



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

**Minutes of the Ordinary Meeting of the City of South Perth Council  
held in the Council Chamber, Sandgate Street, South Perth  
Tuesday 28 September 2010 at 7.00pm**

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

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance, in particular Leon Lawrence, CEO and Kelvin Murphy, Occupational Health Officer, from LGIS the Local Government Insurance Services. He then paid respect to the Noongar peoples, past and present, the traditional custodians of the land we are meeting on, and acknowledged their deep feeling of attachment to country.

**2. DISCLAIMER**

The Mayor read aloud the City's Disclaimer.

**3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**3.1 Activities Report Mayor Best / Council Representatives**

Mayor / Council Representatives Activities Report for the month of August 2010 attached to the back of the Agenda.

**3.2 Public Question Time**

The Mayor advised the public gallery that 'Public Question Time' forms were available in the foyer and on the website for anyone wanting to submit a written question. He said that if anyone required help in this regard the Manager Governance and Administration, Phil McQue is available to assist. He referred to clause 6.7 of the Standing orders Local Law 'procedures for question time' and stated that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

**3.3 Audio Recording of Council meeting**

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

#### 4. ATTENDANCE

Present:

Mayor J Best (Chair)

Councillors:

I Hasleby	Civic Ward
V Lawrance	Civic Ward
P Best	Como Beach Ward
G Cridland	Como Beach Ward
C Cala	McDougall Ward
R Grayden	Mill Point Ward
B Skinner	Mill Point Ward
K Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Service
Ms V Lummer	Director Development and Community Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr P McQue	Manager Governance and Administration
Ms P Aravelo	Marketing Officer
Mrs K Russell	Minute Secretary

Gallery Approximately 25 members of the public and 1 member of the press were present.

##### 4.1 Apologies

Nil

##### 4.2 Approved Leave of Absence

Cr T Burrows	Manning Ward
Cr L P Ozsdolay	Manning Ward
Cr S Doherty	Moresby Ward

#### 5. DECLARATION OF INTEREST

Nil

#### 6. PUBLIC QUESTION TIME

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

At the Council meeting held 24 August 2010, fourteen (14) questions 'tabled' during public question time by Mr Geoff Defrenne, 24 Kennard Street, Kensington, were 'taken as correspondence'. A written response to those questions was provided by the CEO, by letter dated 27 August 2010.

##### 6.2 PUBLIC QUESTION TIME : 28.9.2010

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. However, if there are no further written questions public question time can be concluded in less than 15 minutes. He said that questions are to be in writing and questions received 5 working days prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. The Mayor then opened Public Question Time at 7.06pm.

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

**6.2.1 Mr Peter Howat, Boongala Close, Karawara**

*(Written Questions submitted prior to the meeting)*

Summary of Questions

- (1) Has the City of South Perth been asked by the Perth Transport Authority to consider the opening of Henley Street and Jackson Road for the purposes of a public transport corridor from Canning Bridge?;
- (2) and if so, how has the City responded to this request?
- (3) In addition will there be a need for a Council determination to decide this issue?

Summary of Response

The Mayor requested the Ward Councillor to reply. Cr Cala responded as follows:

- (1) The City is aware that in 2009 Consultants were engaged by the Public Transport Authority (PTA) to investigate the possible opening up of Henley Street and Jackson Road to "bus only" traffic. At this time the City has not been asked by the PTA to formally consider the road opening proposal.
- (2) The PTA has not made any request of the City to formally respond to the possible opening up of Henley Street and Jackson Road to "bus only" traffic.
- (3) In the event that the PTA wishes to progress the opening up of Henley Street and Jackson Road to "bus only" traffic, there will be a need for the Council to consider the matter via a briefing session and future report to Council.

**6.2.2 Mr Barrie Drake, 2 Scenic Crescent, South Perth**

*(Written Questions submitted prior to the meeting)*

Agenda Item 10.3.3:

1. Are the owners of 9 Lamb Street, South Perth legally entitled to remove the perfectly good southern boundary masonry fence in order to replace it with an oversize parapet wall if the adjoining property owners object to this?
2. Does the proposed three storey house to be built at 9 Lamb Street comply with the Town Planning Scheme?
3. Does the *Dividing Fences Act* apply to the fence between the southern boundary of 9 Lamb Street and the northern boundary of No. 4 and No. 6 Scenic Crescent, South Perth

Summary of Response

The Mayor responded as follows:

1. All dividing fences are covered by the *Dividing Fences Act 1961*, which is not administered by Local Government. A booklet on the Act is available at the front counter during normal working hours.
2. Yes.
3. As per answer No. 1.

**6.2.3 Mr Geoff Defrenne, 24 Kennard Street, Kensington**

*(Note: 19 Written Questions 'tabled' at the meeting)*

The Mayor advised Mr Defrenne that he proposed to take the 19 questions handed up during public question time as correspondence. In accordance with the Standing Orders Local Law only three questions, will appear in the Minutes

Summary of Questions

1. At the August Council meeting the draft Minutes record question time lasting 5 minutes though I recorded question time lasting 2 minutes 52 seconds. Why did the Mayor close question time when he knew a member of the public wished to ask further questions?
2. When there is a clear breach of the Standing Orders Local Law 2007 or the *Local Government Act 1995* during a Council meeting, can the public expect a Councillor to call a point of order to protect the reputation and potential liability of the City.
3. Will the City give the assurance that it will comply with the *Local Government Act 1995* and Standing Orders Local Law 2007 and have a minimum of 15 minutes of question time if any member of the public has questions to ask, even if the questions are not written?

Summary of Response

The Mayor advised that the questions will be treated as "correspondence" and a written response provided. In accordance with the Standing Orders Local Law 2007 the response will not appear in the next Council Agenda.

Close of Public Question time

There being no further written questions the Mayor closed Public Question Time at 7.10pm.

**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: 24.8.2010**

**COUNCIL DECISION ITEM 7.1.1**

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 24 August 2010 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

**7.2 BRIEFINGS**

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "*Council Forums Paper*" as a way of advising the public and being on public record.

**7.2.1 Agenda Briefing - August Ordinary Council Meeting Held: 27.8.2010**

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

**7.2.2 Concept Forum - Indigenous Engagement Strategy - Meeting Held: 31.8.2010**

Officers of the City presented background information in relation the Indigenous Engagement Strategy and responded to questions from Members. Notes from the Agenda Briefing are included as **Attachment 7.2.2.**

**7.2.3 Concept Forum : Child Care/Consulting Rooms Workshop and Cygnet Theatre Redevelopment Meeting Held: 1.9.2010**

Officers of the City workshopped with Members the proposed Amendment No. 23 to TPS6 which proposes changes to the locations for Child Care Centres and Consulting Rooms in the Residential Zone. The second part of the Briefing was a presentation by Consultants from Hames Sharley (Architects) on the Cygnet Theatre Redevelopment proposal who also responded to questions from Members. Notes from the Agenda Briefing are included as **Attachment 7.2.3.**

**7.2.4 Concept Forum : Provision of Community Services - Meeting Held: 14.9.2010**

A presentation in relation to the provision of Community Services was provided for the benefit of Elected Members. Questions were raised and responded to by officers. *Confidential* Notes from the Agenda Briefing were circulated separately as **Attachment 7.2.4.**

**COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE**

Moved Cr Grayden, Sec Cr Cala

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

CARRIED (9/0)

**8. PRESENTATIONS**

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

Nil

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

**8.2.1. LGIS Safety Award – Silver Status**

Mr Leon Lawrence CEO of the Local Government Insurance Services (LGIS) gave a brief overview of the LGIS services to Local Government and then, on behalf of LGIS presented a Safety Certificate to the City of South Perth in recognition of the City achieving “Silver Status” for its Occupational Health and Safety Management Systems Audit.



**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.

**8.3.1 Deputations at Council Agenda Briefing 21 September 2010**

Deputations in relation to Agenda Items 10.0.3, 10.3.1, 10.3.3, 10.3.4 and 10.4.1 were heard at the September Council Agenda Briefing held on 21 September 2010.

**8.3.2 Request for Deputation – Mr Barrie Drake, 2 Scenic Crescent, South Perth**

Mr Drake (neighbour) spoke in support of the officer recommendation at Item 10.3.3 (*Proposed Three Storey Single House, 9 Swanview Terrace*) on the following points:

- correspondence received advised application would not go to Council
- application now listed on September Council Agenda
- neighbour consultation lacking
- believe proposed 3 storey house should not be built
- application does not comply in height / bulk / scale
- ask Council not to approve this application

Deputations Closed

The Mayor closed Deputations at 7.22pm

**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 Ozsdolay (Deputy) summarising their attendance at the Rivers Regional Council Meeting held on 19 August 2010 at the City of Armadale is at **Attachment 8.4.1**.

**Note:** The Minutes of the Rivers Regional Council Ordinary Council Meeting of 19 August 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 19 August 2010 at the City of Armadale be received.

**8.4.2. Council Delegate: Perth Airports Municipalities Group – 15 July 2010**

Crs Burrows and Hasleby together with the Chief Executive Officer, attended the Perth Airports Municipalities Group meeting held at the City of Belmont on 15 July 2010. The Minutes of the PAMG meeting are at **Attachment 8.4.2**. and are also available on the *iCouncil* website.

RECOMMENDATION

That the Minutes at **Attachment 8.4.2**, of the Perth Airports Municipalities Group (PAMG) meeting held at the City of Belmont on 15 July 2010 be received.

**COUNCIL DECISION ITEMS 8.4.1 AND 8.4.2**

Moved Cr Cala, Sec Cr Trent

That the Delegate's Report in relation to the Rivers Regional Council Meeting held 19 August 2010 at **Attachment 8.4.1** and the Minutes of the Perth Airports Municipalities Group Meeting held 15 July at **Attachments 8.4.2** be received.

CARRIED (9/0)

**8.5 CONFERENCE DELEGATES REPORTS**

Nil

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

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 21 September 2010.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn:

- Item 10.0.1 Proposed Amended Motion
- Item 10.0.4 Proposed Alternative Motion
- Item 10.1.1 Withdrawn for discussion
- Item 10.3.4 Proposed Amended Motion
- Item 10.4.1 Proposed Alternative Motion

**COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION**

Moved Cr Trent, Sec Cr Hasleby

That with the exception of Withdrawn Items 10.0.1, 10.0.4, 10.1.1, 10.3.4, and 10.4.1 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.2, 10.0.3, 10.0.5, 10.0.6, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.2 10.3.3, 10.5.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6, 10.6.7, 10.6.8 and 10.6.9 be carried en bloc.

CARRIED (9/0)

**10. REPORTS**

**10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS**

**10.0.1 Old Mill Precinct** (*matter referred Item 10.2.1 August 2009 Council Meeting*)

Location:	City of South Perth
Applicant:	Council
File Ref:	ED/101
Date:	2 September 2010
Author:	Cliff Frewing, Chief Executive Officer

**Summary**

The purpose of this report is to further consider the concept proposal for development of the Old Mill precinct both sides of the Narrows Bridge.

A proposal similar to this concept was considered by Council in 2006. Although a significant amount of consultation occurred at that time, the project did not progress any further. This proposal is based on the original proposal but has been modified to take into account the feedback received from the consultation and new features have been added.

The Old Mill precinct project is a bold, imaginative and exciting project that brings together a range of Historical, Cultural, Adventure and Recreational activities and experiences all based around one of the most significant industrial sites in Western Australia - the Old Mill. Limited but complementary commercial activities in the form of restaurant facilities and local tourist shops would supplement the historical, cultural, adventure and recreational activities on site.

Civic facilities would also be provided and include a City Gallery / Museum which would be integrated with tram accommodation. A tram that formerly ran from the Perth to South Perth is currently in the final stages of restoration at Whiteman Park and will be the focal point of this building.

The Old Mill has a history that goes back to the early 1830's and the site is rich in historical significance for both the local indigenous community and European settlement.

Proposed adventure and recreational tourism opportunities identified in this concept build on those activities that already exist which include jet ski, "sea biscuit" water skiing and para sailing activities. New "adventure" tourism activities include a proposed flying fox from Kings Park and a more direct cycle / pedestrian route to Kings Park.

Council last formally considered this proposal in August 2009 and resolved to seek legal advice on the proposed framework involving the National Trust. In addition, a significant amount of preliminary consultation with relevant statutory and other involved agencies has occurred.

The purpose of this report is to propose that the elements of the proposal be endorsed in principle for the purpose of conducting community consultation.

## **Background**

### **(a) Tram Restoration Project**

At its meeting in July 2009, Council considered a report on the South Perth Tram Restoration Project which is being carried out for the South Perth Historical Society by the Perth Electric Tramways Society at Whiteman Park. The purpose of the report was to identify and confirm a location for the restored tram. After consideration was given to a number of alternative locations, Council resolved:

*That Council endorses the Old Mill site being the preferred site for the location of the Tram.*

The most appropriate location for the restored Tram within the site area is considered to be on the road reserve in the centre of the bus turnaround area immediately to the south of the entrance to the Old Mill site. The Tram would need to be accommodated in a weather proof building and the project concept envisages that this building will be incorporated into a larger Gallery / Museum at a later stage.

### **(b) Old Mill Precinct proposal**

In June 2009 a reinvigorated proposal which became known as the "Old Mill precinct development proposal" was presented to a Council Briefing. The proposal involved the creation of a special interest and unique central tourist precinct which would promote *Historical, Cultural, Adventure and Recreational tourism* at a very significant site being the peninsula area of South Perth.

On the eastern side of the Narrows Bridge, the project involves restoring the Old Mill, building a museum and art gallery (incorporating the newly refurbished tram house), restaurant, cafe and tourist shops etc all of which would be constructed in complementary historical style with very specific design criteria relevant to the Old Mill and surrounds.

Adventure and Recreational activities would be located on the western side of the Narrows Bridge.

The basics of this proposal were presented to the August 2009 Council meeting for consideration and were enthusiastically received. At that meeting Council resolved as follows:

*That....*

- (a) *Lawrence Associates Architects be advised that Council is impressed with the visionary nature of the concept proposal presented to the Council on 17 June 2009; and*
- (b) *prior to giving further consideration to the concept proposal:*
  - (i) *legal advice be sought on the legal implications of such a proposal; and*
  - (ii) *comment be sought on the concept proposal from other relevant statutory agencies including but not limited to National Trust, Heritage Council, Swan River Trust, Main Roads Western Australia, Department of Environment and Conservation and Telstra.*

More recently, a Council Briefing was held on 31 May 2010 where a progress report and overview of the Old Mill Concept Plan was re-presented together with details of the preliminary legal advice received and the consultation already carried out with State Government agencies and consultation yet to be carried out.

#### **Comment - Tram**

The tram is undergoing final stages of restoration at Whiteman Park by the Perth Electric Tramway Society in conjunction with the South Perth Historical Society. It is anticipated that the tram will be available for relocation early to mid 2011.

The most suitable location for the tram accommodation is for it to be part of a proposed Gallery / Museum located to the south of the Old Mill. The tram would be located initially in a stand alone building on what is now the grassed bus turnaround area but would eventually be incorporated into the larger building.

The existing bus turnaround area may still be used by buses and other vehicles in the short term until such time that the Gallery / Museum is built.

Comments on the zoning and other statutory implications of the proposed land uses are provided later in this report, under "Policy and Legislative Implications".

**Attachment 10.0.1(b)** shows the location of the proposed tram accommodation in the bus turnaround area.

#### **Comment - The Old Mill Precinct Concept Proposal 2010**

The proposal is based on an earlier proposal considered by Council several years ago but which was abandoned for a number of reasons. Significant work had already been conducted on the earlier proposal and as a result of the extensive community consultation at the time, the current plans have been modified to take into account major issues raised during that consultation. Concerns raised centred around the height and location of buildings and the extent of commercial development proposed on the site. These issues have been addressed in current plans which are shown on **Attachments 10.0.1(c)**.

The initial proposal involved the consolidation of all vested land in the vicinity of the Old Mill site into one Crown Land parcel and transferring that parcel to the National Trust to coordinate development. The City's interests would be protected by entering into a Management Agreement with the National Trust which would detail obligations and responsibilities of each party with the objective of facilitating development in accordance with an agreed plan. Amongst other reasons, the National Trust, because of its status has the capacity to attract donations from the private sector which have taxation benefits.

In line with the August 2009 Council resolution the City met with the CEO of the National Trust to further progress discussions and to obtain the views of that organisation on the proposal for the Old Mill Precinct project, prior to seeking the views of other State Government agencies in relation to the proposal. Also because of the unusual nature of the proposal, its complexity and the potential number of different Government Agencies involved, appropriate legal advice was sought.

The Department of Regional Lands and Development have previously advised the City that it is supportive of the proposed development in principle and that there are alternative mechanisms that could be put in to place to accommodate the proposed development. They have indicated that the only perceived difficulties for the proposed development may arise in relation to the mooring as they involve liaison with the Swan River Trust.

There are two basic options available to Council to facilitate development of this proposal, being the reserves being converted to Crown Land with a long term lease being granted by the State to either the City of South Perth or the National Trust. Whilst there are advantages in transferring the land to the National Trust which would act as a vehicle to facilitate development, the City could also facilitate development of the site by retaining control of the land. There are advantages and disadvantages to both options and these will continue to be explored in the coming months as consultation occurs with our community (subject to Council adopting the recommendations contained in this report). The Department of Regional Lands and Development have indicated that it would be prefer any lease being granted to the City in the first instance. The grant of such a lease would permit the carrying out of the commercial components of the proposed development which could not otherwise occur if the reserves were simply left in their current form. Which organisation controls the land is not seen as an important issue for community consultation purposes at this time - the land tenure issue can be resolved over the coming months.

The project also involves restoring Millers Pool to close to its original shape and opening the pool to the river (as it was originally open to the river) with a pedestrian bridge connecting the opening, and constructing a boardwalk jetty into the pool on the same axis as the spur channel that was originally excavated up to the Mill and was once used to ferry flour from the Mill, through Millers Pool to Perth across the Swan River. Civic / pedestrian areas would also be constructed to allow ample community interaction with the site.

Appropriate recognition would be given to the location of Margaret Forrest's house which was demolished in 1956 to make way for foreshore beautification. Margaret Forrest was the wife of the first Premier of the State, Sir John Forrest. It is intended that the foundations of the house would be rebuilt on the exact location to form a stage on which community events.

On the western side of the Narrows Bridge, a new building would be constructed which would have some café type facilities that would primarily serve the recreational users of the site and could possibly include some form of offices which could cater for activities associated with the Swan River. The roof of this building could be the base for an imaginative “flying fox” proposal which would operate on a gravity basis from Kings Park. The roof of the building could also be the connection of a new pedestrian pathway leading directly to Kings Park.

Further, the project involves construction of a number of boat mooring pens and jetty to the west of the Narrows Bridge to accommodate a ferry stop which would provide alternative means of access to the site.

Also attached to this report is a more detailed history and summary of the components of the project at **Attachment 10.0.1(a)**.

### **Consultation**

In order to progress the Old Mill precinct concept informal consultation has been carried out with numerous State Government agencies and other related stakeholders in relation to the Old Mill Concept Plan as detailed in the report. The objective of this informal approach was to ascertain if there were any major obstacles (or “fatal flaws”) that needed to be addressed in the concept.

Apart from some informal reservations by staff of the Swan River Trust in connection with the mooring pen component of the proposal as the project involves its land (the river), the overwhelming response received to date has been extremely positive by all those agencies contacted.

The State Government and other stakeholders consulted for informal response are as follows:

- > Aboriginal Groups - (Sovereign Whadjuk and South West Aboriginal Land and Sea Council)
- > City of Perth
- > Committee for Perth
- > Department of Lands and Regional Development
- > Department of Planning
- > Department of Premier and Cabinet
- > Department of Transport (Marine Safety)
- > Heritage Council
- > Local State & Federal politicians
- > Lotteries WA
- > Main Roads Western Australia
- > National Trust of WA
- > Perth Waterfront Authority
- > South Perth Historical Society
- > Swan River Trust
- > Telstra
- > Tourism WA
- > WA Planning Commission

At this stage discussions have not yet been held with the Kings Park Board, but they are scheduled to occur on 1 October 2010.

The legal advice has indicated that there is no impediment to progressing development either through the National Trust or by the City in conjunction with other organisations.

The approval process however, because of the sheer number of State Agencies involved will be extensive and time consuming. In this instance it is thought that the most appropriate course of action is to initially seek the approval 'in-principle' of the Department of Premier and Cabinet. This approval could be achieved in conjunction with the proposed local community consultation process or immediately following .

To date, no formal community consultation has been undertaken by the City in relation to this version of the concept. This will be required and it is proposed that the project be publicised locally for community comment. Should the concept proposal ultimately proceed, a formal development application will need to be made to the Swan River Trust and possibly other relevant agencies.

**Catalyse community perceptions survey**

As part of the Catalyse customer survey recently conducted, the following specific question was asked in relation to the Old Mill:

*Do you see a need to restore and develop the Old Mill Site in South Perth?*

The response to this question was as follows:

Yes 78%  
 No 12%  
 Unsure 10%

Based on the survey results therefore there is a strong community demand to develop the Old Mill Precinct site. The community responses (multiple responses allowed) identified a range of facilities and activities that they would prefer to see, including:

Museum / exhibition centre / information centre 53%  
 Café / Restaurant 39%  
 Public open space / playground 32%  
 Restoration of Old Mill 17%  
 Shop (souvenirs / tourist) 11%

All of these facilities and activities have been provided in the Old Mill Precinct Concept Plan.

**Policy and Legislative Implications**

(a) The land involved is Crown land vested in the City as follows:

	<b>Title</b>	<b>Purpose</b>
1	Reserve 37594 LR Vol 3043 Fol 251 Lot 921 on Deposited Plan 214831	Park and Recreation
2	Reserve 20804 LR Vol 3127 Fol 182 Lot 818 on Deposited Plan 209789	Public Recreation
3	Reserve 20804 LR Vol 3127 Fol 183 Lot 833 on Deposited Plan 34516	Public Recreation
4	Reserve 37593 LR Vol 3043 Fol 252 Lot 922 on Deposited Plan 214831	Park and Recreation
5	Reserve 33804 Vol 3119 Fol 157 Lot 920 on Plans 14831 and 14832	Recreation
6	Portion of road reserve	Local Road

A change in the vesting in respect of one or more of the above parcels may be required. It is possible that an amalgamation of some or all of the vesting orders will also be required. Approval will also be necessary to lease portions of the land for commercial purposes.

(b) *Heritage Act*

- The Old Mill is included in both the State Heritage Register and the City's Municipal Heritage Inventory.
- Approved Conservation Plan prepared by Ron Bodycoat in 1993 which will require updating.
- The Heritage Council granted approval for restoration work on the Old Mill in December 1996 and 2009.
- The 'adaptive reuse' heritage proposal can only proceed with the endorsement and approval of the Heritage Council.

(c) *Swan River Trust Act*

- This land forms part of the Swan River Trust management area and therefore the proposed development is subject to decision-making authority of the Swan River Trust, who in turn make a recommendation to the Minister for the Environment.
- Swan River Trust will have regard to key considerations, including but not limited to:
  - The recommendations of the City of South Perth
  - Consistency with Swan River Trust policy on foreshore development within the river system
  - Public access
  - Scale and form of construction
  - Acid sulphate soils
  - Re-establishment of original shoreline and re-vegetation
- Swan River Trust will also undertake community consultation prior to making a decision.
- Swan River Trust will also give special consideration to the boat moorings and jetty before deciding whether or not to approve these components of the project.
- The City will have a formal opportunity to comment on the development application when referred to the City by the Swan River Trust.

(d) *Land Administration Act*

The Precinct includes a portion of local road (the bus turnaround). The initial proposal to accommodate the tram in this location does not require implementation of road closure action. However, prior to approval of the subsequent construction of the City Gallery / Museum building partly located on this land, road closure action will be required under section 58 of the *Land Administration Act*.

(e) *Metropolitan Region Scheme*

With the exception of the local road reserve (bus turnaround), all land parcels within the Precinct are reserved for Parks and Recreation purposes under the Metropolitan Region Scheme. It appears that the proposed land uses and works are consistent with the Parks and Recreation reserve classification. As previously stated, the Swan River Trust (and the relevant Minister) will need to approve the development application.



- (f) *City of South Perth Town Planning Scheme No. 6*  
As previously advised, the bus turnaround area is reserved for Local Road purposes under TPS6. The initial proposal to accommodate the tram in this location does not require an amendment to TPS6. However, the subsequently proposed City Gallery / Museum building will require appropriate amendments to TPS6 and the Metropolitan Region Scheme.
- (g) *Local Government Act*  
Section 3.58 relating to Disposal of Land is relevant to this proposal. Land being transferred from the City to the Crown by relinquishing vesting status is exempt from the need to follow a statutory process. Local public notice of the proposal is not required to be given. However, this does not avoid the need for community consultation as part of this project. The community consultation would be conducted during the balance of the year. It would be desirable for the City's and the Swan River Trust's community consultation to be synchronised.
- (h) *National Trust Act*  
One option is to transfer the land to the National Trust to facilitate development. It is too premature to identify any particular issues associated with this option at this early stage but early legal advice suggests that there are no legal impediments in transferring the land to the National Trust to facilitate development.
- (i) *Other Acts*  
There are likely to be many other legal compliance requirements associated with this development, however the main areas of legal compliance have been identified above.
- (j) *Leases*  
It would be necessary to enter into some lease arrangements in respect of land on which the commercial buildings would operate. The conditions of the leases would need to be determined at a later stage but an important aspect is the term of the leases - which would reasonably be expected to be in the region of 50 years.

The City will have a formal opportunity to comment on the development application by referral from the Swan River Trust.

### **Financial Implications**

Current operating costs for the Old Mill are estimated at approximately \$40,000 per annum based on average expenditure over the past 5 years. Current average revenue from visitor donations is small at approximately \$2,600 per annum and reflects the low current interest by visitors in the site. In regard to funding sources and operational costs, the following comments are provided:

(a) **Principal sources of funding**

The final financial model to be used has not yet been determined but it is likely that funding would be provided from a collaboration of sources including:

- Commonwealth agencies;
- State agencies (such as Main Roads WA);
- City of South Perth;
- Lotteries Commission;
- Telstra; and
- private contributions.

**(b) Possible Additional Funding - National Trust**

There is also a possibility that the National Trust could be involved in the development and a summary of its potential involvement follows:

*The National Trust Act* allows for special Funds to be established to benefit projects of the kind under consideration and other local historical initiatives. In this regard, a Charity Appeal Fund was established a number of years ago and private donations have been made. No disbursements from this Fund have yet been approved, but allocation would be made to fund specific components of the project.

Following completion of construction of the project, a City of South Perth Heritage Appeal could be established and this would also attract private donations as well as an annual contribution from the project. It is envisaged that this fund would be managed by a committee with representation from the National Trust, City of South Perth, South Perth Historical Society and project owner. Guidelines for disbursement would be established by the National Trust and the Fund would be able to make donations to local historical projects within the City.

At this stage there is no commitment to progress in this direction and would be the subject of further research and investigation.

**(c) Future Operational Costs and Maintenance Issues**

Costs directly associated with the proposal are unknown at this time. It is reasonable to assume however that costs may be incurred in connection with:

- seeking professional advice;
- conducting research, investigations and community consultation;
- improvements to community assets and infrastructure; and
- future operational costs.

Future costs are therefore yet to be determined and will be dependant upon the model ultimately approved by Council.

Costs associated with the operation of the Old Mill and other civic areas are likely to be incurred. Operational costs would be incurred with the operation the Gallery / Museum but costs would be incurred regardless of where the Gallery / Museum would be located. It is possible that additional maintenance costs would be incurred in relation to Millers Pool but these would not necessarily be significantly greater than those currently incurred at the existing area containing Millers pool as it currently is.

Revenue would also be derived from the site and would include income from land rent on which buildings and other commercial operations are located. Whilst the State would reasonably wish to retain a share of the rent (since it is State land), it is believed that this could be deferred for up to 20 years or so. The revenue derived from rent could be used to fund loans raised to initiate capital construction of components of the project.

Positive financial implications would also be reasonably anticipated from operations of the 'flying fox' if this venture eventuated as well as rent from the café and offices located on land on the western side of the Narrows.

**Strategic Implications**

This project fosters a sense of community by increasing appreciation of South Perth's heritage and aligns with the City's Strategic Direction 4 "Places" - *Plan and develop safe, vibrant and amenable places*. In particular Strategic Direction 4.3 states: *Engage the community to develop a plan for activities and uses on and near foreshore areas and reserves around the City*.

Corporate Plan, action 4.1.1. states: *Progress the Old Mill Precinct Redevelopment*

**Sustainability Implications**

This project assists in providing a tangible link with the City's past and is a celebration of its history in the community of South Perth.

The City, through its Sustainability Policy and Strategy, is committed to ensuring that developments are considered with adaptations to the impacts of climate change. Notably for the proximity of this development, the major climate change impacts are likely to be sea/river level rise and storm surge.

Through the Sustainability Strategy, the City is committed to ensure that a Sustainability Assessment approach be applied to development proposals, in particular, the community consultation element and the procurement / tendering process. A successful demonstration of a Sustainability Assessment approach was recently applied to the planting of extra trees on the Sir James Mitchell Park.

In addition, the application of Ecologically Sustainable Development (ESD) principles be applied to the built elements of the development, to ensure the buildings are 'future fit'. The ESD principles include energy and water efficiency, waste reduction, materials use, the consideration of sustainable transport, and others.

**OFFICER RECOMMENDATION ITEM 10.0.1**

That....

- (a) Council endorse the Old Mill Precinct proposal in principle for the purpose of conducting community consultation; and
- (b) the City commence community consultation with residents for a period of at least 45 days to obtain feed back on the proposal and a further report be prepared for Council consideration at the conclusion of the consultation process.

**OFFICER RECOMMENDATION**

The Mayor called for a mover of the officer recommendation at Item 10.0.1. The officer recommendation Lapsed.

**MOTION**

Moved Cr Grayden, Sec Cr Skinner

That the officer recommendation be amended at part (a) by replacing the words '*in principle*' with the word '*solely*' after the word *proposal* in the first line with part (b) remaining unchanged.

- (a) Council endorse the Old Mill Precinct proposal solely for the purpose of conducting community consultation.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Grayden point of clarification – in relation to part (b) of the recommendation, ask that the CEO explain the consultation process proposed for this project.

The Chief Executive Officer said that because this is a major project involving a wide range of government departments and has generated a lot of interest, that a fairly comprehensive consultation plan has been set up. The consultation plan will cover:

- Immediate media releases being issued;
- Letter / brochure mail out to residents and ratepayers in the Peninsular area;
- Erecting signs at the Old Mill site with artist renderings of proposed redevelopment;
- A Postcard drop for a November Information Day to residents and ratepayers in the area;
- Organising an Information Day in November 2010, to be held on the proposed redevelopment site; develop info packs (consisting of kit folders with info sheets);
- Developing a prospectus brochure for ongoing State Government agency consultation
- Organising a media briefing session with Tristan Lavalette (Southern Gazette newspaper) and Beatrice Thomas (The West Australian newspaper) on the project and issue media release on the Information Day – arrange for article in Wednesday West Australian Property section;
- Organising 6PR interview with Mayor James Best to discuss project;
- Advertising via website, Peninsula Snapshot and Peninsula Summer Edition;
- Launch City of South Perth Facebook page, and set up online forum for people to discuss the project; and
- Discussing the project with nearby property owners, including Body Corporates.

Cr Grayden opening for the Motion

- Council has not had the benefit of considering alternative proposals for the Old Mill Precinct.
- significance of the Old Mill Precinct to the City and indeed the State warrants a significantly greater level of community consultation than would otherwise be required
- until such time as community response to the proposal is received and considered it is premature for Council to endorse the proposal, either in principle or otherwise.
- once we have community consultation/feedback we can move forward.

AMENDMENT

Cr Trent moved that the word ‘*residents*’ in the first line of part (b) be replaced with the words “*all of the residents of the City*”.

The Amendment Lapsed for want of a Secunder.

LAPSED

Cr Grayden closing for the Motion

- original amendment put forward included ‘City-wide’ consultation
- satisfied now that the consultation, as indicated by the CEO, will go further than that
- significance of site warrants this level of consultation
- ask Members support Motion

**COUNCIL DECISION ITEM 10.0.1**

The Mayor Put the Motion

That...

- (a) Council endorse the Old Mill Precinct proposal solely for the purpose of conducting community consultation; and
- (b) the City commence community consultation with residents for a period of least 45 days to obtain feed back on the proposal and a further report be prepared for Council consideration at the conclusion of the consultation process.

CARRIED (9/0)

Reason for Change

Part (a) was amended as Council were of the view that the proposal should only be endorsed solely for conducting advertising at this stage and considered it too premature to endorse the proposal in principle or otherwise.

**10.0.2 Proposed Amendment No. 24 to Town Planning Scheme No. 6 – Additional Use ‘Office’ Lot 5 (No. 52) Manning Road, Como (Item 10.3.7 referred August 2010 Council meeting)**

Location: Lot 5 (No. 52) Manning Road, Como  
 Applicant: Whelans (WA) Pty Ltd on behalf of the landowner, Mr J Winspear  
 File Ref: LP/209/24  
 Date: 3 September 2010  
 Author: Michael Willcock, Senior Strategic Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

At its meeting on 24 August 2010, Council resolved to initiate Scheme Amendment No. 24 (Amendment 24) to the City of South Perth Town Planning Scheme No. 6 (TPS6). The purpose of Amendment 24 is to include ‘Office’ as an Additional Use for Lot 5 (No. 52) Manning Road, Como. As per Council’s resolution from August, the applicant has prepared the formal Scheme Amendment documents (Amendment report).

For the purpose of advertising, Council is requested to adopt the Amendment report containing the draft text of Amendment 24.

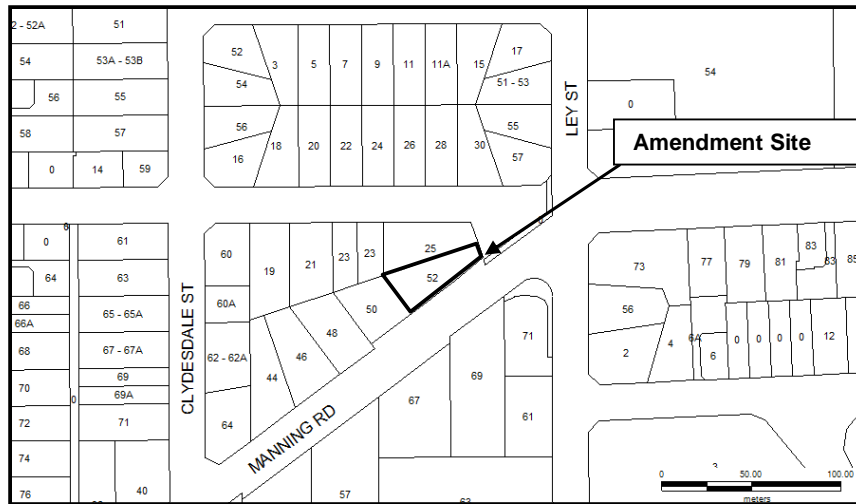
**Background**

At that meeting, Council resolved to initiate the Amendment and invited the applicant to prepare and submit the formal Scheme Amendment documents. The amendment report is included in the agenda as **Attachment 10.0.2**. That report describes and explains the purpose of the amendment.

The Amendment site details are as follows:

<b>Current zoning</b>	Residential (current zoning will not change)
<b>Current density coding</b>	R20/30 (current coding will not change)
<b>Lot area</b>	914 sq. metres
<b>Building Height limit</b>	7.0 metres (current height limit will not change)
<b>Existing development</b>	Single House
<b>Development potential</b>	One single house. Note: The R20 coding prevails. It is not possible to meet the required minimum of 8 Performance Criteria in order to qualify for the R30 density development.

The location of the Amendment site is shown below:



**Comment**

The Amendment 24 report as **Attachment 10.0.2** discusses the rationale for the proposal.

The principal purpose of the Amendment is to facilitate ‘office’ use on the subject site. The current ‘Residential’ zoning and density coding of R20/30 will remain unchanged. Officers understand that it is the intention of the landowner to utilise the existing building for their business.

The key elements of the Amendment are the plot ratio controls and the requirement for the site to maintain a residential character.

The calculation of plot ratio for an ‘office’ will be in accordance with TPS6 for non-residential land uses. The proposed plot ratio for the site is calculated by adding 20% to the existing floor area of the dwelling, which has been calculated to be 126 sq. metres. This calculation permits an ‘office’ building with a plot ratio of 0.17, which is the equivalent of approximately 155 sq. metres net lettable area.

The proposed ‘office’ plot ratio will allow for sufficient car parking on site and the opportunity for extensive landscaping. Amendment 24 will permit a marginal increase in the scale of development on site.

The requirement for maintaining a residential character will regulate the physical appearance of the ‘office’. It will be necessary for a development application to demonstrate to the City that the residential character of the area is being maintained.

Through the plot ratio control and the requirement to maintain a residential character, Amendment 24 introduces suitable mechanisms to minimise amenity impacts to neighbouring residents. The proposal will otherwise contribute to the variety and mix of land uses within the precinct.

**Consultation**

As advised in the report to the August Council meeting, the City’s Engineering Infrastructure Department has been consulted regarding the effect of the proposed land use on traffic movement. The advice obtained was that any resultant traffic movements will be manageable without disruption to through-traffic.

The August report further advised that community consultation has not yet been undertaken. However, a full explanation was contained in that report regarding the consultation that will be implemented following the September Council meeting if the draft Amendment is adopted for advertising.

#### **Policy and Legislative Implications**

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*.

Planning Policy P355 *Consultation for Planning Proposals* will be used in conducting the public advertising of the amendment.

Public advertising of Amendment 24 will commence upon receiving favourable assessment and advice from the Environmental Protection Authority.

The August Council report contained a schedule setting out the estimated time frame for the remaining steps in the Scheme Amendment process.

#### **Financial Implications**

The issue has some impact on this particular area, to the extent of payment of the required Planning Fee by the applicant in accordance with the Council's adopted fee schedule. The current fee schedule is based on hourly rates for each officer involved in the processing of the Amendment and other associated costs incurred by the City which are required to be reimbursed by the applicant. The applicant will be invoiced following the Council's initial resolution deciding to amend the Scheme. An estimated fee of \$8,000 is proposed. As usual, any amount of the fee not consumed by the hourly rates will be refunded to the applicant, at the conclusion of the statutory Scheme Amendment process.

#### **Strategic Implications**

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's Strategic Plan 2010-2015 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**

Currently, there is an unfavourable ratio of employment to population within the City of South Perth. Amendment 24 will make a small contribution towards increasing employment opportunities in the City. To this extent, Amendment 24 will have positive sustainability implications.

#### **Conclusion**

If Scheme Amendment No. 24 is ultimately approved by the Minister, it will make a positive sustainability contribution without adverse amenity impact on the neighbouring locality. This is a small scale proposal which is worthy of support for the reasons outlined in the attached Amendment report.

Following Council's August decision to initiate the Scheme Amendment process, the adoption of the Amendment report containing the draft text of Amendment No. 24 is the next step in the statutory process. That report at **Attachment 10.0.2** is consistent with Council's previous resolution on this matter.

After the September meeting, the draft Amendment will be forwarded to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for information. Following receipt of a response from the EPA, the City will prepare the Amendment for public advertising.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.0.2**

That...

- (a) the Report on the Amendment containing the draft Amendment No. 24 to the City of South Perth Town Planning Scheme No. 6 at **Attachment 10.0.2** be adopted for advertising;
- (b) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 24 be forwarded to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*;
- (c) Amendment No. 24 be forwarded to the Western Australian Planning Commission for information;
- (d) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment 24 be implemented in accordance with the *Town Planning Regulations 1967* and the City's Planning Policy P355 *Consultation for Planning Proposals*; and
- (e) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 24:

**FOOTNOTE:** This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision.

CARRIED EN BLOC RESOLUTION

**10.0.3 Review of a Condition of Planning Approval for Proposed Four Grouped Dwellings within a 4-Storey Building - Lot 2 (No. 12) Coode Street, South Perth (Item 10.3.2 May 2010 Council meeting refers)**

Location:	Lot 2 (No. 12) Coode Street, South Perth
Applicant:	SS Chang Architects
Lodgement Date:	2 July 2010
File Ref:	11.2010.348 (Review of 11.2009.542) CO6/12
Date:	1 September 2010
Author:	Cameron Howell, Statutory Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

**Summary**

Council conditionally approved a 4-Storey Grouped Dwelling development on Lot 2 (No. 12) Coode Street, South Perth at the 25 May 2010 Council meeting. The applicant has since applied for reconsideration of a condition of planning approval by Council, specifically for its removal.

The condition relates to the reduction in the height of the screen walls so as to bring them within the building height limit.



It is recommended that the proposal be approved subject to an amendment to the applicable condition of approval, by allowing 1.6 metre high screens. The small portions of these screens that will project outside the building height limit can be accepted as minor projections.

**Background**

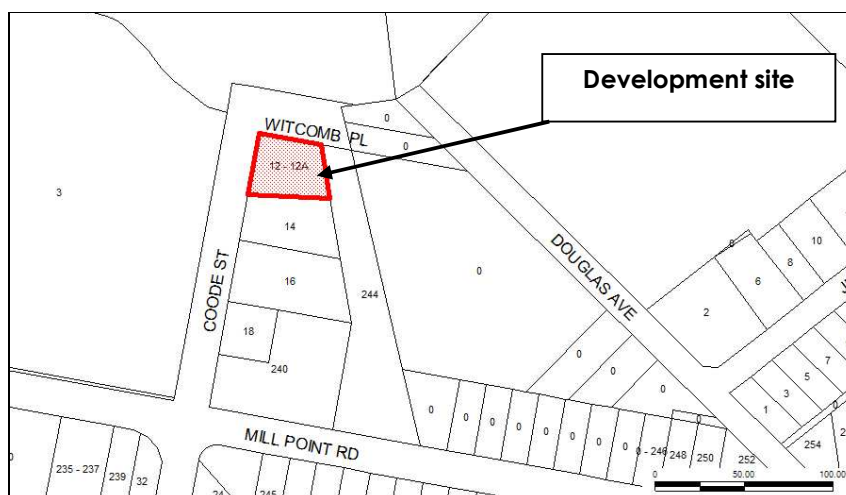
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R50
<b>Lot area</b>	1,304.0 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	7 Dwellings
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.0.3(a)** Relevant plans of the proposal.
- Attachment 10.0.3(b)** Notice of determination / application 11.2009.542.
- Attachment 10.0.3(c)** Applicant’s supporting report.

The location of the development site is shown below:



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

- 4. Matters previously considered by Council**  
*Matters previously considered by Council where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*

**Comment**

- (a) Background**  
 In December 2009, the City received an application for a 4-storey building incorporating four grouped dwellings on Lot 2 (No. 12) Coode Street, South Perth (the site). Council conditionally approved the development at the Council meeting held on 25 May 2010; (refer to Item 10.3.2 of 25 May 2010 Council meeting Minutes). The notice of determination for that application is included as **Attachment 10.0.3(b)**.

In accordance with Clause 7.9(7)(a) of TPS6, the applicant submitted a letter in July 2010, **Attachment 10.0.3(c)** refers, requesting that Condition 17 of approval be reconsidered by Council. This letter also provides the applicant's justification supporting the deletion of the condition from the previously granted planning approval. Condition 17 of approval states the following:

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

- (i) Privacy screens to be positioned so as not to project outside the building height limit as referred to in Clause 6.2 of TPS6.”*

In addition, important note 2 of the notice of determination states the following:

*“It is necessary for revised drawings to be submitted prior to, or in conjunction with the Building Licence application as identified in Condition (17), prior to the assessment of the working drawings.”*

The privacy screens referred to in the above condition are located on the northern side of the third floor of the building. The 2.4 metre high screens are to be provided between the roof terraces/balconies of each dwelling within the development. **Confidential Attachment 10.0.3(a)** identifies the location of the privacy screens on the proposed building. These screens were previously considered to be exceeding the building height limit. The condition was incorporated so that the development was contained within the site's 10.5 metre building height limit.

**(b) Building height**

The building height limit is 10.5 metres and the proposed building height is 10.5 metres. The condition of approval was included so that the privacy screens did not exceed the building height limit. If the condition is deleted, the proposed development does not comply with Clause 6.2 “Building Height Limit” of TPS6. The 2.4 metre high screens as proposed, are not considered to be a minor projection and therefore are not exempt from the building height limit, in accordance with Clause 6.2(1)(b)(v)(D) of TPS6.

It is recommended that the height of the screening be reduced to be 1.6 metres above the third floor roof terrace floor level, the minimum height required by the R-Codes for screening. As the portion of the 1.6 metre high screen located outside of the notional 25 degree hip roof shape will be constructed at the most 0.4 metres outside of the building height limit, it is recommended that the 1.6 metre high screen be considered as a minor projection.

**(c) Visual privacy setbacks - Internal**

The R-Codes do not require screening between active habitable spaces of grouped dwellings on the same site. Whilst screening on the roof terrace/balcony between each grouped dwelling is not required, it is desirable for the occupants of the building for screening to be provided.

The minimum height for screening is 1.6 metres above the floor level of an active habitable space. As stated in Section (b) above, it is recommended that the condition of planning approval be amended to approve a 1.6 metre high screen, resulting in up to 0.4 metres of the screening being constructed outside of the building height limit.

**(d) 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 to amend the condition is considered to broadly meet the following objective:

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

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

In considering the application, 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 Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance; and*
- (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.*

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

**Consultation**

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

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

DAC Comments	Applicant's Response	Officer Comment
The architects supported the proposed design and height of the privacy screens and noted that they formed an essential component of the overall design of the development.	The privacy screens are a very important aesthetic feature of the architectural design.	The comment is <b>NOTED</b> . The officer recommendation to reduce the height of the screens from 2.4 metres to 1.6 metres will assist in maintaining the aesthetics of the building and visual privacy between the grouped dwellings by assessing the portions of the screens outside the building height limit as minor projections.
The architects observed that the portions of the screens outside the prescribed building height limit and associated notional 25 degree roof pitch will not have an adverse impact upon the streetscape character.	No comments received.	The comment is <b>NOTED</b> . Refer to the comment above.

**(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". No neighbour consultation is required for this application.

**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, except for that the applicant may decide to appeal the removal of the condition which will allow the screens to be constructed to a height of 2.4 metres as proposed.

**Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within the 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 proposed amendment to the screen wall height will not have any adverse sustainability impact.

**Conclusion**

The applicant has requested removal of Condition 17 which will allow the screens to be constructed to a height of 2.4 metres. Instead of the removal of the condition, officers recommend that this condition be amended to allow 1.6 metre high screen walls.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3</b></p>
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Moved Cr Cala, Sec Cr Trent

That consideration be given to revoking Specific Condition (b)(i)(A) at Item 10.3.2 insofar as it relates to the Minutes of the Council Meeting dated 25 May 2010 as follows:

**(b) Specific Condition**

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

- (A) Privacy screens to be positioned so as not to project outside of the building height limit as referred to in Clause 6.2 of TPS6.

CARRIED (9/0)

And By Required One Third of Members

Moved Cr Trent, Sec Cr Cala

That Specific Condition (b)(i)(A) at Item 10.3.2 insofar as it relates to the Minutes of the Council Meeting dated 25 May 2010 be revoked and replaced with Specific Condition (b)(i)(A) as follows:

**(b) Specific Condition**

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

- (A) The privacy screens on the northern side of the third floor are to be reduced in height to be 1.6 metres above finished floor level. The portions of these screens outside of the building height limit will be accepted as minor projections."

CARRIED (9/0)

And By Required Absolute Majority

<b>10.0.4 Parking Permit Consideration for Ratepayers/Electors in Commercial and Business Precincts</b> <i>(Item 10.0.3 referred Council Meeting 15.12.2009)</i>
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Location: City of South Perth  
Applicant: Council  
File Ref: TT/905  
Date: 7 September 2010  
Author: Vicki Lummer, Director Development & Community Services  
Reporting Officer: Chief Executive Officer

**Summary**

The current parking controls in the business precinct have been in place for 12 months and this report contains a review of the controls.

**Background**

During 2008, a South Perth Station and Peninsula Area Parking Study was undertaken by Uloth and Associates, which resulted in a report dated 22 January 2009.

Council considered the recommendations of this report at its February 2009 meeting and resolved as follows:

*That Council adopt the following parking restrictions:*

- (a) **Peninsula Precinct** - a four hour limit time restriction be introduced at the Jet Ski Area car park and the Narrows Bridge car park between the hours of 8.00 am to 6.00 pm Monday to Friday;
- (b) **Business Precinct**
  - (i) *paid all day parking be introduced at the Richardson Street car park and Richardson Street between the hours of 8.00 am to 6.00 pm Monday to Friday;*
  - (ii) *a two hour limit time restriction be introduced on the southern side of all streets between Judd Street and Charles Street between the hours of 8.00 am to 6.00 pm Monday to Friday;*
  - (iii) *paid all day parking be introduced on the northern side of all streets between Judd Street and Charles Street between the hours of 8.00 am to 6.00 pm Monday to Friday;*
  - (iv) *free restricted timed parking be introduced at the Amherst Street and Sports Club car park for a time period of six hours between the hours of 8.00 am to 6.00 pm Monday to Friday.*
- (c) **Commercial Precinct**
  - (i) *parking at the South Perth Esplanade car park be modified to permit parking between the hours of 8.00 am to 6.00 pm Monday to Sunday up to six hours; the first two hours free with paid parking for periods greater than two hours; and*
  - (ii) *all day paid parking at the Windsor Hotel car park under City control be introduced at the same rates as the balance of the car park not under the City's control, ie \$2.50 per hour with a maximum daily charge of \$10.*

This resolution differed substantially from the recommendations made by the consultants.

At the July 2009 Council Meeting, a Notice of Motion was presented which stated as follows:

***That in relation to the introduction of paid parking in several areas of the Commercial and Business Precincts of the Peninsula area, the matter of providing ratepayers / electors in the area bounded by the south side of Richardson Street, Labouchere Road, Melville Parade and Judd Street with parking permits be the subject of a report to the August Council meeting.***

As a result of the above Notice of Motion, a report on the subject was prepared for the August 2009 meeting of Council. There was considerable discussion on the report relating to the consideration of introducing parking permits for Ratepayers/Electors in Commercial and Business Precincts.

The officer's recommendation in the report was:

***That Council not proceed with the implementation of a parking permit arrangement for ratepayers / electors at this stage until an adequate period of at least 12 months has lapsed from the implementation date of the parking changes to consider all ramifications of the parking arrangements as approved in February 2009....***

Council resolved as follows:

***That....***

- (a) the officer recommendation not be adopted;***
- (b) Council supports in principle a Parking Permit system; and***
- (c) a policy for implementing parking permits within the City be developed and presented to the first available Council meeting.***

Following the August meeting of Council, a workshop was conducted on the 14 September 2009 with relevant City staff and the Traffic Management Compliance Manager from the City of Perth to research this matter with a view to providing Councillors with information to assist them in considering this matter at a later date.

The Workshop provided City officers with an insight into what other local governments are currently providing their residents and the operational and financial implications of their permit systems. Comprehensive and detailed "Workshop Notes" were developed after the workshop and circulated to the Operational Management Team, Executive Management Team and Councillors seeking further comments and input, prior to preparing and presenting a Briefing/Workshop to Councillors on 11 November 2009.

In December 2009, Council again considered the subject of parking permits in the Commercial and Business Precincts and resolved as follows:

***That.....***

- (a) a report be provided to Council after a 12 month review of the current parking arrangements recommending any necessary changes to parking controls in the Business Precinct, having regard to the information gathered during the preceding 12 months; and***
- (b) parking issues at Canning Bridge Train Station Precinct, Preston Street Shopping Precinct and George Burnett Leisure Centre be dealt with by control measures introduced under delegated authority.***

The 12 months since the current parking arrangements were implemented has concluded and the review is the subject of this report.

**Comment**

**(a) Complaints**

Upon installation of the parking controls approved by Council in February 2009, a number of complaints were received by the City. The issues and approximate number of complaints is outlined in the table below.

<b>Date Received</b>	<b>Issue</b>	<b>Submissions</b>
May 2009 July 2009	Objects to Zoo visitors having to pay for parking –Visit to the Zoo now too expensive	3
June 2009 July 2009	No consultation about changes or insufficient transition period	4
July 2009 September 2009	Mends Street – Concerned about customers – impact on business. Old Mill Theatre patrons inconvenienced	3
June 2009 July 2009 August 2009 July 2010	Permits should be introduced for ratepayers/residents/occupiers	7

Two of the major stakeholders that the City has liaised with are the Perth Zoo and the Royal Perth Golf Club. Their concerns are not raised above as the City separately resolved their issues with them. One of the major concerns that the Zoo had was that its large number of volunteers (docents) would have to pay for parking. The City was firm in its view that parking for the docents could be provided on the Zoo site.

As noted from the table, the correspondence that was received by the City in regard to the introduction of parking controls in the precinct was minimal and was confined to 2009.

This year, the City has received no complaints other than one in July 2010 and is aware through an article in the Southern Gazette on 3 August 2010 that two owners in the precinct are not happy with the parking restrictions, even after a year of implementation. These three people were vocal objectors in the first months of implementation and are included in the figures above.

**(b) Parking Restrictions**

Anecdotal evidence of parking in the business precinct suggests that the parking controls have freed up spaces generally in the precinct and that less commuters are driving to the precinct and parking. This is considered a good and sustainable outcome for the City as it reduces congestion in the precinct and allows visitors to the area to find a parking space more easily. It is considered that paying a fee for parking in this location, which is minutes from the city centre, is an acceptable requirement and is consistent with the Towns of Vincent and City of Subiaco..

Given the improved outcome and the acceptability of paid parking close to the city, it is considered that the current parking restrictions should remain unchanged.

**(c) Permits**

There was and still is a small number of owners within the business precinct who believe that permits should be implemented which would allow residential and business owners (and presumably staff members) to park all day in the current 2 hour restricted bays.

The majority of developments within the precinct have been required to provide parking on site in accordance with the requirements of the Town Planning Scheme. For commercial development this parking is for employees and customers. For residential development parking on site would be provided for residents and visitors. There may be limited sites where, for historic reasons, parking has not been provided on site. In these circumstances and for residents who buy dwellings with only one car bay knowing they have more than one car, there is unrestricted parking allowed along Melville Parade.

As this has an inner city proximity it is again considered reasonable that residents and business employees who don't have parking on site have to walk a short distance from their car to their office/residence. The maximum distance from Melville Parade to properties close to Labouchere Road is less than 300m.

Given the above it is considered there is neither a need, nor a wide call for permits to be implemented at this time. However, it is acknowledged that this could change in the future, particularly when the South Perth Train Station is constructed and operational, or when redevelopment of the precinct takes place. Both of these situations are at least 2 years away and the parking controls will be reconsidered when either situation eventuates.

**Consultation**

The consultants, Uloth and Associates conducted consultation during the study which was undertaken in 2008.

**Policy and Legislative Implications**

There are no policy or legislative implications involved in the recommendation.

**Financial Implications**

There is already a cost to ratepayers in providing a parking service. The introduction of a parking permit system, with the associated administration and staff costs, in this or other areas of the City would significantly increase this cost burden to ratepayers.

**Strategic Implications**

Controlling parking in the precinct improves the level of pedestrian amenity in accordance with Strategic Direction 5.4 and improves access and use of the precinct in accordance with Strategic Direction 5.1

**Sustainability Implications**

The current parking controls are seen as improving the sustainability of the precinct by reducing congestion and the number of cars attracted to park there. The revenue from the ticket machines increase the City's financial sustainability.



**OFFICER RECOMMENDATION ITEM 10.0.4**

That...

- (a) the current parking controls in the South Perth Business Precinct be maintained without change; and
- (b) the controls be reviewed when the South Perth Train Station is constructed and operational, or when redevelopment of the precinct takes place, whichever comes first.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.0.4. The officer recommendation Lapsed.

MOTION

Moved Cr Grayden, Sec Cr Skinner

That...

- (a) the officer recommendation not be adopted;
- (b) the City conducts further community consultation with the community on the changes to the parking controls implemented following the February 2009 report to Council after the development of criteria by Elected Members at a Briefing Session to be held in October 2010 followed by a report to Council for endorsement.

Cr Grayden Opening for the Motion

- present recommendation is primarily based on the absence of complaints received from the community during the trial period
- Councillors have actively advised community members that while a review of the current parking arrangements was being done that they should hold off making complaints
- community/Councillors unaware of criteria to be applied when conducting the review
- if criteria had been known this would likely have resulted in further complaints and submissions being received
- believe process needs to be conducted openly for benefit of residents
- ask Members support Motion.

**COUNCIL DECISION ITEM 10.0.4**

the Mayor Put the Motion

That...

- (a) the officer recommendation not be adopted;
- (b) the City conducts further community consultation with the community on the changes to the parking controls implemented following the February 2009 report to Council after the development of criteria by Elected Members at a Briefing Session to be held in October 2010 followed by a report to Council for endorsement.

CARRIED (9/0)

Reason for Change

Council were of the view criteria needed to be set prior to conducting community consultation on the parking controls within the district.

**10.0.5 Review of Policy P399 “Final Clearance Requirements for Completed Buildings”** (*Item 10.3.2 referred from February 2009 Council meeting*)

Location: City of South Perth  
Applicant: Council  
File Ref: LP/801/5  
Date: 8 September 2010  
Author: Rod Bercov, Strategic Urban Planning Adviser  
Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

This report is accompanied by Council Policy P399 “Final Clearance Requirements for Completed Buildings” which was adopted in a modified form at the February 2009 meeting.

The objective of Policy P399 is to ensure that, for any completed building within the scope of the policy, final clearance certificates are not issued until an independent licensed land surveyor as well as City officers have assessed the building and confirmed that it is consistent with the approved building licence documents and the requirements of the relevant statutes.

Policy P399 was a new initiative implemented by the City of South Perth on the recommendation of the City’s legal advisers. It is understood that this policy is the first of its kind to have been adopted by any local Council in the Perth metropolitan region. Therefore it was considered that, following an operational period of about 12 months, the Policy should be reviewed. Accordingly, at the February 2009 meeting, the Council resolved to review the policy twelve months later in light of operational experience. The need for reporting back to Council in February 2010 was overlooked; however the required report is now presented.

No issues have been experienced with Policy P399 and the Council should now endorse the continued operation of that policy.

**Background**

Attached to this report at **Attachment 10.0.5** is the final adopted Policy P399 “Final Clearance Requirements for Completed Buildings”, which is the subject of this report on a review of its operation.

At its February 2009 meeting, Council adopted the following resolution:

*That .....*

- (a) *Policy P399 “Final Clearance Requirements for Completed Buildings” Attachment 10.3.2, be adopted in its modified form;*
- (b) *for all development within the scope of Policy P399 as set out in Clause 3, the Policy is to be implemented where planning approval is issued on or after 2 January 2009; and*
- (c) *a report be presented to the February 2010 Council meeting on a review of Policy P399 in light of operational experience.*

Policy P399 applies to:

- (a) a residential development which is higher than 7.0 metres, or contains 5 or more dwellings;
- (b) a non-residential development which is higher than 7.0 metres, or has a plot ratio area of 1,000 sq. metres or greater; or
- (c) a development consisting of a mixture of non-residential and residential components incorporating any of the attributes referred to in items (a) and (b) above.

The Policy calls for the City to establish a panel of licensed land surveyors, from which developers of major buildings will select one particular surveyor. This Panel has been established and contains a list of 13 licensed land surveying firms. Further, the Policy requires affected developers to engage licensed land surveyors to undertake certain measurements of buildings during construction on a 'floor-by-floor' basis, and also measurements of the completed buildings prior to the City issuing final clearance certificates.

#### **Comment**

In order to give early notice to applicants regarding the need to engage licensed land surveyors, the following "Important Note" is included on the Notice of Determination related to the Planning Approval for affected major buildings:

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

Since the Policy has been in operation, only three development proposals have been submitted for buildings within the scope of the policy. Those developments are identified below:

- Offices at No. 3 Barker Avenue;
- Offices at No. 5 Barker Avenue; and
- Multiple Dwellings at No. 5 Ferry Street.

Only the proposal for No. 5 Ferry Street has progressed. Building Licence applications have not been submitted for the other two projects.

The building licence for No. 5 Ferry Street was issued on 28 May 2010. The conditions on the building licence make reference to the need for compliance with the related planning approval. As advised above, the planning approval contains a detailed "Important Note" about the need for the applicant to engage a licensed land surveyor.

Construction has commenced only very recently and has not proceeded beyond the earthworks. Therefore at this stage, the builder has not provided documentation regarding survey measurements on a floor-by-floor basis.

### **Consultation**

Prior to implementation, Policy P399 was publicised in the following locations:

- City's web site.
- Notice in the Local Government Notices section in one issue of *The West Australian* newspaper.
- *Southern Gazette* newspaper notice in one issue: 'City Update' column.
- Civic Centre at the front counter and on the notice-board.
- City's Libraries.

### **Policy and Legislative Implications**

In relation to final inspection of the kinds of buildings dealt with by Policy P399, the Policy enables the City to more effectively discharge its obligations. Those obligations relate to the issuing of a "certificate of local government" pursuant to section 23 of the *Strata Titles Act 1985* and a "certificate of classification" pursuant to regulation 20 of the *Building Regulations 1989* and Section 374C of the *Local Government (Miscellaneous Provisions) Act 1960*.

### **Financial Implications**

The policy does not have financial implications for the City, but imposes a new financial obligation on affected developers who are responsible for meeting the cost of engaging licensed land surveyors for multiple interim inspections and final inspections.

### **Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within the Council's Strategic Plan 2010-2015, 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.*

Policy P399 is also aligned to Strategic Direction 6 "Governance" which is expressed in the following terms: *Ensure that the City's governance enables it to respond to the community's vision and deliver its service promises in a sustainable manner.*

### **Sustainability Implications**

Policy P399 has positive sustainability implications to the extent that more rigorous inspection and certification procedures are being implemented before final clearance certificates are issued for completed buildings.

### **Conclusion**

Policy P399 is a useful tool to ensure that major buildings are constructed in the correct manner, particularly in relation to plot ratio floor area, setbacks and building height. At this stage, there has been very limited opportunity to evaluate the operational effectiveness of Policy P399. However, if significant problems are experienced at any future time, another report can be presented to enable Council to further consider its position on the continued operation of the Policy.

Having regard to the circumstances described in this report, it is considered that Council should now endorse the operation of the Policy on an ongoing basis.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5</b>
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That Policy P399 "Final Clearance Requirements for Completed Buildings" continue to be applied to all development proposals within the scope of Clause 3 therein.

CARRIED EN BLOC RESOLUTION

**10.0.6 Sir James Mitchell Park Ceremonial Flagpole Construction and Landscaping Tender** *(Item 10.3.5 August 2009 and Item 14.1 February 2010 Council Meetings refer)*

Location: Sir James Mitchell Park  
Applicant: Council  
File Ref: Tender 4/2010  
Date: 10 September 2010  
Author: Mark Taylor, Manager City Environment  
Reporting Officer: Stephen Bell, Director Infrastructure Services

**Summary**

Tenders have been received for the Sir James Mitchell Park Ceremonial Flagpole site. (Tender 4/2010).

This report outlines the assessment process followed and recommends that none of the tenders be accepted due to budgetary constraints. It also recommends that the project be:

- deferred to allow the City time to investigate external funding to supplement the project budget; and
- referred to a Councillor briefing to workshop its future.

This will allow for a funding model to be prepared to complete some or the entire project. This should be the subject of a report to Council within the Swan River Trust two year approval period.

**Background**

In 2009, Council was investigating a project to celebrate the City's 50th year. Expressions of interest were sought and three proposals received. These were considered by Council at the April 2009 meeting, but Council resolved not to proceed with any of the suggestions. The idea of a Ceremonial Flagpole project was put forward as an alternative during budget deliberations and funds allocated.

The flag-pole site in Sir James Mitchell Park was originally constructed in 1989 and the current flagpole replaced the previous in 1990. The site contains a memorial to Captain James Stirling, first Governor of the Swan River Colony, which was erected by the Mill Point Rotary Club.

The site is of State significance, as it is utilised each year for the principal flag raising and citizenship ceremony on Australia Day, with the Governor in attendance. The site is showing its age and its condition no longer befits a place of State significance, particularly in the context of recent beach and path upgrades within the Park.

In response, Council, in February 2009, allocated \$30,000, by way of a budget review, towards the creation of a concept design to redevelop the Sir James Mitchell Park flag-pole site. A further \$200,000 was included in the 2009/2010 Capital Works budget towards the cost of construction. This has since been augmented by a \$78,000 grant from Infrastructure Australia.

At the March 2010 meeting Council considered and adopted a Concept Plan for the Sir James Mitchell Park Ceremonial Flag-pole Project.

**Comment**

Following approval of the Concept Plan, the City worked with its Landscape Consultant to design in detail the concept plan. Work completed to date includes:

- Submission of the concept for development approval from the Swan River Trust under Part 5 of the Swan and Canning Rivers Management Act 2006;
- Completion of detailed design work on the project;
- Development of a working brief, short-listing and selection of an artist to complete the interpretive panels;
- Development of tender documents and drawings.

Work not yet completed includes the art design and consultation.

Anticipating that the construction costs could potentially be greater than the available budget; officers developed the tender in such a way that it could be made 'separable'. This means that even though the project would be tendered in its entirety, it could be reduced in scope by the City if the prices submitted were above what Council was prepared to commit. The project was therefore divided into two stages **Attachment 10.0.6** refers. Stage One includes the four flagpoles, platform, concrete interpretive panels representing each flag, specialised lighting, artworks and pathway realignment. Stage Two includes the blade walls, grass mounding and turf upgrade.

The Tender (4/2010) was advertised in The West Australian on 7 August 2010 and closed on 27 August 2010. Three compliant tenders were received and the prices submitted are listed below in ascending order and represent the Lump Sum price to complete the whole project.

Tenderer	Tendered Price (ex GST)
Environmental Industries	\$935,081.43
Phase 3 Construction	\$1,082,753.45
BOS Civil	\$1,335,828.13

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

Qualitative Criteria	Weighting %
1. Ability to complete the project within the specified time	20%
2. Demonstrated experience in completing similar projects	20%
3. Referees	10%
4. Demonstrated understanding of the required task	10%
5. Price	40%
<b>Total</b>	<b>100%</b>

The qualitative evaluation process has resulted in the following scores:

Tenderer	Score
Environmental Industries	6.0
Phase 3 Construction	8.6
BOS Civil	6.9

Analysis of the tenders against the qualitative criteria matrix indicated that the tender submitted by Phase 3 Construction to be of the best value for the City and is recommended. The arrangement of scores is due to inexperience and/or a lack of detail provided in the other tenders.

Phase 3 Construction Tender	Separable Price
Stage 1	\$855,100.84
Stage 2	\$230,412.61

Phase 3's construction program for the project is proposed to commence on 4 October and will be completed by 23 December 2010, with a practical completion date of 11 January 2011. This would ensure completion by Australia Day 2011.

### **Consultation**

A series of concept designs were initially prepared for Councillors to review and they were the subject of two Concept Forums (8 September and 11 November 2009). This included a site visit and project appraisal prior to the 11 November discussion. Feedback from the Councillors present at the Forums was generally supportive, with some minor amendments suggested. These have been incorporated into the final Concept Plan.

The project has also been discussed and presented at several meetings of the Sir James Mitchell Park Community Advisory Group (20 May, 19 August, 16 December 2009 and 17 February 2010). The Advisory Group have been generally supportive of the Concept Plan development.

A Special Meeting of Electors was held on 10 March 2010. The Minutes of that meeting appear on the Agenda of the March 2010 Council Meeting at Item 10.1.4.

At the February 2010 meeting an item of *New Business of an Urgent Nature* was put forward regarding this project. Councillors were concerned that due to the significance of the project they should review and approve the final Concept Plan prior to it progressing to the detailed design and approvals stage. As a result, Council resolved the following with respect to this project:

*That, before its implementation, the final design for the Sir James Mitchell Park Flag-pole project be approved by Council.*

The concept design for this project was adopted by Council at the March 2010 meeting.

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

### **Policy and Legislative Implications**

The Sir James Mitchell Park Ceremonial Project and Flag-poles project has received development approval from the Swan River Trust (SRT 2921) under Part 5 of the Swan and Canning Rivers Management Act 2006. The approval is conditional and will expire in two years from the Minister's signing (28 August 2010), if the project is not completed or substantially commenced.

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 also 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 apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

Regulation 20 of the Local Government (Functions and General) Regulations - *Variations of Requirement before entering into Contract* states:

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

### **Financial Implications**

The remaining budget allocation for this project is \$226,000. This includes an Infrastructure Australia grant of \$78,000. The Infrastructure Australia grant is currently conditional on the project being completed by the end of 2010, however this deadline has been subject to change in the past and may again in the future.

The tendered lump sum price submitted by Phase 3 Construction is \$1,082,753.45. It is obvious that this is in excess of the budget. It is also in excess of the tender estimate provided by the Landscape Consultant.

In order to better meet the available budget, implementing Stage One of the project at this time was investigated. The preferred tender price for Stage One is \$855,110.84 ex GST. In addition to this estimate are consultant and compliance fees and contingencies required to complete the project. These will add an estimated additional \$70,000 to the overall project cost. As a result, the project cost using the preferred tender to complete Stage One is \$925,000.

Officers and the City's Landscape Consultant have undertaken a more detailed analysis of the preferred tender and believe that some aspects of the pricing could be amended to reduce costs. The City and its Landscape Consultant believe this exercise could potentially bring down the total project cost of Stage One to \$750,000.

In terms of available budget to commence this project, the City would therefore need to find an additional \$525,000 in order to meet the projected shortfall to complete Stage One.

### **Conclusion**

Council is now faced with the decision as to whether or not to support this project. It should be remembered that the ceremonial flagpole project was originally mooted to celebrate the City's 50<sup>th</sup> year and as a result should be a project of special significance.

Sir James Mitchell Park is the City's most important park and the flagpole site is currently utilised for the flag raising ceremony on Australia Day, attended by the State Governor. It is obvious that the current flagpole area is no longer suitable as a ceremonial site of state significance, hence the desire for it to be redeveloped.



The project design has been progressed as per the adopted concept plan. In view of its location and perceived importance, quality finishes have been specified for the project. This has obviously pushed the pricing considerably above the remaining budget. The City could go back to the drawing board and re-design this project to better meet the budget, however the result will be very modest and not befitting its location or its significance.

Another option could be to commence the project and spend up to the available budget. City officers and the Landscape Consultant have completed a budget based on the preferred tender by Phase 3 Construction. It has been estimated that it would cost in the vicinity of \$230,000 for the contractor to:

- mobilise;
- demolish the existing site;
- erect four flag poles;
- install suitable lighting;
- dewater;
- reinstate turf and irrigation,
- ensure adequate site safety (traffic management, etc).

This figure does not consider compliance approvals, contingencies or additional fees. The result would be four flagpoles in the ground on the foreshore.

It could be argued that this could be seen as the start of the project which could then be completed in stages; however the City would eventually be paying considerably more due to mobilisation and de-mobilisation costs, plus reinstatement. As a result, officers do not recommend this approach.

Should Council consider additional budget from municipal funds for this project to complete Stage One? Officers believe that considering the amount of additional funding required, the bulk of it should now be sought externally. Is this project eligible for external funding? Officers believe that it should be, considering its national, state and indigenous focus, its prime location and the fact that it is the key flag raising site for the State Governor on Australia Day.

As a result, it is recommended that Council decline to accept any of the tenders for this project, thank the contractors for their submissions and defer the project. The project should then be the subject of a Councillor Briefing to allow discussion about its future. At the same time, officers should investigate the potential for additional external funding. Please note that this could mean the loss of the \$78,000 Infrastructure Australia grant to the project. Officers are currently negotiating this matter.

A proposed funding model can then be reported to Council at a future meeting to be determined. This should occur in sufficient time to complete or substantially commence the project within the current Swan River Trust approval period.

**Strategic Implications**

This project compliments the City's Strategic Plan 2010 – 2015 and in particular Direction 2 'Environment' - *Nature and develop natural spaces and reduce impacts on the environment.*

and Direction 4 'Places' - *Plan and develop safe vibrant and amenable places.*

**Sustainability Implications**

Sir James Mitchell Park is the major recreational park within the City of South Perth and one of the most important in the metropolitan area. Providing additional amenity through infrastructure is seen as adding to the social capital of the City and therefore its sustainability.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.6</b>
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That in reference to the Sir James Mitchell Park Ceremonial Flagpole site:

- (a) none of the tenders submitted for the redevelopment of the site (Tender 4/2010) be accepted;
- (b) the project be deferred to allow the City sufficient time to investigate external funding opportunities to supplement the project budget;
- (c) the project be referred to a Councillor briefing session for further workshopping before any more resources are spent on the project; and
- (d) a funding model for completing some or all of the project be the subject of a report at a future meeting of Council and within the Swan River Trust two year approval period.

CARRIED EN BLOC RESOLUTION

**10.1 STRATEGIC DIRECTION 1 : COMMUNITY**

**10.1.1 Reconciliation Action Plan**

Location: City of South Perth  
 Applicant: Council  
 Date: 3 September 2010  
 Author: Sandra Watson, Manager Community Culture and Recreation  
 Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

To outline to Council a culturally appropriate process for developing a Reconciliation Action Plan (RAP), outline the components of the plan and the method to be used to progress the plan.

**Background**

During the *Our Vision Ahead* visioning project, the need for a Reconciliation Action Plan (RAP) was put forward as an idea to action. The concept was further developed under the 'Community' theme:

- Develop a Reconciliation Action Plan to help build better relations between Aboriginal and non-Aboriginal people, and support the advancement of Aboriginal residents;
- Involve Aboriginal and non-Aboriginal residents in the development and implementation of a Reconciliation Plan;
- Create more opportunities for connection between Aboriginal and non-Aboriginal people e.g. NAIDOC Week; and
- Increase the visibility and promotion of Aboriginal Heritage (physical, cultural and social) throughout the community and City e.g. involvement of local Aboriginal artists at events, along with the use of the Aboriginal flag.

The Reconciliation Action Plan (RAP) program was launched by Reconciliation Australia in July 2006. A RAP is a framework for the future, detailing actions and priorities in order to:

1. Enhance the relationship between Aboriginal and non-Aboriginal residents; and
2. Contribute to the national agenda of increasing the life expectancy and opportunities for Aboriginal people.

Reconciliation Australia provides support and a template for the development of a RAP. It is intended that a RAP be a document that is responsive to local community and organisational needs and further, through this model, all RAP's are developed based on the following three themes:

1. Relationships
2. Respect
3. Opportunities

The table below summarises the content of each section:

Reconciliation Action Plan Structure		
Relationship	Respect	Opportunities
Indigenous led solutions Sharing information Professional, social networks Organisational initiatives	Indigenous cultural education & development Cultural protocols Policy integration Organisational initiatives	Indigenous recruitment and retention Professional and career development Partnerships for success Meeting needs of Indigenous customers Organisational initiatives

On 10 June 2009, the CEO received a letter from the Director General of the Department of Indigenous Affairs (DIA) encouraging the City to develop a RAP. Similar letters were sent to other local governments in the metropolitan area. In the letter DIA also offered support to local government authorities who intended to develop RAP's.

In the City of South Perth, as per the 2006 ABS census, the City's Indigenous population is 363. This represents 1% of the City's total population. The majority of Indigenous residents live in Manning, Karawara and Kensington. The Strategic Plan developed by a local Indigenous group, Moorditch Keila identified that while the population is small in number, it has high needs. The Australian Bureau of Statistics (ABS) produces an index that measures and ranks areas according to socio-economic and positional disadvantage based on information derived from the five yearly Census of Population and Housing. The SEIFA or Socio Economic Indexes for Areas is the most widely used general measure of socio-economic status and it typically utilises the variables of income, education, occupation and housing conditions. Every area is ranked on four different indices, each with an average score of 1000. For example, on the Index of Advantage/Disadvantage, lower scores indicate more disadvantaged areas and higher scores indicate more advantaged areas.

As per the last Census data in 2006, the SEIFA indicates that Karawara has a very low indexation of 959.8. By way of comparison, the most disadvantaged area in metropolitan Perth according to the current SEIFA data is Kwinana with a score of 958.1 and the area with the least disadvantage is Peppermint Grove with a score of 1139.3. While the overall indexation for the City of South Perth is 1065.5, the score for Karawara is lower than the indexation for the southwest metropolitan region of Perth and areas such as Armadale and Gosnells.

The City currently undertakes a number of disparate initiatives to support the local Indigenous community. These include:

- Welcome to Country protocols (where appropriate);
- Scholarships to students in years 11 and 12; and
- The Community Partnership program and joint project development with the Moorditch Keila group through Southcare Inc. as the auspicing body.

The City has had a partnership with Southcare Inc. for a number of years. Southcare Inc employs an Aboriginal Support Worker as part of its service to families and people at risk in the community and the City part funds this service annually. In addition, a further \$5,500 is provided to Southcare to support the Moorditch Keila program. The City of South Perth has had a positive relationship with the Moorditch Keila group for a number of years. The relationship was established initially to assist the City address anti-social issues that involved Indigenous youth at the Welwyn Avenue shops in Manning. The group developed a very successful basketball program that created a diversion from participation in anti-social behaviour. From there, a formal partnership was negotiated between the City, Southcare Inc and Moorditch Keila to deliver programs for Indigenous residents such as a mother's group, young men's group and after school activities. The group also participates in key activities such as Fiesta. Moorditch Keila currently operates from a City-owned disused sporting pavilion in Manning and they also utilise Manning Hall for activities on Fridays.

#### **Comment**

City Officers began researching RAP's in March 2010 by contacting a number of other local governments about their experience with developing RAP's. The following is a brief overview of the findings:

City of Rockingham

The City of Rockingham (CoR) decided to undertake a RAP upon the direction of their CEO. There are two officers currently working on the project and they have undertaken surveys with staff, local Indigenous people and key service providers. CoR officers felt that the benefits of undertaking a RAP development included:

- Contribution to the Close the Gap strategy; and
- A sense of accountability for delivering the stated outcomes as the RAP was required to be registered with Reconciliation Australia. This would not be the case if Indigenous engagement strategies or projects were developed outside of this process.

City of Perth

The City of Perth has decided not to undertake a RAP. Officers felt that there was considerable work to be undertaken to develop a relationship with Indigenous people prior to commencing a RAP including to begin the process of engaging positively with local Indigenous people.

City of Swan

Officers at the City of Swan commenced the development of a RAP upon the request of the CEO. However, the City had already made progress towards developing positive relationships with the local Indigenous community. The Swan Indigenous Reference Group (SIRG) was established in 2007 to help foster good relationships with local residents and to facilitate input into projects. The group became a committee of Council in 2009 and some of its significant achievements include:

- The development of the Indigenous Traineeship program;
- Securing funding for an Indigenous Engagement and Partnerships Officer;
- Securing funding for the Indigenous Business and Tourism Officer; and
- The completion of the feasibility study for the Noongar Cultural Interpretive Centre.

In the view of relevant officers at the City of Swan, the key barrier to a successful RAP is a lack of implementation. However this barrier can be overcome by ensuring that staff, Councillors, external stakeholders (such as DIA) and local Indigenous residents are included on the reference group.

Department of Local Government and Regional Development

The Community Development Coordinator and Grants and Consultation Officer met with a representative from the Department of Local Government and Regional Development, who outlined that RAP's can over emphasize 'division' rather than inclusion. Further, that often many RAPS' do not succeed due to the lack of a 'cultural safety net' and lack of internal organisational change / leadership. To avoid a RAP not being implemented or actioned it was suggested that the preferred method of enhancing inclusion is through the implementation of a well developed 'Indigenous Engagement Strategy' as a first step to the process.

Key points for a Successful RAP

Based on an assessment of the above information the following key points have been identified for the development of a successful RAP:

1. Embraced across all levels of the organisation;
2. Implemented at the departmental level;
3. Has Indigenous collaboration;
4. Specific actions that cover all relevant areas;
5. Targets are measurable and realistic;
6. Appropriate timelines are developed; and
7. An annual review of progress and barriers to be undertaken.

Key reasons for failure of a RAP include:

1. Lack of organisational cultural training prior to commencing the RAP;
2. Unrealistic expectations by Indigenous and non-Indigenous parties;
3. Lack of open engagement with the community;
4. Lack of organisational commitment to develop and implement the plan; and
5. Unrealistic targets and timelines.

After consideration of the research undertaken, it is felt that the development of an Indigenous Engagement Strategy should be the first step for the City of South Perth towards implementing a RAP as it should build a 'cultural safety net' for the City and its residents. Such a strategy will ensure that through meaningful communication, more people are engaged in the building of the relationship between local Indigenous people and the City or in other words, the City would not be dependent upon one organisation or a few people who claim to advocate on behalf of the residents. Therefore, the relationship becomes more sustainable. From there, projects can be developed that help to reinforce trust between all parties.

The current position is that the City of South Perth does not have a comprehensive or cohesive strategy to formalise and guide the City's approach to Indigenous engagement. Accordingly and in order for the City to have a sustainable relationship with the local Indigenous community, it is important for officers to develop an Indigenous Engagement Strategy that will aim to identify the most positive and appropriate ways to consult and work with the Indigenous community without over reliance upon individual people. It is felt that such a strategy will assist officers to broaden communication with Indigenous residents and ensure appropriate representation. Currently, the City relies heavily upon Moorditch Keila in order to contact and liaise with Indigenous residents. Further, an Indigenous Engagement Strategy would facilitate the creation of a reference group and project development. Once a reference group is established and projects successfully delivered, a RAP could be considered as the next stage for development.

It is envisaged that the process of an Indigenous Engagement Strategy will take two years, with the first year involving the development of relationships in the broad community. In the second year the reference group would be formed and a plan for action would evolve and be developed. In addition and parallel to the process of building and developing the relationships with residents, it is suggested that the City take the opportunity to undertake internal cultural training in order to create the appropriate environment and overcome any internal barriers.

From the comparison between the current activities undertaken and the structure of a RAP, the City has already developed a series of actions and principles that could be included in a RAP. Accordingly and taking into consideration the development of an Indigenous Engagement Strategy, the following is the suggested process for establishing a RAP:

**Process for Establishing a RAP**

Step	Rationale	Process
Establish commitment to undertake a RAP	This is a significant project that will take a whole of organization approach.	<ul style="list-style-type: none"> <li>- Develop position paper</li> <li>- Briefing to EMT</li> <li>- Briefing to Council</li> <li>- Report to Council</li> </ul> <p>Timeframe: two months</p>
Establish a Working Party that includes Indigenous and non-Indigenous representatives	To develop appropriate levels of engagement	<ul style="list-style-type: none"> <li>- Develop terms of reference</li> <li>- Invite members</li> </ul>
Develop and endorse a statement of intent to develop a RAP	<p>To provide a statement of organizational commitment to the project and its outcomes.</p> <p>Commences the process of engagement and building of trust with the Indigenous community</p>	<ul style="list-style-type: none"> <li>- Working party to meet and to develop statement</li> <li>- Statement endorsed by Council</li> <li>- Statement registered with Reconciliation Australia</li> </ul> <p>Timeframe: six months</p>
Develop a RAP	<p>To meet local community needs for reconciliation and associated actions and timeframes</p> <p>Contribute to national Closing the Gap outcomes</p>	<ul style="list-style-type: none"> <li>- Working party to meet to develop RAP</li> <li>- RAP endorsed by Council</li> </ul>
Annual report on RAP	To identify areas of success and review of RAP	<ul style="list-style-type: none"> <li>- Annual review of organizational and community targets</li> <li>- Publish annual review</li> </ul> <p>Completion - August 2012</p>
<b>Expected timeframe: 2 years</b>		

**Consultation**

As listed, officers have undertaken a significant amount of consultation and research into RAP's. Organisations consulted with include a number of Perth metropolitan local government authorities, the relevant state government department working in the area of Indigenous people and local groups working in the community including Moorditch Keila. A literature review and search has also been undertaken in terms of RAP's that have been developed by a range of different organisations across Australia.

The need for a RAP emerged from the *Our Vision Ahead* project, a process that involved a significant amount of consultation with 1500 members of the local community, local organisations and groups, stakeholders both internal and external and in that sense, the City can be relatively confident that the local community believes a RAP to be an important initiative for the City to implement.

**Policy and Legislative Implications**

Nil

**Financial Implications**

The development of a RAP is one of the actions contained in the Business Plan for 2010/2011 for the Community Culture and Recreation Department and accordingly, no additional funds are required as this project will be undertaken by the community development team as part of their project work for the forthcoming year.

**Strategic Implications**

This project is complimentary to Strategic Directions – Community 10.1.1. *Develop, prioritise and review services and delivery models to meet changing community needs and priorities.* The development of an Indigenous Engagement Strategy is listed on the Corporate Plan 2010/2011 and under the theme of ‘Community’ in the ‘Our Vision Ahead’ document, one of the key actions is the development of a Reconciliation Action Plan.

**Sustainability Implications**

This project once commenced will adhere to and embrace the City’s Sustainability Strategy wherever relevant.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.1.1**

Moved Cr Best, Sec Cr Hasleby

That...

- (a) Council endorse the outlined process, including the development of an Indigenous Engagement Strategy, for the establishment of a Reconciliation Action Plan; and
- (b) officers commence the process of forming a representative Working Group comprised of both internal and external stakeholders to map the current services and relationships with Indigenous people and groups in the City of South Perth, to develop the Indigenous Engagement Strategy and to implement and monitor the Strategy.

CARRIED (7/2)

**10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**

**10.2.1 Tender 20/2010 - Repairs to the River Wall south of Canning Bridge**

Location:	City of South Perth
Applicant:	Council
File Ref:	PR/559
Date:	8 September 2010
Author:	Mark Taylor, Manager City Environment
Reporting Officer:	Stephen Bell, Director Infrastructure Services

**Summary**

Tenders have been received for repairs to the river wall south of Canning Bridge (Tender 20/2010). This report outlines the assessment process followed and will recommend to the Council that the alternative tender submitted by MMM Civil Contractors WA Pty Ltd for the amount of \$212,380 plus GST be accepted.



**Background**

The river wall on the Canning River wall foreshore south of Canning Bridge is in need of urgent repairs or it will begin to lose its structural integrity. The wall is still basically sound however there has been a gradual loss of grout between the blocks, blocks at the base of the wall have dropped, and soil has been lost from behind the wall. If this is allowed to continue then the wall will break up and cost significantly more to repair and / or replace.

The City recognised this section of wall to be a maintenance priority as part of the development of its Coastal Protection Structures Asset Management Plan. As a result, an application for supporting funding was made to the Swan River Trust and a grant of \$195,000 was awarded to the City under the 2010/2011 Riverbank Funding arrangement.

**Comment**

Tenders were called on 18 August 2010 for the repairs to the river wall south of Canning Bridge. The specification called for maintenance repairs to a section of limestone block river wall approximately 460 metres in length. The repair works involve, but are not limited to:

- Replacing missing or dislodged limestone blocks with new blocks;
- Repairing and re-pointing existing limestone walls;
- Backfilling of voids behind the existing limestone wall;
- Such other work as shown on the Drawings or included in the Specification.

A compulsory site meeting was held on 27 August 2010. The aim of the meeting was to ensure the contractors were across all issues to do with the project. Representatives of five (5) contractors attended this meeting.

At the close of tenders on 2 September 2010, three (3) tenders, plus one (1) alternative tender were received.

Tender	Tendered Price (ex GST)
MMM Civil Contractors Pty Ltd - conforming tender	\$192,260
MMM Civil Contractors Pty Ltd - alternative tender	\$212,380
Yarnell Pty Ltd	\$286,450
Downer EDI Works Pty Ltd	\$394,474

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

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in specification	40%
2. Work Methodology	40%
3. Referees	20%
<b>TOTAL</b>	100%

The evaluation process resulted in the following scores:

MMM conforming tender	MMM alternative tender	Yarnell	Downer EDi
8.2	8.4	7.4	7.6

The alternative tender submitted by MMM WA Pty Ltd has been judged as better meeting the intent of the specification and is attractively priced. As a result it has been recommended by the officers for adoption by the Council.

The conforming tender by MMM allows for where lengths of the sunken section and 'dropped' blocks require replacement, a 100 mm concrete blinding layer can be laid under the dropped blocks and the replacement blocks placed on this layer.

The alternative tender allows for a flat surface to be excavated under the sunken section of wall. 'Dropped' blocks and the wall will be underpinned by laying the new blocks laterally. This will have the effect of increasing the stability of the damaged sections and eliminate the requirement for a concrete binding layer.

The alternative tender results in an increase in price of \$22,123. Officers have studied the methodology and agree that the alternative tender is acceptable as it would increase the strength of the repaired wall for a modest rise in the tender price.

The alternative method will increase the time taken to completed works by two days and an increase in the 'Traffic Management Lump Sum' item by \$2,200. Despite this, the total time to complete the contract will remain unchanged at three (3) months.

#### **Consultation**

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

Tender 20/2010 for the Repairs to the River Wall south of Canning Bridge was advertised in the West Australian on Saturday 18 August 2010. In total, three (3) tenders, plus one (1) alternative tender were received.

#### **Policy and Legislative Implications**

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

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

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

#### **Financial Implications**

The City has received \$195,000 from the Swan River Trust for this project under the 2010/2011 Riverbank Grants program on the basis that the City will match this amount. The Grant Revenue will be recognised in the first Budget review along with the City's contribution towards the project.

#### **Strategic Implications**

This matter relates to Strategic Direction 2 "Environment" identified within Council's Strategic Plan which is expressed in the following terms: *Nurture and develop natural spaces and reduce impacts on the environment*.

### **Sustainability Implications**

This tender will ensure that the City is provided with the best available service and price to complete the works identified in the annual budget for 2010/2011. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City's river walls.

The service will strengthen the City's Infrastructure Services directorate by ensuring that it has access to a wide range of quality services at highly competitive rates.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1</b>
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That the alternative tender submitted by MMM WA Civil Contractors Pty Ltd for repairs to the river wall south of Canning Bridge for the lump sum amount of \$212,380 plus GST be accepted.

CARRIED EN BLOC RESOLUTION

<b>10.2.2      Annual Tender 17/2010 - Pruning, Removal and Stump Grinding of Street and Amenity Trees</b>
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Location:	City Of South Perth
Applicant:	Council
File Ref:	PR/504
Date:	9 September 2010
Author:	Craig Barker, Parks Operations Coordinator
Reporting Officer:	Stephen Bell, Director Infrastructure Services

### **Summary**

This report considers submissions received from the advertising of Tender 17/2010 for the *Pruning, Removal and Stump Grinding of Street and Amenity Trees* within the City of South Perth.

This report will outline the assessment process used to evaluate the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

### **Background**

Tender 17/2010 for the *Pruning, Removal and Stump Grinding of Street and Amenity Trees*, was advertised in the West Australian newspaper on Saturday 3 July 2010 and closed at the City's Administration Office at Sandgate Street on 2.00 pm on Tuesday 20 July 2010. A total of six (6) tenders were received at the close of submissions.

The contract is based on a Schedule of Rates and is for a fixed term of three (3) years with an option to extend on a yearly basis for further 2 years, subject to performance. The benefit of advertising a three (3) year contract with an option for two (2) additional years is that the City is likely to obtain a more competitive tender price given the Contractor is provided with security of work for an extended period of time.

Almost all tree maintenance and removal within the City of South Perth is undertaken under contract. The most recent Contract, approved by the Council in August 2006 expires in September 2010.

**Comment**

The evaluation of tenders was based on the following Qualitative Criteria:

Qualitative Criteria	Weighting %
Experience in Pruning and Removal of Street Trees	10%
Plant and Equipment Resources	10%
Traffic Management	10%
Referees	10%
Price	60%
<b>TOTAL</b>	<b>100%</b>

Each company's price submission and response to the evaluation criteria was incorporated into the Selection Criteria matrix. The total scores appear below.

**Street Tree Pruning**

Company	Radiant Nominees (Trees Need)	Beaver Tree Services Pty Ltd	Tree Craft
Weighted Score	9.5	5.8	5.6

**Street Tree Removal**

Company	Radiant Nominees (Trees Need)	Beaver Tree Services Pty Ltd	Tree Craft
Weighted Score	9.5	7.44	6.63

**Street Tree Stump Removal**

Company	Radiant Nominees (Trees Need)	Beaver Tree Services Pty Ltd	Tree Craft	Down Under Stump
Weighted Score	5.4	9.79	6.15	9.1
Total Score (Street Trees)	24.4	23.03	18.38	9.1

**Amenity and Park Tree Pruning**

Company	Radiant Nominees (Trees Need)	Beaver Tree Services Pty Ltd	Assured Tree Services	Arbor Centre	Dickies Tree Services	Tree Craft
Weighted Score	9.5	8.2	6	5.6	6.1	6.2

**Amenity and Park Tree Removal**

Company	Radiant Nominees (Trees Need)	Beaver Tree Services Pty Ltd	Assured Tree Services	Arbor Centre	Dickies Tree Services	Tree Craft
Weighted Score	7.1	7.6	7.4	8	9.1	7.4

**Amenity and Park Stump Removal**

Company	Radiant Nominees (Trees Need)	Beaver Tree Services Pty Ltd	Assured Tree Services	Arbor Centre	Dickies Tree Services	Tree Craft	Down Under Stump
Weighted Score	5.3	9.4	8.4	4.4	9.1	5	7.9
Total Score (Amenity & Park)	21.9	25.2	21.8	18	24.3	18.6	7.9

As can be seen from the results of the evaluation, no one tender achieved the highest score for all components of the work. As a result, it will be a recommendation to the Council that the tender be split into two separable components and awarded to the companies noted below:

- (a) Radiant Nominees Pty Ltd (Trees Need Tree Surgeons) - Street tree pruning, street tree removal, and street tree stump removal;
- (b) Beaver Tree Services - Amenity park tree pruning, amenity park tree removal, and amenity park tree stump removal.

It can be seen from the scoring that Radiant Nominees (Trees Needs) represents the best value for Street Tree Pruning and Removal but not generally for Stump Removal. However, when considering the whole of the Contract, Radiant Nominees (Trees Needs) represent the best option for the City in regards to a providing “whole of” tree service.

Radiant Nominees (Trees Needs) has been the City’s preferred street tree maintenance contractor for over fourteen (14) years and during this time has provided a professional, reliable, timely and cost effective service. They were the successful Tenderer in the last round of tenders (called in 2006) and once again their prices have continued to be competitive with all cost unit prices remaining consistent for the three (3) years of the tender. This represents excellent value for money for the City in the provision of street tree pruning, street tree removal, and street tree stump removal.

The same can be said for Beaver Tree Services with the amenity park tree pruning, amenity park tree removal, and amenity park tree stump removal. They may not have scored the highest in each sub-section, but were considered by the evaluation panel to provide the best overall service at the best value for money.

It is important that the Contracts are managed carefully to ensure that a reliable, timely and cost effective service is provided to the City. By splitting of the Contract into separable components, this will ensure that the City achieves this objective.

The tasks are quite specific with both of the preferred Contractors being experienced in the provision of tree management services to local government in WA. Both of the Contractors were major contributors in assisting the City with the clean-up following the March 2010 storm event. Finally, City Officers consider it to be a major advantage having two (2) Contractors servicing the City’s Arboricultural requirements rather than being locked (or tied) to one Contractor.

### **Consultation**

Public tenders were invited in accordance with the *Local Government Act 1995*.

Tender 17/2010 for the *Pruning, Removal and Stump Grinding of Street and Amenity Trees*, was advertised in the West Australian newspaper on Saturday 3 July 2010 and closed at the City's Administration Office at Sandgate Street on 2.00 pm on Tuesday 20 July 2010.

### **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 and Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

### **Financial Implications**

The tender of Radiant Nominees Pty Ltd (Trees Need Tree Surgeons) indicates an immediate 5% increase over the existing price structure for street tree pruning, street tree removal, and street tree stump removal. However, Radiant Nominees Pty Ltd have agreed to hold the price firm for the next three (3) years period of supply. At an annual cost of about \$474,000, this represents very good value to the City.

The tender of Beaver Services (Aust) Pty Ltd has a financial implication of \$343,510 for the first year, with a total increase of 4.9% for the remaining years.

The cost increases will be met within existing budgetary arrangements.

### **Strategic Implications**

The provision of high quality and cost effective services underpins the City's Strategic Plan 2010-2015. By seeking tenders externally so as to engage a Contractor to deliver the service this enables the City's Strategic Plan, Direction 2 – 'Environment' and in particular Goal 2.2 - *improve streetscapes amenity whilst maximizing environmental benefits*, to be realised.

### **Sustainability Implications**

This tender will ensure that the City is provided with the best available service and price to complete the tree services identified in the 2010/2011, 2011/2012 and 2012/2013 annual budgets. 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 tree management services for the City's streets and parks.

The service will strengthen the City's Infrastructure Services directorate by ensuring that it has access to a wide range of tree management services at highly competitive rates.

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.2.2**

That...

- (a) Radiant Nominees Pty Ltd (Trees Need Tree Surgeons) be awarded the Tender for the supply of street tree pruning, street tree removal and street tree stump removal for a three (3) year fixed period,
- (b) Beaver Tree Services (Aust) Pty Ltd be awarded the tender for amenity park tree pruning; amenity park tree removal, and amenity park tree stump removal for a three (3) year fixed period; and
- (c) subject to satisfactory performance over the three (3) year period of supply, there is an option to extend each Contract by a further two (2) years from 1 July 2013 to 30 June 2015 inclusive, with the tendered Schedule of Rates to be adjusted in line with the requirements of the tender.

CARRIED EN BLOC RESOLUTION

**10.2.3 Annual Tender 18/2010 - Mowing of Verges, Median Strips and Rights-of-Way**

Location: City Of South Perth  
Applicant: Council  
File Ref: RO/301  
Date: 9 September 2010  
Author: Craig Barker, Parks Operations Coordinator  
Reporting Officer: Stephen Bell, Director Infrastructure Services

**Summary**

This report considers submissions received from the advertising of Tender 18/2010 for the Mowing of Verges, Median Strips and Rights of Way.

This report will outline the assessment process used to evaluate the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

**Background**

Tender 18/2010 was advertised in the West Australian newspaper on Saturday 7 August 2010 and closed at the City's Administration Office, Sandgate Street, South Perth at 2.00 pm on Tuesday 24 August 2010. At the close of tenders, five (5) submissions were received from registered companies.

The Request for Tender (RFT) seeks the provision of the required services for a period of three (3) years. The contract period does not allow the option to extend the contract for an additional period.

The City's objective is to produce an attractive, manicured streetscape by the thorough mowing of its verges, median strips and Rights of Way (ROW) and the removal of any rubbish and accumulated debris from these areas. The schedule of work was divided into five items, being:

Item in Schedule	Description
<b>ITEM 1:</b> Annual District Mowing	Mow a list of verges between September to November annually (prior to the commencement of the fire season). One (1) mow per verge per year.
<b>ITEM 2:</b> Broad acre Mowing Non Irrigated Dry-Verges and Medians	Broad acre mowing of a number of dry Verges and Medians at least three (3) times a year
<b>ITEM 3:</b> Right of Way Mowing Clean Up	Mow and clean up a number of Rights of Way at least three (3) times a year
<b>ITEM 4:</b> Major Verges & Major Irrigated Median Strips - Manning Road/Dick Perry Ave	Mow Manning Road and various verges within the area at least seventeen (17) times a year (including the provision of Traffic Management to MRWA standards)
<b>ITEM 5:</b> Major Verges High profile non irrigated Strips - Canning Highway	Mow Canning Highway at least four (4) times a year (including the provision of Traffic Management to MRWA standards)

**Comment**

The tenders were reviewed by an evaluation panel that comprised a number of City officers and assessed according to the quantitative criteria outlined in the RFT.

At this stage it was obvious that the tender received from Greenworks did not meet the specification and so it excluded from further evaluation. The remaining four (4) tenders were then assessed against qualitative criteria noted at Table A below.

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrate knowledge of Traffic Management & Safety Program	15%
2. Demonstration of resources to complete works on time	15%
3. Price	70%
<b>TOTAL</b>	<b>100%</b>

Each company's price submission and response to the criteria was incorporated into the Selection Criteria matrix. The total weighted score and price of each tender received is noted at Table B below.

TABLE B - Weighted Score and Tender Price

Weststate	Ashgrove Holdings	Gecko Contracting	Frank's Lawnmowing
17.05	29.2	16.7	16.4
\$462,978.00	\$500,828.37	\$615,117.00	\$509,025.00

**Note:** The tender price shown in Table B is for the supply of mowing services for three (3) years.

Based on the Panel analysis, the bid received from "Ashgrove Holdings" represents an acceptable submission based on their performance in the short list evaluation and is therefore recommended to Council as the preferred supplier for all items covered in the RFT.



Ashgrove Holdings was the only Tenderer to fully comprehend the operational requirements of providing traffic management to undertake the works identified at Item 4 of the tender (i.e. the mowing of Manning Road and various verges in the area).

Even though a cheaper overall tender was received from Weststate, the Panel believe that the submission received from Ashgrove Holdings is a true indication of the current market price to undertake the identified works. The projected cost increase of only 4.2% each year for a three (3) year period also represents reasonable value.

Ashgrove Holdings has been contracted to the City on many occasions and as the current contractor and has proven to be both an efficient and effective contractor who provides services at a highly competitive rate. Accordingly, this provides a basis for the City to recommend, with confidence, that Ashgrove Holdings be awarded the tender for the Mowing of Verges, Median Strips and Rights of Way.

### **Consultation**

Public tenders were invited in accordance with the *Local Government Act 1995*.

Tender 18/2010 was advertised in the West Australian newspaper on Saturday 7 August 2010 and closed at the City's Administration Office at Sandgate Street on 2.00 pm on Tuesday 24 August 2010.

### **Policy and Legislative Implications**

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

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

The following Council Policies also apply:

Policy P605 - *Purchasing & Invoice Approval*;

Policy P607 - *Tenders and Expressions of Interest*.

### **Financial Implications**

The tender of Ashgrove Holdings has an estimated financial implication of \$160,706.94 in the first year, \$166,857.92 in the second year and \$173,263.50 in the third year. This falls within current budget expectations.

### **Strategic Implications**

The provision of high quality and cost effective services underpins the City's Strategic Plan 2010-2015. By seeking tenders externally so as to engage a Contractor to deliver the annual mowing program, this enables the City's Strategic Plan, Direction 2 – 'Environment' in particular Goal 2.2 - *improve streetscapes amenity whilst maximizing environmental benefits*, to be realised.

**Sustainability Implications**

This tender will ensure that the City is provided with the best available service and price to complete the works identified in the 2010/2011, 2011/2012 and 2012/2013 annual budgets. 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 mowing operations.

The service will strengthen the City’s Infrastructure Services directorate by ensuring that it has access to a wide range of mowing services at highly competitive rates.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.3</b>
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That the tender submitted by Ashgrove Holdings for the Mowing of Verges, Median Strips and Rights of Way (Tender 18/2010) be accepted for a period of three (3) years up to an including 30 June 2013.

CARRIED EN BLOC RESOLUTION

**10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES**

<b>10.3.1 Change of Use (from Indoor Sporting Activities &amp; Shop) to Office &amp; Shop and Additions to Existing Building. Lot 499 (No. 69) Manning Road, Como</b>
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Location: Lot 499 (No. 69) Manning Road, Como  
 Applicant: Doepel Marsh Architects  
 Lodgement Date: 29 March 2010  
 File Ref: 11.2010.162 MA3/69  
 Date: 14 September 2010  
 Author: Matt Stuart, Coordinator Statutory Planning  
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

**Summary**

To consider an application for a change of use (from Indoor Sporting Activities & Shop) to Office & Shop and additions to existing building on Lot 499 (No. 69) Manning Road, Como. 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)
Landscaping	

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

**Background**

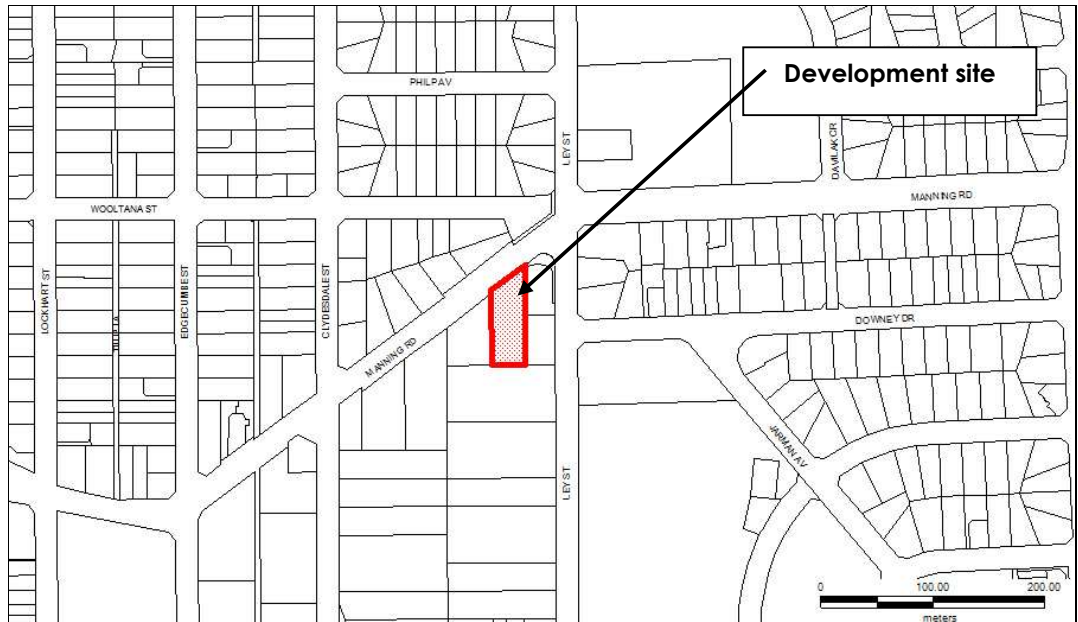
The development site details are as follows:

Zoning	Highway Commercial / Regional Road
Density coding	R80
Lot area	2,260 sq. metres (effective), excludes required area removed for road widening
Building height limit	7.0 metres
Development potential	18 Multiple Dwellings
Plot ratio limit	0.5

This report includes the following attachments:

- **Confidential Attachment 10.3.1(a)** Plans of the proposal
- **Attachment 10.3.1(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:

**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) Background**

In August 2007, the City received an application for change of use (from Indoor Sporting Activities and Shop) to Office and Shop, and additions to existing building on Lot 499 (No. 69) Manning Road, Como (the site). The Architect/Applicant for the 2007 planning application is the same as for the current application, which is the focus of this report.

In January 2008, the application was refused under delegated authority, partly due to a significant shortfall in car parking facilities with 38 bays in lieu of 87 bays (a short fall of 56 percent).

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

The subject site has a frontage to Manning Road to the north, located adjacent to Shops to the east, Grouped Dwellings to the south and west, as seen in **Figure 1** below:



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

The existing development on the subject site currently features land uses of ‘Indoor Sporting Activities’ and ‘Shop’ under Table 1 of the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6), as depicted in the site photographs at **Attachment 10.3.1(b)**.

(d) **Description of the Proposal**

The proposal involves a change of use (from Indoor Sporting Activities and Shop) to Office and Shop, and additions to existing building site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.1(b)**.

The proposal conflicts with car parking requirements, however it is considered to be an acceptable variation.

The proposal complies with the TPS6 and relevant Council Policies, with the exception of the remaining non-complying aspects, with other significant matters, all discussed below.

(e) **Land Use**

The proposed land use of Office is classified as a ‘D’ (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6.

In considering this discretionary use, it is observed that the site adjoins residential and non-residential uses, in a location with a mixed streetscape. Accordingly, it is considered that the proposed use complies with the Table 1 of the Scheme.

**(f) Car Parking**

The required number of car bays is 53; whereas the proposed number of car bays is 46, a shortfall of 7 bays (12 percent). Therefore the proposed development does not comply with the car parking requirement in Table 6 of TPS6.

Industry – Service, Office, Shop (by Zoning)				
Land Use	GFA (sq.m)	Rate	Required	Proposed
H – Comm (existing)	N.A.	N.A	14.00	14
H – Comm (proposed)	763.4	1 per 20	38.7	32
			<b>52.2</b>	<b>46</b>

Applicant’s and City’s Assumptions

There are a number of assumptions that the Applicant and the City has made in relation to the car parking numbers, which require explanation.

Existing Buildings

The existing Shop component at the front of the site currently enjoys an existing planning approval; and effectively remains unchanged as part of this application for additional floor space to the rear of the site. This Shop component features 410m<sup>2</sup> of Gross Floor Area (GFA) ie floor space, out of a total of 1163m<sup>2</sup> for the site (35 percent). As the floor space was approved with a provision of 40 car parking bays, it is therefore assumed that the required number for the Shop component was and remains to be 14 bays (35 percent).

Proposed Buildings

The proposed GFA floor space calculation excludes internal car parking and end-of-trip facilities, which are activities that do not generate car parking demand. This matter constitutes a discretionary variation under 7.8(1) of the Scheme, one that has previously been exercised, including No. 9 Bowman Street, South Perth at the September 2009 Council meeting. If the Council were so inclined with this application, there is an agreement of approximately 267.602m<sup>2</sup> of redundant GFA, equating to 763.4m<sup>2</sup> of GFA remaining.

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:

- (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.

The following table represents the applicant’s justification for a variation to the car parking bays, with responses from the processing officer.

Applicant’s Comments	Officer’s Comments
End-of-trip facilities and car parking do not require car parking bays.	End-of-trip facilities and car parking does not require car parking bays, however this floor space has already been taken into account in the officer’s calculation of car parking. The comment is <b>UPHELD</b> .
Bicycle racks have been proposed with 10 in lieu of 6.	Bicycle racks have been proposed with 10 in lieu of 5. Additional racks deserving of a variation, however this justification plays only a minor role which has not been quantified by the Applicant. The comment is <b>UPHELD</b> .
Public transport (buses) service Manning Road and Ley Street.	Public transport servicing the locality is agreed to lessen the need for car parking facilities, however this justification plays only a minor role which has not been quantified by the Applicant. The comment is <b>UPHELD</b> .
Proposed shower facilities deserve a variation.	The Applicant’s argument is that the Scheme requires bicycle bays at a rate of 1 per 200m <sup>2</sup> of GFA, which equates to 4 bays. Furthermore, as showering facilities are only required by the Scheme at a rate of 2 showers per 10 bicycle bays, therefore showers are not required by the Scheme. Conversely, the City considers that it is a well established practice of rounding-up such numbers, presumably because it is not logical that 9 bicycle bays do not generate a need for a showering facilities, yet 10 bays requires 2 showers. Accordingly, it is considered that 2 showering facilities are required under the Scheme and therefore a car parking variation is not supported on these grounds. The comment is <b>NOT UPHELD</b> .
Disabled bays have been proposed with 2 in lieu of nil.	Increasing the number of disabled bays does not reduce the demand for car parking. There may be a Building Licence requirement for such bays, but as they do not form part of any planning consideration, equally they should not be the source of planning discretion. The comment is <b>NOT UPHELD</b> .

It should be noted that the Design Advisory Consultants were of the opinion that the proposed development did not warrant an exercise of discretion in relation to the proposed variations, however since that meeting the applicant has reduced the proposed floor space and increased the number of car parking bays, to the extent that it is considered to be within the realm of a supportable variation.

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.

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.

**(g) Landscaping**

The required minimum landscaping area is 339m<sup>2</sup> (15 percent); whereas the proposed landscaping area is 224m<sup>2</sup> (9.9 percent), therefore the proposed development does not comply with the landscaping requirements of Table 3 of TPS6.

Council discretion- cl. 7.8.1

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

- (d) 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;
- (e) 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
- (f) 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.

Council discretion- cl. 5.1(5)

In addition, cl. 5.1(5) of TPS6 permits a variation of landscaping, “if the developer provides outstanding landscaping in accordance with the provisions of clause 6.14(1)...”:

- (a) *such landscaping shall be designed, developed and completed to a standard considered by the Council to be outstanding;*
- (b) *such landscaping shall comprise planting and at least one of the following decorative features:*
  - (i) *rockeries;*
  - (ii) *water features;*
  - (iii) *sculpture or other urban artwork; or*
  - (iv) *other decorative features considered by the Council to enhance the visual quality of the streetscape;*
- (c) *such landscaping shall not:*
  - (i) *be paved other than for vehicular or pedestrian access; or*
  - (ii) *form part of a private courtyard;*
- (d) *such landscaping shall occupy the portion of the site between the primary street boundary and the principal building on that site;*
- (e) *no fencing of any kind shall be erected between such landscaping and the primary street boundary. However, the Council may permit appropriate fencing forward of the proposed building along the side boundaries of the site.*

The City suggests that due to the quality of the proposed landscaping, being a water feature and 29 mature trees with a minimum height of 5.0 metres, that the proposal meets the above sub-clauses.

In this instance, it is considered that the proposal complies with the discretionary clause, and is therefore supported by the City; however a condition is recommended to ensure compliance.

**(h) End-of-Trip Facility- clothes lockers**

The end of trip facilities do not show secure clothes lockers, therefore the proposed development does not comply with the clause 6.4.5(a) of TPS6; however a condition is recommended to demonstrate compliance and thereby rectify this matter.

**(i) Plot Ratio**

The maximum permissible plot ratio is 0.5 (1130m<sup>2</sup>), whereas the proposed plot ratio is 0.44 (988m<sup>2</sup>). Therefore the proposed development complies with the plot ratio element of the Scheme.

**(j) Building Height**

This proposal does not include changes to the height of the existing building.

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

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

- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (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) 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.**

The following general Scheme objectives are not met:

- (a) Maintain the City's predominantly residential character and amenity;*
- (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;*

**(l) 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 (considered not to comply in bold):

- (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;***
- (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;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *the topographic nature or geographic location of the land;*
- (s) ***whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;***
- (t) ***the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;***
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

#### **Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in May 2010. The proposal was not favourably received by the Consultants. Their comments and responses from the Applicant and the City are summarised below. As this application is similar to the aforementioned 2007 application, the DAC comments from the September 2007 meeting have also been provided below.

DAC Comments	Applicant's Responses	Officer's Comments
<b>September 2007</b>		
The layout of offices is to be redesigned in order to allow for adequate natural lighting and ventilation.	Previous application, no comment required.	Previous application, no comment required. The comment is <b>NOTED</b> .
The proposed elevations appear better as compared to the existing elevations.		
Based upon the proposed gross floor area, there seems to be a significant shortage of on-site car parking provision.		
<b>May 2010</b>		
The Architects observed that the proposed design has not significantly changed from the previous one considered in 2007.	Our latest amended proposal incorporates the internal parking and the new colour scheme. The parking now complies with the Scheme when based on non parking areas, and the design is very different from the 2007 application particularly the landscaping.	The ratio of floorspace to car parking has improved. The comment is <b>NOTED</b> .
Proposed car parking was observed to be inadequate when assessed against the Town Planning Scheme No. 6 (TPS6) provisions.		Since this meeting, the Applicant has reduced the proposed floorspace and increased the number of car parking bays, to the extent that it is considered to be within the realm of a supportable variation (see section Car Parking).
The amenity of the design does not warrant exercise of discretion in relation to the proposed variations.		The comment is <b>NOTED</b> .

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 'Consultation for Planning Proposals'. Individual property owners, occupiers and/or strata bodies at Nos 48, 50, 52, 57, 67 and 71 Manning Road, 61 and 63-65 Ley Street 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 21 consultation notices were sent and no submissions were received.

**(c) Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment on the proposed overlaying of landscaping within the car parking bays. This section recommends that:

- (i) A semi mountable kerb profile would be suitable; and
- (ii) A notional 75mm vertical face with a further 75mm of sloping face would be suitable (total 150mm).

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure.

**(d) Other City Departments**

Comments have also been invited from Environmental Health area of the City's administration.

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

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

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

**(e) External Agencies**

Comments were also been invited from the Department of Planning.

The Department of Planning Services provided comments with respect to the site being on or abutting a regional road reservation. This agency raises no objections and does not recommend 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.*

**Conclusion**

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

**OFFICER RECOMMENDATION AND  
COUNCIL DECISION ITEM 10.3.1**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use (from Indoor Sporting Activities and Shop) to Office and Shop, and additions to existing building on Lot 499 (No. 69) Manning Road, Como, **be approved** subject to:

**(a) Standard Conditions**

505	landscaping required	upgrade	455	dividing fences- standards
390	crossover- standards		456	dividing fences- timing
625	sightlines for drivers		340	parapet walls- finish of surface
352	car bays- marked and visible		508	landscaping approved & completed
354	car bays- maintained		550	plumbing hidden
330	bike bays required		425	colours & materials- matching
470	retraining walls- if required		660	expiry of approval
471	retaining walls- timing			

**(b) Specific Conditions**

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

- (i) Notations on plans where landscaping overlays into car parking bays, to propose kerbs with:
  - (A) A semi mountable kerb profile would be suitable; and
  - (B) A notional 75mm vertical face with a further 75mm of sloping face would be suitable (total 150mm);
- (ii) Bin enclosures complying with City environmental health standards; and
- (iii) Nine (9) clothes lockers as part of the end-of-trip facility.

**(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 the City's Environmental Health Section to ensure satisfaction of all of the relevant requirements, with regard to:

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

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

**CARRIED EN BLOC RESOLUTION**

**10.3.2 Draft Policy P350.15 “Bed and Breakfast Accommodation” – Consideration for Adoption to Advertise**

Location: City of South Perth  
Applicant: Council  
File Ref: LP/801/7/15  
Date: 3 September 2010  
Author: Michael Willcock, Senior Strategic Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services

**Summary**

This report presents to the Council a proposed draft Planning Policy P350.15 *Bed and Breakfast Accommodation* (draft policy). The draft policy aims to guide the assessment and determination of development applications for Bed and Breakfast Accommodation throughout the City of South Perth district.

The objectives of the draft policy are to:

- (a) guide the location, design and operation of Bed and Breakfast Accommodation;
- (b) favour proposals that are appropriately located for guests;
- (c) minimise any adverse amenity impacts on adjoining residential areas from the operation of the Bed and Breakfast Accommodation; and
- (d) assist the Council in exercising discretion with regard to Bed and Breakfast Accommodation.

Council is requested to adopt the draft policy for advertising.

**Background**

The draft policy is provided as **Attachment 10.3.2**.

The City has 14 residential planning policies, but has a policy gap in relation to Bed and Breakfast Accommodation. It is understood that uncertainty exists in the community on where this land use can be considered. The City experiences issues when assessing and determining development applications of this kind due to a lack of clear guidance on where this land use should be considered appropriate, and subsequent difficulties in consistently assessing applications where no specific set of development criteria appear in TPS6. The City of South Perth, and other metropolitan councils, acknowledges the need for clear policy guidance to ensure that the amenity and character of residential areas is protected and maintained.

There are tangible planning issues associated with Bed and Breakfast Accommodation, including the number of guests and vehicles permitted on site, operating hours, noise and internal structural requirements. The policy provisions address these issues. Through the policy provisions, the City can ensure that amenity impacts are minimised for neighbouring residents, while supporting appropriate Bed and Breakfast Accommodation proposals, particularly on sites near tourism features.

**Comment**

The provisions of the draft policy have been formulated to ensure that the previously mentioned objectives are achieved. The draft policy incorporates provisions relating to the following:

**(a) Location**

The draft policy encourages Bed and Breakfast Accommodation to be located within 800 metres of tourism features of the kinds listed below:

- well-known tourism attractions;
- land zoned Mixed Use Commercial, Mends Street Centre Commercial or Neighbourhood Centre Commercial;
- rail stations; and
- high frequency bus routes.

In areas not close to tourism features, the draft policy does not support Bed and Breakfast Accommodation on more than one site within any particular 'focus area', as defined in TPS6.

**(b) Development Requirements**

The draft policy restricts the total floor area of the operator's dwelling and the guests accommodation to 300 sq. metres and only allows Bed and Breakfast Accommodation within a Single House or Grouped Dwelling.

To allow some variety in design, the draft policy states that Bed and Breakfast Accommodation may be either attached to or detached from a dwelling, but must be on the same lot as the operator's dwelling. Provisions relating to guest facilities and parking spaces for vehicles and attachments (boats, caravans, trailers, etc.) are all also included in the draft policy.

**(c) Scale of operations**

The draft policy restricts Bed and Breakfast Accommodation to a maximum of six guests, and a maximum of two guest bedrooms. The operator must also permanently reside on site. A maximum occupancy period of three months in any 12-month period is specified, which is consistent with the State Government's *Tourism Planning Taskforce Report* (January 2006).

**(d) Advertising Signs**

Signs for a Bed and Breakfast Accommodation are limited to 0.2 sq. metres, as per Council Policy P382 *Signs*.

**(e) Management Plan**

As an ongoing requirement for the operator, a management plan or "house rules" must be prepared and displayed. The objective of the management plan is to ensure guests behave in a manner that respects the privacy and amenity of surrounding residents. As a minimum, the management plan is required to cover restrictions on the occupancy and duration of stay for guests, the behaviour of guests, check-in and check-out times, and management of parking on site.

**(f) Advice on legislative requirements**

The draft policy states that prospective operators of Bed and Breakfast Accommodation are to be provided with advice on legislative requirements covering matters such as noise, refuse, food preparation, structural and safety requirements, design of alterations or extensions and effluent disposal.

**Consultation**

**(a) Environmental Health**

The City's Environmental Health Officers have provided comments on the draft policy with regard to the following requirements:

- Bed and Breakfast Accommodation premises must be registered with the City in accordance with the *Food Act 2008*.
- The operator of the Bed and Breakfast Accommodation is responsible for providing a food preparation premises that will comply with the Australia New Zealand Food Standards Code.
- Noise from premises will be subject to the *Environmental Protection (Noise) Regulations 1997*.
- Disposal of refuse must comply with the City's *Health Local Law 2002*.

**(b) Building Services**

The City's Building Services section advised that Bed and Breakfast Accommodation (in most cases) will be a Class 1b building under the Building Code of Australia. Class 1b buildings require, amongst other things, smoke alarms in communal areas and bedrooms and evacuation lighting.

To provide certainty on this matter, the draft policy restricts Bed and Breakfast Accommodation to buildings that are consistent with the maximum floor area for Class 1b buildings, which is 300 sq. metres.

**(c) Statutory Planning**

The City's statutory planning officers indicated that the draft policy is concise and straightforward for assessing development applications. They recommended additional clarification regarding tourism features, communal facilities and car parking. This feedback has been incorporated into the draft policy provisions.

**(d) Councillor Feedback**

Councillors have offered comments on aspects of the draft policy upon invitation by officers for early feedback. These comments have been incorporated into the draft policy.

**(e) Public Consultation**

Public consultation on the draft policy will be undertaken in accordance with clause 9.6(2) of TPS6 and Planning Policy P355 *Consultation for Planning Proposals*.

Consultation will involve a notice in the *Southern Gazette* newspaper for two consecutive weeks giving details on the nature and subject of the draft policy, where the policy can be viewed and in what format submissions may be made. The policy will be on display at the City's libraries, the Civic Centre, and on the City's website. The advertising period will be not less than 21 days from the date of the first newspaper notice being published.

An indicative time frame for the policy to be finalised is set out in the following table.

<b>Stages of Advertising and Adoption</b>	<b>Estimated Time Frame</b>
Council resolution to prepare draft Policy P350.15 for advertising	28 September 2010
Public advertising period of not less than 21 days	Commencing early October 2010
Council review of the draft Policy P350.15 in light of submissions received, and resolution to formally adopt the policy with/without modification, or not proceed with the policy	December 2010 Council meeting
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	December 2010 or January 2011 (avoiding the holiday period)

**Policy and Legislative Implications**

A planning policy is adopted under clause 9.6 of TPS6. Under clause 1.5, planning policies are documents that support the Scheme.

A planning policy is not part of TPS6 and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve, before making its determination.

Planning policies are guidelines used to assist Council in making decisions under TPS6. Although planning policies are not part of TPS6, they must be consistent with, and cannot vary, the intent of TPS6 provisions, including the *Residential Design Codes*.

In accordance with clause 7.5 of TPS6, in considering an application for planning approval the Council must have due regard to relevant planning policies.

**Financial Implications**

The City will be responsible for costs associated with implementation of the policy.

**Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within the Council’s Strategic Plan 2010-2015, 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 draft policy encourages this type of tourism accommodation to be located in areas of interest to guests, thereby contributing towards the sustained operation of tourism attractions and accommodation. Existing housing stock can be used for Bed and Breakfast Accommodation to ensure that the impacts of this land use on the amenity and character of the surrounding residential areas will be minimal. Alternatively, new dwellings can be used for this purpose provided that they comply with the provisions of this policy.

**Conclusion**

The proposed policy will provide guidance to the City and applicants on developing Bed and Breakfast Accommodation. The draft policy complements the land use provisions within TPS6.

Council is requested to adopt the draft policy for advertising.

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2</b></p>
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That...

- (a) in accordance with clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the draft Planning Policy P350.15 *Bed and Breakfast Accommodation*, at **Attachment 10.3.2** be adopted for advertising;
- (b) public advertising of the draft Policy be implemented in accordance with Council Policy P355 *Consultation for Planning Proposals*; and
- (c) a report on any submissions received be presented to the earliest available Council meeting following the conclusion of the advertising period.

CARRIED EN BLOC RESOLUTION



**10.3.3 Proposed Three Storey Single House - Lot 216 (No. 9) Swanview Terrace, South Perth**

Location: Lot 216 (No. 9) Swanview Terrace, South Perth  
 Applicant: Parm Tjhung Designs  
 Lodgement Date: 26 February 2010  
 File Ref: 11.2010.102 SW3/9  
 Date: 13 September 2010  
 Author: Cameron Howell, Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development & Community Services

**Summary**

To consider an application for planning approval for a three storey Single House on Lot 216 (No. 9) Swanview Terrace, South. The proposal conflicts with the City's Town Planning Scheme No.6, the 2008 R-Codes and City policies. Some of the variations to the acceptable development provisions are not supported by officers, while the rest can be supported using the performance criteria or through revised drawings.

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

Element on which discretion is sought	Source of discretionary power
Setbacks	R-Code Performance Criteria 6.3.1 P1
Solar access to adjoining sites	R-Code Performance Criteria 6.9.1 P1
Open space	R-Code Performance Criteria 6.4.1 P1
Outdoor living area	R-Code Performance Criteria 6.4.2 P2
Fencing	TPS6 clause 9.6
Maximum floor levels	TPS6 clause 6.10.1(b)

It is recommended that the proposal be refused.

**Background**

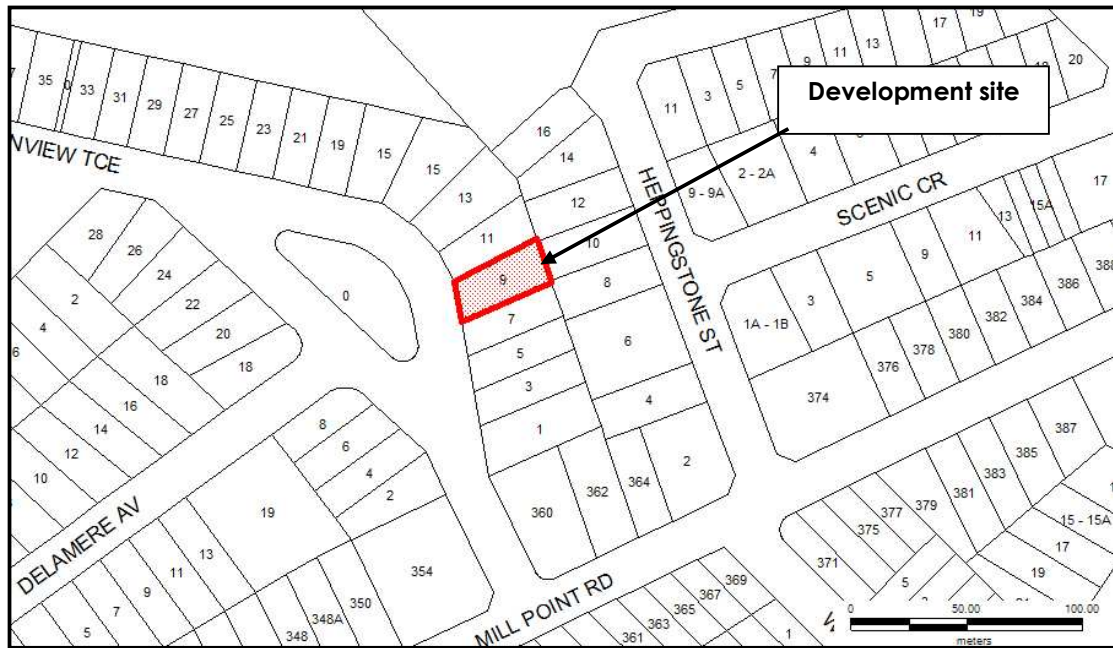
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	761 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	1 Dwelling
<b>Plot ratio limit</b>	Not Applicable

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 supporting report.

The location of the development site is shown below:



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

**3. The exercise of a discretionary power**

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

**6. Amenity impact**

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

In relation to Item 6 above, the extent of adverse amenity impact arising from the proposal is considered unacceptable; see comments below.

**Comment**

**(a) Background**

In February 2010, the City received an application for a three storey single house on Lot 216 (No. 9) Swanview Terrace, South Perth (the site). The applicant has since submitted amended plans in response to planning issues being identified by the City's planning officers.

**(b) Description of the surrounding locality**

The subject site has a frontage on Swanview Terrace, located adjacent to a single storey single house to the north, a two storey single house to the south and a two storey multiple dwelling development to the east.

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

The subject site is currently vacant. The previous development on the subject site was a single storey single house which was demolished in 2009.

**(d) Description of the proposal**

The proposal involves the construction of a three storey single house on the subject site, which is depicted in the submitted plans referred to as **Confidential Attachment 10.3.3(a)**. The site photographs referred to as **Attachment 10.3.3(b)**, show the relationship of the site to the surrounding development.

The following aspects of the proposed development are covered in this report:

- (i) Buildings setback from the boundary;
- (ii) Solar access to adjoining sites;
- (iii) Open space;
- (iv) Outdoor living area;
- (v) Fencing; and
- (vi) Maximum ground and floor levels.

Out of the above listed aspects, buildings setback from the boundary (south), solar access to adjoining sites, open space and fencing are observed to comply with neither the acceptable development nor the performance criteria provisions, though the buildings setback from the boundary (south), open space and fencing aspects could be supported if modifications to the proposed development are made by the applicant. The buildings setback from the boundary (north), outdoor living area and the floor and ground levels aspects are observed to comply with the performance criteria provisions.

The applicant's letter referred to as **Attachment 10.3.3(c)**, describes the proposal in more detail and incorporates the applicant's justification supporting the proposed variations.

The proposal complies with *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council policies with the exception of the remaining non-complying aspects, which are discussed below.

**(e) Wall setback - North**

The wall setbacks generally comply, however the northern wall to the Porte Cochere on the ground floor is set back by 0.1 metres from the boundary in lieu of 1.0 metre.

The applicant has satisfied all of Performance Criteria 6.3.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposed structure provides adequate ventilation and sun to the subject site.
- The proposed structure provides adequate sun and ventilation to the neighbouring property.
- Building bulk is not an issue as the Porte Cochere structure is largely open and the adjoining structure is being used for non-habitable purposes (garage).
- Visual privacy is not an issue.

In assessing the wall setback issues, it is concluded that the proposal complies with the performance criteria.

**(f) Wall setback - South**

The southern wall (Bulk calculation: Bathroom 2 - Library) on the first floor is set back by 1.5 metres from the boundary in lieu of 3.0 metres. The walls have not been calculated independently of each other, as the walls are separated by less than 4.5 metres, as required by Figure 2d of the R-Codes. The proposed separation is 4.01 metres.

If the walls were calculated independently from each other, the Library wall would be setback 1.5 metres from the boundary in lieu of 1.3 metres, complying with the acceptable development provisions. However, the Bathroom 2 - Stairs wall would be setback 1.5 metres from the boundary in lieu of 1.6 metres and would not comply with the acceptable development provisions.

The applicant has not satisfied all of Performance Criteria 6.3.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposed structure provides adequate ventilation and sun to the subject site.
- The proposed structure provides adequate ventilation to the neighbouring property.
- The proposed structure does not provide adequate sun to the neighbouring property.
- Building bulk is an issue due to the adjoining structure being used for habitable purposes. Habitable rooms with major openings and an outdoor living area of the neighbouring property are adjacent to the common boundary.
- Visual privacy is not an issue.

In assessing the wall setback issues, it is concluded that the proposal does not comply with the performance criteria. Therefore, the non-compliant setbacks are not supported by the City.

The City's officer would support the building's setback if the separation of the Library and Bathroom 2 - Stairs walls are increased to 4.5 metres. If the wall separation is increased to 4.5 metres, the 0.1 metre variation to the setback of the Bathroom 2 - Stairs wall is considered to meet the performance criteria. The variation will not have a significant additional visual bulk impact compared to the acceptable development setback and the additional overshadowing compared to the wall at the acceptable development setback would not impact upon any windows or the outdoor living area of the adjoining property.

**(g) Solar access for adjoining sites**

The maximum area of overshadowing permitted is 163.5 sq. metres (25 percent), whereas the proposed overshadowing is 264.0 sq. metres (40.4 percent). Therefore, the proposed development does not comply with the solar access element of the R-Codes.

The applicant has not satisfied Performance Criteria 6.9.1 P1 of the R- Codes as outlined below:

- The extent of overshadow to outdoor living areas and major openings to habitable rooms of the adjoining property is excessive.

In regards to other components of the performance criteria:

- Potential to overshadow solar collectors is non-existent.
- Potential to overshadow balconies and verandahs is non-existent.
- Nil comments were received from the neighbour; see "Neighbour Consultation".

The proposed building will cast shadows over Lot 215 (No. 7) Swanview Terrace, located to the south of the subject site. The building will prevent sunlight to the ground floor windows of three habitable rooms of the adjoining dwelling (Dining, Kitchen and Meals) and part of the outdoor living area located to the rear of the dwelling, incorporating open space covered by a patio, uncovered open space and a swimming pool, at midday on 21 June each year. The floor plan of the adjoining dwelling is included in **Confidential Attachment 10.3.3(a)** and photographs of the building as viewed from the subject site are included in **Attachment 10.3.3(b)**. The applicant has provided three dimensional plans of the shadow cast by the proposed building, at **Confidential Attachment 10.3.3(a)**.

In assessing the performance criteria, the following points have been noted:

- If only the ground floor of the building was constructed, the development would meet the acceptable development provisions, being approximately 19% in lieu of 25%. The extent of shadow cast over the outdoor living area would be to a similar to the proposed three storey building. The first floor component of the proposed building overshadows the roof of the adjoining property's patio. The ground floor of the building would overshadow either a small proportion or none of the habitable room windows of the adjoining dwelling. However it is acknowledged that a single storey dwelling is unlikely to be proposed in this location.
- The applicant could propose a two storey building, such as indicated on sheet A6a of **Confidential Attachment 10.3.3(a)**, complying with all acceptable development provisions, including solar access for adjoining site that would overshadow all three of the windows. However, it is noted that the outdoor living area would not be overshadowed by this building.
- As the third storey of the building is contained within the roof space, it does not add to the overshadowing of the adjoining property.
- The City's officers have considered a number of potential designs for the upper storeys that would overshadow all three windows, including the shadow cast by the proposed ground floor. None of these designs would achieve the acceptable development provisions of overshadowing of the adjoining property by less than 25%.
- The extent of overshadowing of the adjoining property's outdoor living area on its own is considered acceptable. The swimming pool is unlikely to be regularly used in winter and has sufficient access to sunlight during the summer months of the year, based upon the 21 September shadow diagrams provided by the applicant. The overshadowing to the rest of the outdoor living area is acceptable as the shadow is largely cast over the patio roof. The patio already provides shade to the outdoor living area. Finally, the extent of overshadowing caused by the building compared to a 1.8 metre high boundary fence has a minor additional impact.
- The applicant's viewpoint that the outdoor living area and three ground floor windows could be overshadowed to the same extent as the proposed three storey building, by another building on the subject site that would comply with the acceptable development provisions for solar access for adjoining sites, cannot be substantiated by the City's officers.
- A development complying with the acceptable development provisions for solar access is likely to overshadow some of the southern adjoining property's windows to habitable rooms, outdoor living areas, balconies, verandahs and/or solar collectors. Though, an acceptable development shadow cast over the areas listed above would be compensated by allowing sufficient sunlight to other parts of the property and building.

- Looking at the proposed development in its entirety, the extent of overshadowing of the adjoining property is not considered to meet the performance criteria. The proposed three storey building overshadows the windows to three habitable room windows and part of the outdoor living area. While the overshadowing of one component of the neighbouring property may be acceptable, the overall shadow cast will severely restrict sunlight into the main living areas of the neighbouring building and restrict the use of the outdoor living area. Therefore the proposed development is not considered to protect solar access to the neighbouring property.

In assessing the overshadow issue, it is considered that the proposal does not comply with the performance criteria and on balance, is not supported by the City.

**(h) Open space**

The required minimum open space is 50 percent of the site (380.5 sq. metres), whereas the proposed open space is 46.8 percent (356 sq. metres). Therefore, the proposed development does not comply with the open space element of the R-Codes. The proposed development is not considered to meet the performance criteria for open space.

The City's officers would support the development if the following changes were made:

- (a) The roof over the southern courtyard adjacent to the Stairs is removed; and
- (b) The roof of the balcony on the first floor adjacent to Bedroom 2 and 3 is removed.

Therefore, subject to amendments as recommended above, the proposal will comply with the open space element of the R-Codes.

**(i) Outdoor Living Area**

The required minimum outdoor living area is 30 square metres, with at least two-thirds of the area without permanent roof cover. The development provides a 38.5 square metre outdoor living area adjacent to the driveway, with 24 square metres without permanent roof cover, though only 19 square metres of this outdoor living area meets the minimum length and width of 4 metres. This outdoor living area is directly accessible from two habitable rooms. The driveway is not considered to form part of the outdoor living area.

The southern courtyard is 16 square metres in size and meets the minimum length and width dimensions, though only has 3 metres without permanent roof covered. This outdoor is not directly accessible from a habitable room of the dwelling, as required by clause 6.4.2.A2 of the R-Codes.

Even though the proposed development does not comply with the outdoor living area acceptable development provisions of the R-Codes, the outdoor living area is considered to meet the performance criteria. While not meeting the minimum dimensions, an adequate sized area is available for passive recreational activities and will have the appearance of a larger area being next to the driveway. This area takes use of the northern aspect of the site and is unlikely to be shadowed by existing or future development on neighbouring properties.

Therefore, the proposed development complies with the outdoor living area element of the R-Codes.

**(j) Finished ground and floor levels - Minimum**

As the site is suitably elevated above ground and surface water levels, all ground and floor levels comply with Clause 6.9.2 "Minimum Ground and Floor Levels" of TPS6.

**(k) Finished ground and floor levels - Maximum**

The maximum finished *ground* level permitted is RL 10.30 metres above AHD. The proposed finished ground level is 10.20 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 RL 10.40 metres above AHD. The proposed finished floor level is 10.45 metres. Even though the proposed development does not comply with the equal cutting below and filling above provision of clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6, the Council has discretionary power under Clause 6.10 of TPS6 to approve the proposed ground / floor levels if Council is satisfied that all requirements of that clause have been met.

In this instance, it is recommended that the proposed ground and floor levels be approved as the applicant has satisfied Council in relation to the following requirements of that clause:

- (a) Adverse visual impact on the adjoining property.
- (b) Adverse impact on the adjoining property in relation to overshadowing.
- (c) Achievement of a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots.

**(l) Fencing**

Dividing fences are required by Element 6.2.5 of the R-Codes to be no greater than 1.8 metres above ground level, and visually permeable above 1.2 metres within the front setback area. The proposal is for 1.8 metre fences to be constructed or retained on the side and rear boundaries, and for fencing with the solid component not exceeding 1.2 metres in height within the front setback area. However, the following components of the front fence are not compliant with City Policy P350.7 ‘Fencing and Retaining Walls’:

- (a) The dimensions of 4 piers exceed the maximum width of 0.47 metres, in accordance with clause 5(c) and Table 1 of Policy P350.7.

Three of the piers are 0.6 metres wide, while the fourth is 0.9 metres wide. The three 0.6 metre wide piers are located within the corner truncation area adjacent to the intersection of a formed driveway and a public street. It is recommended that these fence piers be reduced to 0.47 metres, to maintain visual sightlines for the development site and neighbour’s driveway. The variation for the 0.9 metre wide pier is supported by City officers, to allow the installation of electricity and gas supply meter boxes, as passive surveillance of the street and dwelling is maintained and it does not create any obstruction to drivers of the development site or the adjoining property.

Therefore, subject to amendment to the dimensions of the front fence piers, the proposed development complies with the City’s fencing requirements.

**(m) Building height**

The building height is 7.0 metres. The external walls of the building that exceed the 7.0 metre building height limit are located within the notional 25 degree hip roof shape. The chimney is defined as a minor projection and therefore is not included in measuring the height of the building. Therefore, the proposed development complies with Clause 6.2 “Building Height Limit” of TPS6.

**(n) Significant views**

Council Planning Policy P350.9 “Significant Views” requires the consideration for the loss of significant views from neighbouring properties.

The neighbouring property to the east of the subject site has upper storey windows facing towards the Swan River (significant views). However, the proposed development is not seeking variations to its normal development requirements that block views from adjoining properties. Therefore, it is considered that the proposed development complies with the policy.

**(o) Visual privacy setbacks**

Most of the active habitable spaces are set back a sufficient distance and / or have effective screening installed to comply with the acceptable development provisions. The cone of vision for the following active habitable spaces extends over the adjoining residential properties:

- Master suite - First floor (6.0 metres).
- Library - First floor (6.0 metres).
- Balcony - Second floor (7.5 metres).

The applicant has satisfied “Visual Privacy” Performance Criteria 6.8.1 P1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- Direct overlooking of active habitable spaces and outdoor living areas of other dwellings from the major openings, and outdoor active habitable spaces of the subject site are non-existent.

In assessing the visual privacy setback issues, it is concluded that the proposal complies with the performance criteria, and this aspect of the proposed development is supported by the City.

**(p) Sustainable design**

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

In assessing the current proposal, it is noted that overshadowing of the southern neighbour does not comply with Element 6.9.1 “Solar access for adjoining sites”.

The proposed development fails to comply with a variety of development requirements, which would result in a building of less bulk and scale if the conflicts were rectified, and therefore achieving a more sustainable design. Therefore, the proposed development does not comply with Council Policy P350.1.



**(q) 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;*

The proposed is not considered to meet the following objectives:

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

As discussed above, the proposed development overshadows the southern adjoining property to a greater extent than permitted; hence the proposed development has an adverse amenity impact.

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

In considering the application, 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 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 Council under the provisions of Clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (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;*
- (x) any other planning considerations which Council considers relevant.*

The proposed development is not considered satisfactory in relation to all of these matters, as the development will conflict with matters (c) and (i) listed in clause 7.5 of TPS6.

**Consultation**

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

The design of the proposal did not need to be referred to the City's Design Advisory Consultants (DAC) as the design of the building is seen by officers to be compatible with the existing streetscape character.

**(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”. The owners and occupiers of properties at Nos. 7 and 11 Swanview Terrace were invited to inspect the application and to submit comments during a 14-day period. A total of four neighbour consultation notices were mailed to individual property owners and occupiers. The owners of properties at Nos. 8, 10 and 12 Heppingstone Street were invited to inspect the application for information only.

During the advertising period, one submission was received. This submission was from the owner of a property who was informed of the proposed development. The submission made no direct comment about the proposed development, but requested the Council ensure that the development is compliant with the Town Planning Scheme, R-Codes and policy requirements.

**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, except for that the applicant may decide to appeal a refusal decision with the State Administration Tribunal.

**Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan, and is considered to be satisfied. Strategic Direction 3 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.

However, there are sustainability implications relating to this application, as access to sunlight to the neighbouring property is severely restricted, requiring greater use of artificial lighting and heating to that dwelling for the occupiers of the southern adjoining property.

**Conclusion**

The proposal will have a detrimental impact on adjoining residential neighbours, and does not meet all of the relevant Scheme, R-Codes and City policy objectives and provisions. Accordingly, it is considered that the application should be refused.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3</b>
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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 three storey Single House on Lot 216 (No. 9) Swanview Terrace, South Perth, **be refused** for the following reasons:

**(a) Specific Reasons**

- (i) The proposed development does not comply with clause 1.6(2) "Scheme Objectives" of the City's Town Planning Scheme No. 6 (TPS6), specifically subclause (f).
- (ii) The proposed development does not comply with clause 7.5 "Matters to be Considered by Council" of TPS6, specifically subclauses (c) and (i).
- (iii) The proposed development does not meet the acceptable development or the performance criteria provisions of clause 6.9.1 "Solar Access for Adjoining Sites" of the Residential Design Codes (2008) (R-Codes). Specifically, the extent of shadow cast by the proposed building being 40.4 percent in lieu of 25 percent of the site area of the adjoining property and for not sufficiently protecting solar access for the neighbouring property;
- (iv) The proposed development does not meet the acceptable development or the performance criteria provisions of clause 6.3.1 "Buildings Setback from the Boundary" of the R-Codes, specifically for the following side setback:
  - (A) First floor (Library-Bathroom 2 bulk calculation - south) setback 1.5 metres in lieu of 3.0 metres.
- (v) The proposed development does not meet the acceptable development or the performance criteria provisions of clause 6.4.1 "Open Space" of the R-Codes. Specifically, the provision of open space is 46.8 percent in lieu of 50 percent.
- (vi) The proposed fencing within the front setback area of the development site does not meet the acceptable development or the performance criteria provisions of clause 6.2.6 "Sight Lines at Vehicle Access Points and Street Corners" of the R-Codes or the requirements of clause 5 of City Policy P350.7 "Fencing and Retaining Walls". Specifically, the dimensions of the piers located with the 1.5 metre x 1.5 metre triangular corner truncation area adjacent to the intersection of a formed driveway and the boundary of a public street exceed 0.47 metres x 0.47 metres.

**(b) Standard Advice Notes**

651 appeal rights- SAT

<b>Footnote</b>	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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CARRIED EN BLOC RESOLUTION

**10.3.4 Proposed Mixed Use Development (Café / Restaurant, Local Shop, Single House and Two Single Bedroom Dwellings) within a 2-Storey Building - Lot 1 (No. 297) Canning Highway, Como**

Location: Lot 1 (No. 297) Canning Highway, Como  
 Applicant: Peter Jodrell  
 Lodgement Date: 17 May 2010  
 File Ref: 11.2010.253 CA6/297  
 Date: 1 September 2010  
 Author: Siven Naidu, Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development & Community Services

**Summary**

To consider an application for planning approval for Mixed Use Development (Café / Restaurant, Local Shop, Two Storey Single House and Two Single Bedroom Dwellings) within a 2-Storey Building on Lot 1 (No. 297) Canning Highway, Como. The proposal varies from the City’s Town Planning Scheme No. 6 (TPS6), specifically:

1. plot ratio(a minor variation);
2. car parking(a minor variation);
3. landscaping;
4. boundary walls;
5. building setbacks (residential and non-residential); and
6. café / restaurant seating.

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

Element on which discretion is sought	Source of discretionary power
Plot ratio	TPS6 Clause 7.8
Landscaping ( <i>Non-residential</i> )	TPS6 Clause 7.8(1)
Building setbacks ( <i>Non-residential</i> )	TPS6 Clause 7.8(1)
Building setbacks ( <i>Residential</i> )	R-Code Performance Criteria 6.3.1 P1
Boundary walls	Council Policy P350.2 Clause 7
Car parking	TPS6 Clause 7.8(1)
Café / Restaurant seating	TPS6 Clause 7.8(1)

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

**Background**

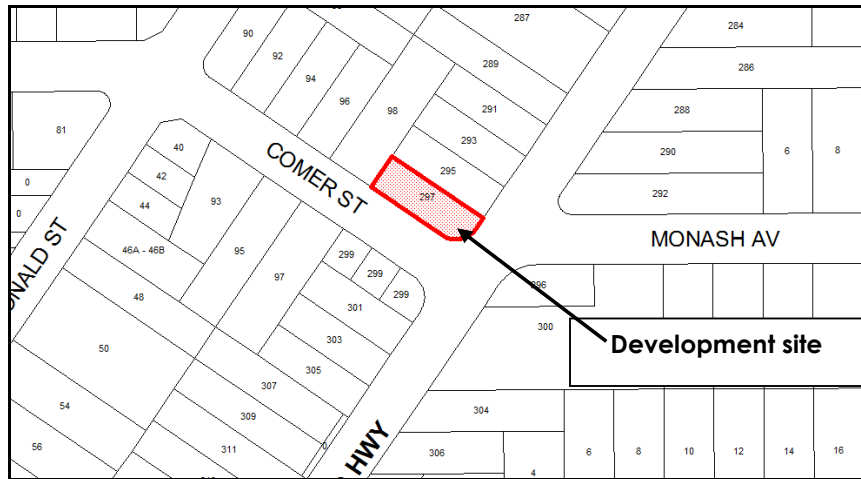
The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R40
<b>Lot area</b>	647.0 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	2 Dwellings under an R40 density coding
<b>Plot ratio limit</b>	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.  
**Attachment 10.3.4(b)** Site photographs.  
**Attachment 10.3.4(c)** Applicant’s supporting letters dated 10 May; 18 and 20 August 2010.

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**

*This power of delegation does not extend to approving applications for planning approval in the following categories:*

*(d) Development which in the opinion of the delegated officer, is contentious and is the subject of significant community interest.*

**3. The exercise of a discretionary power**

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

**6. Amenity impact**

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

Issues raised by neighbours include late trading, noise, car parking and traffic generated.

**7. Neighbour comments**

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

These comments have been covered in the neighbour consultation section of the report.

**Comment**

**(a) Background**

In May 2010, the City received an application for a 2-storey mixed development on Lot 1 (No. 297) Canning Highway, Como (the site). The applicant has submitted amended plans during the course of the assessment in order to demonstrate compliance with relevant statutory provisions.

The application was referred for comment to the Department of Planning, Engineering Services, Environmental Health Services, Design Advisory Consultants' meeting, Council's Major Development Briefing, and Parks & Environment. Consultation of neighbouring properties has also been conducted.

**(b) Description of the surrounding locality**

The subject site is a corner site which has a frontage to Canning Highway and Comer Street, located adjacent to a single storey single house development to the north-east and north-west. Opposite the site on Canning Highway is a commercial building on a property zoned highway commercial to the south-east and a two storey single house (under construction) to the south-west, opposite the site on Comer Street. The remainder of the surrounding locality comprises single storey residential development. The site photographs, referred to as **Attachment 10.3.4(b)** show the relationship of the site to the surrounding development, also indicated in Figure 1 below:



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

The existing development on the subject site currently features a non-conforming use of "Motor Vehicle and Marine Sales Premises" which is depicted in the site photographs referred to as **Attachment 10.3.4(b)**.

**(d) Description of the proposal**

The proposal involves the construction of a 2-storey mixed development on Lot 1 (No. 297) Canning Highway, Como (the site) which is depicted in the submitted plans referred to as **Confidential Attachment 10.3.4(a)**. The proposed development incorporates a café / restaurant, local shop, a foyer and car parking on the ground floor, two single bedroom dwellings, café garden terrace on the first floor, and a two storey single house. The site photographs, referred to as **Attachment 10.3.4(b)** show the relationship of the site to the surrounding development.

Exercise of discretion is requested in relation to the following components of the proposed development:

1. plot ratio;
2. car parking;
3. landscaping;
4. boundary walls;
5. building setbacks (residential and non-residential); and
6. café / restaurant seating.

The applicant's letter, referred to as **Attachment 10.3.4(c)** describes the proposal in detail.

The proposal complies with *Town Planning Scheme No. 6 (TPS6)*, the *Residential Design Codes of WA 2008* (the R-Codes) and relevant Council policies with the exception of aspects identified above where discretion is sought. All key planning matters are discussed below.

**(e) Land use**

The proposed land use of mixed development is classified as a "D" (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6. The individual land uses proposed as part of the development are as follows:

- Single House – Classified as "P" Permitted land use;
- Single Bedroom Dwelling – Classified as "D" Discretionary land use; and
- Café / Restaurant and Local Shop – Classified as "DC" Discretionary use with consultation.

In considering these uses, it is observed that the site adjoins a residential use to the left on Comer Street, in a location with a residential streetscape. On the site a two storey single house is proposed adjoining the lot to the left; accordingly it is considered that the proposed use in this location complies with Table 1 of the Scheme.

It is further observed that the site adjoins a residential use to the right on Canning Highway and a commercial use directly opposite the site. In this location it is observed that a predominantly residential streetscape exists within this focus area on the north-west side of Canning Highway, and a mixture of residential and highway commercial exists on the south-east side of Canning Highway.

**(f) Street setback**

Non-residential street setback (café / restaurant) along Comer Street

The permissible street setback to Comer Street is 6.0 metres for a café / restaurant in accordance with Table 4 of TPS6, whereas the portion of the proposed building is set back 1.550 metres. Therefore, the proposed development does not comply with Table 4 of TPS6. The setback is provided for a width of 5.7 metres along a 44.0 metre street frontage.

Residential street setback along Comer Street

The permissible street setback to Comer Street is 4.0 metres for "residential" in accordance with Table 1 of the R-Codes, whereas the portion of the proposed building is set back 1.550 metres. Therefore, the proposed development does not comply with Table 1 of the R-Codes.

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 be approved, as the applicant has satisfied the City in relation to the following requirements of that clause:

- (i) The 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.

As a response to the above sub-clause, the applicant submits the following comments in support of their submission referred to in **Attachment 10.3.4(c)**:

“Non-residential

- *Under the R40 density code, the secondary setback allowable for residential development is 1.0 metre.*
- *The Comer Street setback of 1.550 metres extends for a distance of 5.7 metres and constitutes a very small part of the frontage.*
- *The balance of the Comer Street residential setback is in excess of the required minimum of 1.0 metre and is further enhanced by the introduction of balconies at the upper level.*

Residential

- *The setbacks proposed along Comer Street have been established on the basis of an allowable secondary setback for the café and apartments of 1.5 metres.*
- *The single house garage has been aligned with this and the living room increased to 3.0 metres to better relate to the neighbouring residential property.*
- *It is noted that the normal 4.0 metre setback does allow a 2.0 metre minimum, indicating that the 3.0 metre proposal is not an unusual interface with the neighbour.*
- *Our other primary reason for moving the building toward the Comer Street frontage is to maximise the outdoor living areas on the northern side of the building to make the most of the climatic advantages of winter sun exposure and energy use.”*

The points put forward by the applicant are considered valid to the proposal, hence demonstrating compliance with the discretionary clause. Therefore, it is recommended that the proposed setback be approved.

**(g) Boundary walls**

Under Council Policy P350.2, the walls have been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the policy:

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



No comments were received from the affected neighbours during the consultation process in relation to the boundary walls.

Finally, the permitted setback for boundary walls is 6.0 metres, whereas the proposed wall setback is 4.0 metres from the front boundary which is inclusive of the road widening along Canning Highway. Therefore, the proposed development does not comply with this element of the policy.

The applicant has provided the following comments in support of their submission referred to in **Attachment 10.3.4(c)**:

- *“No overshadowing of the neighbour will result.*
- *The neighbouring property currently has a paved driveway along this boundary.*
- *No habitable windows overlook this portion of the boundary.*
- *The commercial building directly across Canning Highway has a similar situation.*
- *We have previously described our clients’ intention to purchase the adjoining site (deceased estate) and to develop a complimentary mixed use redevelopment in accordance with previous discussions with Council.*
- *In essence, it is our contention that a 2.7 metre high parapet wall in this location will not have any adverse affect on the neighbour or the locality and we request your consideration of this matter. We look forward to your further consideration of this application.”*

In this instance, it is considered that the justification for the proposal complies with the policy, and is therefore supported by City officers.

**(h) Building height**

The building height limit for the site is 7.0 metres, as measured from highest relative level beneath the building, being 25.42 metres in relation to the bitumen R.L. 25.08 A.H.D. The proposed building height is 6.3 metres. Therefore, the proposed development complies with Clause 6.2 “Building Height Limit” of TPS6.

**(i) Visual privacy setback**

-The required minimum visual privacy setbacks for the living room (north east) are 6.0 metres, whereas the proposed visual setback is 3.0 metres. Therefore, the proposed development does not comply with the visual privacy element of the R-Codes, however the living room will require a minor adjustment to achieve compliance with the R-Codes.

In accordance with the requirements of Clause 6.8.1(A1) of the Residential Design Codes, amended plans will be required to be submitted for approval by the City prior to issuing a building licence. A condition to this effect is included in the recommendation of this report.

**(j) Plot ratio**

In the assessment of this application, Table 4 “Development Requirements for a Non-Residential Use in a Residential Zone” of TPS6 are applied. Due to the absence of mixed development provisions in Table 4, the closest match identified in attaining a justifiable plot ratio in this instance is along Canning Highway, within the highway commercial zone (being the closest in proximity to the site). This requires a plot ratio of 0.5 for a mixed development in accordance with Table 3, which has been applied to this application. The proposed plot ratio is 0.52 in lieu of the 0.50 required. The 0.02 additional plot ratio equates to 8.6 sq. metres.

Council discretion - Cl. 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed plot ratio if Council is satisfied that all requirements of that clause have been met:

- (i) The 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.

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

**(k) Landscaping**

In the assessment of this application, Table 4 “Development Requirements for a Non-Residential Use in a Residential Zone” of TPS6 are applied. Table 4 requires a landscaping of 25% for a café / restaurant and does not cater for a mixed development. The closest match identified in attaining a justifiable landscaping requirement in this instance is along Canning Highway, within the highway commercial zone (being the closest in proximity to the site). Table 3 requires a 15% landscaping area to be provided for a mixed development, excluding the area of the lot required for road widening purposes. The R-Codes define “landscape, landscaping or landscaped” as follows:

*“Land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or playgrounds and any other such area approved of by Council as landscaped area.”*

Landscaping of 15% (63.0 sq metres) is required. Landscaping for the development site currently stands at 13% (56.0 sq. metres) and the calculation is inclusive of the green “living” wall proposed along the south-east elevation of Canning Highway. This represents a deficiency of 2% (7.0 sq. metres). Discretion can be exercised in relation to assessing the landscaping in accordance with Clause 7.8(1) of TPS6.

City officers recommend Council support the variation in landscaping for the following reasons:

- (i) Clause 5.1(5) of TPS6 states that Council may permit a lesser landscaped area if the developer provides outstanding landscaping in accordance with Clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by Council to be exceptional. A condition to this effect has been included in the recommendation section of this report.
- (ii) In relation to the road widening strip along Canning Highway, the developer has shown approximately 25.0 sq. metres of landscaping area. Although Clause 6.6(3) of the Scheme requires the exclusion of the road widening area for determining minimum required open space or landscaped area, this area could be landscaped until such time as the Department of Planning require the area for regional transport purposes.

**(l) Car parking**

The required number of residential car bays for the Single House is 2; and for the Single Bedroom Dwellings are 2. The applicant has provided a total of 4 cars bays on-site. Therefore, the proposed development complies with the car parking requirement of the R-Codes for the residential component.

The café / restaurant and local shop components of the development require 13 bays and one bay respectively; a total of 14 bays in accordance with Table 6 of TPS6. The proposed development provides 13 parking bays (six on-site and seven verge bays). The applicant proposes reconfiguring the existing verge parking along Comer Street to create seven verge parking bays which have been supported by the City's Engineering Infrastructure department. The applicant is now seeking a variation of one parking bay.

For the following reasons it is considered that the variation of one car bay should be granted:

- (i) The site is in close proximity to public transport.
- (ii) Local residents will utilise the shop and café by walking to the 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:

- (i) The 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.

The applicant has provided the following comment in support of their submission referred to in **Attachment 10.3.4(c)**:

- *“We believe that the location of the café and the easy walking and riding accessibility will ensure that many patrons will not arrive by car, and we request Council's exercise of discretion in this matter.”*

Council can use Clause 6.3(5)(a) of TPS6 to seek cash-in-lieu for the deficiency of seven on-site car bays within the road reserve. This will provide the funds to construct the seven bays. A condition of approval is recommended to achieve this.

**(m) Proposed hours of business**

Hours of operation applied for by the proponent for the local shop is from 8:00am to 6:00pm, Monday to Saturday and from 12:00 noon to 6:00pm on Sundays. The café / restaurant is proposed to operate from 8:00am to 10:30pm, Monday to Friday, from 8:00am to 12:00 midnight on Saturdays, and from 12:00 noon to 9:00pm on Sundays.

At the May 2010 Council meeting, the City approved the hours of operation for a café / restaurant along Mill Point Road from 8:00am to 9:00pm, seven days a week. In light of this café along Canning Highway, and due to the high volume of pedestrian and vehicular traffic, the hours of operation for both the local shop and café / restaurant is supported by the officers.

Due to community concern raised in submissions, a condition could be imposed over a period of time from the date of granting planning approval which would allow Council to take into account the manner in which the conditions relating to the trading hours have impacted on the amenity of the locality and any related social issues, as provided by Scheme Sub-clause 7.5(i) and 7.5(p), during its consideration of the application to vary the conditions of approval. The following condition is recommended:

*The maximum opening hours of the café / restaurant shall be 8:00am to 10:30pm, Monday to Friday, from 8:00am to 12:00 midnight on Saturdays, and from 12:00 noon to 9:00pm on Sundays. Should any noise complaints from neighbours be received within the first 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose an earlier closing time or other requirements to address the complaints.”*

**(n) Café / Restaurant patrons seating**

The maximum permissible seating in an area zoned R40 is 30 seats in accordance with Table 4 “Other Development Requirements” of TPS6. The proposed seating for patrons is 64 seats, which does not comply with Table 4 of TPS6.

Council discretion - Cl. 7.8.1

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

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

The applicant has provided the following comments in support of their submission referred to in **Attachment 10.3.4(c)**:

- *“A detailed seating layout has now been prepared on the basis of the recommended table spacing. This indicates a potential for 64 seats to the internal ground floor and upstairs terrace, and forms the basis for our parking calculations.*
- *Due to the Canning Highway location and Council’s own declared intentions to support more activation of this area along the highway, we request Council’s favourable consideration of this size of facility. It is difficult to sustain a viable café with only 30 seats.”*

Due to the location of the proposed café / restaurant along Canning Highway, the development increases activation and casual surveillance of Canning Highway and partially along Comer Street. City officers recommend that Council support this variation.

**(o) 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;*
- (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.*

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

In considering the application, 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 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 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;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*

- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (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 Council considers relevant.*

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

**Consultation**

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held on 12 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 Response	Officer Comment
The architects observed that the proposed built form demonstrated compatibility with the existing streetscape character.	No comment.	The comment is <b>NOTED</b> .
The architects recommended that the barrier (gate) provided at the entrance into the on-site car parking should be shifted back in order to keep the car bays assigned for use by the café / restaurant customers outside the barrier for convenient access.	Amended drawings submitted.	The applicant has since submitted amended plans demonstrating compliance with this recommendation. The comment is <b>NOTED</b> .
In order to provide access to northern sunlight to the proposed balconies for single bedroom dwellings on the first floor level, the architects recommended that the slope of the roof above these balconies should be reversed. This will also achieve compliance with the prescribed building height limit.	Amended drawings submitted.	The applicant has since submitted amended plans demonstrating compliance with this recommendation. The comment is <b>NOTED</b> .
The architects also observed that the noise generated by the proposed café restaurant will be significantly less than that generated by traffic on Canning Highway.	No comment.	The comment is <b>NOTED</b> .
The architects recommended that the raking fins on either side of the stair hall be replaced with flat fins.	The two gables over the café / apartments have not been changed as they comply with height requirements and relate to roof shape behind. I request your approval of this as it is.	Officers are in agreement with the applicant's response. The comment is <b>NOT UPHELD</b> .

**(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 were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 22 consultation notices were sent and four submissions were received, all against the proposal. In addition to the submissions received during the neighbour consultation process, a petition (together with 12 signatures) was received by the City and tabled at the June 2010 Council meeting in relation to the proposed application; all against the proposal. The comments from the submitters, together with the applicant’s and officer’s responses are summarised as follows:

Submitters' Comments	Applicant's Response	Officer Response
<p>Concerns in relation to insufficient parking being provided on-site and along the verge to cater for the proposed local shop and café / restaurant; and this being a major traffic hazard at a later stage, requiring patrons who frequent the establishment to park along the verge of homeowners on Comer Street.</p>	<p>Our proposal incorporates a 25.0 sq. metre local shop and a café with a seating area of 30.0 sq. metres internally and 35 sq. metres of external upstairs terrace. The total parking requirement is calculated at 14 cars. Our proposal indicates six on-site bays and seven on-street bays, and will have a shortfall of a bay. We contend that a substantial part of the patrons using the café will come from the surrounding area and will walk to the site. In addition, the shop will not be operating in the evenings and this additional bay will be available for use by café patrons.</p>	<p>Further to the applicant's response, the proposed car parking has been justified in accordance with the discretionary provisions of the Scheme (see "Car Parking" section). In addition, the development has a shortfall of one parking bay and due to the local and pedestrian patrons envisaged, including the locality of access to public transport, the shortfall is considered acceptable by City officers. The comment is <b>NOT UPHELD</b>.</p>
<p>Concerns regarding the increase and movement of traffic to and from the local shop and café / restaurant late during the evenings and on Sundays, thus infringing on the rights of residents to the quiet enjoyment of their homes.</p>	<p>The placement of the café on the corner of the site (Canning Highway and Comer Street) ensures that any patrons arriving via the highway can turn into Comer Street and park without travelling down Comer Street. The predominant noise source in this precinct is generated by Canning Highway traffic passing by the site, not stopping at the site.</p>	<p>Further to the applicant's response, the application has been supported by Engineering Infrastructure. Due to the proximity to public transport and the envisaged local and pedestrian patrons; it is considered acceptable by City officers. The comment is <b>NOT UPHELD</b>.</p>
<p>Concerns are raised in relation to the noise that will be generated by traffic, café / restaurant facilities and patrons during the day and more so in the evenings that would affect the residents in the close proximity of the proposed establishment.</p>	<p>By placing the 2-storey café / apartment building on the corner of Canning Highway and Comer Street, we believe that we will provide a buffer to the noise generated by the passing traffic, and may in fact cause a reduction in the volume and intensity of noise passing down the Comer Street road reserve.</p>	<p>Further to the applicant's response, the development will also have to comply with the relevant Environmental Protection (Noise) Regulations 1997. The comment is <b>NOT UPHELD</b>.</p>

Submitters' Comments	Applicant's Response	Officer Response
<p>Submitters' concerns that the once peaceful residential environment within Comer Street that has been enjoyed thus far will be infringed upon if the development is allowed to go ahead.</p>	<p>We contend that this end of Comer Street with its close relationship with Canning Highway could not be considered as a "peaceful residential environment". The used car yard currently on our site is also a contributor to the noise levels due to the commercial activities including minor servicing and maintenance work that occurs on the site, but primarily due to the open nature of the site on the highway interface that allows the free flow of traffic noise down Comer Street.</p>	<p>This proposal is in accordance with the Community Vision "Our Vision Ahead", as it "increases local amenity and services to reduce car dependency. The officers also support the comments provided by the applicant, hence recommend approval. The comment is <b>NOT UPHELD</b>.</p>
<p>Residents are questioning the hours of operation for the local shop and café / restaurant, and the affect this will have on the current residential standard of living.</p>	<p>It is anticipated that the shop would operate from 8:00am to 6:00 pm, Monday to Saturday and from 12 noon to 6.00 pm on Sundays. The Café/restaurant to operate from 8.00 am to 10.30 pm, Monday to Friday, from 8.00 am to 12.00 midnight on Saturdays and from 12 noon to 9.00 pm on Sundays.</p>	<p>Condition to be placed on the planning approval in relation to the hours of operation, (as indicated in hours of business within the report). The City would have the option to revisit the planning approval and impose further conditions; relating to hours of business, as may be applicable, under Clause 7.5 of TPS6 as an amenity consideration The comment is <b>NOTED</b>.</p>
<p>Concerns relating to the large number of seating provided within the café / restaurant establishment.</p>	<p>It was unfortunate that a true representation of the number of seats in the café was not provided at the application stage. This has now been rectified, indicating a facility with 65.0 sq. metres. of seating area, 35.0 sq. metres of which is external upstairs terrace facing onto the highway. Again, we contend that the impact of this small café on the Comer Street residents will be minimal. On the other hand, the benefits of a small local shop and café within walking distance of many residents in the precinct can be seen as a substantive enhancement to the area.</p>	<p>Further to the applicant's response, the proposed seating has been justified in accordance with the discretionary provisions of the Scheme. The comment is <b>NOT UPHELD</b>.</p>



Applicant's response summary

In conclusion, we note the following reasons why this development proposal should receive your recommendation for approval:

- It removes the undesirable "Used Car Yard" use from the site.
- It provides a needed additional café in the precinct within walking distance of a range of residential properties.
- It provides a commercial "buffer" on the Canning Highway frontage and helps reduce the noise transfer into the residential streets.
- It contributes to the reactivation of Canning Highway.
- The scale and design of the building is in keeping with the current buildings in the precinct and it demonstrates best practice in terms of a sustainable design.

**(c) Manager, Engineering Infrastructure**

Comments were invited from the Manager, Engineering Infrastructure in relation to car parking and traffic generated from the proposal.

Comments were provided in relation to the crossing and street parking design covering various aspects of design and dimensions provided. The applicant has since submitted amended plans to ensure that all crossing and street parking bays meet the minimum design and dimensions required by TPS6 and Engineer Infrastructure.

Accordingly, planning conditions and important notes, including an appropriate condition of approval regarding stormwater drainage, have been included in the recommendation to deal with issues raised by the Manager, Engineering Infrastructure.

**(d) City Environment comments**

The department provided comments with respect to the location and preferred species of the proposed trees. It was recommended that:

- “(i) the four street trees are to be Agonis Flexuosa (After Dark), which are to fit along the verge; and*
- (ii) street trees to be reticulated from the proposed development.”*

Planning conditions and important notes are accordingly recommended to deal with matters raised by City Environment.

**(e) Environmental Health comments**

The Coordinator, Environmental Health Services provided comments that the development is to comply with Environmental Health legislation and regulations. The department requires compliance with the following requirements:

- (i) Health Act 1911;*
- (ii) Health Act (Laundries and Bathrooms) Regulations;*
- (iii) Regulations relating to Sewerage, Lighting, Ventilation and Construction;*
- (iv) City of South Perth Health Local Laws 2002;*
- (v) Health Act (Carbon Monoxide) Regulations 1975;*
- (vi) Environmental Protection (Noise) Regulations 1997;*
- (vii) Food Act 2008;*
- (viii) Food Regulations 2009;*
- (ix) Australia New Zealand Food Standard Code; and*
- (x) Australian Standard – AS 4674-2004 Design, Construction and Fit-out of Food Premises.*

Further to the above, Environmental Health Services provided comments with respect to a bin store location / construction, noise, sanitary and laundry conveniences, mechanical ventilation, Environmental Protection (Noise) Regulations 1997 and noise generally. Advice notes concerning these matters are included in the recommendation of this report.

**(f) Building Services**

The Team Leader, Building Services had no comment 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.

**(g) External agencies**

Comments have also been 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 to the proposed development on regional transport planning grounds provided that:

- (i) *the area designated for future road widening is increased to the 2.4 metres; and*
- (ii) *the structure at the corner is temporary only and will be removed at the proponent's expense and without claim for compensation when the land is required for widening.*

In relation to the 2.4 metre road widening, the applicant has provided amended plans indicating this requirement. Accordingly, a planning condition will be recommended to deal with the issue of the structure within the road widening.

**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 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.*

This also relates to Direction 1.3 which states:

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

**Sustainability Implications**

The proposed development is observed to be sustainable as it proposes a mix of housing types and non-residential uses within the area which will potentially cater to the social needs while adding vibrancy in the locality. The outdoor areas for the dwellings have access to north-easterly sunlight.

**Conclusion**

The proposal is observed to be compatible with the neighbouring development and compliant with either the acceptable development or discretionary provisions of the Scheme, R-Codes and policies. Accordingly, it is considered that the application should be granted planning approval subject to conditions. Where the proposal requires the exercise of discretion, it is considered that the applicant has adequately demonstrated that there will be no adverse amenity impact.

**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 a 2-Storey Mixed Use Development (Café / Restaurant, Local Shop, Single House and Two Single Bedroom Dwellings on Lot 1 (No. 297) Canning Highway, Como **be approved** subject to the following conditions:

**(b) Standard Conditions**

615	Screening - Amended plans required	471	Retaining walls - Timing
616	Screening - Permanent	455	Dividing fence - Standards
377	Screening - Clothes drying	456	Dividing fence - Timing
352	Car parking - Marked bays	340	Parapet walls - Finish of surface
353	Car parking - Visitors bays	508	Landscaping approved / completed
351	Car parking - Landscaping strip	550	Plumbing hidden
390	Crossover - Standards	354	Car parking - Maintain surfaces
410	Crossover - Affects infrastructure	427	Colours and materials - Details
393	Verge and kerbing works	664	Inspection (final) required
625	Sightlines for drivers	660	Expiry of approval
470	Retaining walls - If 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) Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (a) Landscaping is to be provided in accordance with Clause 6.14(1), together with landscaping within the street reserve adjacent to the development site, to a standard considered by Council to be exceptional in accordance with Clause 5.1(5) of TPS6.
  - (b) Demonstrate compliance with the visual privacy provisions of the R-Codes in relation to the north-eastern living room, or alternatively provide screening which satisfies the screening requirements of the R-Codes.

- (ii) Four Agonis Flexuosa (After Dark) street trees shall be provided along the verge at the owner's cost.
- (iii) The structure at the corner is temporary only and will be removed at the proponent's expense and without claim for compensation when the land is required for widening.
- (iv) The applicant is required to pay the sum of \$918.50 for the cost of providing street trees as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.
- (v) Cash-in-lieu of (7) seven car parking bays shall be paid to the City in accordance with Clause 6.3(5) of TPS6, prior to commencement of construction.
- (vi) The maximum opening hours of the Café / Restaurant shall be 8:00am to 10:30pm, Monday to Friday, from 8:00am to 12:00 midnight on Saturdays, and from 12:00 noon to 9:00pm on Sundays. Should any noise complaints from neighbours be received within the first 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose an earlier closing time or other requirements to address the complaints.

(c) **Standard Advice Notes**

648	Building licence required	646	Landscaping - general standards
640	Costs	646A	Masonry fence requires BA
647	Revised drawings required	649	Signs
578	New titles prior to BL	649A	Minor variations - Seek approval
645	Landscaping - Plan required	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.

(d) **Specific Advice Notes**

The applicant is advised that:

- (i) Street trees referred to in Specific Condition (b)(iii) are required to be reticulated from the proposed development.
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health section to ensure satisfaction of all of the relevant requirements.
- (iii) It is the applicant's responsibility to liaise with the City's Parks and Environment section prior to designing a landscaping plan for the street verge areas as required.
- (iv) Engineering Infrastructure  
The applicant / owners are advised of the need to comply with the enclosed Engineer Infrastructure requirements.
- (v) Environmental Health  
The applicant / owners are advised of the need to comply with the enclosed Environmental Health requirements.

MOTION

Cr Cala moved the officer recommendation, Sec Cr Hasleby

AMENDMENT

Moved Cr Lawrance, Sec Cr Trent

That the officer recommendation be amended at Specific Condition (b)(vi) to read:

**(b) Specific Conditions**

- (vi) The maximum opening hours of the Café/Restaurant shall be 7am to 9pm, seven days a week for a trial period of 12 months of operation. Should any noise complaints from neighbours be received within the first 12 months of operation the Council will determine whether the complaints are valid and if so, will impose an earlier closing time or other requirements to address the complaints.

The Mayor Put the Amendment.

LOST (4/5)

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4</b>
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The Mayor Put the Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a 2-Storey Mixed Use Development (Café / Restaurant, Local Shop, Single House and Two Single Bedroom Dwellings on Lot 1 (No. 297) Canning Highway, Como **be approved** subject to the following conditions:

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<b>Footnote</b> 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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**(b) Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
  - (a) Landscaping is to be provided in accordance with Clause 6.14(1), together with landscaping within the street reserve adjacent to the development site, to a standard considered by Council to be exceptional in accordance with Clause 5.1(5) of TPS6.
  - (b) Demonstrate compliance with the visual privacy provisions of the R-Codes in relation to the north-eastern living room, or alternatively provide screening which satisfies the screening requirements of the R-Codes.
- (ii) Four Agonis Flexuosa (After Dark) street trees shall be provided along the verge at the owner's cost.
- (iii) The structure at the corner is temporary only and will be removed at the proponent's expense and without claim for compensation when the land is required for widening.
- (iv) The applicant is required to pay the sum of \$918.50 for the cost of providing street trees as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.
- (vii) Cash-in-lieu of (7) seven car parking bays shall be paid to the City in accordance with Clause 6.3(5) of TPS6, prior to commencement of construction.
- (viii) The maximum opening hours of the Café / Restaurant shall be 8:00am to 10:30pm, Monday to Friday, from 8:00am to 12:00 midnight on Saturdays, and from 12:00 noon to 9:00pm on Sundays. Should any noise complaints from neighbours be received within the first 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose an earlier closing time or other requirements to address the complaints.

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

**(d) Specific Advice Notes**

The applicant is advised that:

- (vi) Street trees referred to in Specific Condition (b)(iii) are required to be reticulated from the proposed development.
- (vii) It is the applicant's responsibility to liaise with the City's Environmental Health section to ensure satisfaction of all of the relevant requirements.
- (viii) It is the applicant's responsibility to liaise with the City's Parks and Environment section prior to designing a landscaping plan for the street verge areas as required.
- (ix) Engineering Infrastructure  
The applicant / owners are advised of the need to comply with the enclosed Engineer Infrastructure requirements.
- (x) Environmental Health  
The applicant / owners are advised of the need to comply with the enclosed Environmental Health requirements.

CARRIED (8/1)

**10.4 STRATEGIC DIRECTION 4: PLACES**

**10.4.1 Canning Bridge Precinct Vision**

Location: City of South Perth  
Applicant: Council  
File Ref: TT/306  
Date: 1 September 2010  
Author: Vicki Lummer, Director Development and Community Services  
Reporting Officer: Chief Executive Officer

**Summary**

The Department of Planning on behalf of the Western Australian Planning Commission, in partnership with the City of South Perth and the City of Melville engaged GHD to prepare a strategic long-term Vision for the Canning Bridge Rail Station Precinct. The key focus of the study is to prepare a precinct Vision and Implementation Strategy for the Canning Bridge Precinct to facilitate transit oriented development that will take advantage of its strategic location and prime regional access characteristics, to ascertain the community's expectations and prepare a 40-50 year plan for future development.

After consultation with landowners, residents and other stakeholders a draft Vision was prepared. The draft Vision was then released for comment for a two month period in February and March 2010.

As a result of the community input amendments have been made to the Final Canning Bridge Rail Station Study "Precinct Vision" document. These changes include:

- Changes to the bus station and bus bridge location at Cassey Street;
- Changes to the image and text to better illustrate timing;
- Showing an illustration of a concept for the Kintail Road intersection;
- Show improved pedestrian/cyclist accessibility;
- Amendments to the heights in the vicinity of Cassey Street;
- Other minor changes including more focus on continued community engagement; and
- Introduction of maximum height of 20 Storeys to the Performance Based Zone to allay fears of unlimited heights being permitted.

Endorsement of the amended Vision is being sought from the Council as the long term non statutory guiding document for the Canning Bridge Precinct.

**Background**

At its December 2009 meeting, Council considered a report to initiate advertising of the Canning Bridge Precinct Vision Document and resolved as follows:

*That .....*

- (a) *the Council endorse the Canning Bridge Rail Station Study "Precinct Vision" at Confidential Attachment 10.1.1 for the purposes of advertising, for a period of not less than 45 days*
- (b) *the Western Australian Planning Commission and the City of Melville be advised of the endorsement of the Canning Bridge Rail Station Study "Precinct Vision" for advertising; and*
- (c) *The Canning Bridge Rail Station "Precinct Vision" (for public comment) report remains confidential until the commencement of the proposed public advertising process.*

This report includes the Canning Bridge Rail Station Study “Precinct Vision” (Including the Height plan and Precinct plan) document referred to as **Attachment 10.4.1(a)** and the Report on Submissions to the Canning Bridge Precinct Vision as **Attachment 10.4.1(b)**.

Development of the Vision has included the following:

Date	Event/Action	Who
March 2008	Information collection and engagement to begin project	Officers and consultants
July 2008	Community open day	All interested community members – over 100 attendees
July 2008	Joint Briefing of Councils	Elected members and officers from City of South Perth and City of Melville
August and September 2008	City of South Perth community workshops	Community members
October 2008	Joint Briefing of Councils	Elected members and officers from City of South Perth and City of Melville
November 2008	Transport forum	
February 2009	City of Melville community workshops	Community members
March 2009	Joint Briefing of Councils	Elected members and officers from City of South Perth and City of Melville
Mid 2009	Transport Workshop	
16 September 2009	Joint Briefing of Councils	Elected members and officers from City of South Perth and City of Melville
December 2009	Councils endorse Draft Vision for Advertising	Councils of South Perth and Melville
2 Feb 2010 to 1 April 2010	Draft precinct vision formal public comment period	Letters to all owners within the precinct
13 February 2010	Public Forum	Over 400 attendees
Feb to July 2010	Submissions reviewed (400+)	Department of Planning and Project Management Group
4 June 2010	Transport Workshop	Cities of South Perth and Melville, Dept Transport, Main Roads, Transperth, Dept of Planning
7 July 2010	Joint Briefing of Councils on submissions	Elected members and officers from City of South Perth and City of Melville
July & Aug 2010	Amendments to the Vision including the Cassey Street bus bridge	Project Management Group
25 August 2010	Briefing of Objectors at City of South Perth	People who made submissions regarding Cassey Street Bus Bridge Option

**Comment**

The introduction of Canning Bridge station as part of the Perth to Mandurah rail line has changed the focus of this area dramatically. The bus transfer station has become a major connection point for Curtin University as well as other buses servicing Canning Highway. This has opened the precinct up to the potential for visitors by public transport as well as opening up the options for local residents to use public transport.

The unique proximity of Canning Bridge to the train and bus provides an ideal opportunity to consider Transit Oriented Development for the area. Transit Oriented Developments are characterised by a mixture of land uses and activities that create a vibrant, diverse centre for people to live and work.



There is pressure on the state to provide for a dramatic increase in the population over the next 15 to 50 years. The Canning Bridge area was an area which was supported in previous consultations with the community as a site for increased densities to provide for extra dwellings and more diversity of dwellings within the City of South Perth.

The Vision statement for the Canning Bridge Precinct is *“The Canning Bridge precinct will evolve to become a unique, vibrant, creative community centred on the integrated transport node of the Canning Bridge rail station. The precinct will be recognised by its unique location, its integrated mix of office, retail, residential, recreational and cultural uses that create areas of excitement, the promotion of its local heritage and as a pedestrian friendly enclave that integrates with the regional transport networks while enhancing the natural attractions of the Swan and Canning Rivers.”*

#### **Consultation**

The draft Vision was released for comment on 2 February 2010 with the deadline for submissions extended from 19 March to 1 April 2010.

**Attachment 10.4.1(b)** is a detailed report on the submissions received and the action taken as a result of the submissions. Four hundred and ten (410) submissions were received of which 164 were from within the City of South Perth.

Key Issues in the City of South Perth submissions included:

#### Removal of the Canning Bridge Rail Station

A total of 118 (of 410) submissions directly suggested or inferred that the closure of the Canning Bridge Rail station should occur.

It should be noted that there is no intention by the State Government to close the Canning Bridge Rail Station. The station is a significant node in the public transport network linking the highest frequency bus routes in the metropolitan region and high frequency train services to and from the Perth Central Business District.

#### Do nothing

There is still room for increased density within the current town planning scheme; however the community benefits, planned growth and design guidelines being required by the Vision can not be enforced if no changes are made to the current planning framework.

#### River Development and Environmental Concerns

There was significant concern expressed over proposals for river infill or other development of environmentally sensitive areas. The proposals in the Vision will be implemented following adherence to the statutory requirements and the relevant studies. For example redevelopment of the riverine environment would only occur following substantial investigations into water quality, marine environment and sedimentary concerns. The Swan River Trust would also be involved in any steering group formed to further these proposals.

#### Cassey Street Bridge

A total of 138 submissions directly expressed concern over the development of the Cassey Street bus bridge over the freeway. The study partners acknowledge that the advertised concept was not directly discussed at local consultation sessions as it had not been formulated at this point, although a number of similar options were.

The Cassey Street bus bridge shown in the draft Vision was the result of a technical analysis of a number of different transport options and finally a technical working forum with the relevant agencies and was included as a 'Vision only' not a fait accompli.

The State and both local governments are committed to ongoing consultation surrounding this element of the Vision and have already convened a technical Working Group with relevant directorates within the Department of Planning, City of Melville, City of South Perth, Main Roads WA, the Public Transport Authority and the Department of Transport.

The Working Group considered alternatives to the concept in the draft Vision, including suggestions received during the public comment period, whilst continuing to consider how possible short and long term solutions can support safe access to the rail and bus interchange for public and private vehicles, pedestrians and cyclists. As a result of the technical Working Group and concerns expressed by the community, a preferred direction has been formulated. Importantly, the preferred direction provides for short term upgrades as required immediately, with long term options that result in almost no redundant infrastructure development and allows time for ongoing engagement with the service providers and the community in developing the final design. This preferred direction is identified on the plan as the "dog bone" shaped bus interchange area on the western side of the freeway.

The draft Vision recognises the concerns of the community and State and the City that safety and access to the Canning Bridge Station needs to be improved. The best process to achieve this will come from further consultation, transport workshops and traffic analysis and modelling.

On 25 August 2010 the City held a briefing for those people who expressed concern over the development of the Cassey Street bus bridge and advised them of the "dog bone" concept referred to above.

#### Traffic and Parking

This is subject to detailed analysis which will be fundamental to further planning. It should be noted that increased congestion will occur in the precinct whether the draft Precinct Vision is supported or not. If however further detailed traffic, parking and access studies are undertaken as proposed and implemented via proactive design of the precinct this is likely to alleviate some of the traffic congestion and parking impacts and provide for enhanced access and movement function within the precinct.

In support of this, the following are some elements to be further considered:

- The Vision supports a decrease in the number of private vehicles within the Precinct. Future detailed design will consider traffic design that will further discourage private vehicle traffic from utilising local roads to avoid Canning Highway traffic.
- Improvements are proposed in the Vision to the Canning Bridge interchange including the Manning Road on ramp to improve its traffic function.
- Elements of the Vision also support the improvement of facilities for pedestrians and cyclists, including better facilities within developments and improved pathways (shelter etc) to reach destinations.
- Local network feeder buses and other alternatives such as timed on street parking are proposed to be considered to further improve issues relating to informal Park'n'Ride on local streets.
- Kiss'n'Ride provision will also support accessibility to the precinct and the station without encouraging excessive inter-suburb car movements.

- The development of appropriate and limited parking areas within the precinct will further discourage the use of the Precinct as a park'n'ride area, and a realistic fee structure would be proposed to support this. However, flexibility in this element should also occur in relation to short term visitors to the area. A detailed parking strategy will need to be developed.
- Reciprocal use of parking areas for different land uses will be recommended to reduce the overall amount of parking proposed in the precinct.
- Innovative approaches to the provision of residential parking, such as separate purchasing of car bays to dwellings, will encourage consideration of the real cost of parking and car ownership.

#### Height and Intensity of Development

Canning Bridge is identified in the State Planning Policy – Directions 2031 as a District Town Centre / Activity Centre where community services, higher density housing, employment and a range of mixed use activities are encouraged to accommodate some of Perth's expected growth in the years to 2031 and beyond. Directions 2031 identifies a requirement for an additional 6000 dwellings in the City of South Perth. Canning Bridge Precinct is well located to absorb a proportion of this growth. The draft Vision considers one scenario to support this framework and shows the City's commitment to having a *plan* for this development.

Notwithstanding this, the development of the Canning Bridge Precinct must occur in an attractive, amenable, equitable and sustainable way. It is important to acknowledge the concern of the community in these public submissions, and in doing so the Canning Bridge Precinct Vision study partners commit to ongoing communication via workshops and discussions with stakeholder groups, community representatives, design experts and local Government representatives.

The intensity of development proposed in the draft Vision will be predicated upon the provision of significant improvements to public facilities and infrastructure (including transport), public spaces, high quality design and sustainable outcomes. Suggestions from the community will also be considered in more detail, including suggestions for maximum heights based on minimum lot areas and other elements that would need to be considered for developers to achieve bonuses.

This draft Vision does not determine what the detail of each individual building will be. The Residential Design Codes (the Codes) provide policy and regulations that control the amount of overshadowing and protection of privacy and other design considerations. The Design Guidelines to be developed specifically for the Canning Bridge Precinct will be consistent with the objectives of the Codes. The detail of exactly how this will occur will be worked through, with the community as a key stakeholder, as the Vision is implemented.

An issue that is specific to the City of South Perth that was raised in submissions is that higher buildings should be along the Canning Highway spine and cascade down from there.

In response to this issue, it is noted that earlier community workshops discouraged height increasing along Canning Highway. However, in light of these submissions the proposed heights of buildings along Canning Highway in the City of South Perth will be considered in greater detail and via more community consultation during preparation of detailed design guidelines. Minor changes to the Vision have been made to reflect a more compact area of taller buildings.

#### Conclusion

The Canning Bridge Precinct Vision is a long term Vision for the precinct developed after drawing on consultation with residents, landowners, state government departments and other stakeholders. The Vision is the first stage of more extensive studies and consultation that will ultimately lead to implementation of the recommendations, through the development of an activity centre structure plan.

Over 400 submissions were received through the advertising of the Vision, 164 were from residents of the City of South Perth. The main areas of concern from these submissions were Cassey Street bus bridge, traffic congestion, high density and height of buildings and parking congestion. These concerns have been addressed in the Vision through changes to the design, the strengthening of the requirement for design and development guidelines and traffic studies to be undertaken before any amendments are made to the town planning schemes. Further consultation will be required during this process.

The final precinct Vision will be presented to the Western Australian Planning Commission for endorsement as a non-statutory guiding document with comments from both the City of Melville and the City of South Perth.

It is recommended that endorsement is given to the Canning Bridge Precinct Vision as the long term non statutory guidelines for the precinct.

#### **Policy and Legislative Implications**

The adoption of the Canning Bridge Precinct Vision alone has no statutory or legislative implications as it is a guidance document only. However the document sets the Council's broad Vision for the future of this precinct.

#### **Financial Implications**

Funding has been provided in the 2010/2011 budget to begin the development of the design guidelines, traffic and parking studies and additional funds in the 2011/2012 budget for the continuation of these studies. Further commitments will be sought in future budgets to allow the implementation action framework to be progressed. Funding commitments will be sourced from State and Federal Governments for major infrastructure works.

#### **Strategic Implications**

This report is directly relevant to Our Vision Ahead , in regard to the Housing section: *Identify areas for high density eg. along Canning Highway, the freeway and train-line.*

This matter also relates to the Strategic Directions identified within the Council's Strategic Plan expressed in the following terms:

- 4.1 *Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable*
- 3.3 *Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery*
- 5.1 *Improve access and use of railway station precincts and surrounding landuses*

### **Sustainability Implications**

The objective of the Vision is to create a more sustainable living environment centred on public transport routes and to encourage more efficient travel habits and building design.

The City has a sustainable design policy, however it is likely that the design guidelines that are recommended to be developed for this precinct will surpass the policy in terms of sustainable building design and community creation.

### **OFFICER RECOMMENDATION ITEM 10.4.1**

That ....

- (a) Council endorse the Canning Bridge Precinct Vision as the long term non statutory guiding document for the Canning Bridge precinct.
- (b) the Chief Executive Officer be authorised to pursue and sign a Memorandum of Understanding with the City of Melville outlining the joint commitment to the Vision.
- (c) the City participates in a dedicated steering group with State and local government representatives be set up to oversee the implementation of the Canning Bridge Vision.
- (d) the following further technical studies be initiated to progress the development of an activity centre structure plan during 2010/11 and 2011/2012:
  - (i) Detailed built form and streetscape guidelines
  - (ii) Detailed traffic planning study
  - (iii) Parking and access strategy
  - (iv) Landscaping design guidelines
- (e) the Western Australian Planning Commission, the City of Melville and those who made submissions on the draft Vision be advised of points (a) to (d) above.

### MOTION

Cr Hasleby Moved the officer recommendation, Sec Cr Lawrance

### MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

#### Cr Hasleby Opening for the Motion

- Canning Bridge Precinct Vision deserves our support as a long term strategic document
- wide community consultation started in 2006 with Stage 1
- Cr Hasleby highlighted the extensive consultation which has taken place and the many briefings/workshops//community forums and joint meetings with City of Melville etc
- all aspects of the proposal, such as traffic, land and river uses, density, building heights, bus bridge and parking congestion were considered
- untrue to label the vision the 'consultant's vision'
- guidelines were proposed as a starting point to capture community ideas and the proposal has been changed and amended to include these ideas into the draft vision – after a 5 year journey it is just that a 'draft vision' – a guiding document not a plan nor a strategy set in concrete but a guiding document for the next 40/50 years
- the Vision document described the type of future we are trying to achieve and will have on-going consultation processes
- urge you , after 5 years, to support the officer recommendation at Item 10.4.1

Cr Cala against the Motion

- understand Canning Bridge has been described a TOD (Transport Oriented Development) with lifestyle opportunities for the community
- acknowledge my responsibilities to the community do not need to hear that unless they (the community) accept high density on high transport routes the decision will be taken out of our hands
- need to maintain special amenity of South Perth
- received 2031 document / detailed Bulletin item relating to sub-regional strategy and note a Briefing is scheduled to workshop this particular document
- draft Vision was prepared which has been released for comment; the result of which has generated a total of 410 submissions - this part of the process has been completed, it should form the basis of councillors considered deliberations on a Vision that best reflects all of our community's expectations
- there is no reason why Council within a week of receiving this final document with far reaching implications for our community, would be considering such a hasty endorsement
- to endorse a report that had 225 submissions directly expressing concern over the intensity of the development proposed on the belief that we have an obligation to absorb a significant proportion of the predicted growth in dwelling needs for the Perth region regardless of the impact on the amenity of the locality; with a trade-off of improvements to public facilities and infrastructure, is to misunderstand the philosophy of the Directions 2031 document
- City of South Perth is classified as a Central sub-region in the Directions 2031 August 2010 document produced by the Department of Planning and the Western Australian Planning Commission - described as: *"The central sub-region is characterised by some of the state's oldest urban settlement patterns and has a high level of amenity due to its proximity to the river and the coast."*
- the infrastructure components of the Precinct Vision which include an upgrading of the bridge and a south off-ramp from Manning Road to the freeway are urgent matters that need to be addressed for today's needs and are a responsibility of the State Government independent of any future proposals. A vision for a more vibrant hub for the City of South Perth and Melville with a variety of housing options has to be discussed in more detail with our community. Workshopping and time provided to allow Council to consider all of our community's expectations is an appropriate process before it considers to adopt a 50 year Precinct Vision Plan for Canning

AMENDMENT

Moved Cr Best Sec Cr Cridland

1. That the officer recommendation be amended by the inclusion of the following new parts (a) and (b) in place of officer recommendation (a):
  - (a) Council acknowledges that the Canning Bridge Precinct, because of its location and features (Freeway and Canning Highway intersection and bus and rail transfer station) is an appropriate place for Transport Oriented Development consistent with Directions 2031.

- (b) Council supports the Canning Bridge Precinct Vision (the “Vision”) as the long term non-binding, non- statutory guiding document for the Canning Bridge precinct, with the following amendments and notations:
  - (i) Council supports the spirit of the Vision, i.e. that Canning Bridge, because of its location and features (Freeway and Canning Highway intersection and bus and rail transfer station) is an appropriate place for Transport Oriented Development consistent with Directions 2031.
  - (ii) The Cassey Street bus exit component be removed from current plans and reviewed upon completion of the detailed traffic planning study.
  - (iii) Manning Road South Freeway On- ramp be given Critical priority.
  - (iv) Council acknowledges that the final height and built form be dependent upon the results of the further studies and detailed design guidelines. Heights shown in the Vision may be used in such further studies. This use does not indicate, and should not be considered as, approval by the City of the building heights specified in the Vision. These heights are likely to change during the period in which planning for increased density in the Canning Bridge Precinct occurs.
  - (v) The diagrammatic shapes of possible new buildings within the precinct be removed from current plans.
2. The officer recommendation (b) be re-numbered (c) and amended as follows:
  - (c) The Chief Executive Officer be authorised to pursue and sign a Memorandum of Understanding with the City of Melville outlining joint support for the Vision.
3. The officer recommendation (c), (d) and (e) be re-numbered to (d), (e) and (f) without modification.

Cr Best Opening for the Amendment

- Council acknowledges that the Canning Bridge Precinct, because of its location and features (Freeway and Canning Highway intersection and bus and rail transfer station) is an appropriate place for Transport Oriented Development consistent with Directions 2031
- acknowledge vast amount of input by staff/councillors/others
- refer to meetings / briefings/public meetings/workshops/meetings with state government bodies
- during the process have learned a lot of what people want / value in there area
- acknowledge population growth and city lifestyle designed for cars
- change is coming / determine the changes our way
- at core of concerns is ‘quality of life for people in South Perth’
- many of our concerns are the same as being experienced in other areas

**Note:** Cr Grayden left the Council Chamber at 8.20pm and returned at 8.23pm

- where to now? - City officers will develop plans with a lot of community participation
- acknowledge outcome will not suit everyone
- appeal to everyone to support this amendment

Cr Cridland for the Amendment

- City of South Perth has changed a lot in last 20 years
- some things we can change – but cannot change change
- we are putting our head in the sand if we do not acknowledge, in particular an increase in population – identified as approximately 30% more residences to fit into South Perth
- the government has made it clear there will be increases around transport nodes
- we need to acknowledge this – things will happen – it is what we do with them that is important
- vision document sets out no ‘rules’ but simply a view of the future allowing officers to move forward to develop surveys etc
- acknowledge a lot of briefing forums / community engagement
- consultants have put Vision document together – have listen to the community and made some modifications
- the amendment to the officer recommendation addresses other concerns raised
- acknowledge concerns with height levels – this document does not set anything in stone
- by accepting the amended motion we allow officers to move forward with relevant surveys and studies to be done
- lets take this Vision to move on and get more detailed information
- commend the Amendment

Cr Cala against the Amendment

- though well intentioned believe all the Amendment is doing is putting the proposal off until a detailed traffic / planning study is done
- despite some heavy weight in the Amendment there is still that uncertainty in peoples’ minds
- believe the Manning Road on-ramp issue is a State Government responsibility and should not be part of our deliberations
- it is stated that the built height is not set in stone - preferable to stagger height levels
- acknowledge it is only a Vision and it could be changed
- do not believe the Amendment addresses the issues of concern
- against the Amendment.

Cr Grayden for the Amendment

- take on board Cr Cala’s comments however, believe the Amendment addresses concerns
- major concern is not wanting to endorse the ‘Vision’ document as do not believe Councillors have had enough opportunity to interact with residents
- the Amendment acknowledges the community members, as stated during Deputations at the September Agenda Briefing, are not against development but are against it following the plan as published
- comfortable the Amendment now acknowledges a TOD in some shape or form but the ‘Vision’ document is non-binding and each aspect will be up for debate when we will have the opportunity to address each issue
- happy to support the Amendment proposed

Cr Best closing for the Amendment

- thank everyone for their efforts in preparing this Amendment
- Amendment allows us to move forward
- ask Members support Amendment

The Mayor Put the Amendment.

CARRIED (8/1)



Cr Hasleby Closing for Amended Motion

- acknowledge importance of supporting amendment to Motion
- touched by the young professionals, who spoke in support of Canning Bridge Precinct proposal during Deputations at September Agenda Briefing, seeing the proposal as being part of their future in South Perth
- we are talking about a 'Vision' here not a Plan or a Strategy
- the 'Vision' has been put together as a result of a lot of consultation / input / views of the wider community
- we do not need a further workshop on this – have had workshops, community forums, briefings
- Council needs to get behind this Vision and progress to the next part of the process
- ask Members support Amended Motion

<b>COUNCIL DECISION ITEM 10.4.1</b>
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the Mayor Put the Amended Motion

That....

- (a) Council acknowledges that the Canning Bridge Precinct, because of its location and features (Freeway and Canning Highway intersection and bus and rail transfer station) is an appropriate place for Transport Oriented Development consistent with Directions 2031.
- (b) Council supports the Canning Bridge Precinct Vision (the "Vision") as the long term non-binding, non- statutory guiding document for the Canning Bridge precinct, with the following amendments and notations:
  - (i) Council supports the spirit of the Vision, i.e. that Canning Bridge, because of its location and features (Freeway and Canning Highway intersection and bus and rail transfer station) is an appropriate place for Transport Oriented Development consistent with Directions 2031.
  - (ii) The Cassey Street bus exit component be removed from current plans and reviewed upon completion of the detailed traffic planning study.
  - (iii) Manning Road South Freeway On- ramp be given Critical priority.
  - (iv) Council acknowledges that the final height and built form will be dependent upon the results of the further studies and detailed design guidelines. Heights shown in the Vision may be used in such further studies. This use does not indicate, and should not be considered as, approval by the City of the building heights specified in the Vision. These heights are likely to change during the period in which planning for increased density in the Canning Bridge Precinct occurs.
  - (v) The diagrammatic shapes of possible new buildings within the precinct be removed from current plans.
- (c) the Chief Executive Officer be authorised to pursue and sign a Memorandum of Understanding with the City of Melville outlining joint support for the Vision.
- (d) the City participates in a dedicated steering group with State and local government representatives be set up to oversee the implementation of the Canning Bridge Vision.
- (e) the following further technical studies be initiated to progress the development of an activity centre structure plan during 2010/11 and 2011/2012:
  - (i) Detailed built form and streetscape guidelines
  - (ii) Detailed traffic planning study
  - (iii) Parking and access strategy
  - (iv) Landscaping design guidelines
- (f) the Western Australian Planning Commission, the City of Melville and those who made submissions on the draft Vision be advised of points (a) to (e) above.

CARRIED (8/1)

**10.5 STRATEGIC DIRECTION 5: TRANSPORT**

**10.5.1 Annual Tender 7/2010 - Supply of Traffic Management for Works and Road Services.**

Location: City of South Perth  
 Applicant: Council  
 File Ref: Tender 7/2010  
 Date: 2 September 2010  
 Author: Fraser James, Tenders and Contracts Officer  
 Reporting Officer: Stephen Bell, Director Infrastructure Services

**Summary**

This report considers submissions received from the advertising of Tender 7/2010 for the 'Supply of Traffic Management for Works and Roads Services'.

This report will outline the assessment process used to evaluate the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

**Background**

A Request for Tender was recently called for the 'Supply of Traffic Management for Works and Roads Services'. Tender 7/2010 was advertised in the West Australian on Saturday 5 June 2010.

At the close of the Tender advertising period eight (8) submissions and one (1) alternative submission from registered companies had been received. The alternative submission was invalid as it did not conform with the tender specifications (i.e. it did not include travel time in the tendered rate) and was therefore not given any further consideration. The eight (8) compliant tenders are tabled below:

Tenderer	Total Estimated Tender Price - 12 Months (GST Exclusive)
WARP Group	\$243,100
Carringtons Traffic Services	\$254,404
QTM - Quality Traffic Management	\$268,536
Contraflow	\$274,340
BTC Road services	\$294,815
Webset Traffic Management	\$295,533
Taborda Contracting	\$298,143
New Image Traffic	\$355,030

Note: The "Total Estimated Tender Price" for the initial 12 month period of supply is from 1 December 2010 to 30 November 2011 inclusive. For the following 7 month period of supply, between 1 December 2011 and 30 June 2012, the tendered schedule of rates are to be adjusted by the CPI for Perth (June quarter).

The supply of traffic management for works and roads services is essential to facilitate the successful completion of the 2010/2011 and 2011/2012 capital works and maintenance program. This tender forms part of the City's annual supply tenders and is for a period of supply of approximately nineteen (19) months, between 1 December 2010 and 30 June 2012. Subject to satisfactory performance over the life of the Contract, there is scope to renew the Contract for a further twelve (12) months to 30 June 2013.

The reason why the City is running a 19 month Contract is to bring the City's annual tenders into line with a 30 June expiry date. This will then enable the City to work more closely with the Town of Victoria Park to develop joint annual tenders.

Finally, the Contract pricing is fixed for the first twelve (12) months period of supply between 1 December 2010 and 30 November 2011, thereafter subject to “Rise and Fall” but not exceeding the changes in CPI (for Perth) as published by the Australian Bureau of statistics. Hence, the following seven (7) months of the Contract will be adjusted by CPI.

**Comment**

Tenders were invited as a Schedule of Rates Contract. The contract value was determined using an estimated 2600 hours of traffic management across four different work scenarios (the quantity of work is an estimate only and the City does not guarantee the amount of traffic management hours quoted). The notional quantity of hours was based on the amount of traffic management utilised during preceding financial years. The work scenarios were based on typical situations that reflect a variety of work carried out in the City ranging from basic traffic control to more complex situations involving major intersections and roundabouts.

The Tenders were reviewed by an evaluation panel that comprised a number of City Officers and assessed according to the qualitative criteria outlined in the Request for Tender. For ease however, the qualitative criteria is noted at Table A below.

TABLE A - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated Experience in completing similar tasks	20%
2. Skills and experience of Key personnel	10%
3. Referees	20%
4. Price	50%
<b>Total</b>	<b>100%</b>

The weighted score and estimated price of each tender received is noted at Table B below.

TABLE B - Weighted Score and Estimated Tender Price

Tenderer	Estimated Tender Price (GST Exclusive)	Weighted Score
WARP Group	\$243,100	<b>9.20</b>
Carringtons Traffic Services	\$254,404	<b>8.92</b>
QTM - Quality Traffic Management	\$268,536	<b>8.57</b>
Contraflow	\$274,340	<b>8.53</b>
BTC Road services	\$294,815	<b>6.72</b>
Webset Traffic Management	\$295,533	<b>6.91</b>
Taborda Contracting	\$298,143	<b>7.80</b>
New Image Traffic	\$355,030	<b>5.14</b>

The conforming tender submitted by the WARP Group Pty Ltd contains all of the completed schedules and satisfies in all respects the qualitative and quantitative criteria listed in the Request for Tender.

The tender by the WARP Group Pty Ltd was the lowest of all tenders received and recorded the highest score of 9.20 in the evaluation matrix. The recommended Tenderer has undertaken similar work for the City of Perth, City of Belmont, City of Gosnells, and more recently the City of South Perth. All of the local governments are very happy with the professionalism, level of service, and quality of traffic management performed by the WARP Group Pty Ltd. The WARP Group Pty Ltd have also completed a number of traffic management projects for authorities such as the Main Roads Western Australia.

Based on the assessment of all tenders received for Tender 7/2010, this report recommends to the Council that the tender from the WARP Group Pty Ltd be accepted for the period of supply from 1 December 2010 to 30 June 2012 inclusive in accordance with the tendered

Schedule of Rates and Estimated Tender Price (GST Exclusive) as noted in Table B. Subject to satisfactory performance over the nineteen (19) month period of supply, there is scope to renew the Contract for a further 12 months to 30 June 2013.

#### **Consultation**

Tender 7/2010 for the '*Supply of Traffic Management for Works and Roads Services*' was advertised in the West Australian on Saturday 5 June 2010. In total eight (8) conforming tenders and one (1) alternative tender was received.

#### **Policy and Legislative Implications**

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

The following Council Policies also apply:

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

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

#### **Financial Implications**

The full cost of the works is reflected in the 2010/2011 capital works and maintenance budgets and will be taken into account during formulation of the 2011/2012 annual budget.

#### **Strategic Implications**

The provision of high quality and cost effective services underpins the City's Strategic Plan 2010-2015. By seeking tenders externally so as to engage a Contractor to deliver the annual traffic management program, this enables Strategic Plan objectives detailed at Direction 5 'Transport' Goal 5.2 *Ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network* and Direction 1 'Community' – Goal 1.1 *develop, prioritise and reviews services and delivery models to meet changing community needs and priorities* to be met.

#### **Sustainability Implications**

This tender will ensure that the City is provided with the best available service and price to complete the works identified in the 2010/2011 and 2011/2012 annual budgets. 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 the City's road, drainage, carpark, cycleway and footpath assets. The service will strengthen the City's Infrastructure Services directorate by ensuring that it has access to a wide range of quality traffic management services at highly competitive rates.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1</b>
--

That....

- (a) Council accepts the Tender submitted by the WARP Group Pty Ltd for the '*Supply of Traffic Management for Works and Roads Services*' in accordance with Tender Number 7/2010 for the period of supply from 1 December 2010 to 30 June 2012 inclusive; and
- (b) subject to satisfactory performance over the nineteen month period of supply, there is an option to extend the Contract by a further 12 months from 1 July 2012 to 30 June 2013 inclusive with the tendered Schedule of Rates to be adjusted by CPI for Perth (June Quarter).

CARRIED EN BLOC RESOLUTION

**10.6 STRATEGIC DIRECTION 6: GOVERNANCE**

**10.6.1 Monthly Financial Management Accounts - August 2010**

Location: City of South Perth  
Applicant: Council  
File Ref: FM/301  
Date: 8 September 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. This statement now includes the final impact of the 30 June accounts which are being reviewed by the City's auditors during September.

#### **Comment**

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue and Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - (**Note:** Attachments 10.6.1(6)(A) and (B) not presented as there have been no Budget adjustments to date)
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 August 2010 is \$30.43M which represents 101% of the \$30.10M 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 are slightly behind budget - possibly reflecting a positive behavioural change. Interest revenues are slightly under budget expectations - with Reserve interest ahead of budget but Municipal Fund interest under budget due to cash flowing in later in the month.

Planning and building revenues both comfortably ahead of budget due to higher volumes of applications and the impact of two larger developments on South Perth Esplanade and one on Manning Rd. Collier Park Village revenue is very close to budget expectations whilst the Hostel revenue is now significantly favourable due to a number of adjustments to commonwealth subsidies - for which we are still obtaining the necessary supporting information. Golf Course revenue is comfortably ahead of budget targets thanks to strong attendances during the (mostly) unseasonal good weather conditions. 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 August 2010 is \$6.33M which represents 100% of the year to date budget. Operating Expenditure to date is 2% under budget in the Administration area, 2% over budget in the Infrastructure Services area and 5% under budget for the golf course. There currently are several budgeted (but vacant) staff positions across the organisation that are currently being recruited for. As various administration programs are initiated, there are several small timing differences between anticipated budget phasing and actual billing activities.

The Infrastructure Services area reflects a few favourable timing variances as programs for various maintenance activities are developed and implemented. The accounts also reflects an under-recovery of overheads as a lesser level of direct labour is used (direct labour drives the overhead recovery from jobs). An adjustment will be required 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. New street lighting tariffs are flagging the need to review (upwards) the funding allocation for this area in the Q1 Budget Review. Waste management costs are very close to budget expectations with the exception of our contribution to the Rivers Regional Council which has come in as \$15,000 less than was expected. Golf Course expenditure is very close to budget at this time.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 7.5% 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 \$1.22M at 31 August against a year to date budget of \$0.88M. The major factors contributing to this significant favourable variance are a favourable timing difference on lease premiums and refurbishment levies attributable to two additional re-leased units at the Collier Park Village, a small unbudgeted roads grant and an unanticipated grant allocation from SWT for river wall works (which will be addressed in the Q1 Budget Review 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 at **Attachment 10.6.1(5)**.

Capital Expenditure at 31 August 2010 is \$2.57M representing 96% of the year to date budget and 16.4% of the full year budget (before the inclusion of carry forward works). At this stage the capital expenditure relates primarily to a \$1.89M progress claim on the Library and Community Facility project (which brings the project within 10% 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	0	710	0%	105,000
Library & Community Facility	2,100,000	1,890,642	90%	4,200,000
Financial & Information Services *	180,000	181,537	101%	1,100,000
Planning & Community Services	87,920	63,992	73%	1,343,000
Infrastructure Services	298,500	424,869	142%	8,310,785
Golf Course	15,000	6,864	54 %	537,000
<b>Total</b>	<b>2,681,420</b>	<b>2,568,614</b>	<b>96%</b>	<b>15,595,785</b>

\* 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.

*(Note that Attachments 10.6.1(6)(A) and 10.6.1(6)(B) not presented for August)*

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1</b>
--

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; and
- (c) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

<b>10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 August 2010</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 September 2010
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

### **Summary**

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end;
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions; and
- Statistical information regarding the level of outstanding Rates and General Debtors.

### **Background**

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial and Information Services and Manager Financial Services, who also have responsibility for the management of the City's debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided. Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

**Comment**

**(a) Cash Holdings**

Total funds at month end of \$48.91M compare very favourably to \$44.66M at the equivalent stage of last year. Reserve funds are \$1.77M higher than the level they were at for the equivalent stage last year - reflecting higher holdings of cash backed reserves to support refundable monies at the CPV and CPH (\$3.2M higher) but \$3.0M less holdings in the Future Building Works Reserve as monies are applied to the new Library and Community Facility project. The UGP Reserve is \$1.0M higher whilst the Waste Management and Plant Replacement Reserves are both \$0.2M higher whilst several other Reserve balances are modestly changed when compared to last year.

Municipal funds are \$2.4M higher although much of this relates to additional carry forward works when compared to last year. Collections from rates this year have been extremely strong with a further improvement over 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 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 \$19.95M (compared to \$6.61M last month) It was \$17.50M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

**(b) Investments**

Total investment in money market instruments at month end was \$46.05M compared to \$42.90M at the same time last year. This is due to the higher holdings of Municipal and 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 96.7% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

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

Counterparty mix 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 \$0.31M - well up from \$0.22M at the same time last year. This result is attributable to the slightly 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 5.60% with the anticipated weighted average yield on investments yet to mature now sitting at 5.65% (compared with 5.60% 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 continue to provide a modest return of only 4.25%.

**(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 July 2010 (before the due date for the first instalment) represent 60.0% of rates levied compared to 59.4% at the equivalent stage of the previous year after the due date for the payments in full - or the first rates instalment.

Early 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. Of the payments received by the end of August, 74% were received by third party (agency) payment means that did not require staff intervention (24% by BPay, 32% by Post Billpay and 18% by Internet). The remaining 26% were paid by cash style transactions. Importantly, maximising the number of agency payments as did occur, frees up our staff for value adding customer services rather than simply processing payment transactions.

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 \$2.26M at month end (\$1.68M last year) excluding UGP debtors and \$1.75M last month. Major changes in the composition of the outstanding debtors balances (since 30 June) relate to collection of \$0.30M from Infrastructure Australia, a similar amount from LotteryWest for building grants and collection of sundry debtors including the CPH subsidy and ground hire charges. Offsetting this is an additional \$0.20M in Road Grants Receivable and \$0.18M for GST Receivable. 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 \$5.83M was collected by 31 August with approximately 77.4% of those in the affected area electing to pay in full and a further 21.8% opting to pay by instalments. The remaining 0.8% (18 properties) represent properties that are disputed billing amounts and final notices have been issued. The amounts are now the subject of further collection actions by the City as they have not been satisfactorily addressed in a timely manner. 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's Operational Guideline 19.

**Financial Implications**

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

**Strategic Implications**

This report deals with matters of 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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2</b>
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That Council receives the 31 August 2010 Monthly Statement of Funds, Investment and Debtors comprising:

- |   |                             |
|---|-----------------------------|
| • Summary of All Council Funds as per         | <b>Attachment 10.6.2(1)</b> |
| • Summary of Cash Investments as per          | <b>Attachment 10.6.2(2)</b> |
| • Statement of Major Debtor Categories as per | <b>Attachment 10.6.2(3)</b> |

CARRIED EN BLOC RESOLUTION

### 10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 September 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 August 2010 and 31 August 2010 is presented to Council for information.

#### Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

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

#### Comment

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

The report format now reflects contemporary practice in that it now records payments classified as:

- **Creditor Payments**

*(regular suppliers with whom the City transacts business)*

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

- **Non Creditor Payments**

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

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

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

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

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

**Consultation**

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

**Policy and Legislative Implications**

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

**Financial Implications**

Payment of authorised amounts within existing budget provisions.

**Strategic Implications**

This report deals with matters of 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.

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

CARRIED EN BLOC RESOLUTION

**10.6.4 End of Year Financial Management Accounts - June 2010.**

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

**Summary**

Management account summaries comparing actual performance against budget expectations for the 2009/2010 year are presented for Council review. Comments are provided on the significant financial variances disclosed therein.

**Background**

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

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

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

The local government budget is a dynamic document and is necessarily 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.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2009/2010 Adopted Budget and the 2009/2010 Amended Budget including the introduction of the capital expenditure items carried forward from 2009/2010.

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



**Comment**

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

- Balance Sheet - **Attachments 10.6.4(1)(A) and 10.6.4(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.4(2)**
- Summary of Operating Revenue and Expenditure - Infrastructure Service **Attachment 10.6.4(3)**
- Summary of Capital Items - **Attachment 10.6.4(4)**
- Schedule of Significant Variances - **Attachment 10.6.4(5)**
- Reconciliation of Budget Movements - **Attachments 10.6.4(6)(A) and 10.6.4(6)(B)**

***Operating Items***

Operating Revenue to 30 June 2010 is \$39.85M which represents 102% of the Total Budget. The CEO Office was on budget for the year for operating revenue - but for the delayed trade in of the mayoral vehicle. Financial and Information Services exceeded their revenue budget by some 2% (\$581,409) although one third of this (\$135,056) was the result of a non cash book entry to comply with a new accounting standard and a further \$222,950 was attributable to the Grants Commission paying one quarter of our 2010/2011 grant funding in June 2010. This early payment is not an extra payment - and now means that the City will receive less funding in 2010/2011 than it would normally have done. The remainder of the positive result was due to additional interim rates revenue (extra \$24,701) and by achieving better than anticipated cash investment returns, primarily due to the higher cash holdings and higher interest rates in the later part of the year (additional \$120,120) as well as one-off extra revenue (\$69,643) earned from property leases.

The Planning and Community Services Directorate finished the year 3% (\$262,282) ahead of budget due to some unbudgeted events related revenue (\$69,788), better than anticipated results in the area of parking management (\$112,595 extra revenue) and \$49,700 over budget performance on planning and building approvals.

The Infrastructure Services Directorate concluded the year 7% (\$79,883) ahead of budget expectations, a result that could have been even better but for certain plant items not being able to be traded at 30 June. The major factor contributing to this positive result was the early receipt of one quarter of the 2010/2011 general road grant from the Grants Commission (as noted above for general purpose grants). Golf course revenue finished the year some 2% (\$36,168) ahead of budget expectations after consistently strong performance on green fees throughout the year.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5).**

Operating Expenditure to 30 June 2010 is \$37.56M which represents 101% of the Total Budget. The costs within the Chief Executive's Office were right on budget at year end with a small favourable variance in the Governance area offsetting a small unfavourable one on building operating costs mainly due to increased power charges.

Operating Expenditure of the Financial and Information Services area (after allocations outwards) is reported as 2% (\$93,456) over budget. However, some two thirds of this relates to a book entry for accrued interest on the self supporting loan to South Perth Hospital (which was subsequently recovered from them in August 2010). The IT and Customer Focus areas were very close to budget at year end and successfully delivered on almost all of their business plan objectives. There was a \$29,925 unfavourable variance in the Library area - although this relates almost exclusively to relocation and storage costs incurred whilst the new library facility is under construction.

Operating Expenses in the Planning and Community Services Directorate were 2% (\$245,945) under budget overall at year end - although \$186,529 of this was attributable to an over-budgeted allocation for waste management due to difficulties in modelling the new state government waste levy. Other sections of the directorate were impacted by small favourable and unfavourable variances on individual line items. Planning was 1% (\$14,010) over budget due to a greater than budgeted use of consultants to progress strategic urban planning initiatives - but this was offset by a \$29,430 saving in the Building Services area. The directorate administration area finished the year \$67,661 under budget due to some salary savings and the unused budget for the carrying cost of a vehicle that had its trade-in delayed until 2010/2011. Health Services and Rangers both concluded the year 2% under budget.

Community Culture and Recreation was on budget at year end with savings in the Council functions area (\$26,166) being offset by the impact of incurring the costs of two Pioneer Lunches in the same year (one in July 2009 and the other on 30 June 2010). An overspend on Fiesta (offset by additional revenue) was balanced by savings in the Halls and Public Buildings program resulting from a more effective management of cleaning costs in 2009/2010.

It is important to recognise that the apparent under expenditure in the community safety area is actually not a saving but a failure to fully expend specific purpose grant funds by 30 June. These monies (\$16,000) have necessarily been re-budgeted in 2010/2011 as the City is still required to discharge its obligations under the grant allocation. The Collier Park Retirement Complex was only 1% over budget at year end primarily attributable to savings on budgeted maintenance costs at the village - but these were offset by additional hostel costs for medication and some additional staff related costs. However, it is important to recognise that the budgeted year end operating position for the Village and Hostel was for losses of \$194,004 and \$249,111 respectively.

The Infrastructure Services Directorate finished the year 3% (\$443,156) over its Operating Expense budget. This did include some expenditure beyond the budget allocation that was associated with cleanups after the severe March storms) as well as a reasonably significant value of 'minor capital expenditures' that subsequently have had to be reclassified from capital expenditure to 'operational expenditures' to comply with accounting disclosure requirements.

The Engineering Infrastructure arm of the Infrastructure Services Directorate ended the year only 1% (\$62,196) over budget with the main items being slightly less than budgeted recovery of overheads and fleet costs.

The City Environment area finished the year 6% (\$412,956) unfavourable overall. More than half of this was attributable to the cost of maintaining parks and reserves (8% over budget for the year) although this was adversely impacted by storm cleanup costs. Streetscape maintenance was 2% over budget because of the service level necessarily provided to manage risk and maintain the desired standard of streetscapes. Building maintenance was 12% in excess of the approved budget allocation but a large portion of this is attributable to minor repairs after the March storms, graffiti removal and vandalism and cleaning costs for public conveniences. Overheads were also not fully recovered in this area for the year.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5)**.

### ***Employee Costs***

Salary and associated costs for the year include superannuation and amounts transferred to provisions for statutory employee entitlements such as annual and long service leave. These totalled \$13.96M against a budget of \$14.04M - a favourable variance of 0.6% reflecting the more stable labour market during 2009/2010. Employee entitlements mentioned above (annual and long service leave) are fully cash-backed as part of our responsible financial management practice.

Staff costs within the Chief Executive's Office which includes Human Resources, Communication and the Corporate Support area were 3.18% under budget overall at year end. The Financial and Information Services area was 0.58% under budget for staff costs with most areas very close to budget. Information Services was slightly over budget due to the use of a contractor to provide coverage during a period of long service leave. Offsetting this, Financial Services was under budget and the Libraries area was on budget at year end.

Staff costs in the Planning and Community Services Directorate were 1.4% under budget at year and end. Directorate Administration and Building Services were both under budget due to staff vacancies during the year whilst Planning Services ended the year on budget. Health Services was within 2% of budget whilst the Rangers area reflected a 4.1% lower cost than was budgeted due to staff movements and vacancies during the year. Waste Management was on budget at year end. Community Culture and Recreation was 1.9% over budget at year end - but this modest overspend reflected the Club Development Officer working slightly more hours than was budgeted. Total staff costs at the Collier Park Retirement Complex were within 0.6% of budget at year end - which is a pleasing result for the facility given the difficult year for the hostel in particular.

Infrastructure Services staff costs were within 0.7% of budget overall. Directorate Support was 2.3% under budget largely because of a vacant position at year end. City Environment salaries finished 1.3% over budget at year end whilst Engineering Infrastructure finished with its salaries expenditure 1.72% over budget. Collier Park Golf Course experienced several vacancies during the year - resulting in a 4.3% favourable variance on staff costs.

Staff costs recorded in the accounts include all temporary staff costs for the year as well as permanent staff. A portion of the savings relates to not using allocated sums to 'back fill' positions during short term leave.

The most significant aspect of the labour related costs for the year was a retrospective adjustment to prior year workers compensation premiums as ongoing claims were resolved. The City's workers compensation insurers operate on a 'burning cost' premium basis. That is, at the beginning of the year, the City pays a 'deposit premium' based on a percentage of staff salary and wage costs. The insurer then anticipates (based on prior experience) that a certain amount of that deposit premium will be absorbed as the inevitable workers claims are lodged and validated. Providing that payment in settlement of such validated claims does not exceed the 'deposit premium amount', there is no additional amount payable by the City.

However, despite the City's current excellent safety and injury management record (as reflected in recent safety management awards), 2009/2010 was the year in which a number of incomplete claims from previous years were settled. The resolution of these claims was a positive initiative as it brings closure to a number of previously unresolved claims - but because the cumulative impact of these settlements exceeded the insurer's expectation of our claims experience, we were billed a very significant workers compensation premium adjustment of some \$176,000. Fortunately, prudent accounting practices at the City has anticipated such an event and we had accumulated some \$150,000 in a cash backed reserve which was able to be transferred back to the municipal fund to meet this expenditure.

#### ***Capital Items***

Capital Revenue of \$5.29M represents 101% of the Total Budget. One of the most significant factors contributing to this favourable variance is the deferral of some of the IAF and Lottery West funding for the Library and Community Facility project into 2010/2011. This is merely a timing difference and all grant funds will be received in full before November 2010. However, offsetting this is the unbudgeted temporary return of some UGP project payments made to Western Power that are currently being held in the UGP Reserve pending completion of design and costings for the previously deferred Murray St region of the UGP Stage 3 area.

Road grant and river wall grant revenue was very close to budget expectations. Revenues from leasing units at the Collier Park Village ended the year well ahead of expectations (\$164,618) due to a higher than anticipated number of units being turned over during the year (3 additional units). This will subsequently result in additional refurbishment costs being incurred in the future - so the funds have been transferred to the Collier Park Village Reserve in the interim period.

Capital Expenditure of \$14.53M represents 80% of the Total Budget of \$18.17M. Of this, some \$4.6M relates to progress payments on the Library and Community Facility project. The 2010/2011 Annual Budget flagged potential gross carried forward expenditure of \$3.88M but following adjustment to reflect actual (rather than projected expenditure) on the identified works, an amount of \$4.00M will be adopted by Council at the September meeting of Council. Combined with the completed works, this represents slightly more than the full year budget - but much of the difference relates to works that will be recovered under insurance. A detailed report on the Capital Projects and the list of Carried Forward Works is presented to Council as Items 10.6.5 and 10.6.6 of this Agenda. Further comment on variances relating to Capital Items may be found in **Attachment 10.6.4(5)**.

#### ***Borrowings***

There were no City borrowings undertaken during the year although the City did act as guarantor for a self supporting loan to the South Perth Hospital in February 2010. This \$2.0M fixed rate borrowings (completed in accordance with all statutory obligations) will not result in any impost on the City's ratepayers as all payments of principal and interest are reimbursed by the South Perth Hospital as soon as they are made by the City.

***Balance Sheet***

Current Assets at year end are \$37.84M compared to \$33.47M in 2008/2009 - with the major changes being the holding of an additional \$4.99M in cash investments but \$1.71M less in cash (we have now used the \$1.0M of 'restricted cash' related to the IAF grant for the Library and Community Centre). Receivables are \$1.12M higher than the previous year - but this is largely due to \$0.75M worth of outstanding invoices for grant funds from the state and commonwealth government as well as Lottery West. All these grant monies have since been received in July and August. There is a further \$0.40M receivable relating to insurance claims that are currently being processed. Inventories are \$0.1M lower due to more effective management of stock levels.

Current Liabilities are higher than their position at year end last year being \$6.78M against \$5.47M. Accounts Payable have increased by \$1.14M almost entirely attributable to large invoices for progress payments for the Library and Community Facility and SJMP paths projects. Employee Entitlements (under legislation) for annual leave and long service leave have necessarily increased by \$0.14M. Current Loan Liabilities are \$0.03M higher than at the same time last year due to the new borrowings.

Non Current Assets as at 30 June 2010 are \$206.61M after capitalising infrastructure assets created during the year - and revaluing buildings, roads, paths and drains to current replacement value at 30 June 2010. This compares to \$194.03M at this time last year. \$7.1M of this difference is attributable to the revaluation impact of the value of infrastructure assets and buildings and the remainder reflects work in progress on the new Library and Community Facility. Non Current Receivables have increased by the \$1.41M due to the recognition of the \$2.0M self supporting loan to South Perth Hospital - but offset to the tune of \$0.59M by accelerated collection of UGP debts during the year.

Non Current Liabilities finished the year at \$34.20M - an increase of \$3.7M on the 30 June 2009 balance. The combined CPV / CPH Leaseholder Liability increased from \$25.14M to \$27.33M in 2009/2010. The increase was a consequence of higher market values being paid for the residential units - with the attendant obligation to refund the larger values to departing residents. The resulting increase in leaseholder liability is offset by an increase in Investments associated with the Reserve Fund in which the refundable amounts are quarantined.

Offsetting this was a \$0.04M decrease in Non Current Payables (Trust Fund Liabilities) and a \$0.10M increase in Non Current Provisions for Employee Entitlements. The balance of Non Current Loans increased by \$1.41M after including the new borrowings and removing the loan capital payments made during 2009/2010.

**Financial Ratios**

The City's good financial position and longer term financial sustainability is reflected in the improvement in almost all of the key financial ratios between 2008/2009 and 2009/2010. The City betters the preferred industry benchmark in all financial ratios as is shown in the table below:

Financial Ratio	Benchmark	2009/2010	2008/2009
<b>Liquidity Ratios</b>			
Current Ratio	> 1.00:1	2.20:1	1.66:1
Untied Cash to Creditors	> 1.00:1	1.18:1	0.60:1
<b>Debt Ratios</b>			
Debt Service Ratio	< 10%	2.14%	1.16%
Gross Debt to Revenue	< 0.60:1	0.15:1	0.13:1
Gross Debt to Economically Realisable Assets	< 0.30:1	0.04:1	0.03:1
<b>Coverage Ratios</b>			
Rates Coverage Ratio (Dependence on Rates)	< 60%	49.5%	51.6%
<b>Effectiveness Ratios</b>			
Outstanding Rates Ratio	< 5%	1.4%	1.7%
<b>Financial Position Ratios</b>			
Debt Ratio (Debt to Assets)		16.8%	15.8%

### Consultation

This is a financial report prepared to provide financial information to Council and the City's administration to provide evidence of the soundness of financial management being employed by the administration. It also provides information and discharges financial 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 and 35.

### Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period.

### 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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4</b>
--

That ....

- (a) the Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.4 (1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.4(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35;
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2009/2010 provided as **Attachments 10.6.4(6)(A)** and **10.6.4(6)(B)** be received; and
- (d) the Rate Setting Statement provided as **Attachment 10.6.4(7)** be received

CARRIED EN BLOC RESOLUTION

**10.6.5 Carry Forward Projects as at 30 June 2010**

Location: City of South Perth  
Applicant: Council  
File Ref: FS/FI/1  
Date: 20 August 2010  
Author : Michael J Kent, Director Financial and Information Services  
Reporting Officer: Chief Executive Officer

**Summary**

Projects for which unexpended funds are recommended for carrying forward into the 2010/2011 year are identified and listed on the attached schedule.

**Background**

The 2009/2010 Budget included \$5.24M in Capital Revenue - with some \$5.29M being received by 30 June. The 2009/2010 Budget also included Capital Expenditure projects totaling \$18.17M of which \$14.53M (80%) was expended by 30 June 2010.

A further \$4.00M worth of in progress / incomplete Capital Expenditure is identified for carry forward into the 2010/2011 year. After allowing for some minor over and under expenditures on specific projects - and some unbudgeted capital repairs resulting from the March storms, this represents 102% of the total proposed expenditure for the 2009/2010 year.

The budgeted Net Capital Position (Revenue - Expenditure) for 2009/2010 was \$12.93M. The Actual Net Capital Position (after allowing for the net carry forward works of \$4.00M) was \$13.24M which is approximately 102% of the budgeted position - and within reasonable financial tolerances.

Item 10.6.6 of the September Council Agenda contains comments on specific project line-item variances and will provide a comparative review of the Budget versus Actual for all Capital Expenditure and Revenue items for the year.

**Comment**

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be identified as a Carry Forward item.

During the budget process, a series of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council. Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

The underlying principle is that the final carry forward amount for any individual project should not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

For the purpose of developing the 2010/2011 Annual budget, Carry Forward Works of \$3.88M were identified. Actual Carry Forward Works (as noted above) are \$4.00M - of which some \$2.35M relates to a cash flow timing difference on the Library and Community Facility project.

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects can differ slightly from the amounts published in the adopted budget.

For 2009/2010, the final identified Carry Forward Capital Projects total \$4,000,000.

#### **Consultation**

For identified significant variances, comment was sought from the responsible managers prior to the item being included in the Carry Forward Capital Projects.

#### **Policy and Legislative Implications**

Consistent with relevant professional pronouncements and good business practice 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 is necessarily some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Carry Forward Works. This is consistent with responsible financial 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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5</b>
--

That the Schedule of (final) Carry Forward Capital items from 2009/2010 into the 2010/2011 Budget as disclosed on **Attachment 10.6.5** is adopted .

CARRIED EN BLOC RESOLUTION



### **10.6.6 Capital Projects Review to 30 June 2010**

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

#### **Summary**

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 30 June 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 80% of the full year 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 has therefore closely monitored and reviewed 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 10.6.4(5)** of this Agenda and details on specific projects impacting on this situation are provided in **Attachments 10.6.6(1)** and **10.6.6(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.

A number of projects were commenced but were not fully expended by 30 June - and as such have been recognised as carry forward works - the most significant of these being the 'in progress' construction work associated with the Library and Community Facility. A schedule identifying these items is presented as Item 10.6.5 of these agenda papers.

#### **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.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6</b>
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That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 30 June 2010, as per **Attachments 10.6.6(1)** and **10.6.6(2)**, be received.

CARRIED EN BLOC RESOLUTION

**10.6.7 Extraordinary Election McDougall Ward - December 2010**

Location: City of South Perth  
Applicant: Council  
File Ref: A/EL/1  
Date: 3 September 2010  
Author: Jelette Jumayao, Research and Administration Officer  
Reporting Officer: Phil McQue, Manager Governance and Administration

**Summary**

Due to the recent passing of Councillor Roy Wells an extraordinary election needs to be conducted for the McDougall Ward in the City of South Perth. The City has received written confirmation from the Western Australian Electoral Commissioner agreeing to be responsible for the conduct of a postal election with a proposed date of 17 December 2010. In accordance with the *Local Government Act 1995*, the Council needs to formally declare that the Electoral Commissioner be responsible for the conduct of the election and decide that the election be conducted as a postal election.

**Background**

Given that this vacancy occurred before the third Saturday in the July of the election year (October 2011), the City is required to hold an extraordinary election. The term for this vacancy will expire in October 2011. It is proposed that the newly elected Councillor would undertake an induction program during the month of January 2011 prior to the Council proceedings commencing in early February 2011.

Section 4.20 of the *Local Government Act 1995* (the Act) enables Council to appoint the Electoral Commissioner to conduct the election. The Act requires that this must be done at least 80 days prior to the election date.

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

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

The Electoral Commissioner has proposed the following indicative timetable:

- 08 October 2010: Electoral Commissioner to appoint a Returning Officer
- 13 October 2010: CEO to give State-wide Public Notice of time and date of close of enrolments
- 27 October 2010: Advertisements to commence for nominations
- 28 October 2010: Close of Roll
- 03 November 2010: Nominations Open
- 10 November 2010: Close of Nominations
- 17 November 2010: Returning Officer to give State-wide Public Notice of election
- 17 December 2010: Election Day

The Commissioner has estimated the cost of the extraordinary election at \$15,000, based on the following assumptions:

- 3,900 electors;
- Response rate of approximately 35%;
- 1 vacancy; and
- Count to be conducted at the City's offices.

A copy of the Commissioner's letter is at **Attachment 10.6.7**.

**Comment**

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

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

It is recommended that Council engage the Electoral Commissioner to conduct the 2010 extraordinary election for the McDougall Ward and that it be conducted as a postal election.

**Consultation**

The WA Electoral Commission has been consulted on the conduct of the 2010 extraordinary election for the McDougall Ward.

**Policy and Legislative Implications**

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

**Financial Implications**

The WAEC's estimated cost for the 2010 extraordinary election is \$15,000 inclusive of GST. This estimate does not include non-statutory advertising or one local government staff member to work at the polling place on election day. The cost will be provided in the first quarter budget review.

**Strategic Implications**

The proposal is consistent with Strategic Goal 6: Governance "Ensure that the City's governance enables it to respond to the community's vision and deliver its service promises in a sustainable manner."

**Sustainability Implications**

Having the Electoral Commissioner conduct the extraordinary election 2010 promotes a transparent and objective election process to better serve the community.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7</b>
--

That....

- (a) pursuant to section 4.9 of the *Local Government Act 1995*, the Council fix Friday 17 December 2010 as the date for the Extraordinary Election;
- (b) in accordance with section 4.20(4) of the *Local Government Act 1995*, the Council declares\* the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
- (c) in accordance with section 4.61(2) of the *Local Government Act 1995*, the Council decides\* that the method of conducting the extraordinary election will be as a postal election.

CARRIED EN BLOC RESOLUTION  
And By Required Absolute Majority

<b>10.6.8</b>	<b>Use of the Common Seal</b>
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Location: City of South Perth  
 Applicant: Council  
 File Ref: GO/106  
 Date: 6 September 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.

**August 2010**

Nature of Document	Parties	Date Seal Affixed
Deed of Agreement to Lease – CPV	CoSP and Robert Van Noort and Joan Van Noort	10 August 2010
Lease – Collier Park Village	CoSP and Robert Van Noort and Joan Van Noort	10 August 2010
Deed of Agreement to Lease – CPV	CoSP and Betty Shaddick	10 August 2010
Lease – Collier Park Village	CoSP and Betty Shaddick	10 August 2010
Collaborative Arrangement – Restoration of Milyu Reserve	CoSP and Swan River Trust	17 August 2010
Collaborative Arrangement – Maintenance of Cloisters Reserve	CoSP and Swan River Trust	17 August 2010
Collaborative Arrangement – Salter Point Lagoon Foreshore Erosion Control and Revegetation Plan	CoSP and Swan River Trust	17 August 2010
Collaborative Arrangement – Restoration of Riverwall South of Canning Bridge	CoSP and Swan River Trust	17 August 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 AND  
COUNCIL DECISION ITEM 10.6.8**

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

CARRIED EN BLOC RESOLUTION

**10.6.9 Applications for Planning Approval Determined Under Delegated Authority**

Location: City of South Perth  
Applicant: Council  
File Ref: GO/106  
Date: 1 September 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 August 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 August 2010, eighty-four (84) development applications were determined under delegated authority at **Attachment 10.6.9**.

**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 AND  
COUNCIL DECISION ITEM 10.6.9**

That the report and **Attachment 10.6.9** relating to delegated determination of applications for planning approval during the month of August 2010, be received.

CARRIED EN BLOC RESOLUTION

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

**11.1 Request for Leave of Absence - Cr Trent**

I hereby apply for Leave of Absence from all Council Meetings for the period 12 to 16 October 2010 inclusive.

**11.2 Request for Leave of Absence - Cr Burrows**

I hereby apply for Leave of Absence from all Council Meetings for the period 24 September to 3 October 2010 inclusive.

**COUNCIL DECISION ITEM 11.1 AND 11.2 INCLUSIVE**

Moved Cr Trent, Sec Cr Hasleby

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

- Cr Trent for the period 12 to 16 October 2010 inclusive; and
- Cr Burrows for the period 24 September to 3 October 2010 inclusive.

CARRIED (9/0)

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil

**13. QUESTIONS FROM MEMBERS**

**13.1. Response to Previous Questions from Members Taken on Notice**

**13.2.1 Bottled Water .....Cr Hasleby**

Summary of Question-

In view of our recent Award for Sustainability - in recognition of the City's commitment to sustainable water management having achieved Milestone 4 - 'Corporate and Community' in the Water Campaign – is it necessary to provide Councillors, guests etc with bottled water from Italy? Can we find a local product?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 31 August 2010, a summary of which is as follows:

You will re-call that earlier this year the City changed over from the practice of providing bottled water at Council meetings / briefings etc to now providing jugs of cold water. There is only a very small amount of bottle water purchased which is available for Members use in the Councillors' Lounge. In relation to the water being imported, officers are currently endeavouring to source a local producer of bottled water.

**13.2 Questions from Members**

**13.2.1 Flag Poles .....Cr Trent**

Summary of Question-

In relation to Agenda Item 10.0.6 the flag pole project for Sir James Mitchell Park, by not proceeding as proposed will that mean the project will be open again for consultation, or do we just get cheaper poles?

Summary of Response

The Chief Executive Officer responded that in accordance with the recommendation adopted at Item 10.0.6 Council is to convene a workshop. It is suggested Councillors bring ideas in relation to that project to that workshop scheduled for some time in October.

**13.2.2 Flag Poles .....Cr Lawrance**

Summary of Question

In relation to the flag pole project now deferred – does this mean we will lose the grant funding received?

Summary of Response

The Chief Executive Officer said that officers were currently talking to Infrastructure Australia about the grant and other projects.



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

**15. MEETING CLOSED TO PUBLIC**

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

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

**16. CLOSURE**

The Mayor closed the meeting at 8.45pm and thanked everyone for their attendance.

**DISCLAIMER**

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

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

**These Minutes were confirmed at a meeting on 26 October 2010**

Signed \_\_\_\_\_  
**Chairperson at the meeting at which the Minutes were confirmed.**

**17. RECORD OF VOTING**

28/09/2010 7:11:59 PM

**Item 7.1.1 Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:12:30 PM

**Item 7.2.1 – 7.2.4 Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:24:02 PM

**Item 8.4.1 and 8.4.2 Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:26:50 PM

**en Bloc Item 9 - Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:35:11 PM

**10.0.1 Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:36:06 PM

**Item 10.0.3 Part 1 'Consider revokation' - Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:36:43 PM

**Item 10.0.3 Part 2 'Revoke Condition and Replace' - Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 7:40:21 PM

**Item 10.0.4 Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala

No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

MINUTES: ORDINARY COUNCIL MEETING: 28 SEPTEMBER 2010

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28/09/2010 7:48:53 PM

**Item 10.1.1 Motion Passed 7/2**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Colin Cala  
No: Cr Glenn Cridland, Cr Rob Grayden  
Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 8:02:00 PM

**Item 10.3.4 Amendment Motion Not Passed 4/5**

Yes: Cr Veronica Lawrance, Cr Kevin Trent, Cr Betty Skinner, Cr Colin Cala  
No: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Rob Grayden  
Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 8:02:26 PM

**Item 10.3.4 Motion Passed 8/1**

Yes: Mayor James Best, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala  
No: Cr Veronica Lawrance  
Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 8:37:29 PM

**Item 10.4.1 Amendment Motion Passed 8/1**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden  
No: Cr Colin Cala  
Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 8:40:27 PM

**Item 10.4.1 Motion Passed 8/1**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden  
No: Cr Colin Cala  
Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote

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28/09/2010 8:41:50 PM

**Item 11.1 and 11.2 Motion Passed 9/0**

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Colin Cala  
No: Absent: Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, , Casting Vote