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APRIL ORDINARY COUNCIL MEETING

(due to public holidays April Meeting held 3 May)

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth Tuesday 3 May 2011 at 7.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. 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

Note: Mayor / Council Representatives Activities Report for the month of March 2011 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 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 P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 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 permission for the Administration to record proceedings of the Council meeting.

3.4 Withdrawal of Item 10.3.2 at Officers' Request

The Mayor advised that at the officer's request, Item 10.3.2 is **Withdrawn** from the April Council Agenda for the purpose of completing the 14 day required advertising for No.6 and 6a Downey Drive. Following completion of the advertising this proposal will be considered at the earliest available Council meeting.

3.5 Response to February Council Meeting Commendation

The Mayor reported on correspondence received from Jennifer Mathews, Director General of the Department of Local Government, acknowledging the CEO's commendation of Council at its February Meeting. He then read aloud the following paragraphs:

“Given past events that necessitate monitoring and other measures being put in place, it is most gratifying to note your positive comments and your recent commendation to Council regarding the high level of maturity and respect evidenced during debate at meetings.

The fact that you believe that meetings are being conducted at such a mature level that other local governments could benefit from Council's example, is an endorsement of both the measures put in place and the commitment of councillors to establish a high standard of behaviour reflective of the privilege it is to represent the South Perth community.”

4. ATTENDANCE

Mayor J Best (Chair)

Councillors:

I Hasleby	Civic Ward
V Lawrance	Civic Ward
P Best	Como Beach Ward
T Burrows	Manning 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 Arevalo	Marketing Officer
Mr R Bercov	Strategic Urban Planning Adviser
Ms W Patterson	City Sustainability Coordinator (until 8.00pm)
Mr R Woodman	Corporate Projects Officer
Mrs K Russell	Minute Secretary

Gallery There were 25 members of the public present and 2 members of the press.

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Cr G Cridland	Como Beach Ward
Cr L P Ozsdolay	Manning Ward
Cr P Howat	McDougall 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 22 March 2011 there were no questions was taken on notice:

6.2 Public Question Time : 3.5.2011

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. He said that questions are to be in writing and questions received 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 Mrs Maxine Pental, 13/15 Swan Street, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

1. Should Heritage House, once the Council Chamber for the original Road Board of South Perth and therefore having strong historical significance, not be kept for the people of this City and its many visitors and proudly show that the city values its art and culture and in particular, the famous Gibbs family?
2. What consultations have occurred between the people of this City and in particular the Historical Society and the Trust Fund of the May Gibbs Art Collection?
3. Do the Councillors of the City of South Perth think it relevant that other activities related to heritage which occur within the City should also have the right to have access to Heritage House and therefore how could they consider leasing the building for any other purpose?

Summary of Response

The Mayor responded as follows:

1. Over the years, Heritage House has been used as a Council office, Doctors surgery, rented to a security firm, ticketing agency, home to the Local Studies collection and May & Herbert Gibbs collection and gallery. In recent times Heritage House has been used as the base for the Local Studies collection and Gallery. The Local Studies collection (and associated staff resource) have been relocated to the new civic centre library where it can be managed more appropriately. The Council has yet to determine how the building will be managed in the future but it is still proposed to house the May and Herbert Gibbs collection and exhibit the collection periodically.
2. Preliminary discussions have been held with the South Perth Historical Society.
3. The Council has yet to form a view on the future management of Heritage House. The building is a valuable community facility and the objective is to ensure that its ultimate use benefits the whole of the community and adds to the vibrancy of the precinct.

6.2.2 Ms Lynn O'Hara, South Perth Historical Society

(Written Questions submitted prior to the meeting)

Summary of Question

1. The Historical Society have received numerous enquiries from members and residents regarding the future use of Heritage House-Cultural Centre. Could the City advise details which will enable us to inform them that Heritage House will remain a Cultural Centre for residents?
2. The Society notes that the City has assured us in writing that heritage House will remain housing the May and Herbert Gibbs collection - may we ask details of future exhibitions of this collection at Heritage House - Heritage House having undergone significant and expensive renovations to enable even temperature, lighting etc?

Summary of Response

The Mayor responded as follows:

1. Options are currently being considered regarding the future management of Heritage House. When the options have been identified, costed and received council consideration, the views of the Historical Society and the May Gibbs Trust will be sought. It is noted that the Phillip Pandal Young Heritage Award and Exhibition is planned to be held at Heritage House commencing in June 2011.
2. The City is looking at the potential to run an exhibition later this year in conjunction with a book planned to be published on May Gibbs

6.2.3 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

Questions relate to those asked at the March Council Meeting re development at No. 9 Lamb Street, South Perth. The Deputy Mayor responded to the first 4 of my questions by saying "*The existing height was measured from the Building Licence Plans*"

1. What Building Licence Plans were they?
2. How was the height measured?
3. What was the height that was measured?
4. Can I see a copy of the Building Licence Plans which were used to calculate the height?
5. The CEO gave alternative answers to the first four questions – why weren't his answers recorded in the Minutes?
6. On 8 March 2011 I wrote to the City of South Perth requesting documents in accordance with the Freedom of Information Act 1922 concerning the development at No. 9 Lamb Street, South Perth. When will this request be acknowledged and the requested documents provided?

Summary of Response

The Mayor responded as follows:

1. The building licence plans were of the existing dwelling on the property.
2. The height was measured using the details shown on the plans
3. As stated in the Council report in August 2010, '*...the existing building height is 8.82 metres (12.36 m AHD)...*'
4. If the owner of the property provides his written permission you may see the plans.
5. There were no 'alternative answers' provided by the CEO at the March Council Meeting. In response to a further 'verbal' query raised by Mr Drake, the CEO stated that..... *many things are mentioned by Councillors in debate but unless they are the subject of a Council resolution they are generally not acted upon – the answer has been given, the measurement was taken from the building plans and that was explained to Councillors at the Council Briefing. Was a Surveyor engaged – No.*
6. The FOI request relating to the development at No. 9 Lamb Street, South Perth was acknowledged and the information provided to Mr Drake on 3 May 2011.

6.2.4 Mr Lindsay Jamieson, 14 Tralee Way, Waterford

(Written Questions submitted prior to the meeting)

Summary of Question

1. We know the Department of Local Government cannot instruct the CEO to perform an action, that responsibility belongs with Council. However on Agenda Item 3.4 at the 22 March 2011 Council meeting the CEO did not provide Council visibility to paragraphs 3, 4 and 5 of the letter from the Department of Local Government, all three of which the CEO was non-compliant (which is his prerogative). By not providing paragraphs 3, 4 and 5 the CEO was not being open, visible and accountable to Council. Why was Council not provided the whole truth for openness, visibility and accountability so that Council could determine if the CEO's actions were appropriate?
2. At the time of the meeting, was the Chair of the 22 March 2011 Council meeting, Deputy Mayor Doherty, aware of the existence of paragraphs 3, 4 and 5 of the letter from DoLG, and that the CEO was non-compliant with those three paragraphs?
3. Standard process at meetings, including small local P&Cs, is that inward correspondence be tabled, but this did not occur for agenda item 3.4 at the 22 March 2011 Council meeting. Will Council modify its processes so that correspondence is tabled in full thus ensuring the whole truth and openness, visibility and accountability are established

Summary of Response

The Mayor responded as follows:

1. Mr Jamieson would not be aware that prior to the Council meeting on 22 March, the CEO addressed the Council during the dinner break and read the entire contents of the letter to all Councillors present (about 4 short paragraphs). The CEO informed the Councillors of his intent to summarise the correspondence at "Announcements from the Presiding Member". The relevant portion of the correspondence was read out at the meeting and recorded in the Minutes.
2. The Deputy Mayor was aware of paragraphs 3, 4 and 5 as were other Councillors present at the meeting.
3. The Council is not a "small local P&C – if the City were to adopt the proposition of tabling correspondence received we would meet for a week and not conduct any business.

6.2.5 Mr Chris Gorrill, 25/8 Darley Street, South Perth

(Written Questions "Tabled" at the meeting)

Summary of Question

1. The City's justification for proposing Amendment No. 25 to the TPS6 at this time when:
 - (a) there is no prospect for a South Perth Train Station in the foreseeable future, if ever, and when there are better and more appropriate public transport options for South Perth.
 - (b) State Planning Policy 4.2 (released August 2010) designates South Perth (Peninsula) as a "District Centre"
 - (c) The intended level of development will destroy the village character of the Mill Point Precinct for all time?
2. How much has the City spent on professional consultants' reports to support the case for intensive high rise development in a South Perth CBD in the guise of a station precinct?
3. What is the intended use of the \$2M station precinct reserve that has been accumulated since 2006?

Summary of Response

The Mayor responded that:

1. Council is working on securing a train station taking into account feedback from the "Community Visioning" future plan under the strategic direction of "Housing" with emphasis on better public transport options. In relation to part (b) ie District Centre a Transport Oriented Development (TOD) node will be developed in that area once the Town Planning Scheme is amended. In response to part (c) Council is mindful that when you increase density it has to be attractive with good streetscapes and it is incumbent on this Council to achieve this outcome.
2. this question is Taken on Notice.
3. the Civic Triangle, which is included in our Strategic Plan allows for re-development of this area which includes the old Police Station, Post Office etc

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7.20pm

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: 22.3.2011

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Grayden

That the Minutes of the Ordinary Council Meeting held 22 March 2011 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 P672 "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 - March Ordinary Council Meeting and Australia Day 2011 Feedback - Held: 15.3.2011

Officers of the City presented background information and answered questions on items identified from the March 2011 Council Agenda. Consultant, P Roaen gave a presentation on 'feedback' following the 2011 Australia Day events. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Forum – Big Ideas Breakfast - Meeting Held: 16.3.2011

Representatives from the Cities of South Perth and Melville and the Town of Victoria Park attended a 'Big Ideas Breakfast' presentation by MacroPlan Australia on "Australia to 2050 – future Challenges - What does it mean for Local Government". Notes from the Concept Briefing are included at **Attachment 7.2.2**.

7.2.3 Concept Forum – Climate Change Strategy and Budget Process – Strategic Financial Plan Projections - Meeting Held: 29.3.2011

The City Sustainability Coordinator gave a presentation on the *draft* Climate Change Strategy. The Director Financial and Information Services provided an overview of the Budget process/theme and economic environment together with Strategic Financial Plan projections. Following each presentation Members raised questions and points of clarification which were responded to by the officers. Notes from the Concept Briefing are included at **Attachment 7.2.3**.

7.2.4 Concept Forum – Como Furniture Mart Proposal and Kensington and Arlington Design Guidelines - Meeting Held: 5.4.2011

Mr Dart (applicant) gave a presentation on a proposal for the Como Furniture Mart at No. 123 Melville Parade, Como. Representatives from TPG Town Planning and Urban Design gave a presentation on the Kensington Design Guidelines. Following each presentation Members raised questions and points of clarification which were responded to by the presenters/officers. Notes from the Concept Briefing are included at **Attachment 7.2.4**.

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4

Moved Cr Cala, Sec Cr Burrows

That the comments and attached Notes under Items 7.2.1 to 7.2.4 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

8.1.1 Petition received from David Kennedy, 10 Davilak Street, Como together with seven (7) signatures in relation to parking signs on the south side of Davilak Road between Edgecumbe and Lockhart Streets.

Text of petition reads: “We, the undersigned request that Council review its placement of 4 hour parking signs on only the south side of the Davilak Street road segment between Edgecumbe and Lockhart Streets...”.

RECOMMENDATION

That the petition received from David Kennedy, 10 Davilak Street, Como together with seven (7) signatures in relation to parking signs on the south side of Davilak Road between Edgecumbe and Lockhart Streets, be received and forwarded to the Infrastructure Services Directorate for investigation and report to the earliest available Council Meeting.

The Mayor read aloud the text of the Petition.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Best, Sec Cr Burrows

That the petition received from David Kennedy, 10 Davilak Street, Como together with seven (7) signatures in relation to parking signs on the south side of Davilak Road between Edgecumbe and Lockhart Streets, be received and forwarded to the Infrastructure Services Directorate for investigation and report to the earliest available Council Meeting.

CARRIED (9/0)

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

8.2.1 Australia Day 2011 Celebration – Thank you from the City of Perth

The Mayor presented a framed collage of photographs of the 2011 City of Perth Skyworks theme “Celebrating Families” from the Lord Mayor of Perth Lisa Scaffidi in recognition of the City of South Perth’s contribution to the 2011 event.

8.2.2 Certificate of Accreditation – Collier Park Hostel

The Mayor presented a Certificate to the City in recognition of the Collier Park Hostel having been accredited by the Aged Care Standards and Accreditation Agency to 14 April 2014.

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 19 April 2011

Deputations in relation to Agenda Items 10.0.3, 10.3.2, and 10.4.1 were heard at the April Council Agenda Briefing held on 19 April 2011.

Note: Due to the lateness of the advice letters sent out in relation to Amendment No. 25 at Item 10.4.1 on the April Agenda, Deputations on Item 10.4.1 were accepted at the April Council Meeting held 3 May, 2011.

8.3.2 Deputations at April Council Meeting 3 May 2011

Nick and Fran Bell, 28/8 Darley Street, South Perth Agenda Item 10.4.1

Mr Bell spoke against the officer recommendation at Item 10.4.1 “*South Perth Station Precinct – Amendment No. 25*” on the following points:

- proposed South Perth Train Station being used as a justification for intensive development, creating more commercial and mixed use zones, generally relaxing building by-laws when it is clear there is no prospect of the station becoming viable in the foreseeable future.
- what possible advantages might the proposal offer to existing ratepayers by way of compensation for suffering increases in noise, traffic and disruption during the building phase as well as loss of amenity, increased traffic and likely increased crime
- given the stated mission of both Mill Point Ward Councillors is to preserve the village character of South Perth – explain how the proposal can be anything else than diametrically opposed to this

Paul Ruthven, 5/24 Charles Street, South Perth Agenda Item 10.4.1

Mr Ruthven spoke against the officer recommendation at Item 10.4.1 “*South Perth Station Precinct – Amendment No. 25*” on the following points:

- station precinct proposal mainly benefits developers wanting to maximise profits from increased building heights and businesses wanting to increase their real estate values
- station precinct proposal disadvantages residents for a variety of reason
 - loss of river views
 - increased height limits – why 13 storey office blocks
 - amenity / streetscape
 - noise / crime
 - adverse impact on existing residents
 - decrease in property values of strata titled apartments
 - station can be achieved while still maintaining ‘village’ lifestyle
- Council should give more weight to negative impacts on residents who have invested their life-savings in their home rather than to the potential financial benefits to developers and business owners - ask that the status quo in relation to building heights be maintained

David Vinnicombe & Joseph Geha, 9 Harper Tce, South Perth Agenda Item 10.4.1

Mr Geha, as an owner of No. 11 Harper Terrace, spoke for the officer recommendation at Item 10.4.1 “*South Perth Station Precinct – Amendment No. 25*” on the following points:

- request Amendment No. 25 be modified to include front portion of No. 11 Harper Terrace (67 South Perth Esplanade) in the Mends Street Sub-Precinct for the following reasons:
 - 67 South Perth Esplanade will be the only property facing Harper Terrace which cannot be developed to the full commercial potential as other properties in the street
 - The whole of 11 Harper Terrace, inclusive of the South Perth Esplanade frontage is ideally suited to commercial development of restaurants and speciality shops
 - the demarcation between commercial and residential uses facing Harper Terrace and South Perth Esplanade can adequately be controlled through design controls
 - the continuation of commercial land uses is important to maintain continuity of pedestrian movement around the locality and encourage through movement to the Civic Triangle.

Mr Vinnicombe, as an owner of No. 11 Harper Terrace, spoke for the officer recommendation on the following points:

- looking at improving development potential of No. 11 Harper Terrace
- proposal similar to that of Incontro Restaurant in Mends Street
- acknowledge there is an opportunity to make a submission when Amendment No. 25 goes to advertising
- would like Council to address requested change to proposed Amendment prior to advertising

8.3.3 Request for Deputation – Mr Lindsay Jamieson – former Councillor

Request received from Mr Jamieson on 18 April 2011 for a ‘Deputation to Address Council’ on Agenda Item 3.4 of the March 2011 Council Meeting.

MOTION TO ACCEPT DEPUTATION

The Mayor called for a Motion in support of Mr Jamieson’s request for a ‘Deputation to Address Council’ on Item 3.4 of the March 2011 Council Meeting.

COUNCIL DECISION ITEM 8.3.3

There was no Motion put forward by Members at Item 8.3.3

LAPSED

Deputations Closed

The Mayor closed Deputations at 7.50pm

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate: Two Rivers Catchment Group 9 February 2011

Cr Ozsdolay attended the Two Rivers Catchment Group Meeting on 9 February 2011 at the City of South Perth. The Minutes of the Two Rivers Catchment Group Meeting are available on the *iCouncil* website and at **Attachment 8.4.1.**

RECOMMENDATION

That the Minutes at **Attachment 8.4.1** of the Two Rivers Catchment Group Meeting Held: 9 February 2011 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Best, Sec Cr Skinner

That the Minutes at **Attachment 8.4.1** of the Two Rivers Catchment Group Meeting Held: 9 February 2011 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, the 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 19 April 2011.

The Chief Executive Officer confirmed that this was correct with the exception of late Item 10.6.7 (Budget Overview) which was discussed at a Concept Briefing held on 27 April 2011.

WITHDRAWN ITEMS

Item 10.0.3 Alternative Motion

Item 10.4.1 Alternative Motion

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hasleby, Sec Cr Trent

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.3, 10.5.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6., and 10.6.8 be carried en bloc.

CARRIED (9/0)

Note: City Sustainability Coordinator retired from the meeting at 8.00pm.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Amendment No. 23 to TPS No. 6: Child Day Care Centres and Consulting Rooms: Report on Submissions (Item 10.0.1 October 2010 Council meeting refers)

Location: City of South Perth
Applicant: Council
File Ref: LP/209/23
Date: 1 April 2011
Author: Emmet Blackwell, Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The objective of Amendment No. 23 to the City's Town Planning Scheme No. 6 (TPS6) is to relax the provisions pertaining to the locations where a 'Child Day Care Centre' or 'Consulting Rooms' may be considered appropriate. For both land uses, the road name lists in Table 4 of TPS6 are proposed to be deleted. In relation to a Child Day Care Centre, Table 4 already contains a provision stating that, when a Child Day Care Centre is proposed in the Residential zone, Council's preference is for this land use to be located adjacent to other trip-generating uses such as commercial centres, recreation and educational facilities. That provision is being retained. For Consulting Rooms proposed in the Residential zone, Table 4 will prohibit this land use on cul-de-sac roads and instead require Consulting Rooms to be located on 'through' roads.

The draft Amendment was endorsed by the Council in October 2010 and has been advertised for community comment. The two submissions that were received are discussed in the Report on Submissions at **Attachment 10.0.1(a)**. The recommendation is that Amendment No. 23 proceed to finalisation with modification and that this recommendation be forwarded to the Minister for Planning for final approval of the Amendment.

Background

This report includes the following attachments:

- | | |
|-----------------------------|----------------------------------------------------|
| Attachment 10.0.1(a) | Report on Submissions. |
| Attachment 10.0.1(b) | Schedule of Submissions. |
| Attachment 10.0.1(c) | Modified Amendment No. 23 text for final adoption. |

Amendment No. 23 was initiated at the October 2010 Council meeting. The statutory process requires that the draft Amendment proposal be referred to the Environmental Protection Authority (EPA) for assessment prior to it being advertised for community comment. The prerequisite clearance from the EPA was received on 1 December 2010, allowing community advertising and consultation to proceed.

Comment

The community consultation in relation to the proposed Amendment No. 23 was initiated on 25 January and concluded on 11 March 2011. The proposal was advertised in the manner described in the 'Consultation' section of this report and resulted in two submissions. *The personal details of the submitters are confidential, but are available for Councillor scrutiny in the Council Members' lounge.* However, the submissions are discussed in the Report on Submissions at **Attachment 10.0.1(a)** and in greater detail in the Schedule of Submissions at **Attachment 10.0.1(b)**. The Schedule also contains recommendations on each issue raised by the submitters, for consideration and adoption by the Council. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. When the Council's recommendations have been conveyed to the Minister for Planning, he is responsible for the final determination of the Amendment.

An additional recommended modification to Amendment No. 23 which is not a result of the submissions received, relates to a recently discovered inconsistency within the amended Scheme Text, specifically Table 4. For 'Child Day Care Centres', currently the Scheme Amendment documents delete requirement No. 10 within column 5 'Other Development Requirements' which prescribes 'minimum outdoor playing space'. However, existing requirement No. 9 which relates to 'minimum indoor playing space' also needs to be deleted, as the replacement provisions in Table 4 include requirements for both 'indoor and outdoor playing space'.

Consultation

The statutory advertising required by the *Town Planning Regulations*, Town Planning Scheme No. 6 and City policies, was undertaken in the manner resolved at the October 2010 Council meeting, as follows:

- A community consultation period of 46 days.
- Southern Gazette newspaper notice in two issues: ‘City Update’ column - on 25 January and 8 February 2011.
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City’s Libraries and Heritage House, and on the City’s web site (‘Out for Comment’).

The required minimum advertising period is 42 days. On this occasion, the actual advertising period was 46 days. During the advertising period, two submissions were received. One of these is detailed and complex and has resulted in the Council’s recommendation to modify the original Amendment proposals, contributing to a more appropriate outcome.

The Report on Submissions and Schedule of Submissions at **Attachments 10.0.1(a)** and **10.0.1(b)** respectively will be provided to the Western Australian Planning Commission (WAPC) for further consideration and for recommendation to the Minister for Planning.

In anticipation of the Minister’s support, the final, modified Amendment text will also be provided to the WAPC and the Minister. A copy of each submission, in full, has been placed in the Council Members’ Lounge for perusal prior to the Council meeting. The submissions will also be provided, in full, to the WAPC and the Minister.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 23 is itemised below, together with the time frame associated with each stage of the process. Those stages which have been completed, including the forthcoming consideration at the 3 May 2011 Council meeting, are shaded:

Stage of Amendment Process	Time
Preliminary consultation under Policy P355	Not applicable
Council resolution to initiate Amendment No. 23 to TPS6	26 October 2010
Council adoption of draft Amendment No. 23 for advertising purposes	26 October 2010
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period	8 November 2009
Receipt of EPA’s response	1 December 2010
Public advertising period of not less than 42 days	25 January - 11 March 2011
Council consideration of Report on Submissions in relation to Amendment No. 23	3 May 2011
Referral to the WA Planning Commission and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Schedule of Submissions; • Council’s recommendations on the proposed Amendment No.23; • Three signed and sealed copies of the modified Amendment No. 23 documents for final approval. 	Mid-May 2011
Minister’s final determination of Amendment No. 23 to TPS6	Unknown
Publication of the approved Amendment No. 23 notice in <i>Government Gazette</i>	Unknown

Following the Council's decision to recommend to the Minister that Amendment No. 23 proceed with modifications, three copies of the modified Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the WAPC with the Council's recommendation.

Financial Implications

Scheme Amendment requests by external applicants attract a City Planning Fee calculated under the City's *Schedule of Fees and Charges*. No planning fee applies where there is no 'applicant', as in the case of Amendment No. 23. Therefore all costs associated with Amendment No. 23 (Officers' time, community consultation, statutory advertising) have been met by the City.

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

The proposed Amendment No. 23 facilitates more effective use of land. It will enable consideration of applications for 'Child Day Care Centres' and 'Consulting Rooms' in a broader context, and will allow determination of applications on their merits rather than on the basis of the road on which the development site is situated.

The relaxation of the TPS6 provisions in terms of expanding the number of permissible roads for Child Day Care Centres and Consulting Rooms will facilitate a broader mix of appropriate land uses within the Residential zone, while the controls in Amendment No. 23 and the related Policy P380 (now P307) "Family Day Care and Child Day Care Centres" will effectively safeguard the amenity and character of neighbouring residential and non-residential areas.

Conclusion

To date, the proposed Amendment No. 23 has been supported by the Council. During the public consultation period, two submissions were received, one expressing concerns in regard to the proposals. Some of these concerns have resulted in appropriate modifications to the Amendment, to the extent discussed in the attached documents.

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.1**

That ...

- (a) the Western Australian Planning Commission be advised that Council recommends that:
- (i) Submission 1, unconditionally supporting Amendment No. 23 be upheld;
 - (ii) Submission 2, conditionally supporting the proposed Amendment No. 23 be partially upheld;
 - (iii) Amendment No. 23 proceed with modification to the extent and in the manner recommended in the Report on Submissions at **Attachment 10.0.1(a)** and the Schedule of Submissions at **Attachment 10.0.1(b)**; and
 - (iv) for Child Day Care Centre, in Table 4, requirements Nos. 9 and 10 be deleted from column 5 'Other Development Requirements' and the following wording be inserted in their place:
"Minimum indoor and outdoor playing space: as per the Regulations made under the Child Care Services Act 2007."
- (b) Amendment No. 23 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the modified Amendment No. 23 document, as required by those Regulations;
- (c) the Report on Submissions at **Attachments 10.0.1(a)**, the Schedule of Submissions at **Attachment 10.0.1(b)**, a copy of the submissions and three executed copies of the modified Amendment No. 23 document at **Attachment 10.0.1(c)**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning; and
- (d) the submitters be advised of the above resolution and be thanked for participating in the process.

CARRIED EN BLOC RESOLUTION

10.0.2 Proposed Modified Planning Policy P307 (previously P380) "Family Day Care and Child Day Care Centres". Report on Submission (Item 10.0.1 October 2010 Council meeting refers)

Location: City of South Perth
Applicant: Council
File Ref: LP/801/9
Date: 1 April 2011
Author: Emmet Blackwell, Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

In connection with proposed Amendment No. 23 to Town Planning Scheme No. 6 (TPS6), a Report on Submissions is the subject of Agenda item 10.0.1 for the 3 May Council meeting.

In support of Amendment No. 23, officers have also prepared a modified Planning Policy P307 "*Family Day Care and Child Day Care Centres*" (previously Policy P380) to introduce a wider range of development requirements for Child Day Care Centres and Family Day Care. The modified Policy P380 was endorsed by the Council in October 2010 and has been advertised for community comment. The single submission that was received is discussed in this Report and in more detail in the attached Report on Submission at **Attachment 10.0.2(a)**. The recommendation is that Policy P307 proceed to finalisation with further modification.

Background

This report includes the following attachments:

- Attachment 10.0.2(a)** Report on Submission.
- Attachment 10.0.2(b)** Further modified Policy P307 in a form suitable for final adoption.

Comment

The community consultation in relation to the proposed modified Policy P380 was initiated on 25 January and concluded on 11 March 2011. The proposal was advertised in the manner described in the ‘Consultation’ section of this report and resulted in one submission. *The personal details of the submitter are confidential, but are available for Councillor scrutiny in the Council Members’ lounge.* However, the submission is discussed in the Report on Submission at **Attachment 10.0.2(a)**. That report also contains recommendations on each issue raised by the submitter, for consideration and adoption by the Council. After considering the submission, the Council needs to resolve whether or not to adopt the modified Policy P307 and whether to further modify the Policy.

Consultation

The statutory advertising required by clause 9.6(2) of TPS6 and Council Policy P355 ‘Consultation for Planning Proposals’ was undertaken in the manner resolved at the October 2010 Council meeting, as follows:

- Southern Gazette newspaper notice in two issues: ‘City Update’ column - on 25 January and 8 February 2011 (46 days, to be in line with corresponding advertising of proposed Amendment No. 23 to TPS6).
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City’s Libraries and Heritage House, and on the City’s web site (‘Out for Comment’).

During the advertising period, one submission was received. The submission is detailed and complex and has resulted in a recommendation to further modify the original modified Policy P380 proposal, contributing to a more appropriate outcome.

Policy and Legislative Implications

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy and for modification of an adopted policy. Public advertising of draft policy provisions is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The process as it relates to the proposed modified Policy P380 (now P307) is set out below, together with an estimate of the likely time frame associated with each stage of the process. Those stages which have been completed are shaded:

Stages of Advertising and Adoption of Policy P380 modifications	Estimated Time Frame
Council resolution to consider the modified Policy P380 for advertising	26 October 2010
Public advertising period of not less than 21 days	25 January - 11 March 2011
Council review of the modified Policy P380 (now P307) in light of submission received and outcome of public consultation on Amendment No. 23 to TPS6, and resolution to formally adopt the policy with/without modification, or not proceed with the policy	April (3 May) 2011 Council meeting
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council’s resolution	May 2011

Financial Implications

The only relevant financial implications in relation to proposed further modified Policy P307 are the costs of the two newspaper notices required for community consultation and, should Council adopt the proposed modifications, the cost of one additional newspaper notice to notify the Community of the modifications.

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

The proposed modified Policy P307 and related Amendment No. 23 to TPS6 will facilitate more effective use of land. It will enable consideration of applications for ‘Child Day Care Centres’ in a broader context, and will allow determination of applications on their merits rather than on the basis of the road on which the development site is situated.

The relaxation of the TPS6 provisions in terms of expanding the number of permissible roads for Child Day Care Centres and Consulting Rooms will facilitate a broader mix of appropriate land uses within the Residential zone, while the controls in Amendment No. 23 and modified Policy P307 will effectively safeguard the amenity and character of neighbouring residential and non-residential areas.

Conclusion

To date, the proposed modified Policy P380 (now P307) has been supported by the Council. During the public consultation period, the one submission received expressed concerns in regard to certain provisions of the Policy. Some of these concerns have resulted in appropriate further modifications to Policy P307, to the extent discussed in the attached Report on Submissions.

Having regard to the submitter’s comments and assessment of them by City Officers, the proposed further modified Policy P307 should now be adopted by the Council.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2

That, under the provisions of clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the further modified Planning Policy P307 ‘Family Day Care and Child Day Care Centres’, at **Attachment 10.0.2(b)**, be adopted.

CARRIED EN BLOC RESOLUTION

10.0.3 Old Mill Precinct (<i>referred Item 10.0.1 September 2010 Council Meeting</i>)

Location:	City of South Perth
Applicant:	Council
File Ref:	ED/101
Date:	6 April 2011
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to further progress the concept proposal for development of the Old Mill precinct following the community consultation process.

Background

In September 2010 Council endorsed the Old Mill Precinct proposal solely for the purpose of conducting community consultation. The proposal was advertised in November for a period of 45 days and a Public Information Forum was held on Saturday 20 November 2010 which was attended by approximately 250 residents.

Following the conclusion of the community consultation process on 14 January 2011 a Council Members' Concept Forum was held on 1 February at which the results of the consultation were presented to Councilors in attendance. At that meeting, the following outcomes were agreed:

1. refer the Old Mill Precinct Redevelopment Plan to a joint Design Advisory Consultants / Architect Garry Lawrence Workshop for further review;
2. consider progressing construction of Tram House as stage 1 with provision in the 2011/2012 Budget; and
3. a further Workshop be held to discuss the future direction following completion of the DAC / Garry Lawrence Workshop

Comment

Information Forum

The Old Mill Precinct concept proposal was advertised in November 2010 for a period of 45 days which concluded on 14 January 2011 and a Public Information Forum was held on Saturday 20 November 2010, attended by approximately 250 residents.

Community Consultation

An overall summary of the written responses to the community consultation is as follows:-

Because of the location and possible impact of the proposed development on the local community, a total of 7,500 brochures were delivered to each household in the Mill Point and Civic Wards, with extensive advertising occurring in local and City media to cover the whole of the City. Not surprisingly, the majority of the submissions received were from these wards.

Overall, the City received 428 responses during the community consultation period. This included 128 proforma's which were originated by the owners of the Peninsula development at the north end of Mill Point road which were against the proposal. It is unfortunate that these responses were based on incorrect information and as a consequence, each of the issues raised are dealt with separately below. Inclusive of the 'no' proforma, this resulted in 203 responses in favour, 174 responses against and 51 unsure about the proposal.

Excluding the proforma's, there were only 46 submissions received which did not support the proposal.

Of the 182 suggestions or written feedback received, four main areas were identified as being important for the City to consider in considering this project further:

- preserving the peaceful feel of the area
- traffic, congestion, noise and antisocial behaviour
- heritage
- parking

The outcome of the community consultation was that a number of concerns about the proposal were identified. These concerns have been grouped into the following main themes:

- The project puts prime foreshore land into the hands of private developers
Response - Incorrect. The Council has not considered or resolved how the Old Mill project would be redeveloped or funded. There are many options open to the Council such as the City being the lead project owner / manager, leasing all or part of the land to an organisation such as the National Trust, a (PPP) Private/Public partnership arrangement or a possible Commonwealth/State/South Perth collaboration, etc. The most likely outcome, because of the complexity of the arrangement is for the City to remain in control of the land with only specific areas leased to the private sector for particular purposes, ie restaurant etc.

- Will have a significant impact on the amenity of nearby residents, including noise, lighting, security and traffic.

Response - The original 2006 concept plans have been significantly modified in response to similar concerns raised during the previous consultation process. The current concept plans propose many world class design elements that will enhance the security of precinct and limit the impact of noise. The Peninsula is a high density urban area that adjoins Kwinana Freeway which incorporates a railway line and is less than 1 kilometre from the CBD, and will always be subject to potential development that may create further noise and traffic. Certainly every attempt will be made to minimise noise but because of its location there is already significant background noise. It is not anticipated that there will be any major increase in noise.

Traffic is likely to increase but the concept proposal anticipates visits by many forms of transport including ferry, boat, walking, cycling, coach, bus as well as motor vehicles. Previous traffic studies have confirmed that there will be no adverse impact as a result of traffic as there is a 'contra-flow' ie local traffic leaves the area in the morning and project traffic arrives after 'rush hour' and visa versa in the later afternoon.

- Undermines the historical importance of the Old Mill.

Response - The Old Mill redevelopment's objective is to recognise the importance and significance of the Old Mill. The concept plans have been prepared in consultation with the National Trust and Heritage Council to ensure that integrity of the Old Mill is preserved and celebrated. Both of these organisations have been very much involved in the development of the plan and support the draft plan in principle. The project also has the support of the South Perth Historical Society. The proposed redevelopment of the area will see the Old Mill return to its former glory as a popular iconic tourist attraction of state-wide significance. The intention is to provide more focus to the Old Mill and demonstrate its historical importance – not undermine its importance.

Notwithstanding the above, the City's Design Advisory Consultants (DAC) also made comment on the Old Mill itself and as a consequence, some further changes to the concept plan have been proposed and agreed to which has resulted in an increased focus on the Old Mill itself.

- Potential environmental impact, including the loss of several large trees, and disturbance of acid sulphate soils.

Response - There have been preliminary environmental studies completed in developing the concept plan. Further environmental studies would be completed should the project proceed. Initial soil testing indicates that acid sulphate soils do not occur at the intended excavation level of Millers Pool. The City will be required to prepare an Acid Sulphate Soils Management Plan as part of the Swan River Trust approval process for any development that occurs. The trees on the freeway bank are not native to South Perth and are proposed to be removed whilst major trees are retained around Millers Pool. Other trees more appropriate to the area will be planted.

- Will force residents to contribute to the development through rates.
Response - Incorrect. The Council is yet to determine how the redevelopment will be funded. Financial modelling will be undertaken should all components of the project proceed, with funding options to be sourced from Commonwealth Government agencies, State Government Agencies and private organisations. All City works are generally required to be financed in some way through rates and it is reasonably expected that foreshore works, including parks and reserves improvements and community buildings would be normally regarded as routine City capital improvement works. The issue becomes a priority for funding matter rather than increasing rates.
- Will cause parking congestion
Response - There are currently 103 parking bays on the existing site. The proposed plan indicate a total number of 320 parking bays including:
 - 4 coach bays (under the Freeway bridge)
 - 11 extra bays at the Queen Street Jetty
 - 99 undercover bays
- Propose buildings too high
Response – *In terms of building height* the project is low scale. The restaurant at the Narrows Bridge (north) end is 2 storey and is almost totally set below the height of the Narrows Bridge (however the location of the restaurant may change - refer to DAC outcomes). Between this (north end) and the Mill – the restaurants and cafes are single storey. The Museum, Gallery to the south of Mill, and also the office/commercial building to the west of the freeway are 2 1/2 storey. Low level views from the Peninsula will have the new landscaping forecourt as part of the outlook, while the views to the Millers Pool and City lights north along Mill Point Road (subject to qualification above) and to the River west of the Freeway will remain uninhibited. The gallery / museum building provides both a wind and noise buffer for the site.

The current design was significantly changed as a result of the earlier 2006 concept community consultation which raised similar concerns. The height issue has therefore been addressed.

No adverse comment was received in connection with either the gallery / museum or Millers Pool component of the concept.

Catalyse Survey

In addition, as part of the recent City wide Catalyse customer survey 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 this survey, the results indicate that 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.

DAC Consideration

On the 24 January 2011, a Special DAC meeting was held at which the project architect, Garry Lawrence presented the project concept to the members of the DAC. A further meeting was held on 31 January 2011. During the course of the meeting a number of design and other issues were raised, many of which were addressed at the time and other issues listed for further consideration.

The project Architect subsequently met with Bill Hames of the DAC on this project, to discuss issues raised at the earlier meeting so that a more thorough understanding of the issues could be gained. Following this meeting the project architect submitted a written response to the issues raised. The response was circulated to all members of the DAC and a further Special meeting was held on Wednesday 23 March 2011.

At the meeting on 23 March the Advisory Architects had identified a number of areas where design modifications were considered necessary. Garry Lawrence agreed to modify the design to address the issues raised. The matter was again considered at the DAC meeting held on 4 April 2011. The purpose of the 4 April meeting was to consider the project architect's modifications. He attended that meeting to present and explain the modifications and a summary of the issues raised follows:

Relocation of restaurant situated to east of Freeway

The restaurant has now been relocated northwards adjacent to the existing car park and partially projecting over Millers Pool.

Millers Pool

The revised drawings include 'soft edge' treatment to the north and south sides of Millers Pool.

Greater Prominence for the Old Mill

The modifications have resulted in increased space separation between the Old Mill and proposed buildings to the north and south.

The Advisory Architects considered that the space separation has improved, but suggested that further space separation may be desirable.

Stronger Connection between Millers Pool and Old Mill

The Advisory Architects had reservations about the location of the proposed 'boardwalk reach' projecting into Millers Pool. This is on the alignment of the historic 'spur' for water craft and was seen to detract from the linkage between Millers Pool and the Old Mill. However, the project architect is intending to retain the boardwalk in this location. He has explained that it is strongly favoured by representatives of Aboriginal groups and is intended as a spiritual link between indigenous heritage and European settlement. The boardwalk meets the 'spur' at the 'celebration fountain'. This linkage is considered to be important but the length of the boardwalk is being reduced – generally to the satisfaction of the Advisory Architects.

Following extended debate between the Advisory Architects and Garry Lawrence, it was agreed that the boardwalk would remain on its current alignment however the projection into Millers Pool would be significantly reduced to around half or two thirds of the length indicated on the latest drawings.

Gallery / Museum

This building has now been re-designed to be less 'angular'.

After extensive debate, the Advisory Architects considered that the revised design is satisfactory.

Marina

The marina has been redesigned in a more 'curved' and less geometric form.

The Advisory Architects were satisfied with the revised design of the marina. It was noted however that, to provide necessary security for private boats moored at the marina, a security fence is necessary on the edge of the northern boardwalk. Outside this fence, there will need to be a public boardwalk providing access to the relocated public ferry terminal. The project architect accepted the need for this further design modification and will make the necessary changes.

Wind and Noise

The Advisory Architects are satisfied that all issues relating to wind and noise are being addressed in a satisfactory manner.

Serpent Bridge

While having raised queries regarding the financial viability of constructing the Serpent Bridge, the Advisory Architects are satisfied with this element of the plan. It is acknowledged that the City would only be a facilitator in this regard and would not contribute any significant funds to this part of the project.

The issue of connectivity for pedestrians and cyclists was again discussed at some length. Although the project architect pointed out the proposed linkages by way of pedestrian and cycle paths, the Advisory Architects saw the need for further improvement. The project architect advised that he is in consultation with Bicycling Western Australia and that the design and alignment of the cycle paths will be refined, taking heed of advice from that organisation.

Bus facilities

The project architect pointed out the refinements of the bus route and 'turnaround' facility for buses. There will be a direct connection between a bus stop and the ferry terminal.

The Advisory Architects were satisfied with the provision for buses.

The majority of the issues raised by the DAC members have therefore been agreed to (subject to further consideration by relevant stakeholders where necessary) and changes have been made in sketch form to the concept proposal. Subject to Council consideration and decision, the changes will then be made to the concept plan.

In summary, the DAC members are very supportive of the concept and have worked in a collaborative way with the project architect with the objective of arriving at a very high class development concept.

Consultation

During the course of developing the concept plan, significant community consultation and liaison has occurred as detailed in this report. In addition, informal consultation has been carried out with the following State Government and related agencies. 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
- > Kings Park Botanic Gardens & Parks Authority
- > Local State & Federal politicians
- > Lotteries WA
- > Main Roads Western Australia
- > National Trust of WA
- > Perth Waterfront Authority
- > Premier’s Office
- > South Perth Historical Society
- > Swan River Trust
- > Telstra
- > Tourism WA
- > WA Planning Commission

All of these agencies have expressed support for the project - some conditional.

Policy and Legislative Implications

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

	Title	Purpose
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 was updated with an Addendum in August 2005 to recommend approval to the Project Concept at that stage. Continuing collaboration at several intermediate stages since then ensures that the current proposal will be approved and incorporated in an update of the conservation plan.
- 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. Land used for restaurant purposes will need to be excised from the reserve – in much the same way that the Boatshed restaurant land has been treated. 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 may require appropriate amendments to TPS6 and the Metropolitan Region Scheme.
- (g) *Local Government Act*
Various sections of the LG Act may be relevant dependant upon the model eventually selected. Further community consultation in relation to this project is likely. The community consultation would be conducted on an 'as needs basis'. 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) *Minister for Indigenous Affairs*
There has been an enduring collaboration and significant input from key individuals including Noel Nannup and then Sovereign Whadjuk and South West Aboriginal Land and Sea Council. As a result of this early initiative the SWALSC will provide consultation for the anthropological consultation process of preparation of the Section 18 and Sovereign Whudjuk will assist with the preparation of the Section 18 Application as part of the support for approval of the Concept Proposal.
- (j) *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.
- (k) *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.

Financial Implications

Significant funds are required to complete the project but funding liability can be roughly broken down to areas east and west of the narrows.

East of Narrows

This part of the development involves work that is normally associated with local government expenditure, ie construction of gallery / museum, community areas and reserve enhancement. The City would facilitate but not contribute to the development of the restaurant and other small scale supporting tourist shops etc.

Estimated costs associated with this part of the development are:

➤ Gallery / museum	\$9.5M
➤ Tram house	\$500,000
➤ Millers Pool	\$1M
➤ Community areas	\$350,000
➤ Infrastructure (including roads, civil works, parking, landscaping, bollards, benches, sculptures, and entrance statement (excluding river walls)	\$3M

Subject to contingency of 25%, escalation and detail documentation.

Revenue from the land leased for the restaurant and tourist shops would be used to fund loan repayments for loans raised in relation to the project. The investigations and research are presently being conducted to ascertain whether or not the project is eligible to attract Commonwealth tourism funding. The preliminary research indicates that the City may attract funding up to \$1M if successful in a Grant application.

West of Narrows

This part of the development involves work that is not normally associated with local government expenditure, ie Swan River 'Serpent Bridge', boat and ferry mooring, flying fox etc. These features could only proceed with State Government approval and major financial contribution together with private enterprise funding. Commonwealth contribution in relation to the Serpent Bridge would also seem very likely.

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 Swan River Trust for River wall infrastructure);
- City of South Perth;
- Lotteries Commission;
- Telstra & Main Roads WA; and
- Private contributions.

At this stage there is no commitment to progress all aspects of the concept plan and the components would be the subject of further research and investigation as the plan developed.

(b) **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 (as well as rates) to allow recovery of capital costs by the City. 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 and perhaps longer. 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.

Imminent expenditure

If Council decides to progress with this proposal various components require funding consideration in the short term:

(a) Preparation of concept plan

Garry Lawrence will be required to finalise the revised concept following community and DAC consultation. The costs associated with this action are estimated to cost up to \$20,000 dependant upon requirements such as whether or not a short video is produced as well as digital images.

(b) Tram house

Council has been kept progressively advised of the progress of the South Perth Tram restoration being performed by PETS at Whiteman Park. The tram could be finally completed and ready for delivery by the end of 2011 or thereabouts. If Council is committed to the project including the construction of the gallery / museum a "stand alone" tram house could be constructed in the short term with the understanding that it could be incorporated into the larger building in the longer term.

Alternatively, construction of the tram house should be deferred until the City is in a position to fund the gallery / museum which would be built at the same time as the tram house. This is certainly the safer option but it does mean that unless a suitable home can be found for the tram in the short term it would presumably remain at Whiteman Park.

(c) **Millers Pool**

The project could commence with the development of Millers Pool which is a significant and focal part of the project (and certainly the least controversial). It would be regarded as a major upgrade to that part of the precinct which would need to be completed prior to the exact location of a restaurant being determined. This work could be regarded as a demonstration of the quality of work for the remainder of the project and set high standards. The work would be largely if not wholly funded by the City as normal public open space upgrading. It may also lead to private contributions for the community areas development and possible external grants being obtained.

Estimated costs associated with this component amount to \$1M and could be funded over two financial years. Funding has already been factored into the City's Strategic Financial Plan for this purpose.

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 project also has a tangible and relevant link with the Perth Waterfront project and is seen to complement this project.

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 and the flood allowance level for long term climate change has been considered when setting the floor levels of the major building elements.

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 10.0.3

That Council notes the results of the community consultation and agrees in principle to progress the Concept Plan in stages as follows:

- (a) by authorising Garry Lawrence to:
 - (i) upgrade the concept plan as a result of the community consultation (including DAC) feedback; and
 - (ii) prepare a detailed financial budget for the Millers Pool component of the concept prior to further consideration; and
- (b) authorise the Administration to pursue other components of the Plan and report back to Council prior to 30 September 2011.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.0.3. The officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Skinner

That the officer recommendation be amended to include a sub part (iii) to Part (a), as follows:

- (iii) prepare a detailed financial budget for the Tram House component of the Concept Plan, with a view to progressing it as a “stand alone” building that can be constructed in the short term with the understanding that it will be incorporated into the larger Gallery/Museum in the longer term should the City commit itself to this project; and

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Amended Motion

- community consultation process concluded 14 January 2011
- Council Member Concept Forum held 1 February presented results of the consultation phase the following outcomes were agreed at February Concept Forum:
 1. refer the Old Mill Precinct Redevelopment Plan to a joint Design Advisory Consultants/Architect Garry Lawrence Workshop for further review;
 2. consider progressing construction of Tram House as stage 1 with provision in the 2011/2012 Budget; and
 3. further Workshop be held to discuss future direction following completion of the DAC/Garry Lawrence Workshop
- part 3 of these outcomes has not occurred
- believe it was clear, on the part of those Councillors present at that Forum that the Council should progress the process to where they could seriously consider the construction of the Tram House as a “stand alone” building
- if the construction of the Tram House (in the order of \$0.5M) is linked to the construction of the gallery/museum, (in the order of \$9.5M), then this will mean that there will be many years before anyone sees the realisation of a first stage
- volunteers from “PETS”, who have shown such passion for the restoration of the Tram, will have long lost any enthusiasm for this project and moved onto other more immediate projects.
- total costs of the entire plan are significant - external funding will be essential - however, if Council proceeds with the Millers Pool and Tram House components of the plan, these will form a catalyst for more funds and the realisation of all of the proposals for the development of the Old Mill Precinct Concept Plan.

Cr Skinner for the Amended Motion

- PETS have been working on the Tram Restoration project for 6 years
- there is a City undertaking to house the tram
- Council should be progressing this project
- proposed Amendment does not commit us but will move the proposal forward
- support the Amendment

COUNCIL DECISION ITEM 10.0.3

The Mayor Put the Motion

That Council notes the results of the community consultation and agrees in principle to progress the Concept Plan in stages as follows:

- (a) by authorising Garry Lawrence to:
 - (i) upgrade the Concept Plan as a result of the community consultation (including DAC) feedback;
 - (ii) prepare a detailed financial budget for the Millers Pool component of the concept prior to further consideration; and
 - (iii) prepare a detailed financial budget for the Tram House component of the Concept Plan, with a view to progressing it as a “stand alone” building that can be constructed in the short term with the understanding that it will be incorporated into the larger Gallery/Museum in the longer term should the City commit itself to this project; and
- (b) authorise the Administration to pursue other components of the Plan and report back to Council prior to 30 September 2011.

CARRIED (9/0)

Reason for Change

Council were of the view that the inclusion of the additional Clause (a)(iii) would allow the Tram House component of the Concept Plan to progress as a ‘stand alone’ building.

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 City of South Perth Climate Change Strategy

Location:	City of South Perth
Applicant:	Council
File Ref:	EM/116
Date:	1 April 2011
Author:	Wendy Patterson, City Sustainability Coordinator
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The City has developed its Climate Change Strategy as an extension of its previous involvement in the ICLEI Cities for Climate Protection Program, and as a sub-strategy of the City’s Sustainability Strategy. Climate change is a key consideration for whole of government as the managers and custodians of civic infrastructure. In addition, the likely impacts of climate change need to be understood to ensure that appropriate organisational and community planning and response is determined. The Strategy is primarily about managing the City’s risk and vulnerability to the actual and potential impacts of climate change.

This Climate Change Strategy sets the scene for the timeframe 2010 - 2015 - as an initial response to addressing this important and emerging subject. The Strategy encompasses the themes of Adaptation, Leadership, and Mitigation. Action Plans to address these themes are incorporated into the Strategy

Background

The City joined the ICLEI (Local Governments for Sustainability) Cities for Climate Protection Program in 2001 and completed its five milestone journey in 2009. The ICLEI Cities for Climate Protection (CCP) campaign was de-funded by the Australian Government in June 2009. The CCP campaign was significantly successful in the local government sector in Australia, in bringing about the early changes required to mitigate greenhouse gases (carbon emissions) and, adapting to the actual/potential impacts of climate change.

The City's efforts to date have been based on mitigation activities such as the civic building energy audits (and the resultant lighting upgrades to reduce electricity/energy consumption); other civic building upgrades; the community Household Energy Audit project in 2008; the re-configuration of the City's vehicle fleet; the mulching of green waste from operations; the development of a sustainable purchasing strategy and action plan; community information sessions; tree planting; and many others.

In transitioning from the Cities for Climate Protection program, a draft City-wide Climate Change Strategy 2010-2015 has been developed, and is listed in the City's Corporate Plan 2010-2011. This Climate Change Strategy is a sub-strategy of the City's Sustainability Strategy and has three themes - Adaptation, Leadership, and Mitigation.

Comment

The Climate Change Strategy sets the scene for an appropriate response from the City in regard to its management of risks from actual or potential impacts of climate change. The Strategy is primarily a document for City Administration to manage its Adaptation, Leadership and Mitigation response in an ongoing manner. Therefore most of the items listed in the Actions Plans relate to direct activity by City directorates and departments. Ultimately, the community, as a stakeholder, is to benefit from the outcomes of the Strategy.

The Adaptation theme sets out the City's goals in regard to adaptation to the impacts of climate change, which is to ensure that the City of South Perth is prepared for and resilient to climate change. A definition of adaptation to climate change is - *actions in response to actual or projected climate change and impacts, that lead to a reduction in risks or a realisation of benefits. A distinction can be made between a planned or anticipatory approach to adaptation (ie risk treatments) and an approach that relies on unplanned or reactive adjustments* (Australian Government, 2006).

The City has already undertaken its first assessment of climate change risks and this was presented in a separate Council Report in March 2011. It should be noted that Climate Change Adaptation is a subset of this Climate Change Strategy.

The Leadership and Education theme sets out the City's goals in providing leadership and building capacity within the City and community, including partnering with other Local Governments, to manage climate change risk and opportunity.

The Mitigation theme sets out the City's goals to reduce (mitigate) the organisation's greenhouse gas (carbon) emissions, and carbon footprint. A definition of greenhouse gas emission mitigation is - *response measures that reduce the emission of greenhouse gases into the atmosphere or enhance their sinks, aimed at reducing their atmospheric concentrations and therefore the probability of reaching a given level of climate change* (Australian Government, 2006).

The Strategy suggests a target reduction of 4% per year in corporate (organisational) greenhouse gas emissions from 2007-2008. An associated target is the reduction in organisational energy consumption and is suggested at 5% per year from 2007-2008. These targets are valid for the period of this Strategy.

Achievements in the City's response to climate change since 2007-2008 include:

- Completion of ICLEI Cities for Climate Protection Plus Program - June 2008
- Development of Sustainable Purchasing Plan (as part of above) - June 2009
- Improved emissions efficiency of vehicle fleet, and implementation of a Fleet Vehicle Policy and Management Practice- July 2009
- Development of a basic Ecological Sustainable Development (ESD) Building Design Policy - March 2008
- Development of a Sustainable Design Policy (P350.1) in the Residential Design Policy Manual - November 2008
- Ongoing environmental data reporting through the Planet Footprint program - October 2007
- Undertaken a building energy audit on Civic and Operations Centres - 2008
- Participated in *switch your thinking!* Programs 2009-2010
- Participation in annual staff volunteer tree planting in New Norcia for National Tree Planting Day
- Completion of ICLEI Water Campaign Milestone Three (Action Plan) - June 2009

The Strategy document outlines the science of climate change, and the context in regard to National and State policy and strategies. The driving forces of the City's involvement and activity in the topic of climate change impacts, is illustrated. This encompasses community activities, organisational systems and data reporting, vehicle fleet policy, involvement in the ICLEI Water Campaign, sustainable purchasing, participation in the Carbon Neutral™ program, the GreenPower program, and membership of the Rivers Regional Council and associated waste issues.

One of the key technical elements of the Strategy is to identify, measure and report the City's greenhouse gas (carbon) emissions, as an organisation. City activities that generate greenhouse gases (carbon emissions) are: waste generation, vehicle use, electricity consumption (buildings, street lighting, water pumps, other plant), gas consumption (small). The City's average annual greenhouse gas (carbon) emission for the last five years is approximately 5500 tonnes. It should be noted that this figure is dependent on the City's capacity to identify sources of greenhouse gas emissions and to quantify correctly, that is, some emissions are currently estimated.

From time to time, as a snapshot exercise, it will be possible to capture the community's inventory of greenhouse gas emissions. As expressed in the Strategy document, the Australian Government has been debating for some time now, the legislation of a carbon emissions reduction scheme and the development of a carbon market. It would appear prudent for the City to determine its emissions, and to be able to have an understanding of the whole jurisdiction's emissions.

Consultation

As the Climate Strategy was developed as an extension of the Cities for Climate Protection program, and is primarily an Administrative Strategy, no external consultation was undertaken. The Strategy's Leadership and Education theme allows for the consultation and engagement of the community as an outcome. A working group of City Staff was convened to guide the development of the Strategy.

A Councillor's Briefing was held on Tuesday 29 March 2011.

Policy and Legislative Implications

The policies directly impacted and related to this Strategy are listed below:

- Sustainability Policy P320
- Energy conservation P302
- Groundwater Management P303
- Ecologically Sustainable Building Design P321
- Sustainable Design P350.1

Financial Implications

The Climate Change Strategy's Action Plans for Leadership and Mitigation have an expected budget forecast as listed in the Action Plans. It was not possible to apply a cost estimation for some items at this stage but given the five year time frame of the Strategy it is anticipated the total cost of the identified actions could be significant and would be subject to reporting to Council on a regular basis to ensure it aligns with other corporate directives. .

In addition (and treated as a separate Council Report - March 2011) is the Climate Change Adaptation Reports, already undertaken as the City's initial risk assessment for climate change impact. That Council Report outlines the budgetary requirements for the Adaptation theme.

Strategic Implications

Strategic Directions 2010-2015: Environment at 2.5 - Build capacity within the City and community including partnering with stakeholders, to manage climate change risk and opportunity, through leadership, adaptation and mitigation.

Sustainability Strategy 2006-2008 (in development for revision).

Corporate Plan 2010-2011:

- Environment 2.5.1 - Participate in the LGIS Climate Change Risk Assessment Program
- Environment 2.5.2 - Consider Adaptation Plans contained in the Climate Change Risk Assessment Report
- Environment 2.5.3 - Develop and implement a Climate Change Strategy

Sustainability Implications

The management of climate change impacts, the mitigation of and adaptation to, is an element of this Climate Change Strategy, which is in turn a sub-strategy of the City's Sustainability Strategy. The management of climate change impacts is a key sustainability function for the City as an organisation, and for the whole community as Australia and the rest of the world moves towards a (low) carbon economy. The full consequences of climate change will be revealed over time, and will therefore require a sustainable process to continually monitor and adapt.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1

That Council endorse the City of South Perth Climate Change Strategy and associated Action Plans at **Attachment 10.2.1**

CARRIED EN BLOC RESOLUTION

**10.2.2 Construction of Irrigation Lake and Pump House Collier Park Golf Course -
Review of Submissions for Tender 19/2011**

Location: City of South Perth
Applicant: Council
File Ref: Tender 19/2011
Date: 11 April 2011
Author: Mark Taylor, Manager City Environment
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Lump Sum tenders have been called and received for the construction of an irrigation lake and pump house for the Collier Park Golf Course (Tender 19/2011). This report outlines the assessment process and recommends that the Council endorse the alternative tender Option B submitted by Musgrave Contracting for the lump sum price of \$877,000 plus GST be approved.

Background

At the December, 2010 meeting Council approved a funding model to facilitate the redevelopment of the 'Island 9' on the Collier Park Golf Course. The approved works totalled \$5.8 million.

There are four components or 'packages' to the works. They are:

- Irrigation replacement;
- Irrigation lake construction;
- Course layout;
- Course landscaping.

At the March 2011 meeting, Council resolved accept a tender from Total Eden Pty Ltd to install a new irrigation system and pump equipment on the Island 9 Course of Collier Park. This is the first package of the redevelopment of the Course.

The second package to be considered is the construction of the irrigation lake and pump house. Work will involve the redevelopment of the existing lake located on the Island 9 Course. The purpose of the works is to provide:

- A lined lake to assist the irrigation of the Course;
- Iron removal from groundwater to ensure efficient irrigation operation;
- A greater amount of water 'in play' on the Island 9 Course;
- Additional stormwater recharge.

The lake forms part of the Water Corporation managed Collier Pines Main drain. This main drain runs through the Course from Hayman Road, then into George Burnett Park (Lake Gillon) and through Bodkin Park via the wood lined drain and two lakes and terminates in the Canning River at Waterford. Approval was required from the Water Corporation prior to commencing this redevelopment.

The following scope of works is requested.

- Removal of trees, tree stumps, shrubs and topsoil with disposal on-site to the area as shown on the access track and disposal site.
- All lay down areas to be fenced off by the Contractor for the duration of the Contract.
- Earthworks over the site including the excavation, filling and trimming of proposed lakes;
- Construction of limestone retaining walls;
- Installation of waterproof membrane lining to lakes;
- A pedestrian bridge linking to island;
- Hydraulic works including pipelines and pump stations.

The tender schedule provides two options (Option A & B) to bid on. The difference between the options is that Option B allows for the discharge point of the bore water feed to be elevated. The additional cost is in the provision of footings. This will allow for modifications to be made to the bore feed to provide for iron removal, at a later date, if this becomes a problem.

Tenders were called for this project on Saturday 13 March 2011 and were closed on Thursday 7 April 2011.

Comment

Seven (7) tenders plus one (1) alternative tender were received from seven (7) companies. The prices received are listed below (all ex GST).

Tenderer	Tendered Price Option A	Tendered Price Option B	Alternative Option A	Alternative Option B
Riverlea Corporation	\$971,021.41	\$980,566.41	-	-
Musgrave Contracting	\$1,134,000.00	\$1,141,000.00	\$870,000.00	\$877,000.00
CECK	\$1,395,065.36	\$1,424,217.36	-	
Malavoca	\$1,414,614.00	\$1,412,153.00	-	
Croker	\$1,458,438.04	\$1,455,943.24	-	
Downer EDI Works	\$1,918,052.40	\$1,926,212.40	-	
Mako Civil	\$2,065,000.00	\$2,065,000.00	-	

The City has engaged an engineering consultancy (BG&E) to assist with the development, assessment and administration of this tender in conjunction with the landscape architect (Pullyblank). A Tender Assessment Panel was established comprising City officers, representatives from BG&E, Pullyblank and the City’s appointed project manager.

An initial compliance check was made of each tender. At this stage it was determined that the tender submitted by Riverlea was non-conforming, therefore it was excluded from further analysis. The remaining tenders have supplied all of the required information and completed the required documentation.

Due to the small increase in price, Option B was chosen as the preferred methodology.

The remaining six (6) tenders plus one (1) alternative tender were then assessed in more detail against the qualitative criteria as established below.

Qualitative Criteria	Weighting %
1. Demonstrated Experience in completing similar projects.	20%
2. Satisfactory resources to complete works	15%
3. Demonstrated understanding of the required task	10%
4. Referees	5%
5. Price	50%
TOTAL	100%

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

Tenderer	Score
Musgrave Contracting	9.51
CECK	8.79
Malavoca	8.29
Croker	8.21
Downer EDI Works	7.49
Mako Civil	6.86

In view of the scores, the tender panel assessed in more detail the three highest ranking bids (Musgrave, CECK and Malavoca) plus the alternative tender from Musgrave. All of these companies are well known to the Tender Panel. As a result, the Panel are confident that any one of them will be able to complete the works in a satisfactory manner within the nominated time frame.

The Panel then focussed on the alternative tender from Musgrave. This represents a significant saving over the next lowest Option B price (\$264,000), which is the conforming bid by Musgrave and \$535,000 over the next lowest Option B bid from Malavoca.

The Panel then investigated the implications of the alternative tender submitted by Musgrave. Alternative tenders are able to be accepted by the City as this has been provided for in the tender conditions. The alternative tender offers the same conditions as the conforming tender but provided savings by offering a smaller diameter pump station well liner (2.1 metres against 3.0 metres) and the use of an alternative irrigation lake liner.

The City's irrigation consultants (Hydroplan) advised that they have no issues with the smaller diameter well liner.

The alternative lake liner is proposed to be Linear Low Density Polyethylene (LLDP) against the PVC specified in the tender. The technical specification is performance based requiring the contractor to supply and install a product that is 'fit for purpose' with a ten (10) year guarantee. An investigation into the LLDP liner has revealed that it is gradually replacing the PVC liner in use and is an acceptable alternative.

As a result of the investigation, the Tender Panel is confident that the alternative tender Option B from Musgrave offers the best value in terms of price, relevant experience and ability to perform the works in the designated time frame. .

In view of the prices submitted and the scores from the Selection Matrix it is recommended that the alternative tender Option B submitted by Musgrave Contracting be accepted by Council. This represents a significant saving on the budget and pre-tender estimate of \$1,500,000.

Consultation

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

Tenders were invited on Saturday 13 March 2011 and during the advertised period twenty eight (28) sets of documents were distributed to companies. At the close of tenders on Thursday 7 April 2011, seven (7) submissions plus one (1) alternative tender were received from seven (7) companies.

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 this 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*.

The acceptance of Alternative tenders by the City is allowed for in the tender conditions.

Financial Implications

The City has provided a notional allocation of \$5.8 million to this project in its Strategic Financial Plan. This amount is made up of borrowings of \$4.8 million (with payments of principal and interest to be serviced exclusively from revenue generated at the course) – plus a one off contribution of \$1 million to come from the Collier Park Golf Course Reserve.

The pre-tender estimate for this project was \$1,500,000 plus GST. The recommended tender price of \$877,000 plus GST is able to be accommodated within the existing notional budget allocation.

Strategic Implications

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

- Direction 2.3 - Environment
“Review and integrate sustainable water management strategies to improve community and City practices ”; and
- Direction 1.1 - Community
“Develop, prioritise and review services and delivery models to meet changing community needs and priorities”

Sustainability Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.2

That the alternative tender Option B submitted by Musgrave Contracting for construction of an irrigation lake and pump house for the Collier Park Golf Course (Tender 19/2011) at price of \$877,000 plus GST be accepted.

CARRIED EN BLOC RESOLUTION

10.2.3 Cities as Water Supply Catchments – Research Program

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/205
Date:	18 April 2011
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The University of Western Australia has written to all WALGA Members seeking support for “The Cities as Water Supply Catchments” research program. The research program is a national, \$20M, five year program that is researching ways to better manage water in a water sensitive city to overcome water shortages, reduce urban temperatures, improve waterway health and improve urban landscapes.

Background

The national research program has 30 project partners across four eastern States, representing regulatory agencies at all levels of government, water service providers, urban designers and land developers. An integrated, multi-disciplinary research team has been established to address the governance, policy, economic and health and safety issues, as well as the science and technological requirements that are essential to ensure adoption of research outcomes.

An opportunity now exists for WA local governments to participate in this comprehensive program by:

- establishing a WA Research Node at the UWA that is linked to the research team in the eastern states; and
- forming a consortium of WA organisations to fund the node and WA’s participation in the national program.

Comment

Local governments are invited to become participants in this national program. Membership of the WA consortium and a funding commitment of between \$10,000 and \$50,000 per annum for three years are sought from each local government by the University of Western Australia and the Centre for Water Sensitive Cities.

The research node at UWA will coordinate the research program and work with researchers and other experts in WA within other universities, CSIRO, industry and government agencies. this is the first time a program will properly coordinate and harness the significant science expertise in WA to focus on solution to stormwater and other urban water challenges facing the State.

The WA consortium and Research Node will provide a mechanism for implementation of the Overview of the Stormwater Science Plan for Better Urban Water Management and ensure that:

- program activities address priority WA stormwater science and research issues;
- WA research requirements are represented in the ongoing development of the national “Cities as Water Supply Catchments” research program; and
- outcomes of the \$20M program are appropriately adapted to suit WA conditions.

The benefits of the program for WA include:

- support for urban development and local government by identifying alternative, low cost and low energy demanding water supply options (such as for irrigating public open space) and low energy demanding water supply options and facilitating the approval process for innovative water supply schemes;
- research options to increase flood protection and reduce stormwater and drainage infrastructure requirements by increasing retention of stormwater higher in the catchment to reduce peak flows;
- demonstrate the performance of longevity of Water Sensitive Urban Design principles and new stormwater quantity and quality treatment management technologies;
- research options to reduce erosion and pollution of urban waterways and wetlands;
- more effective investment in stormwater management in WA;
- improved liveability and amenity of urban areas by reducing the urban heat island effect;
- reduced demand on potable water supplies and increased resilience to the impacts of climate change by managing stormwater as a resource and identifying fit for purpose and alternative water supply options;
- provide data and guidelines to assist urban infrastructure planning and river and flood management planning to mitigate the effects of climate change; and
- increased leverage for Western Australian researchers to attract national and international expertise and research funding.

By becoming a member of the WA Consortium the City of South Perth will be represented on the State Management Committee to help guide the research and ensure it continues to meet the City’s needs. there will also be opportunity to [participate in the program through workshops and other forums that will be held to communicate research outcomes and develop the work plan for future research.

Consultation

The University of Western Australia has been actively seeking local government participation in the Cities as Water Supply Catchments research program. The concept is also supported by WALGA and has been the subject of a presentation at the C21 group of Swan and Canning River Local Governments forum.

Legislative and Policy Implications

Council Policy P203 “Groundwater Management” applies.

Financial Implications

The Department of Water has already committed \$100,000 per annum in cash towards the program. the University of WA has committed \$200,000 per annum in cash and \$700,000 in-kind funding which will include the new appointment of a senior academic with expertise in urban water management. It is recommended that the City of South Perth contribute \$15,000 towards “The Cities as Water Supply Catchments” research program.

Strategic Implications

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

- Direction 2.3 - Environment
“Review and integrate sustainable water management strategies to improve community and City practices ”; and
- Direction 1.1 - Community
“Develop, prioritise and review services and delivery models to meet changing community needs and priorities”

Sustainability Implications

Water is becoming an increasingly important resource as its scarcity increases. Involvement in the ‘Cities as Water Supply Catchments’ research program will demonstrate the City’s environmental, community and social leadership.

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.3

That the University of Western Australia be advised that:

- (a) the City of South Perth supports the “The Cities as Water Supply Catchments”; and
- (b) contributes \$15,000pa for the next three years towards the research program.

CARRIED EN BLOC RESOLUTION

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Amendment No. 28 to Town Planning Scheme No. 6 to rezone Lot 51 (Nos. 245-247) Canning Highway, SW corner South Terrace, Como to Highway Commercial

Location:	Lot 51 (Nos. 245-247) Canning Highway, Como
Applicant:	Tuscom Subdivision Consultants on behalf of the land owners, C.S Lau and C.Y. Yang
Lodgement Date:	8 December 2010
File Ref:	LP/209/28
Date:	1 April 2011
Author:	Emmet Blackwell, Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

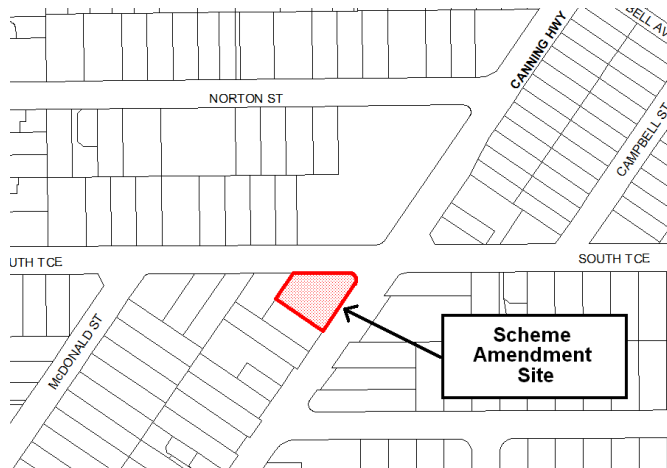
The applicant referred to above has requested an amendment to Town Planning Scheme No. 6 (TPS6) in relation to the site at Nos. 245 and 247 Canning Highway, Como. This rezoning proposal will be identified as Amendment No. 28 to TPS6. The applicant’s request is supported by concept plans and a letter which together comprise **Attachment 10.3.1** to this report. The applicant is seeking rezoning from Residential R40 with 7 metre building height limit to Highway Commercial (R80 residential density coding) with a 10.5 metre building height limit. The recommendation is to initiate the Scheme Amendment process.

Background

Relevant details relating to the subject land are as follows:

Lot area	1498 sq. metres
Current zoning	Residential R40
Current building height limit	7.0 metres
Proposed zoning	Highway Commercial
Proposed density coding	R80
Proposed building height limit	10.5 metres
Development potential under proposed Scheme Amendment	As for the Highway Commercial zone. One of the listed ‘D’ (Discretionary) Uses is ‘Mixed Development’
Maximum plot ratio (Highway Commercial zone)	0.5 = 749 sq. metres

The location of the development site is shown below:



The Amendment site comprises a lot on the south-west corner of Canning Highway and South Terrace, Como. The existing buildings (two converted houses) are used for the purpose of a physiotherapy practice. The subject lot adjoins two Single Houses on its north-west and south-west boundaries respectively. Those properties are zoned Residential with R40 density coding, as is the subject lot. The lots on the other three corners of the Canning Highway/South Terrace intersection are all currently zoned Highway Commercial with R80 density coding, consistent with the proposed zoning and density coding of the subject site.

In 1984, Planning Approval was granted for the conversion of the previous houses to Consulting Rooms. The ‘Como Physiotherapy Clinic’ commenced operation at that time.

Development concept plans, **Attachment 10.3.1**, have been submitted by the applicant to indicate the likely form of development on the site, should the rezoning ultimately be approved by the Minister. The concept plans are not intended to be the final design solution for the site. However the design indicated on the concept plans appears generally to comply with Council's relevant planning controls applicable to the proposed zoning, density coding and building height limit.

Comment

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

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

(1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.

The proposed Scheme Amendment meets this overriding objective.

The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- (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;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (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.**

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

Clause 7.5 of TPS6 is applied in the context of an application for development approval rather than requests for amendments to TPS6. However, it is appropriate to consider the provisions of Clause 7.5 at the present time in relation to the applicant's concept plan since the rezoning will lead to a later development application.

Clause 7.5 lists a range of matters to which the Council is to have due regard, and in connection with which the Council may impose conditions of development approval.

Of the 24 listed matters, the following are particularly relevant to the current proposal:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (g) *in the case of land reserved under the Scheme, the purpose of the reserve;*
- (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*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed Scheme Amendment is considered satisfactory in relation to the above matters.

(c) **Canning Highway Reservation Review**

Council is aware of the review of the Canning Highway Reservation currently being undertaken by consultants appointed by the WA Department of Transport. The purpose of the study is to produce a single comprehensive plan for road requirements and land use planning for the section of Canning Highway from Albany Highway to Canning Bridge. It involves:

- preparation of an access strategy that minimises frontage access onto Canning Highway;
- investigation of the potential for up-coding of affected properties along the highway by way of a study of urban design and desired building form.
- preparation of a road design concept and reservation plans that accommodate the requirements of an activity corridor.

The study commenced early in 2011 and is anticipated to be completed around August 2011.

The outcome of the Canning Highway Reservation Review may affect the subject property and therefore this study should be drawn to the attention of the applicant.

Consultation

(a) Design Advisory Consultants' Comments

The concept plans were considered at the Council's Design Advisory Consultants' meeting held on 4 April 2011. The Advisory Architects expressed concern regarding the concept plans and in this respect, made the following comments:

- The building design needs to be modified to more effectively address both Canning Highway and South Terrace to the allowable height.
- There should be only one vehicle crossover on to South Terrace, having regard to the close proximity to the traffic light controlled intersection and the high volume of traffic carried by South Terrace.
- The layout of the parking area and the general planning of the building is considered to be inefficient.

Prior to consideration by the Advisory Architects, the concept plans had already been amended in response to certain concerns expressed by City officers. However, having considered the Advisory Architects' subsequent comments, City officers still have some reservations about the design. This is reflected in the recommendation at the end of this report.

(b) Neighbour Consultation

Community consultation has not yet been undertaken in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the Town Planning Regulations and in the City's Policy P301 "Consultation for Planning Proposals". Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment; and also to the Water Corporation.

Community consultation will involve a 42-day advertising period, during which a sign will be placed on the site inviting submissions, and notices will be placed on the City's web site, in the Southern Gazette newspaper and in the City's Libraries and Civic Centre. Any submissions received during this period will be referred to a later Council meeting for consideration.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 28 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment No. 28 to TPS6	3 May 2011
Council adoption of draft Scheme Amendment No. 28 proposals for advertising purposes	Unknown
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Unknown
Public advertising period of not less than 42 days	Unknown
Council consideration of Report on Submissions	Unknown
Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 28; • Three signed and sealed copies of Amendment No. 28 documents for final approval 	Unknown
Minister's final determination of Amendment No. 28 to TPS6 and publication in <i>Government Gazette</i>	Unknown

Usually the resolution to initiate the Scheme Amendment process and the Council's endorsement of the draft text of the Amendment occur at the same meeting. However, on this occasion, the applicant has requested that only the initial resolution be adopted at the 3 May meeting. Following this resolution, the applicant's planning consultant will be preparing the Scheme Amendment report to be forwarded to the WA Planning Commission (WAPC) and the Minister. That report will also contain the text of the draft Amendment.

Immediately after the Council has endorsed the draft Amendment proposals for advertising, the Amendment documents will be forwarded to the Environmental Protection Authority for environmental assessment during a 28 day period, and a copy will be forwarded to the WAPC for information. Public advertising of Amendment No. 28 will commence upon receiving favourable assessment and advice from the EPA.

Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, the estimated Planning Fee is \$15,000, payable upon initiation of the Amendment by the Council. The actual fee will be based on officers' time and other actual costs incurred by the City. If the initial estimate exceeds the actual cost, any unused monies will be refunded at the conclusion of the 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

The proposed Amendment No. 28 provides an opportunity for more effective use of land and expansion of employment opportunities within the locality. The rezoning of the land from Residential to Highway Commercial will allow a mix of residential and non-residential uses that can contribute towards increased local employment opportunities and urban infill which are objectives of the State Government and the City, in the interest of sustainability.

Conclusion

The requested amendment to TPS6 to rezone the site is considered reasonable, having regard to the unique location of the site in being the only remaining corner lot at the intersection of Canning Highway and South Terrace which is currently zoned residential, despite its existing approved use as Consulting Rooms. The built form and scale demonstrated by the applicant's supporting concept plans, **Attachment 10.3.1**, is consistent with that existing in the immediate locality. It should be noted however that City officers still have some reservations about the design and site planning of the proposal reflected in the concept plans. Therefore, it should be made clear to the applicant that Council's willingness to initiate the Scheme Amendment process should not be construed as support for a development designed in the manner shown on the concept plans. Council's decision on any future development application will be governed by TPS6 and related Planning Policies, and the assessed amenity impact on neighbouring sites.

It is considered that Council should now initiate the statutory Scheme Amendment process to enable the proposed Amendment No. 28 to be advertised to the public. At the same time, Council should make its reservations clear regarding the concept plans.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.1**

That...

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in order to:
 - (i) rezone Lot 51 (Nos. 245-247) Canning Highway cnr South Terrace, Como from Residential with R40 density coding to Highway Commercial with R80 density coding; and
 - (ii) increase the Building Height Limit for the subject site from 7.0 metres to 10.5 metres.
- (b) the applicant be invoiced for the application fee following Council's decision to initiate the amendment;
- (c) the applicant be advised that Council has certain reservations about the design and site planning of the proposal reflected in the concept plans. Therefore, Council's decision to initiate the Scheme Amendment process should not be construed as support for a development designed in the manner shown on the concept plans. Should the Scheme Amendment ultimately be finally approved by the Minister, Council's decision on any future development application will be governed by Town Planning Scheme No. 6 and related Planning Policies, and the assessed amenity impact on neighbouring sites; and
- (d) the applicant's attention be drawn to the Canning Highway Reservation Review currently being undertaken by consultants engaged by the WA Department of Transport, noting that the outcome of that Study may have implications for the subject site.

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed Three-Storey Mixed Development - Lot 408 (No. 2) Downey Drive, Como

Location: Lot 408 (No. 2) Downey Drive, Como
 Applicant: Peter Jodrell Architect
 Lodgement Date: 29 December 2010
 File Ref: 11.2010.717 DO4/2
 Date: 1 April 2011
 Author: Chris Schooling, Snr Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for a three-storey mixed development on Lot 408 (No. 2) Downey Drive, Como. The mixed development comprises:

- 3 two-bedroom dwellings and 9 single-bedroom dwellings in a multiple dwelling configuration;
- 3 shops / offices; and
- A shop / café-restaurant.

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	Clauses 6.3 and 7.8(1) TPS6
Plot ratio	Table 3 and Clause 7.8(1) TPS6

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

Background

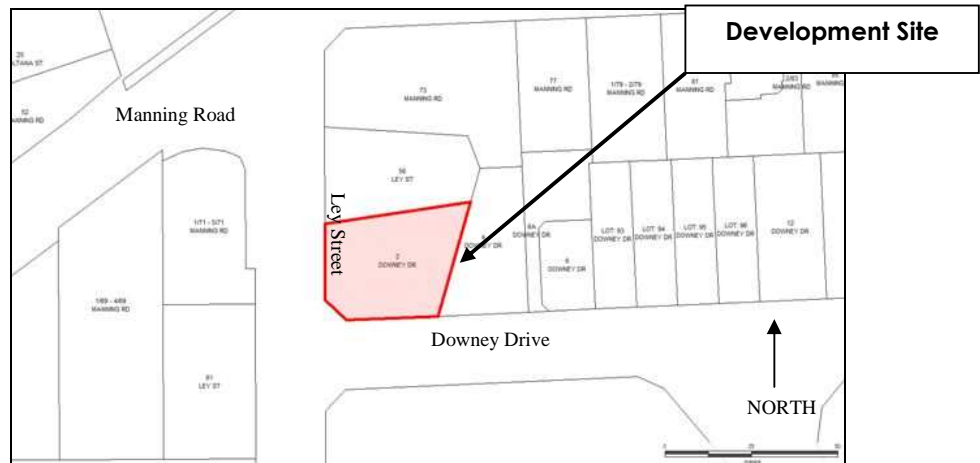
The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	1,110 sq. metres
Building height limit	7.0 metres
Plot ratio limit	0.5

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plan and elevation drawings of the proposal.
- Attachment 10.3.2(b)** Site photographs.
- Attachment 10.3.2(c)** Notes from the concept forum held on 6 October 2010.
- Attachment 10.3.2 (d)** 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:

2. **Major developments**
 - (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings; and
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**

The applicant presented the proposal for a three-storey building on Lot 408 (No. 2) Downey Drive, Como, the subject site, before the Elected Members at a forum held in October 2010. In December 2010, the City received the subject planning application, as described above.

(b) Existing development on the subject site

The subject site is located at Lot 408 (No. 2) Downey Drive, Como. The former development on the site consisted of a single house and ancillary outbuildings. This development has recently been demolished and the site is currently vacant, as depicted in the site photographs at **Attachment 10.3.2(b)**.

(c) Description of the surrounding locality

The site has a frontage to Downey Drive to the south and Ley Street to the west. The property shares common boundaries with a two-storey commercial building to the north and an existing single house to the east, as seen in **Figure 1** below. Across Ley Street to the west are shops, and across Downey Drive to the south is the Manning Senior Citizens Centre.



(d) Description of the proposal

The proposal involves the construction of a mixed development on the site, comprising 3 two-bedroom dwellings and 9 single-bedroom dwellings in a multiple dwelling configuration, 3 shops / offices, and a shop / café-restaurant, as depicted in the submitted plan and elevation drawings at **Confidential Attachment 10.3.2(a)**. Additionally, the photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.2(b)**.

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

The proposal generally complies with the requirements of the Scheme, the R-Codes and relevant Council policies in relation to finished ground and floor levels (minimum and maximum), boundary walls, landscaping and vehicle movements. The remaining aspects requiring exercise of discretion along with other noteworthy matters have been discussed below.

(e) **Land use**

The proposed land uses of single-bedroom and two-bedroom dwellings in a multiple dwelling configuration, shop, office and café / restaurant are classified as “D” (Discretionary) land uses on Highway Commercial zoned land in Table 1 “Zoning - Land Use” of TPS6. In considering this discretionary use, it is observed that the site adjoins residential and non-residential land uses, in a location with a streetscape comprising mixed-use developments. Accordingly, the use is regarded as complying with Table 1 of the Scheme.

(f) **Street setbacks - Ground and 1st floor, south and west**

Tables 3 and 5, when read in conjunction with the associated Clause 5.1(4) of TPS6, prescribe setbacks for mixed development in the Highway Commercial zone. Accordingly, the street setbacks for the proposed development have been assessed on the basis of the performance criteria while taking into consideration the streetscape amenity and the outlook from adjoining properties.

The proposed setbacks are 1.141 metres and 0 metres to the west and south boundaries respectively. Both the south and west elevations feature architectural elements, such as awnings and balconies, which project forward of the building line and serve to articulate the Downey Drive and Ley Street frontages.

The adjoining development to the north is set back 1.43 metres from the Ley Street boundary. It is considered that the proposed setback of 1.141 metres is consistent with the setback of the existing building to the north.

The adjoining development to the east is set back 10.0 metres from the Downey Drive boundary. This development is subject to a redevelopment proposal for six multiple dwellings and one shop across a two-storey mixed development. The applicant for the proposal on this adjoining lot has had preliminary discussions with the City. It is considered that the nil setback to the south boundary will be consistent with setbacks of buildings visible from the street.

(g) **Wall setback - Ground and 1st floor, north**

The northern walls of the building are set back between 0.4 and 2.75 metres from the boundary in lieu of 4.5 metres required by Table 3 of TPS6. Therefore, the proposed development does not comply with the setback prescribed by Table 3 of TPS6. However, Clause 5.1(4)(b) of TPS6 permits the 4.5 metre rear setback to be reduced, provided loading and unloading of delivery vehicles and the removal of rubbish from the site is achieved without the need for vehicles to reverse from or to a street.

Given the location of parking bays within the road reserve in close proximity to the commercial tenancies along both sides of Ley Street, it is considered that separate delivery bays dedicated solely to this development are not required, and the communal car parking bays should suffice. Therefore, officers consider that the proposed setback complies with the Clause 5.1(4)(b) of TPS6, and recommend approval.

(h) **Wall setback - Ground and 1st floor, east**

The prescribed east side setback is 0 metres under Table 3 of TPS6. The proposed setback is 0 metres, therefore the proposed development complies with Table 3 of TPS6. Also noting that the side boundary alignment with the adjoining property has been proposed as a part of this application; the adjoining property owner has plans to develop the lot in the near future. The applicant for the proposal on this adjoining lot has had preliminary discussions with the City.

(i) **Building height**

The building height limit for the site is 7.0 metres (12.5 metres AHD), and the proposed building height is 7.0 metres (12.5 metres AHD). A small portion of the curved roof protrudes through the nominal 25 degree roof envelope on the Ley Street elevation. In accordance with Clause 6.2 “Building Height Limit” of TPS6, since building heights are measured to the highest point of the external wall of the building which rises to the highest altitude, the roof itself can be located outside the planes that form a notional 25 degree hip roof. Therefore, the proposed development complies with the prescribed building height limit.

(j) **Plot ratio**

The maximum permissible plot ratio is 0.5 (555m²) under Table 3 of TPS6, and the proposed plot ratio is 1.088 (1227m²). Therefore, the proposed development does not comply with the prescribed plot ratio.

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

- (a) Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and 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.

In this instance, officers are of the view that the applicant has demonstrated that the abovementioned requirements have been met. In accordance with the provisions of Clause 7.8 of TPS6, Council has approved variations to plot ratio for the following recently approved developments:

	Plot ratio variations granted by Council				Proposed variation
	No. 26 Hardy Street (2008)	No. 83 Canning Highway (2009)	No. 26 Banksia Terrace (2009)	Metro Hotel Redevelopment: (2010)	2 Downey Drive (2011)
Permissible under TPS6	0.750	0.5	0.5	0.50	0.50
Existing plot ratio	-	-	-	1.40	-
Approved	0.814	0.992	1.2	2.01	1.088 (proposed)
Variation - Plot ratio	0.064	0.492	0.7	0.61	0.58
Variation - Percentage	8.5%	98%	140%	122%	116%

Plot ratio variation needs to be assessed under the potential impacts upon amenity and the streetscape. In assessing this variation, firstly it should be acknowledged that there are contrasting planning controls for non-residential and residential developments in the Highway Commercial zone. Whilst non-residential developments have a plot ratio control of 0.5, a residential development is permitted to build a plot ratio of 1.0. This serves to indicate that a plot ratio in the order of 1.0 will be compatible with the amenity of the locality.

The character of “Highway Commercial” streetscapes on the west and south boundaries (in the immediate vicinity) is consistent with the proposal. Ley Street is a busy local distributor with existing single-storey commercial buildings dominating its character on both sides. The building immediately to the north of the site is a recently constructed two-storey commercial building of the same scale as that proposed in this application.

Downey Drive features original and new housing stock, and the Manning Senior Citizens Centre opposite the site. The applicant has been in consultation with the City regarding a proposed mixed development at 4 Downey Drive, and it is anticipated that this development would be of a similar scale to that proposed in this application. It is considered that the bulk and scale of the development is consistent with existing development in the Highway Commercial zone of this locality.

A direct outcome of building bulk is overshadowing of surrounding properties. Due to the orientation of the lot and Downey Drive being towards its south, it is observed that the impact in this regard will be acceptable. Based upon the discussion presented above, officers consider that the proposal complies with the discretionary clause and is therefore supported by the City.

(k) Car parking

The required total number of car bays for the development is 28 which comprises the following:

- In accordance with TPS6 provisions for the non-residential uses, a total of 16 car bays are required for staff as well as the visitors.
- In accordance with Clause 7.3.3 of the R-Codes 2010, the proposed 12 dwellings are classified as medium-sized (75 -110 sq. metres plot ratio area) and are within 250 metres of high frequency bus routes along Manning Road and Ley Street. Accordingly, one car bay per dwelling is required which totals to 12 car parking bays for the residential use required. A mixed development allows reciprocal parking facilities. Accordingly, an additional 3 visitors’ bays required for the residential use have been accounted for within the bays required for the non-residential uses.

The proposed number of car bays is 20, a shortfall of 8 bays (29%). 12 on-site parking bays have been allocated for the residential component of the development and 8 for the non-residential component. Therefore, the proposed development does not comply with the car parking requirement prescribed by Table 6 of TPS6. The applicant’s letter, **Attachment 10.3.2(c)**, provides written justification for the proposed car parking variation.

The applicant has also proposed 3 additional on-street parking bays. One bay is proposed on the north side of Downey Drive directly adjacent to the crossover. Even though this proposed bay has been marked as a disabled parking bay, it will be assessed to comply with the disabled parking requirements of the Building Codes of Australia. If this is an unsuitable location for a disabled bay, the bay will be designated as a standard car bay. 2 car bays are proposed on the south side of Downey Drive directly opposite the development site, adjacent to Manning Senior Citizens Centre. Comments in this regard from the City’s Engineering Infrastructure Services are covered in the relevant section below.

Clause 6.3(4) of TPS6 provides the discretionary power to approve the proposed variation to car parking for non-residential uses if Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site. Additionally, Clause 7.8.1 of TPS6 provides the discretionary power to approve the proposed car parking if it is satisfied that all of the following requirements of this clause have been met:

- (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.

In response to the above matters, the applicant has provided written justification which is supported by the officers:

- Orderly and proper planning and the preservation of the amenity of the locality
The City is of the opinion that, given the diverse range of land uses in the locality which offer a facility for reciprocal parking between uses, i.e. offices and café / restaurant, and the existence of a significant number of parking bays within the road reserve, the full compliment of 28 on-site parking bays is not required for this development. Additionally, many local residents who would use the proposed services would commute by alternative modes of transport, and may also visit more than one business during their trip.
- Not have any adverse effect upon the occupiers / users / inhabitants
The City observes that the sharing of car parking bays in the locality already exists due to the number of commercial uses along Ley Street. As a result, there would be no adverse impact on the amenity of the locality arising from sharing of car parking bays within this development.

Clause 6.3(5)(b) of TPS6 relating to cash-in-lieu of car parking bays cannot be utilised in this instance in order to seek the cash payment. As the clause states, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site. At this, the City does not have any such proposal.

Based upon the comments provided above, officers consider that the proposal complies with the discretionary clause and is therefore supported by the City.

(I) Visual privacy

The eastern face of the balcony to Dwelling 13 presents a 7.5 metre cone of vision variation to Clause 7.4.1 “Visual Privacy” of the R-Codes. The proposed development does not comply with the provisions. Therefore, a condition of approval is recommended seeking compliance and thereby addressing this matter.

(m) Scheme Objectives - Clause 1.6 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 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application. Officers are of the view that the proposal demonstrates compliance with these matters:

- (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;*
- (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.*

(n) 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;*
- (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;*
- (l) *The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*

- (q) *The topographic nature or geographic location of the land;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *Whether adequate provision has been made for access by disabled persons; and*
- (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.*

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 January 2011. 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's Comment
The Advisory Architects acknowledged the need for a café in this locality as there is none operating currently, and asked the City to consider approving appropriate concessions to the associated car parking requirements.	-	The City agrees that the cafe use will contribute to land use diversity within the locality, as well as providing casual surveillance of the sections of Downey Drive and Ley Street. The comment is NOTED .
Noting that the development was deficient of approximately 7 to 8 car-parking bays, the architects recommended that the applicant considers providing additional on-street car parking bays in accordance with the provisions of Clause 6.3 of TPS6.	The applicant has liaised with the City's Engineering Services with regards to providing 3 additional on-street parking bays along Downey Drive.	It is considered the 3 additional parking bays will positively contribute to the availability of car parking within the locality. Additional on-street parking bays do not require the built form to be modified to the extent that the size of the commercial tenancies is reduced. The comment is UPHELD .
A modified design layout was recommended to relocate the staircase (provided for fire escape purposes) outside the security gate and closer to the Downey Drive alignment. This will facilitate a direct connection between the covered car parking area with the entry foyer.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .
The architects recommended making the entrance to the building and car park more defined and placing soft landscaping (a hedge) along the property boundary.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .

DAC Comments	Applicant's Response	Officer's Comment
The architects recommended that the bedrooms of Dwellings 14 and 15 which adjoined a light well be opened on to this space with a partition allowing for exclusive use by these dwellings. Providing obscure glazing along the periphery of the corridors will achieve visual privacy for these private outdoor areas.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .
Since the proposed common staircases go up to the first floor level only, they are not required to be isolated or fire rated. Hence, the walls enclosing these staircases could be removed, thus opening them up and make them more visible.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies at No 4 Downey Drive and Nos. 56, 61 and 71 Ley Street were invited to inspect the plans and to submit comments during a 14-day period. During the advertising period, a total of 4 consultation notices were sent and no submissions were received.

(c) Internal referral - Engineering Infrastructure Services

The City's Engineering Infrastructure Services was invited to comment on the provision of 3 car parking bays proposed within the road reserve as detailed previously. While no objections were raised, the following comments were received:

- "(i) A separation between the crossover and the disabled parking bay would be required, as a crossover to the City's standards would preclude the disabled bay from remaining in the proposed location; and*
- (ii) The on-street parking bays should partially utilise both the verge and the existing road surface. This would in effect decrease the impact of the bays on the verge and also narrow the lane width to the minimum 3.0 metres, therefore helping to slow traffic throughout the area and providing a safer road environment."*

The applicant has made relevant amendments to the on-street parking bays in accordance with Engineering Infrastructure's comments.

(d) Internal referral - Strategic Urban Planning Adviser

City's Strategic Urban Planning Adviser raised no objections and provided the following comments:

*"This proposal was the subject of a Council Members' concept forum held on 6 October 2010. At that time, the project architect provided an overview of the development concept proposed for No. 2 Downey Drive, Manning and responded to questions from Elected Members. Notes from the concept briefing are attached to this report as **Attachment 10.3.2(c)**. Plans, elevations and perspective drawings were displayed at the concept forum and were favourably received. Council Members encouraged the applicant to submit an application for planning approval for the proposed mixed-use development.*

Clauses 5.4(4)(a) and (c) of TPS6 state that:

(4)(a) In this sub-clause, "Site D" means all the land comprised in:

- (i) Lot 409 (No. 56) Ley Street, Como (Lot 409);*
- (ii) Lot 408 (No. 2) Downey Drive corner Ley Street, Como (Lot 408);*
and

(iii) Lot 407 (No. 4) Downey Drive, Manning (Lot 407).

(c) None of the land comprised in Lot 408 may be used for the purposes referred to in paragraph (b) unless such use is part of an integrated development encompassing:

- (i) both Lots 408 and 409; or*
- (ii) all of the lots comprised in "Site D".*

The previous Town Planning Scheme No. 5 was amended to apply Commercial zoning to Lots 409, 408 and 407 referred to above, in order to expand and "round off" the local Commercial zone at the Ley Street / Manning Road intersection. When implementing the Scheme amendment, Council saw the need to ensure that any development on these lots would be designed in an integrated manner, although there was no requirement for the lots to be amalgamated. The TPS5 provisions were carried through into the current Town Planning Scheme No. 6. That is the reason for the provisions in Clauses 5.4(4)(a) and (c) set out above.

The project architect for the development under consideration has been mindful of the requirement referred to above. The design of the project, particularly the Ley Street elevation, is considered to most satisfactorily integrate with the design of the existing development on Lot 409 (No. 56) Ley Street.

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.

Sustainability Implications

Noting the proximity of the subject Highway Commercial lot to Manning Road, as well as to the surrounding high density non-residential developments, the applicant has successfully designed a building that compliments the streetscape. Even though all balconies do not have access to the northern sunlight, they are of a reasonably large size, thus providing the required balance between indoor and outdoor activities for each of the dwellings. The mixed development is observed to be sustainable as it provides active surveillance of the street during various times of the day and night, promoting a sense of safety and security amongst the community.

Conclusion

While Council is required to exercise discretion with regards to various aspects of the development, officers consider that the proposal is capable of being approved. The development is observed to meet with the relevant Scheme, R-Codes and City policy objectives and provisions, and not have a detrimental impact on adjoining residential neighbours. Accordingly, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.2

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a mixed development on Lot 408 (No. 2) Downey Drive, Como **be approved** subject to:

(a) Standard Conditions

340A	Parapet walls - Finish from street	456	Dividing fences - Timing
352	Car bays - Marked and visible	470	Retaining walls - If required
354	Car bays – Maintained	508	Landscaping approved and completed
377	Screening - Clothes drying	471	Retaining walls - Timing
390	Crossover – Standards	550	Plumbing hidden
393	Verge and kerbing works	578	New titles prior to BL
410	Crossover - Affects infrastructure	625	Sightlines for drivers
416	Street tree - Not to be removed	639	Verge licence required
445	Stormwater infrastructure	660	Expiry of approval
455	Dividing fences - Standards	664	Inspection (final) required

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (a) Separate screened drying areas appurtenant to each residential dwelling;
 - (b) The provision of secure clothes lockers to non-residential change rooms in accordance with Clause 6.4 of Town Planning Scheme 6; and
 - (c) Privacy screening in accordance with Clause 7.4.1 A1 of the R-Codes to the eastern face of the balcony to Dwelling 13.
- (ii) In accordance with clause 7.8(1) of Town Planning Scheme No.6 the applicant shall pay to the Council the full cost of the works within the public areas to construct (3) three parking bays on Downey Drive, prior to the occupation of the development.

(c) Standard Advice Notes

646	Landscaping - General standards	648	Building licence required
646A	Masonry fences require BA	649A	Minor variations - Seek approval
647	Revised drawings required	651	Appeal rights - Council
647B	Address outstanding matters		

(d) Specific Advice Notes

The applicant is advised to liaise with the City’s Environmental Health department for their specific requirements to be addressed.

Footnote	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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COUNCIL DECISION ITEM 10.3.2

Note: At the request of Council Officers this item withdrawn for the purpose of completing the 14 day required advertising.

10.3.3 Proposed Change of Use (Shop to Consulting Rooms) - Lot 3 (No. 101) Canning Highway South Perth

Location: Lot 3 (No. 101) Canning Highway, South Perth
 Applicant: Ms C L Duncan
 Lodgement Date: 1 February 2011
 File Ref: 11.2011.51 CA6/101
 Date: 1 April 2011
 Author: Mina Thomas, Planning Officer Development Services
 Reporting Officer: Vicki Lummer, Director Development & Community Services

Summary

To consider an application for planning approval for a change of use (shop to consulting rooms) on Lot 3 (No. 101) Canning Highway, South Perth. The proposal is a “DC” use in the “Regional Road / Highway Commercial” zone. A “DC” use is not permitted unless Council has exercised its discretion by granting planning approval after giving special notice of the development proposal in accordance with the provisions of Clause 7.3 of Town Planning Scheme No. 6 (TPS6).

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	Clauses 6.3 and 7.8(1) of TPS6

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

Background

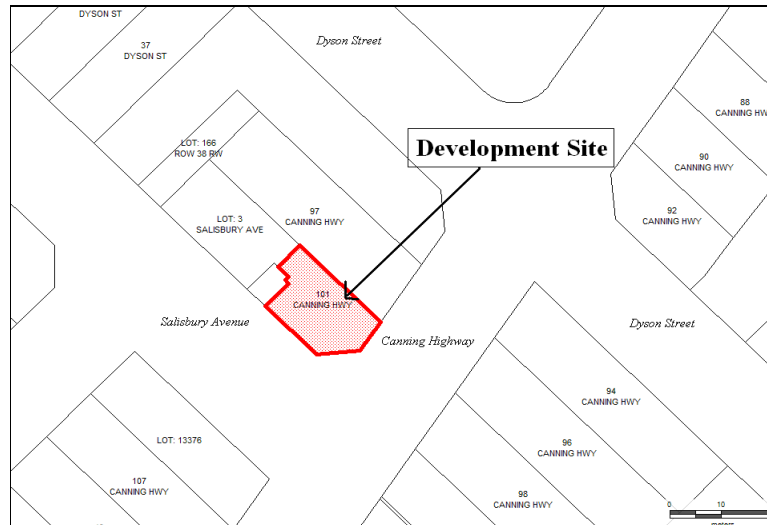
The development site details are as follows:

Zoning	Regional Road and Highway Commercial
Density coding	R80
Lot area	265 sq. metres
Building height limit	10.5 metres
Plot ratio limit	0.5

This report includes the following attachments:

Confidential Attachment 10.3.3(a) Plans of the proposal.
Attachment 10.3.3(b) Applicant’s supporting letter.
Attachment 10.3.3(c) Shawmac Pty Ltd’s Parking Statement dated 9 March 2011.

The location of the development site is shown below:



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

1. The exercise of a discretionary power

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) Description of the proposal

The subject site zoned Highway Commercial was approved to operate as an office in 1995, and then as a shop in 2002. At some stage, the approved shop ceased to operate and the use of the premises was changed back to the originally approved office use. City's records do not indicate this reverting back to the original office use. None-the-less, this application relates to a change of use to consulting rooms, specifically a physiotherapy clinic. The applicant's letter, referred to as **Attachment 10.3.3(b)** describes the proposal in more detail. A variation to car parking requirements is proposed from the approved shop to consulting rooms, which is supported by a Parking Statement by Shawmac Pty Ltd, referred to as **Attachment 10.3.3(c)**. This variation requires exercise of discretion, hence this report to Council recommended by officers for approval.

Como Physiotherapy Clinic, the applicant is currently located at No. 245 Canning Highway, corner of South Terrace. The clinic is proposed to be relocated to the subject premises. The proposal is to have 2 therapists working at any one time, 2 permanent part-time reception staff and a masseur. Operating hours proposed are 8:00am to 7:00pm Monday to Thursday, 8:00am to 6:00pm on Fridays, and 8:00am to 2:00pm on Saturdays.

The proposal generally complies with the provisions of the City's Town Planning Scheme No. 6 (TPS6) and relevant Council policies, with the exception of some aspects which require exercise of discretion, as discussed in the report.

(b) Land use

The proposed land use “Consulting Rooms” is classified as a “DC” (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the subject site adjoins existing non-residential uses in close proximity of Canning Highway. Accordingly, the use is regarded as being compatible to the area.

(c) Car parking

The officers observed that the approved “Shop” use required 7 on-site car parking bays in accordance with TPS6 provisions. Since the existing shop does not have any parking bays on-site, it was previously approved with complete reliance on car parking bays located within the road reserve. There are currently 24 existing parking bays on either side of Salisbury Avenue that cater to the need of non-residential uses in the vicinity.

The required number of on-site car parking bays for the proposed consulting rooms is 9. Noting the lack of on-site parking, the proposal is relying solely on the existing parking bays within the road reserve. Since the proposed development does not comply with the car parking requirement in Table 6 TPS6, Council discretion is sought.

Effectively, the “Consulting Rooms” use requires an additional 2 bays over and above the parking required for the existing shop.

Clause 6.3(4) of TPS6 provides the discretionary power to approve the proposed variation to car parking for non-residential uses, if Council is satisfied that sufficient parking bays are available in the vicinity of the development site to cater to the demand. Additionally, Clause 7.8(1) of TPS6 provides the discretionary power to approve the proposed car parking if it is satisfied that all of the following requirements of this clause have been met:

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

In response to the above matters, the applicant has provided written justification which is supported by the officers:

- (i) The report by Shawmac Pty Ltd (refer to page 18 of the report) indicated that parking within Salisbury Avenue road reserve has a current vacancy rate of more than 10 car bays during most of the day, which is sufficient to cater for the proposed increase of 2 cars.

Additionally, site inspections conducted by officers at various times of the day indicate that sufficient vacant bays are available within the road reserve to cater to the additional demand for 2 parking bays. This observation is supported by aerial photographs provided on the “NearMap” website, photos taken at intervals of 4 to 6 weeks since 2009.

- (ii) The report by Shawmac Pty Ltd (refer to page 13 and 14 of the report) also indicated that a maximum of 9 car parking bays will be required for the proposed consulting rooms during peak time as compared to TPS6 requirement of a minimum of 9 car parking bays for this land use. However, the applicant has indicated that they would require 9 to 10 bays at any one time. Information provided above in (a) provides evidence that vacant bays are available within the road reserve.
- (iii) The development is also observed to be consistent with the objectives of the Scheme. Relevant information is covered in the section on “Scheme Objectives” below, which are considered to have/have not been satisfied.

Clause 6.3(5)(b) of TPS6 relating to cash-in-lieu of car parking bays cannot be utilised in this instance in order to seek the cash payment. As the clause states, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site. At this time, the City does not have any such proposal.

Based upon the comments provided above, officers consider that the proposal complies with the discretionary clause, and is therefore supported by the City.

(d) Landscaping

This change of use proposal does not entail physical development or construction on site from what already exists. The existing level of landscaping is observed to be of a reasonable standard.

(e) 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:

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

(h) 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;*
- (f) *Any planning policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (g) *In the case of land reserved under the Scheme, the purpose of the reserve;*
- (i) *The preservation of the amenity of the locality;*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) *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 Council considers relevant.*

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

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies at Nos. 94, 96, 97, 98 and 100 Canning Highway were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 5 consultation notices were sent and no submissions were received. However, the assessing officer dealt with two enquiries about the subject development whereby no concerns were expressed by the enquirers.

(b) Internal referral - Environmental Health Services

Comments were invited from the City's Environmental Health Services. No objections were raised, subject to compliance with the standard requirements. A specific important note is recommended to be placed on the approval, advising the applicant / owner of the need to liaise with the Environmental Health Services with respect to complying with the relevant health requirements prior to commencing the proposed use.

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.

Sustainability Implications

Sustainability implications for this proposal relate to sustaining the existing local business and associated facilities and services provided to the community within the South Perth district. The business also provides employment opportunities within the area, while ensuring that it does not adversely impact upon the amenity of the adjoining development. Officers observe that the proposal adequately addressed the above criteria.

Conclusion

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.3**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use (shop to consulting rooms) on Lot 3 (No. 101) Canning Highway, South Perth **be approved** subject to the following conditions:

(a) **Standard Conditions**

660 Validity of approval - 24 months

(b) **Specific Conditions**

- (i) The proposed consulting rooms shall have a maximum of 2 therapists operating at any one time, along with 2 support staff and a masseur.
- (ii) Operating hours of the consulting rooms shall be restricted to between 8:00am and 7:00pm Monday to Thursday; 8:00am and 6:00pm on Fridays; and 8:00am and 2:00pm on Saturdays.

(c) **Standard Advice Notes**

648	Building licence required	646A	Masonry fences require BA
642	Strata note - Comply with that Act	649A	Minor variations - Seek approval
643	Strata note - Seek strata approval	651	Appeal rights - Council
646	Landscaping - General standards		

(d) **Specific Advice Notes**

- (i) The applicant / owner are advised of the need to liaise with the City’s Environmental Health Services with respect to complying with the relevant health requirements prior to commencing the proposed use.

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

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Proposed Amendment No. 25 to Town Planning Scheme No. 6 – South Perth Station Precinct

Location: City of South Perth
Applicant: Council
File Ref: LP/209/25
Date: 12 April 2011
Author: Vicki Lummer, Director Development and Community Services

Summary

The purpose of this report is firstly to consider the result of the preliminary consultation undertaken for an amendment to Town Planning Scheme No. 6 (TPS6) to implement the recommendations of the South Perth Station Precinct Plan report and secondly, to initiate the required Scheme Amendment.

The preliminary consultation is required under clause 9.8 (3) of TPS6.

It is recommended that the Amendment No. 25 to TPS6 be initiated with some changes from the advertised documents.

Background

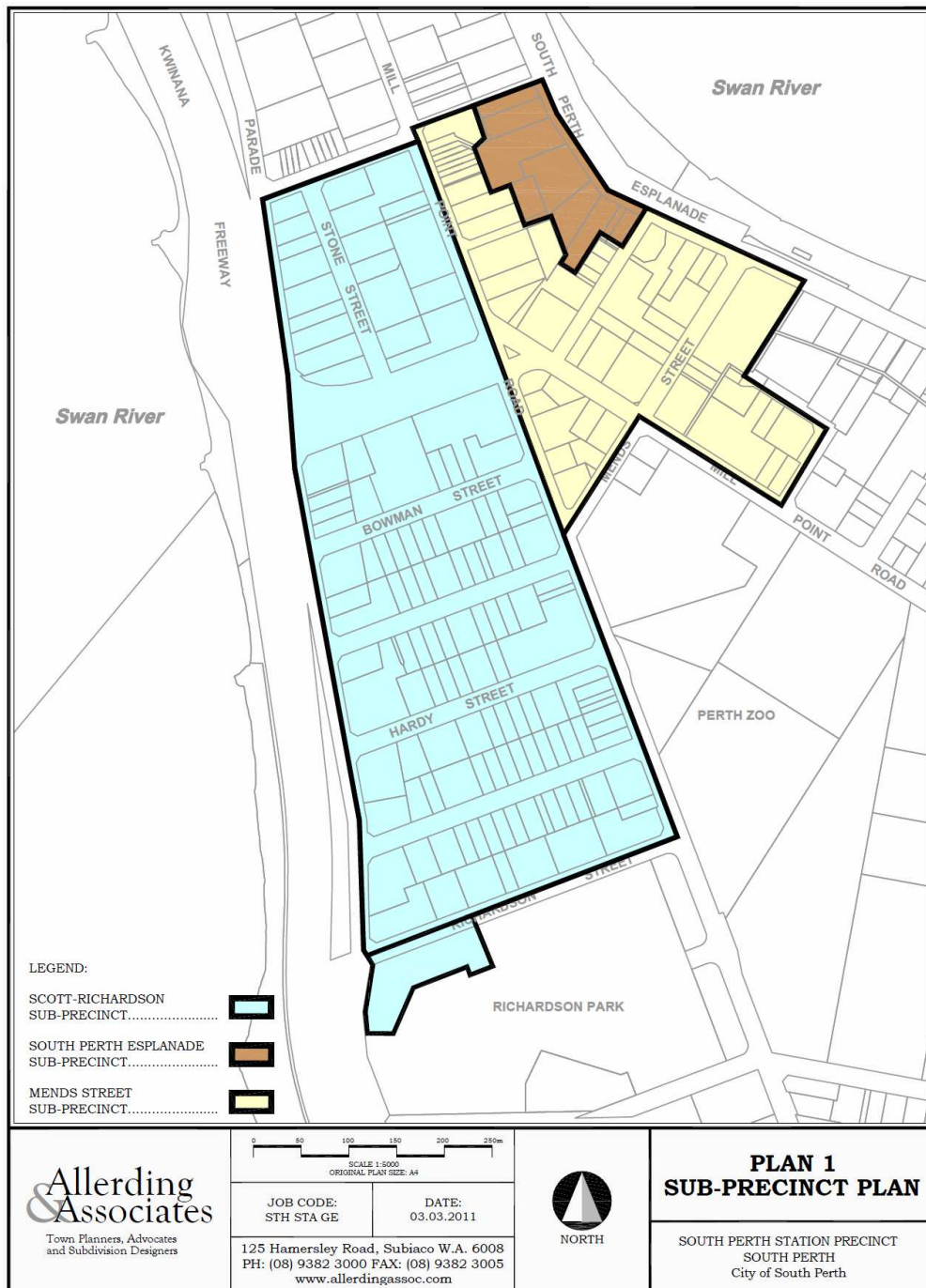
This report contains the following attachments:

- **Attachment 10.4.1(a)** Amendment No. 25 Text and Maps
- **Attachment 10.4.1(b)** Preliminary Consultation – Table of Submissions

The Scheme Amendment is described below and in **Attachment 10.4.1(a)** being the draft Amendment Text and Maps, all of which will be displayed during the statutory advertising period should Council decide to initiate the Amendment procedure.

The Amendment comprises two parts. The first will create a Special Control Area over the South Perth Station Precinct (SPSP) and put in place new development requirements for the precinct. The second part will provide for the levying of development contributions for infrastructure within specific parts of the City, such as the SPSP to be paid by the developer at the time of development.

The Amendment site location and its proposed division into sub-precincts are shown below:



Comment

(a) Engagement of Consultants

The South Perth Station Precinct Plan was adopted by the Council in August 2010 when it was resolved as follows:

- “(a) Council endorse the South Perth Station Precinct Plan Final Report July 2010 as the guide for future implementation of the redevelopment of the precinct; and
- (b) Consultants are engaged to develop and progress the Town Planning Scheme Amendments required to facilitate the implementation of the South Perth Station Precinct Plan Final Report.”

The South Perth Station Precinct Plan was endorsed by the Western Australian Planning Commission and subsequently published by the Department of Planning in January 2011.

Expressions of Interest were sought from suitably qualified Town Planning consultants and in November 2010, Allering and Associates were appointed by the City. Separately, two of the City's Design Advisory Consultant architects were engaged to test the draft Amendment provisions through preparation of hypothetical designs using the 'development requirements' and 'performance criteria' in the adopted Precinct Plan report and to make recommendations about appropriate changes to those provisions.

(b) Policy P687 Development of Council-Owned Land

This policy requires the use of consultants in preparing Scheme Amendments for commercial purposes, which relate to Council-owned land. Since the Council owns land within the Scheme Amendment area, consultants, Allering and Associates, have been engaged.

(c) Description of the Scheme Amendment

The proposed Scheme Amendment is described in **Attachment 10.4.1 (a)** and explained below.

The amendment seeks to introduce new provisions into the Scheme which aim to achieve the objectives of the South Perth Station Precinct Plan, published by the Western Australian Planning Commission in January 2011. This report identified that in 2002 the State government considered that "*there was insufficient justification for a South Perth rail station in the short term.*" However it was identified that "*If the picture of substantial growth/change can be presented as an inevitable and real phenomenon for the precinct – then there is justification for setting up the infrastructure that is proposed in order to meet this need in the long term.*"

In 2004, the Proposed South Perth Rail Station Precinct Analysis Report identified that the City of South Perth:

... should strengthen its planning strategies to focus on more compact and mixed use developments within the Station precinct, where a variety of daily activities are closely integrated.

Following on from that, the South Perth Station Precinct Study was undertaken and produced the South Perth Station Precinct Plan. The vision of the South Perth Station Precinct Plan was:

A vibrant attractive business location featuring a rich choice of employment, public transport option, pedestrian friendly tree-lined streets and also including reminders of South Perth heritage.

The South Perth Station Precinct Plan also identified a number of objectives in order to achieve the vision including :

- *Provide a significant increase in the potential for development on the precinct.*
- *Create lively street frontages and a dynamic public realm by locating shops, restaurants and other non-residential uses at ground floor levels.*
- *Encourage walking as the primary means of travel through the precinct by improving pedestrian amenity within the public street network.*
- *Allow taller and larger buildings in locations where river views can be maximised.*
- *Integrate best practice sustainability technologies in planning, design and development of the new urban fabric of the precinct.*

The South Perth Station Precinct Plan then identified the South Perth Station precinct boundary and Sub Precincts within the Precinct, a building height plan specific to the precinct was developed, and a special design area was delineated on plan. This report identified that in terms of built form and building height, *“the main height emphasis in the precinct will be along Melville Parade, Judd Street and part of Mill Point Road in order to establish a strong framework of built form along the precincts front door and to address the regional movement corridor of the Kwinana Freeway and southern suburbs rail line.”*

The South Perth Station Precinct Plan identified that a key method to introduce these proposed provisions into the City of South Perth scheme is to include the area within what is referred to as a Special Control Area. This Amendment seeks to create a Special Control Area for the South Perth Station Precinct and introduce new scheme provisions that only apply to this Precinct.

Draft scheme text provisions in the form of two tables were also included in the South Perth Station Precinct Plan, one table identifying development controls across the precinct and sub-precincts and the second table identifying performance criteria whereby Council could relax density and building height controls for properties identified as being within the Special Design Area where the proposed development met the listed performance criteria. These tables form an integral part of the amendment and are included in a new Schedule to be incorporated into the Scheme.

The South Perth Station Precinct Plan identified funding sources that could be pursued in order to pay for the capital expenditure involved in such a project. The South Perth Station Precinct Plan identified that developer contributions is one funding source that could be used in order to provide for the infrastructure identified in the report. The Western Australian Planning Commission released a state planning policy regarding developer contributions in November 2009. This policy includes standard scheme provisions that are to be used when local government seek to introduce developer contribution requirements into their scheme. This amendment seeks to introduce those standard provisions into the Scheme text and then apply them to the South Perth Station Precinct area. A separate schedule is also included which details what infrastructure requirements are the subject of developer contributions how the cost is to be apportioned between the land owners. Once the amendment is approved, detailed costings of the development contribution requirements would have to be undertaken for the listed works in the developer contribution plan and then developer contributions at the rate identified in the schedule must be paid prior to comprehensive redevelopment of a site occurring. It should be noted that developer contributions are then reviewed annually. The money collected from the developer contributions is then kept by the Council in a trust fund and then used in order to pay for the infrastructure works identified in the developer contribution plan.

The Amendment documents in their original form, as advertised for preliminary comment, have been altered in response to the submissions that have been received during the preliminary consultation period. The changes are summarised as follows:

- (i) Properties between Stone Street and Melville Parade were advertised as having a 41m height limit and being within the Special Design Area, which would allow for height relaxation if the development met specified performance criteria. Modification to the amendment now reduces the building height limit from 41m down to the existing 14m and the Special Design Area no longer applies to those lots.

- (ii) Portion of Richardson Park that reflected a proposed building footprint adjacent to the proposed Railway Station Site was included in the Amendment Area. Richardson Park has now been excluded from the amendment and the reserve will remain unchanged. In the event that the Council wishes to pursue that option, that would be presented to Council as a separate item whereby Council would have to resolve to request that the Western Australian Planning Commission amend the Parks & Recreation boundary to Urban for that portion of Richardson Park.
- (iii) Modification to the boundary on South Perth Esplanade to include properties up to Frasers Lane.
- (iv) Modification to Table A to include parking provision for tourist accommodation.
- (v) Minor text changes as recommended by the Council’s solicitors.

Consultation

The SPSP Plan has been the subject of extensive community engagement from 2007 to the most recent advertising. The final content of the SPSP Plan reflected the extensive community engagement which included landowners’ workshops in February 2009 and a community forum in April 2009.

Clause 9.8 (3) of TPS6 states:

“In the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.”

Accordingly, Amendment No. 25 has been advertised in accordance with clause 9.8 (3) and Policy P301 ‘Consultation for Planning Proposals’. Letters and an information sheet were sent to over 900 owners of properties in and adjoining the precinct and further information was provided on the City’s web site. The submission period extended over 26 days from 4 March to 30 March 2011, the required minimum advertising period being 21 days.

There were 126 submissions received. The submitters’ comments are summarised in the table of ‘preliminary’ submissions at **Attachment 10.4.1(b)**.

Policy and Legislative Implications

The Scheme Amendment will have the effect of modifying the City’s operative Town Planning Scheme No. 6 in terms of development controls applicable to the South Perth Station Precinct. Although the Council may initiate a Scheme Amendment at its discretion, once it has been initiated, the final decision will be made by the Minister for Planning.

The current proposals will be progressed as Amendment No. 25 to TPS6, in accordance with the statutory Scheme Amendment process in the *Town Planning Regulations*. That process is set out below, together with an estimate of the likely time frame for each stage:

Stage of Amendment Process	Estimated Time
Preliminary consultation under clause 9.8 (3) of TPS6	4 March to 30 March 2011
Council decision to initiate Amendment No. 25 to TPS6 and Council adoption of draft Amendment No. 25 Report and Amendment Text for advertising purposes	3 May 2011
Referral of draft Amendment No. 25 documents to EPA for environmental assessment during a 28 day period, and to WAPC for consent to advertise.	Unknown (28 days)

Stage of Amendment Process	Estimated Time
Public advertising period of not less than 42 days <i>(Note: Council policy precludes community consultation processes from being undertaken between mid-December and mid-January)</i>	Unknown - the City normally allows a slightly longer period than the minimum 42 days, to provide for mail deliveries and slightly late submissions
Council consideration of Report on Submissions in relation to Amendment No. 25 proposals	Unknown, but at the first available Council meeting following the conclusion of the statutory advertising period (Possibly August 2011)
Referral to the WAPC and Minister, of: <ul style="list-style-type: none"> • Report on Submissions, Schedule of Submissions and copies of submissions; • Council's recommendations on the proposed Amendment No. 25; • Three signed and sealed copies of Amendment No. 25 documents for final approval 	Unknown, but usually within two weeks of the Council meeting at which submissions were considered
Minister's final determination of Amendment No. 25 to TPS6	Unknown
Notification to all submitters following publication of Notice of the Minister's approval of Amendment No. 25 in the <i>Government Gazette</i> and a local newspaper	Unknown - following receipt from Planning WA of the Minister's final approval

Financial Implications

As this Scheme Amendment is being proposed by the City, all of the associated costs of consultation and preparation of documents are borne by the City. This project is being undertaken by Allerding and Associates in accordance with funds provided in the current budget.

The amendment proposes the introduction of a development contribution scheme which will be levied upon development approval. The process and administration of the scheme is a complex task and will require additional human resource or be outsourced to a consultant. The cost of administration of the scheme can also be funded by the contributions.

Strategic Implications

This proposal relates to a number of Strategic Directions from the 2010-2015 Strategic Plan, including:

- 4.4 *Facilitate optimal development of the Civic Triangle precinct*
- 5.1 *Improve access and use of railway station precincts and surrounding land uses.*
- 4.1 *Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable.*

The Amendment proposal is also directly related to the City's "Vision Ahead" future plan under the strategic direction of "Housing":

Accommodate a Growing Population

Work towards ensuring that diverse accommodation choices are available to us all, regardless of our stage in life, household size and income, whilst maintaining a positive quality of life.

- *Develop and facilitate a series of collaborative planning forums on accommodation to develop clear strategies (including consideration of zoning and building codes) for managing population growth and housing needs.*
- *Ensure a range of affordable housing options are available to meet the needs of a diverse population.*

Review the Town Planning Scheme

Review and develop a new Town Planning Scheme that encourages housing design of a high quality, honours both our heritage and the evolving nature of architecture and society, and caters for a growing population.

- *Identify areas for high density e.g. along Canning Hwy, the freeway and train-line.*
- *Develop and facilitate collaborative planning forums for the community to review the Town Planning Scheme.*
- *Identify existing or possible village hubs that have the potential for mixed-use developments.*
- *Incorporate strategies that have been developed to manage a growing population.*

Sustainability Implications

The proposals for the South Perth Station Precinct promote more development around a future train station, which will reduce the use of private motor vehicles and reduce carbon emissions in the long term. The facilitation of greater commercial and office space increases the jobs available in the City and makes it an economically more sustainable locality.

OFFICER RECOMMENDATION ITEM 10.4.1

That ...

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.4.1 (a)**;
- (b) the draft Amendment text and maps at **Attachment 10.4.1.(a)**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for approval to advertise;
- (c) upon receiving clearance from the Environmental Protection Authority and consent to advertise from the Department of Planning, community advertising of Amendment No. 25 be implemented in accordance with the Town Planning Regulations and Council Policy P301; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 25:

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.

OFFICER COMMENT ITEM 10.4.1

The reporting officer advises that owing to the complexity of the proposed Amendment Text, the illustrating of proposed Amendment Maps could not be completed in time for inclusion with the amending text. In recognition of the need to progress this Amendment as a priority, this report has been submitted prior to completion of the amending maps. These map changes have effectively been endorsed by the Council as part of this resolution through the detailed technical text descriptions. However, as the map changes are required to be advertised as part of the Amendment No. 25 document, it is intended that they will be added to the document prior to forwarding it to the EPA and WAPC for consent to advertise to ensure that they are advertised for public comment."

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.4.1. The officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Grayden

That....

- (a) the officer's recommendation not be adopted;
- (b) the draft Amendment No. 25 document at **Attachment 10.4.1(a)** be modified as follows:
 - (i) Schedule 9 is modified as follows -
 - (A) An additional precinct known as the Stone-Melville Parade Sub-Precinct is to be created comprising the area bounded by Stone Street, Judd Street, Melville Parade and Scott Street.
 - (B) The land uses for the Stone-Melville Parade Sub-Precinct are to remain as currently prescribed in Table 1 of Town Planning Scheme No. 6 for the Residential Zone, including Multiple Dwellings and Tourist Accommodation.
 - (C) Other development requirements for the Stone-Melville Parade Sub-Precinct are to be as for the Scott-Richardson Street Sub-Precinct.
 - (ii) The 'Existing Zoning' map and the 'Scheme (Amendment) Map' be deleted and replaced by a set of amending maps depicting all of the Scheme Amendment proposals pertaining to the Scheme Maps as articulated by technical description in the proposed Amendment text;
- (c) for the purpose of adopting the draft Amendment No. 25, **Attachment 10.4.1(a)** is deemed to have been modified to the extent described in part (a) of this resolution;
- (d) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.4.1(a)**;
- (e) the draft Amendment text and maps comprising **Attachment 10.4.1(a)**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for approval to advertise;
- (f) upon receiving clearance from the Environmental Protection Authority and consent to advertise from the Western Australian Planning Commission, community advertising of Amendment No. 25 be implemented in accordance with the Town Planning Regulations and Council Policy P301; and
- (g) when the Western Australian Planning Commission has granted consent for draft Amendment No. 25 to be advertised for public submissions, the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment:

<p>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.</p>

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Motion

- whilst the concerns of residents in this locality were considered valid on the issue of the Special Design Area and building height proposals, the concerns regarding a proposed mandatory mixed use and requirement of a commercial ground floor were not.
- rationale for this position was on the basis that, to quote from the Summary of Submissions: *“the introduction of commercial uses on the ground floor will encourage activation of the frontage”*
- area between Stone Street/Mill Point Road, whilst having a mixed use at present has not made use of this opportunity because the demand has been for high standard apartment accommodation.
- demand has shaped the character of the area, from Mill Point Road down to Melville Parade
- comment in the Summary of Submissions strengthens this point: *“A number of submissions refer to the character and ‘village atmosphere’ of this area (Stone Street) and concern about the impact on that streetscape. Much of this area has been recently redeveloped with other sites having been strata titled and therefore unlikely to be developed due to the need to get agreement between all land owners in order to develop. On that basis, it is considered unlikely that the character of this area will significantly change in the foreseeable future. Further, the amendment seeks to retain a front setback in this area in order to retain the existing character”*
- if the character of this area is clearly residential in nature why would we seek to change this by making it a mandatory requirement of property owners to introduce commercial space on the entire ground level of any future development between Stone Street and Melville Parade - It would be contradictory to the very controls put in place to *“retain the existing character”*
- the area of the Peninsular north of Judd Street is a clearly distinct area from that south of Judd Street to Richardson Street
- the high quality apartments that have been built are a benchmark for any further developments
- to pursue planning measures of the type envisaged, would impose a planning regime, not only inappropriate for the area, but strongly opposed by those residents currently living in this area; for no tangible benefits for the Precinct
- ask Councillors support amended Motion

Cr Grayden for the Motion

- endorse Cr Cala’s comments
- Deputations highlighted the primary concern should be how will this Amendment benefit residents/ratepayers
- assure constituents the Mill Point Ward Councillors are committed to the ‘village character’ of the area
- acknowledge Judd Street / Richardson Street needs something to make the most of this area
- believe Amendment No.25 will enhance the area for the benefit of residents
- we have listened to the residents of the Stone Street area
- support Amendment No. 25 in general
- support Motion

Cr Skinner for the Motion

- commend Cr Cala on preparing Amended Motion
- endorse comments by Crs Cala and Grayden
- support proposal
- support Motion

COUNCIL DECISION ITEM 10.4.1

The Mayor Put the Motion

That...

- (a) the officer's recommendation not be adopted;
- (b) the draft Amendment No. 25 document at **Attachment 10.4.1(a)** be modified as follows:
 - (i) Schedule 9 is modified as follows -
 - (A) An additional precinct known as the Stone-Melville Parade Sub-Precinct is to be created comprising the area bounded by Stone Street, Judd Street, Melville Parade and Scott Street.
 - (B) The land uses for the Stone-Melville Parade Sub-Precinct are to remain as currently prescribed in Table 1 of Town Planning Scheme No. 6 for the Residential Zone, including Multiple Dwellings and Tourist Accommodation.
 - (C) Other development requirements for the Stone-Melville Parade Sub-Precinct are to be as for the Scott-Richardson Street Sub-Precinct.
 - (ii) The 'Existing Zoning' map and the 'Scheme (Amendment) Map' be deleted and replaced by a set of amending maps depicting all of the Scheme Amendment proposals pertaining to the Scheme Maps as articulated by technical description in the proposed Amendment text;
- (c) for the purpose of adopting the draft Amendment No. 25, **Attachment 10.4.1(a)** is deemed to have been modified to the extent described in part (b) of this resolution;
- (d) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.4.1(a)**;
- (e) the draft Amendment text and maps comprising **Attachment 10.4.1(a)**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for approval to advertise;
- (f) upon receiving clearance from the Environmental Protection Authority and consent to advertise from the Western Australian Planning Commission, community advertising of Amendment No. 25 be implemented in accordance with the Town Planning Regulations and Council Policy P301; and
- (g) when the Western Australian Planning Commission has granted consent for draft Amendment No. 25 to be advertised for public submissions, the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment:

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 (9/0)

Reason for Change

Whilst the concerns of residents in this locality were considered valid on the issue of the Special Design Area and the building height proposals, the concerns regarding a proposed mandatory mixed use and requirement of a commercial ground floor were not. The rationale for this position was on the basis that: *"The introduction of commercial uses on the ground floor will encourage activation of the frontage"*.

10.5 STRATEGIC DIRECTION 5: TRANSPORT

10.5.1 Metropolitan Region Scheme Amendment 1203/41 - Perth Waterfront

Location: City of South Perth
Applicant: Western Australian Planning Commission
File Ref: LP/213
Date: 1 April 2011
Author: Stephen Bell, Director Infrastructure Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The current WA State Government has committed to the delivery of Perth Waterfront. To make this commitment possible, MRS Amendment 1203/41 has been prepared to consolidate approximately 19.75 hectares of existing parks and recreation, waterways and regional road reservations to a *Public Purpose Special Use Reserve*. The MRS Amendment is currently advertised for public submissions for a period of three (3) months from 22 February 2011 to 27 May 2011 inclusive.

The purpose of this report is for the Council to consider MRS Amendment 1203/41. Of particular concern to City Officers is the severing of Riverside Drive between Barrack Street and William Street and redistribution of traffic onto the local and regional road network, with the potential for increased traffic volumes and congestion on Canning Highway, Mill Point Road, Labouchere Road and Judd Street respectively. This clearly is not an acceptable outcome and hence it is the recommendation to Council that a submission be forwarded to the Western Australian Planning Commission (WAPC) highlighting the City's concerns on the matter.

Background

The redevelopment of Perth foreshore has been recognised by successive WA State Governments as being vital to the growth and vibrancy of Perth CBD. It has also been the subject of numerous planning, design and public consultation initiatives over the past 30 or more years.

The current WA State Government has committed to the delivery of Perth Waterfront, and in August 2009 requested the WAPC and Department of Planning (DoP) to assume lead agency responsibility for this ambitious project.

The WAPC and DoP prepared a Masterplan under the oversight of the Perth Waterfront Ministerial Taskforce, which was released by the Premier and Minister for Planning in December 2009. This was followed by a project Business Case submitted for consideration by Cabinet in March 2010.

In June 2010, Cabinet requested that the WAPC and DoP progress the detailed planning, design and statutory approvals necessary to facilitate the timely construction of the project. The Perth Waterfront Masterplan is shown at Figure 1 and Figure 2 respectively and includes the following key elements as taken directly from the text of the Amendment:

- A significant new urban waterfront precinct;
- A new inlet that brings the river closer to the City, framed by public terraces, promenades and civic spaces;
- An island within the inlet that provides a range of recreational, interpretative and public event opportunities. Connected by two bridges the island also completes and attractive pedestrian circuit around the new waterfront;
- A nationally significant centre for indigenous culture, art and learning;
- Buildings reflecting the scale of the City that are of high architectural quality and provide a mix of residential, commercial, office, retail, hotel and short stay, and hospitality uses;
- The strengthening of William and Barrack Streets as important connections through the City from the river to Northbridge.
- The extension of Howard Street and Sherwood Court to the waters edge, enhancing their role as activated pedestrian connections into the heart of the City;
- The diversion of Riverside Drive between Barrack Street and William Street and the redistribution of major traffic to The Esplanade;
- The construction of a traffic calmed waterfront road between Barrack Street and William Street. This new road can be closed to traffic at certain times of the day or for major events.
- Relocation of the commuter ferry terminal to a new inlet, allowing passengers to embark and disembark closer to the city and creating a much stronger connection with the Esplanade railway station and bus port;
- Enhancement of Barrack Square and the framing of the Belltower with appropriately scaled buildings to give it a more defined context;
- Enhancement of Supreme Court Gardens as a major outdoor event and ceremonial space;
- Re-establishing the City's connection with King's Park via a chairlift from the end of William Street.

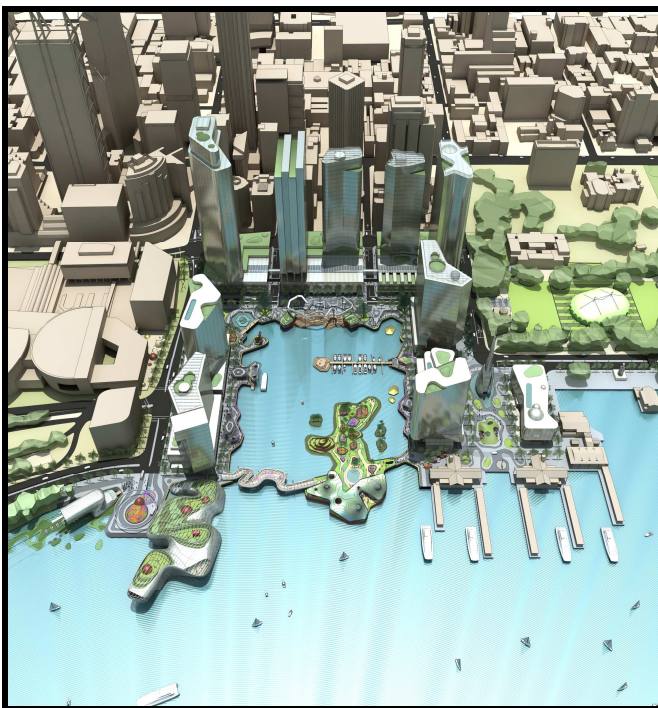


Figure 1 – Proposed Perth Waterfront Masterplan Masterplan

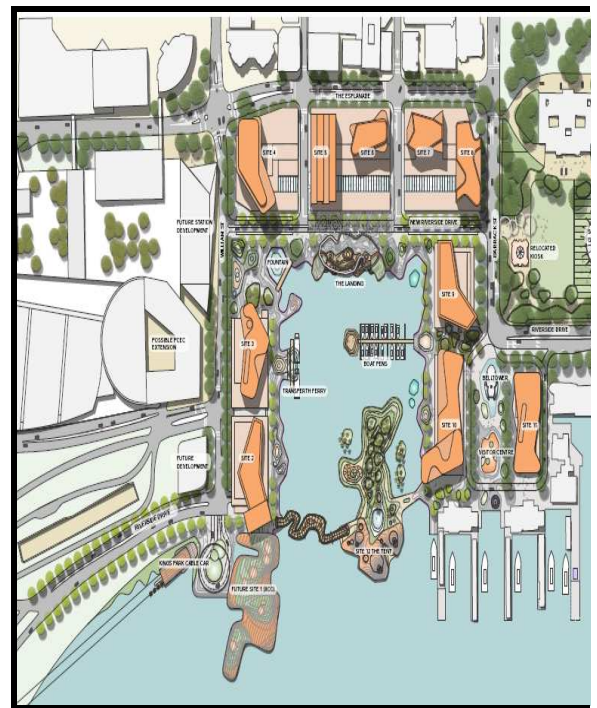


Figure 2 - Perth Waterfront

The amendment is being advertised for public submissions for a period of three (3) months from 22 February 2011 to 27 May 2011. Written Submissions on the amendment must be received by 5.00 pm Friday, 27 May 2011.

The MRS Amendment 1203/41 for Perth Waterfront is shown at **Attachment 10.5.1**

Comment

One of the most significant structural changes embodied in the Perth Waterfront Masterplan is the proposed form and function of Riverside Drive. The masterplan places a high priority on public and pedestrian access over private vehicle access. Accordingly, the primary function of Riverside Drive will be to provide access to the City rather than function as a bypass.

The Masterplan is based on the premise that for the waterfront to function as an extension of the City, roads must be designed as City streets rather than feeders to the regional road network. Accordingly, the section of Riverside Drive between Barrack Street and William Street is to be removed with two-way traffic flow reintroduced into Barrack Street, the Esplanade, Mounts Bay Road and William Street. In addition, the Masterplan places greater emphasis on alternative modes of transport by consolidating bus, rail and commuter ferry services, and improving pedestrian and cycle networks within the area.

It is stated in Section 5 - Transport and Access of the MRS Amendment that transport planning and modelling was undertaken in consultation with the City of Perth, Department of Transport, MRWA, Public Transport Authority and Planning and Transport Research Centre. Although the traffic model highlights that there will be some increased levels of congestion within the City, the MRS Amendment indicates that these impacts are quote "manageable" if a sustainable multi-model approach is taken.

The Perth waterfront development will clearly impact on the 30,000 vehicles per day which currently utilise Riverside Drive. The State Government is planning to modify Graham Farmer Freeway, including the addition of a third lane to the Northbridge tunnel, to assist in the orderly flow of traffic in and around the City. This involves expanding the Graham Farmer Freeway tunnel to six lanes by removing the emergency (i.e. breakdown) lanes to cope with the vehicles no longer able to utilise Riverside Drive.

It is expected that not all vehicles will utilise Graham Farmer Freeway to bypass the City and hence a high proportion of traffic can be expected to divert to local roads. According to DoP modelling, the volume of cars on Riverside Drive will drop from about 30,000 vehicles per day to about 15,000 vehicles per day once the road is re-routed around the back of the Swan River inlet which is to be cut into the Esplanade foreshore. This work is expected to be completed in 2013.

It is anticipated that a high proportion of traffic will divert through streets within the City of South Perth during the morning and afternoon peak travel times with Canning Highway, Mill Point Road, Labouchere Road and Judd Street likely to be adversely impacted. This will lead to increased traffic volumes and congestion on the local road network and intersections. South Perth has not been consulted about the transport planning and modelling undertaken for the Perth Waterfront nor does it have access to the traffic model or study report. Notwithstanding, it is highly unlikely that the traffic study would have considered the implications of additional traffic volumes on South Perth streets.

Mill Point Road and Labouchere Road, particularly during the morning and afternoon peak periods, are already congested and additional traffic resulting from severing Riverside Drive will lead to a worsening situation. For example, any increased traffic volumes at Mill Point Road and Labouchere Road is only likely to have a negative impact on the level of service at key intersections, entry (and exit) at the Kwinana Freeway on-ramp, pedestrian and road safety, and detract from the residential amenity of the local area.

The proposal to redevelop Perth foreshore represents a wonderful opportunity to rejuvenate and grow Perth CBD, hence the concept should be supported in-principal by the Council. Whilst transport planning and modelling was supposedly undertaken to support the MRS Amendment, there is limited advice about how the traffic from Riverside Drive is to be distributed and managed on the regional and local road network. Whilst the MRS describes the traffic impacts and congestion as being manageable, it is not clear how the traffic redistribution affects roads in the City of South Perth, more particularly Canning Highway, Mill Point Road, Labouchere Road and Judd Street. Therefore, it is recommended that the City provide a written submission to the WAPC highlighting that the City of South Perth supports in principal MRS Amendment 1203/41 - Perth Waterfront dated February 2011, with the exceptions:

Consultation

The City received a copy of MRS Amendment 1203/41 in February 2011. The amendment is being advertised for public submissions for a period of three (3) months from 22 February 2011 to 27 May 2011. Written Submissions on the amendment must be received by 5pm Friday, 27 May 2011.

The City has not been consulted about the transport planning and modelling undertaken for the Perth Waterfront development.

Policy and Legislative Implications

The Western Australian Planning Commission is responsible for keeping the MRS under review and initiating changes where necessary. The amendment process is regulated by the Planning and Development Act 2005. The MRS amendment 1203/41 is being made under the provisions of Section 41 of the Act.

Financial Implications

Nil

Strategic Implications

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

- Direction 1 - Community
1.2 Ensure that land use planning and service delivery aligns and responds to community safety priorities.
- Direction 3 - Housing and Land Uses
3.2 Encourage and facilitate economic development
3.3 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.
- Direction 5 - Transport
5.2 Ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network.

Sustainability Implications

The appropriate management of infrastructure is extremely important to ensure that it meets the current and future traffic and transport needs of the community.

Reporting on MRS Amendment 1203/41 contributes to the City's sustainability by promoting effective communication between key stakeholders.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION 10.5.1**

That the City of South Perth...

- (a) supports in principal the Metropolitan Region Scheme Amendment 1203/41 'Perth Waterfront' dated February 2011, with the following exceptions:
 - (i) the City is extremely concerned about the proposed changes to Riverside Drive which will reduce traffic volumes from about 30,000 vehicles per day to about 15,000 vehicles per day, with the resultant traffic being forced to utilise other local and regional roads in Perth. Of particular concern to the City of South Perth is the high probability of traffic being redistributed to Canning Highway, Mill Point Road, Labouchere Road and Judd Street respectively thereby resulting in increased traffic volumes and congestion and reduction in road and pedestrian safety and residential amenity during the morning and afternoon peak travel times;
 - (ii) the City requests that detailed traffic modelling and reporting be undertaken as a matter of urgency to determine the likely increase to traffic volumes and congestion on Canning Highway, Mill Point Road, Labouchere Road and Judd Street resulting from the Perth Waterfront development and changes to Riverside Drive, and that the City be party to such a study; and
 - (iii) where it is identified in the detailed traffic modelling and reporting that Canning Highway, Mill Point Road, Labouchere Road and Judd Street are adversely impacted by increased traffic volumes and congestion, improvements be undertaken to the road network and intersections to alleviate the identified negative impacts.
- (b) requests to be consulted on any future traffic and transport studies or initiatives undertaken by the City of Perth and/or the WA State Government, where changes to the road and transport network in Perth is likely to result in adverse impacts within the City of South Perth.

CARRIED EN BLOC RESOLUTION

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - March 2011

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 April 2011
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

The attachments to this financial performance report are part of a comprehensive suite of reports that have been acknowledged by the Department of Local Government and the City's auditors as reflecting best practice in financial reporting.

Background

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

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

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

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

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

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

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

Comment

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

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

Operating Revenue to 31 March 2011 is \$38.96M which represents 101% of the \$38.76M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking is in line with budget expectations but infringements revenue continue to lag budget. Interest revenues remain well ahead of budget expectations - with higher holdings of both Municipal and Reserve funds contributing to the favourable variance. Interim rates revenue has stalled with few interims raised during the month. Property enquiry revenue is also very low with a greatly reduced amount of sales activity in the area. A positive workers compensation premium has been received as the insurers continue to re-assess and close out existing claims. This amount will be transferred to the Insurance Risk Reserve in the Q3 Budget Review until used to offset future negative premium adjustments.

Planning revenues are now some 11% below budget expectations after a very quiet period during January to March. Building revenue now also lags budget by 7%. Collier Park Village revenue is slightly ahead of budget expectations whilst the Collier Park Hostel revenue remains significantly favourable - although a modest downwards adjustment is expected after a review of the commonwealth subsidies. Golf Course revenue is now 2% below budget targets - even after the budget figure was revised downwards in the last Budget Review. Infrastructure Services revenue is largely on budget in most areas - although transfer station entry fees are well down on expectations. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances at **Attachment 10.6.1(5)**.

Operating Expenditure to 31 March 2011 is \$29.34M which represents 98% of the year to date budget. Operating Expenditure is 4% under budget in the Administration area, on budget in the Infrastructure Services area and 4% under budget for the golf course.

Operating expenses in most administration areas are close to budget other than timing differences and staff vacancies. Pleasingly, management interventions associated with the parks maintenance and streetscapes areas have resulted in actual costs falling closely in line with budget expectations. Plant use recoveries are being reviewed by an external consultant to allow corrective measures to be introduced next year. Waste management costs are close to budget expectations. Golf Course expenditure is also close to budget at this time with only minor timing differences being evident.

There are a number of budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 3.2% 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)**. Relevant items are also addressed in the Q3 Budget Review.

Capital Revenue is disclosed as \$2.46M at 31 March against a year to date budget of \$2.52M. The major factor contributing to this favourable variance is some road grant funding revenue that will now not be received in this year because works can not be completed - but which should be able to be carried forward into next year. Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 March 2011 is \$13.13M representing 82% of the year to date budget and 65.3% of the full year revised budget (after the inclusion of \$4.0M of carry forward works). The major elements of the capital program delivered so far this year is \$6.7M in progress claims on the Library & Community Facility project and \$4.9M on various infrastructure projects.

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	79,500	39,512	48%	160,000
Library & Community Facility *	6,175,000	6,215,859	101%	6,175,000
Financial & Information Services *	1,042,000	1,021,416	98%	1,612,000
Planning & Community Services	926,740	397,393	57%	1,516,100
Infrastructure Services	6,769,132	4,793,756	71%	8,876,055
Waste Management	430,000	120,306	38%	445,000
Golf Course	477,000	384,752	81%	537,000
UGP	162,500	161,368	99%	800,000
Total	16,061,872	13,134,362	81%	20,121,155

* Financial & Information Services is also responsible for the Library & 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 by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances and, secondly, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1

That ...

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

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 March 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	09 April 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as 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 \$40.27M compare favourably to \$39.19M at the equivalent stage of last year. Reserve funds are \$7.00M higher than the level they were at for the same time last year - reflecting \$4.1M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Future Building Projects Reserve is \$0.3M more than at March 2010 as funds have been applied to the Library & Community facility project but new funds are now being accumulated towards the Manning Hub project. The UGP Reserve is \$0.9M higher. The Waste Management, Information Technology and Plant Replacement Reserves are each \$0.3M higher whilst the River Wall Reserve is \$0.2M higher. Most other Reserve balances are also modestly higher when compared to last year.

Municipal funds are \$5.9M lower which reflects higher cash outflows on the Library and Community Facility project and major infrastructure projects. Collections from rates this year have remained strong and are still very close to last year's excellent performance.

Our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have again proven very effective in having a positive effect on our cash inflows.

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

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$7.90M (compared to \$10.71M last month). It was \$13.80M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

(b) **Investments**

Total investment in money market instruments at month end was \$39.86M compared to \$36.30M at the same time last year. This is due to the higher holdings of Reserve Funds as investments (but less as Municipal Funds) 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 96.1% 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 \$1.78M - well up from \$1.35M at the same time last year. This result is attributable to the higher interest rates available during the year and higher levels of cash holdings - particularly Reserves.

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 5.63% with the anticipated weighted average yield on investments yet to mature now sitting at 5.76% (compared with 5.82% last month). Investment results to date reflect prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs currently provide a modest return of only 4.50% since the November 2010 Reserve Bank decision on interest rates.

(c) **Major Debtor Classifications**

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtor's category classifications (rates, general debtors & 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 March 2011 (after the due date for the final instalment) represent 95.6% of rates levied compared to 95.7% at the equivalent stage of the previous year.

This provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2010/2011 Annual Budget and 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) these have provided strong encouragement for ratepayers - as evidenced by the strong collections to date.

The good collection result has been supported administratively throughout the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained. This is reflected in the City reaching its KPI of 95% collections some 3 months before year end.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.62M at month end (\$1.82M last year) (\$1.64M last month). The major changes in the composition of the outstanding debtors' balances are the GST Receivable (\$0.1M higher), sundry debtors (\$0.15M higher) and outstanding parking infringements (\$0.1M lower). Grant funding outstanding is broadly in line with the previous period balance. This represents a very positive collection result over the last 3 months.

Excluded from these figures is the Pension Rebate recoverable amount which can not be collected from the Office of State Revenue until eligible pensioners qualify for their entitlement by making a payment of the non rebated amount.

The majority of the outstanding amounts are government & 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.

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$6.13M was collected by 31 March with approximately 80.6% of those in the affected area electing to pay in full and a further 18.7% opting to pay by instalments. The remaining 0.7% (15 properties) represents properties that are disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings have been instituted in relation to the 3 outstanding debts (Jan & Feb 2011 hearings - one has since been settled). Two other paid in full, 8 have commenced a payment plan and 2 others are yet to reach a satisfactory arrangement.

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 recognise that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of sustainable financial management which directly relate to the key result area of Governance identified in the City's Strategic Plan - *'To ensure that the City's governance enables it to respond to the community's vision and deliver on its promises in a sustainable manner'*.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.2

That Council receives the 31 March 2011 Monthly Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 April 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 March 2011 and 31 March 2011 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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3

That the Listing of Payments for the month of March 2011 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 Budget Review for the Quarter ended 31 March 2011

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 26 April 2011
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2010/2011 Adopted Budget for the period to 31 March 2011 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Background

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

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

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

The results of the Half Yearly (Q2) Budget Review were forwarded to the Department of Local Government for their review after they were endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This review incorporates all known variances up to 31 March 2011. It also including a comprehensive **Special Review** of the capital program jointly undertaken by the EMT to address the challenges of the short term cash flow impact of the later than budgeted receipt of proceeds from the disposal of the Ray St land (April 2012 rather than 2010/2011 year).

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

Comment

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review
Attachment 10.6.4(1)

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

- Items funded by transfers to or from existing Cash Reserves are shown as
Attachment 10.6.4(2).

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

- Cost Neutral Budget Re-allocation - **Attachment 10.6.4(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 13 July 2010.

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

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

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

- Special Capital Budget Review - **Attachment 10.6.4(4)**

In this particular review, a further Special Review of the Capital Program is included to recognise the significant short term cash flow timing difference that impacts the current (2010/2011) financial year and the 2011/2012 financial year. This issue has arisen because the City's 2010/2011 Budget anticipated the receipt of \$3.50M proceeds from the sale of Ray St land by 30 June 2011. However, the progression of the requisite statutory and practical steps in disposing of this land have taken slightly longer than was anticipated - and the proceeds now are more likely to be received in April 2012 (the subsequent financial year).

As a prudent financial manager, the City must therefore adjust its cash flows to accommodate this cash flow timing difference - notwithstanding that the actual cash flows in and outwards over the 5 years of the Strategic Financial Plan remain in balance overall. This Special Capital Budget Review recognises the necessary strategic capital project deferrals and funding accommodations that address this matter. It is important to note that capital projects 'deferred' as part of this process do not disappear from the capital program - they will be reconsidered in the 2011/2012 program and if their inclusion remains warranted they will be reinstated in that program.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$210) to the projected 2010/2011 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

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

The adopted budget at 13 July showed a Closing Position of \$149,265. The changes recommended (and adopted) in the Q1 & Q2 Budget Reviews resulted in the estimated 2010/2011 Closing Position being adjusted to \$200,445 after allowing for required adjustments to the estimated opening position, accrual movements and reserve transfers. The Q3 Budget Review then includes a further net adjustment of (\$210) to the Closing Balance.

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

Any adjustments to the Opening Balance shown in the tables below refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position was determined after the close off and audit of the 2009/2010 year end accounts.

TABLE 1: (Q3 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	24,000	(84,460)	(60,460)
Financial and Information Services	255,500	(126,500)	129,000
Development and Community Services	129,750	(174,000)	(44,250)
Infrastructure Services	732,470	(756,970)	(24,500)
Opening Position	0	0	0
Accrual Movements & Reserve Transfers	0	0	0
Special Capital Review	3,500,000	3,500,000	0
Total	\$4,641,720	(\$4,641,930)	(\$210)

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

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

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2010/2011 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	238,775	(379,585)	(140,810)
Financial and Information Services	538,670	(351,225)	187,445
Development and Community Services	462,250	(294,945)	167,305
Infrastructure Services	1,461,281	(1,780,426)	(319,145)
Opening Position	206,175	0	206,175
Accrual Movements & Reserve Transfers	0	(50,000)	(50,000)
Special Capital Review	3,500,000	(3,500,000)	0
Total change in Adopted Budget	\$6,407,151	(\$6,356,181)	\$50,970

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City's budget, the overall budget closing position has only moved from the \$149,265 as determined by Council when the budget was adopted in July 2010 to \$200,235 after including all budget movements to date.

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 City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That following the detailed review of financial performance for the period ending 31 March 2011, the budget estimates for Revenue and Expenditure for the 2010/2011 Financial Year, (adopted by Council on 13 July 2010 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.4(1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.4(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.4(3)**.
- Special Capital Budget Review **Attachment 10.6.4(4)**

CARRIED EN BLOC RESOLUTION
And By Required absolute Majority

10.6.5 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	1 April 2011
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.

March 2010

Nature of document	Parties	Date Seal Affixed
End User Agreement for City of South Perth	City of South Perth and Fire and Emergency Services Authority of Western Australia	30 March 2011

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 10.6.5

That the report on the use of the Common Seal for the month of March 2011 be received.

CARRIED EN BLOC RESOLUTION

10.6.6 Local Government Elections - October 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	A/EL/1
Date:	1 April 2011
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Manager Administration and Governance

Summary

Local government elections are due in October 2011 for seven (7) of the thirteen (13) Elected Member positions on the Council - one Councillor from each of the six wards together with the position of the Mayor which is popularly elected.

The Western Australian Electoral Commissioner has written to the City agreeing to be responsible for the conduct of the elections with an estimate of the cost of conducting the elections as postal elections. In accordance with the *Local Government Act*, Council needs to formally declare that the Electoral Commissioner be responsible for the conduct of the election and decide that the election be conducted as a postal election.

Background

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

The terms of seven of the thirteen Elected Members (one Member from each of the City's six wards together with the position of Mayor) will expire in October. However, as requested by the Department of Local Government in 2010, the City will be undertaking a Ward Boundary Review commencing in May 2011 and concluding by the end of 2011 following comprehensive community consultation.

This review will be conducted with a view to assessing and reducing the number of elected members and wards to come into effect in line with the 2013 ordinary elections. The Council has previously resolved on two occasions to review reducing the number of elected members in line with State Government policy. It is therefore possible that the Mayor and Councillors elected in October 2011 for four year terms may not serve their full terms, as should the Minister for Local Government approve any proposed changes involving a reduction in elected members and wards, it is likely a full spill of the Council would be required.

Comment

Section 4.20(4) of the *Local Government Act* (the Act) enables Council to appoint the Electoral Commissioner to be responsible for the 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(2) of the Act, Council may determine that the election be conducted as a postal election. Section 4.61(2) requires that this decision must be made after or in conjunction with the decision to appoint the Electoral Commissioner.

The City has received written confirmation from the Electoral Commissioner that he agrees to be responsible for the conduct of the elections in 2011 conditional on the proviso that Council also decides to have the election undertaken by the WA Electoral Commission as a postal election.

The Commissioner has estimated the cost of the 2011 election at \$80,000. This estimate is based on the following assumptions:

- 25,800 electors;
- response rate of approximately 35%;
- 7 vacancies; and
- count to be conducted at the offices of the City of south Perth.

A copy of the Commissioner's letter is at **Attachment 10.6.6**.

Part 4 of the *Local Government Act* sets out the requirements for the conduct of local government elections. Section 4.20(4) 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 4.61 Council may decide to have the election conducted as a postal election. The last four ordinary elections, the 2006 Civic Ward by-election and the 2010 extraordinary election for the McDougall Ward were conducted as postal elections.

It is recommended that Council engage the Electoral Commissioner to conduct the 2011 elections and that they be conducted as postal elections.

Consultation

The WA Electoral Commission has been consulted on the conduct of the 2011 ordinary election.

Policy and Legislative Implications

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

Financial Implications

The WA Electoral Commission's estimated cost for the 2011 ordinary election is \$80,000 inclusive of GST. This estimate does not include non-statutory advertising or one local government staff member to work at the polling place on election day. The City has allocated \$80,000 in its draft Budget.

Strategic Implications

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.*

The proposed action as outlined in this report is consistent with Council's previous adopted practice.

Sustainability Implications

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6</p>

That....

- (a) in accordance with section 4.20(4) of the *Local Government Act 1995* Council declares* the Electoral Commissioner to be responsible for the conduct of the October 2011 ordinary elections, together with any other elections or polls which may also be required; and
- (b) in accordance with section 4.61(2) of the *Local Government Act* Council decides* that the method of conducting the October 2011 election will be as a postal election.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.6.7 Development Assessment Panels – Councillor Nominations

Location: City of South Perth
Applicant: Council
File Ref: A/ME/1
Date: 4 April 2011
Author: Vicki Lummer, Director Development & Community Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

Development Assessment Panels (DAPs) will commence operation on 1 July 2011. Each Local Government is required to nominate two DAP members and 2 alternate DAP members and forward the names to the Department of Planning before 13 June 2011. This report seeks to appoint these four members from the Council.

Background

As part of the Government's efforts to streamline and improve the planning approvals process in Western Australia, the WA Parliament passed the *Approvals and Related Reforms (No. 4) (Planning) Act 2010* (the '2010 Amendment Act'). The provisions of the 2010 Amendment Act, except part three, commenced on 22 November 2010.

The 2010 Amendment Act contains a number of amendments to the *Planning and Development Act 2005* (the 'PD Act') that are designed to improve the planning system. Part 3 of the 2010 Amendment Act contains the heads of powers required to introduce development assessment panels ('DAPs') in this State, through the making of regulations by the Governor. The details on how these panels will be established, administered and operated are set out in the new *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP regulations').

DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority.

The new DAP regulations prescribe local governments with a 40 day period from the establishment of the 15 DAPs, to submit to the Minister nominations for 2 DAP members and 2 alternate members. As DAPs will be formally created on 2 May 2011, local governments have until 13 June 2011 to submit their nominations.

If a local government fails to provide the requisite nominations within the 40 day period, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established.

Comment

All DAPs will comprise:

- 3 specialist members. One is the presiding member with planning qualification and experience the second is the deputy member also with planning qualifications and experience and the third must possess relevant qualifications and/or expertise.
- Two local government representatives.

Local Government DAP members must complete mandatory training before sitting as a member. DAP members who successfully complete the training are entitled to a payment of \$400 paid from the Department of Planning. All DAP members will be paid a sitting fee of \$400 per meeting. In addition DAP regulations provide for reimbursement of motor vehicle and travel costs.

It is expected that DAPs will meet on a monthly basis.

The City of South Perth will be within a Joint Development Assessment Panel (JDAP) along with the local governments of Bassendean, Bayswater, Belmont, Canning, Melville and Victoria Park. Two local government representatives are required from each local government included in the JDAP. Local Government members will rotate on and off the panel, so that the two local government members from South Perth will only sit on the panel when an application for development within the City of South Perth is being determined. This means that South Perth members will not be required every month and sometimes if applications from more than one local government are being determined at the same meeting, local government members from more than one local government will rotate on and off during a single meeting.

Consultation

Elected members were advised by means of the Councillor Bulletin on 25 March 2011 that appointments would be sought at the April Ordinary Council Meeting.

Policy and Legislative Implications

The appointment of local government members to the DAP is in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Financial Implications

There are no financial implications for the City.

Strategic Implications

This aligns with Strategic Direction No. 6, Governance, of the City's Strategic Plan 2010-2015: *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

There are no sustainability implications for the City.

OFFICER RECOMMENDATION ITEM 10.6.7

That Council appoints two (2) Members and two (2) Alternate Members to the Development Assessment Panel.

APPOINTMENT OF MEMBERS TO THE DEVELOPMENT ASSESSMENT PANEL

The Chief Executive Officer reported that nominations had been received from Crs Trent, Cala, Skinner and Cridland for the 2 positions on the Development Assessment Panel and said that as a result of there being 4 nominations a ballot would be conducted. The CEO distributed and then collected and counted the ballot papers.

The Chief Executive Officer announced that the result of the ballot were: Crs Cala, Cridland, Skinner and Trent.

COUNCIL DECISION ITEM 10.6.7

Moved Cr Trent, Sec Cr Skinner

That Crs Cala and Cridland be appointed as the City's Members on the Development Assessment Panel and Crs Skinner and Trent as the Alternate Members.

CARRIED (9/0)

10.6.8 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 April 2011
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 March 2011.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:
“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

The great majority (over 90%) of applications for planning approval are processed by the Planning Officers and determined under delegated authority rather than at Council meetings. This report provides information relating to the applications dealt with under delegated authority.

Comment

Council Delegation DC342 “Town Planning Scheme No. 6” identifies the extent of delegated authority conferred upon City officers in relation to applications for planning approval. Delegation DC342 guides the administrative process regarding referral of applications to Council meetings or determination under delegated authority.

Consultation

During the month of March 2011, fifty-four (54) development applications were determined under delegated authority at **Attachment 10.6.8**.

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 10.6.8

That the report and **Attachment 10.6.8** relating to delegated determination of applications for planning approval during the month of March 2011, be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr G Cridland

I hereby apply for Leave of Absence from all Council Meetings for the period 2 to 10 May 2011 inclusive.

11.2 Request for Leave of Absence - Cr P Best

I hereby apply for Leave of Absence from all Council Meetings for the period 7 – 12 June 2011 inclusive.

COUNCIL DECISION ITEMS 11.1 AND 11.2

Moved Cr Trent, Sec Cr Grayden

The leave of absence be granted to:

- Cr Cridland for the period 2 to 10 May 2011 inclusive; and
- Cr Best for the period 7 – 12 June 2011 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

Nil

13.2 Questions from Members

Nil

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 8.25pm.

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 24 May 2011

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

17. **RECORD OF VOTING** *Note: No electronic record of voting due to technical difficulties.*

APRIL ORD. COUNCIL MEETING HELD 3 MAY 2011 (held 1 week later due to Public Holidays)

3 MAY 2011

Approved Leave of Absence

- Cr G Cridland Como Beach Ward
- Cr L P Ozsdolay Manning Ward
- Cr P Howat Moresby Ward
- Cr S Doherty McDougall Ward

Attendance 9 MEMBERS

Note: ALL ITEMS PUT TO THE VOTE WERE MOVED UNANIMOUSLY (9/0)