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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 23 August 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 July 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.

4. ATTENDANCE

Mayor J Best (Chair)

Councillors:

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

Officers:

| | |
|---------------|---|
| Mr C Frewing | Chief Executive Officer |
| Mr M Kent | Director Finance and Information Services |
| Ms V Lummer | Director Development and Community Services |
| Mr L Croxford | Acting Director Infrastructure Services |
| Ms D Gray | Manager Financial Services |
| Mr R Kapur | Manager Development Services (until 8.50pm) |
| Ms P Arevalo | Marketing Officer |
| Mrs K Russell | Minute Secretary |

Gallery Approximately 68 members of the public present and 1 member of the press.

4.1 Apologies

Mr S Bell Director Infrastructure Services

4.2 Approved Leave of Absence

Cr T Burrows Manning Ward

5. DECLARATION OF INTEREST

The Mayor reported having received Declarations of Interest from:

- Crs Cala and Howat in relation to Agenda Items 10.3.3 and 10.5.1; and
- Crs Trent and Skinner in relation to Agenda Items 10.6.6 and 12.1.

Note Other Council Members declared they were members of the South Perth Historical Society at Item 10.6.6

He further stated that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* that the Declarations would be read out immediately before the Items in question were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 26 July 2011 the following question was taken on notice:

| |
|---|
| 6.1.1 F J Oliver, 3/24 Charles Street, South Perth |
|---|

Summary of Question

How much ratepayers' money has the South Perth Council spent to date on the South Perth Station Precinct proposal and its associated reports, and how much is intended to be spent in the future on this proposal?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 2 August, 2011 a summary of which is as follows:

In 2008 the City, together with the (then) Department of Planning and Infrastructure engaged the services of Syme Marmion & Co to undertake the South Perth Rail Station Precinct Study and produce the required plan. The City paid \$40,000 towards this study.

The City has currently engaged the services of Allerding and Associates (Town Planners, Advocates and subdivision designers) to run the process of the scheme amendment. Consultants are required in this instance under Council's policy P687 as there is land within the precinct which is owned by the City. The cost of this work is \$65,000. Some of this amount has already been paid and some will be paid upon delivery of further work.

To support the scheme amendment and formulation of a developer contribution plan for the precinct, the City is currently progressing a Traffic, Transport and Access Strategy and Infrastructure Services study. The cost of these studies is \$76,000 and \$24,000 respectively.

6.2 PUBLIC QUESTION TIME : 23.8.2011

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 7.08pm.

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

6.2.1 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

Summary of Question

If I ask one or more questions about the building at No. 11 Heppingstone Street ie corner of Heppingstone Street and Lamb Street that has not been asked before will you answer it? If the answer is NO will you explain why the answer is NO.

Summary of Response

The Mayor responded that this is a hypothetical question. He further stated that in **May 2009** Council resolved that no further questions on Heppingstone Street would be accepted, and that at the **July 2010** Council Meeting (as a result of questions being submitted in relation to Heppingstone Street from Mr Drake) it was the consensus of that meeting that Council did not wish to hear any further questions on Heppingstone Street.

6.2.2 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

Summary of Question

Re City of South Perth vs Geoff Defrenne 27765/2010

1. What was the amount of legal fees paid by the City in the attempted prosecution of case?
2. The City was summons to provide documents in the case which included two emails from Kay Russell to me and cc'd to recordsforfiling which the City failed to provide. Can the City provide an explanation why the City did not produce these documents.
3. In the afternoon the of 16 March 2010, the Mayor, James Best emailed to all Councillors requesting their support that I could not do a Deputation. Some Councillors responded to that email. The city was summons to provide documents in the case which included the emails from James Best to Councillors. Can the City provide an explanation why the City did not produce these documents.
4. If there is a prima facie case that the CEO has not complied with a written law, who would make the decision to prosecute the CEO?

Summary of Response

The Mayor responded that...

1. It was not an attempted prosecution - the City did begin prosecution proceedings against Mr Defrenne for "obstructing Local Government" but voluntarily entered into an agreement which resulted in Mr Defrenne absenting himself from Council premises for a period of 6 months. The cost of the action will be Taken on Notice.
2. 3: As far as we are aware, the City has provided all documents to the Court as requested, and there are no outstanding requests for documentation to be provided.
4. The question is hypothetical

6.2.3 Ms Audrey Francis, 9 Jackson Road, Karawara and Co-ordinator JMH Action Group

(Written Questions tabled at the August Council meeting)

The 1991 Council resolution stated: "(a) That no road links be made between Murray Street and Jackson Road, Murray Street and Henley Street and Jackson Road and Henley Street; (b) That the subject land cannot be used for road purposes at any future time". Would the CEO please comment on the action the Council is taking to implement this resolution since it has not been rescinded?

Summary of Response

The CEO stated that in response to the first part of the question - *what action has Council taken* - that information is detailed on pages 46 and 47 of the August Council Agenda paper and as a consequence, will not be read out. In relation to the 1991 decision, in my view, there is no need for revocation as the resolution was valid at the time. It is a general principle that rescission motions only apply when a retrospective change to a resolution is required.

6.2.4 Mrs Danna Nejatian, Kphqt o vkgp'twr t gugf

(Written Questions tabled at the August Council meeting)

Summary of Question

1. Is there a plan to compensate home owners for the devaluation of their homes if the Henley to Jackson link is allowed to go ahead?
2. Will residence of Jackson Road be compensated for being forced to move to a new location?

Summary of Response

In response to both questions, the CEO said that the link, if and when it occurs, is a long way in the future. Given what we know at the present time, it is the State Government planning a transport corridor through the area and questions of this nature should be taken up with the relevant State government Departments.

6.2.5 Mr Afshin Nejatian, Kphqt o vkgp'twr t gugf

(Written Questions tabled at the August Council meeting)

Summary of Question

1. Who will be responsible for noise mitigation as most of our homes are not designed for the proposed volume of traffic?
2. Who will ensure the safety of our children walking to school?

Summary of Response

The Mayor responded

1. We all experience the large amount of traffic increases and associated noise at various times. He said the City is in dialogue with the State Government Department of Transport on how we manage transport and its associated issues into the future.
2. Believe it is the responsibility of parents to ensure their children get to school safely. The State Government will have to take this issue into consideration if this 'link' proceeds.

6.2.6 Mr Barrie Drake, 2 Scenic Crescent, South Perth

(Written Questions tabled at the August Council meeting)

Summary of Question

1. When will the City of South Perth accept verbally asked questions from their Residents and Ratepayers at Council Meetings? Why doesn't the City accept verbally asked questions today?
2. Is it open for a newly elected Council to change this policy ie to revert back to the days before James Best was Mayor when we could verbally ask questions during Public Question Time at Ordinary Council Meetings?

Summary of Response

The Mayor responded that....

1. requiring written questions was to provide equity so everyone had the opportunity to put forward questions, preferably in advance of the meeting, so that answers could be researched if necessary.
2. it would be for the newly elected Council to determine whether or not to change the policy.

6.2.7 Mr Geoff Defrenne, 24 Kennard Street, Kensington

(Written Questions tabled at the August Council meeting)

Summary of Question

1. Is the City greatly discouraging the public to use cars?
2. The City provides numerous light vehicles for staff to use for business and private use. Does the City provide light vehicles to employees partly to be “an employer of choice”?
3. The City of Gosnells budget papers reveals the City’s swimming facility costs at \$1.9m per year. Does the City believe if it provided a swimming facility, it would be revenue neutral? If the facility was not revenue neutral, what would the estimated cost of the facility be?

Summary of Response

The CEO responded...

1. Unsure of the context of this question. The City certainly is encouraging people to use public transport. The City is working with Government to address the growth in transport issues. Our roads are not designed to cater for future growth and the City of South Perth is looking at better ways to use public transport and endorses light rail.
2. Yes.
3. No local government operates a swimming facility anywhere near revenue neutral. In relation to how much a swimming facility would cost - we have no idea, as we have no proposal before us at this time.

6.2.8 Ms Lynn O’Hara, President, City of South Perth Historical Society

(Written Questions tabled at the August Council meeting)

Summary of Question

Paragraph 4 of preamble to ‘officer recommendation’ at Agenda Item 10.6.6 states that preliminary discussions have already taken place and a number of potential future uses for Heritage House have been identified. The City of South Perth Historical Society respectfully asks to be included in the discussion process.

Summary of Response

The Mayor said yes, absolutely. The City will continue those conversations with the Historical Society in relation to the future use of Heritage House.

6.2.9 Mr Lindsay Jamieson, 14 Tralee Way, Waterford

(Written Questions tabled at the August Council meeting)

The Mayor stated, that questions from Mr Jamieson, ‘tabled’ at the August Council Meeting were declined in accordance with the Council resolution of June 2011. The Mayor then read aloud the following resolution:

That Council determines that, in accordance with Standing Orders Local Law Clause 6.7(7)(a), that any questions of Council and in accordance Standing Order Local Law Clause 6.9 (2) (b) requests for deputation associated with the 2007 Report of the Inquiry into the City of South Perth shall not be responded to until such time as an Officers Report or Notice of Motion is tabled for consideration at a future Ordinary Council Meeting.

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7.23pm

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held:26.7.2011

7.1.2 Special Electors Meeting Held: 13.7.2011

COUNCIL DECISION ITEMS 7.1.1 AND 7.1.2

Moved Cr Skinner, Sec Cr Cala

That the Minutes of the Ordinary Council Meeting held 26 July 2011 and the Special Electors Meeting held 13 July 2011 be taken as read and confirmed as a true and correct record.

CARRIED (12/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy 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 - July Ordinary Council Meeting Held: 19.7.2011

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

7.2.2 Concept Forum - Councillors' Role/Responsibilities - Meeting Held: 10.8.2011

Neil Douglas of McLeods Lawyers gave a presentation on the role/responsibilities of Elected Members. Notes from the Concept Briefing are included as **Attachment 7.2.2**.

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.2

Moved Cr Trent, Sec Cr Lawrance

That the comments and attached Notes under Items 7.2.1 to 7.2.2 on Council Briefings held since the last Ordinary Council Meeting be noted.

CARRIED (12/0)

8. PRESENTATIONS

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

Nil

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

8.2.1 Certificate of Excellence Construction Award - South Perth Civic Development

The Mayor presented the Master Builders 2011 Bankwest Excellence in Construction Award Certificate to the Project Manager, Mike Kent, to accept on behalf of the City as the winner of the *Best Refurbishment or Renovation - - being the South Perth Civic Development*.

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 Held: 16 August 2011

Deputations in relation to Agenda Items 10.0.1, 10.3.2, 10.3.3, 10.5.1 and 12.2 were heard at the August Council Agenda Briefing held on 16 August 2011.

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegates' Report: Perth Airport Municipalities Group Meeting (PAMG) : 16 June 2011.

Crs Hasleby and Burrows attended the Perth Airport Municipalities Group OGM Meeting held at the City of Bayswater on 16 June 2011. The Minutes of the meeting are at **Attachments 8.4.1**. They are also available on the *iCouncil* website.

RECOMMENDATION

That the Minutes at **Attachment 8.4.1**, of the Perth Airport Municipalities Group OGM Meeting held at the City of Bayswater on 16 June 2011 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Trent, Sec Cr Howat

That the Minutes at **Attachment 8.4.1**, of the Perth Airport Municipalities Group OGM Meeting held at the City of Bayswater on 16 June 2011 be received.

CARRIED (12/0)

8.4.2. Council Delegate: WALGA South East Metropolitan Zone: 27 July 2011

A Delegates' report from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 27 July 2011 at the Town of Victoria Park is at **Attachment 8.4.2**.

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.2** from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 27 July 2011 at the Town of Victoria Park be received.

COUNCIL DECISION ITEM 8.4.2

Moved Cr Grayden, Sec Cr Cala

That the Delegates' Report at **Attachment 8.4.2** from Mayor Best and Cr Trent summarising their attendance at the WALGA South East Metropolitan Zone Meeting held 27 July 2011 at the Town of Victoria Park be received.

CARRIED (12/0)

8.5 CONFERENCE DELEGATES REPORTS

8.5.1. Conference Delegate Report: Mainstreet Conference 2011 “Everything Old is New Again” - Adelaide 1- 4 May 2011.

A report from Cr Doherty summarising her attendance at the Mainstreet Conference 2011 “Everything Old is New Again” held in Adelaide between 1 - 4 May 2011 is at **Attachment 8.5.1.**

RECOMMENDATION

That the Delegate’s Report at **Attachment 8.5.1** in relation to Cr Doherty’s attendance at the Mainstreet Conference 2011 “Everything Old is New Again” held in Adelaide between 1 - 4 May 2011 be received.

COUNCIL DECISION ITEM 8.5.1

Moved Cr Trent, Sec Cr Skinner

That the Delegate’s Report at **Attachment 8.5.1** in relation to Cr Doherty’s attendance at the Mainstreet Conference 2011 “Everything Old is New Again” held in Adelaide between 1 - 4 May 2011 be received.

CARRIED (12/0)

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 16 August 2011.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following officer report items were withdrawn for discussion:

- Item 10.0.1
- Item 10.0.2
- Item 10.3.2
- Item 10.3.3
- Item 10.5.1
- Item 10.6.6

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Skinner

That the officer recommendations in relation to Agenda Items 10.0.3, 10.1.1, 10.3.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.7, 10.6.8, 10.6.9 and 10.6.10 be carried en bloc.

CARRIED (12/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

| |
|--|
| 10.0.1 Waterford Triangle Petition <i>(Item 8.1.1 referred June 11 Council Meeting)</i> |
|--|

Location: City of South Perth
Applicant: Council
File Ref: LP/1001
Date: 2 August 2011
Author: Vicki Lummer, Director Development and Community Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report examines the recently received petition in light of the requirements of the Waterford Triangle *Urban Design Plan and Design Guidelines*. Alternative options are described and the recommendation is for further community engagement to discuss and compare options with the Waterford Triangle Community.

Background

At its June 2011 meeting, Council resolved:

“That the Petition dated 1 June 2011 received from Maria Gherardi, 231 Manning Road, Waterford, together with 35 signatures in relation to the Waterford Triangle Study be forwarded to the Development and Community Services Directorate for investigation.”

The text of the petition reads:

“We the undersigned request that the City of South Perth considers an alternative plan to the Waterford Triangle Study that:

- *would not jeopardise the safety of children by having a road go through our beautiful park;*
- *does not include any resumption of land from properties abutting the park; and*
- *does not include a through road connecting with Garvey Street.”*

The reasons listed for this request are :

The City’s current Indicative Urban Design Master Plan, if adopted would;

- *Introduce a traffic interface to our quiet and safe park which would endanger the children and our dogs;*
- *Cause the destruction of several trees on the park that keep our area cool and in shade during hot days;*
- *Include the costly resumption of land from several home owners who would be forced to demolish some of their out buildings and in at least one case their home;*
- *Create a through road to Garvey Street, resulting in increased traffic on that street, and possible hooning and rat-running*

Of the 36 signatories to the petition:

- 21 are from 19 properties abutting the POS - 3 of those properties are rented and it is the tenants rather than the owners who have signed the petition.
- 10 signatories are renters in properties that do not abut the POS.
- 5 signatories live outside of the Waterford Triangle area.

In December 2010, following a robust plan development process involving extensive community consultation, Council resolved to use the *Waterford Triangle Urban Design Plan and Design Guidelines* at **Attachments 10.0.1(a)** and **10.0.1(b)** respectively, as the guide for future redevelopment of the precinct.

Comment

The *Urban Design Plan and Design Guidelines* presented to Council in December 2010 were developed through an innovative and inclusive community engagement process. The resultant plan takes into consideration the surrounding development both within the City of Canning and Curtin University. The proposed increases in height and density are reasonably modest but reflect the aspirations and input from the community. Proposed changes to the public realm, in terms of improved parks, roads and laneways are necessary to support the increased development potential.

The plan is considered to be well developed, soundly based and responsive to community issues and traffic safety.

The plan is to be implemented through amendments to the town planning scheme, which will involve further community engagement and discussion.

The issues raised in the petition relate to the proposed laneway along the rear on the properties that front Manning Road, between Conlon Street and Garvey Street. The reasons for the inclusion of laneway are clearly documented in the reports as follows:

5.1 Access Laneways

One of the main issues raised in Workshop 1 was Manning Road access and associated danger experienced by residents in entering or leaving their homes by car. The Urban Design Plan considered this concern and identified that Access Laneways (whether these be roads or rights-of-way) are the most appropriate design response. No comments received indicated that individuals were specifically against the concept of a rear laneway as an alternative access for Manning Road properties. Of the five tables, three of them provided comments in favour of the rear laneway concept, with two of these raising concerns over security issues and another suggesting that the laneway terminate before Garvey Street so it would not affect properties apart from those abutting Manning Road.

The Final Urban Design Plan maintains the rear laneway concept from Conlon Street through to Garvey Street and a service road along the front of Manning Road properties between Garvey and McKay streets. When these matters were presented to the workshop the reasons for these access options were explained and the associated benefits and drawbacks of each option were also covered.

The following reasons explain the consideration of options by the Community Design Review Panel and the consultants:

- *Consideration was given to aligning the laneway within the public reserve, however ultimately the laneway is indicated on private land for two main reasons. Firstly, to ensure that this option did not reduce the area allocated to open space. Having the laneway on the reserve would reduce the width of the entrances to the public open space off Conlon and Garvey Streets considerably, reducing already narrow openings and bringing cars and pedestrians in close proximity to together. Secondly, it is important to make a direct connection to Garvey Street to ensure that all lots accessed from Manning Road can access the laneway. Placing the laneway in the reserve would not allow this to occur and the remaining houses would still be disadvantaged by access onto Manning Road. In addition, removing open space disadvantages the community as a whole for the benefit of a small number of landowners (as opposed to a community wide benefit).*

- *A front and rear option was presented to the Community Design Review Panel and after debating the advantages and disadvantages of each, they selected (as representatives of the community) the rear alignment as the preferred option. In the case of Manning Road properties between Garvey Street and McKay Streets a rear laneway could not be achieved due to the irregular alignment of the rear boundary.*
- *Recognising that the laneway was likely to be unpopular with some landowners the dimensions recommended are the minimum width of 3 metres with 5 metre passing bays. This is considered adequate for most service vehicles and low-volumes of local traffic. (Most domestic driveways are much less than 5 metres and usually less than 3 metres in width).*
- *For the laneway to provide direct and convenient access and safe vehicle manoeuvres it was agreed it should connect directly to Garvey Street rather than loop in a more circuitous and less safe and indirect manner through the park and adjacent to child play areas. A cul de sac laneway would be less convenient and require a much wider laneway to permit two-way and service vehicle traffic and turn-around areas.*
- *The rear alignment addresses concerns raised by some officers within the City of South Perth in relation to the visual effect of garages in reduced setback areas along Manning Road. The City of South Perth consider Manning Road as a key gateway to the City and are actively working to improve the visual amenity of the streetscape.*
- *Security issues can be addressed through effective built form design through Crime Prevention Through Environmental Design (CPTED) initiatives, such as passive surveillance and territorial enhancement to discourage undesirable behaviour.*
- *Terminating the laneway before Garvey Street as suggested is not considered to be a desirable design option. Closing the laneway from one end will effect efficient traffic flow and has the potential to actually increase security issues (more difficult emergency vehicle access, less visual continuity, increased enclosed space). Allowing free traffic flow along the laneway will increase surveillance and reduce opportunities for undesirable behaviour.*
- *Terminating the laneway before Garvey Street as suggested will leave three properties that are still required to directly enter and exit into Manning Road traffic. The proposed laneway was developed in direct response to expectations by the community for improved (safer) access arrangements.*
- *In regards to the effect the proposed rear laneway may have on properties not currently accessed from Manning Road, it was noted that the opposition was in relation to land values and future potential of the properties in question. Significant development incentives are provided for within the Urban Design Plan and Urban Design Guidelines to ensure that the value of the properties and development potential would not be significantly diminished by the implementation of the laneway.*

The Urban Design Plan and Design Guidelines will include specific measures regarding the rear laneway that will ensure that appropriate urban design outcomes are achieved that provide the community with a safe and attractive built environment.

Options

The City’s Town Planning Scheme No. 6 clause 6.6 (2) states :

- (2) *Vehicular access to and from lots which abut Manning Road shall be:*
 (a) *confined to the minimum necessary in the opinion of the Council for orderly traffic movement; and*
 (b) *designed in such a manner as to facilitate entry onto the road in a forward gear.*

This scheme clause demonstrates that even under existing density coding, access onto Manning Road is an issues. Any options that are considered for this area that increase development potential must restrict access onto Manning Road. Manning Road is a District Distributor road which already suffers considerable congestion at peak times. The afternoon peak sees traffic building up along this portion of Manning Road as cars queue to turn right into Centenary Avenue, leaving only one lane for traffic travelling through the Centenary Avenue intersection eastwards. The new Cygnia Cove access point will exacerbate this situation further. The planning of new development for Waterford Triangle cannot allow multiple access points with increased car numbers as this will further decrease the efficiency of Manning Road.

Although the petition seeks to have the City consider alternative designs, it is really the community that should consider any alternative design as the current design has been community driven and recommended by the Community Design Review Panel as representatives of the community.

Possible new options for community input in relation to vehicular access for properties fronting Manning Road between Conlon and Garvey Streets, include the following:

1. Rear laneway is achieved through easements rather than purchase of land

| Reasons For | Reasons Against (in regard to petition) |
|---|---|
| ✓ No impact on Public Open Space | ✗ Would require outbuildings to be demolished |
| ✓ Provide safe alternative access for Manning Road properties | ✗ Would require cooperation of landowners |
| ✓ More “eyes on the park” will enhance safety | ✗ Would involve loss of trees |
| ✓ Would not involve resumption of private land | ✗ May inhibit development as timing of developments will differ and the rear laneway would need to be provided prior to any redevelopment occurring |
| | ✗ Would create through road to Garvey St |

2. Rear laneway is located partially on the reserve (POS) and partially on private properties along the same route as previously endorsed. (Note: In the endorsed proposal the laneway was situated on private land other than for the portion forming the entrance from Conlon Street.)

| Reasons For | Reasons Against (in regard to petition) |
|---|---|
| ✓ Provide safe alternative access for Manning Road properties | ✗ Would involve possible loss of trees |
| ✓ Less use of private property and the resulting reduction in development entitlements for landowners | ✗ Would require some outbuildings to be demolished |
| ✓ More “eyes on the park” will enhance safety | ✗ Would create through road to Garvey St |
| | ✗ May inhibit development as timing of developments will differ and the rear laneway would need to be provided prior to any redevelopment occurring |

3. Front laneway or easement rather than rear laneway

| Reasons For | Reasons Against (in regard to petition) |
|--|---|
| <ul style="list-style-type: none"> ✓ No loss of buildings and very little vegetation affected ✓ Provide safe alternative access for Manning Road properties ✓ Only affects those properties that the laneway benefits ✓ Possibly no through road to Garvey Street ✓ Could be integrated into design of front accessway between Garvey and McKay Streets | <ul style="list-style-type: none"> ✓ Would involve possible resumption of private land and the resulting reduction in development entitlements for landowners ✗ Potential for dominant garages on Manning Road - Comprehensive Design Guidelines required. ✗ May result in less attractive streetscape with the front laneway being parallel to Manning Road ✗ May inhibit development as timing of developments will differ and the alternative accessway would need to be provided prior to any redevelopment occurring |

Theoretically there are various other options, however, for reasons outlined in the consultant's report above, these are the only additional options that will fulfil the requirements of:

- Safe alternative access for all Manning Road properties that don't currently have alternative access
- Safe vehicle manoeuvres and free flow of traffic on laneway.

The option presented by a planning consultant on behalf of the owner of 13 Garvey Street at the December 2010 meeting at **Attachment 10.0.1(c)** has been assessed but is not supported for the following reasons:

- The route is meandering and inconvenient for users - the curves will require greater land-take;
- The route relies on the Council purchasing a property on Manning Road (currently 231 Manning Road). Although an important part of the *Urban Design Plan*, the cost of this element is not yet known. This property would need to be secured by the City before any of the properties along Manning Road could redevelop under the final *Urban Design Plan and Design Guidelines* when integrated into TPS6 as Scheme provisions.

The comments from the petitioners in regard to 'rat running' and 'hooning' through the laneway are not considered valid, given its proposed width of 3m, the proposed one-way movement, probable speed reduction treatment and its location (exiting into a cul de sac) not being a convenient shortcut or 'rat run' to any particular destination.

The comments from the petitioners regarding loss of outbuildings, do not take into account that with the redevelopment of properties, outbuildings will need to be removed.

Consultation

Any options for amendment to the currently endorsed Waterford Triangle *Urban Design Plan and Design Guidelines* will require further community engagement. The engagement could take place now, or upon finalisation of the estimated costs for the Water Sensitive Urban Design and other infrastructure changes.

Policy and Legislative Implications

The further planning for the locality will involve amendments to the Town Planning Scheme and a new Local Planning Policy.

Financial Implications

The financial implications of the plan are currently being determined and will provide the basis for further consultation with landowners in due course.

Strategic Implications

This matter relates to the following Strategic Directions identified within the Council's Strategic Plan and identified in the following terms:

- **Strategic Direction 2 “Environment”** : *“Improve streetscape amenity whilst maximising environmental benefit.”*
- **Strategic Direction 3 “Housing and Landuses”** : *“Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.”*
- **Strategic Direction 4 “Places”** : *“Plan and Develop safe, vibrant and amenable places.”*
- **Strategic Direction 5 “Transport and Infrastructure”** : *“Ensure the City provides appropriate levels of pedestrian amenity.”*

Sustainability Implications

Providing opportunities for appropriate housing types for a variety of households will increase the sustainability of the area.

In addition, the design guidelines have been formulated to improve energy efficiency of dwellings, design for renewable energy and water recovery and reuse.

The road reserves are proposed to be reclaimed for Water Sensitive Urban Design features and this area could become a showcase for this type of sustainable development within the City.

OFFICER RECOMMENDATION ITEM 10.0.1

That....

- (a) community engagement and consultation be commenced to discuss and compare Options 1 to 3 as contained within report Item 10.0.1 of the August 2011 Council Agenda, and the currently endorsed *Waterford Triangle Urban Design Plan and Design Guidelines*;
- (b) the outcomes of the consultation be used in the future planning for the Waterford Triangle area; and
- (c) the Petitioner be advised accordingly.

MOTION

Cr Best moved the officer recommendation, Sec Cr Cridland

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best Opening for the Motion

- have attended Workshops with a lot of participation from the community
- acknowledge the great deal of input / conversation about this part of the City
- acknowledge there is still a lot of conversation to come
- commend Motion

Cr Cridland for the Motion

- seconded the Motion for debate
- believe Amendment proposed by Cr Ozsdolay to be superior

AMENDMENT: CR OZSDOLAY

That the officer recommendation, be amended at part (a) to insert, after the word *Agenda*, the following additional words - ***all matters relating to resumption/purchase of land.***

Part (a) now reads:

- (a) community engagement and consultation be commenced to discuss and compare Options 1 to 3 as contained within report Item 10.0.1 of the August 2011 Council Agenda, all matters relating to resumption/purchase of land and the currently endorsed Waterford Triangle Urban Design Plan and Design Guidelines:

Note: The Mover and Seconder concurred with the Amendment to the Motion.

Cr Ozsdolay Opening for Amended Motion

- believe that this issue is of particular importance
- 35 petitioners in a very small pocket of the city have expressed concern
- predicament of 231 Manning Road should be addressed now ie either the acquisition be removed from the plan or the purchase proceed forthwith
- issues raised by petitioners and 231 Manning Road were raised with some vigour at the community consultation but no changes were made
- very late in the planning stage it was suggested local residents be required to pay for land acquisition - believe there is little awareness of this
- important we do back to the community - advise residents there is a cost
- paying for land acquisition appears to be a departure from normal re-zoning practice
- urge Councillors support Motion

COUNCIL DECISION ITEM 10.0.1

The Mayor put the Motion

That....

- (a) community engagement and consultation be commenced to discuss and compare Options 1 to 3 as contained within report Item 10.0.1 of the August 2011 Council Agenda, all matters relating to resumption/purchase of land and the currently endorsed *Waterford Triangle Urban Design Plan and Design Guidelines*;
- (b) the outcomes of the consultation be used in the future planning for the Waterford Triangle area; and
- (c) the Petitioner be advised accordingly.

CARRIED (12/0)

Reason for Change

Council were of the view that it was important to include in the community consultation *all matters relating to resumption/purchase of land.*

10.0.2 South Perth Railway Station Business Case

Location: City of South Perth
Applicant: Council
File Ref: TT/306/2
Date: 3 August 2011
Author: Phil McQue, Manager Governance & Administration; and
Vicki Lummer, Director Development & Community Services
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report considers the community consultation feedback on the South Perth Railway Station Business Case and recommends that the Council authorise the Chief Executive Officer to progress the funding and construction of the South Perth Railway Station with the Western Australian State Government.

Background

The Council in November 2010 considered the South Perth Railway Station Business Case consultants report. This business case, which included significant consultation with key stakeholders, assessed a number of options and considered the economic and environmental feasibility for construction of the railway station.

Four options were considered in the Business Case, including no station, a Public Transport Authority station design, a commercial development station design and a mixed use development station design.

The two later options were based on the premise of a significant building being constructed on the northwest corner of Richardson Park with minor encroachment onto the closed road reserve section of Melville Parade.

Option 3(a) proposes a built form of approximately four stories, with 10,000sqm of commercial space and no residential use.

Option 3(b) proposes a mix of commercial and residential, with a higher density and built form of up to twelve stories, with 14,400sq.m of residential space and 4,000sq.m of commercial space.

The Council resolved

(a) the City develop the concept further for Options 3(a) and 3(b) as identified in report Item 10.5.1 of the November 2010 Council Agenda and conduct community consultation to seek community views on the proposals; and

(b) should the concept options be favourably received by the community and that no loss of function be found for Richardson Park users; that a preferred option with its Business Case be provided to the WA State Government to demonstrate the viability of a station and to have the South Perth Railway Station reinstated on the forward estimates and constructed as a matter of urgency.

Comment

A total of thirteen submissions were received during the community consultation period which are summarised below, followed by a comment from the City in italics. A detailed schedule of the submissions is at **Attachment 10.0.2**. Of the thirteen submissions received, the breakdown was:

- Opposing (seven)
- Conditionally Supporting (two)
- Supporting (four)

Opposing

- Potential damage to the wildlife which rely on the habitat within the Milyu Nature Reserve and Marine Park (Swan Estuary Reserves Action Group submission). *It is difficult to see how either of these options would adversely impact the wildlife in Milyu Nature Reserve and Marine Park.*

- Fear of commuter parking cluttering surrounding streets. *The railway station is proposed to be a destination station and not a park and ride station. Notwithstanding, there is ample parking available in the vicinity.*
- Need for more residents' parking in the streets (overflow parking). *There is ample parking available within the Richardson Precinct Reserve for residents to use.*
- Fear of spoiling Richardson Park for residents' enjoyment. *Both options propose only a small portion of Richardson Park in the north west corner adjacent to the Kwinana Freeway, and there would be minimal impact on the enjoyment to users of Richardson Park.*
- Adequate coverage of public transport in the precinct already. *The City is of the view that the level of public transport service, frequency and routes could be significantly improved, especially given its close location to Perth and surrounds.*
- Need for a CAT service within the City. *The City would support the introduction of a State Government funded CAT Service within the City to support and service the proposed South Perth Railway Station and the Canning Bridge Railway Station.*
- Low priority need for a station. *The City considers the South Perth Railway Station to be of a high priority for its residents and believes the community would benefit greatly by improving transport options and access and reducing traffic and parking congestion in the area.*
- Significant cost (\$30m) to provide a station for Zoo patrons - are the Zoo contributing to meeting the cost? *The railway station would provide a service for all residents and visitors to the City, not just zoo patrons.*
- Poor consultation beyond precinct owners. *The City advertised this community consultation process across the entire district via the Southern Gazette on 22 March 2011 and 19 April 2011 and also via the website.*
- Building height of proposals, the lower the better. *The City is of the view that the proposed heights of both options are in line with the character of the immediate area in question.*
- Climate change needs to be taken into account. *The City is of the view that the South Perth Railway Station would assist climate change by increasing public transport options for the community whilst reducing traffic and parking congestion thereby reducing carbon emissions and the like.*

Supporting

- Option 3b would facilitate the creation of modern, large iconic buildings and sustainable mixed use development.
- Will facilitate world class high quality commercial space.
- Supportive as it would bring additional rates revenue to the Council and reduce rates for local residents.

Main Roads Submission

Main Roads advised that they did not support the proposal and are of the view that a full ten year traffic impact assessment is required before any further comment can be made. However their submission relates to Amendment 25 rather than the two proposed options being considered by the Council. In particular, their submission refers to high rise development above the proposed railway station. Their comments and City response in italics is detailed below.

Main Roads' need for a traffic study for the precinct. *Main Roads submission refers to high rise being built on top of the South Perth Railway Station. This is not an option being considered by the Council as part of this consultation.*

Main Roads' comment that there will be "extreme traffic disruption" during construction and the need to manage this. *Main Roads submission refers to high rise being built on top of the South Perth Railway Station. This is not an option being considered by the Council as part of this consultation process.*

Stakeholder Meetings

Given the low level of submissions received, the City initiated one on one meetings with the immediately surrounding key stakeholders, Perth Zoo, Royal Perth Golf Club, South Perth Cricket Club and Wesley South Perth Hockey Club during June 2011.

Meeting with Perth Zoo

The City met with the Perth Zoo Chief Executive Officer and Business Development Coordinator on Tuesday 21 June 2011. The Zoo advised that they were very supportive of the South Perth Railway Station being constructed and recognised that zoo patrons would be the primary beneficiaries and users of the railway station. The Zoo recognised the considerable work being undertaken by City and appreciated that such a development would be required in order to demonstrate the feasibility and justification of a railway station in South Perth.

The Zoo did not indicate a preference for an option and would support either commercial or residential uses on the site. The Zoo did request that should the railway station be built, they would prefer that a covered walkway be constructed the length of Richardson Street to ensure that zoo patrons are protected from the weather and that bike racks also be constructed for zoo employees. *The City indicated that both of these items would be considered as part of any future planning for the South Perth Railway Station.*

Meeting with Royal Perth Golf Club

The City met with the Royal Perth Golf Club Chief Executive Officer on Monday 20 June. The Golf Club advised that their potential issues with the proposed South Perth Railway Station were parking and safety.

The Golf Club advised that parking for their members is already limited and although the station is not a "park and ride" station, they were of the view that parking demand in the vicinity would increase and place additional pressure on the club members car park.

They also expressed a view that the increased pedestrian traffic from south of the Golf Club towards the station, along Melville Parade and Labouchere Road, would potentially increase vandalism at the golf course and member's vehicles.

There was also concern with the potential for increased number of pedestrians using Melville Parade and associated safety issues with golf balls coming from the course onto the footpath. The club is currently investigating this issue with netting or additional trees being a possible mitigation of this problem.

The Golf Club did not indicate a preference for a particular option as the buildings would not have a direct impact on them, although they expressed a view that any potential building should adequately cater for parking to alleviate potential parking problems into the future. *The City in July 2011 resolved to provide Royal Perth Golf Club patrons with free parking every Tuesday, Wednesday and Thursday (excluding school holidays) for a twelve month trial.*

Meeting with Wesley South Perth Hockey Club

The City met with the Wesley South Perth Hockey Club President, Past President, Treasurer and Facilities Manager on Thursday 16 June 2011. The Hockey Club expressed conditional support for the business case and did not have a preference in respect to the options presented.

The Hockey Club expressed a view that this provided an opportunity for the sporting precinct to be reviewed in terms of oval layout and functionality. The Club said it would conditionally support any proposed development, subject to the City providing one artificial turf wicket, estimated to cost approximately \$800,000. The Club indicated that any construction works would not be an issue given their location from the proposed development sites. The Hockey Club also provided a written submission stating conditional support for the proposed options canvas on the basis that the City would fund and provide an artificial turf playing field as compensation for Richardson Park losing one playing field.

The City has not yet determined a position on this matter given that this is only at conceptual stage. The City may consider undertaking a masterplan review of Richardson Reserve in the future should this project proceed to planning stage.

Meeting with South Perth Cricket Club

The City met with the South Perth Cricket Club President on Wednesday 15 June 2011. The Cricket Club said it would be supportive of either option, however expressed considerable concern with construction issues and the impact it would have on the club given their location.

With the Cricket Club being a Western Australian Cricket Club member, it is required to maintain two functioning cricket grounds for six months every year. The Club expressed the view that the construction footprint would impact on the western oval and they would not be able to use this oval for at least two cricket seasons, impacting considerably on their operations.

The Club require two side by side ovals six months a year with turf wickets. The Club said that moving the western oval in an eastward/south direction would not alleviate their concerns, as a turf wicket needs 18 months preparatory work.

The Club said that they would not have any potential shadowing issues with either the proposed four storey or twelve storey building adjacent to their western oval.

The City indicated that this project is only at a conceptual stage and that it would take these concerns and issues on board in any future considerations.

Consultation Summary

Following a review of the submissions received and the discussions held with key stakeholders, the City is of the view that there is general support for the progression of the South Perth Railway Station Business Case. The City also recognises that this business case is essential to increasing the feasibility and justification for a proposed railway station in South Perth.

Concept Options Conclusion

It is recommended that Option 3 b is used by the City to lobby government as the 12 storey, mixed use development most closely aligns to the development that is proposed in the South Perth Station Precinct scheme amendment for the opposite side of Richardson Street. It is proposed that the northern side of the street have a minimum height of 41 metres (12 storeys) on the corner facing the station and 25 metres (8 storeys) along the length of Richardson Street. Further, this area is part of the Special Design Area which will allow unlimited height subject to meeting the performance criteria.

The mixed land use development also complements the provisions requiring ground floor commercial development in the precinct, but permitting residential above.

To limit the development on Richardson Reserve to 4 storeys in height would be out of context with the precinct and be a missed opportunity that would also compromise the viability of the railway station.

Additional reasons for choosing option 3b are:

- During community consultation no objections were raised specifically to this option;
- The estimated land value for this option are highest - allowing a greater incentive to build the station

It is therefore recommended that the City actively lobby the Western Australian State Government with a view to having the South Perth Railway Station reinstated on their budgetary forward estimates and the station funded and constructed as a matter of priority.

Consultation

The City postponed the community consultation on the South Perth Railway Station business case due to the timeframe being too close to the Christmas Holiday period and the consultation would have conflicted with the community consultation occurring in relation to Amendment No. 25.

The City invited community consultation on Option 3(a) and 3(b) from 22 March 2011 to 29 April 2011, a period of 39 days with advertisements in the Southern Gazette on 22 March 2011 and 19 April 2011 as well as being displayed on the City's website and public notice boards.

Policy and Legislative Implications

The South Perth Railway Station Business Case supports the recently developed South Perth Station Precinct Plan. There are no legislative implications in respect to this matter at this time.

Financial Implications

Any proposed railway station in South Perth would be funded by Commonwealth or State Government funding, with no funding proposed from the City of South Perth.

Strategic Implications

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

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

Sustainability Implications

The proposed South Perth Railway Station would have considerably positive sustainability implications including increased usage of public transport and less usage of private vehicles.

OFFICER RECOMMENDATION ITEM 10.0.2

That the Council note the findings from the South Perth Railway Station Business Case Community Consultation and authorise the Chief Executive Officer to progress the South Perth Railway Station Business Case (Option 3b) with the Western Australian State Government.

OFFICER RECOMMENDATION ITEM 10.0.2

Cr Best Moved the officer recommendation. Lapsed for Want of a Secunder. LAPSED

MOTION

Moved Cr Grayden, Sec Cr Skinner

That.....

- (a) the officer recommendation not be adopted and that Item 10.0.2 of the August 2011 Council Agenda be deferred to a future Council Meeting following the completion of (b) to (d) below;
- (b) a workshop be conducted involving Councillors and City Officers to determine an effective method of determining community support or otherwise for the South Perth Train Station Business case (Option 3b) ;
- (c) in accordance with the outcomes of (b) above a City-wide community consultation process be developed and conducted to determine the level of community support or otherwise for the South Perth Train Station Business case (Option 3b); and
- (d) a report be prepared for Council incorporating the results of the community consultation described in (c) above.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Grayden Opening for the Motion

- concerned how we reached the decision we did with current recommendation
- current recommendation is premised on 'general support' for a South Perth train station
- submissions received from residents do not indicate general support for a train station
- results of a recent survey conducted by Member for Swan do not indicate general support for a train station.
- Option 3b proposes development of high rise on a portion of Richardson Park as a means of encouraging the State Government to include a train station in its plans, where it does not currently exist.
- train station will be primarily of benefit to the Zoo and commercial operations within the precinct, with only indirect benefits to our current residents and ratepayers
- community response to proposed development of Richardson Park to date has been limited.
- lack of response is a result of the inherent limitations of methods of consultation to date.
- before making a decision with such long term/important implications for the City, Council should be confident that the community supports the proposal
- ask Councillors support Alternative Motion

Cr Skinner for the Motion

- endorse Cr Grayden's comments
- support Alternative Motion

C Skinner point of clarification - the report on Item 10.0.2, under the heading Funding Implications, states none, however the sporting groups involved all have a "wish list" - is that part of our responsibility? The CEO stated that it is exactly as stated - nothing more than a "wish list" at this stage.

Mayor Best against the Motion

- remind everyone of the long and comprehensive consultation process since 2009
- two community meetings held in 2009 - consultation letters and information sheet sent to over 900 owners in relation to Proposed Amendment No. 25 to TPS6 to increase density
- proposed Amendment advertised in Peninsula Snapshot twice - how much more consultation do we need to do
- Amendment considered at Council meeting April 2011 - people supported the need for improved public transport - acknowledge submissions received were of mixed views - some in the area raised concerns but equally we received positive submissions
- acknowledge there were over 700 owners who did not respond / make a submission

- acknowledge difficult choices need to be made about the provision of future infrastructure
- does the financial implications of not expanding the public transport network mean widening more roads, expensive property acquisitions and increasing traffic congestion
- if we do not proceed with light rail does this mean putting another lane on Canning Highway and Manning Road - does this mean more traffic congestion
- our 'visioning' outcomes were for affordable housing close to public transport and to live close to work
- if we rely on traditional funding mechanisms expansion of our public transport infrastructure will be slow and not keep up with demand
- many successful applications for light rail funding under Commonwealth Infrastructure Australia funding opportunities are a partnership between local government and state government
- WA has in the past heavily relied on road submissions at the expense of public transport submissions - we are now going back to re-connect our community with good public transport
- the question of community engagement must be based on an assumption people read the mail sent to them
- understand some people already living in the area are concerned, however the City's role is to plan for the future
- do not believe we need another Workshop at this stage
- urge Councillors vote against the Alternative Motion

Cr Ozsdolay for the Motion

- supportive of a railway station but not going to ignore ratepayers
- State Government has told us - forget the railway station in the foreseeable future
- suggest we go back to the community and get their support
- support the Motion

Cr Hasleby for the Motion

- there has been reference to a recent survey conducted by Steve Irons MP
- summary of survey:

Cr Hasleby read aloud the summary of the South Perth Train Station survey, as follows:

- *A majority of responders are against a South Perth Train Station*
- *Of those against, the major reason was the City of south Perth's proposal to link the future construction of a station to a density and land intensification plan*
- *Other concerns included a potential for higher crime rates in areas surrounding train stations, congestion and parking issues and a loss of the sense of the village community lifestyle in South Perth*
- *Some were in favour of a station in principle and said they would use it. However many of these residents were uncomfortable with elements of the Council's density strategy as the means of achieving a station.*
- support Motion

Cr Best against the Motion

- cohesive set of values
- we speak about the CoSP having no economy and about increased traffic
- we have a set of values expressed as a 'village feel'
- we value our sporting clubs - have spoken with clubs in Judd /Richardson Street Precinct
- acknowledge there are residents who have expressed concerns
- the business sector overwhelmingly want cars off the roads
- in speaking against the Motion I am speaking about making a logical decision
- believe a railway station is part of the development of South Perth
- would not expect residents of Mill Point to comment on Manning Hub proposal - similarly those residents from Manning would not comment on the Mill Point Precinct

Cr Ozsdolay point of order - residents are able to comment on all issues within the City of South Perth. The Mayor said he believed the comment referred to the level of interest not the ability to comment

- we have been asked for a Business Case to support a train station
- support officer recommendation
- against the Motion to defer

Cr Cala for the Motion

- appears to be a lot of confusion - issue is not whether we should have a station but whether we should trade-off part of Richardson Park to the State Government
- we have already paid for realignment of the line if we want a station'
- State Government responsibility to pay for a station - not up to City to sacrifice a section of Richardson Park in order to achieve a railway station
- believe this is a proper process to allow residents to have a say
- proposal here is a 'sweetener' for them to go ahead sooner
- support Motion to defer

Cr Grayden closing for the Motion

- Cr Cala has summed up the situation
- sporting groups are important but our primary concern is the residents' issues
- part of our visioning included transport options and train station
- had it been presented as a train station dependant upon giving up part of Richardson Park

Mayor Best point of order - this was highlighted in the presentations

- original letters to ratepayers did not highlight /link high rise on Richardson Park
- do not need to trade-off part of Richardson Park for a train station

COUNCIL DECISION ITEM 10.0.2

The Mayor put the Motion

That.....

- (a) the officer recommendation not be adopted and that Item 10.0.2 of the August 2011 Council Agenda be deferred to a future Council Meeting following the completion of (b) to (d) below;
- (b) a workshop be conducted involving Councillors and City Officers to determine an effective method of determining community support or otherwise for the South Perth Train Station Business case (Option 3b) ;
- (c) in accordance with the outcomes of (b) above a City-wide community consultation process be developed and conducted to determine the level of community support or otherwise for the South Perth Train Station Business case (Option 3b); and
- (d) a report be prepared for Council incorporating the results of the community consultation described in (c) above.

CARRIED (10/2)

Reason for Change

Council were of the view that submissions received from residents within the precinct do not indicate general support for a train station and therefore supported further consultation.

10.0.3 Review of Elected Member Representation and Ward Boundaries (Item 10.6.6 referred from May 2011 Council Meeting)

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 9 August 2011
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report considers the outcome of the statutory public consultation in relation to the review of the City's elected member representation and ward boundaries. The report recommends that the Council make a submission to the Local Government Advisory Board abolishing the existing ward boundaries and creating four new wards, and reducing the number of offices of councillor from twelve to eight by recommending that all offices of councillors (excluding the Mayor) be declared vacant at the 2013 Ordinary Elections, where elections will then be held for the eight vacant positions.

Background

The State Government initiated the voluntary local government reform process in 2009 with a view to creating a stronger more sustainable local government sector in the future. One of the four reform initiatives was for each Council to consider "*reducing the number of elected members to no more than six to nine per council*".

The City of South Perth's September 2009 Local Government Reform Submission to the Minister for Local Government resolved that the Council's preference was for the number of elected members to be reduced from thirteen to nine, comprising eight elected members utilising a ward system and a Mayor, elected at large.

The Minister for Local Government subsequently wrote to the City of South Perth in September 2010 outlining the ward and representative process involved for the City to reduce its elected members from thirteen to nine, with a view to coming into effect for the 2013 ordinary local government elections. The Council again reconfirmed its position to the Department of Local Government, advising of its preference for eight elected members and a Mayor elected at large.

The Council considered a comprehensive Discussion Paper reviewing the elected member representation and ward boundaries in May 2011 and resolved the following:

That Council...

- (a) *endorse the Review of Ward Boundaries and Representation Discussion Paper May 2011;*
- (b) *agree to undertake a review of the City of South Perth ward boundaries and representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- (c) *endorse Option 2 (four wards with two Elected Members per Ward with one Mayor elected at large) as the preferred option;*
- (d) *invite public submissions from 28 May 2011 to 11 July 2011; and*
- (e) *consider all submission and make a determination on the Review in August 2011.*

Comment

Elected Member Representation

The Discussion Paper released for public consultation considered reducing the number of elected members to a number between six and nine in line with State Government policy. It is recommended that the Council reduce the number of elected members from thirteen to nine as there is strong anecdotal evidence that reduced elected member representation still provides strong balanced representation whilst resulting in more effective and efficient decision making, governance savings and better value for money service delivery.

The advantages of reducing elected member representation include:

- Decision making may be more effective and efficient
- Reduction in cost of governance overheads, including less meeting fees, allowances, reimbursements, conferences etc (estimated saving of \$50,000)
- Potential for stronger team spirit and team work
- Potential to lead to greater interest in elections and more candidates

Reducing representation by four elected members on the South Perth Council would increase the elected member / elector ratio from 1 : 2118 to 1 : 2824, an increase of approximately 32%. This still represents a higher representational balance in comparison to the metropolitan 'City' local governments (inclusive of Mayor), which averages 1 : 4280.

| Number of Elected Members | Elected Member : Elector Ratio |
|----------------------------------|---------------------------------------|
| 13 | 1 : 1955 |
| 12 | 1 : 2118 |
| 11 | 1 : 2311 |
| 10 | 1 : 2542 |
| 9 | 1 : 2824 |
| 8 | 1 : 3177 |
| 7 | 1 : 3631 |
| 6 | 1 : 4237 |

Ward Boundary Review Options

The Discussion Paper also considered in detail four options on the ward boundary review, based on eight elected members and a Mayor elected at large. The Discussion Paper considered the advantages and disadvantages of each option listed below.

OPTION 1 – Eight Wards with One Elected Member Per Ward



| WARD | SUBURBS | ELECTED MEMBERS | ELECTORS | ELECTED MEMBER : ELECTOR RATIO | % RATIO DEVIATION |
|------------------|-------------------------|-----------------|---------------|--------------------------------|-------------------|
| 1 | South Perth | 1 | 3494 | 1 : 3494 | 0.09% |
| 2 | South Perth | 1 | 3443 | 1 : 3443 | 0.08% |
| 3 | Kensington | 1 | 2860 | 1 : 2860 | -0.09% |
| 4 | Como | 1 | 2947 | 1 : 2947 | 0.07% |
| 5 | Como | 1 | 3524 | 1 : 3524 | 0.10% |
| 6 | Como Salter Point | 1 | 3083 | 1 : 3083 | -0.02% |
| 7 | Manning Salter Point | 1 | 3163 | 1 : 3163 | -0.004% |
| 8 | Karawara Manning | 1 | 2908 | 1 : 2908 | -0.08% |
| CITY WIDE | | 8 | 25,422 | 1 : 3177 | |

OPTION 2 – Four Wards with Two Elected Members Per Ward



| WARD | SUBURBS | ELECTED MEMBERS | ELECTORS | ELECTED MEMBER : ELECTOR RATIO | % RATIO DEVIATION |
|------------------|--|-----------------|---------------|--------------------------------|-------------------|
| Mill Point Ward | South Perth | | | | |
| | TOTAL | 2 | 6,994 | 1 : 3497 | .10% |
| Manning Ward | Karawara Manning Salter Point Waterford | | | | |
| | TOTAL | 2 | 6,268 | 1 : 3134 | -0.01% |
| Moresby Ward | Como Kensington | | | | |
| | TOTAL | 2 | 5,919 | 1 : 2959 | -0.06% |
| Como Ward | Como Salter Point | | | | |
| | TOTAL | 2 | 6,241 | 1 : 3120 | -0.01% |
| CITY WIDE | | 8 | 25,422 | 1 : 3177 | |

OPTION 3 – Two Wards with Four Elected Members Per Ward



| WARD | SUBURBS | ELECTED MEMBERS | ELECTORS | ELECTED MEMBER : ELECTOR RATIO | % RATIO DEVIATION |
|------------------------|--|-----------------|---------------|--------------------------------|-------------------|
| Mill Point/Como Ward | South Perth Como Salter Point | 4 | | | |
| | TOTAL | 4 | 13,238 | 1 : 3309 | 0.04% |
| Moresby / Manning Ward | Como Kensington Karawara Waterford Manning Salter Point | 4 | | | |
| | TOTAL | 4 | 12,184 | 1 : 3046 | -0.04% |
| CITY WIDE | | 8 | 25,422 | 1 : 3177 | |

OPTION 4 – No Ward System

Ward Boundary Recommendation

Having reviewed all four options, Option 2 would seem to provide the most fair and representational balance. This option divides the district into four wards, Mill Point, Manning, Moresby and Como. The representational balance ratio deviation is within the Minister for Local Government's required 10% deviation.

The dividing of the suburbs of Como and Salter Point between the two wards diminishes the community of interest factor, however the division is required in order to achieve the option of four wards.

This proposal attempts to retain the respective community of interest within the four wards. As an example, the South Perth Railway Station Precinct is within the proposed Mill Point Ward and the Canning Bridge Station Precinct is within the proposed Como Ward.

It could be reasonably argued that the suburbs of Waterford, Manning, Salter Point together and to a lesser degree Karawara all have a distinct community of interest whilst the suburbs of South Perth, Kensington and Como together also have a distinct community of interest.

With the future expected growth to occur in the South Perth Railway Station Precinct, Canning Bridge Railway Station Precinct and Cygnia Cove, there is the possibility that the ratio deviation will alter into the future, but not before the 2013 ordinary elections.

Consultation

The review of elected member representation and ward boundaries was the subject of a Council workshop on 4 May 2011 and a report to the May 2011 Briefing Session and Council.

The City held a public submission period in excess of the statutory requirement of 42 days, from 28 May 2011 through to 14 July 2011, with notices placed on the City's website, advertisements published in the local Southern Gazette on 31 May 2011 and 14 June 2011 and advertisements also displayed on the City's various public notice boards throughout the district.

During the public submission period, a total of three submissions were received.

One submission strongly favoured the option of eight wards, with the view that this would better represent community of interest, prevent groups dominating Council, better align with physical and topographic features within the City, increase affordability for candidates, and provide a better ratio of elected members to the number of electors.

The second submission supported the reduction of elected members from thirteen to nine with no reasons provided and the third submission supported the reduction in elected members from thirteen to nine, with two elected members per four wards.

Policy and Legislative Implications

Schedule 2.2 of the *Local Government Act 1995* prescribes the requirements and process for undertaking a ward and representation review. The review process involves the following steps:

- Council resolving to undertake a ward and representational review
- 42 day public submission period on ward and representation review
- Council considering all submissions and relevant factors before making a decision
- Submission of a report to the Local Government Advisory Board for consideration
- The Local Government Advisory Board submitting a recommendation to the Minister for Local Government for determination.

When considering changes to ward boundaries, Schedule 2.2 of the *Local Government Act 1995* prescribes the factors that must be taken into account by the Council in their considerations:

- Community of Interest;
- Physical and Topographic Features;
- Demographic Trends;
- Economic Factors; and
- Ratio of Elected Members to Electors (maximum 10% variance ratio for elected members to electors)

As part of the legislative process, a draft submission to the Minister for Local Government on the review of Elected Member representation and Ward Boundaries has been prepared and is shown at **Attachment 10.0.3**

Financial Implications

There would be significant governance cost savings reducing from the present thirteen elected members to nine elected members from October 2013 onwards.

Strategic Implications

The proposal is consistent with Strategic Direction 6: ‘Governance’ of the 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

This Discussion Paper has been prepared directly in response to the Western Australian State Government Local Government Reform process, which is aimed at making the industry more sustainable and stronger into the future.

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3 |
|--|

That the Council proposes the Local Government Advisory Board:

- (a) receive its submission to the Local Government Advisory Board shown at **Attachment 10.0.3**;
- (b) abolish the existing Ward Boundaries and divide the district of South Perth into four wards (with boundaries as detailed in the map at Option 2) - in accordance with section 2.2(1) of the *Local Government Act 1995*;
- (c) name the four wards - Mill Point Ward, Manning Ward, Moresby Ward and Como Ward - in accordance with section 2.3 of the *Local Government Act 1995*;
- (d) reduce the number of offices of Councillor from twelve (12) plus a popularly elected Mayor to eight (8) plus a popularly elected Mayor, with two (2) offices of Councillor being designated to each ward - in accordance with section 2.18(3) of the *Local Government Act 1995*;
- (e) declare all offices of Councillor being vacant at the 2013 ordinary elections and elections held for the eight (8) vacant offices of Councillor; and
- (f) the Mayor elected at the 2011 ordinary elections continue the term of appointment until the 2015 elections.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Community Advisory Groups Annual Review

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | CS/701 |
| Date: | 1 August 2011 |
| Author: | Gina Nieuwendyk, Corporate Support Officer |
| Reporting Officer: | Phil McQue, Manager Governance & Administration |

Summary

The City has three Community Advisory Groups established by resolution of Council in accordance with Policy P112. Policy P112 requires the Chief Executive Officer to provide an annual report to Council detailing the activities and achievements of each group and reviewing its terms of reference. As the last report to Council was in July 2010, this report covers the period since that time.

Background

The City recognises the important role Community Advisory Groups play in providing advice to the City and the contribution that community members make in the decision-making processes of the City. Council may by resolution establish an advisory group for a particular purpose which is identified in the terms of reference. Policy P112 (formerly P502) was adopted by Council at its October 2002 meeting to formalise the arrangements for establishing new and reviewing existing advisory groups. Advisory Groups established under this policy are to be distinguished from committees established under the *Local Government Act*.

During this period under review, the City has operated a number of Advisory groups which draw their membership from the community. Currently the following Advisory Groups are in operation:

- (i) Sir James Mitchell Park Community Advisory Group (SJMPAG)
This group was established in June 2000 to oversee the implementation of the Sir James Mitchell Park Management Plan, jointly developed with the Swan River Trust.
- (ii) Community Sustainability Advisory Group (CSAG)
This group operated from 1999 to 2005 as the Environmental Advisory Group but was rebadged in February 2005 to give the group a more strategic focus on sustainability.
- (iii) South Perth Youth Network (SPYN)
This group operated from 1990 until 2009 as the South Perth Youth Advisory Council but was rebadged to give the group a more strategic focus on local issues affecting the City's youth.

Comment

Summary of Activities / Achievements

Sir James Mitchell Park Community Advisory Group (SJMP CAG)

The SJMP Community Advisory Group met six times during 2010/2011. Major projects the SJMP CAG were involved with providing advice to City officers during this time included:

- SJMP Flagpole project
- SJMP Master-plan development
- SJMP Promenade project
- Old Mill project - where it influenced SJMP
- SJMP Wayfinding project
- SJMP Tree Planting

The revised Terms of Reference can be found at **Attachment 10.1.1(a)**. These have been amended to better align with Policy P112 'Community Advisory Groups'.

Community Sustainability Advisory Group (CSAG)

In November 2010, the Community Sustainability Advisory Group (CSAG) provided feedback to the City's draft Climate Change Strategy 2010-2015, and draft Sustainability Strategy 2010-2015.

For most of the 2010-2011 year, the CSAG has met on a regular basis to provide input and feedback to the City's draft Sustainable Living Strategy. Three new members joined the group in March 2011.

A Community Fair was held in May 2011 as a community engagement exercise for the draft Sustainable Living Strategy, of which the CSAG, along with other members of the community, provided input, and attended on the day to engage with the community and provide information relating to the themes of the Fair.

The CSAG terms of reference can be found at **Attachment 10.1.1(b)**.

South Perth Youth Network (SPYN)

The SPYN is a team of young people who meet regularly to identify and discuss issues that are important to local young people and develop projects in response. It also provides a 'youth voice' in the City of South Perth consultations and occasionally external consultations. The group does not have a calendar of set meetings but usually meets every second Monday 5pm - 7:30pm at the City of South Perth offices.

The SPYN consists of 25 young people aged 13 - 25 years and the meetings are coordinated by one of the City's Community Development Officers.

In the past year, the SPYN have been involved in the following:

- Fiesta Fit and Fun day Skate Competition
- WA state skate competition
- Coordinated a 'youth area at Australia day festivities
- Act Now Youth Action Workshop 2010
- Planning for an upcoming secret event
- Producing a local teeny youth magazine
- Youth radio development and delivery
- 2011 youth week 'through my eyes' photography competition

The SPYN information guide can be found at **Attachment 10.1.1(c)**.

Consultation

The City officers responsible for supporting each of the advisory groups were approached to provide the information in this report.

Policy and Legislative Implications

The City has established community advisory groups in accordance with Policy P112.

Financial Implications

The operation of community advisory groups has a minimal financial impact on the operation of the City.

Strategic Implications

The report aligns to Goal 1 in the City's Strategic Plan "*Create opportunities for safe, active and connected community.*"

Sustainability Implications

The creation of advisory groups contributes to the City's sustainability by promoting effective communication and community participation.

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1 |
|--|

That Council....

- (a) receive the report on the City's Community Advisory Groups and the terms of reference; and
- (b) acknowledge the 'Groups' contribution to the success of the City's operations.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT
Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

| |
|--|
| 10.3.1 City's Submission on Proposed Changes to Residential Design Codes 2010 |
|--|

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Department of Planning, Western Australia |
| File Ref: | LP/1001 |
| Report date: | 1 August 2011 |
| Author: | Rajiv Kapur, Manager Development Services |
| Reporting Officer: | Vicki Lummer, Director Development and Community Services |

Summary

The Department of Planning has invited all stakeholders involved in residential design and development within WA, to make a submission on the proposed changes to the currently operative Residential Design Codes 2010. The attached comments at **Attachment 10.3.1** have been prepared following a review of the proposed changes, and will form the City's submission to the Department of Planning. Officers recommend that Council endorses the City's submission for lodgement with the Department of Planning by 31 August 2011.

This report includes the City of South Perth submission shown as **Attachment 10.3.1**.

Background

The Residential Design Codes 2010 (R-Codes 2010) prepared by the Western Australian Planning Commission control all forms of residential development, from single houses to multi-unit developments. The R-Codes are also incorporated, by reference, in local planning schemes across Western Australia.

Over the past years, the R-Codes have undergone revisions in order to make the document more effective and user-friendly, while responding to the fundamental objectives of residential planning and development. In early 2010, the City submitted comments with the Department of Planning when the Multi-Unit Housing Codes were introduced to become a part of the R-Codes. Later the same year, when a review of the existing R-Codes 2008 was carried out, the City made another submission.

It is anticipated that issues relating to these changes will be the subject of discussion and debate for stakeholders. To outline the main changes, a series of workshops are being held by the Department of Planning in Perth and in regional locations, to explain the proposed changes and to encourage discussion on the revised Codes. The Department has made tentative arrangements during the fortnight between 1 August and 12 August 2011 for three metropolitan and two regional workshops. Details of the dates and locations of the workshops are available on the Planning WA website (www.planning.wa.gov.au).

Comment

Overview of the Proposed Changes

Some of the key features and changes proposed in the draft R-Codes relate to the following matters. Comments in relation to some of these matters are covered in **Attachment 10.3.1:**

- (i) Local government is generally the determining authority, however in some cases the WAPC or other delegated authority may issue an approval through the Codes. Therefore, throughout the document the determining authority will simply be referred to as “the Authority”.
- (ii) The Codes approval process has been explained by means of a flowchart.
- (iii) Terminology changes have been incorporated. For example, the currently used terms, Acceptable Development provisions and Performance Criteria have been replaced with Deemed-to-Comply provisions and Design Solutions respectively.
- (iv) Additional explanations and clarifications on how to use the provisions have been incorporated.
- (v) Changes to specific provisions, in particular those relating to overshadowing, privacy, additional dwellings and minimum parking requirements;
- (vi) Changes have been proposed to the minimum site area requirements for lots coded R20 to R40. The permitted lot sizes are proposed to be reduced.

Consultation

Comments from the general public and interested stakeholders were invited by the Department of Planning in the first week of July 2011. City officers informed the Elected Members of the “out for comments” consultation papers via the bulletin item dated 7 July 2010 and sought comments. Comments are due to the Department of Planning by 31 August 2011.

Policy and Legislative Implications

In due course, the City will review its current Scheme and policy provisions in light of the new provisions in order to remove any element of undesired conflict with the R-Codes.

Financial Implications

This submission to the Department of Planning has no financial implications for the City. However, the proposed changes to the R-Codes will result in a review and amendment of the City's currently operative Scheme and policies. This will require significant officers' time.

Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within the Council's Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

The R-Codes aim to guide residential development of varying densities and scale in Western Australia. The planning controls endeavour to enhance the built environment and streetscapes, while ensuring protection of the residents' amenity. While providing general planning framework, the R-Codes also recognise that specific needs of regions can best be addressed by the local planning scheme and policy controls. Hence, it is observed that the R-Codes promote environmental and built form sustainability.

Conclusion

It is generally considered that the proposed changes in the R-Codes 2010 are aimed at making the document more effective and user-friendly in responding to the fundamental objectives relating to residential planning and development in Western Australia.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1

That Council endorses the City's submission at **Attachment 10.3.1**, on the proposed changes to the R-Codes 2010 which will be forwarded to the Department of Planning for consideration.

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed Amendment to an Approved Mixed Development within a 3-Storey Building (Addition of a Shop). Lot 13 (No. 16) Bradshaw Crescent, Manning.

| | |
|--------------------|--|
| Location: | Lot 13 (No. 16) Bradshaw Crescent, Manning |
| Applicant: | Conway Projects |
| Lodgement Date: | 17 June 2011 |
| File Ref: | 11.2011.258.1 (11.2009.586.1) BR1/16 |
| Date: | 1 August 2011 |
| Author: | Cameron Howell, Planning Officer, Development Services |
| Reporting Officer: | Vicki Lummer, Director, Development & Community Services |

Summary

To consider an application for planning approval for an amendment to a previously approved Mixed Development within a 3-storey building (addition of a shop) on Lot 13 (No. 16) Bradshaw Crescent, Manning. Council is being asked to exercise discretion in relation to the following:

| Element on which discretion is sought | Source of discretionary power |
|--|--------------------------------------|
| Car parking provision | TPS6 Clause 7.8(1) |
| Landscaping (<i>non-RES</i>) | |
| Plot ratio | |

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

Background

The development site details are as follows:

| | |
|------------------------------|---|
| Zoning | Neighbourhood Centre Commercial |
| Density coding | R20 |
| Lot area | 1455 sq. metres (1473 sq. metres including street corner truncation area) |
| Building height limit | 7.0 metres |
| Development potential | 2 Single Houses, Grouped Dwellings or Multiple Dwellings; and 1 Single Bedroom Dwelling and/or Non-residential land uses. |
| Plot ratio limit | 0.75 |

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)** Applicant’s supporting report.

The location of the development site is shown below:



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

3. **The exercise of a discretionary power**
 - (b) Applications, which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant planning policies.
4. **Applications previously considered by Council**

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

Comment

(a) Background

In December 2009, the City received an application for Mixed Development in a 3-storey building on Lot 13 (No. 16) Bradshaw Crescent, Manning (the site), incorporating the land uses of shop, office, multiple dwelling and single bedroom dwelling.

The application was conditionally approved by Council in May 2010 (refer to item 10.3.3). The proposed modifications to drawings will also result in changes to the building licence submitted to the City. At that meeting on 25 May 2010 the officers made a recommendation as follows:

(b)(ii) *The applicant is to pay the City a cash-in-lieu payment of \$171,500.00 for the provision of seven car parking bays off-site, prior to the issuing of a building licence.*

During the course of the meeting Council resolved to delete this condition, therefore the applicant was not required to make any cash-in-lieu payment in relation to the short fall in parking.

In June 2011, the City received an application proposing amendments to the previously approved application. The amendment relates to the addition of a second Shop on the ground level, the removal of six car parking bays and some other minor changes.

(b) Existing development on the subject site

The subject site is Lot 13 (No. 16) Bradshaw Crescent, Manning (the site). The site is currently vacant following the demolition of the previous development in 2010. The previous development on the subject site featured the land use of "Service Station", as depicted in the site photographs referred to as **Attachment 10.3.2(b)**. A single-storey converted service station building was located on-site and was last used as a vehicle maintenance workshop.

(c) Description of the surrounding locality

The subject site has a frontage to Bradshaw Crescent and Welwyn Avenue, located adjacent to a single-storey grouped dwelling development to the north and a single-storey veterinary clinic to the east. The Welwyn Avenue Neighbourhood Shopping Centre is located diagonally opposite the site and a physiotherapy clinic (consulting room) is located on the north-western side of the Welwyn Avenue and Bradshaw Crescent intersection. The remainder of the surrounding locality comprises single-storey residential development. The site photographs, referred to as **Attachment 10.3.2(b)** show the relationship of the site to the surrounding development.

(d) Description of the proposal

This proposal involves the amendment of plans that were conditionally approved by Council in May 2010, which proposed the construction of a Mixed Development in a 3-storey building on the site, consisting of a shop and parking on the ground floor, offices on the first floor and two multiple dwellings and a single bedroom dwelling on the second floor. The amended plans proposed another shop on the ground floor, removal of six car parking bays and some minor amendments to the first and second floor of the building, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. The applicant's letter, **Attachment 10.3.2(c)** describes the proposal in more detail.

(e) **Compliance with the previous approval**

The amended proposal does not result in any change to the approved land uses, residential density, finished ground and floor levels, setbacks, building height, open space, visual privacy, solar access, significant views, or fencing. Accordingly, these aspects are regarded as complying with the previously approved development and the requirements of TPS6, R-Codes and the City's local planning policies.

The modifications result in a change to car parking, plot ratio and landscaping, which have been discussed below.

(f) **Car parking**

The required number of car bays for the total development is 63, and the proposed number of car bays is 38, a shortfall of 25 bays (40%). The required number of parking bays for the non-residential component is 56 bays, and 7 bays for the residential component of the development. If approved, the residential and non-residential parking bays will need to be marked on the site plan and on-site.

Noting that discretion was earlier exercised by Council with regards to car parking bays required for the previously approved development, this report only discusses the car parking shortfall as a result of the proposed amendment. The proposed shop on the ground floor reduces the six car parking bays on-site and increased the required number of car parking bays by 7. Therefore, the proposed development will have an additional shortfall of 13 car parking bays, hence conflicting with the car parking requirement in Table 6 of TPS6.

All of the parking bays are of sufficient size to be compliant with Schedule 5 of TPS6, except for Bay 38. Due to an obstruction near the space for car doors, the City will require relocation or modification to the dimensions of the support columns to comply with Figure 2 of Schedule 5.

Council discretion - Clause 6.3.4

Council has discretionary power under Clause 6.3.4 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking not be approved as the applicant has not satisfied the City in relation to the following requirements of that clause:

- (i) 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.

City officers are of the opinion that limited reciprocal parking opportunities exist on the site, as the peak periods for the office and shop can occur at the same time, being weekdays during business hours.

Council discretion - Clause 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking not be approved as the applicant has not satisfied the City in relation to the following requirements of that clause:

- (i) Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- (ii) The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct; 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.

As a response to the above sub-clause, the applicant submits the opinion that the diversification of land uses will lower parking demand and that if assessed under a different commercial zoning, the required car parking provision is less. For example, the car parking ratio for the shop and office in the Local Commercial zone is one bay per 25 sq. metres, a requirement of 44 non-residential bays (a proposed variation of 11 bays).

Orderly and proper planning and the preservation of the amenity of the locality

The City considers that the provision of parking on the site is insufficient to cater for the development's parking demand. Additional parking will need to be provided off-site, to preserve the amenity of the adjoining properties.

Not have any adverse effect upon the occupiers / users / inhabitants

The City considers that without the provision of additional parking off-site, some users of the non-residential component of the building will be forced to park their vehicles in an unsuitable location, which is likely to conflict the parking requirements of the neighbouring residential and commercial properties.

The objectives of the Scheme and for the precinct

The City considers that payment for the construction of additional parking off-site will be required to be paid by the applicant, otherwise the site's excess parking will overflow into the adjoining residential streets and car parks of the neighbouring commercial properties, resulting in an inadequate provision of parking for the whole of the Welwyn Avenue commercial centre.

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

The residential component of the development and associated car parking requirements were discussed in the earlier report in May 2010, whereby two residential visitor car parking variations were approved. In relation to the bays required for the non-residential component of the development, the previous approval required 49 bays and 39 bays were provided. Council approved the 10 bay variation without requiring a cash-in-lieu payment for any additional car parking to be provided on the street or nearby Council owned land. Council approved the variation as it saw that there was sufficient car parking provision on-site and that the surrounding streets could cater for any additional parking. In particular, three bays will be provided within the adjacent street reserve, and at least four bays being provided on Jarman Avenue. The three remaining bays were seen not to be required.

This amended proposal for the non-residential component proposes an additional shortfall of 13 bays. Council has a firm proposal to expand the capacity of public parking facilities in the vicinity of the development which will result from the closure of a portion of Bradshaw Crescent, and future plans to develop parking areas for the library and community hall facilities in the Manning District Centre. This proposal has been discussed in detail in Council report Item 10.2.1 presented at the June 2009 meeting. This future proposal is observed to provide additional parking required in the vicinity of this development. Additional bays can also be provided in the road reserve as advised by Engineering Infrastructure.

Accordingly, Council can utilise Sub-clause (5)(i) of Clause 6.3 of TPS6 which allows the acceptance of cash-in-lieu of car bays. Following is a summary of the comments provided by the Manager, Engineering Infrastructure in support of the variation:

The availability and exact location of parking bays in the road reserve can only be identified after having conducted a thorough inspection of the site and its surrounds, and preparing a detailed design.

At least two car parking bays can be provided on the eastern side of Welwyn Avenue on the northern side of the existing street tree, and possibly a third between the street tree and the roundabout. At least one motorcycle parking bay can be provided on Welwyn Avenue and at least two motorcycle parking bays can be provided on the northern side of Bradshaw Crescent, between the roundabout and the power pole. Bicycle rails can be installed on the paved verge on either side of the street corner truncation.

While utilising the cash-in-lieu provisions of TPS6, the approximate cost of providing street bays (incorporating road widening, kerbing, verge paving and bay markings) is calculated as \$20,000 including GST for three car parking bays and two motorcycle parking bays on Welwyn Avenue and Bradshaw Crescent. The cost of providing car parking bays on Jarman Avenue or Duckett Drive as part of the Manning Hub development is \$3,500 per bay, excluding GST. The land cost for street car parking adjacent to the site is \$21,000 per bay. The cost for the installation of bicycle rails is \$180 each.

Therefore, if cash-in-lieu calculation was solely based upon a requirement to provide 13 car parking bays, the estimated construction cost of \$50,050 plus \$273,000 for land, will result in a total payment of \$323,050. However, as explained below, provision of motorcycle bays and bicycle bays has been taken into account.

Motorcycle parking has been proposed on-site to reduce car parking demand. These bays comply with the Australian Standard. The Scheme has no prescribed requirement in relation to providing motorcycle or scooter parking on-site. However, this proposal is supported by City officers, and two motorcycle bays have been taken as being equivalent to one car bay. In addition, City officers support the provision of two motorcycle bays and six bicycle racks in the street in addition to car parking bays.

The aforementioned shortfall of 13 bays is divided into the following configuration: One on-site car bay provided in the form of two motorcycle bays; two motorcycle bays equivalent to one car bay proposed in the road reserve; and six bicycle rails provided in the road reserve could be taken as equivalent to two car parking bays. This results in a net requirement of nine car parking bays.

Based upon comments from Engineering Infrastructure, the calculation for cash-in-lieu required to provide parking facilities within the road reserve is as follows:

| 3 car bays, 2 motorcycle bays, 6 bike racks on Welwyn Avenue and Bradshaw Crescent while incorporating road widening, kerbing, verge paving and bay markings | |
|---|------------------|
| Construction cost | \$21,080 |
| Land cost (equivalent to approximately 4 car parking bays) | \$84,000 |
| Total cost (1) | \$105,080 |
| 6 car parking bays on Jarman Avenue or Duckett Drive as part of the Manning Hub development | |
| Construction cost @ \$3,500 + GST | \$23,100 |
| Land cost | \$126,000 |
| Total cost (2) | \$149,100 |
| Total cash-in-lieu required (1) +(2) | \$254,180 |

Officers recommend that Council support this variation and ask for a cash-in-lieu payment of \$254,180 to provide for the on-site shortfall of car parking bays within the road reserve in close proximity to the nearby Manning Community Hub development. No cash-in-lieu payment was required for the 10 car parking bay shortfall previously approved by Council.

Due to the significant payment required, officers recommend that the payments be made by the owner in stages as follows:

- (i) \$105,080 payment described above as total cost (1), to be paid prior to the issuing of a building licence; and
- (ii) \$149,100 payment described above as total cost (2), to be paid prior to occupation of any part of the building.

(g) Plot ratio

The maximum permissible plot ratio is 0.75 (1,104.75 sq. metres), and the proposed plot ratio is 0.78 (1,145 sq. metres), thus exceeding the permissible by 40.25 sq. metres. Therefore, the proposed development does not comply with the plot ratio element of the Scheme. The previous approval was approved with a plot ratio of 0.71.

Council discretion - Clause 7.8.1

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

- (i) Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- (ii) The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct; 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.

Orderly and proper planning and the preservation of the amenity of the locality

The City considers that the variation will have no significant impact to the locality. Most of the 0.03 variation is created by the difference between the definition of the plot ratio area in TPS6 (non-residential) and the R-Codes; the later includes the store rooms and external walls.

Not have any adverse effect upon the occupiers / users / inhabitants

The City considers that the variation will have no significant impact to the users of the building.

The objectives of the Scheme and for the precinct

The City considers that the objectives of the Scheme have been satisfactorily met.

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

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

(h) Landscaping

The required minimum landscaping area is 221.0 sq. metres (15%); whereas the proposed landscaping area is 140.0 sq. metres (9.5%), a reduction of 8.0 sq. metres to provide a footpath to the second shop's entrance. Therefore, the proposed development does not comply with the landscaping requirements of Table 3 of TPS6. The applicant is seeking a variation to the minimum landscaping area by providing outstanding landscaping of the site, in accordance with Clause 5.1(5) of TPS6. The provision of outstanding landscaping is permitted to compensate for the insufficient area of landscaping provided.

The applicant has provided a landscaping plan during the building licence application stage, incorporating outstanding landscaping, as required by a condition of the previous planning approval. This landscaping plan has been cleared by City officers. The minor reduction from the approved landscaping plan is not seen to have any adverse impact to the development or the streetscape. Officers recommend that Council support this variation.

(i) 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 and require careful consideration:

- (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;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality.*

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

(j) 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 Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) The preservation of the amenity of the locality;*
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (o) The cultural significance of any place or area affected by the development;*
- (p) Any social issues that have an effect on the amenity of the locality;*
- (q) The topographic nature or geographic location of the land;*
- (s) Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) Whether adequate provision has been made for access by disabled persons;*
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved;*
- (w) Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) Any other planning considerations which Council considers relevant.*

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in February 2010. In regards to the amended application, it is observed that the proposed built form, setbacks from the streets and site planning are primarily unchanged when compared to the previously approved drawings. Hence, the proposal was not required to go to another DAC meeting.

(b) Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 14, 15, 18, 19 and 22 Bradshaw Crescent, Nos. 17, 23 and 23A Henning Crescent, and Nos. 11A, 11B, 16 and 28 Welwyn Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however, the consultation continued until this report was finalised).

During the advertising period, a total of 12 consultation notices were sent and no written submissions were received. The assessing officer received one verbal “no objection” to the amended plans.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic arising from the proposal. The following comments were provided:

- (i) Bay 18 is considered acceptable for small cars only;*
- (ii) Other bays generally meet the intent of the design envelope;*
- (iii) The existing crossovers are to be removed and the path and kerbing is to be reinstated;*
- (iv) All materials during construction will need to be stored on-site;*
- (v) A Traffic Management Plan is required for all works within the street system;*
- (vi) No part of the footpath is to be raised or lowered;*
- (vii) Soak wells will need to be installed to cater for stormwater drainage;*
- (viii) The driveway crossover is to be constructed to the City’s specification; and*
- (ix) The availability and cost for the construction of parking within the road reserve and nearby Council owned land.*

Acceptable dimensions for small car bays are not identified in TPS6. However, the assessing officer has checked the plans and Bay 18 meets the minimum dimensions required by TPS6. Planning conditions and important notes are accordingly recommended to deal with matters raised by Engineering Infrastructure.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This determination has financial implications, to the extent of:

- (a) The receipt of a cash-in-lieu payment for the provision of parking on the street or Council owned land, if the cash-in-lieu payment is required by Council; or
- (b) The cost of providing any additional required parking, if no cash-in-lieu payment is required by Council.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan which is expressed in the following terms:

Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.

Sustainability Implications

The proposed amendment to the previously approved building will have no significant sustainability implications.

Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions as it has the potential to have a detrimental impact on adjoining residential neighbours and streetscape. However, provided that all conditions are applied as recommended, 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 an amended approval (shop) to Mixed Development in a 3-storey building on Lot 13 (No. 16) Bradshaw Crescent, Manning, **be approved** subject to:

(a) Standard Conditions

| | | | |
|-----|--------------------------------------|-----|----------------------------------|
| 427 | External materials - Colours | 508 | Landscaping plan |
| 353 | Car parking - Marking of bays | 512 | Landscaping - Outstanding |
| 354 | Car parking - Maintenance | 513 | Outstanding landscaping - Detail |
| 375 | Clothes drying - Provision | 550 | Plumbing fittings |
| 377 | Clothes drying - Screening | 470 | Retaining walls |
| 390 | Proposed crossover - Construction | 471 | Retaining - Lot boundaries |
| 393 | Existing crossovers - Removal | 560 | Bin storage / rubbish |
| 416 | Street trees | 660 | Validity - 24 Months |
| 457 | Boundary fencing - Replacement | | |

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

(b) Specific Conditions

- (i) Revised drawings shall be submitted and such drawings shall incorporate the following:
 - (A) The dimensions and setbacks of the support columns for the upper stories of the dwelling within the ground floor car park are to be provided to the City on a site plan to demonstrate that all car parking bays comply with the minimum dimensions listed in Figure 1 or Figure 2 of Schedule 5 of Town Planning No. 6; and
 - (B) The store rooms for the multiple dwellings (Units 1 and 3) are to be increased in size to have a minimum dimension of 1.5 metres and a minimum area of a least 4.0 sq. metres, in accordance with Clause 6.10.3.A3.1 of the Residential Design Codes.
- (ii) The applicant is to pay the City the following cash payment in-lieu of the on-site car parking shortfall:
 - (A) \$105,080 prior to the issuing of a building licence; and
 - (B) \$149,100 prior to the occupation of any part of the building.
- (iii) End of trip facilities for cyclists shall be provided for the use of staff of the non-residential tenancies. The design and location of those facilities shall be provided at the following ratios:
 - (A) Number of secure clothes lockers - Seven; and
 - (B) Number of showers - One male shower and one female shower; in separate change rooms, in accordance with the requirements of Clause 6.4(5) of Town Planning Scheme No. 6.

- (iv) The on-site car parking bays shall be allocated to occupancies in the following manner on the approved strata plan:
 - (A) Residential dwellings - Five bays to the two multiple dwellings and one single bedroom dwelling; and
 - (B) Non-residential development - 29 bays for office tenancies and four bays for the shop tenancy.
- (v) This planning approval does not permit the display of any signage on the building or on the site. A new application for planning approval will be required if signage is proposed to be displayed.
- (vi) A tree is to be planted on the street verge adjacent to the site in liaison with the City Environment Department. The selected location and species of the proposed street tree is to be included in the landscaping plan for the site.
- (vii) A Traffic Management Plan is to be submitted to the City for any works conducted within the street system.
- (viii) This planning approval does not permit any alteration to the existing levels of the footpaths.
- (c) **Standard Advice Notes**

| | | | |
|------|--------------------------------|------|---------------------|
| 700A | This is not a building licence | 790 | Variations |
| 705 | Revised drawings | 795B | Appeal rights - SAT |
| 762 | Landscaping plan | | |

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

- (d) **Specific Advice Notes**
 - (i) The applicant is advised of the need to comply with the relevant requirements of the City's Environmental Health, City Environment and Engineering Infrastructure Departments.
 - (ii) The applicant is advised that insufficient room is available on the street verges for the storage of construction materials. These materials will need to be stored on-site.
 - (iii) The applicant is advised that, prior to the issuing of a building licence, certification is required to be provided that the site has been remediated (soil and groundwater) to the satisfaction of the Department of Environmental Protection.

MOTION

Cr Best moved the officer recommendation, Sec Cr Lawrance

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Mayor Best point of clarification - in relation to the report that came to Council in May 2010 - would that have an impact on Manning Hub and would this proposal be consistent with other issues on cash in lieu for parking? The CEO stated that in the May 2010 report there was an officer recommendation to conditionally approve subject to the applicant paying the City a cash-in-lieu payment of \$171,500.00 for the provision of seven car parking bays off-site, prior to the issuing of a building licence. However Council resolved to delete this condition, therefore the applicant was not required to make any cash-in-lieu payment in relation to the short fall in parking. In relation to the recent Melville Parade development (Como furniture Mart) a small contribution was made there based on the construction cost of the car bays, which is consistent with the amended motion proposed tonight.

Cr Best opening for the Motion

- site of an old service station / Manning Hub proposed development
- last time application did not have adequate parking
- heard Deputation - issue re environmental audit
- heard concerns we are being generous to development
- developer is now asking for approval of modified plans with more parking at little cost
- not supportive of giving additional concessions
- support officer recommendation

Cr Lawrance for the Motion

- enough concessions to developers
- like to see proposal go ahead - nice to see businesses up and running
- nice to see land put to use in this area
- support the Motion

Note: Cr Cridland left the Council Chamber at 8.12pm and returned at 8.14pm

AMENDMENT

Moved Cr Ozsdolay, sec Cr Skinner

That the officer recommendation be amended under **(b) Specific Conditions**, part (ii) to read:

(b) Specific Conditions

- (ii) The applicant is to pay the City the following cash payment in-lieu of the on-site car parking shortfall:
 - (A) \$20,000 prior to the issuing of a building licence; and
 - (B) \$24,180 prior to the occupation of any part of the building.

Cr Ozsdolay opening for the Amendment

- Cr Best mentioned environmental audit process / cost raised during Deputations
- process around environmental audit - seems the State Government has issues
- Council had every right to place that condition on the approval and charge a reasonable figure for parking
- amendment proposes a total of \$44,180 for cash-in-lieu for parking
- rationale in recommending the lower in-lieu amount is that the City will not be acquiring land specifically for the purpose of providing parking therefore there is little justification to charge for that non-acquisition.
- acknowledge the City will incur construction costs and it is therefore right and proper for the applicant to pay for these
- Strategic Direction 3 states: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.* This is an example of such a development but it is not viable with the cash-in-lieu amount recommended.
- not in anyone's interest to leave land vacant
- asking applicant to pay \$210,000 for land we are not going to acquire
- significant to note development has full support of the nearby Welwyn Ave shop proprietors who see this development as a significant enhancement to the area.
- ask Councillors support the Amendment

Cr Skinner for Amendment

- endorse Cr Ozsdolay's comments
- agree user pays - but at a quarter of a million the development then becomes "not affordable housing"
- to not go ahead would be a loss to Manning
- support Cr Ozsdolay's Motion

Cr Best point of clarification - can we have a break up of the difference in the cash-in-lieu payments? The CEO stated that Council is in fact acquiring land in that vicinity, after consultation with ratepayers, in order to provide land for public use / parking. The developer would reasonably be expecting customers to use land around the facility. Last year Council waived cash-in-lieu for 9 parking bays and this proposal requires cash-in-lieu for 7 bays. The difference between the two Motions is that the officer recommendation includes the cost of land (\$21,000 per bay) whereas the Amendment figure relates only to the construction of the parking bays (\$3,500 per bay), not acquiring the land.

Cr Ozsdolay point of clarification - is it true that the Manning Hub is going ahead irrespective of this application - and when the City does acquire land it will be at less than commercial value? The CEO replied yes, it is very likely Manning Hub is going ahead - and yes we do anticipate acquiring land at less than commercial value.

Cr Ozsdolay closing for the Amendment

- take on board comments raised
- what is a fair amount - should developer be paying for Manning Hub
- ask Councillors support Amendment.

The Mayor Put the Amendment.

CARRIED (7/5)

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| COUNCIL DECISION ITEM 10.3.2 |
|-------------------------------------|

The Mayor Put the Amended Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for an amended approval (shop) to Mixed Development in a 3-storey building on Lot 13 (No. 16) Bradshaw Crescent, Manning, **be approved** subject to:

(b) Standard Conditions

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| 353 | Car parking - Marking of bays | 512 | Landscaping - Outstanding |
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| 390 | Proposed crossover - Construction | 471 | Retaining - Lot boundaries |
| 393 | Existing crossovers - Removal | 560 | Bin storage / rubbish |
| 416 | Street trees | 660 | Validity - 24 Months |
| 457 | Boundary fencing - Replacement | | |

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

- (i) Revised drawings shall be submitted and such drawings shall incorporate the following:
 - (A) The dimensions and setbacks of the support columns for the upper stories of the dwelling within the ground floor car park are to be provided to the City on a site plan to demonstrate that all car parking bays comply with the minimum dimensions listed in Figure 1 or Figure 2 of Schedule 5 of Town Planning No. 6; and
 - (B) The store rooms for the multiple dwellings (Units 1 and 3) are to be increased in size to have a minimum dimension of 1.5 metres and a minimum area of a least 4.0 sq. metres, in accordance with Clause 6.10.3.A3.1 of the Residential Design Codes.

- (ii) The applicant is to pay the City the following cash payment in-lieu of the on-site car parking shortfall:
 - (A) \$20,000 prior to the issuing of a building licence; and
 - (B) \$24,180 prior to the occupation of any part of the building.
- (iii) End of trip facilities for cyclists shall be provided for the use of staff of the non-residential tenancies. The design and location of those facilities shall be provided at the following ratios:
 - (A) Number of secure clothes lockers - Seven; and
 - (B) Number of showers - One male shower and one female shower; in separate change rooms, in accordance with the requirements of Clause 6.4(5) of Town Planning Scheme No. 6.
- (iv) The on-site car parking bays shall be allocated to occupancies in the following manner on the approved strata plan:
 - (A) Residential dwellings - Five bays to the two multiple dwellings and one single bedroom dwelling; and
 - (B) Non-residential development - 29 bays for office tenancies and four bays for the shop tenancy.
- (v) This planning approval does not permit the display of any signage on the building or on the site. A new application for planning approval will be required if signage is proposed to be displayed.
- (vi) A tree is to be planted on the street verge adjacent to the site in liaison with the City Environment Department. The selected location and species of the proposed street tree is to be included in the landscaping plan for the site.
- (vii) A Traffic Management Plan is to be submitted to the City for any works conducted within the street system.
- (viii) This planning approval does not permit any alteration to the existing levels of the footpaths.

(c) **Standard Advice Notes**

| | | | |
|------|--------------------------------|------|---------------------|
| 700A | This is not a building licence | 790 | Variations |
| 705 | Revised drawings | 795B | Appeal rights - SAT |
| 762 | Landscaping plan | | |

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

(d) **Specific Advice Notes**

- (i) The applicant is advised of the need to comply with the relevant requirements of the City's Environmental Health, City Environment and Engineering Infrastructure Departments.
- (ii) The applicant is advised that insufficient room is available on the street verges for the storage of construction materials. These materials will need to be stored on-site.
- (iii) The applicant is advised that, prior to the issuing of a building licence, certification is required to be provided that the site has been remediated (soil and groundwater) to the satisfaction of the Department of Environmental Protection.

CARRIED (12/0)

Reason for Change

Condition (b)(ii) amended as Council were of the view that in relation to the shortfall in parking bays that the applicant should pay only for the 'construction' of the bays and not the cost of the land acquisition.

DECLARATION OF INTEREST : ITEM 10.3.3 : CRS CALA AND HOWAT

The Mayor report having received Declarations of Interest from Crs Cala and Howat in relation to Items 10.3.3 and 10.5.1. He then read aloud the Declarations as follows:

Cr Cala

In accordance with Clause 11 of the Local Government (Rules of Conduct) Regulations 2007 I declare that there may be a perception of an interest on items 10.3.3 and 10.5.1 of the Agenda for the Ordinary Council meeting to be held 23 August 2011 as I live in the vicinity of the proposed Public Transport Corridor connecting Jackson and Henley Streets (referred to in both of these report items). I declare that I have an impartiality interest in these items and will participate in the debate and vote on the matters in accordance with their merits.

I do not have a financial interest prescribed by the Local Government Act and as a result will not leave the Council Chamber during the discussion/debate on Items 10.3.3 and 10.5.1 at the Council Meeting on 23 August 2011.

Cr Howat

In accordance with Clause 11 of the Local Government (Rules of Conduct) Regulations 2007 I declare that there may be a perception of an interest on items 10.3.3 and 10.5.1 of the Agenda for the Ordinary Council meeting to be held 23 August 2011 as I live in the vicinity of the proposed Public Transport Corridor connecting Jackson and Henley Streets (referred to in both of these report items). I declare that I have an impartiality interest in these items and will participate in the debate and vote on the matters in accordance with their merits.

I do not have a financial interest prescribed by the Local Government Act and as a result will not leave the Council Chamber during the discussion/debate on Items 10.3.3 and 10.5.1 at the Council Meeting on 23 August 2011.

DECLARATIONS OF INTEREST - POINT OF CLARIFICATION "PROXIMITY"

The Mayor asked the Councillors to clarify their proximity to Jackson Road.

Cr Cala - one property removed from the corner of Jackson Road
Cr Howat - property abuts the corner of Jackson Road

The CEO said that the *Local Government Act* interpretation of "proximity" was different from the general english language interpretation of the word. The general use of the word might suggest that properties within the near vicinity would have a "proximity" interest. The *Local Government Act* has however a very strict definition of what proximity is and neither Cr Cala's or Cr Howat's properties fall within that definition. As a result there is no "proximity" interest under the *Local Government Act*.

CONFLICT OF INTEREST - POINT OF CLARIFICATION

The Mayor referred to the Southern Gazette newspaper on 2 August 2001 and said that both Councillors Cala and Howat had signed a letter of concern (page 9) about the Henley / Jackson proposed transport route. He stated that there may be a 'conflict of interest' in this regard and asked both Councillors if they were both clear that their 'conflict' would not be challenged if they remained in the Council Chamber. Councillors Cala and Howat both responded, yes.

Note: Crs Cala and Howat remained in the Council Chamber.

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| 10.3.3 Capital City Planning Framework - Submission to Western Australian Planning Commission |
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|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | LP/224 |
| Date: | 3 August 2011 |
| Author: | Chris Schooling, Senior Planner - Special Projects |
| Reporting Officer: | Vicki Lummer, Director, Development & Community Services |

Summary

Council is requested to consider the City's proposed submission to the Western Australian Planning Commission (WAPC), regarding the draft *Capital City Planning Framework*. The draft *Capital City Planning Framework* has been released for public consultation, with comments due to the WAPC by Monday 19 September 2011.

The draft *Capital City Planning Framework* seeks to establish a holistic spatial planning framework for the Perth central area and the inner suburbs, which individual Local Governments can base their strategic planning framework upon and achieve cohesive urban outcomes irrespective of municipal boundaries.

The City's submission on the draft *Capital City Planning Framework* comprises **Attachment 10.3.3** to this report. It will be considered by the WAPC in the preparation of the final document. The Council is now requested to adopt the attached submission.

Background

The draft *Capital City Planning Framework* concentrates on an area 12 kilometres by 12 kilometres in size, with the Perth Central Area at its centre. It is intended to provide detailed spatial planning on the delivery of *Directions 2031 and Beyond* and the *Central Metropolitan Sub-Regional Strategy* in the inner metropolitan area. The draft *Capital City Planning Framework* ensures an interconnected approach to land use and built form planning which Local Governments will apply through planning strategies and Town Planning Schemes.

The draft *Capital City Planning Framework* sets out its spatial proposals in eleven Key Concepts related broadly to urban setting and characteristics, growth and transport patterns, liveability connections to the city centre. All of the Key Concepts are relevant to the City of South Perth, particularly in terms of the City's relationship with the Perth central area and surrounding Local Governments. The draft *Capital City Planning Framework* further describes density and built form typologies which would typically characterise hierarchies of development intensity connecting with the Perth central area.

The draft *Capital City Planning Framework* encompasses the City of South Perth as far south as the Manning Road southbound freeway ramp, including the Canning Bridge Precinct.

Comment

The draft *Capital City Planning Framework* generally accords with the objectives of *Directions 2031 and Beyond* and the *Central Metropolitan Sub-Regional Strategy*, and is supported by the City. The City has specific comment regarding to the following elements of the draft *Capital City Planning Framework*:

- (i) The inclusion of additional transport linkages through Henley Street and Jackson Avenue, with Manning Road as an alternative linkage;
- (ii) The extent of development intensity identified for the Preston Street locality;
- (iii) The delivery of the South Perth Rail Station;
- (iv) The extent of Urban intensity development at key intersections along Canning Highway; and
- (v) Definition and use of the term 'Pavilion-in-landscape'.

The City's submission in the *Capital City Planning Framework* is contained in **Attachment 10.3.3**. No further additional comment is required in this report.

Consultation

The draft *Capital City Planning Framework* has been released by the Western Australian Planning commission for public consultation until 19 September 2011. An item was included in the Elected Members Bulletin on 15 July seeking Councillors comments and suggestions for the submission to WAPC. No comments were received.

The Elected Members were previously briefed by officers from the Department of Planning on the draft *Capital City Planning Framework* on 10 November 2009.

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

Policy and Legislative Implications

The draft *Capital City Planning Framework* is a non-statutory strategic planning tool that relies on the State and Local Governments to have an ongoing leadership role in its implementation.

The City will be responsible for progressing its Local Planning Strategy and Town Planning Scheme Review in a manner which facilitates the achievement of the Key Concepts of the draft *Capital City Planning Framework*.

Financial Implications

The City is responsible for the budgeting of its capital works program and future in-house planning projects, including the Local Planning Strategy and Town Planning Scheme Review.

Strategic Implications

The vision, objectives and principles of the draft *Capital City Planning Framework* are consistent with the *City of South Perth Strategic Plan 2010-2015*.

Conclusion

The draft *Capital City Planning Framework* has been released for public comment until 19 September 2011. The draft *Capital City Planning Framework* provides a holistic spatial plan for the Perth central area and surrounding Local Governments, and is a tool which is intended to guide the strategic planning framework of each local government to achieve cross-border urban outcomes.

The content of the draft *Capital City Planning Framework* is well developed and provides a strong foundation for local governments to plan for urban growth into the future.

OFFICER RECOMMENDATION ITEM 10.3.3

That the City's submission on the *Capital City Planning Framework* comprising **Attachment 10.3.3** be adopted and forwarded to the Western Australian Planning Commission.

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Ozsdolay, Sec Cr Trent

That the Council's submission on the *draft* Capital City Planning Framework comprising **Attachment 10.3.3** hereto be adopted and forwarded to the Western Australian Planning Commission, with the addition of the following paragraph under the heading "**Jackson/Henley**":

*And further, following Council's previous resolutions of 1991 and most recently of November 2010 in its submission to the Western Australian Planning Commission on the Central Metropolitan Perth Sub-Regional Strategy, it sees no compelling case for reconsidering opening these roads as a **high-frequency/high-capacity road public transport route** for a rapid Transit bus service from Canning Bridge Interchange and remains opposed to any proposals to do so.*

*Given the adverse affect a rapid transit bus service would have along this proposed route to the safety of Kindergarten, Primary and High School aged children who attend schools along Henley Street; the safety of elderly residents of a Hostel and Retirement Village; the loss of green open space that the community presently values for the safe walking and cycling it provides; the significant loss of amenity for residents, and in recognition of the depth of concern expressed by the institutions and community in the locality, the WA Planning Commission is requested to further examine the option of Manning Road as the preferred route for **high-frequency/high-capacity road public transport**".*

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay Opening for the Motion

- effectively support officer recommendation, however believe this Council needs to make it clear to the State Government we do not support this route down Henley / Jackson
- rarely have we heard such an unequivocal response from our residents - we have a clear message before us
- at a briefing by our legal advisers I asked, if we have a conflict which direction do we go? The response was that our responsibility lies with the residents of the City of South Perth and we should not forget that even if it means going against State Government suggestions
- for a 2/3 minute saving in time why would we open Henley / Jackson
- Council who represents the ratepayers who live there should say No, we do not want it
- if we do not say it now in 2/3 years WAPC and State Government will say we did not comment
- ask Members to support Amended Motion

Cr Trent for the Motion

- to say we are happy with Henley / Jackson proposal is giving State Government carte blanche on any areas within the City
- to demonstrate residents' objections we have an obligation to send a strong message to the State Government
- ask Councillors support this Motion
- support Residents of the City in representing their views to the State Governments

Cr Cridland point of clarification - in relation to the amount of public interest this proposal has gathered for people who live in proximity to Jackson / Henley I have received many emails on the subject and regarding pollution/noise etc - any information on those matters? The CEO responded that approximately 12 months ago Council had a Briefing with the government departments of Education, Planning and Transport all of whom expressed the view they wished to see this corridor opened for various reasons. In discussions with Curtin University, I do not know that they have expressed a view that Henley / Jackson is the most desirable route but would like a high frequency route from Canning Bridge. In terms of noise / pollution /access etc there would be noise but if this public transport route does not go through does it mean that existing routes become busier which then opens the question as to whether others streets should be opened up.

Cr Cridland against the Amended Motion

- speak against, not because against State Government plan or loss of amenity
- against, because we have a duty to consider and weigh up all rational matters brought forward ie position of schools / safety issues, aged care facilities / amenity etc
- officer recommendation did not say there had to be a rapid route down Jackson / Henley but stated there has to be more consultation - do not see that statement as 'doing things'
- support the view that 'something' needs to be done
- oppose Amended Motion

Cr Cala for the Motion

- strong support for Amended Motion which will add weight to Submission
- Capital City Framework Plan (on Page 47) marks Henley road **not** street as a high frequency road transport route
- officer submission identifies other 'short comings' which further highlights lack of understanding of our City by WAPC
- to suggest in State Government report that a high frequency / high capacity route is necessary where school children / elderly are involved shows a total disregard for our residents.
- support the Motion.

Cr Hasleby for the Motion

- as a rule-of-thumb - consider proposal and if not in your area but residents are complaining, ask if you would want proposal in your area-answer on this proposal is no.
- must take into consideration public disquiet from all areas
- we do not need a 'link' from Canning Highway to Manning road but a southern link to Canning Bridge
- against cutting a sway through a residential area - we do not need to disrupt residents in the Henley / Jackson area
- believe Council needs to respond to the desires that come from residents - need to retain amenity of the City
- cannot be maintain amenity if we make a transport link along Henley / Jackson
- ask Members to support Motion

Cr Ozsdolay closing for Motion

- endorse comments from Crs Cala and Hasleby
- at briefing with the departments of Education, Planning and Transport - I asked why would you want a 'rat run' near a school - response, because were told it was a good idea
- reinforce that the bold 'Vision' of Curtin University does not need to destroy Jackson / Henley area
- believe officer report is excellent but we need to add a strong message not only from the community of the CoSP but also from this Council.

COUNCIL DECISION ITEM 10.3.3

The Mayor put the Motion

That the Council's submission on the *draft* Capital City Planning Framework comprising **Attachment 10.3.3** hereto be adopted and forwarded to the Western Australian Planning Commission, with the addition of the following paragraph under the heading "**Jackson/Henley**":

*And further, following Council's previous resolutions of 1991 and most recently of November 2010 in its submission to the Western Australian Planning Commission on the Central Metropolitan Perth Sub-Regional Strategy, it sees no compelling case for reconsidering opening these roads as a **high-frequency/high-capacity road public transport route** for a rapid Transit bus service from Canning Bridge Interchange and remains opposed to any proposals to do so.*

*Given the adverse affect a rapid transit bus service would have along this proposed route to the safety of Kindergarten, Primary and High School aged children who attend schools along Henley Street; the safety of elderly residents of a Hostel and Retirement Village; the loss of green open space that the community presently values for the safe walking and cycling it provides; the significant loss of amenity for residents, and in recognition of the depth of concern expressed by the institutions and community in the locality, the WA Planning Commission is requested to further examine the option of Manning Road as the preferred route for **high-frequency/high-capacity road public transport**".*

CARRIED (10/2)

Reason for Change

Whilst the present submission indicates the Council's previous concerns and the community's opposition to this matter, it does not clearly state that the Council remains opposed to the opening of these roads for either vehicular or transit purposes on significant planning grounds and in recognition of the depth of concern expressed by the institutions and community in the locality.

Note: Manager Development Services retired from the meeting at 8.50pm

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

DECLARATION OF INTEREST : ITEM 10.5.1 : CRS CALA AND HOWAT

The Mayor report having received Declarations of Interest from Crs Cala and Howat in relation to Items 10.3.3 and 10.5.1. He stated that the Declarations, as follows, had been read aloud before Item 10.3.3 was debated:

Cr Cala

In accordance with Clause 11 of the Local Government (Rules of Conduct) Regulations 2007 I declare that there may be a perception of an interest on items 10.3.3 and 10.5.1 of the Agenda for the Ordinary Council meeting to be held 23 August 2011 as I live in the vicinity of the proposed Public Transport Corridor connecting Jackson and Henley Streets (referred to in both of these report items). I declare that I have an impartiality interest in these items and will participate in the debate and vote on the matters in accordance with their merits.

I do not have a financial interest prescribed by the Local Government Act and as a result will not leave the Council Chamber during the discussion/debate on Items 10.3.3 and 10.5.1 at the Council Meeting on 23 August 2011.

Cr Howat

In accordance with Clause 11 of the Local Government (Rules of Conduct) Regulations 2007 I declare that there may be a perception of an interest on items 10.3.3 and 10.5.1 of the Agenda for the Ordinary Council meeting to be held 23 August 2011 as I live in the vicinity of the proposed Public Transport Corridor connecting Jackson and Henley Streets (referred to in both of these report items). I declare that I have an impartiality interest in these items and will participate in the debate and vote on the matters in accordance with their merits.

I do not have a financial interest prescribed by the Local Government Act and as a result will not leave the Council Chamber during the discussion/debate on Items 10.3.3 and 10.5.1 at the Council Meeting on 23 August 2011.

Note: Crs Cala and Howat remained in the Council Chamber for Item 10.5.1

| |
|--|
| 10.5.1 Public Transport for Perth in 2031 |
|--|

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | WA State Government (Department of Transport) |
| File Ref: | GR/328 |
| Date: | 5 August 2011 |
| Author: | Stephen Bell, Director Infrastructure Services |
| Reporting Officer: | Cliff Frewing - Chief Executive Officer |

Summary

The WA State Government, through the Department of Transport, has recently prepared a draft public transport plan for the Perth metropolitan area. This document entitled *Public Transport for Perth in 2031* is currently advertised for public submissions for a period of three months from 14 July 2011 to 14 October 2011 inclusive.

The purpose of this report is for the Council to consider the document *Public Transport for Perth in 2031* and to provide comment to the Department of Transport on aspects of the public transport plan that directly relate to the transportation network and services within the City of South Perth.

Background

At its August 1991 meeting, Council resolved....

That....

- no road link would be constructed between Henley Street, Murray Street and Jackson Road; and
- the Principal Planner was to submit a report to the Works Finance and General Purposes Committee on the necessary procedures to ensure that the subject land could not be used for road purposes at any future time.

October 1991

The Principal Planner prepared the required report which was considered at the October 1991 Works Finance and General Purposes Committee meeting. That report explained the necessary statutory procedures to enable the subject land to be used for alternative purposes: road closure action under the Local Government Act; application to the Department of Land Administration for approval of an alternative use for this Crown land; Amendment to the Metropolitan Region Scheme; and Amendment to the City's Town Planning Scheme No. 5. The report also identified ten possible alternative land uses for the road junction.

Having considered the October 1991 report, the Council resolved:

- to refer to the November 1991 Parks and Health Committee meeting the question of possible modification to the Collier Park Golf Course to incorporate surplus road land; and
- to refer the question of possible alternative land uses to the November 1991 meeting of the Buildings and Town Planning Committee.

November 1991

The Principal Planner prepared a further report on alternative land uses which was considered at the November 1991 B/TP committee and Council meetings. Having considered that report, Council resolved....

That...

- the CEO was to develop alternate concepts for the use of the subject 'road' land and report to the February 1992 meeting of the B/TP Committee.
- By mid-January 1992, Councillors were to advise the CEO of their preferences regarding alternative land use.

February 1992

The Principal Planner presented a further report to the February B/TP Committee meeting identifying complimentary actions being considered, namely:

- re-design of Collier Park Golf Course
- possible relocation of Council's depot
- required statutory procedures

At the February 1992 meeting, the Council resolved to defer the matter to the next B/TP Committee meeting pending the Manager of Parks submitting a report to the March 1992 Parks and Health Committee meeting on all related issues.

March 1992

Having considered the relevant officer report, the Council adopted a resolution to the effect that relocation of the Council's Works Depot was supported in principle and the CEO and Parks Manager were to proceed with various related actions.

A search of records confirms that, subsequent to the March 1992 meeting, in relation to the land at the Henley / Murray / Jackson road junction, the Council did not resolve to take any further action to advance the statutory road closure, and related re-zoning of the land.

In November 2010, at Item 10.3.1, Council when considering a report on the draft '**Central Metropolitan Perth Sub-Regional Strategy**', resolved (in part)

6. As a matter of priority and complementary to the draft *Strategy*, the Western Australian Planning Commission and related State Government agencies be requested to:
 - (c) ***review its plan for an Urban Corridor along Barker Avenue and Henley Street-Jackson Road as it is believed that to create new high density corridors and major traffic and public transport routes of the type envisaged would have not only a major detrimental impact on the existing and future residential environment of this locality, but be contrary to some of the things most valued in our community; that is, the maintaining of the village-like atmosphere of our local communities and the development of natural corridors of vegetation.***

In August 2010, the Department of Planning released its strategic blueprint for Perth, *Directions 2031 and Beyond*. This document is a high-level spatial framework and strategic plan that establishes a vision for Perth and the Peel region to manage the housing and employment needs of an estimated population of half a million by 2031, and to prepare for a City of nominally 3.5 million people around 2051. The aim of *Directions 2031* is to increase the functionality of activity centres across Perth, increase residential densities within activity centres and the central suburbs of the City, and to ensure that employment is created within close proximity to where people reside.

There is a close relationship in *Directions 2031* between the urban (built) environment and public transport. To ensure alignment between the urban environment and public transport, the WA State Government through the Department of Transport recently completed a draft public transport plan for Perth. This document entitled *Public Transport for Perth in 2031* is currently advertised for public submissions for a period of three months from 14 July 2011 to 14 October 2011 inclusive. Following the completion of the consultation period, the Department of Transport will consider all submissions and refine the plan as considered appropriate.

Briefly, the State Government established an independent panel to identify options for the development of a mass transit network up to 2031. The panel was required to identify a primary public transport network for a City comprising 2.5 million people (at 2031), recommend the capital investments necessary to achieve this objective, and consider how best to achieve land use and transport integration across the Perth metropolitan area.

The independent panel consulted with key stakeholders such as the Public Transport Authority, Main Roads Western Australia, Department of Planning, WA Treasury, Local Government and transport and development industries. The end result is the formulation of a plan which establishes a long term vision for a public transport network and for public transport to be the preferred mode of travel to Perth's strategic centre's and through growth corridors.

The population projection figures for 2031 and 2051 are considered conservative.

The document *Public Transport for Perth in 2031* is at **Attachment 10.5.1**.

Comment

Public Transport for Perth in 2031 - General Overview of the Plan

The WA State Government has called for significant change in the way public transport operates if it is to deal with the anticipated growth over the next 20 years and beyond. *Public Transport for Perth in 2031* highlights that the current network will be unable to cope with the expected demand in public transport usage and resultant growth of the City. The report finds that over the next 20 years, much of the investment in public transport infrastructure and system improvements is required within 15km of the Perth central area.

By 2031, the plan highlights that public transport will account for:

- 1 in 8 of all motorised trips (currently 1 in 14);
- 1 in 5 of all morning motorised trips (currently 1 in 8);
- Over 30% of peak hour distance (currently around 20%); and
- Nearly 70% of all trips to the CBD (currently around 47%).

The plan states that public transport is a public necessity, finding exponential increases in the use of public transport over the last ten years and recording a growth of 67% over that period. The Perth public transport system currently serves 330,000 trips every weekday. Therefore, for the level and quality of public transport services to improve, there will need to be real improvements in reliability, speed of travel, service frequency, safety and security, and ease of use to satisfy the future public transport demand of a growing City.

The plan cites a discrepancy between inner metropolitan service quality and that of the outer areas particularly that of the northern sector of Perth which is described as having limited quality mass transit services. Accordingly, the plan calls for systematic improvements of the existing infrastructure and network, indicating that the public transport system can be enhanced by increasing capacity on the existing network, expanding the network, and developing transformational projects.

The project proposals are grouped into two distinct categories – stage one (or shorter term) before 2020 and stage two (or medium term) before 2031. The transport plan calls for an expanding of the existing network in a four-stage method:

- Purchasing new trains and buses;
- Upgrading major bus interchanges and providing bus services to transfer passengers to rail services;
- Building new train stations; and
- Providing access to the system including adequate park and ride facilities.

The following initiatives are viewed as being integral to the creation of Perth’s long term public transport network:

- Providing priority bus lanes along routes that connect major centres through congested intersections;
- Adding a rail spur service to Perth airport and the Hills area;
- Extending the Armadale line to Byford and Mundijong in the longer term;
- Extending the Northern Suburbs Railway to Yanchep.

The plan estimates that the total annual cost to operate and maintain the public transport system will rise to \$1.2 billion, up from about \$691.2 million in 2009/2010. Over the next 20 years, the major components of the cost of fleet expansion are highlighted below:

| Description | Cost |
|---|---------------|
| Additional rail rolling stock (about 156) | \$624 million |
| Additional buses (about 900) | \$482 million |
| New light rail vehicles (about 29) | \$131 million |

The estimated cost to construct the infrastructure recommended in the public transport plan is \$2.9 billion, with the major components being:

| Description | Cost |
|--|---------------|
| Rail system expansion | \$1.2 billion |
| Light rail | \$1 billion |
| Bus rapid transit and bus priority infrastructure | \$343 million |
| Additional rail, bus and light rail depot and maintenance facilities | \$180 million |
| Transit interchanges, including park and ride | \$135 million |

The Council Resolution at Item 10.3.1 of the Council Meeting held on 23 October 2010 relating to the *draft* Central Metropolitan Perth Sub-Regional Strategy was submitted to the Western Australian Planning Commission for consideration. However, it would appear that the substance of the Council resolution has not been acted upon. Since the Capital City Planning Framework Plan (which is the subject of a report on the August Council Agenda at Item 10.3.3), Directions 2031, Central Metropolitan Perth Sub-Regional Strategy, and more recently Public Transport for Perth 2031 all make reference to the Henley Street / Jackson Road connection, it is therefore concluded that this connection is considered to be an important strategic transport corridor to meet the future needs of a growing City.

Public Transport Plan for Perth in 2031 – Implications for the City of South Perth

1. South Perth Railway Station

The transport plan indicates that the residents of South Perth enjoy a relatively quick bus trip into Perth and a regular ferry service is available between the Barrack Street and Mends Street jetty's respectively. Consequently, it is stated that a railway station is not expected to attract sufficient additional passengers to justify its capital and operating cost.

The transport plan infers that in the event developments of sufficient scale are guaranteed within 400-800m of the railway station location, and sufficient patronage generation results, then a station at South Perth may be reconsidered. However, the plan does not identify on any drawings or identify any funding to implement the railway station in either the short to longer term horizon.

Officer Comment

i) Previous State Government Commitment and Perth-Mandurah Railway Line

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

Since this commitment, successive WA State Labour/Liberal Governments have continued to put back the timing for construction of a railway station at South Perth, to the point where the station is no longer in the forward estimates or identified as a priority project in the Public Transport Plan for Perth 2031.

A railway station has been planned since the introduction of the Perth to Mandurah railway line. At the time of constructing the Perth to Mandurah railway line, the Kwinana Freeway was realigned near Richardson Street at an estimated cost of \$3.0 million to allow the railway station platform to be constructed.

In late 2008 the Public Transport Authority commissioned an Architect to develop a design concept for the new railway station. The design was based on the principle that the railway station was to be a destination rather than interchange and would be un-manned. The design concept for the railway station, inclusive of determining the estimated construction costs, was completed in 2009.

ii) South Perth Station Precinct Plan (2011)

The City participated in a joint study with the Department of Planning to develop a framework for accommodating higher density development and increased commercial floor-space within the precinct (i.e. within a radius of 800 metres from the proposed South Perth railway station). The study was completed in July 2010, with the Council considering a report on the South Perth Station Precinct Plan at its meeting held on 24 August 2010. The South Perth Station Precinct Plan was finally adopted in January 2011.

The Department of Transport has indicated that the South Perth railway station will not be delivered until sufficient development of the South Perth Station Precinct has occurred. It should be noted that the promise of a railway station at Richardson Street was one of the main drivers for engaging a Consultant to progress the South Perth Station Precinct Plan. It is considered that early delivery of the South Perth railway station is fundamental to the development of the remainder of the Precinct, as it will provide certainty for developers to commit to projects in the Precinct area and allow the area to be developed to its fullest potential.

iii) Business Case - South Perth Railway Station

As a consequence of the State Government decision to put off the construction of the South Perth railway station, combined with the need to support the objectives of the South Perth Station Precinct Plan, the City engaged a Consultant to undertake detailed financial modelling and to prepare a Business Case for a proposed railway station near Richardson Street. The Business Case was undertaken, among other things, to determine whether the railway station was financially sustainable in the short to longer term and identify innovative funding opportunities.

In total, four development options were considered for the proposed South Perth Railway Station, these being shown at Table 1 below:

Table 1 - South Perth Railway Station - Development Options

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

The Business Case concluded that the railway station was financially sustainable if Option 3a or 3b was initiated by the City. Both options involve the construction of a substantial building on the corner of Richardson Park, with some encroachment on the road reserve of the closed portion of Melville Parade. These options were recently being explored, with the community being consulted over whether a train station and building constructed partly over Richardson Park is acceptable. A report on this topic is also contained on this Agenda at Item 10.0.1.

iv) Perth Zoo

Perth Zoo is major attraction for Perth and WA residents. It is also a major attraction for interstate and international visitors. Table 2 below shows a snapshot of the total number of visitors between 2006 and 2009 respectively.

Table 2 - Annual Zoo Patronage

| Year | Visitors to Perth Zoo |
|----------------|-----------------------|
| 2006 | 597,027 |
| 2007 | 612,925 |
| 2008 | 620,705 |
| 2009 | 636,969 |
| Annual Average | 616,907 |

In 2009, a visitor survey was undertaken by Perth Zoo. This found that the visitor's place of origin is categorised as shown at Table 3:

Table 3 – Perth Zoo Visitor Survey (2009)

| | |
|-------------------|-------------------------|
| 72% Local | Approx 458,617 |
| 9% Intrastate | Approx 57,327 |
| 9% Interstate | Approx 57,327 |
| 10% International | Approx 63,697 |
| Total 100% | 636,969 visitors |

Tourism is an area which Perth Zoo has plans to focus more intently, targeting an increase in the number of international visitors to approximately 127,000 visitors within the next five years. The 2009 visitor survey also highlighted that the mode of transport visitors used to travel to Perth Zoo was predominantly by Private Vehicle (76%), followed by Ferry (12%), Bus (8%), and other means of transport (4%).

The Perth Zoo master-plan indicates that current public transport provision to the Zoo is inadequate. Public transport access to the Zoo is serviced through two buses departing from the Perth CBD, one from Wellington Street, two from the Victoria Park transfer station, and the ferry providing public transport access to and from the Zoo. Visitors to the Zoo have to transfer through at least two different modes of public transport. This poses a significant inconvenience, given the likely visitor groups would be families with young children and school groups.

The Perth Zoo conducts a series of summer concerts and provides a venue for seminars and other corporate events. Some events held within the grounds are outsourced to private organisers. This outsourcing of events acts as a secondary attraction for Perth Zoo which extends the operating hours and generates an increased number of visitors. It is expected that an average of eight events will be conducted in the Perth Zoo each year as noted at Table 4 below.

Table 4 - Events Summary Perth Zoo

| Attendance Capacity per event | Average attendance per event | Total number of Events per annum | Average number of Attendances per annum |
|-------------------------------|------------------------------|----------------------------------|---|
| 5,000 | 2,500 - 3,500 | 8 minimum | 20,000 to 28,000 |

The primary benefit resulting from the development of the train station will be improved access to the Zoo and this is estimated to generate a 5% increase of the number of visitors each year. With improved connectivity to Perth CBD, people attending events at the Zoo would be more likely to use public transport and therefore not be subjected to traffic congestion problems or lack of parking facilities in South Perth. This would encourage more events to be held at the Zoo, generating greater revenue and opportunities for expansions at the Zoo, which will in turn create benefits for both the local and State economy.

v) South Perth foreshore (Sir James Mitchell Park) – Special Events

The City conducts a number of annual events at Sir James Mitchell Park, which at times are financially supported by the City of Perth and/or State Government agencies (i.e. LotteryWest, Department of Health etc). Table 5 shows a sample of the major events conducted and the average number of attendances per annum.

Table 5 - South Perth Events at Sir James Mitchell Park

| Event | Approximate Number of Attendance |
|-------------------------|--|
| Australia Day Sky Show | 110,000 (2010) |
| Red Bull Air Race | 35,000 (Friday 2010); 90,000 (Saturday 2010) |
| Mellen Events | 25,000 (2010) |
| RSPCA Million Paws walk | 15,000 (2010) |

A train station at South Perth would provide a public transport alternative for attendees of some of the events. The venue would be easily accessible to virtually the entire metropolitan area and it could substantially alleviate potential issues such as traffic congestion, illegal parking and negative impact occurrences usually associated with large attendance events.

The City of South Perth also conducts a significant number of community events annually. Community events such as the ANZAC Day Service, Community Recreation Expo and the Fiesta Foreshore Festival currently attract mostly local residence attendance. Development of the train station would make the events more accessible and potentially increase overall attendance numbers.

vi) South Perth Railway Station – Summary

In 2002, the WA State Labour Government provided a commitment to construct a railway station at South Perth by 2010. Since this commitment, successive WA State Governments have continued to put back the timing for construction of a railway station at South Perth, to the point where the station is no longer in the forward estimates or identified as a priority project in the *Public Transport for Perth in 2031*.

The promise of a railway station was one of the main drivers for the City engaging a Consultant to progress the South Perth Station Precinct Plan, which was formally adopted in January 2011. The City is therefore extremely disappointed with the lack of commitment shown by the WA State Government to the timely implementation of the South Perth railway station. An Amendment to the City's operative Town Planning Scheme No. 6 is currently underway to create a Special Control Area with specific development controls in the South Perth Station Precinct, which are aimed at maximising surrounding densities in the form of mixed use development. Without a firm commitment to delivery of the South Perth rail station the City does not envisage an appropriate level of development occurring within the precinct, in line with the objectives of Directions 2031.

The transport plan infers that in the event “developments of sufficient scale are guaranteed within 400-800m of the railway station location, and sufficient patronage generation results, then a station at South Perth may be reconsidered.” The City considers that the railway station is fundamental to facilitating timely and much needed development within the South Perth Station Precinct. In addition, developers require surety that the railway station will be provided before they commit to redevelopment projects of any significant scale, cost and potential risk.

The location of the proposed South Perth train station is within easy walking distance of Perth Zoo (about 500 metres), which attracts in excess of 630,000 visitors annually. Perth Zoo is also looking to grow the business by tapping into the international market with projections of approximately 127,000 additional visitors within the next five years. Perth Zoo conducts a series of summer concerts and provides a venue for seminars and other corporate events, all of which are not included in the annual visitor number counts.

The City holds large outdoor events at Sir James Mitchell Park such as Red Bull Air Race, Australia Day Skyworks, Fiesta, and Million Paws walk to name but a few examples. The number of people attending these events ranges from 15,000 to 120,000, with the City continuing to grow the events as the opportunity arises and funding permits.

The numbers of people either living or visiting the City of South Perth in coming years is expected to rise exponentially. In order to limit people's dependence on the motor vehicle, it is therefore imperative that high quality, reliable and safe public transport infrastructure and services be provided to meet the current and future population and transport demands of the community.

2. Bus Rapid Transit and Light Rail

Perth's future transit system will comprise three types of integrated service, being:

- train services;
- road based rapid transit services; and
- buses

A road based rapid transit service could be light rail or bus rapid transit.

Light rail (or trams) is a form of public transport that combines the best characteristics of traditional rail systems, whilst expanding coverage to areas where building railways is not an option due to practicality, excessive constraints, and high cost. Light rail is more effective than bus services especially during peak hour travel times, as it can carry much larger volumes of passengers. For example, an on-road light rail service has the capacity to move up to 7,500 persons per hour, operating at a frequency of about 2 minutes. Light rail also helps to encourage increased urban activity and development around railway stations.

Light rail, with capacity to move large volumes of people during the peak hours, is an identified new service from Perth to Mirrabooka, with the possibility for the service to be extended through East Wanneroo to Joondalup in the longer term (ie after 2031). It is also likely that the light rail service between Mirrabooka and Perth could provide direct through-services to UWA and Curtin University in the longer term thereby providing a network of services through the central area and with links into the City. The light rail proposal is similar to the “knowledge arc” concept advocated by Curtin University.

The proposed projects for rapid transit infrastructure, identified as Stage 1 (before 2020) and Stage 2 (before 2031) in the transport plan, shows the provision of a bus rapid transit service between Canning Bridge interchange and Curtin University before 2020. Beyond 2031 the route between Canning Bridge interchange and Curtin University is earmarked for light rail (refer to the diagram on p22 of transport plan).

It is stated that Canning Bridge interchange is at capacity and requires upgrade to improve bus connections and pedestrian access. The upgrade includes the introduction of priority bus lanes along Canning Highway, Henley Street and Jackson Road to provide an improved transport linkage between Canning Bridge interchange and Curtin University (refer p26 of transport plan). The ultimate network for light rail will provide major access to Curtin University from Canning Bridge interchange and to the City from Victoria Park. The transport plan does not specifically identify in words the alignment of the future light rail service; suffice to say however that it is assumed in the longer term light rail is proposed for parts of Canning Highway, Henley Street and Jackson Road.

Officer Comment

The transport plan specifically discusses connecting centres (ie Universities) outside of the Perth central area. The City is of the opinion that light rail is the most effective means to connect the Universities and centres of significance. Light rail also has the capacity to move greater numbers of people per hour than rapid bus transport, and would therefore support the long-term growth of these specialised centres more appropriately than conventional bus services. Accordingly, the City considers that a light rail route, based on the “knowledge arc” concept developed by Professor Peter Newman of Curtin University, to be of significant benefit to the future growth and sustainability of the Perth metropolitan area.

Canning Highway is a major activity and transport corridor linking the CBD and Fremantle which will see significant increased residential and commercial densities over the next 20 years and result in a steep increase in public transport use. Consequently, it is disappointing that there is no commitment to the provision of light rail along Canning Highway (apart from a small section between Canning Bridge interchange and Henley Street). The City is of the opinion that a firm commitment to light rail needs to be demonstrated in the public transport plan, even if it is not intended to deliver the infrastructure for 20 years. This will enable the City to appropriately plan for light rail infrastructure within its strategic planning framework, to ensure acceptable density, services and local transport linkages are in place prior to delivery of the infrastructure.

As a short to mid term solution, the City supports in principle the provision of a bus rapid transit service between Canning Bridge interchange and Curtin University by 2020. The bus rapid transit service includes the introduction of priority bus lanes along Canning Highway, Henley Street and Jackson Road to provide an improved and more direct transport link between Canning Bridge interchange and Curtin University / Bentley Technology Precinct. Upgrade to the transport network supports the City’s vision for the Canning Bridge precinct and future development of the Bentley Technology Park and Curtin University as well as supporting improved transport connectivity through the City of South Perth.

There are currently two bus services that operate from Canning Bridge interchange to Curtin University, these being:

- Route 100 - This service currently operates from Canning Bridge Station to Curtin University with an average headway^(#) of 7 minutes^(*) in the morning peak (i.e. 7:30 am to 9:00 am) and 15 minutes^(*) in the afternoon peak (i.e. 4:00 pm to 6:00 pm). Route 100 travels from Canning Bridge Station along Henley Street, Canavan Crescent and Manning Road, before turning north to Kent Street to service the Bentley Technology Park, then along Hayman Road to Curtin University Bus Station; and
- Route 101 - This service currently operates from Curtin University to Canning Bridge Station with an average headway^(#) of 13 minutes^(*) in the morning peak (7:30 am to 9:00 am) and 15 minutes^(*) in the afternoon peak (4:00 pm to 6:00 pm). This service follows the same route as route 100, except at Manning Road it continues up to Lawson Street to eventually connect to Curtin University Bus Station off Hayman Road.

Notes:

(#) Headway is a measurement of the distance/time between vehicles in a transit system. The definition varies, however it is most commonly measured as the distance from the tip of one vehicle to the tip of the next one behind it, expressed as the time it will take for the trailing vehicle to cover that distance)

(*) 2009 PTA Data

Two additional bus routes (routes 33 and 34) operate in the following areas:

- Route 33 – Perth, East Perth, Kensington, Como, Bentley, terminating in Karawara south of Jackson Road; and
- Route 34 – South Perth, Como, Karawara, Bentley, Curtin University Bus Station to Cannington Bus Station.

One of the key issues identified in the Bentley Technology Precinct master-plan, draft Bentley Precinct Public Transport and Car Parking Strategy (March 2010), and recently publicised Public Transport for Perth in 2031 is the need for public transport routes to meet the future passenger demand in order to service a growing and sustainable Perth. In particular, one of the objectives is to improve the capacity and level of service for public transport users between Canning Bridge interchange and Curtin University/Bentley Technology Precinct. In this regard, it is evident from previous studies that the Henley Street/Jackson Road link could play a major role in providing a new high frequency east-west bus route connecting the Canning Bridge interchange to Curtin University/Bentley Technology Precinct.

The Bentley Technology Precinct Structure Plan (2008) estimates that the precinct would attract an additional 13,000 residents and 30,000 employees over the next 20 years. Student population is predicted to grow from 26,000 (full-time) in 2007 to 45,000 (full-time) by 2031. It is estimated that this will increase the demand for buses from 40 to 80 in the morning peak hour delivering a total of approximately 5,000 passengers to this precinct when fully developed.

The proposed bus-only route along Henley Street/Jackson Road is considered to be an important component of the improved bus network. It will encourage greater use of public transport, as it shortens bus journey travel times, and offers a comparable and competitive journey time to that of the private car. The bus only route will also enable faster and simpler connections between Canning Bridge interchange and Curtin University/Bentley Technology Precinct.

Some additional advantages of the Henley Street / Jackson Road bus route are:

- The length of the journey between Canning Bridge interchange and Curtin University/Bentley Technology Precinct will be reduced by approximately 1.2 km (travel time saving of approximately 2 to 3 minutes);
- The delays currently experienced on Manning Road, caused by the queue lengths at the Kent Street intersection, will be reduced;
- Future traffic volumes for Jackson Road are expected to remain low, even accounting for use by bus only traffic;
- The number and frequency of buses using local roads such as Canavan Crescent will be reduced thereby improving the quality life and amenity for these local residents.

The Public Transport Authority estimates that the Canning Highway/Henley Street/Jackson Road route will save about 2 to 3 minutes over the existing Manning Road route. This time saving is likely to increase in the future as Manning Road becomes more heavily congested as a result of development occurring in the area (eg Bentley Technology Park, Curtin University, Waterford Triangle, Cygnia Cove etc). In addition, according to Strategic Transport Evaluation Modelling (STEM) undertaken for the Bentley Technology Precinct master-plan, the predicted peak period demand by 2031 would support an average headway of 3 minutes for the Canning Bridge to Curtin University/Bentley Technology Precinct bus service.

It is acknowledged that if the Jackson Road / Henley Street is used as a mass transit public transport route, the quality of life of residents east of Canavan Crescent would be affected. However, if Jackson / Henley is not opened, it can reasonably be assumed that bus services will be increased over time in Canavan Crescent and perhaps other residential streets to compensate.

The public transport plan infers that at some stage in the future light rail could be provided to service the connection between Canning Bridge interchange and Curtin University. Whilst the City considers light rail needs to be provided along major transport corridors such as Canning Highway, the City does not support such a route being located along Henley Street and Jackson Road.

Both Henley Street and Jackson Road are located within a residential precinct. The constrained width of the road reserve, nature of the roadside activity, competing road uses and extent of traffic management measures in place at various locations along the road length make light rail unsuitable for the selected route. However, the City is of the opinion that a light rail route along Manning Road should be investigated and costed, inclusive of a connection to Canning Bridge interchange from the south (possibly via Wooltana Street). Manning Road is considered to be a far superior route for light rail as it contains significant community infrastructure and commercial activity centres such as George Burnett Leisure Centre and Waterford Plaza Shopping centre to name but a few examples.

Whilst the transport plan identifies a light rail link between Canning Bridge interchange and Curtin University/Bentley Technology Precinct, it does not address how light rail is to be accommodated at respective ends of the network. Hence, the transport plan must provide advice as to how Canning Bridge interchange in particular is to be reconfigured/upgraded to accommodate the on-road light rail services.

Further, the recently adopted *Canning Bridge Precinct Vision* which identifies transit orientated development within 800 metres of the railway station, will inevitably result in a substantial increase in traffic generated due to the increased commercial activity and number of dwellings proposed. It is therefore vital that Canning Bridge interchange be upgraded as a matter of priority to meet the current and future transport demand and planned growth of the area.

As previously stated, Canning Highway is a major activity and transport corridor linking the CBD and Fremantle. As a short to mid term solution (i.e. prior to 2020), the City considers that the section of Canning Highway between Canning Bridge interchange and the causeway should cater for bus priority lanes to facilitate greater uptake of public transport and improved transport efficiency through the district. In recent times, the Department of Transport has undertaken a review of the road reservation requirements for Canning Highway and the ultimate cross section shows the provision of bus priority lanes on respective sides of the highway. Accordingly, the provision of bus priority lanes meets the future transport objectives for Canning Highway and should therefore be implemented before 2020. However, in the longer term, light rail should be considered for this important strategic road corridor.

3. Ferry Services

The transport plan indicates that the current ferry service, which operates between Barrack Street and Mends Street jetty, is small in the context of public transport travel. Some additions to ferry services along and across the Swan River can be anticipated, perhaps linking Burswood, East Perth and Applecross. However growth beyond this is likely to be constrained due to speed constraints for ferries in the Swan River, parallel road/rail routes with faster journey times and limited opportunities for both high density development and transit interchanges at river nodes.

Officer Comment

There is a wonderful opportunity for the Swan River to be better utilised for public transport purposes in order to link with and enhance residential/commercial precincts along its periphery. The City is keen to engage in dialogue with the Department of Transport regarding density and mixed use development to support potential ferry terminals linking specialised centres across the Swan and Canning Rivers. The City is generally supportive of such development where good built form and amenity outcomes can be achieved.

4. Implementation Timeframe, Commitment to Funding, and Lack of Detail

Officer Comment

There is a distinct lack of detail regarding the locations of public transport routes and infrastructure (refer diagrams on page 22, 25 and 29). There is also lack of any meaningful detail in relation to the WA State Governments ongoing commitment to fund and construct the priority actions identified in the public transport plan.

The following changes are recommended for incorporation in the final document Public Transport for Perth 2031:

- All diagrams, particularly those identifying the “Stage 1”, “Stage 2” and “Ultimate Network” for rapid transport infrastructure, need to identify the locations of major roads and other features for added clarity of route alignment/selection;
- For the proposed bus rapid transit and/or light rail services identified for Stage 1, Stage 2 and the Ultimate Network, larger scale drawings shall be provided to clearly identify in more detail individual route alignments;
- A priority implementation schedule needs to be provided in tabulated form, clearly showing the timeframe (i.e. year) and estimated cost to carryout the recommended improvements to the transport infrastructure and services;
- The transport plan shall clearly document that prior to the commencement of any works, particularly where proposed bus rapid transit and/or light rail routes are recommended within residential precincts (i.e. Jackson Road and Henley Street), that consultation will first be undertaken to gauge community support for the proposed transport route.

Consultation

The document, entitled *Public Transport for Perth in 2031*, is currently advertised for public submissions for a period of three months from 14 July 2011 to 14 October 2011 inclusive.

Policy and Legislative Implications

There are no Policy implications for this report.

Financial Implications

There are no immediate financial implications to the City as a result of this report.

If the Public Transport Plan for Perth 2031 is ultimately adopted by the WA State Government, it is estimated that the total annual cost to operate and maintain the public transport system will rise to \$1.2 billion, up from about \$691.2 million in 2009/2010. Over the next 20 years, the major components of the cost of fleet expansion are highlighted below:

| Description | Cost |
|---|---------------|
| Additional rail rolling stock (about 156) | \$624 million |
| Additional buses (about 900) | \$482 million |
| New light rail vehicles (about 29) | \$131 million |

The estimated cost to construct the infrastructure recommended in the public transport plan is \$2.9 billion, with the major components being:

| Description | Cost |
|--|---------------|
| Rail system expansion | \$1.2 billion |
| Light rail | \$1 billion |
| Bus rapid transit and bus priority infrastructure | \$343 million |
| Additional rail, bus and light rail depot and maintenance facilities | \$180 million |
| Transit interchanges, including park and ride | \$135 million |

Strategic Implications

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

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

The Plan is also consistent with the City's “Out Vision Ahead” future planning vision.

Sustainability Implications

Intensification of development around the proposed South Perth railway station, greater reliance of public transport and discouraging the use of private vehicles all go towards ensuring that development and transport is sustainable for the longer term.

OFFICER RECOMMENDATION ITEM 10.5.1

The City of South Perth supports in-principle the document “*Public Transport for Perth in 2031*”, subject to the following amendments being incorporated into the document:

(a) South Perth Railway Station

That the South Perth railway station be identified as a priority project and assigned a timeframe for construction within the document Public Transport for Perth in 2031 based on:

- (i) There has been a prior WA State Government commitment to fund the railway station, with an expectation that the railway station would be constructed by 2010 and then 2013;
- (ii) A railway station at South Perth has been planned since the introduction of the Perth to Mandurah railway line, with the Kwinana Freeway being realigned at considerable cost to accommodate the platform;
- (iii) The Public Transport Authority has completed design concepts for the railway station based on the principle that the station was to be a destination rather than an interchange and be un-manned;
- (iv) The previous commitment of a railway station was one of the main drivers for the City undertaking the South Perth Station Precinct Plan, which was adopted in January 2011. This study was undertaken to align with Directions 2031 and more particularly, achieve higher densification within 800 metres of a proposed railway station;
- (v) Perth Zoo attracts in excess of 630,000 visitors each year, conducts summer outdoor concerts, and is a venue for seminars and other corporate events. The numbers of people visiting and using Perth Zoo as a venue is increasing annually;
- (vi) Large events are held at Sir James Mitchell Park which could directly benefit from more efficient and reliable public transport infrastructure and services (eg Skyworks, Red Bull, Fiesta, Million Paws walk, Mellen Events etc);
- (vii) A Business Case recently completed by the City indicates that the South Perth railway station is financially sustainable.

(b) Bus Rapid Transit

- (i) The provision of bus rapid transit services between Canning Bridge interchange and Curtin University by 2020 is supported. The bus rapid transit services includes the introduction of priority bus lanes along Canning Highway, Henley Street and Jackson Road to provide an improved transport connection between Canning Bridge interchange and Curtin University/Bentley Technology Precinct;
- (ii) Canning Highway is a major activity and transport corridor linking the CBD and Fremantle. As a short to mid term solution (i.e. prior to 2020), the City considers that the section of Canning Highway between Canning Bridge interchange and the causeway should include priority bus lanes to facilitate more efficient public transport services and greater uptake of public transport generally;

(c) Light Rail

- (i) The “knowledge arc” concept developed by Professor Peter Newman of Curtin University, be the preferred light rail route to service the future transport needs and growth of the Perth metropolitan area;
- (ii) The provision of a light rail route along Henley Street and Jackson Road is not supported. The constrained width of the road reserves, nature of roadside activity, competing road uses and extent of traffic management measures in place at various locations make light rail unsuitable for Henley Street and Jackson Road.
- (iii) A light rail route along Manning Road should be investigated, inclusive of a connection to Canning Bridge interchange from the south.

(d) Ferry Services

There is a wonderful opportunity for the Swan River to be better utilised for public transport purposes in order to link with and enhance residential/commercial precincts along its periphery. The City is keen to engage in dialogue with the Department of Transport regarding density and mixed use development to support potential ferry terminals linking specialised centres across the Swan and Canning Rivers. The City is generally supportive of such development where good built form and amenity outcomes can be achieved.

(e) Canning Bridge Interchange

- (i) The Canning Bridge Precinct Vision, which identifies transit orientated development within 800 metres of the railway station, will inevitably result in a substantial increase in traffic due to the increased commercial activity and number of dwellings proposed. It is therefore vital that Canning Bridge interchange be upgraded as a matter of priority to meet the current and future transport demands and planned growth of the area.
- (ii) The public transport plan identifies a light rail link between Canning Bridge interchange and Curtin University/Bentley Technology Precinct. However, the plan does not address how the future light rail connection is to be accommodated at respective ends of the network, more particularly at Canning Bridge interchange.

(f) Implementation Timeframe, Commitment to Funding, and Lack of Detail

- (i) All diagrams, particularly those identifying the “Stage 1”, “Stage 2” and “Ultimate Network” for rapid transport infrastructure, need to identify the locations of major roads and other features for added clarity of route alignment/selection;
- (ii) For the proposed bus rapid transit and/or light rail services identified for Stage 1, Stage 2 and the Ultimate Network, larger scale drawings shall be provided to clearly identify in more detail individual route alignments;
- (iii) A priority implementation schedule needs to be provided in tabulated form, clearly showing the timeframe (ie year) and estimated cost to carryout the recommended improvements to the transport infrastructure and services;
- (iv) The transport plan shall clearly document that prior to the commencement of any works, particularly where proposed bus rapid transit and/or light rail routes are recommended within residential precincts (i.e. Jackson Road and Henley Street), that consultation will first be undertaken to gauge community support for the proposed transport route.

MOTION

Cr Cridland Moved the officer recommendation, Sec Cr Lawrance

AMENDMENT

Moved Cr Trent, Sec Cr Ozsdolay

That the officer recommendation, in Clause (b) 'Bus Rapid Transit' part (i) be amended to read:

(b) Bus Rapid Transit

The provision of bus rapid transit services between Canning Bridge interchange and Curtin University by 2020 along Henley Street and Jackson Road is not supported. A bus route along Manning Road should be investigated, inclusive of a direct connection from the Bus interchange to Manning Road, via the existing road link at the bridge

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Amendment

- putting aside safety/ amenity issues that would exist for any proposed bus service along this Jackson/Henley link, the rationale that a bus rapid transit service provide an improved and more direct transport link between Canning Bridge interchange and Curtin University and the Bentley Technology Precinct with shorter travel times cannot be demonstrated
- these roads are presently made up of residential properties, a kindergarten, a primary and secondary school and an aged care facility
- Henley Street has undergone extensive traffic control over the years - it currently has three roundabouts, located at Ley Street, Talbot Avenue and Bruce Street
- should Henley Street be connected to Jackson Road, not only would an additional roundabout be required, a speed reduction to 40 kph would also be required
- section of road link would pass between Como Secondary College, Curtin Primary School and Meathcare Retirement Village and Hostel.
- junction of Jackson to Kent Street would require traffic control lights as it presently experiences problems for motorists and two existing bus services trying to exit either left or right
- any belief that the proposed route could provide a speedier service to Curtin or Technology Park is misplaced and lacks an understanding of the locality.
- rationale used in officer report, quite rightly suggests Manning Road is the more logical route for light rail, and that it is also appropriate for a bus rapid transit service
- report states Manning Road is a far superior route for light rail because it contains significant community infrastructure and commercial activity centres
- patrons of a light rail service would be the same as those of a bus rapid transit service and would have a need for the same community services
- any perceived advantages a high-frequency/high-capacity road public transport service may have, clearly these are lost when weighed against the adverse affect this proposal would have on the community
- deputations from the community have highlighted the issues of the safety of Kindergarten, Primary and High School aged children; the safety and quality of life of elderly residents living in the Hostel and Retirement Village and those residents who have chosen to live along a road that they thought was a quiet residential street.

Note: Cr Skinner left the Council Chamber at 9.00pm.

Cr Ozsdolay for the Amendment

- support comments made by Cr Trent
- important the message be given that this Council does not support a route along Henley / Jackson for any form of bus transport
- support the Motion.

Cr Howat for the Amendment

- support Cr Trent's comments
- elected to represent residents of CoSP and not outside groups
- case for opening up Jackson / Henley for high capacity route is flawed given impact on safety of school children, elderly and residents in general
- only benefit would be for those travelling to Curtin
- claim of a 2/3 minute time saving is laughable
- acknowledge the need for a route to carry passengers but not a route that will impact on our residents
- basic principles of planning have been forgotten in the proposal to link Henley / Jackson
- consultation has been none existent
- to suggest residents would be aware of the proposal is a nonsense
- only through the efforts of Councillors have residents we represent been made aware of issues
- State Departments have been lacking in providing information to residents
- Manning Road is the preferred and only acceptable route

Note: Cr Skinner returned to the Council Chamber at 9.05pm.

Cr Trent closing for the Amendment

- believe all points have been raised
- ask Councillors support the Amended Motion

The Mayor Put the Amendment

CARRIED (10/2)

| |
|-------------------------------------|
| COUNCIL DECISION ITEM 10.5.1 |
|-------------------------------------|

The Mayor Put the Amended Motion

The City of South Perth supports in-principle the document "*Public Transport for Perth in 2031*", subject to the following amendments being incorporated into the document:

(a) South Perth Railway Station

That the South Perth railway station be identified as a priority project and assigned a timeframe for construction within the document *Public Transport for Perth in 2031* based on:

- (i) There has been a prior WA State Government commitment to fund the railway station, with an expectation that the railway station would be constructed by 2010 and then 2013;
- (ii) A railway station at South Perth has been planned since the introduction of the Perth to Mandurah railway line, with the Kwinana Freeway being realigned at considerable cost to accommodate the platform;
- (iii) The Public Transport Authority has completed design concepts for the railway station based on the principle that the station was to be a destination rather than an interchange and be un-manned;

- (iv) The previous commitment of a railway station was one of the main drivers for the City undertaking the South Perth Station Precinct Plan, which was adopted in January 2011. This study was undertaken to align with Directions 2031 and more particularly, achieve higher densification within 800 metres of a proposed railway station;
- (v) Perth Zoo attracts in excess of 630,000 visitors each year, conducts summer outdoor concerts, and is a venue for seminars and other corporate events. The numbers of people visiting and using Perth Zoo as a venue is increasing annually;
- (vi) Large events are held at Sir James Mitchell Park which could directly benefit from more efficient and reliable public transport infrastructure and services (eg Skyworks, Red Bull, Fiesta, Million Paws walk, Mellen Events etc);
- (vii) A Business Case recently completed by the City indicates that the South Perth railway station is financially sustainable.

(b) Bus Rapid Transit

- (i) The provision of bus rapid transit services between Canning Bridge interchange and Curtin University by 2020 along Henley Street and Jackson Road is **not supported**. A bus route along Manning Road should be investigated, inclusive of a direct connection from the Bus interchange to Manning Road, via the existing road link at the bridge;
- (ii) Canning Highway is a major activity and transport corridor linking the CBD and Fremantle. As a short to mid term solution (i.e. prior to 2020), the City considers that the section of Canning Highway between Canning Bridge interchange and the causeway should include priority bus lanes to facilitate more efficient public transport services and greater uptake of public transport generally;

(c) Light Rail

- (i) The “knowledge arc” concept developed by Professor Peter Newman of Curtin University, be the preferred light rail route to service the future transport needs and growth of the Perth metropolitan area;
- (ii) The provision of a light rail route along Henley Street and Jackson Road is not supported. The constrained width of the road reserves, nature of roadside activity, competing road uses and extent of traffic management measures in place at various locations make light rail unsuitable for Henley Street and Jackson Road.
- (iii) A light rail route along Manning Road should be investigated, inclusive of a connection to Canning Bridge interchange from the south.

(d) Ferry Services

There is a wonderful opportunity for the Swan River to be better utilised for public transport purposes in order to link with and enhance residential/commercial precincts along its periphery. The City is keen to engage in dialogue with the Department of Transport regarding density and mixed use development to support potential ferry terminals linking specialised centres across the Swan and Canning Rivers. The City is generally supportive of such development where good built form and amenity outcomes can be achieved.

- (e) **Canning Bridge Interchange**
- (i) The Canning Bridge Precinct Vision, which identifies transit orientated development within 800 metres of the railway station, will inevitably result in a substantial increase in traffic due to the increased commercial activity and number of dwellings proposed. It is therefore vital that Canning Bridge interchange be upgraded as a matter of priority to meet the current and future transport demands and planned growth of the area.
 - (ii) The public transport plan identifies a light rail link between Canning Bridge interchange and Curtin University/Bentley Technology Precinct. However, the plan does not address how the future light rail connection is to be accommodated at respective ends of the network, more particularly at Canning Bridge interchange.
- (f) **Implementation Timeframe, Commitment to Funding, and Lack of Detail**
- (i) All diagrams, particularly those identifying the “Stage 1”, “Stage 2” and “Ultimate Network” for rapid transport infrastructure, need to identify the locations of major roads and other features for added clarity of route alignment/selection;
 - (ii) For the proposed bus rapid transit and/or light rail services identified for Stage 1, Stage 2 and the Ultimate Network, larger scale drawings shall be provided to clearly identify in more detail individual route alignments;
 - (iii) A priority implementation schedule needs to be provided in tabulated form, clearly showing the timeframe (ie year) and estimated cost to carryout the recommended improvements to the transport infrastructure and services;
 - (iv) The transport plan shall clearly document that prior to the commencement of any works, particularly where proposed bus rapid transit and/or light rail routes are recommended within residential precincts (i.e. Jackson Road and Henley Street), that consultation will first be undertaken to gauge community support for the proposed transport route.

CARRIED (11/1)

Reason for Change

Part (b)(i) under Bus Rapid Transport amended as Council believed that putting aside the safety and amenity issues that would exist for any proposed bus service along this link, the rationale that a bus rapid transit service along Henley Street and Jackson Road would provide an improved and more direct transport link between Canning Bridge interchange and Curtin University and the Bentley Technology Precinct with shorter travel times cannot be demonstrated.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

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| 10.6.1 Monthly Financial Management Accounts July 2011 |
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|-----------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 11 August 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 previously 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 2011/2012 Adopted Budget and the 2011/2012 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011 (after September 2011).

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-**Attachments 10.6.1(6)(A) & 10.6.1(6)(B)** (not presented for July)
- Rate Setting Statement - **Attachment 10.6.1(7)**

Operating Revenue to 31 July 2011 is \$31.05M which represents 100% of the \$31.00M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking and infringement revenue are in line with budget expectations. Interest revenues are close to budget expectations to date - although most revenue will be generated after the August cash inflow from Rates collections. Rates revenue was slightly higher than anticipated due to late advice of some additional property GRVs and the change of rating status of a development property. Property enquiry revenue is below budget expectations due to a reduced amount of property sale activity in the area.

Planning & Building revenues have been impacted by a lower level of applications during the month than was expected. Collier Park Village revenue is slightly ahead of budget expectations due to a small amount of additional rates revenue whilst the Collier Park Hostel revenue was slightly unfavourable following the phasing in of anticipated adjustments to some commonwealth subsidies after an external review of aged care subsidies. These minor adjustments will be progressively made over the next few months - but will not have a major detrimental impact on the hostel cash flows.

Golf Course revenue was some 24% below the budget target for July as revenues were impacted by a combination of adverse weather conditions and disruption to the course during the major 9 hole course upgrade.

Infrastructure Services revenue largely relates to waste management levies at this stage of the year and these are slightly ahead of budget due to billing a higher number of services than was anticipated when the budget modelling was done. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 31 July 2011 is \$2.79M which represents 89% of the year to date budget. Operating Expenditure is 10% under budget in the Administration area, 12% under budget in the Infrastructure Services area and 11% under budget for the golf course.

Operating expenses are typically favourable to budget due to a combination of factors including approved but vacant staff positions and favourable timing differences on invoicing by suppliers (a common occurrence during July each year - immediately after the 30 June billing frenzy).

A number of infrastructure maintenance activities including park and grounds maintenance, streetscape maintenance, roads & paths maintenance and building maintenance are currently quite favourable due to programs being ready for implementation, contractor availability and weather conditions. These variances are all expected to reverse back in line with budget expectations in the next few months. Waste management costs are close to budget expectations. Golf Course expenditure is favourable due to timing considerations.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.5% under the budget allocation for the 227.2 FTE positions approved by Council in the budget process. There are several factors impacting this - vacant positions yet to be filled, staff on leave and timing differences on agency staff invoices.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**.

Capital Revenue is disclosed as \$0.08M at 31 July against a year to date budget of \$0.10M. The only component of this at present is a small direct road grant which is favourable to budget and the offsetting unfavourable variance resulting from a settlement of a CPV unit that was deferred until August. Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 July 2011 is \$0.75M representing 71% of the year to date budget of \$1.04M. At this stage most of the expenditure relates to the CPGC works and some preliminary infrastructure project establishment costs. Most of the capital program is not scheduled to commence properly until after August.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented below. Comments on specific elements of the capital expenditure program and variances disclosed therein are provided bi-monthly from the October management accounts onwards.

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|------------------------------------|------------------|----------------|--------------|-------------------|
| CEO Office | 0 | 0 | 0% | 180,000 |
| Library & Community Facility * | 0 | (617) | 0% | 0 |
| Financial & Information Services * | 13,500 | 14,589 | 108% | 1,285,000 |
| Development & Community Services | 70,000 | 46,832 | 67% | 1,215,000 |
| Infrastructure Services | 30,000 | 110,496 | % | 7,889,924 |
| Waste Management | 65,000 | 5,253 | 8% | 170,360 |
| Golf Course | 870,000 | 570,109 | 66% | 5,768,760 |
| UGP | 0 | 0 | % | 5,300,000 |
| Total | 1,048,500 | 746,662 | 71% | 21,809,044 |

A Statement of Financial Position (Balance Sheet) has been prepared for the month of July - although it must be recognised that the opening balances for the balance sheet reflect 30 June balances that have yet to be finalised. Factors such as capitalisation of infrastructure assets and revaluation of certain classes of infrastructure which will be processed in August will necessarily impact the Statement of Financial Position. This means that the July proforma balance sheet will be subject to further refinement until the year end accounts are closed off in August.

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

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 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 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. Furthermore, 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.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1 |
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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) it is noted that the Schedule of Movements between the Adopted and Amended Budget Attachments 10.6.1(6)(A) and 10.6.1(6)(B) will not be presented for July 2011;
- (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 July 2011

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 11 August 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 and Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves. As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end of \$32.56M (\$34.52M last month) compare to \$33.73M at the equivalent stage of last year. Reserve funds are \$3.30M higher overall than the level they were at the same time last year - reflecting \$2.8M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The UGP Reserve is \$0.5M lower. The Sustainability and Information Technology Reserves are each \$0.3M higher whilst the River Wall Reserve is \$0.2M higher. Several other Reserve balances are also modestly higher when compared to last year. The Future Municipal Works Reserve is \$0.5M lower and Waste Management Reserve is \$0.8M lower - but these funds (advanced to the Muni fund in late 2010/2011) will be replenished during the year. The CPGC Reserve is also \$0.4M lower as funds are applied to the Island Nine project.

Municipal funds are \$4.40M lower which reflects higher cash outflows on capital projects in the 2010/2011 year - leading to almost \$4.0M less in carried forward works. Early collections from rates so far are slightly ahead of last year - but a realistic appraisal of collection success will not be possible until after the first instalment date in late August. It is hoped that our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), will again prove 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 dynamically 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 \$1.38M (compared to \$3.44M last month) It was \$5.80M at the equivalent time in 2010/2011. **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$32.06M compared to \$33.51M at the same time last year. This is due to the higher holdings of Reserve Funds as investments (but less carry forward monies 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 98.4% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Dept of Local Government Operational Guidelines for investments. All investments currently have a term to maturity of less than one year - which is considered prudent in times of changing interest rates as it allows greater flexibility to respond to possible future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are within the 25% maximum limit prescribed in Policy P603. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(2)**.

Total interest revenues (received and accrued) for the year to date total \$0.12M - compared to \$0.15M at the same time last year. This result is attributable to the higher interest rates available during the year despite the significantly lower levels of cash invested.

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 5.56% with the anticipated weighted average yield on investments yet to mature now sitting at 5.87% (compared with 5.84% last month). At-call cash deposits used to balance daily operational cash needs still provide a modest return of only 4.50% - unchanged 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 July 2011 (before the due date for the first instalment) represent 9.90% of rates levied compared to 8.78% at the equivalent stage of the previous year.

This provides encouraging (albeit preliminary) evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2011/2012 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 collections to date.

This collection result will be 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.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.77M at month end (\$1.75M last year) (\$1.69M last month). There is very little change in the composition of the outstanding debtors' balances at this time relative to the previous month end.

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 Stage 3 project, (allowing for adjustments), some \$6.24M was collected by 31 July with approximately 81.9% of those in the affected area electing to pay in full and a further 17.3% 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 were instituted in relation to three outstanding debts (Jan & Feb 2011 hearings - two have since been settled). 2 other paid in full, 8 have commenced a payment plan and 2 others are yet to reach a satisfactory arrangement and may be escalated to further action.

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 AND COUNCIL DECISION ITEM 10.6.2

That Council receives the 31 July 2011 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

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|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 10 August 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 July 2011 and 31 July 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.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3 |
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That the Listing of Payments for the month of July 2011 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

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| 10.6.4 Reporting of Significant Financial Variances |
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|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 4 August 2011 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

To comply with the current legislation, every local government is required to annually adopt a 'threshold' (calculated in accordance with the Australian Accounting Standards - AAS5) to guide the reporting of material financial variances in statements of financial activity. The identification and reporting of relevant variances between actual performance and budget expectations is an integral part of effective financial management. This report presents an appropriate materiality threshold and places it in the context of the City's current financial reporting practices.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format consistent with relevant accounting pronouncements and principles. Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. Clause 5 of this regulation provides that *'Each financial year, a local government is to adopt a percentage or value calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances'*.

Whilst AAS5 - Materiality is no longer an in-force accounting standard, the themes of the former standard are still instructive. Its definition of 'materiality' notes that 'materiality' decisions necessarily reflect the exercise of professional judgement - but the general principle is that an item may be considered material if its omission, mis-statement or non disclosure has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by management or the governing body of the entity.

Comment

The standard recognises that determining thresholds for materiality is an arbitrary matter influenced by the characteristics of the entity and the users of the financial reports. It suggests that an amount which is greater than 10% of the 'appropriate base amount' can be considered material - and that any amount below 5% of the 'appropriate base amount' is considered immaterial. Professional judgement is required for amounts in between.

Based on a strict minimal compliance approach, this concept of materiality would only apply in the City's case to a few large variances - in some cases from \$20,000 to \$160,000 depending on the particular line item. This is clearly not conducive to an effective or responsible discharge of accountability.

The standard provides guidance on whether or not a reporting entity is 'required' to disclose an item as being material - but this does not preclude the entity from voluntarily disclosing variances which, by themselves, may not be determined as being material.

As an organisation which aspires to best practice in financial management, the City should apply a 'relative' materiality concept. That is, relating the variance to the particular line item on the report. Clearly there is no worthwhile purpose in reporting a 15% variance on a \$500 line item but conversely a 10% variance on a \$100,000 item is worth identifying and providing comment about.

The suggested approach would be therefore, to suggest that for line items under \$100,000 any variance on the financial summary schedules of greater than \$5,000 is significant - and should be commented upon. For line items greater than \$100,000 a variance of greater than 5% of the line item value should be identified and reported.

To illustrate the benefits of this dual approach - it would, for example, pick up a \$108,000 expenditure on a \$100,000 line total as well as a \$13,000 expenditure on an \$8,000 line total - but not a \$5,000 variance on a \$400,000 line. Importantly, it would not require reporting of larger percentage, but immaterial dollar amounts, such as a \$2,500 expenditure on a \$2,000 line total - which avoids cluttering the report with many minor items.

It is also very important to recognise that adopting such a threshold sets only a 'minimum compliance standard'. The City can, of its own volition, report on smaller variances where the item is considered, in the professional judgement of the City's accounting staff, to be of interest to the community and Council Members. That is, the City can build on the basic variance reporting requirements to provide information in excess of the statutory requirements.

Indeed, this is consistent with the City's current approach to its monthly reporting of variances. The existing approach is well in excess of the new statutory requirements - and has been recognised as being a very effective and informative approach.

The City also does, and continues to, produce additional schedules on capital works etc noting the relevant variances and providing comment on those variances. This adds value to the information required to meet our statutory reporting obligations and provides a higher level of accountability to the community.

Consultation

This report is prepared in response to a statutory obligation. It represents the view of the City's qualified accounting professionals who are required to exercise their professional judgement in preparing the City's financial reports and variance schedules. These reports provide evidence of the soundness of financial management being employed by the administration. They also provide information and discharge financial accountability to the City's ratepayers.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and *Local Government Financial Management Regulations 34 & 35*. Adopting this recommendation would not result in any lessening of the current level of financial accountability currently provided by the City's financial reporting regime.

Financial Implications

The report establishes the minimum standards for identifying and reporting variances between actual and budgeted financial performance.

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 promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, 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.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4 |
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That

- (a) the City adopts the following materiality thresholds for the purposes of identifying and reporting significant financial variances:
 - (i) \$5,000 on line items having a total value of up to \$100,000; and
 - (ii) 5% of the line item total value for items having a total value in excess of \$100,000;
- (b) it is recognised that this threshold sets only the minimum disclosure requirements and City officers are encouraged to provide information on lesser variances where the information is considered to add value but still yields a positive cost to benefit ratio for providing the disclosure.

CARRIED EN BLOC RESOLUTION

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| 10.6.5 Applications for Planning Approval Determined Under Delegated Authority |
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Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 August 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 July 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 July 2011, thirty-seven (37) development applications were determined under delegated authority, as listed in the **Attachment 10.6.5**.

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.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5 |
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That the report and **Attachment 10.6.5** relating to delegated determination of planning applications during the month of July 2011, be received.

CARRIED EN BLOC RESOLUTION

DECLARATIONS OF INTEREST ITEM 10.6.6

The Mayor reported having received Declarations of Interest from Crs Trent and Skinner in relation to Agenda Items 10.6.6 and 12.1 which relate to the City of South Perth Historical Society and Heritage House. He then read aloud the following Declarations:

Cr Skinner

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I declare that I am a member of the Historical Society which is an incorporated non-profit organisation. Based on the legal opinion from our Solicitors dated 17 June 2011, I do not have a financial interest in this matter that precludes me from moving the Motion at Item 12.1 or participating in debate at Item 10.6.6. My interest is for 'community benefit'.

Cr Trent

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I declare that I am a member of the Historical Society which is an incorporated non-profit organisation. Based on the legal opinion from our Solicitors dated 17 June 2011, I do not have a financial interest in these matters that precludes me from participating in the discussion/vote on Item 10.6.6 and 12.1 on the August Council Agenda, and as such I will not leave the Council Chamber at the meeting on 23 August 2011.

VERBAL DECLARATIONS OF INTEREST : ITEM 10.6.6

The following 'verbal' Declarations of Interest were made:

Mayor Best

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I declare an Impartiality Interest as Patron of the City of South Perth Historical Society. This will not preclude me from participating in debate and voting on Items 10.6.6 and 12.1 on the August 2011 Council Agenda as it is not a financial interest.

Councillors Doherty, Lawrance, Ozsdolay, Cala and Howat

In accordance with the Local Government (Rules of Conduct) Regulations 2007 I declare an Impartiality Interest as a Member of the City of South Perth Historical Society. This will not preclude me from participating in debate and voting on Items 10.6.6 and 12.1 on the August 2011 Council Agenda as it is not a financial interest.

Note: Mayor Best and Crs Skinner, Trent, Doherty, Lawrance, Ozsdolay, Cala and Howat remained in the Council Chamber.

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| 10.6.6 Minutes Special Electors Meeting Held 13 July 2011 To Discuss Heritage House |
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|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/109 |
| Date: | 8 August 2011 |
| Author: | P McQue, Manager Governance and Administration |
| Reporting Officer: | Chief Executive Officer |

Summary

The purpose of this report is to consider the Minutes from the Special Electors Meeting held 13 July 2011.

Background

The Special Electors' Meeting was called following receipt of a petition from Kerry Davey, JP, CPA, Chairman of Trustees, the May Gibbs Trust and Ms Lynn O'Hara, President of the City of South Perth Historical Society together with 210 signatures requesting a meeting to:

“We the undersigned electors of the City of South Perth, request that a Special Meeting of the Electors of the City be held. The details of the matters to be discussed at the Special Meeting of Electors being to: facilitate community input into the development of options for the future use and preservation of Heritage House as a Historical, Heritage and Exhibition Centre for the community of South Perth.”

In accordance with the statutory provisions of the *Local Government Act 1995*, the City gave notice of a Special Electors Meeting, to be held 13 July 2011. Approximately 40 members of the public attended the Special Electors Meeting where the City's Acting Chief Executive Officer provided a presentation, members of the community raised issues and concerns, and a motion was carried unanimously.

Comment

The Minutes from the Special Electors Meeting held 13 July 2011 are at **Attachment 10.6.6**.

In accordance with section 5.33 of the *Local Government Act 1995*, the Council is required to consider any decisions that result from a Special Electors meeting. The following motion was carried unanimously at the Special Electors Meeting:

That...

- (a) *the City of South Perth Historical Society with the May Gibbs Trust request that Heritage House Cultural Centre remain the home of heritage and culture in our City, as dedicated by the City in 1992 celebrating the centenary of the South Perth Road Board. And that the South Perth Historical Society, with the May Gibbs Trust be granted occupancy forthwith to act as guardians of the substantial May and Herbert Gibbs Collection and maintain interpretation of the Heritage Precinct.*
- (b) *the Council instruct City Officers to cease any negotiations for lease or part lease of Heritage House.*
- (c) *the City, in conjunction with the community and City of South Perth Historical Society, provide Council with an innovative plan to promote Heritage House Cultural Centre as the cultural centre for arts and culture in the City of South Perth.*

As highlighted by the City at the Special Electors Meeting, the City is cognisant of the significant civic, cultural and heritage value of Heritage House and its location within the precinct adjacent to the proposed Civic Triangle development, Windsor Park and Perth Zoo. The City has commenced a comprehensive strategic review on the future usage of Heritage House with a view to maximising the potential of this important, valuable and strategically located City asset. It is anticipated that this review will be presented to Council for consideration by December 2011. This review will explore possible uses (community, commercial or mixed use), ensuring that Heritage House is utilised to the best possible benefit for the South Perth community.

This site is a key strategic location on one of the highest profile intersections in the City. To do justice to this site, Council must be fully informed of all of the opportunities for the site and their implications before a decision is made.

It is essential the investigation into future usage of Heritage House is comprehensive and carefully considered, ensuring that whilst respecting the heritage value of the building, the benefits to the community are maximised and complement the vibrancy of the adjacent precinct.

To conduct an effective exploration of the options, it is important that the ideas considered should not be narrowly focussed or constrained by past uses of the building or dominated by any single focus group. A number of potential future uses for Heritage House have been identified during preliminary discussions. Each potential use will need to be thoroughly and carefully investigated, taking into consideration a variety of issues before making any recommendations for future use.

Whatever options are explored, common issues to be taken into consideration will include staffing levels, opening hours, the impact of the potential use on the heritage status of the building, suitability of the building for purpose, accessibility and ensuring the perceived civic, cultural and heritage value of the building are not compromised.

Before simply evaluating a proposal to make the building available to particular group(s) / community group(s), it is necessary to consider whether this facility is necessarily the most suitable and best located one for that need. Simply being a temporary vacant building should not drive occupancy decisions that may produce significant and potentially irreversible longer term consequences.

It is imperative that any potential future use / occupancy of Heritage House not only attracts regular visitors (preferably on a daily basis) but also complements the building and the commercial focus of the surrounding area. In the past, despite its high profile location in terms of traffic and pedestrians and its proximity to one of the busiest areas of the city, the various uses of Heritage House have failed to attract high visitor numbers.

This is unfortunate because its prestigious location should be used to attract visitors to the area and business precinct. The proposal to lease the building to the City of South Perth Historical Society and the May Gibbs Trust, because of its low usage and attraction fails to achieve this

A properly and comprehensively considered review that considers the building in the context of the wider precinct and demonstrated community need is the only mechanism by which fully informed decision making can occur.

Given the pending review, the City does not propose to consider any potential uses of the building at this time. Permitting any group or organisation to occupy Heritage House before the completion of the comprehensive strategic review would be premature, and could create unrealistic expectations and unsustainable cost pressures

The City does recognise the need for the City of South Perth Historical Society and the May Gibbs Trust to find interim accommodation until it can move to a permanent home within a broader historical precinct - one that has sufficient 'attraction' to actually make it a destination for tourism in its own right.

In the interim period until the review is completed, City is proposing to offer the use of the former South Perth Learning Centre premises to the City of South Perth Historical Society, pending the strategic review of Heritage House. As highlighted at the meeting, the City's longer term view is to permanently accommodate the City of South Perth Historical Society within the proposed Old Mill redevelopment.

With respect to Motion (a) of the Electors Meeting, it is noted that the Como Infant Health Clinic is the present 'home' of the City of South Perth Historical Society - not Heritage House - and the Como property has been 'home' for almost two years. The Society has conducted meetings at Heritage House during the period 1998 to 2008 but storage activities have been conducted elsewhere. The City has a suitable vacant building - the former South Perth Learning Centre building in Labouchere Road that can easily accommodate the City of South Perth Historical Society for at least 18 months or so.

Consultation

The City is considering this matter in response to a petition from the community and the holding of a Special Electors' Meeting in July 2011 which was advertised in accordance with the requirements of the *Local Government Act 1995* as follows:

- in the Southern Gazette newspaper on 28 June 2011;
- on the City's web site meeting schedule; and
- on the Public Noticeboards at the Civic Centre and the Libraries

Policy and Legislative Implications

The Special Electors Meeting was held in accordance with the provisions of section 5.28 and 5.29 of the *Local Government Act 1995*. Section 5.33 of the *Local Government Act 1995* provides that:

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or if that is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose, whichever happens first.*

If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting

Financial Implications

Based on the recommendations of this report, the financial implications are relatively modest - extending to variable outgoings on the former South Perth Learning Centre building and a commitment of officer time to undertaking the review future uses for Heritage House.

However, making any other decisions relating to re-opening Heritage House as an operating facility now that the local studies collection is housed within the new South Perth Library & Community Centre could have very severe (unbudgeted and unsustainable) financial consequences. This matter would have to be carefully considered in any future deliberations about future uses of the Heritage House building - and this is one of several important reasons for taking the time to conduct a comprehensive review of future options / uses of the facility.

Strategic Implications

The proposal is consistent with Strategic Goal 6: Governance "*Ensure that the City's governance enables it to respond to the community's vision and deliver its service promises in a sustainable manner.*"

Sustainability Implications

This report is aligned to the City's sustainability strategy and policies.

OFFICER RECOMMENDATION ITEM 10.6.6

That the petitioners, Kerry Davey, Chairman of Trustees, The May Gibbs Trust and Ms Lynn O'Hara, President of the City of South Perth Historical Society be advised that Council....

- (a) notes the Motion carried at the Special Electors Meeting held 13 July 2011;
- (b) recognises the important civic, heritage and cultural value of Heritage House, the City of South Perth Historical Society and the May and Herbert Gibbs Collection;
- (c) proposes to undertake a comprehensive strategic review in respect to the future of Heritage House with a report to be presented to Council for consideration by December 2011;
- (d) will not consider or permit any non gallery related potential uses for Heritage House until the Council review into the future of Heritage House is completed in December 2011; and
- (e) offers the use of the former South Perth Learning Centre to the City of South Perth Historical Society on a temporary basis, pending the outcome of the review into the future of Heritage House.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.6.6. The officer recommendation Lapsed.

MOTION

Moved Cr Skinner, Sec Cr Grayden

That....

- (a) the petitioners, Chairman of the May Gibbs Trust and President of the City of South Perth Historical Society be advised that Council....
 - (i) notes the Motion carried at the Special Electors Meeting held 13 July 2011; and
 - (ii) recognises the important civic, heritage and cultural value of Heritage House
- (b) the Council will hold a workshop/briefing session for a comprehensive strategic review on Heritage House;
- (c) the matter will be deferred pending the outcome of the workshop/briefing; and
- (d) the City of South Perth Historical Society be offered the temporary use of the "old" South Perth Learning Centre building at 12 Labouchere Road South Perth.

Cr Skinner opening for the Motion

- Interpretation Plan of Heritage House carried out in 1966
- Conservation Plan prepared
- Council has not complied with Heritage Conservation Plan
- refer Page 312 "Peninsula City" - *Council agreed to set up the building as a centre for historical research in the City of South Perth*
- believe the future of Heritage House should be based on all the facts
- seek support to refer this matter to a briefing for a comprehensive strategic review on Heritage House

Cr Grayden for the Motion

- no disadvantage in Council being involved in this Strategic Review of Heritage House
- support Alternative Motion

Cr Lawrance point of clarification - various heritage plans, documentation etc, has been referred to, is there a heritage list? The Director Development and Community Services acknowledged that the City does have a Municipal Heritage Inventory, however a Heritage 'listing' adopted under the Town Planning Scheme is a different process to that under the *Heritage Act* listings.

Cr Doherty point of clarification - do we have a timeframe for a workshop. The CEO suggested that a workshop be held sooner rather than later.

AMENDMENT

With the concurrence of the Mover and Seconder, part (b) of the Motion was amended to include the following additional words - *at a date to be determined by the CEO and not later than December 2011.*

COUNCIL DECISION ITEM 10.6.6

The Mayor Put the Amended Motion

That....

- (a) the petitioners, Chairman of the May Gibbs Trust and President of the City of South Perth Historical Society be advised that Council....
 - (i) notes the Motion carried at the Special Electors Meeting held 13 July 2011; and
 - (ii) recognises the important civic, heritage and cultural value of Heritage House
- (b) the Council will hold a workshop/briefing session for a comprehensive strategic review on Heritage House at a date to be determined by the CEO and not later than December 2011;
- (c) the matter will be deferred pending the outcome of the workshop/briefing; and
- (d) the City of South Perth Historical Society be offered the temporary use of the "old" South Perth Learning Centre building at 12 Labouchere Road South Perth.

CARRIED (12/0)

Reason for Change

Council were of the view it was important to hold a workshop/briefing session for a comprehensive strategic review on Heritage House prior to making a decision on future options.

10.6.7 Annual Tender for Outsourcing of Catering Services - Collier Park Hostel.

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Collier Park Village Hostel |
| File Ref: | 8/2011 |
| Date: | 6 July 2011 |
| Author: | Maria Quinn, Facility Coordinator, Collier Park Village |
| Reporting Officer: | Vicki Lummer, Director, Development and Community Services |

Summary

To consider tenders received for the Outsourcing of Catering Services for Collier Park Hostel.

Background

The City of South Perth has issued a request on Saturday 28 May 2011 for Tender for the provision of an on site, cook fresh prepared foods service for the Collier Park Hostel.

The Contractor is required to do all things necessary for the supply and preparation of food for the provision of an on site catering service for the Collier Park Hostel, ensuring the highest standards of quality of food, hygiene and service as stipulated in the commonwealth Aged Care Accreditation Standards, are maintained at all times. The service is to be provided for seven days per week for every day of the calendar year. All of the foods will be cooked fresh on site. The Contractor should at all times place a priority on fresh, locally produced, nutritionally balanced cuisine.

Request for Tender No. 8/2011 was advertised in the West Australian newspaper on 28 May 2011 and closed at the Civic Centre on 14 June 2011.

Comment

Tenders were requested from qualified companies and organisations on the basis of a Schedule of Rates for the provision of an on site “Cook Fresh” prepared food service.

The tender specifications identified the requirements as “*the Contractor is required to provide the catering service*” and included:

- (a) *Providing a quality cost-effective catering service for the Collier Park Hostel.*
- (b) *Maintain the Commonwealth Accreditation 4.8 Standard.*
- (c) *To be HACCP accredited.*
- (d) *Provide suitable trained and skilled staff and relief staff.*
- (e) *To work within Occupational Health and Safety Management Systems.*

At the close of the tender period, two conforming tenders were received from the following organisations. The price per day per resident is also reflected.

| Tenderer | Cost per resident day |
|-------------------|------------------------------|
| Alliance Catering | \$19.20 |
| Medirest | \$19.95 |

An evaluation of the 2 tenders submitted, was then carried out by the hostel management.

| Tenderer | Estimated Tender Price (GST Exclusive) | Weighted Score |
|-------------------|---|-----------------------|
| Alliance Catering | \$280,320 | 10.0 |
| Medirest | \$291,270 | 9.8 |

Based on the evaluation by the Collier Park Management the tender submitted by Alliance Catering is recommended as the prospective contractor.

Alliance Catering core business for the past 35 years is Aged Care focussed. As part of the Spotless Group they provide expertise in the Aged Care market of preparing fresh simple, tasty meals to Aged Care facilities throughout Australia. Spotless employs 40,000 people worldwide in the Catering Industry. Within Western Australia Alliance Catering supply catering to eight Aged Care facilities.

Alliance are financially viable and more than capable of providing a quality cost-effective and accredited service.

It should be noted that all tender submissions were of a high quality, and if this quality had been the measurement of their overall competence, any one of the two tenderers may have provided an excellent catering service to the hostel.

Consultation

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

The tender was advertised in the West Australian on Saturday 28 May 2011 and closed on 14 June 2011. At the close of the tender period on Tuesday 14 June 2011, two (2) conforming tenders were received.

Policy and Legislative Implications

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

The value of this tender is above the amount that the Chief Executive Officer has delegated power to accept and, as a result, the tender is referred to Council for approval.

Financial Implications

The amount of \$280,320 is already included in the 2011/2012 Budget for the onsite service provided.

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

The sustainability implications arising out of Providing a quality cost-effective catering service for the Collier Park Hostel as discussed in this report are consistent with the City's Sustainability Strategy.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7 |
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That the tender of Alliance Catering for the provision of catering services to the Collier Park Village Hostel, to the value of \$280,320 for the period of thirty six (36) months commencing 1 September 2011, with an option, subject to satisfactory performance, to extend the contract with an additional twenty four (24) months, be accepted

CARRIED EN BLOC RESOLUTION

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| 10.6.8 Councillors Retiring Gifts Policy |
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|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 3 August 2011 |
| Author: | Phil McQue, Governance and Administration Manager |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

This report considers the development of a new Councillors' Retiring Gifts Policy as a consequence of amendments to the *Local Government (Administration) Regulations 1996*, gazetted 3 May 2011

Background

The *Local Government (Administration) Amendment Regulations 2011* were drafted in 2010 in consultation with key industry stakeholders before being gazetted in May 2011.

Key components within the *Amendment Regulations* include:

- specific exemptions from advertising Chief Executive Officer and senior employee positions
- restrictions on providing electoral or ratepayer details to the public
- payment of meeting fees to elected members attending external meetings
- prescribing a council vehicle as a method of payment for expenses that local governments can be reimbursed
- Council provided gifts to elected members

Comment

The City is proposing under the new regulations to recognise a Councillor's invaluable contribution and honourable service to the community with an appropriate appreciation gift at the end of their term. The value of the retirement gift proposed is in line with the new regulations. The new regulations create a greater degree of accountability, transparency and industry consistency, reducing the potential for local governments to provide their Councillors with excessively priced or inappropriate gifts in value.

Regulation 34AC prescribes the gifts that Council can provide to its members. The regulations restrict the giving of gifts to only those made to retiring Elected Members, limited to \$100 per year of service, to a maximum of \$1,000.

This regulation accommodates practices that currently take place in local government such as the provision of office and communication equipment. A retiring elected member is now only able to retain as a gift such furniture and electronic equipment with a residual value less than the prescribed amount. Any additional gifts to a retiring member will also have to fall within the prescribed amount and the residual value of the furniture and equipment to be retained.

The Department of Local Government have prescribed the following two categories to be used in determining if a benefit provided by a local government is a gift or otherwise.

Implicit Entitlements

A benefit to which a member is entitled because it is implicit in the performance of their duties and functions as a member. The benefit must be 'objectively reasonable' and includes meals and the provision of office and electronic equipment.

Express Entitlements

A benefit to which a member is entitled, pursuant to the local government legislation, or as a result of the exercise by the local government of a 'discretionary authority', such as vehicles, travel and accommodation.

It is proposed that the Council adopt the Councillors' Retiring Gifts Policy P693 at **Attachment 10.6.8**, which provides that a Councillor who has served a full four year term may receive a gift to the amount of \$100 for each year served, to a maximum of \$1,000. The Policy provides that the gifted amount for an individual councillor will be reduced by the residual value of any office or electronic equipment they personally retain.

Consultation

The Department of Local Government sought feedback on the draft legislative amendments from the Western Australian Local Government Association and the Local Government Managers Association prior to finalising and gazetting the amendments.

Policy and Legislative Implications

The *Local Government (Administration) Amendment Regulations 2011* were gazetted on 3 May 2011 as follows:

34AC. Gifts to council members — s 5.100A

- (1) *The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.*
- (2) *The amount of \$100 for each year served as a council member to a maximum of \$1000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).*

Financial Implications

The adoption of the Councillors' Retiring Gifts Policy P693 would have a minimal financial impact on the Council every second year to a maximum potential of \$7,000, although this is highly unlikely to occur.

Strategic Implications

The proposal is consistent with Strategic Goal 6: Governance "Ensure that the City's governance enables it to respond to the community's vision and deliver its service promises in a sustainable manner".

Sustainability Implications

This report is aligned to the City's sustainability strategy and policies.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.8 |
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That Council adopt the Councillors' Retiring Gifts Policy P693 at **Attachment 10.6.8**.

CARRIED EN BLOC RESOLUTION

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| 10.6.9 Local Law Review - Bee Keeping By Law 1985 and Nuisance By Law 1985 |
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|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 3 August 2011 |
| Author: | Phil McQue, Governance and Administration Manager |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

The City's Local Law review project has identified the Bee Keeping By Law 1985 and Nuisances By Law 1985 as outdated and unnecessary and this report recommends that the Council commence the process to repeal these two By Laws.

Background

Section 3.18 of the *Local Government Act 1995* requires the City to undertake a periodic review of each of its local laws within a period of 8 years. The City commenced reviewing its suite of Local Laws in April 2010 with a view to making the implementation and administration of local laws more efficient and user friendly. A number of local laws were identified for consolidation or repealing, with amendments proposed for some local laws allowing the City to introduce more efficient and streamlined best practice concepts.

To date the City has undertaken the following Local Law reviews:

- Standing Orders Local Law
- Dog Local Law
- Public Places and City Property Local Law
- Parking Local Law

The next Local Law proposed for review is the Health Local Law 2002. The State Government developed a Public Health Bill in 2008 which is yet to be finalised and proclaimed as an Act. It is anticipated that this proclamation will occur in late 2011 or early 2012, and it is proposed that the City then commence the statutory review of the City's Health Local Law 2002.

Comment

The Local Law review process has identified two By-Laws as outdated and unnecessary, and it is proposed that the Council commence the repeal process.

Bee Keeping By Law 1985

The City of South Perth By-Law No 9 Relating to Bee Keeping came into effect on 1 March 1985. Refer **Attachment 10.6.9(a)**.

Bee keeping is regulated almost entirely by State Government legislation, the *Bee Keepers Act 1963* and the *Bee Keepers Regulations 1963*. Bee keepers are required to register annually with the Department of Agriculture under the *Bee Keepers Act 1963*.

The City's Bee Keeping By-Law provides that persons who may wish to keep more than 2 hives need to obtain a permit from the City, keep an adequate supply of water available, screen the hives from adjoining properties, and ensure they do not become a nuisance. However, this same legislative requirement is repeated in clauses 102-107 of the City's Health Local Law which was made in 2002.

In addition, section 3.25(1) of the *Local Government Act 1995* provides that a local government may serve a notice on an owner or occupier of land notice in writing relating to the land requiring the person to do anything specified in the notice that is prescribed in Schedule 3.1, Division 1, one of which is to remove bees that are likely to endanger the safety of any person or create a serious public nuisance.

Given the above circumstances, the Bee Keeping By-Law is no longer required or necessary and is proposed to be repealed.

Nuisances By-Law 1985

The City of South Perth By-Law No 7 'Nuisances' came into effect on 30 August 1985 - refer **Attachment 10.6.9(b)**. It deals with a variety of issues like the emitting of smoke or foul odours, noise, and the like. It provides for a maximum penalty of \$200, with a daily penalty of \$20 for offences of a continuing nature.

Most of issues within the Nuisances By-law are now dealt with by State Government regulation such as the *Environmental Protection Act 1986* and associated regulations such as the *Environment Protection (Noise) Regulations 1997*, and the *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998*.

Clause 52 of the City's Health Local Law 2002 also deals with issues covered in the By-Law, and in particular provides that an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

Given the above circumstances, the Nuisances By-Law is no longer required or necessary and is proposed to be repealed.

A proposed Repeal Local Law is outlined below:

City of South Perth Repeal Local Law 2011

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of South Perth resolved on **date** to adopt the following local law:

PART 1 – PRELIMINARY

1.1 Citation

This local law is cited as the *City of South Perth Repeal Local Law 2011*.

1.2 Commencement

This local law comes into effect 14 days after publication in the *Government Gazette*.

1.3 Various Repeals

In this local law, various principal local laws of the City of South Perth are repealed.

PART 2 – CITY OF SOUTH PERTH LOCAL LAWS REPEALED

2.1 Principal local laws repealed

The following local laws are repealed:

- (i) The City of South Perth By-Law No 9 Relating to Bee Keeping published in the *Government Gazette* on 1 March 1985; and
- (ii) The City of South Perth By-Law No 7 Nuisances published in the *Government Gazette* on 30 August 1985.

Dated **date 2011**

The Common Seal of the City of South Perth was affixed by authority of a Council resolution in the presence of –

James Best, Mayor
Cliff Frewing, Chief Executive Officer

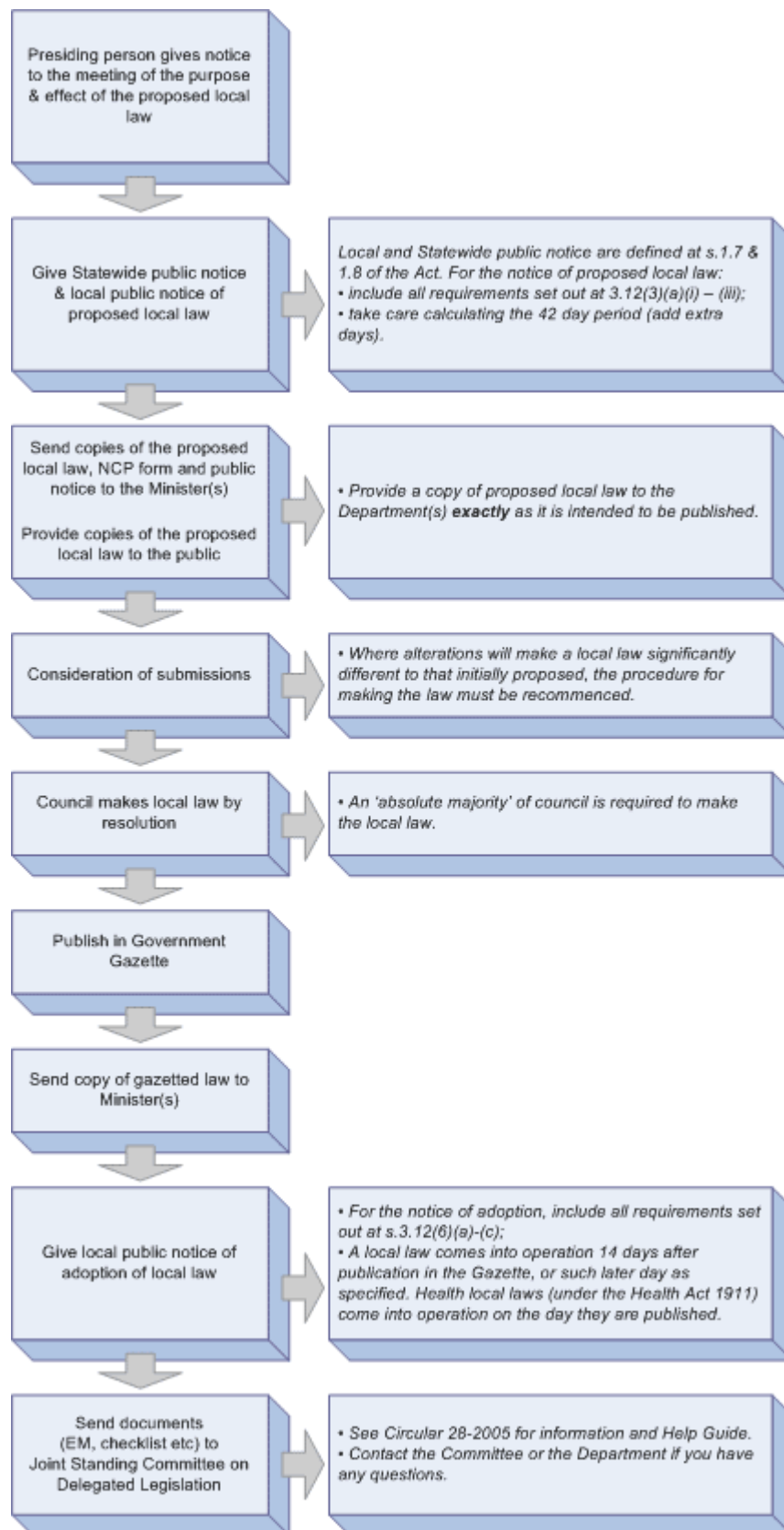
Consultation

The process to repeal a local law is the same process used to make a local law. Section 3.12(3) of the *Local Government Act 1995* requires the local government to give State-wide public notice stating that the local government proposed to make a local law the purpose and effect of which is summarised in the notice.

If adopted by Council, State wide and local public notice will be given seeking public comment for a period of at least 6 weeks and copies made available to interested persons to inspect. The City will also advertise via its website, noticeboards and local newspaper. A copy of the proposed local law must also be provided to the Minister for Local Government. The submissions will be brought back to Council for consideration, after which it may make the local law.

Policy and Legislative Implications

The process required to be used when adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995* and is summarised in the flow chart below:



Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that the purpose and effect of any proposed local law is to be included in the agenda and minutes of a meeting, as follows:

Purpose:

The purpose of this Local Law is to repeal the City of South Perth By-Law No 9 Relating to Bee Keeping, and the City of South Perth By-Law No 7 Nuisances.

Effect:

The effect of the Local Law is that these local laws are repealed.

Financial Implications

There are minimal costs involved in the review and proposed repealing of the Bee Keeping By Law and Nuisances By Law.

Strategic Implications

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

Sustainability Implications

This report is aligned to the City’s sustainability strategy and policies.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.9 |
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That with respect to the City’s Bee Keeping By-Law 1985 and Nuisances By-Law 1985 the Council in accordance with s3.12(3)(a) and (3a) of the *Local Government Act 1995* gives State wide and local public notice stating that:

- (a) it proposes to make a Repeal Local Law and a summary of its purpose and effect;
- (b) copies of the proposed local law may be inspected at the City’s offices;
- (c) submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given; and
- (d) the submissions from the statutory consultation period be presented to Council for consideration.

CARRIED EN BLOC RESOLUTION

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| 10.6.10 Use of the Common Seal |
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| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 8 August 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.

Delegation DC346 “Authority to Affix the City’s Common Seal” authorises the Chief Executive Officer or a delegated employee to affix the common seal to various categories of documents.

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.

July 2011

| Nature of Document | Parties | Date Seal Affixed |
|--|---|-------------------|
| Consent to the removal of Water Corporation Easement from Clontarf Site (WPC Ref 142096) | Water Corporation and Trustees of the Christian Brothers in Western Australia Inc (City of South Perth Consent as holders of caveat L452524 over the land as Lot 9000 on Deposited Plan 448983) | 1 July 2011 |
| Dogs Local Law | City of South Perth | 5 July 2011 |
| Withdrawal of Caveat at 5 Max Forman Court, Como | City of South Perth and Landgate | 5 July 2011 |
| Amendment No. 27 to the City of South Perth Town Planning Scheme No. 6 | City of South Perth | 18 July 2011 |
| Lease Agreement | Hensman Street Pre-School Group Incorporated and City of South Perth | 20 July 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.

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| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.10</p> |
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That the report on the use of the Common Seal for the month of July 2011 be received.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr C Cala

I hereby apply for Leave of Absence from all Council Meetings for the period 10 - 18 September 2011 inclusive.

COUNCIL DECISION ITEM 11.1

Moved Cr Trent, Sec Cr Grayden

That Cr Cala be granted Leave of Absence from all Council Meetings for the period 10 - 18 September 2011 inclusive.

CARRIED (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Heritage Advisory Committee – Cr Skinner

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 23 August 2011.

MOTION

That the Chief Executive Officer investigate the following proposal and prepare a report for consideration at the Ordinary Meeting of the Council in September, that....

“the City of South Perth establish a Heritage Advisory Committee in accordance with the provisions of Section 5.9(2)(c) of the *Local Government Act* to advise the Council on all matters of heritage”

MEMBER COMMENT

It is suggested that the Terms of Reference for such an Advisory Committee could be *to advise the Council on all matters of conservation and preservation of matters of historical significance to the residents of the City of South Perth for future generations*”.

Such a report should consider the requirements of (Section 5.9(2)(c) of the *Local Government Act* which prescribes that a Council appointed committee comprise council members, employees and other persons. “other persons” means a person who is not a council member or an employee.) With the background of these requirements of the Act, the report shall investigate options for the composition of the Committee that could be -

- Two Elected Members of the Council
- The Heritage Officer
- Representatives of the Cit of South Perth Historical Society and the May Gibbs Trust
- Two representatives from the community who are selected by registration of interest by them.”

To my knowledge, and from experience, the Council does not appear to have any strategic plan in place for Heritage, and no cohesive form of community communication and input.

I believe that the creation of an Heritage Advisory Committee could assist in exploring funding opportunities, submitting applications for Heritage Awards, advising on the proposed museum as part of the Old Mill re-development and formalising the Old Mill Volunteers Group and generally advising the Council.

The Minister for Heritage has recently released a document encouraging all Local Authorities to preserve their local history for future generations. The Minister has recently presented awards and given recognition to several local authorities for their contribution to the history of our State. The award recipients have included The Cities of Perth, Joondalup and Fremantle as well as some country towns as referred to in the attachments to the June Council meeting.

I commend to the Council the formation of the Heritage Advisory Group that could assist the officers by drawing on the experience, knowledge base and skills of residents, as well as providing continuity.

COMMENT CEO

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

There are a number of areas that I need to respond to in relation to this proposed Notice of Motion:

- 1. Wording of the Motion and supporting narrative**
- 2. Timing of the Report**
- 3. Membership of the Committee**
- 4. Council v Advisory Committees**

- 1. The Wording of the Motion and Narrative**

It has been suggested that an Advisory Committee be established under Section 5.9(2)(c) of the Local Government Act by forming a "Council Committee". The Terms of Reference (TOR) for such an Advisory Committee could be *to advise the Council on all matters of conservation and preservation of matters of historical significance to the residents of the City of South Perth for future generations*".

The Motion and supporting narrative refers to two different terms: 'heritage' and 'historical'. The two are not synonymous, although 'heritage' is often used to mean 'historical'. While 'heritage' can involve the history of a place, it also includes significance based on a place's aesthetic, architectural, social, representative, and rarity value - or any combination of all these. Advice provided to the City on 'heritage' would need to be provided by a professional expert, because of legal implications for any listed place (if this is what the Notice of Motion intends).

Discussion on the Motion refers to a 'Heritage Officer'. However, the City does not employ a 'Heritage Officer'

In any event the above Motion appears to have been superseded by an Amended Motion lodged by Cr Skinner in relation to Item 10.6.6 which reads in part as follows:

- (b) the Council will hold a workshop/briefing session for a comprehensive strategic review on Heritage House;*
- (c) the matter will be deferred pending the outcome of the workshop/briefing; and*

- 2. Timing of the Report**

If however this Motion remains, unless the report is very simple and recommends that a further report be prepared having identified relevant issues, calling for a report for the following month is not considered appropriate, given the lack of clarity in the Motion and supporting narrative and issues identified in this response. There seems to be no urgency to create an Advisory Committee and as a result, appropriate time should be allowed so that the Administration and Council can consider the issues carefully.

In essence, the time between the day following the Council resolution and the closing day for September reports is only a matter of days - it is not a month. This timing is also further complicated by the possibility of a Council Briefing to be held on this subject during September.

3. Membership of the Committee

The membership structure of the Committee is also proposed in the supporting narrative to the Motion. It is suggested that pre-determination of the membership of a Committee is premature until such time that a Terms of Reference is agreed to the satisfaction of Council.

Until the above-mentioned issues are resolved - or at least clarified then it is not appropriate to consider membership of a Committee at this stage.

4. Council v Advisory Committees

The Administration is unclear of what the base issue is behind the Notice of Motion but one thing at the heart of the issue seems to be why the City adopts the practice of using "Advisory committees" rather than "Council Committees".

There are very good reasons why the City has over a long period of time adopted the advisory committee model over the statutory committee option.

Advisory Committees formed under Policy allow much more flexibility than "Council" Committees formed under PART 5 Division 2 of the LG Act. The City operates a number of Advisory Committees which do not include elected membership - some of which are as follows:

- SJMP Advisory Committee
- Design Architects Advisory Committee
- Sustainability Advisory Committee
- South Perth Youth Network Advisory Committee

In addition, there are a small number of "Committees" or groups that do have elected members, and these include the following:-

- Mosquito Management Group
- Safety and Crime Prevention Advisory Group
- Inclusive Community Action Group
- Indigenous Engagement Strategy Working Group

As can be seen, the range of activities covered by these types of groups are quite varied. In all cases, officers are present at meetings and in some cases elected members are involved. No Advisory Committee has delegated authority or has the capacity to commit funds etc as the Committees are only used as a "sounding board" to receive informal feedback and ideas about areas of specific interest. The deliberations of the Committees are often referred to in officer reports when reporting to Council in the body of the report or under the "Consultation" section of the report.

The one common feature of the two categories of Committees identified above is that neither category is a "Council Committee".

If it is suggested that Committees should be formed under S 5.9 (2) of the *Local Government Act* rather than continue with using Advisory Committees, I would strongly urge **against** this course of action for the following reasons:

- (a) If the Council Committee approach is used, then Council would need to become at least involved in the following actions:
 - (i) Deciding to create Committee (as is proposed in the Motion)
 - (ii) Establishing the Terms of reference (as is proposed in the Motion)
 - (iii) Appointing / replacing the members to the Committee (as is proposed in the Motion)
- (b) Once these actions occur, the Committee and its members are subject to the same provisions of the *Local Government Act* as full Elected Members are. This means that amongst other things:
 - (i) All meetings would need to be conducted in accordance with the City's Standing Orders, ie meeting procedure etc;
 - (ii) All meetings would need to have proper Minutes kept (as opposed to 'Notes');
 - (iii) All members would be caught by the financial, proximity and impartiality interest provisions of the *Local Government Act*;
 - (iv) A much higher level of administrative support would be necessary;
 - (v) Dependant upon the terms of reference and the terms of any delegation the Committee may need to be open to members of the public (non members);
 - (vi) Meetings could be subject to deputations and questions from members of the public; and
 - (vii) Minutes would need to be included on Council Agendas.
- (c) Interestingly, the creation of "Council Committees" involving community members often creates difficulty as their membership directly conflicts with financial interest provisions of the *Local Government Act* as many issues contained on the Agendas (if not all) involve Members' Interests. For example, all members of the Mosquito Management Group would for example have to Declare a Financial Interest and not participate in discussion because they have a financial interest in the matters discussed (Members of this group have consistently argued that their property values have been devalued as a result of the presence of mosquitoes).

SUMMARY

In summary, the creation of Council Committees have the capacity to generate far greater levels of bureaucracy, increase costs and slow processes down and are not recommended. The "Advisory Committee" approach is the by far the best way to go.

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| COUNCIL DECISION ITEM 12.1 |
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Note: Following discussion, Cr Skinner withdrew her Motion.

12.2 Mosquito Management Plan 2011-12 Canning River foreshore - Cr Ozsdolay

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 23 August 2011.

MOTION

That....

- (a) the City engage consultants to advise officers and take part in the development of the Mosquito Management Plan for 2011/12 in respect of the Canning River foreshore from Salter Point Lagoon to Cygnia Cove and adjacent suburbs; and
- (b) the Brief for the consultants would include but not be limited to identifying all potential breeding sites, consider all treatment options and recommend the most appropriate actions to effectively manage the mosquito problem.

MEMBER COMMENT

In response to numerous complaints from mainly Waterford residents about unacceptable levels of mosquitoes over recent years the city developed a new Mosquito Management Plan (MMP) for 2010/11. The plan outlined action to be taken to control the mosquito problem as well as measures for success. The city has also worked closely with the Waterford Mosquito Group, a group of concerned residents who were formed following a community meeting in 2010 to represent the rest of the residents.

The City has recently reviewed the outcomes from the 2010/11 MMP and while the work undertaken by the officers is both acknowledged and appreciated the bottom line is that the measures undertaken of mosquito activity throughout the 2010/11 season show that for all of the season the levels of active mosquitoes was in excess of the agreed 'acceptable' levels and, in the main, far in excess of these levels. This clearly demonstrates that the MMP was not successful in reaching its stated outcomes and as a result the officers have in fact included some changes for the proposed 2011/12 plan. The concern is that the changes do not appear adequate to manage the problem given the extent of the gap between the desired and actual outcomes for 2010/11.

The Waterford Mosquito Group has received independent expert advice that there is more that could and should be done to develop an effective MMP. This has recently been undertaken privately by the developers of Cygnia Cove and a considerable amount of local intelligence has been gathered.

The City often uses 'experts' to assist it in policy development to ensure that the most effective and appropriate policies are developed and this is such a case. It cannot be expected that the officers, even with all their good will, would be across all of the latest data, information, treatment and management options in such a technically complex and changing area. The best possible and cost effective plan can be developed by calling in outside expertise. The problem should be managed in a way that best protects the quality of life and amenity for affected residents.

Finally, there has been some speculation that if you choose to live in the Waterford area that mosquitoes are a way of life. The reality is that as a Waterford resident of 27 years this problem is new and the plague level of mosquitoes have only appeared in the past few years. It has been managed in the past and can be managed in the future, but clearly the 2010/11 plan didn't achieve the desired and stated outcomes that were set and agreed to by all parties. We need to do something different.

COMMENT CEO

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

The mosquito nuisance experienced by Waterford residents during the 2010/2011 season was typical of experiences throughout the metropolitan and wider area. This is widely acknowledged as a result of the environmental "el Niño" conditions. However, it is also acknowledged that the results obtained last season in regard to mosquito control in Waterford have highlighted the "gap" between the desired and actual outcomes. Officers are currently working on changes to the Mosquito Management Plan to improve the level of mosquito control in the coming season. Implementation of the plan should begin late in August.

In developing and reviewing the Mosquito Management Plan city officers have enlisted the advice and experience of experts in the field from the Department of Health and other bodies and it is considered that engaging "consultants to advise officers and take part in the development of the Mosquito Management Plan for 2011-2012" (MMP) as proposed would add very little value to the process. It would also delay the implementation of the Plan for the coming season. It is noted that there are no cost limitations imposed in the Motion.

It is considered that the Motion is premature as the Mosquito Management Group has yet to complete a review of the MMP taking into account the analysis of a survey undertaken of residents by the City on this subject.

If however the Council determines that consultants should be engaged for mosquito control, it would be preferable to outsource the complete service, in a manner similar to how waste management is outsourced by the City. This would include not only review of the MMP, it would also include liaison with the community and the following:

- implementation of the MMP
- liaison with and seeking approvals from the SRT
- treatments where necessary
- complaint management
- monthly reporting on activities to the City
- annual KPI performance report to City

It is considered important that the complete service is outsourced rather than only elements of the service so that clear lines of reporting and responsibility are set up and maintained and so the public has a single point of contact for all enquiries. The outsourcing would be achieved through the calling of Tenders or Expressions of Interest given the cost is likely to be in vicinity of \$100,000, however, given the season is about to commence, officers would finalise the MMP they are currently working on and commence implementation until such time as consultants were engaged.

The outsourcing of this service, which is exclusively for the benefit of Waterford and Salter Point residents, would free up officer time for occasional mosquito control in other parts of the City and other duties. The City's records indicate that residents in Waterford and Salter Point were the only complainants about mosquitoes in this area. Therefore cost of this service should be recovered from those residents it benefits by means of a special area rate.

The outsourcing of the complete service achieves the aim of the Notice of Motion of :

- Doing something different
- Utilising outside expertise

ADDITIONAL OFFICER RECOMMENDATION

In considering the Notice of Motion at Item 12.2 Council may wish to also take into account the following additional Officer Recommendation.

That Council....

- outsource the complete Mosquito Control Service for the Waterford and Salter Point areas, including development of the Mosquito Management Plan, implementation of the plan, liaison with the community and review and reporting; and
- upon finalisation of the cost of part (a), the process for implementation of a Special Area Rate to cover the cost be commenced.

COUNCIL DECISION ITEM 12.2

Moved Cr Ozsdolay, Sec Cr Cala

That....

- the City engage consultants to advise officers and take part in the development of the Mosquito Management Plan for 2011/12 in respect of the Canning River foreshore from Salter Point Lagoon to Cygnia Cove and adjacent suburbs; and
- the Brief for the consultants would include but not be limited to identifying all potential breeding sites, consider all treatment options and recommend the most appropriate actions to effectively manage the mosquito problem.

CARRIED (10/2)

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

13.2.1 Laws & Regulations Governing Underground Storage Sites.....Cr P Best

Summary of Question

Is the Administration aware of the large number of State and Federal Laws, Regulations and Guidelines that apply to sold, abandoned, rehabilitated and renovated underground storage sites such as service stations? In the context of managing risk to the City and residents, how do we intend to ensure that these requirements are met.

Summary of Response

The Mayor responded that the question was Taken on Notice.

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

Nil

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 10.18pm

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 27 September 2011

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

Note: Electronic Voting Record not available.