range of uses including major office and other business services, entertainment, sport clubs, convenience retail, and public use such as State museum (natural history), State art or sculpture gallery, institutional/government use or residential accommodation.

The alternative railway station design consists of two (2) development options, being:

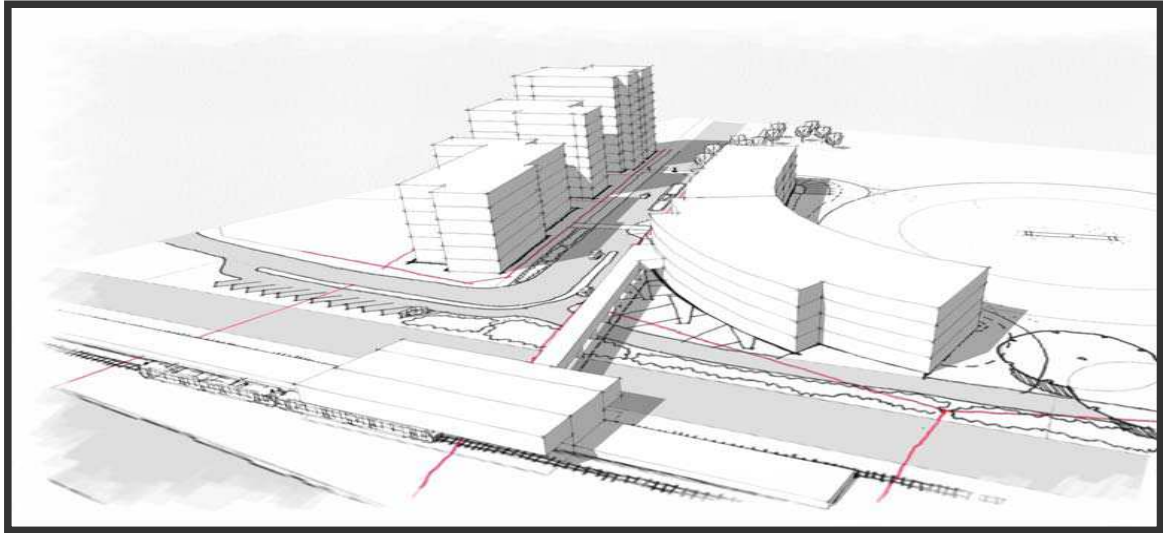
- ***Option 3(a): Build Commercial Development Station***

Option 3(a) will have a longer and lower built form of approximately 4 floors and has a greater focus on the development of commercial floor space as there is no provision for residential accommodation. As shown in Table 1 below, Option 3a comprises a net commercial area of 10,000m² from the ground floor to 4th floor and 211 car bays at basement level. The estimated land value of this option is approximately \$12 million.

Table 1 Options 3(a) : Commercial Development

	Gross Area (m2)	Net Commercial Area (m2)	Car Bays
Basement	3,500		211
Ground Floor	4,700	3,000	
2 nd Floor	4,500	3,000	
3 rd Floor	2,500	2,000	
4 th Floor	2,500	2,000	
Total	17,700	10,000	211

The concept drawing shown below provides an artistic impression of the potential scale of the development and integration with the proposed South Perth train station.



Concept Drawing - Potential Scale of Commercial Development

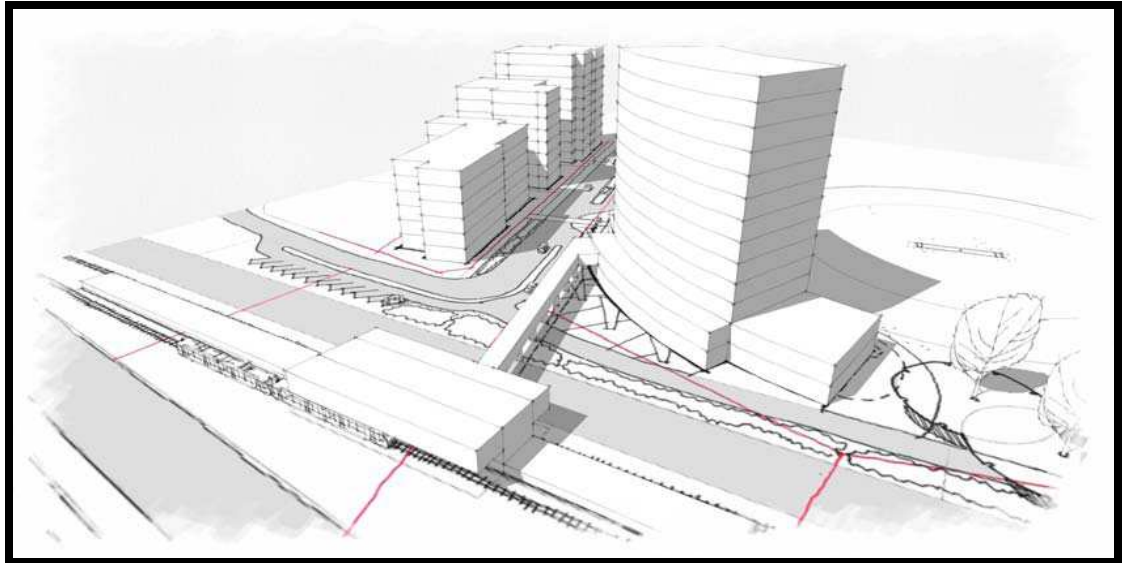
- ***Option 3(b): Build Mixed Use Development Station Design***

Option 3(b) is a mixed use development with provision for both residential and commercial floor space. As shown in Table 2 below, Option 3b comprises a residential and commercial floor space mix. It is indicated that there will be a net provision of approximately 14,400m² of residential floor space (90 units at 160m² per unit), 4,000m² of commercial floor area, and 175 car bays at basement level. The estimated land value of this option is \$25 million.

Table 2 Options 3b: Mixed Use Development

	Gross Area (m ²)	Net Residential Area (m ²)	Net Commercial Area (m ²)	Car Bays
Basement	3,000			175
Ground Floor	2,500		2,000	
2 nd Floor	2,500		2,000	
3 rd Floor	1,800	1,440		
4 th Floor	1,800	1,440		
5 th Floor	1,800	1,440		
6 th Floor	1,800	1,440		
7 th Floor	1,800	1,440		
8 th Floor	1,800	1,440		
9 th Floor	1,800	1,440		
10 th Floor	1,800	1,440		
11 th Floor	1,800	1,440		
12 th Floor	1,800	1,440		
Total	26,000	14,400	4,000	175

The concept drawing shown below provides an artistic impression of the potential scale of the development and integration with the proposed South Perth train station.



Concept Drawing - Potential Scale of Mixed Use Development

In assessing the value of the development to the railway station project, it is assumed that a freehold parcel of land is created by excising part of the Richardson Park crown reserve. This parcel of land is then sold to the private sector to facilitate the type of development noted at 3(a) and 3(b) respectively. Alternatively, the land is made available on a long-term lease basis. The land value of the development parcel is the amount to be applied to fund the railway station project. To compensate for the loss of crown reserve, the closed portion of road reserve at Melville Parade (i.e. the land between Richardson Street and South Terrace) would be annexed to Richardson Park.

Capital and Operational Costs associated with the South Perth Railway Station

According to estimates provided by the PTA, the construction costs associated with provision of a new railway station is estimated at approximately \$30.0 million (2009 figures). It is likely that the construction period for the railway station will span between an 18 to 24 month period given its locality and inherent construction challenges.

The construction of the new railway station will require two (2) additional rail cars to meet the transport demand. The PTA has indicated that the cost of each rail car is approximately \$10.5 million (2009 figures). Therefore, the procurement of two (2) additional rail cars will cost approximately \$21.0 million in total. The timing for the procurement of the rail cars is likely to be after the completion of the railway station.

It has been identified from PTA estimations that the indicative operating costs of a stand alone train station is expected to be \$2,000,000 per annum. The railway station is proposed to be unmanned.

Benefits of the South Perth Railway Station

The development of the financial model requires the identification of various model inputs, the classification of these inputs as a cost or benefit to the process, and processes to monetise these components. Assuming a commitment from the WA State Government to build a railway station at South Perth by 2013, this could lead to the following monetised benefits:

- Increased fare revenue (public)
- Increased land values
- Higher density benefits
- Health benefits
- Reduction in accident trauma
- Lowered impact on nature and landscape
- Reduction in private vehicle cost
- Reduced road congestion
- Reduction in greenhouse gases
- Reduction in air and water pollution
- Reduced noise
- Reduced urban separation
- Reduction in incremental road damage

The non-monetised benefits that could be generated through the building of a railway station at South Perth, include but are not limited to the following:

- Better integration of transport
- Community participation and accessibility
- Equity
- Sense of community and mental health
- Biodiversity
- Reduction in travel time

Cost Benefit Analysis

Cost-Benefit Analysis is often used to evaluate the desirability of a given intervention. It is an analysis of the cost effectiveness of different alternatives to determine whether the benefits outweigh the costs. The aim of the analysis is to gauge the efficiency of the intervention relative to the status quo. The costs and benefits of the relative impacts of an intervention are evaluated in terms of the public's willingness to pay for them (i.e. the benefits) or willingness to pay to avoid them (i.e. the costs). For large infrastructure projects, such as the proposed South Perth railway station, a Cost Benefit Analysis is required to demonstrate the financial viability of the project to government.

If a comparison is made between benefits and costs at different time scales, discounting is needed to express the future costs or benefits at today's equivalent value. Discounting is relatively easy to calculate, however there is no agreement on what the correct discount rate to be applied should be. Controversy over discounting lies at the heart of the debate on Cost Benefit Analysis, in that the choice of discount rate can often determine whether net benefits are found to be positive or negative. Accordingly, in the Cost Benefit Analysis performed for the railway station a discount rate of 4.0%, 7.0% and 10% was used for comparison purposes.

In summary, the Cost-Benefit ratio calculated for the various options is shown tabulated below:

Option	Discount Rate - 4%	Discount Rate - 7%	Discount Rate - 10%
1	Not considered	Not considered	Not considered
2	1.74	1.46	1.24
3(a)	2.61	2.15	1.79
3(b)	3.00	2.56	2.21

For large infrastructure projects, a Cost-Benefit ratio of 2.0 is generally required which effectively rules out Option 2 (no development on Richardson Park).

Options 3(a) and 3(b) both demonstrate positive Business Case results but rely on the use of a portion of land on the corner of Melville Parade and Richardson Street for residential and commercial use.

Where to from here?

The City has long advocated the need for a railway station to be constructed at South Perth. In 2002, the then WA State Labour Government provided a commitment to construct a railway station at South Perth by 2010, with this timeframe being moved to 2013. In more recent times, the timing for the railway station has been put back, to the point where the station is no longer identified as a priority infrastructure project in the forward estimates.

It is clear that the current WA State Government does not consider the railway station at South Perth to be a priority. However, in order to maximise higher density and commercial opportunities within the Precinct (as defined by the South Perth Station Precinct Study) and improve public transport in the area generally (including breaking peoples reliance on the motor vehicle), the railway station is essential.

The City has prepared a Business Case to support the South Perth railway station, with the aim of using the document to lobby the WA State Government to elevate its construction priority. It is therefore recommended that delegated authority be granted to the Chief Executive Officer to actively lobby the WA State Government in order to have the South Perth Railway Station reinstated to the forward estimates and constructed as a matter of priority.

Consultation

The South Perth Station Precinct Study Report dated July 2010 is the culmination of nearly two (2) years work by Consultants in conjunction with the City and DoP. The study and report develops a framework for the redevelopment of the precinct within approximately 800m from the proposed South Perth railway station. During this time, considerable consultation occurred with key stakeholders such as:

- Infrastructure Agencies Workshop with agencies involved in the delivery of infrastructure and the DA process;
- Community Forum Workshop – Landowners, community groups and government agencies;
- Public Forum Workshop – landowners, community groups and members of the public in the study area;
- Meetings with the Swan River Trust, Main Roads Western Australia, South Perth Cricket Club, Royal Perth Golf Club, South Perth Lawn Bowls Club, Wesley South Perth Hockey Club.

During formulation of the Business Case for the South Perth railway station, consultation occurred with the Executive Management Team, Public Transport Authority, Main Roads Western Australia and Perth Zoo.

Policy and Legislative Implications

The recent adoption by the Council of the South Perth Station Precinct Plan has no statutory or legislative implications as it is a guiding document only. However the document sets the Council's broad vision for the future of this precinct, inclusive of the desire for a railway station to be constructed near Richardson Street. The Business Case developed for the railway station supports this vision.

Financial Implications

The Business Case developed for the South Perth railway station was entirely funded from the City's Annual Budget. No other costs are anticipated in the short term apart from staff costs associated with lobbying the WA State Government to elevate the priority for construction of the railway station.

If the WA State Government resolve to elevate the priority for construction of the South Perth railway station, all costs associated with the railway station (including additional rolling stock and operational costs), will be wholly borne by them.

Strategic Implications

This project compliments the City's Strategic Plan 2010 – 2015 and in particular:

- Direction 1.3 – Community - *“Encourage the community to increase their social and economic activity in the local community”*
- - Direction - 3.3 Housing and Land Uses - *“Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery”*
- Direction 4.4 Places - *“Facilitate optimal development of the Civic Triangle precinct.”*
- Direction 5.1 Transport - *“Improve access and use of railway station precincts and surrounding landuses”*

Sustainability Implications

Intensification of development around the proposed railway station, greater reliance of public transport and the discouragement of the use of private vehicles all go towards ensuring that development in the City is sustainable for the long term.

OFFICER RECOMMENDATION ITEM 10.5.1

That...

- (a) the City develop the concept further for Options 3(a) and 3(b) as identified in report Item 10.5.1 of the November 2010 Council Agenda and conduct community consultation to seek community views on the proposals; and
- (b) the Business Case be used to lobby the WA State Government to have the South Perth railway station reinstated on the forward estimates and constructed as a matter of priority.

10.5.2 Tender 22/2010 Provision of Cleaning Services. Review of Tender Submissions

Location: City of South Perth
 Applicant: Council
 File Ref: Tender 22/2010
 Date: 8 November 2010
 Author: Gil Masters, Buildings and Assets Coordinator
 Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Schedule of rates tenders have been called and received for the Provision of Cleaning Services for the City’s community and administration offices, halls, toilets and barbecues. The duration of the contract is for two (2) years with an option to renew for a further twelve (12) months based on good performance over the preceding two years of the Contract. This report outlines the assessment process and recommends that Council endorse the alternative tender submitted by Office Cleaning Experts Pty Ltd, for the estimated amount of \$559,373 plus GST per annum, be accepted.

Background

The City’s current cleaning contract expired on 30 September 2010. The City did not exercise its option to extend the current contract for a further twelve (12) months, because there was an opportunity to improve the specification. Officers believe this would make the contract more flexible and therefore potentially cheaper to administer over its duration.

The new contract has been developed for a two (2) year fixed term, with an option to extend the contract for a further year based on satisfactory performance over the preceding two years of the Contract. The contract has been divided into four groups to reflect their different characteristics and requirements.

- Group 1 Community Facilities (e.g. George Burnett Leisure Centre, Senior Citizens Centres etc)
- Group 2 Administration Facilities (e.g. Administration Office, Operations Centre etc)
- Group 3 Public Toilets
- Group 4 Barbecues

The tender was written to be separable. This enables the City to choose the same contractor for all of the groups, or utilise more than one contractor within any of the categories, if necessary, to achieve a better outcome.

Tenders were invited on Saturday 11 September 2010 and during the advertised period twenty two (22) sets of documents were distributed. At the close of tenders eight (8) submissions were received including an alternative tender. The prices submitted are listed below.

Tender	Est. tendered price per annum (ex GST)
Glad Commercial Cleaning	\$435,245
Office Cleaning Experts Pty Ltd (Alternative)	\$559,373
Office Cleaning Experts Pty Ltd (Complying)	\$582,680
List’s Cleaning Services	\$620,618
Office & Industrial Cleaning	\$670,220
Dominant Property Services	\$672,885
ISS Facility Services	\$870,301
Du Clene Pty Ltd	\$1,267,996

Comment

All tenders complied with the specification, however during the initial evaluation process, the tenders from Du Clene Pty Ltd and Glad Commercial Cleaning were excluded from further consideration. Du Clene was excluded due to the very high overall price submitted and Glad Commercial Cleaning because the Panel considered their prices submitted for office cleaning were not sustainable considering the specification.

The remaining tenders were then assessed against the qualitative criteria as established below:

Qualitative Criteria		Weighting %
1.	Demonstrated ability to perform on time and in accordance with designated time schedules	20%
2.	Works record and experience	10%
3.	Satisfactory resources to complete works	10%
4.	Industrial relations and safety record	5%
5.	Demonstrated sustainability initiatives	5%
6.	Price	50%
TOTAL		100%

Each company's price submission and response to the criteria was then incorporated into the Selection Criteria matrix. Some of the submissions were lacking in detail and their qualitative scoring reflected this. The scores appear below.

Tender	Score
Office Cleaning Experts Pty Ltd (Alternative)	8.07
Office Cleaning Experts Pty Ltd (Complying)	7.81
List's Cleaning Services	7.42
Office & Industrial Cleaning	6.35
Dominant Property Services	5.92
ISS Facility Services	4.10

The individual tenders were then assessed and as a result of this process, the alternative tender from Office Cleaning Experts attained the highest score and is therefore recommended. The difference between the alternative and complying tenders from Office Cleaning Experts is the offer of a 4% discount for invoices paid within fourteen (14) days. The City is currently meeting this target which makes acceptance of the alternative tender a sensible decision.

The City then investigated whether utilising different contractors for the separable portions of the contract would result in savings. This approach was rejected as the savings achieved were insignificant once the additional cost to administer the separable components was taken into account.

Due diligence was then completed. Office Cleaning Experts has been carrying out cleaning services at the Department of Agriculture, WA Police, City of Wanneroo, City of Subiaco and Main Roads WA. The company was highly recommended by all of these organisations.

As this is a Schedule of Rates an estimated annual price for the contract services can be determined. The Schedule of Rates submitted by Office Cleaning Experts is about 8% lower than the contract currently in place. The prices are fixed for the two (2) years of the contract and will only increase if there is an increase in the size of the City's facility base.

Given the range and extent of cleaning services required by the City, the best value to service these needs is addressed by the alternative tender submitted by Office Cleaning Experts. Accordingly, it is recommended that the alternative tender submitted by Office Cleaning Experts Pty Ltd be accepted.

Consultation

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

Tenders were invited on Saturday 11 September 2010 and during the advertised period twenty two (22) sets of documents were distributed. At the close of tenders eight (8) submissions were received including an alternative tender.

A mandatory meeting was held on 22 September 2010 to enable prospective bidders to discuss the contract.

Policy and Legislative Implications

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

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

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Financial Implications

This is a Schedule of Rates tender however an estimated price for the work based on what is required is \$559,373 plus GST per annum. The previous tender awarded in September 2008 was considered to be worth approximately \$611,500 plus GST per annum. This represents a saving of 8% on the existing contract.

Please note that this is an estimate based on a Schedule of Rates calculated against the specification.

Funding is based on allocations in the City's annual maintenance budgets across administrative, community, parks, buildings and special events.

Pricing for the optional third year of the contract will be the subject of future negotiation between the City and Contractor.

Strategic Implications

This matter relates to Strategic Direction 6 “Governance” identified within Council’s Strategic Plan 2010-2015, which is expressed in the following terms: *Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

The specification for the cleaning contract is reviewed each time it is due for renewal to ensure it meets contemporary sustainability practises. 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 maintenance of City buildings. The service will strengthen the City’s Infrastructure Services directorate by ensuring it has access to a wide range of quality cleaning services at highly competitive prices.

Five (5) percent of the assessed qualitative criteria are for sustainability initiatives.

OFFICER RECOMMENDATION ITEM 10.5.2

That the ‘alternative’ tender submitted by Office Cleaning Services Pty Ltd for the provision of cleaning services, having an estimated contract value of \$559,373 GST exclusive per annum, be accepted for a period of two (2) years from 17 January 2011 to 31 December 2012 inclusive, with an option to renew for a further twelve (12) months subject to satisfactory performance over the life of the contract.

10.5.3 Local Government Reform

Location: City of South Perth
Applicant: Council
File Ref: GO/314
Date: 11 November 2010
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to consider correspondence received from the Department of Local Government through the Local Government Advisory Board requesting Council to implement its decision to reduce the number of Elected Members by February 2011.

Background

In February 2009, the WA Minister for Local Government announced that he was keen to see reform of Local Governments in the State, with emphasis that may result in changes in four areas:

1. A reduction in the number of elected members to between 6 and 9;
2. Regional groupings of Councils for service delivery;
3. Amalgamations of local governments; and
4. Boundary changes.

In considering the issue of Local Government reform, the Minister was keen to involve the community in this process and as a result, desired community consultation took place to ensure that the Local Government took into account views of the community.

The Minister required a response by the end of September 2009. At the September 2009 Council Meeting (Item 10.5.4) Council endorsed a Submission on Local Government Reform and approved its release to the Minister. In relation to the four areas listed above, that the Minister required the Council to consider, the submission contained a response in the following terms:

1. *The Council agrees that the number of elected members be reduced from 13 to nine.*
2. *The City currently participates in a range of regional resource sharing arrangements, particularly with the Town of Victoria Park, and is willing to participate in additional arrangements if there are benefits to residents and ratepayers of the City.*
3. *The City does not favour amalgamation at this time, unless the Town of Victoria Park willingly participates in any amalgamation proposal.*
4. *Whilst there are some minor boundary anomalies, the current boundaries are not causing any operational difficulties and no boundary changes are proposed.*

The submission to the Minister was lodged by the due date before the end of September 2009.

The City received no further correspondence or contact from either the Minister's Office, the Local Government Advisory Board or the Department of Local Government until April 2010 when Department representatives met with City representatives concerning possible minor boundary adjustments. It was acknowledged at that meeting, that it was not possible to consider the issue of reducing the number of Elected Members until the external boundary matter was resolved.

No further correspondence was received from the Department of Local Government until late September 2010 when the City was requested to progress the reduction of the number of Elected Members by the 31 December 2010. The City responded by indicating that it was not possible to conduct a Ward Boundary Review within 3 months and it was indicated that a minimum period of 5 months would be required to conduct this task.

In response the Department of Local Government, by letter dated 8 November 2010, indicated that the Local Government Advisory Board had extended the deadline for submitting new proposals to the end of February 2011.

Comment

The Department's Guideline "*Review of Wards and Representation*" published in November 2008 outlines the detailed process for reviewing Elected Member representation, which if followed by the City, would not allow sufficient time for the process to be undertaken by the required timeframe of 31 December 2010 (or 28 February 2011),.

The change in the number of Councillors proposed would effectively result in a total spill of all Councillor positions. This is because the City currently has a structure of two elected members for each of six wards. To reduce the number of Councillors to eight would present a number of opportunities but would at least include the following:-

- No Wards;
- two elected members for four wards; or
- four members for two wards

Obviously there would be other options that could be examined but there is also the added complication of identifying the location, size and shape of wards if wards were to be retained. In theory there is almost an unlimited number of options that could be chosen.

To comply with the request, each of the options would need to be identified and assessed (in terms of Elected Member ratios etc), a Position Paper prepared, initially considered by Councillors at an informal Briefing before being endorsed by Council for community consultation purposes. Comment would then be invited from the community and assessed and a further report prepared for Council consideration. Given the early Christmas / New year schedule, all of this would need to be completed by the end of January 2011 to enable a report to be prepared for consideration at the February 2011 Council meeting.

Having regards for the content of the Department's Guidelines on this subject, the absolute minimum period required would be 5 months as detailed below:

Tentative timetable

- Assess and prepare options.
- Discussion paper prepared and Council Briefing by Christmas Eve 2010.
- Council resolution to review Elected Member representation – report to Special Council Meeting say mid January 2011.
- Public submission period open for six weeks – say from mid January to the end of February 2011.
- Consideration of public submissions, changes to Options Paper and report preparation March 2011
- Consideration of submissions and report to Council meeting April
- Submit report to Local Government Advisory Board end of April 2011.

It is obvious that this timetable is very tight and does not allow for any 'slippage'.

A minimum period of six months would therefore normally be considered appropriate to conduct a review of this nature and it is unfortunate that the objective of reducing Elected Member representation could have been achieved with earlier advice from the Department.

Given the above situation, it is suggested that the Department be advised that the City is not in a position to prepare and finalise a position on Elected Member representation by 28 February 2011, despite the Council having previously resolved to support a reduction of Elected Members by the 2011 Ordinary Election.

It is also suggested that the Department be advised that the City will commence the review in 2011 and that a submission will be lodged with the Local Government Advisory Board by 31 December 2011 for application in 2013.

Consultation

In developing the Submission to the Minister, the community has had opportunities to participate in the reform debate and make submissions to the City. In addition, the City of South Perth Project Team has actively been involved in discussions with the Town of Victoria Park and the City of Belmont. Other discussions have been held with the City of Canning. Elected Members have been progressively involved with the development and progress of the Submission through briefing sessions and the Elected Member Bulletin.

Correspondence has been exchanged with the Department of Local Government and it is generally agreed that the deadline of 28 February 2011 cannot be met (unless there is no community consultation or there is no wards) - neither of which is thought desirable.

Policy and Legislative Implications

The City supports the reduction in elected member representation which will involve a detailed review in the future and changes being made to ward boundaries and representation.

Financial Implications

It is not possible to determine the financial implications at this time - although the process is an administrative function and is not anticipated to be costly

Strategic Implications

Dependent upon the outcome of the Minister's review process.

Sustainability Implications

The City of South Perth is regarded as a financially sustainable local government by a number of external independent assessments.

OFFICER RECOMMENDATION 10.5.3

That in response to correspondence received from the Department of Local Government through the Local Government Advisory Board requesting Council to implement its decision to reduce the number of Elected Members by February 2011, the Department be advised that:

- (a) the City will commence the review in 2011; and
- (b) a submission will be lodged with the Local Government Advisory Board by 31 December 2011 for application in 2013.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - October 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 08 November 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 a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

Background

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

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

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

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

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

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2010/2011 Adopted Budget and the 2010/2011 Amended Budget including the introduction of the capital expenditure items carried forward from 2009/2010 (after September 2010).

A monthly Statement of Financial Position 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 this statement 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:

- Statement of Financial Position - **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)**
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 October 2010 is \$32.64M which represents 101% of the \$32.48M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking is comfortably ahead of budget expectations although infringements remain significantly behind budget - possibly reflecting a behavioural change amongst those parking in the Mill Pt precinct. Interest revenues are very close to budget expectations - with both Municipal and Reserve fund interest slightly ahead of budget expectations.

Planning and building revenues were both revised upwards in the Q1 Budget Review as a result of higher volumes of applications and the impact of several larger developments. Collier Park Village revenue is very close to budget expectations whilst the Hostel revenue remains favourable due to a number of adjustments to commonwealth subsidies. Golf Course revenue is very close to budget targets thanks to strong attendances during the unseasonal good weather conditions early in the year - but it was quieter during the later part of October. Infrastructure Services revenue is largely on budget in most areas other than a couple of favourable timing differences noted in the variance schedule. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 31 October 2010 is \$12.73M which represents 98% of the year to date budget. Operating Expenditure to date is 4% under budget in the Administration area, on budget in the Infrastructure Services area and 3% under budget for the golf course. The monthly figures shown in the financial summaries reflect variances that were primarily created by the introduction of approved Q1 Budget Review adjustments.

The Infrastructure Services area also reflects some timing variances as Q1 Budget Review adjustments are brought to account. These related to necessary corrections to provide for a larger (non cash) allocation for depreciation as a consequence of the revaluation of all buildings and infrastructure assets at 30 June and new street lighting tariffs. Waste management costs are very close to budget expectations with the exception of our contribution to the Rivers Regional Council which was adjusted in the Q1 Budget Review. Golf Course expenditure is very close to budget at this time with only minor timing differences evident.

There currently are a number of budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.7% under the budget allocation for the 223.2 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)**.

Capital Revenue is disclosed as \$1.39M at 31 October against a year to date budget of \$1.28M. The major factors contributing to this significant favourable variance are a favourable timing difference on the lease premium and refurbishment levy attributable to additional re-leased units at the Collier Park Village. Adjustments made in the Q1 Budget Review for a small unbudgeted roads grant and an unanticipated grant allocation from SWT for river wall works are now reflected in the accounts - along with the related expenditure item. 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 October 2010 is \$6.22M representing 86% of the year to date budget and 30.8% of the full year revised budget (after the inclusion of \$4.0M of carry forward works). The major element of the capital program is \$4.06M in progress claims on the Library and Community Facility project (which brings the project within 4% of budgeted cash flow expectations).

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.

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	47,000	41,072	86%	160,000
Library & Community Facility	4,175,000	4,016,735	96%	6,175,000
Financial & Information Services *	250,500	235,895	94%	1,533,500
Planning & Community Services	263,840	168,337	64%	1,572,500
Infrastructure Services	2,252,154	1,585,104	70%	10,174,555
Golf Course	228,000	171,379	49%	537,000
Total	7,216,494	6,218,522	86%	20,152,555

* Financial and Information Services is also responsible for the Library and Community Facility building project.

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration’s financial management. It also provides information about corrective strategies being employed 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 sustainable financial management which directly relate to the key result area of Governance identified in the City’s Strategic Plan - *‘To ensure that the City’s governance enables it to respond to the community’s vision and deliver on its promises in a sustainable manner’*.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.1

That

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 October 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 8 November 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.
- 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 \$48.52M compare very favourably to \$44.88M at the equivalent stage of last year. Reserve funds are \$4.10M higher than the level they were at for the same time last year, reflecting higher holdings of cash backed reserves to support refundable monies at the Collier Park Village and Collier Park Hostel. The balance of the Future Building Projects Reserve is \$2.00M less than at October 2009 as funds have been applied to the Library and Community facility project. The Underground Power Reserve is \$1.0M higher whilst the Waste Management and Plant Replacement Reserves are both \$0.2M higher and several other Reserve balances are modestly higher when compared to last year.

Municipal funds are \$0.70M lower which reflects higher cash outflows on the Library and Community Facility project. Collections from rates this year have been extremely strong and are still close to last year's excellent performance.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have again proven very effective in having a positive effect on 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 \$18.72M (compared to \$19.67M last month) It was \$19.37M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$47.88M compared to \$43.30M at the same time last year. This is due to the higher holdings of Reserve Funds as investments as described above.

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 96.8% 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 Department of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year, which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603.

Counterparty mix 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).**

Total interest revenues (received and accrued) for the year to date total \$0.75M - well up from \$0.51M at the same time last year. This result is attributable to the higher interest rates available early in the year and higher levels of cash holdings.

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 5.59% with the anticipated weighted average yield on investments yet to mature now sitting at 5.73% (compared with 5.69% last month). Investment results to date reflect prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs currently provide a modest return of only 4.25% - although this will increase to 4.50% following the early November Reserve Bank decision on interest rates.

(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 and 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 October 2010 (after the due date for the first instalment) represent 72.8% of rates levied compared to 73.3% at the equivalent stage of the previous year. This is considered to be only a timing difference.

Feedback from the community suggests a good acceptance of the rating strategy and communication approach used by the City in developing the 2010/2011 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 provided strong encouragement for ratepayers - as evidenced by the strong early collections.

The good initial collection result will be supported administratively throughout the remainder of the year 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 \$2.01M at month end (\$1.44M last year) excluding UGP debtors and \$1.86M last month. Major changes in the composition of the outstanding debtors' balances relate to a lesser amount of outstanding parking infringements and grant funding but much higher GST Receivable due to the Library and Community Facility project. The majority of the outstanding amounts are government and semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default. Excluded from these figures is the Pension Rebate recoverable amount which can not be collected until eligible pensioners qualify for their entitlement by making a payment of the non rebated amount.

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$5.92M was collected by 31 October with approximately 78% of those in the affected area electing to pay in full and a further 21.2% opting to pay by instalments. The remaining 0.8% (18 properties) represent properties that are disputed billing amounts. Final notices have been issued and these amounts are now being debt collected by external agencies as they have not been satisfactorily addressed in a timely manner, despite attempts by the City to achieve an amicable settlement. Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

Residents opting to pay the UGP Service Charge by instalments continue to be 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 and 49 are also relevant to this report as is the Department of Local Government Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in parts (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 sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.2

That Council receives the 31 October 2010 Monthly Statement of Funds, Investment and Debtors comprising:

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

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 November 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 October 2010 and 31 October 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 listing at **Attachment 10.6.3** 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 the 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 sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.3

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

10.6.4 Capital Projects Review to 31 October 2010

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 8 November 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 October 2010. 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 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 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 86% of the year to date target - and 30.8% 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 and 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 sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

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 ITEM 10.6.4

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 October 2010, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

10.6.5 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 4 November 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.

October 2010

Nature of Document	Parties	Date Seal Affixed
Deed of Variation – Collier Park Village	City of South Perth and Robert William Tuffin	4 October 2010
Notification under Section 70A	Eileen Walter	13 October 2010
Deed of Lease – Collier Park Village	City of South Perth and Olwen Bendle McCullough	19 October 2010
Deed of Agreement to Lease – Collier Park Village	City of South Perth and Olwen Bendle McCullough	19 October 2010
Deed of Lease – Collier Park Village	City of South Perth and Ailsa Jean Swadling	19 October 2010
Deed of Agreement to Lease – Collier Park Village	City of South Perth and Ailsa Jean Swadling	19 October 2010
Deed of Lease – Collier Park Village	City of South Perth and Patricia Jean Millman	20 October 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 Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.5

That the report on the use of the Common Seal for the month of October 2010 be received.

10.6.6 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 November 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 October 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 October 2010, seventy-three (73) development applications were determined under delegated authority at **Attachment 10.6.6**.

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 Strategic Direction 6 “Governance” within the Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.6

That the report and **Attachment 10.6.6** relating to delegated determination of applications for planning approval during the month of October 2010, be received.

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr B Skinner

I hereby apply for Leave of Absence from all Council Meetings for the period 20 December 2010 until 11 January 2011 inclusive.

11.2 Request for Leave of Absence - Cr R Grayden

I hereby apply for Leave of Absence from all Council Meetings for the period 18 December 2010 until 7 January 2011 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

13.2 Questions from Members

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.1.1 Recommendations from CEO Evaluation Committee Meeting Held 15 November 2010 *CONFIDENTIAL Not to be Disclosed REPORT*

Location: City of South Perth
Applicant: Council
Date: 16 November 2010
Author: Kay Russell, Executive Support Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

This report has been designated as ***Confidential*** under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

Note: *Report circulated separately prior to Council Meeting.*

15.1.2 Recognition Award Nomination <i>REPORT</i>	<i>CONFIDENTIAL Not to be Disclosed</i>
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Location:	City of South Perth
Applicant:	Council
File Ref:	CR/105
Date:	16 November 2010
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Confidential

This report is declared ***Confidential*** under Section 5.23(h) of the *Local Government Act* as it relates to the selection of a community member as the recipient of an Award.

Note: *Report circulated separately prior to Council Meeting.*

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

17. RECORD OF VOTING



Mayors Activity Report - October 2010

Date	Activity
Friday, 29 October	Open Early years forum
Thursday, 28 October	Host Candidate Election Information Evening (McDougall Ward) + Cr Colin Cala
Wednesday, 27 October	Host CoSP Emerging Artist Exhibition Launch + Dedication Ceremony for Late Phillip Pandal
Tuesday, 26 October	Chair Council meeting Conduct Private citizenship ceremony Mayor/CEO weekly meeting + Deputy Mayor Cr Sue Doherty
Sunday, 24 October	Attend 100th Birthday celebration for Dorothy Ball on South Perth foreshore
Saturday, 23 October	Media interview - Tony 6PR "discover your rivers" campaign
Friday, 22 October	Media interview Southern Gazette re South Perth since the 1980s/ Canning Bridge Station Opening presentation and member of Expert panel for UDIA Directions 2031 and beyond forum (Urban Development Institute of Australia)
Thursday, 21 October	Host and deliver key note address for Discover your Rivers: WALGA Campaign Launch with 21 Councils along the Swan and Canning Rivers. (WALGA = WA Local Government Association) Attend AGM - Australia Day Council of WA Present award at Penrhos College Year 12 Graduation ceremony
Wednesday, 20 October	Chair Council Briefing : Commercial/Business precinct Parking Review and SJMP Flagpole review Attend court case + CEO + Manager Legal and Governance Attend Forum on Local Government reform -- Dept Local Government & Minister. Attend Committee for Perth: future of the Perth waterfront presentation by Marion Fulker
Tuesday, 19 October	Chair Council briefing - agenda items + Presentation on Australia Day activities. Canning Precinct and Directions 2031 : Meet new Chair, Como Beach Community Assoc + Crs Pete Best & Glenn Cridland Meeting on city Climate change study with City Sustainability Coordinator Attend CEDA conference: WA Resources Overview

AGENDA : ORDINARY COUNCIL MEETING : 23 NOVEMBER 2010

Monday, 18 October	Chair WALGA Swan Canning Policy Forum Mayor/CEO weekly meeting
Saturday, 16 October	Attend City of Belmont 2010 Annual Dinner
Friday, 15 October	interview with Curtin University Student -- Planning for metropolitan Perth -- Directions 2031 and beyond Attend John Curtin Medal Award Ceremony presentation at Curtin university Give opening address at Environmental Health Association conference + present recognition awards
Thursday, 14 October	Attend International Riversymposium
Wednesday, 13 October	Attend CEO Evaluation Committee Meeting Attend International Riversymposium
Tuesday, 12 October	Attend International Riversymposium Riverprize Dinner 2010 Phone interview for 6PR -- Canning Bridge precinct vision Phone Meeting re mediation strategy with Cr Veronica Lawrance and Legal & Governance Manager Attend WALGA state council meeting - Bunbury Attend WALGA -- better Local Government taskforce - Bunbury Mayor/CEO weekly meeting by phone
Monday, 11 October	Chair Briefing: Directions 2031 & The Central Metropolitan Perth sub-regional strategy Attend International Riversymposium
Thursday, 7 October	Chair John Curtin Leadership Academy Board Meeting
Wednesday, 6 October	Chair Council Briefing : Preliminary Proposal for No. 2 Downey Drive (Corner Ley St,) Como - Presentation by architect, Peter Jodrell
Monday, 4 October	Mayor/CEO weekly meeting Meeting on Canning Bridge Precinct Vision with John McGrath MLA & Fred Kavanagh + CEO + Crs Pete Best and Glenn Cridland

**Council Representatives' Activity Report -
October 2010**

October 2010	Activity
Thursday, 28 October	Attend Aquinas College 2010 Presentation night - Cr Ian Hasleby
Thursday, 21 October	Neighbourhood Watch Committee Meeting with Councillors
Monday, 18 October	Attend Pattern Thinking Indigenous workshop - Grants & Consultation Officer, Maxine Boyd
Sunday, 17 October	Attend Tracks by the Swan Official Book Launch - Manager, Libraries and Heritage, Ms Cheryl Parrott-
Saturday, 16 October	Attend Hensman Park Tennis Club opening - Cr Kevin Trent
Saturday, 16 October	Attend South Perth Lawn Tennis Club opening - Cr Glenn Cridland
Wednesday, 13 October	Attend WAM Song of the Year, Fremantle - Cr Pete Best
Sunday, 10 October	Attend Rainbow Project Service of Worship to Celebrate Mental Health Week – at St Peters & Emmaus Community Church, Mt Hawthorn - Cr Kevin Trent
Saturday, 9 October	Attend Como Bowling Club Opening Day - Cr Kevin Trent
Friday, 8 October	Attend RPGC Annual Dinner - Cr Kevin Trent
Thursday, 7 October	Attend Local Chambers AGM & Dinner - Cr Pete Best