



**ORDINARY COUNCIL MEETING
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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 22 February 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 months of December 2010 and January 2011 are attached to the back of the Agenda.

3.2 Public Question Time

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

3.3 Audio Recording of Council meeting

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

3.4 Condolences to Christchurch

The Mayor on behalf of the Council extended condolences to the people of Christchurch, New Zealand in light of the recent earthquake and to the people of Roleystone and Armadale on the recent bushfires.

4. ATTENDANCE

Present:

Mayor J Best (Chair)

Councillors:

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

Officers:

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

Guest

| | |
|----------------|----------------|
| Dr Nicola Howe | CEO, Southcare |
|----------------|----------------|

Gallery

There were 9 members of the public present and 1 member of the press.

4.1 Apologies

Cr S Doherty Moresby Ward – jury duty

4.2 Approved Leave of Absence

Nil

5. DECLARATIONS OF INTEREST

The CEO advised that Declarations of Financial Interest had been received from all Elected Members in relation to Agenda Item 10.7.1 part (e) “Legal Representation” policy. He also reported on the receipt of correspondence dated 8 February 2011 from the Department of Local Government giving its approval for Members to participate in the discussion/decision making process relating to the proposed review of the “Legal Representation” policy at Item 10.7.1(e) on the Agenda conditional on there being no discussion on retrospective payments. A copy of the correspondence was circulated to the Elected Members present.

The Mayor advised that a Declaration of Interest had been received from the CEO in relation to Agenda Item 15.1.1

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held on 14 December 2010 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME : 22.2.2011

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.*

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|---|
| 6.2.1 Mr Chris McMullen, 80 Elderfield Road, Waterford |
|---|

(Written Questions submitted prior to the meeting)

Summary of Question

1. Does Council believe the City has met its obligations to City residents under the 2010/11 Mosquito Management Plan?
2. What does the Council expect the City will do differently between now and next mosquito season to improve effectiveness of the 2011/12 mosquito controls?
3. How will Council, and Waterford residents, assess the effectiveness of the City's mosquito management programme in the summer of 2011/12?

Summary of Response

The Mayor responded as follows:

1. The City is currently undertaking all actions in accordance with the agreed 2010/2011 Mosquito Management Plan (MMP).
2. The City has committed to a full review of the Mosquito Management Plan at the end of this mosquito season taking into account legislation, incidents of notifiable mosquito borne disease within the City and best practice mosquito control.
3. As with the current years Plan, the 2011/2012 MMP will have clear KPI's outlined in the document and the City will report regularly on these indicators.

| |
|--|
| 6.2.2 Mr Barrie Drake, 2 Scenic Crescent, South Perth |
|--|

(Written Questions submitted prior to the meeting)

Summary of Question

Questions relate to Agenda Item 8.2.1

1. Who alerted the Council to the fact that Kevin Trent was nominated for Australian of the Year for 2011 and that James Best was nominated for the Australian of the year for 2010?
2. Is a Certificate of Congratulations presented by the City of South Perth to only Councillors and Mayors?
3. Does the City intend to have these presentations extended to all residents of the City who are nominated for Australian of the Year?

Summary of Response

The Mayor responded as follows:

1. The Mayor advised Council.
2. Yes - any Certificate of Congratulations from the National Australia Day Council awarded to Elected Members is presented to them at a Council Meeting in recognition of their community commitment and achievements.
3. No.

Close of Public Question Time

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

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

7.1 MINUTES

| | |
|---|-------------------|
| 7.1.1 Ordinary Council Meeting Held: | 14.12.2010 |
| 7.1.2 Special Council Meeting Held: | 20.12.2010 |
| 7.1.3 CEO Evaluation Committee Meeting Held: | 08.02.2011 |
| 7.1.4 Audit and Governance Committee Meeting Held: | 08.02.2011 |

| |
|--|
| COUNCIL DECISION ITEMS 7.1.1 TO 7.1.4 |
|--|

Moved Cr Trent, Sec Cr Skinner

That....

- (a) the Minutes of the Ordinary Council Meeting held 14 December 2010 and the Special Council Meeting Held 20 December 2010, be taken as read and confirmed as a true and correct record; and
- (b) the Minutes of the CEO Evaluation Committee Meeting held 8 February 2011 and the Audit and Governance Committee Meeting held 8 February 2011 be received.

CARRIED (12/0)

7.2 BRIEFINGS

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

7.2.1 Agenda Briefing - December Ordinary Council Meeting Held: 14.12.2010

Officers of the City presented background information and answered questions on items identified from the December 2010 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum – Feedback on Peninsula Commercial Parking Survey, Old Mill Proposal Public Advertising and No. 6 Ray Street Land Proposal - Meeting Held: 1.2.2011

Officers of the City gave presentations on feedback/outcomes on the Peninsula Commercial Parking Survey, the Old Mill Proposal following public advertising and options for land at No. 6 Ray Street, South Perth. Members raised questions which were responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

COUNCIL DECISION ITEMS 7.2.1 AND 7.2.2

Moved Cr Trent, Sec Cr Skinner

That the comments and attached Notes under Items 7.2.1 and 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

8.1.1 Petition received 2 February 2011 from Virginia Limberg, 3 Karoo Street, South Perth together with eleven (11) signatures in relation to parking regulations in Karoo Street.

Text of petition reads: "We, the residents of Karoo Street from Onslow Street to Labouchere Road, respectfully request that the parking regulations there be changed from 'unrestricted parking' to 2 hour parking from the hours of 8.30am to 4.30pm Monday through Friday.

RECOMMENDATION

That the petition received 2 February 2011 from Virginia Limberg, 3 Karoo Street, South Perth together with eleven (11) signatures in relation to parking regulations in Karoo Street be received and passed to the Administration for investigation and a report to the earliest available Council Meeting.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Trent, Sec Cr Grayden

That the petition received 2 February 2011 from Virginia Limberg, 3 Karoo Street, South Perth together with eleven (11) signatures in relation to parking regulations in Karoo Street be received and passed to the Administration for investigation and a report to the earliest available Council Meeting.

CARRIED (12/0)

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

8.2.1 Australian of the Year Awards 2011 - National Australia Day Council

The Mayor provided background on the Australian of the Year Awards. He then presented Cr Kevin Trent with a Certificate of Congratulations from the National Australia Day Council in recognition of Cr Trent's nomination for the 'Australian of the Year Awards 2011'.

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 15 February 2011

Deputations in relation to Agenda Items 10.0.1, 10.1.1, and 10.3.2 were heard at the February Council Agenda Briefing held on 15 February 2011.

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

Request received from Mr Drake on 17 February 2011 for a ‘Deputation to Address Council’ on Agenda Item 10.0.1 at the February Council Meeting.

COUNCIL DECISION ITEM 8.3.2

Moved Cr Trent, Sec Cr Ozsdolay

That the request received from Mr Drake on 17 February 2011 for a ‘Deputation to Address Council’ on Agenda Item 10.0.1 at the February Council Meeting be approved.

CARRIED (7/5)

Mr Barrie Drake, 2 Scenic Crescent, South Perth Agenda Item 10.0.1

Mr Drake spoke against the officer recommendation at Item 10.0.1 on the following points:

- have experienced neighbouring development as the owner of 67 units comprising 12 buildings in South Perth
- practice of mailing “Neighbour Information” notices should continue for at least another 12 months – then review and if necessary modify or discontinue
- reasons against this practice do not outweigh benefits of continuing with it
- acknowledge subject is complicated – believe openness is important – neighbours need to know what is happening next door
- neighbour consultation an important area of local government
- cost of sending neighbour information notices is money well spent

Close of Deputations

The Mayor closed Deputations at 7.30pm.

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegates: Rivers Regional Council Meeting : 9 December 2010

A report from Council Delegate Cr Cala and Deputy Delegate Cr Ozsdolay summarising their attendance at the Rivers Regional Council Meeting held on 9 December 2010 at the City of Gosnells is at **Attachment 8.4.1.**

Note: The Minutes of the Rivers Regional Council Ordinary Council Meeting of 9 December 2010 have been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.4.1** in relation to the Rivers Regional Council Meeting held 9 December 2010 at the City of Gosnells be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Trent, Sec Cr Cala

That the Delegate's Report at **Attachment 8.4.1** in relation to the Rivers Regional Council Meeting held 9 December 2010 at the City of Gosnells be received.

CARRIED (12/0)

8.4.2. Council Delegates' Report: Perth Airport Municipalities Group Meeting (PAMG) : 18 November 2010.

Crs Hasleby and Burrows attended the Perth Airport Municipalities Group AGM and OGM Meetings held at the City of Gosnells on 18 November 2010. The Minutes of the meetings are at **Attachments 8.4.2** and **8.4.2(a)**.

Note: The Minutes of the PAMG AGM and OGM Meetings held 18 November 2010 at the City of Gosnells have been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Minutes of the Perth Airport Municipalities Group Meetings held at the City of Gosnells on 18 November 2010 at **Attachments 8.4.2** and **8.4.2(a)** be received.

COUNCIL DECISION ITEM 8.4.2

Moved Cr Grayden, Sec Cr Burrows

That the Minutes of the Perth Airport Municipalities Group Meetings held at the City of Gosnells on 18 November 2010 at **Attachments 8.4.2** and **8.4.2(a)** be received.

CARRIED (12/0)

8.5 CONFERENCE DELEGATES REPORTS

8.5.1. Council Delegates' Report: Perth Airport Municipalities Group - Australian Mayoral Aviation Council - 28th Annual Conference 10 – 12 November 2010.

Crs Hasleby and Burrows attended the Perth Airport Municipalities Group 28th Annual Conference held at the Burswood Entertainment Complex between 10 to 12 November 2010. The Conference Notes are at **Attachment 8.5.1** and are also available on *iCouncil*.

RECOMMENDATION

That the Conference Notes relating to the attendance by Crs Hasleby and Burrows at the Australian Mayoral Aviation Council 28th Annual Conference held at the Burswood Entertainment Complex between 10 – 12 November 2010 at **Attachment 8.5.1** be received.

COUNCIL DECISION ITEM 8.5.1

Moved Cr Lawrance, Sec Cr Trent

That the Conference Notes relating to the attendance by Crs Hasleby and Burrows at the Australian Mayoral Aviation Council 28th Annual Conference held at the Burswood Entertainment Complex between 10 – 12 November 2010 at **Attachment 8.5.1** 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 15 February 2011.

The Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following items were withdrawn for discussion:

- Item 10.0.1
- Item 10.0.3
- Item 10.3.3
- Item 10.7.1

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hasleby, Sec Cr Cala

That with the exception of Withdrawn Items 10.0.1, 10.0.3, 10.3.3 and 10.7.1 which are to be considered separately, the officer recommendations in relation to Agenda Items 10.0.2, 10.1.1, 10.2.1, 10.3.1, 10.3.2, 10.4.1, 10.5.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6, 10.6.7, 10.6.8 and 10.6.9 be carried en bloc.

CARRIED (12/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Planning Policy P355 Consultation for Planning Proposals – Further Review of Neighbour Information Procedures (*Item 10.0.1 referred December 2009 Council Meeting*)

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | A/CM/7 |
| Date: | 1 February 2011 |
| Author: | Gina Fraser, Senior Strategic Planning Officer |
| Reporting Officer: | Vicki Lummer, Director Development & Community Services |

Summary

As part of the Council's ongoing consideration of Policy P355 '*Consultation for Planning Proposals*', in December 2009 Council resolved that an additional procedure was to be tested for 12 months, being an additional 'information' service for neighbours of certain low density development proposals, and that the results of the trial were to be reported to Council in February 2011. This report details the findings of that trial. The recommendation is that, due to other City-wide initiatives that the City is implementing, this process be discontinued.

The December 2009 Council resolution also called for a trial reduction in the geographic extent of consultation for 'Area 2' from 150 metres to 100 metres.

For reasons explained throughout this report, it is recommended that at this stage, Policy P355 not be amended to include either the new 'neighbour information' practices, or a reduction in the geographic extent of 'Area 2' consultation from 150 metres to 100 metres.

Background

The City's first Planning Consultation Policy P104 '*Neighbour and Community Consultation in Town Planning Processes*' was adopted in July 2005. Following a major review and expansion of P104, Council workshops and community consultation, a new Policy P355 '*Consultation for Planning Proposals*' was adopted in June 2009 to replace Policy P104. At that meeting, the Council resolved that the new Policy P355 was to be further reviewed, following examination of other Councils' consultation policies.

As required by the June 2009 resolution, City officers undertook the following actions:

- five other local governments were surveyed regarding their consultation policies and practices;
- a Council Members' workshop was held on 29 September 2009 to consider the findings of that survey;
- a Council Members' briefing was held on 10 November 2009 (following the local government elections) to consider the outcome of the September workshop; and
- the matter of a 'neighbour information service' was considered at the December 2010 Council meeting, and a 12-month trial process initiated.

The Council report of December 2009 contained further background regarding these events. The main matters under consideration by the Council were:

- neighbours of imminent low density development proposals who are not specifically invited to submit comments, should be informed about the proposals and given the opportunity to view the plans; and
- the need to consult the community to the most effective extent, neither too widely nor too narrowly.

To satisfy these goals, while streamlining the administrative process as far as reasonably possible, officers suggested that the following be considered:

- reduce the geographic extent of 'Area 2' neighbour consultation from 150 metres to 100 metres;
- after approval has been granted, provide written advice of the approved development to adjoining neighbours in R15 and R20 areas for 2 storey (or higher) building proposals;
- as Policy P355 was adopted comparatively recently (June 2009), to gauge the effectiveness of the expanded consultation measures in that Policy, it be properly trialled and tested for a reasonable period without further modification; and
- during the trial period, data be collected by Council Members and Officers regarding 'consultation process' complaints received from neighbours of development sites. This data was to be transmitted to the Strategic Urban Planning Adviser.

All of these suggestions were discussed in the December 2009 Council report.

Consequently, in December 2009, the Council resolved as follows:

“That ...

- (a) Policy P355 ‘Consultation for Planning Proposals’ not be modified at this stage;*
- (b) for a trial period until 30 December 2010, the following procedures are to be implemented:*
 - (i) the geographic extent of ‘Area 2’ consultation under Policy P355 is to be reduced to a distance of 100 metres on both sides of the development site rather than the 150 metres specified in the Policy;*
 - (ii) in R15 and R20 coded areas, in the case of any residential development other than minor additions or alterations as described in Item 1.6.1 of the Consultation Matrix in Policy P355 ‘Consultation for Planning Proposals’, whether single storey high, two storeys high or higher, adjoining neighbours including those properties diagonally adjoining at a corner point, are to be informed of a planning application that has been received by the City. Communication will be made by correspondence explaining the planning process that will take place and what input will be invited from them should there be any statutory opportunities they may have, to have a direct involvement in this process. In addition they will be invited to view the plans at the City’s Office should they wish, but copies would not be made available.*
 - (iii) data is to be compiled regarding ‘process complaints’ relating to neighbour consultation, received by both City officers and Council Members.*
- (c) a further report be presented to the February 2011 Council meeting on the results of the trial and data collection referred to in Part (b) above, including a recommendation as to whether or not these trial procedures be adopted into Policy P355 or any other modifications be made.”*

The Council Members did not support the officers’ suggested new practice of informing certain neighbours after development approval had been granted.

A report on the trial is now presented in response to part (c) of Council’s December 2009 resolution.

Comments

In summary, the 12-month trial period tested the following:

- (a) effectiveness of the operation of Policy P355 ‘Consultation for Planning Proposals’ as adopted in June 2009;
- (b) reduction of ‘Area 2’ consultation from 150 metres to 100 metres;
- (c) additional neighbours adjoining proposed residential developments in R15 and R20 coded areas being ‘informed’ of the development application and invited to view the plans at the City’s Office; and
- (d) any ‘process complaints’ relating to neighbour consultation, received by both City officers and Council Members.

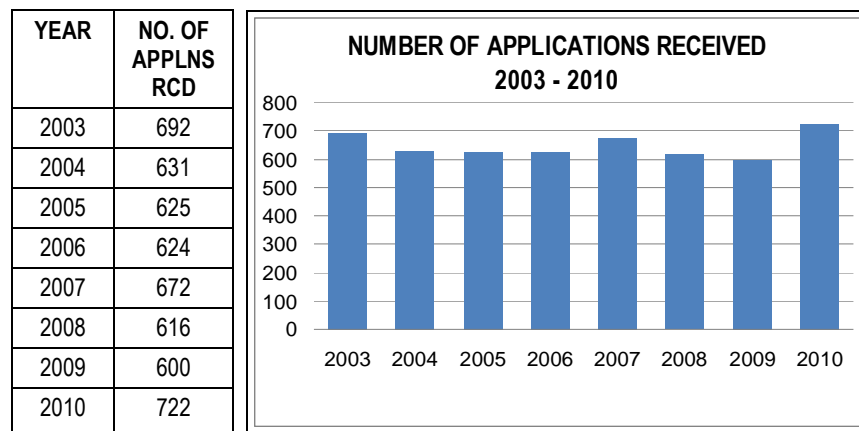
Attachment 10.0.1 contains the outcome of the trial. Further discussion on each of the matters that were trialled is provided below.

(a) Effectiveness of operation of Policy P355

The 'new' Policy P355 is different from the former Policy P104 which it replaced, in a number of respects, most significantly in relation to the expanded extent of consultation now required. The areas of difference were fully described in previous Council reports.

Policy P355 has now been operating for 18 months. Officers have identified several details which will be re-examined at the time of the next review. In addition to this, senior officers who most closely administer the Policy have provided some feedback regarding the effectiveness of its administration. Those officers have expressed the following opinions:

- Policy P355 is unusually long and complex compared with similar policies of some other local governments, causing officers to spend lengthy periods of time to ensure that all aspects of the intricate provisions are properly examined for each application. Despite the time spent in working through the Policy, there is still a risk that some more intricate aspect of the detailed consultation requirements may be overlooked occasionally. Therefore, further expansion of Policy P355 to deal with additional neighbour "information" processes is not favoured.
- The time spent by officers on all aspects of consultation is generally in proportion to the number of development applications received. Statistics for the past eight years show the total number of development applications per year as follows:



During these years, the number of applications has not fallen below 600 and for the first time on record has exceeded 700 applications per year in 2010, an increase of around 20% above the previous year.

- Based on the relatively small number of responses received from **consulted** neighbours during the 12-month trial period, and the type of comments provided by those neighbours, officers are of the view that the small degree of resultant improvement to the built outcome does not warrant the extensive consultation being implemented by the City.

- Particularly since the introduction of the 2010 R-Codes, there is less scope for the City to refuse or modify development proposals. The R-Codes grant a considerable degree of “as of right” and “discretionary” entitlements to developers. In such cases, the Council has minimal opportunity to refuse development applications, or require modifications to applicants’ plans. In cases where there is no opportunity for neighbours to contribute to the decision-making process, it is not beneficial to consult or inform the neighbours.
- Having regard to the above comments, officers are of the view that Policy P355 and related administrative tasks should not be made more complex, but should be simplified and the extent of consultation should be reduced.

(b) Reduction of ‘Area 2’ from 150 metres to 100 metres

One of the objectives of the 12-month trial was to test whether or not the reduced extent of ‘Area 2’ mail consultation from 150 metres to 100 metres, still provides:

- residents with adequate opportunity to be informed and to make comment on proposed major developments; and
- officers and Council Members with a sufficient level of understanding of any community concerns with respect to the proposal under consideration.

‘Area 2’ consultation is required for the potentially higher impact kinds of development proposals including:

- higher density development adjacent to lower density development;
- replacement of ‘over-sized’ buildings under clause 6.1 of TPS6;
- major non-residential development;
- specific land uses, such as Child Day Care Centre, Cinema/Theatre, Hospital, Hotel, Night Club, Reception Centre, Tavern, and Tourist Accommodation.

It is important to note that in addition to mail consultation for such proposed developments, ‘Area 2’ consultation also involves the placement of signs on the development site, and a longer consultation period of 21 days, instead of the 14-day period required for ‘Area 1’ consultation. Consequently, a reduction in the geographic extent of ‘Area 2’ mail consultation would not disadvantage residents in the vicinity of the development site.

During the trial period, only two applications involved ‘Area 2’ consultation. Both were for Tourist Accommodation and one of these was withdrawn prior to determination. In both cases, it was deemed appropriate to consult to the extent of 150 metres. Therefore, the smaller consultation area was not trialled.

Clause 8(c) of Policy P355 currently gives the Chief Executive Officer or Director discretion to require the geographic extent, method or duration of consultation to be increased where they consider that a particular proposal could have wider amenity impact than would ordinarily be experienced from proposals of the kind under consideration; where the proposal is not listed in the Policy Matrix; or where the proposal is identified as not requiring consultation.

Having regard to:

- only two ‘Area 2’ development applications being received during 2010;
- both of these being deemed to require the full 150 metre extent of neighbour consultation; and
- the fact that the reduction to 100 metres was not tested during the past 12 month period;

it is suggested that no permanent change be made to reduce the geographic extent of Area 2 consultation at this time.

(c) **“Neighbour information” letters**

The Council’s December 2009 resolution required that, for neighbours not already consulted under Policy P355:

- in R15 and R20 coded areas; and
- in the case of any residential development (other than minor additions or alterations), whether single storey, two storeys or higher;

the City was to “inform” neighbours of any development application on an adjoining lot (including diagonally adjoining at a corner point), and invite them to view the plans at the City’s Office. These additional neighbours were not invited to lodge written submissions.

As required, additional procedure has been trialled for 12 months. A complete list of development applications for which ‘neighbour information’ notices were sent has been prepared and is provided in **Attachment 10.0.1**. A summary of the trial, together with the ‘consultation’ implemented in accordance with Policy P355, is presented below for the development applications processed during 2010:

| | ‘CONSULTATION’ NOTICES | ‘INFORMATION’ NOTICES | TOTAL |
|---|-----------------------------------|--|--------------|
| Total number of DAs received by the City during 2010 | - | - | 722 |
| Number of DAs involving ‘consultation’ or ‘information’ notices to neighbours | 175 | 259 | 259 |
| Total number of notices sent | 350 (26% of all notices) | 978 (74% of all notices) | 1328 |
| Average number of notices sent to neighbours per DA | 2 | 3.8 | 5.1 |
| Time spent by officers in processing ‘neighbour information’ notices and dealing with resultant neighbours’ enquiries | Not logged | 111.75 hours (incomplete - not all time was logged) | |
| Number of incomplete applications which could continue to be the subject of neighbour enquiry after conclusion of the trial | - | - | 31 |

In addition to logging the numbers and types of notices sent to neighbours of development sites, assessing officers also recorded some of the comments made by neighbours when they enquired at the office regarding particular development proposals. For those comments that were logged, these are categorised into a range of ‘typical’ compliments and complaints, for ease of recording. It is likely that not all comments were logged. The outcome is as follows:

Compliments

| | | |
|----|--|-----------|
| A. | Thank you for sending the information notice. | 1 |
| B. | Thank you for explaining the proposal and the approval process on the phone. | 2 |
| C. | Thank you for showing the drawings of the proposal and explaining the approval process at the Council Offices. | 11 |
| D. | Thank you for providing the opportunity to make comments. | 1 |
| | TOTAL | 15 |

Complaints

| | | |
|----|---|-----------|
| X. | Why can't I see the plans? (Already approved - privacy reasons.) | 8 |
| Y. | Should have received the 'consultation' notice instead of the 'information' notice. | 2 |
| Z. | There was no need for being informed at all. | 2 |
| | TOTAL | 12 |

In addition to the 'standard' compliments and complaints, other neighbours made 'non-standard' comments. These are not logged.

The total number of logged responses is 15 compliments and 12 complaints. The 27 responses represents 2.8% of the total number of 'information' notices sent out. The small number of comments recorded in response to 'neighbour information' notices are too few to gain a meaningful understanding of how the process was valued by the community.

In terms of officers' opinions of the trialled 'neighbour information' process, the following comments have been provided:

- The 'neighbour information' process introduced an unforeseen delay in the planning approval process. While the '**consultation**' process provides neighbours with either 14 days (if 'Area 1') or 21 days (if 'Area 2') in which to examine development application documents and lodge comments with the City, no time period was specified in the Council resolution as part of the '**neighbour information**' process. However, in order to give validity to the practice of informing neighbours of impending development **prior** to approval being issued, the City augmented the process by allowing 14 days from the date of mailing, before applications were determined. This provided a convenient and functional timeframe in which neighbours could arrange to view plans at the City offices, but at the same time, in the case of 'fast-track' and 'super-fast-track' applications (those which comply with all or the major development requirements and can be approved within days), this delayed the approval of those applications by one to two weeks.

While the adjoining landowner was provided with the courtesy of time in which to view development plans before they were approved, the developing landowner was disadvantaged to the extent of the extra delay in issuing the approval. This was not foreseen when initiating the Council's 'information' process. On the other hand, if time was not provided for neighbours to visit the City office prior to determination of the application, this would have been similar to the 'City of Belmont model' of informing neighbours **after** approval has been issued, as advocated by officers in the related December 2009 Council report. (The Council Members did not support that suggestion).

- Officers are concerned that the trialled 'neighbour information' process absorbed a considerable amount of time, not only in the hours taken to prepare the notices and respond to enquiries, but by interrupting processing of the applications lodged by those landowners who had paid the compulsory Planning Fee for the City's development assessment service. Time was spent by officers in providing a free service that did not contribute to an improved built outcome. While the total number of hours logged during the trial period, being 111.75 hours (2.15 hours per week) might not seem large over an annual period of 250 working days (not deducting 20 days of annual leave per officer), the interruption to officers' concentration and thought processes also consumed time. This detracted from the efficiency of the City's well-engineered approval system.

- The process added a further layer to the already complex development assessment process. With staff turnover, this means that, should the process continue, another layer of training is required for new officers.
- Many customers were confused by the process. Officers sometimes spent longer in explaining and discussing the purpose of the 'neighbour information' process than they spent in explaining the development proposal to the neighbour. Some neighbours were angry that they had been brought to the City under 'false pretences', while others were mildly curious about the neighbour's intentions without being concerned.
- The assumption of most neighbours was that, having been informed, they were entitled to make a written submission to the City, although this was an incorrect assumption. Where they did make comment even so, this necessitated the assessing officer spending more time in reading and responding to the submission, without being able to take the comments into account in the assessment of the application.
- In light of the trial experiences outlined above, the assessing officers recommend that the practice of sending 'information' notices to neighbours who are not invited to comment on the proposal, be discontinued.

Should Council be of the view that notification of developments is still required, an alternative to City officers undertaking the notification would be for the onus to be placed on the applicant for notifications. This might encourage greater community conversation, less instances of City officers being placed in the unenviable position of having to explain developments, but not able to take notice of comments and may result in better social outcomes.

(d) Receipt of 'process complaints'

As part of the 12-month trial of Policy P355, including the information letters and the reduced 'Area 2' consultation, City officers and Council Members were to advise the Strategic Urban Planning Adviser of any complaints received from members of the public regarding the consultation process generally.

City officers have logged a number of complaints as outlined above in relation to the 'neighbour information' process, but not in relation to the City's consultation practices generally.

The Strategic Urban Planning Adviser has received minimal information from Council Members regarding complaints received by them from members of the public.

This being the case, it must be concluded that either very few complaints were received, or that no conclusion can be drawn from this element of the trial.

(e) **“Authority” tracking**

The City is currently in the process of designing and implementing an ‘on-line’ tracking system for all developments for which an application for planning approval has been lodged. This will be done through the program already used by the City for ‘internal’ logging and tracking of applications, known as “Authority”. While this new service is primarily intended to enable applicants to check the progress of their own applications, it will also enable any member of the public to access certain elements of the tracking process. The following aspects of the assessment and determination process will be available for viewing by any person, including neighbours, via the internet:

Application Details

- Applicant details
- Proposal description
- Property address
- Workflow (see below)

Planning Assessment

- Acknowledgement
- Neighbour Consultation (*if applicable*)
- Neighbour Information referrals (*if applicable*)
- Referrals -
 - External - Department of Planning, Department of Transport, Main Roads WA, Swan River Trust, Heritage Council of Western Australia, Department of Environment and Conservation, Department of Housing, Other (*whichever are applicable to the particular application*)
 - Internal (*particular departments would be consulted as appropriate for the particular proposal*)
- Assessment
- Further Information Requested
- Notify Applicant and Submitters of Council meeting (*where applicable*)
- Determination (*whether Council or delegated*)
- Notify Applicant and Submitters
- Mail the Determination

This service will need to be regularly advertised to the community as being available for use at any time. The means for advertising could include prominent web site notice and periodic or regular notices placed in the City’s ‘Peninsula Snapshot’ column in the *Southern Gazette*. A regular item in the column could include this and other ‘Planning Tips’ of common interest to the community, in rotation. With the intended level of detail, as outlined above relating to all development applications being available for any member of the community to view at any time, officers are of the opinion that this will eliminate the need to personally notify neighbours of impending developments.

Consultation

Policy P355 was the subject of community consultation prior to final adoption in June 2009. If the Policy is to be modified to give effect to any of the matters discussed in this report, the amendment of the Policy will involve further community consultation, as required by clause 9.6 of TPS6 and Policy P355 itself.

Policy and Legislative Implications

Clause 9.6 of TPS6 specifies the process for modifying any Planning Policy. If the Council decides to modify any of the Policy provisions or permanently introduce any new processes, Policy P355 will need to be advertised again, inviting further public submissions. In that instance, a further report to Council will be provided, together with a draft modified Policy for Council endorsement prior to being advertised for community inspection and comment.

Financial Implications

The cost of the trial of the 'neighbour information' process has not been accurately assessed in terms of officers' time, but has been estimated to be around \$5,000. The cost of mailing the notices during this 12 month period was \$567 compared with \$203 for 'consultation' notices. Should the process continue, the costs will also continue.

The ongoing costs of implementing the "Authority" information on-line will be minimal after the service is implemented. Implementation, will involve the cost of a consultant from Civica for 2 days and can be met in the current budget provision. Development application processing information is currently being logged as part of the City's in-house assessment procedures.

Strategic Implications

This matter relates to Strategic Direction 6 "Governance" identified within Council's Strategic Plan which is expressed in the following terms:

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

Sustainability Implications

Policy P355 contributes to the City's sustainability by promoting effective communication and encouraging community participation to the most effective level in all planning processes. The policy ensures the most appropriate level of consultation is undertaken throughout the community for every kind of planning proposal.

The trialled 'neighbour information' process proved to be somewhat inconclusive in terms of its benefit to the community, while providing no improvement to the built outcome. Further, due to the imminent introduction of the new "Authority" tracking service that will be available to any member of the public, there will be no need for individual notices to be sent to neighbours. The information provided in this way will be more effective in that it will be available to the wider community, will enable the entire determination process to be followed, and will eliminate the time and cost associated with the mail service.

Conclusion

Discussion throughout this report shows that the trialled 'neighbour information' process was quite demanding without delivering an improvement to the built form of the City. For reasons contained in this report, the trialled additional process should therefore be discontinued in favour of the new "Authority" tracking service being implemented by the City for all developments, available to any person. The practice of mailing individual 'information' notices to neighbours is more costly, would duplicate the new electronic service and would provide much less detail of information than the wider and more comprehensive electronic process.

With regard to the trial of the reduced geographic extent of consultation for 'Area 2' development proposals, it is suggested that a reduction to 100 metres is not appropriate at this time, due to the fact that the reduction was not able to be tested during the trial period and that consequently, no conclusion could be drawn.

OFFICER RECOMMENDATION ITEM 10.0.1

That ...

- (a) the practice of mailing 'neighbour information' notices advising of development applications that was trialled during 2010, be discontinued for reasons contained in report Item 10.0.1 of the February 2011 Agenda; and
- (b) Policy *P355 '*Consultation for Planning Proposals*' not be modified at this time to reduce the geographic extent of 'Area 2' consultation from 150 metres to 100 metres.

Note: *Policy P355 is recommended to be re-numbered **P301** at Agenda Item 10.7.1 as part of bringing policy numbers into line with the Strategic Plan Directions.

OFFICER RECOMMENDATION

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

Cr Hasleby Moved the officer recommendation.

The officer recommendation Lapsed for Want of a Seconder.

LAPSED

MOTION

Moved Cr Cala, Sec Cr Howat

That....

- (a) the officers recommendation not be adopted;
- (b) the practice of mailing 'neighbour information' notices advising of development applications in R15 and R20 coded areas, whether single storey or higher, that was trialled during 2010, be continued and form part of new Policy P360 "Informing the Neighbours of Certain Development Applications" as per **Attachment 10.0.1(a)**; and
- (c) Policy P355 '*Consultation for Planning Proposals*' not be modified at this time to reduce the geographic extent of "Area 2" consultation from 150 metres to 100 metres.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala opening for the Motion

- acknowledge officers received thanks for 'information notices' sent to residents
- notice to neighbours to view plans was made clear that it was for 'information only'
- believe advantages of continuing the practice of 'neighbour information' notices advising of development applications of the type described far outweigh the reasons for discontinuing the practice.
- officers' view is the practice of 'information notices' cease and only inform neighbours if required under conditions of the Town Planning Scheme and Consultation Policy P355
- Deputation at Agenda Briefing stated only FOI requests (if application compliant) would result in neighbours viewing plans
- on one hand we state neighbours cannot see the plans, but on the other hand if a neighbour wants to put in a request under FOI and pay a fee they can see the plans
- believe costs that would be incurred in continuing 'information notices' is a small price to pay - there is no better way of showing that the City values its residents than having a process in place that brings to the attention of neighbours a proposed nearby development
- the argument put forward that the 'notice' may cause confusion can be overcome by clarifying the 'information notice' - the counter argument of advising 'after the event' causes more difficulties

- the Authority Tracking System referred to is no use to neighbours – geared for applicants/developer
- suggestion of placing onus on applicant to notify neighbours is unfair to either party – believe it would be more confronting and an additional financial burden
- other local governments such as the Town of Vincent make all plans available
- suggest proposed Policy P360 “*Informing the Neighbours of Certain Development Applications*” is a better way of informing residents on what is being proposed next door
- ask Councillors support the Motion and proposed new policy

Cr Howat for the Motion

- important adjoining owners are notified in advance of developments
- communication to neighbours on what is proposed nearby will save a lot of hassles in the future
- refer to previous instances where communication has not taken place and issues have arisen
- support alternative Motion and proposed new policy

Cr Hasleby against the Motion

- a lot of study / data gone into 12 month trial detailed in officer report
- the 2010 R Codes give the City very little room to move – either to refuse or modify development proposals most doors are closed to discretion rights of applicants
- Council has less opportunity to refuse development applications so why should we inflate the expectations of neighbours by sending information and giving them an expectation that they can have input when they can not
- we talk about being honest but then send out neighbour information notices where there is an expectation the neighbours have some right in the development
- legally speaking the owner or builder who has the plans owns that property – there is nothing a builder is required to do to make those plans publicly available
- having developers sign some type of ‘release form’ I believe will meet with a lot of objections - people regard their intellectual property very highly – if someone has to put in a FOI request to get that information then so be it
- propose we look very closely at the on-line tracking option against setting up a situation of false expectation by putting out there a system where neighbours think they will have an opportunity to make a difference to a development when in fact they will not
- suggest the practice of mailing out these information notices is time consuming and costly and is not achieving what we want
- against the Motion

Cr Best for the Motion

- note our Four Values at the front of Agenda document – *Trust – Respect – Understanding – Teamwork*
- believe by making information available to neighbours on developments we will be gaining the trust of those neighbours
- in terms of respect – to just pour concrete without advising neighbours is not acceptable
- communication between developers and neighbours is paramount
- believe Council can show leadership in opening communications
- believe FOI is to make information ‘open’
- it is hoped from this comes a ‘conversation’ towards developing a communications strategy
- support the Motion and proposed new policy

Cr Ozsdolay for the Motion

- acknowledge it is 'information' not 'consultation' – perhaps we need to fine tune advice
- believe it is an opportunity for neighbours to have a say rather than just take what is given to them
- when you have just spent \$1 – 2m on a house you only get one crack at it – if we get it wrong then the neighbours are stuck with what is there
- support alternative Motion and new policy

Cr Cridland against the Motion

- response to people receiving this correspondence will be that they believe they have rights and can change decision / take part in development
- the reality is the reverse – it makes no difference whether neighbours receive the information before or after the development is approved as they cannot change anything
- against the Alternative Motion

Cr Cala Closing for the Motion

- believe people can be informed and the process made clear to them - they then have the opportunity to talk to the applicant - at least make suggestions which could create change by allowing conversation to occur
- point made about on-line tracking which is an “after the event” notice – generally a person does not continually look at the City website to check on what is going to happen next door to them
- do not agree that there would be a false expectation for input by sending the ‘information notice’ which says..*it is just to keep them informed and following assessment by planning officers a decision will be made* - perhaps it could be fine-tuned further
- having an on-line system does not take away the element of surprise whereas the Alternative Motion does – ask Members support Alternative Motion.

| |
|-------------------------------------|
| COUNCIL DECISION ITEM 10.0.1 |
|-------------------------------------|

The Mayor Put the Motion

That....

- (a) the officers recommendation not be adopted;
- (b) the practice of mailing ‘neighbour information’ notices advising of development applications in R15 and R20 coded areas, whether single storey or higher, that was trialled during 2010, be continued and form part of new Policy P360 “Informing the Neighbours of Certain Development Applications” as per **Attachment 10.0.1(a)**; and
- (c) Policy P355 ‘Consultation for Planning Proposals’ not be modified at this time to reduce the geographic extent of “Area 2” consultation from 150 metres to 100 metres.

CARRIED (9/3)

Reason for Change

Council were of the view the advantages of continuing the practice of mailing ‘neighbour information’ notices advising of development applications of the type described far outweigh the reasons for discontinuing the practice.

Note: *Policy P355 is recommended to be re-numbered **P301** at Agenda Item 10.7.1 as part of bringing policy numbers into line with the Strategic Plan Directions.

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

Location: Lot 5 (No. 52) Manning Road, Como
 Applicant: Whelans (WA) Pty Ltd on behalf of the landowner, Mr J Winspear
 File Ref: LP/209/24
 Date: 1 February 2011
 Author: Gina Fraser, Senior Strategic Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

At its meeting on 24 August 2010, Council resolved to initiate Scheme Amendment No. 24 to the City of South Perth Town Planning Scheme No. 6 (TPS6). On 28 September, the Council adopted the draft Amendment for advertising purposes. The Amendment will include ‘Office’ as an Additional Use for Lot 5 (No. 52) Manning Road, Como. The statutory 42-day advertising period has resulted in no submissions. Council now needs to recommend to the Western Australian Planning Commission and the Minister for Planning that the Amendment proceed without modification.

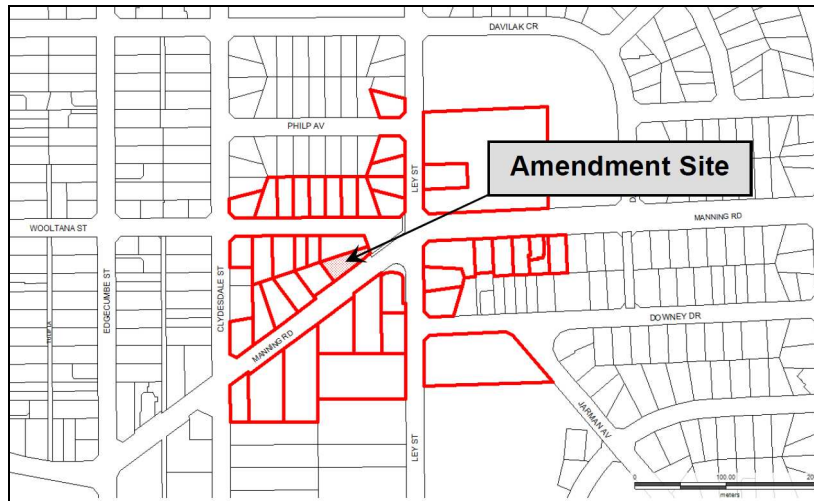
Background

This report includes **Attachment 10.0.2: Amendment No. 24 Report.**

The Amendment site details are as follows:

| | |
|--|---|
| Current zoning | Residential (current zoning will not change) |
| Current density coding | R20/30 (current coding will not change) |
| Lot area | 914 sq. metres |
| Building Height limit | 7.0 metres (current height limit will not change) |
| Existing development | Single House |
| Development potential - prior to Amendment | One single house. <u>Note:</u> The R20 coding prevails. It is not possible to meet the required minimum of 8 Performance Criteria in order to qualify for the R30 density development. |
| Development potential - following Amendment | Office plot ratio: 0.17 = 155 sq.m (20% larger than the size of the existing house) |

The following plan shows the location of the Amendment site, and also the extent of the mail-out undertaken at the commencement of the statutory advertising period as discussed in the ‘Consultation’ section below:



Comment

The Amendment report at **Attachment 10.0.2** discusses the rationale for the proposal. The principal purpose of the Amendment is to facilitate 'Office' use on the subject site as an 'Additional Use'. The underlying 'Residential' zoning and R20/30 density coding will remain unchanged. The Amendment provisions will ensure that the scale and appearance of any new building on the site will be compatible with the surrounding 'residential' character.

Consultation

Prior to endorsement for advertising purposes, the City's Engineering Infrastructure Department was consulted regarding the effect of the proposed land use on traffic movement. The advice obtained was that any resultant traffic movements would be manageable without disruption to "through" traffic.

Immediately following Council endorsement of the proposals for public advertising, the Amendment was forwarded to the EPA for environmental assessment. The EPA responded on 18 October 2010, advising that it was considered that the proposed Scheme Amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations. This decision enabled the community advertising process to commence.

The statutory community advertising required by the *Town Planning Regulations* was undertaken in the manner required by TPS6 and Policy P355 'Consultation for Planning Proposals', as follows:

(i) Method:

- personally addressed notices mailed to 67 neighbouring land owners, and government agencies (Department of Housing, Telstra, Western Power, WA Gas Networks Pty Ltd, Main Roads WA, and Water Corporation);
- *Southern Gazette* newspaper notices (two issues, on Tuesday 16 November and 30 November 2010);
- sign on the Amendment site; and
- notices and documents displayed in Civic Centre, Libraries, web site.

(ii) Time period:

- More than 42 days, being the period between 16 November and 31 December 2010.

The extent of mail-out consultation is shown in the plan above.

During the consultation period, no submissions were received. Therefore, no modifications to the Amendment document are proposed.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. Although there are no public submissions for the Council to consider, the Council still needs to recommend to the Western Australian Planning Commission and the Minister for Planning whether to proceed with the Amendment, with or without modifications, or not proceed with it. There is no reason to modify the original proposals.

The EPA was consulted under section 48A of the *Environmental Protection Act 1986*.

Financial Implications

The issue has some impact on this particular area, to the extent of payment of the required Planning Fee by the applicant in accordance with the Council's adopted fee schedule. The applicant paid the applicable Planning Fee following the Council's initial resolution deciding to amend the Scheme. Any amount of the fee not consumed by officers' hourly rates and other costs will be refunded to the applicant at the conclusion of the statutory Scheme Amendment process.

Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's Strategic Plan 2010-2015 which is expressed in the following terms:

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

Sustainability Implications

Currently, there is an unfavourable ratio of employment to population within the City of South Perth. If Scheme Amendment No. 24 is approved by the Minister, it will make a small contribution towards increasing employment opportunities within the City. To this extent, Amendment No. 24 will have positive sustainability implications.

Conclusion

Amendment No. 24 will facilitate a small-scale commercial proposal which has elicited no objections from the neighbouring land owners or the wider community. It therefore continues to be worthy of the Council's support for the reasons outlined in the attached Amendment report. As no submissions were received during the statutory advertising period, the Council now needs to finally adopt the Amendment No. 24 report at **Attachment 10.0.2**, and recommend to the WAPC and the Minister that Amendment No. 24 proceed **without modification**.

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2 |
|--|

That...

- (a) the Western Australian Planning Commission be advised that Council recommends that, no submissions having been received during the statutory advertising period, Amendment No. 24 to the City of South Perth Town Planning Scheme No. 6 proceed without modification.
- (b) the Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:
 - (i) inserting a new Item No. 8 in Schedule 2 to permit the Additional Use: 'Office' on Lot 5 (No. 52) Manning Road, Como, with a maximum plot ratio 20% greater than the internal floor area of the existing dwelling and a requirement relating to the maintenance of residential character; and
 - (ii) Amending the Scheme Zoning Map for Precinct 10 'McDougall Park' accordingly.
- (c) Amendment No. 24 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the *Town Planning Regulations 1967 (as amended)*, and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 24 document, as required by those Regulations.
- (d) three executed copies of the Amendment No. 24 document contained in **Attachment 10.0.2**, be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning.

CARRIED EN BLOC RESOLUTION

| |
|---|
| 10.0.3 Commercial Precinct Parking Review <i>(Item 10.0.4 referred September 2010 Council meeting)</i> |
|---|

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | TT/905 |
| Date: | 3 February 2011 |
| Author: | Phil McQue, Manager Governance and Administration |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

This report considers the community consultation undertaken during November 2010 to January 2011 in respect to the parking arrangements at the Commercial Precinct and recommends that the existing parking arrangements continue without change.

Background

Parking issues initially arose in 2009 at the Commercial Precinct due to the proliferation of the "City commuter" and a lack of available parking bays for visitors to local business.

The City subsequently engaged Uloth and Associates to conduct a parking study of the area and Council adopted the majority of recommendations from their report, with a mix of paid parking and free restricted time parking introduced on a twelve month trial basis.

Following the conclusion of the trial period, a report was submitted to the 28 September 2010 Council meeting recommending that the parking arrangements be maintained with no change, as it was viewed as successful in reducing the number of City commuters and providing more parking bays for visitors to business within the precinct.

The Council resolved that:

...(b) *the City conducts further community consultation with the community on the changes to the parking controls implemented following the February 2009 report to Council after the development of criteria by Elected Members at a Briefing Session to be held in October 2010 followed by a report to Council for endorsement.*

Consultation

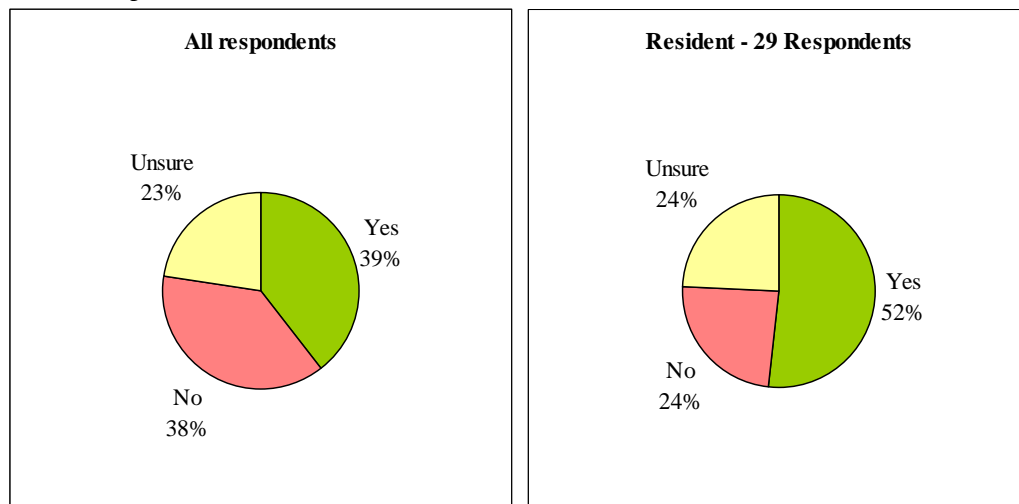
The Commercial Precinct Parking consultation period was from 1 November 2010 to 14 January 2011, a period of 75 days. During this period, 434 parking surveys were mailed directly to all properties within the precinct, including the Perth Zoo, Royal Perth Golf Club, South Perth Hockey Club and South Perth Cricket Club. The survey was also advertised in the Southern Gazette on 2 November 2010 and promoted via the City's website.

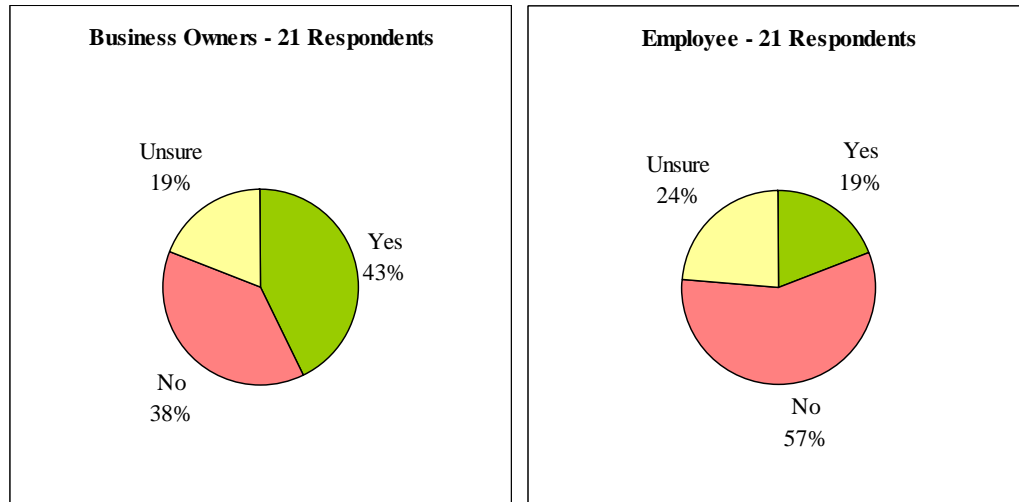
Comment

A total of 66 survey responses were received representing a low 15% response rate.

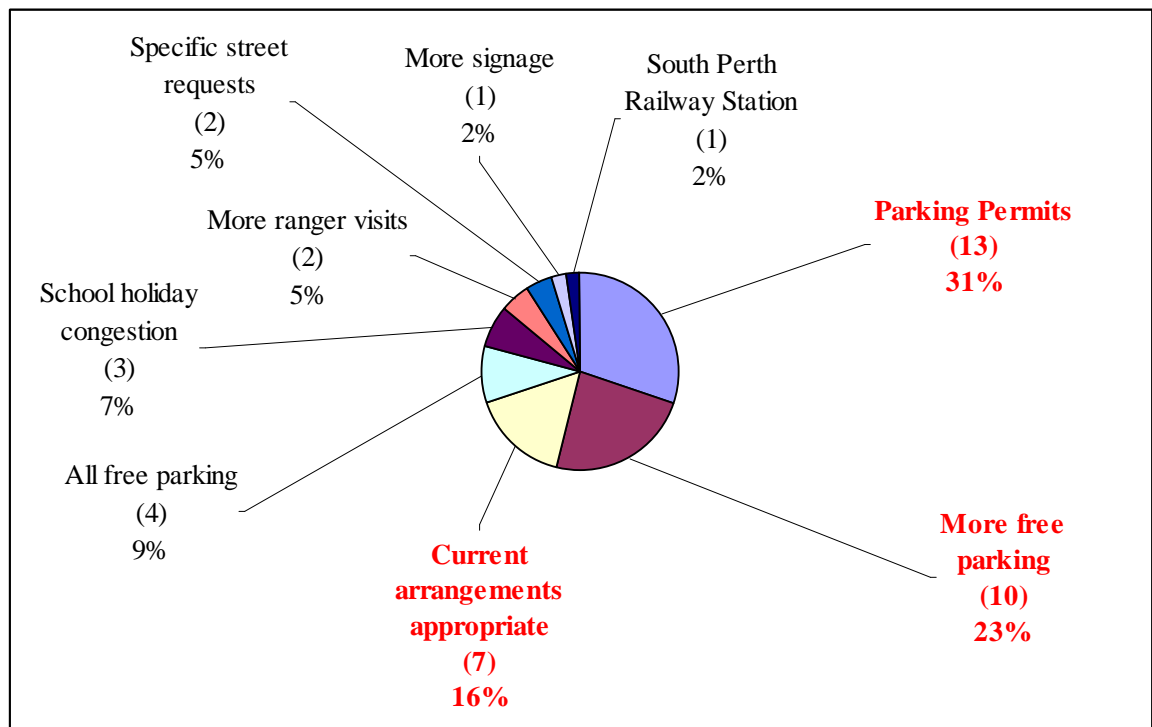
Following an Elected Member Workshop on the subject, two questions were devised. As a consequence, the Commercial Precinct Parking Survey asked two questions:

1. Have the new parking arrangements been successful in easing the congestion previously experienced?





2. Do you have any suggestions or feedback on parking arrangements? (54 excluding employees)



Royal Perth Golf Club

The Royal Perth Golf Club have a Memorandum of Understanding with the City that provides free parking for Sports Club Members at Amherst Street as well as free parking for special events at Richardson Reserve car park.

The Golf Club acknowledged that the parking arrangements had reduced parking congestion at Richardson Street car park but requested that consideration be given to the City providing 50 free parking bays at Richardson Street for Club Members outside of school holidays.

The City is of the view that there is sufficient free parking provided to Golf Club Members at Amherst Street and also understands that the Golf Club is intending to increase the capacity of their own car park on Labouchere Road.

Perth Zoo and Perth Zoo Docents

The City received a 111 signatory petition from Perth Zoo Docents requesting free parking for Docents at Richardson Reserve car park.

The City is of the view that the Perth Zoo should be responsible for providing free parking for Perth Zoo Docents at their own carpark on Mill Point Road.

Summary of Results

The survey response rate was low indicating there is minimal demand for changes to the existing parking arrangements.

From a total of 434 premises within the precinct, only 6 residents and 7 business owners do not believe that the parking measures have reduced parking congestion. A total of 26 respondents (including 11 employees) expressed a desire for parking permits and 8 respondents wanted free parking.

Given the low response and the general satisfaction with the current parking arrangements it is recommended that the existing arrangements be maintained. The Administration would consider the introduction of a parking permit system as an administrative and financial burden for all of the City's ratepayers and unwarranted in demand as reflected in the survey results. Research has found that the City of Subiaco is the only metropolitan local government with a commercial parking permit system, charging business \$10 per permit per day, which is \$2 less than the daily parking rate in the Commercial Precinct.

Policy and Legislative Implications

Nil.

Financial Implications

The existing Commercial Precinct parking arrangements earn the City revenue of approximately \$200,000 per annum which contributes to the City's maintenance and operation of car parks within the Commercial precinct.

The introduction of a parking permit system for the Commercial Precinct would result in associated administrative costs increasing the financial costs of all ratepayers within the City.

Strategic Implications

The recommendation to retain the existing parking arrangements is consistent with the Strategic Plan Direction 5 'Transport' - *"improve accessibility to a diverse and interconnected mix of transport choices"*.

Sustainability Implications

The existing parking arrangements improve the environmental sustainability by reducing the number of vehicles parking in the precinct and vehicle congestion within the City of South Perth.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.3**

Moved Cr Best, Sec Cr Cridland

That the Council:

- (a) note the feedback received from the Community Consultation undertaken 1 November 2010 to 14 January 2011 on parking in the Commercial Precinct;
- (b) endorse the existing parking arrangements within the Commercial Precinct given the results of the feedback received; and
- (c) advise the community of the results of the community consultation on parking in the Commercial Precinct through advertising.

CARRIED (7/5)

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 National Disabilities Insurance Scheme

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | RC/105 |
| Date: | 4 February 2011 |
| Author: | Kay Russell, Executive Support Officer |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

The purpose of this report is to seek Council support to promote the National Disabilities Insurance Scheme.

Background

Across Australia the majority of families with a person with a disability do not receive the support needed for them to function as a normal family unit. The support differs in each State and for people with different sorts of disability. The current system is totally confusing so that families often find it difficult to know where to look for assistance.

The idea for a National Disabilities Insurance Scheme came from one of 20 items discussed at the National 2020 Summit in 2009. It is proposed to allocate all the money from the present overlapping schemes and use this money to make a 'national system' that supports people with all types of disability whether through accident, birth, disease or ageing.

On face value, the proposal to create a single disability scheme that transcends state boundaries appears to have merit. Normally such a scheme would be thoroughly investigated and a Discussion Paper prepared for stakeholder information and comment.

Comment

The proposal for a National Disabilities Insurance Scheme was discussed and unanimously endorsed at the City of South Perth 'Inclusive Community Action Group' meeting held on Monday 31 January 2011. A National campaign spelling out a new approach to disability is proposed to be launched on 13 February 2011.

Consultation

Discussed and supported at the City of South Perth "Inclusive Community Action Group" attended by City officers.

Policy and Legislative Implications

The “Inclusive Community Action Group” established in accordance with Policy P502.

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

Supporting the National Disabilities Insurance Scheme contributes to the City’s sustainability by promoting effective communication.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1 |
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That National Disabilities Services (WA) be advised that the City of South Perth supports in principle the proposal to establish a National Disabilities Insurance Scheme.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

| |
|--|
| 10.2.1 Tender 25/2010 - Erosion Control - River Foreshore North of Comer Street |
|--|

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | PR/559 |
| Date: | 27 January 2011 |
| Author: | Mark Taylor, Manager City Environment |
| Reporting Officer: | Stephen Bell, Director Infrastructure Services |

Summary

Tenders have been received for the construction of erosion control measures on the section of river foreshore between the Comer Street pedestrian overpass and Milyu Nature Reserve (Tender 25/2010). This is a joint project between the Swan River Trust (50%), Main Roads WA (25%) and the City of South Perth (25%).

The report outlines the assessment process followed and will recommend to the Council that the tender submitted by MMM (WA) Pty Ltd for the amount of \$271,766 plus GST be accepted.

Background

The river foreshore north of the Comer Street pedestrian overpass to Milyu Nature Reserve has eroded considerably in recent years. In 2009, four (4) palm trees, that had been a feature of the foreshore for many years, were removed due to concerns that the extent of erosion around them would result in the trees falling across the shared use pathway and freeway. A series of winter storms in 2009 and 2010 resulted in several areas of this foreshore eroding back to the shared pathway and if left unchecked, potentially threatening the freeway. More recently, adverse weather conditions from Tropical Cyclone Bianca and an unrelated thunderstorm caused even more erosion at the western foreshore.

An assessment of this foreshore by the City's coastal engineering consultant concluded that intervention to control this erosion was urgently required prior to winter 2011, as the risk of extensive damage to infrastructure was too great if left any longer.

The *Swan and Canning Rivers Management Act 2006* discusses 'joint responsibility' for maintenance of the foreshore between the relevant vesting agency and the Swan River Trust (the Trust). In this case, it would be the City of South Perth, however it is evident that Main Roads WA (MRWA) also has an interest in the preservation of this foreshore, due to the close proximity of the shared use pathway and Kwinana Freeway.

Disagreement about which agency was responsible for the maintenance of this foreshore led to the formation of a working group to assess the whole of the City's western foreshore from the Narrows to Mount Henry bridges. Membership of this group comprises representatives from the City, the Trust, MRWA and Department for Conservation and Environment (DEC).

Following extensive negotiations, an agreement has been reached on the maintenance responsibility for various sections of the western foreshore. This will result in the development of a Memorandum of Understanding (MOU) to be signed by all parties in the near future.

Adherence to the *Swan and Canning Rivers Management Act 2006* indicates that the City has 50% maintenance responsibility with the Trust. Considering that this foreshore also protects significant infrastructure that belongs to MRWA, it has been agreed that the area of foreshore between the Comer Street overpass and Milyu Nature Reserve, maintenance responsibility should be shared as follows:

| | |
|---------------------|-----|
| Swan River Trust | 50% |
| MRWA | 25% |
| City of South Perth | 25% |

Comment

Tenders were called on Saturday 4 December 2010 for the construction of erosion control measures on the river foreshore north of the Comer Street pedestrian overpass. The works involve, but are not limited to the following:

- Construction of approximately 50 m² of hardstand area for the on-site storage of materials;
- Off-site filling and night-time delivery of filled Geotextile Sand Container (GSC);
- Construction of approximately 280 metres of GSC revetment to provide foreshore protection; and
- Such other work as shown on the Drawings and/or included in the Specifications.

A compulsory site meeting was held on 10 December 2010. The aim of the meeting was to ensure the contractors were across all issues to do with the project. Representatives of five (5) contractors attended this meeting.

At the close of tenders on 21 December 2010, four (4) tenders were received as shown in table A below.

Table A - Tenders Received

| Tender | Tendered Price (ex GST) |
|------------------------|--------------------------------|
| Yarnell Pty Ltd | \$173,813.00 |
| MMM WA Pty Ltd | \$271,766.00 |
| DME Contractors | \$357,247.75 |
| DVH Industries Pty Ltd | \$447,770.00 |

An evaluation panel was established consisting of representatives of the three agencies (the City, MRWA and Trust) and the City's coastal engineering consultant. This contract was assessed using the 'non-weighted cost method', where the qualitative criteria are assessed separately to the price. This is an accepted assessment methodology. A qualitative evaluation of tenders was completed by the evaluation panel based on the criteria noted in Table B below (and as listed in the request for tender).

Table B - Qualitative Criteria

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

The evaluation process resulted in the following scores:

| Yarnell Pty Ltd | MMM WA Pty Ltd | DME Contractors | DVH Industries |
|-----------------|----------------|-----------------|----------------|
| 6.0 | 10.0 | 8.4 | 8.0 |

An assessment was then made on the price schedules submitted by each company. The Panel considered the prices submitted by MMM to be the most appropriate and closest to market conditions. Yarnell submitted a cheaper overall tender price, however more detailed analysis of the pricing schedules revealed some costs for works that were significantly less than the other three bids. The Panel concluded that these prices were unrealistic for the type of work required.

The tender submitted by MMM WA Pty Ltd has been assessed as best meeting the intent of the specification and is attractively priced. While not the cheapest bid, MMM's response was considered to be the most detailed and contained by far the best methodology, hence its high qualitative scores. MMM has experience in the filling and placement of GSC's (including undertaking work for South Perth), which Yarnell could not demonstrate to the satisfaction of the evaluation panel. As a result the tender submitted by MMM (WA) Pty Ltd it is recommended to Council that this tender be adopted.

The reason why the City has taken the lead role on this project is because MRWA and the Trust are already involved in a tender for works on the western foreshore between the Cale Street and Thelma Street overpasses. This project does not involve any financial or technical contribution from the City. As a result, it was considered appropriate that the City take the lead role for Tender 25/2010 in the interests of cooperation.

Consultation

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

Tender 25/2010 for 'Erosion Control - River Foreshore North of Comer Street' was advertised in the West Australian on Saturday 4 December 2010. In total, four (4) tenders were received.

A compulsory site meeting was held on 10 December 2010. The aim of the meeting was to ensure the contractors were across all issues to do with the project. Representatives of five (5) contractors attended this meeting.

Policy and Legislative Implications

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

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

The following Council Policies also apply:

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

Section 12.3 of the *Swan and Canning Rivers Management Act 2006* states:

Despite any written or other law to the contrary, a person who has the care, control and management of Crown land in the Riverpark shoreline is jointly responsible with the Trust for the care, control and management of that part of the Riverpark shoreline and for the maintenance of any wall or other structure on that part of the Riverpark shoreline.

Financial Implications

The budget for this project has been established as follows:

| Activity | Amount (ex GST) |
|--------------------------------------|------------------|
| Professional fees (consultants, etc) | \$ 30,000 |
| Preferred tender (MMM) | \$271,766 |
| Purchase of GSC containers | \$ 88,794 |
| Contingency | \$ 39,440 |
| TOTAL | \$430,000 |

The respective agency's financial allocations towards this project are as follows:

| | |
|---------------------|------------------|
| Swan River Trust | \$215,000 |
| Main Roads WA | \$107,500 |
| City of South Perth | \$107,500 |
| TOTAL | \$430,000 |

As a result of the western foreshore coastal protection structures maintenance agreement, which the City has entered into with MRWA and the Trust, the City is due payment of \$62.5k from MRWA for the South Canning River Wall repair project (Tender 20/2010). This unbudgeted income represents 25% of the total cost of that project (the Trust funded 50%). In addition, the City has already purchased concrete slabs for the hard stand area (\$8.5k) required for the Comer Street foreshore erosion control works (i.e. Tender 25/2010). As a result, the City only needs to find a further \$36.5k to commit to the project.

It is proposed that the City's portion of the funding be met by reallocating funds (i.e. \$36.5k) from Account 6224 (SJMP Promenade), which is currently unexpended at \$114k. The design of the new river wall at SJMP is complete, however the detailed design and documentation of the promenade and associated infrastructure (i.e. seats, bins, artwork, signage etc) has not commenced due to funding limitations and the need to progress other more urgent capital works priorities.

The construction of the new river wall by itself is estimated to cost \$3 million, of which the City will need to find \$1.5 million as its 50% share of the cost with the Trust (assuming the City is successful in attracting a future grant). At this time, it is extremely improbable that any work on the construction of a new river wall will occur this financial year as the City does not have \$1.5 million in Reserve and the SRT has not committed any grant funding towards this project. It is therefore recommended that the SJMP Promenade funding be used to:

- fund the shortfall to Tender 25/2010, being a total of \$36.5k; and
- complete the design and documentation of the promenade (i.e. hardstand and landscaping component).

To implement the SJMP Promenade project, the City will be calling on the SRT to fund 50% of the total capital cost. It is therefore important that the City continues to cooperate with the SRT on other foreshore restoration projects, such as the foreshore north of Comer Street, to ensure that when the City applies for grant funding that the Trust view's the City's application favourably. For the modest outlay of \$36.5k, the City can achieve that aim.

Strategic Implications

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

Sustainability Implications

Appropriate maintenance of the river foreshore is important to ensure the reserves and infrastructure they are protecting are not compromised. Regular preventative and restorative maintenance will also ensure river foreshores are not allowed to deteriorate to the point where they cannot be readily made good.

| |
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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1 |
|--|

That ...

- (a) the tender submitted by MMM (WA) Pty Ltd for the construction of erosion control measures on the river foreshore between the Comer Street pedestrian overpass and Milyu Nature Reserve, for the lump sum tender amount of \$271,766 plus GST, be accepted; and
- (b) the additional funding for the project be provided by the following amendment to the adopted Budget.

| A/c No | Account Title | Type | Current Budget | Adjustment | Amended Budget |
|--------------|--|------|----------------|------------|----------------|
| 6224.1500.30 | SJMP Promenade | Exp | \$114,000 | (\$36,500) | \$77,500 |
| TBA | Erosion Control at western foreshore north of Comer Street | Exp | \$0 | \$36,500 | \$36,500 |

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

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|--|
| 10.3.1 Retrospective Change of Use (Shop to Showroom) and Additions / Alterations to the Building - Lot 2 (No. 364) Canning Highway, Como |
|--|

| | |
|--------------------|--|
| Location: | Lot 2 (No. 364) Canning Highway, Como |
| Applicant: | Renouf Import Direct |
| Lodgement Date: | 10 August 2010 |
| File Ref: | 11.2010.419 CA6/364 |
| Date: | 1 February 2011 |
| Author: | Emmet Blackwell, Planning Officer |
| Reporting Officer: | Vicki Lummer, Director, Development & Community Services |

Summary

To consider a retrospective application for planning approval for the change of use (from Shop to Showroom) and additions / alterations to the existing building at Lot 2 (No. 364) Canning Highway, Como. The proposal is for carrying out the sale of health and fitness equipment. Even though a number of boats and a freight container are currently parked on-site, the applicant proposes to remove them, hence addressing the key concerns raised by adjoining residents.

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

Background

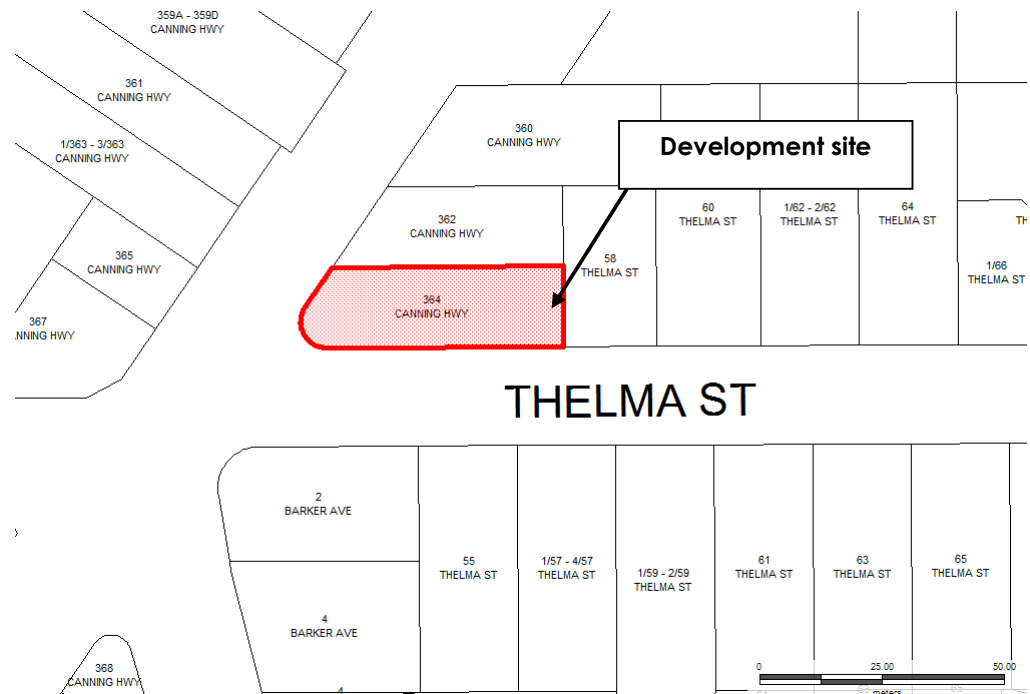
The development site details are as follows:

| | |
|------------------------------|------------------------------------|
| Zoning | Highway Commercial / Regional Road |
| Density coding | R80 |
| Lot area | 845 sq. metres |
| Building height limit | 10.5 metres |
| Plot ratio | 0.5 |

This report includes the following attachments:

| | |
|--|------------------------|
| Confidential Attachment 10.3.1(a) | Plans of the proposal. |
| Attachment 10.3.1(b) | Site photographs. |

The location of the development site is shown below:



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

6. *Amenity impact*

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

7. *Neighbour comments*

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

In relation to Item 6 above, the extent of amenity impact arising from the proposal is considered acceptable by the officers. However, the community is of the view that the development will have an adverse impact on the neighbourhood.

Comment

(a) Background

In December 2009, the City received an application for change of use (from Shop) to Showroom for health and fitness equipment and Motor Vehicle / Marine Sales, as well as additions / alterations to the existing building on Lot 2 (No. 364) Canning Highway, Como (the site). The applicant and consultant for the 2009 planning application are the same as for the current application.

In June 2010, the application was cancelled by the City as the applicant had commenced major works on-site which had not yet received planning approval, and due to delays caused by the applicant providing the required information.

A retrospective planning application was lodged by the applicant in August 2010. In October 2010, the applicant requested the City to amend the retrospective planning application by removing the previously requested use as Motor Vehicle / Marine Sales premises to be only for use of the site as a Showroom, specifically for the sale of health and fitness equipment. This request was made in response to objections received as a result of neighbour consultation.

(b) Description of the surrounding locality

As seen in **Figure 1** below, the subject site has a frontage to Canning Highway towards its west, is located adjacent to a single dwelling to the north, and a City owned park to the east. To the south-west of the subject site, across Thelma Street, is a real estate office that also fronts Canning Highway. Remaining development along Thelma Street is residential.



(c) Existing development on the subject site

The existing development on the subject site prior to the current unauthorised land use consisted of a “Shop” under Table 1 of the City of South Perth Town Planning Scheme No. 6 (TPS6). The Shop was trading for approximately 12 years as “Pots R Us”, selling garden pots.

(d) Description of the proposal

The amended proposal involves a change of use (from Shop) to Showroom, as well as site works and additions to the existing building on the site, as depicted in the submitted plans at **Confidential Attachment 10.3.1(a)**. Furthermore, **Figure 1** above and the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.1(b)**.

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

(e) Land use

The proposed land use of Showroom is classified as a “D” (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6.

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

(f) Car parking

Table 6 of TPS6 does not provide specific car parking requirements for a Showroom use, therefore the number of bays required is based upon the likely demand determined by Council as per Clause 6.3(2) of TPS6. The Showroom car parking requirements from the City of South Perth's previous scheme, TPS5 and relevant statutory provisions of three other adjoining local governments have been taken into account to estimate the car parking requirement for the proposed Showroom use, as shown in the table below:

| Local government standard | Number of car bays |
|--------------------------------|--------------------|
| City of Canning | 8.31 |
| Town of Victoria Park | 5.28 |
| City of Melville | 8.77 |
| City of South Perth (TPS5) | 10.05 |
| Average requirement | 8.1 |
| Number of bays proposed | 9 |

The site plan, *Confidential Attachment 10.3.1(a)* shows that a total of nine car parking bays are proposed to be marked on-site which is consistent with the average calculated by the assessing officer.

The City officers believe it is likely that there will be more than two onsite staff during the showroom's hours of operation, as was claimed by the applicant. However, due to the presence of three existing on street car parking bays positioned directly adjacent to the subject lot, the view has been taken that the proposed nine car bays contained on the site plan are sufficient, even if there are three or four staff on-site at any one time.

(g) Plot ratio

The plot ratio permitted is 0.5 (422.5 sq. metres) and the proposed plot ratio is 0.32 (271 sq. metres), therefore the proposed development complies with the plot ratio element of TPS6 (Table 6).

(h) Building height

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

(i) Street setback

This proposal does not include changes to the setbacks of the existing building. The only slight modification in this regard is the addition of walls to enclose the patio area which previously existed along the site's Thelma Street frontage. However, technically the setback is not changing as original patio support posts and associated roof were already located on the Thelma Street lot boundary.

(j) Fences

The proposal includes a 2.1 metre high visually permeable steel fence along portions of the north, east and southern boundaries of the subject lot as annotated on the site plan, *Confidential Attachment 10.3.1(a)*.

Clause 6.7 of TPS6 restricts the height of fences to be no greater than 1.8 metres above ground level, unless it is considered that an increase in height will not adversely affect the amenity of any other property in the locality and will not clash with the exterior designs of buildings within the precinct. Council's Fencing Policy P350.7 states that "the city will not normally approve a fence height greater than 1.8 metres without the written agreement of the affected adjoining neighbour. The City will consult the adjoining neighbour upon receipt of a written request for a higher fence".

As the City controls the land adjoining the eastern (Public Park) and southern (Thelma Street verge), the only landowner who needs to be consulted under the requirements of P350.7 in relation to the increased fence height is the adjoining northern neighbour at No. 362 Canning Highway. It is considered that the 2.1 metre high fence will have no negative impact on the City's adjoining land. In response to correspondence with the adjoining northern neighbour, the latest comments received from the current tenant on 28 January 2011 support the 2.1 metre high fence subject to the fence being solid, hence ensuring visual privacy for his property, and of a consistent fencing material all along the length of the boundary, thus presenting a visually acceptable appearance. The Department of Planning, owner of No. 362 Canning Highway have communicated that they are happy with the proposed outcome. Accordingly, a standard condition is recommended to upgrade the fence between the two properties.

(k) Landscaping

The required minimum landscaping area is 126.75 sq. metres (15 percent) which has been met by a proposed total landscaping area of 127 sq. metres, therefore the proposed development complies with the landscaping requirements of Table 3 of TPS6.

(l) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

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

- (e) ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) protect residential areas from the encroachment of inappropriate uses; and*
- (i) create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community.*

The following general Scheme objective is not met:

- (a) maintain the City's predominantly residential character and amenity.*

However, it is unreasonable to expect the subject site to maintain residential character and amenity due to its location fronting Canning Highway, zoning as Highway Commercial and close proximity to other comparable non-residential developments which also have frontages to Canning Highway.

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (g) in the case of land reserved under the Scheme, the purpose of the reserve;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (m) the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (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.*

It is the officer's view that the development adequately addresses the above related matters.

Consultation

(a) Design Advisory Consultants' comments

A referral to the Design Advisory Consultants was not required for this application.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P355 "Consultation for Planning Proposals". The owners of properties at Nos. 359 to 365 and 367 Canning Highway, Nos. 55 to 60 Thelma Street, and No. 2 Barker Avenue were invited to inspect the application and to submit comments during a 14-day period. A total of 23 neighbour consultation notices were mailed to individual property owners and occupiers.

During the advertising periods, six submissions were received all opposing the proposal. The submissions have been summarised and responses provided to all comments by both the applicant and assessing officer; all comments are summarised below.

| Neighbours' Comment | Applicant's Response | Officer Comment |
|---|---|--|
| <ul style="list-style-type: none"> Thelma Street is currently a quiet residential street; the proposed change of use will ruin this by means of increased traffic volumes, related noise and car parking issues as Thelma street cannot be exited back onto Canning Highway, therefore all related traffic (customers, etc) will be forced to exit east on Thelma Street. The one way accessway from Canning Highway onto Thelma Street is right next to a children's playground; an increase in traffic volumes in this location will jeopardise community safety. | <ul style="list-style-type: none"> The proposed use will not result in additional traffic generation as the nature of the sales (ie. bulky good) will generate significantly lower customer traffic numbers than the previously approved "Shop" use. The hours of operation (being 9:00am to 5:00pm Monday to Friday and 9:00am to 1:00pm Saturday) means the business will generate less traffic than previously approved uses which were open seven days a week. | <ul style="list-style-type: none"> The applicant's response UPHELD. |
| <ul style="list-style-type: none"> The proposal will result in decreased visual amenity for properties looking directly onto the subject property's proposed Showroom and Car / Marine Vehicle Sales premise. The residential amenity (aesthetics) of the streetscape will be significantly reduced and therefore so will property values of surrounding residential properties (x 3). | <ul style="list-style-type: none"> The "Marine Sales / Motor Vehicle" use has now been withdrawn from this application. The "Showroom" use will be self-contained within the building and landscaping will be addressed through a landscape plan to be prepared as a condition of planning approval. The development does not result in any substantive modifications to the existing building which has operated for a number of years. The building has simply been renovated to improve the façade. | <ul style="list-style-type: none"> The applicant's response UPHELD. |

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| <ul style="list-style-type: none"> • High levels of noise from a car yard as vehicles are tuned up and revved in preparation for sale, as well as related panel beating and automotive repairs (ie: air compressors used for air powered tools). • If a car yard is approved, this will attract hoons to drive the surrounding residential streets at unsafe speeds. In this regard customers are also likely to test drive vehicles at unsafe speeds. • Unloading of vehicles from trucks will take place on Thelma Street next to residential properties and cause noise pollution, potentially at early and late hours in the day. | <ul style="list-style-type: none"> • Not applicable - The "Marine Sales / Motor Vehicle" use has now been withdrawn from this application. All unloading of stock will take place on-site. | <ul style="list-style-type: none"> • The applicant's response UPHELD. |
| <ul style="list-style-type: none"> • The boundary "pool" style fence installed exposes my backyard to the public view, my children's bedroom is totally open to that side of the house (amenity and safety). | <ul style="list-style-type: none"> • Acknowledged - We would be happy to accept a condition on the approval requiring the fencing be modified to avoid any visual impact on the adjoining property. | <ul style="list-style-type: none"> • The submitter's comment UPHELD; a suitable condition has been recommended. |
| <ul style="list-style-type: none"> • The yellow colour of the development creates an "eye-sore" (x3) | <ul style="list-style-type: none"> • The building was previously painted a bright purple colour and was in poor condition. The current signage and marketing is required to identify the business from Canning Highway. | <ul style="list-style-type: none"> • The applicant's response UPHELD. |
| <ul style="list-style-type: none"> • Street parking will be an issue as there are already many multiple dwellings in this section of the street, making entering and exiting our driveway more dangerous. • The narrow nature of Thelma Street at its western end means customers could not park opposite the premises, therefore street parking will be utilised down Thelma Street in front of residential properties on verges and footpaths, as well as in the park adjoining the property; | <ul style="list-style-type: none"> • The application proposes the provision of onsite car parking in accordance with Council requirements. | <ul style="list-style-type: none"> • The applicant's response UPHELD. |

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| <ul style="list-style-type: none"> • Marine vessels and a freight container parked on the premises and on several occasions in the street resulting in staff parking their vehicles in the street instead of on-site. | <ul style="list-style-type: none"> • Not applicable - The "Marine Sales / Motor Vehicle" use (including the freight container) has now been withdrawn from this application. All unloading of stock will take place on-site. | <ul style="list-style-type: none"> • The submitter's comment UPHELD; a suitable condition has been recommended. |
|--|---|--|

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to trip generation, crossovers and stormwater drainage. His comments are as follows:

- (i) The trip generation would be comparable to other streets that have been subject to infill and multiple strata dwelling development with trip generation in the order of 150 per day and would be manageable.
- (ii) Asphalt is not an acceptable material for a new crossover. Bitumen or asphalt crossovers have not been approved or constructed for about two decades. The recently constructed asphalt crossover is to be removed and replaced in concrete. The crossover is to be constructed to conform in shape and to profile as depicted on Engineering Small Plan SP30.
- (iii) All stormwater falling on the site shall be retained on-site. A drainage plan will be required as part of the application process.

Accordingly, planning conditions and important notes are recommended to deal with matters raised above.

(d) Other City Departments

The Coordinator, Environmental Health Services provided the following comment, which has been placed as an important note on the recommended conditional approval. No objections have been raised:

- (i) To ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, no outboard motors or motors of any kind shall be sold, serviced or used on this premises.

(e) External agencies

Comments were also invited from the Department of Planning.

The Department of Planning provided comment with respect to the site being on or abutting a regional road reservation. This agency raises no objections, however recommend that the following condition be placed on the approval:

- (i) The proponent agrees to remove all structures within the road reservation without seeking compensation from either the Council or WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.

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

Policy and Legislative Implications

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

Financial Implications

The determination has no financial implications.

Strategic Implications

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

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

Sustainability Implications

The proposed non-residential development is observed to be sustainable, noting its proximity to other non-residential uses abutting Canning Highway.

Conclusion

It is considered that the proposal complies with the relevant Scheme, R-Codes and policy objectives and provisions. Subject to compliance with the recommended planning conditions, it is considered that the development will have due regard to the existing residential amenity. Accordingly, it is recommended that the application be conditionally approved.

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| OFFICER RECOMMENDATION ITEM AND COUNCIL DECISION ITEM 10.3.1 |
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this retrospective application for planning approval for the change of use (from Shop to Showroom) and additions / alterations to the existing building on Lot 2 (No. 364) Canning Highway, Como **be approved**, subject to:

(a) **Standard Conditions**

- 390 Crossover standards
- 393 Verge and kerbing works
- 352 Car bays – Marked and visible
- 354 Car bays - Maintained
- 445 Stormwater and drainage
- 455 Dividing fences - Standards
- 456 Dividing fences - Timing
- 660 Expiration of approval

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

(b) **Specific Conditions**

- (i) This planning approval does not pertain to the storage and / or sale of marine vehicles. Any such marine vehicles and the freight container currently located on-site shall be removed within a period of two weeks from the date of this approval.
- (ii) The recently constructed fencing along the northern boundary of the site abutting No. 362 Canning Highway shall be upgraded within eight weeks from the date of this approval. The fence shall be maintained at its current 2.1 metre height while ensuring that the fence is solid, thus providing visual privacy for the adjoining residents, and of a consistent fencing material all along the length of the boundary, thus presenting a visually acceptable appearance.
- (iii) The gate to the onsite car park shall be open and all car bays shall be accessible to customers and staff during business hours.
- (iv) As advised by the Department of Planning, the proponent agrees to remove all structures within the road reservation without seeking compensation from either the Council or WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.

Item 10.3.1 Recommendation (Cont'd)

- (v) The recently constructed asphalt crossover is to be removed and replaced in standard grey concrete. The replacement crossover shall be constructed in accordance with the approved drawings, associated conditions and the requirements contained within specification SP30, which is available at the City's website. The existing verge levels at the front property boundary shall not be altered.
- (vi) As advised by the City's Engineering Infrastructure Services, a drainage plan should be submitted along with an application for Building Licence / Certification, demonstrating that all stormwater from the property is retained on-site. The design layout should be in accordance with the current design standards, and certified by a hydraulic consultant in relation to its adequacy. The consultant is to review the design for both the short duration high intensity storm events as well as the much longer but less intense storm events.
- (vii) As advised by the City's Engineering Infrastructure Services, a traffic management plan is required to be submitted for all works within the road reserve and lodged for approval with the City at the Building Licence / Certification stage.

(c) **Standard Advice Notes**

648 Building licence required 651 Appeal rights - SAT
649A Minor variations - Seek approval

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

(d) **Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure Services to ensure satisfaction of all of the relevant requirements including those listed as Conditions (v), (vi) and (vii).
- (ii) Prior to the issuing of a Building Licence / Certification, the applicant is required to comply with the outstanding planning matters identified as conditions. Therefore, **to avoid delays** in obtaining a building licence, it is important for the applicant to commence the associated processes at the earliest.
- (iii) As advised by the City's Environmental Health Services, all mechanical ventilation services, motors and pumps (e.g. air conditioners, swimming pools) are to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

CARRIED EN BLOC RESOLUTION

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| 10.3.2 Proposed Change of Use (Tavern to Office Use) - Lot 10 (No. 1) Preston Street, Como |
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|--------------------|---|
| Location: | Lot 10 (No.1) Preston Street, Como |
| Applicant: | Kasta Nominees Pty Ltd |
| Lodgement Date: | 12 May 2010 |
| File Ref: | 11.2010.266 PR1/1 |
| Date: | 1 February 2011 |
| Author: | Adrian Ortega, Statutory Planning Officer |
| Reporting Officer: | Vicki Lummer, Director Development & Community Services |

Summary

The application relates to the conversion of an approved Tavern use of the premises to a proposed Office use. Under Table 1 of the City's Town Planning Scheme No.6 (TPS6), the subject site has been identified as a site with specific planning requirements in accordance with Subclause (2) of Clause 5.4 "Development Requirements for Certain Sites". The car parking provisions of Clause 5.4 of TPS6 that relate to the proposed Office use are under consideration in this report. Additionally, the proposed Office is classified as a "D" use (Discretionary use) on the subject lot zoned Neighbourhood Centre Commercial. Council's consideration is sought in regard to this Discretionary use and variations requested to car parking requirements.

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

| Element on which discretion is sought | Source of discretionary power |
|---------------------------------------|--|
| Number of parking bays | Clause 5.4 Subclause (2) and Table 6 of TPS6 |

Since Clause 5.4(2)(b)(vii) of TPS6 clearly states that car parking will be provided for all offices, shops and residential dwellings strictly in accordance with the provisions of the Scheme, with no reciprocity of use or other form of concession in respect of the number of parking spaces provided, and noting that no specific bays on-site are either identified or proposed for the Office use, it is recommended that the proposal be refused.

Background

In May 2003, Council considered and approved a mixed development comprising 24 multiple dwellings, offices, café / restaurants and a multi-level car park. The City allowed a plot ratio of 1.2 and a building height of 14.0 metres as prescribed under Clause 5.4 of TPS6. The approved use of the subject premises was Café / Restaurant.

At the November 2007 Council meeting, the Café / Restaurant use of the subject premises was approved as a Tavern subject to standard and specific conditions and important notes. The proposed Tavern use was observed to demonstrate compliance with the car parking requirements based upon reciprocal use of existing bays. In March 2009, a change of use application from the approved Tavern use to Office use was refused by the officers under delegated authority due to non-compliance with the car parking requirement. Subsequently in September 2009, a change of use application from the approved Tavern use to a Temporary Office use was refused by the officers under delegated authority, again due to non-compliance with the car parking requirement.

This matter was previously referred to in the July 2010 meeting, however withdrawn as follows:

"It is noted that report Item 10.3.2 is withdrawn from the agenda pending further additional information being provided by the applicant."

Since officers have now received the legal advice from the applicant as well as from the City's own legal consultants, the matter is now being referred back to Council.

The development site details are as follows:

| | |
|------------------------------|---|
| Zoning | Neighbourhood Centre Commercial |
| Density coding | R80 |
| Lot area | 4,632 sq. metres - Site already developed with multiple dwellings, offices, café / restaurant |
| Building height limit | 14.0 metres in accordance with Clause 5.4 of TPS6 |
| Development potential | Clause 5.4 of TPS6 |
| Plot ratio limit | 1.2 in accordance with Clause 5.4 of TPS6 |

This report includes the following attachments:

| | |
|--|---|
| Attachment 10.3.2(a) | Plan of the proposal. |
| Attachment 10.3.2(b) | Site photographs. |
| Attachment 10.3.2(c) | Applicant's supporting justification. |
| Confidential Attachment 10.3.2(d) | Letter from the applicant. |
| Confidential Attachment 10.3.2(e) | Legal advice from Nicholas Dillon to the applicant. |
| Confidential Attachment 10.3.2(f) | Legal advice from McLeods to the City of South Perth. |

The development site is located at the junction of Preston Street and Melville Parade in Como. The Preston Street pedestrian bridge is situated directly to the north of the development site. The site is zoned Neighbourhood Centre Commercial under TPS6.

The location of the development site is shown below:





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

1. Amenity impact

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

The City officers are of the view that, as a result of the parking shortfall and noting that limited street parking is available in the vicinity during business hours, the proposed use is likely to have an adverse amenity impact in the neighbourhood.

In accordance with the July 2010 Council resolution, the application is now being referred along with additional information provided by the applicant.

Comment

(a) Existing land use

The floor space of the subject premises is 308 sq. metres. As stated above in the “Background” section, the premises on the ground floor as shown in **Attachment 10.3.2(a)**, are currently approved as a Tavern. As seen in the photographs in **Attachment 10.3.2(b)**, the subject premises are currently vacant.

(b) Proposed change of land use

The proposed land use Office is classified as a “D” (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this Discretionary use, it is observed that the site adjoins residential as well as non-residential uses. Noting that office spaces already operate from various other premises in the building, the proposed use is observed to demonstrate compliance with the requirements of Table 1 of TPS6.

(c) **Car parking**

Clause 5.4(2)(b)(vii) of TPS6 states as follows:

“Car parking will be provided for all offices, shops and residential dwellings strictly in accordance with the provisions of the Scheme, with no reciprocity of use or other form of concession in respect of the number of parking spaces provided.”

Based upon the car parking requirement of 1 per 20.0 sq. metres of gross floor area for an Office in the Neighbourhood Commercial Centre zone, 16 car parking bays are required for the Office use proposed to occupy a gross floor area of approximately 308.0 sq. metres. Since no parking bays are allocated or proposed for this use, the proposal is observed to conflict with the abovementioned car parking requirement. Therefore, officers are recommending refusal for the proposed change of use.

(d) **Applicant’s proposed method for providing parking**

The applicant proposes to provide the required number of car bays, as stated in **Confidential Attachment 10.3.2(d)**, either on-site or off-site through:

- “(i) registration of car bays on the strata title or licensing arrangements with the Strata Body Corporate for the majority of car bays required; AND*
- (ii) licensing arrangements with residential owners on-site for any additional number required to meet the TPS requirement; OR*
- (iii) licensing arrangements with either residential or commercial owners off-site for any additional number required to meet the TPS requirement.*

In relation to any licensing arrangements off-site, this would be proposed to be a temporary measure while an application for an Amendment to the Town Planning Scheme to reduce the number of car bays based on historical usage, is progressed. If the proposed amendment to the TPS is not approved, an application for construction of additional car parking on-site will be submitted.”

(e) Summary of advice provided by the applicant’s legal consultant and that obtained separately by the City, referred to as **Confidential Attachments 10.3.2 (e) and (f)**:

- (i) In relation to the proposed change of approved Tavern to Office, whether the associated Scheme provisions require strict adherence or permit exercise of discretion in relation to the car parking bay requirement?*

Advice provided by the applicant’s legal consultant

The basis of the advice provided by the applicant is that Clause 5.4(2) of TPS6 does not apply to the change of use application because the initial development has already taken place and has fulfilled clause 5.4.2 (see attachment 10.3.2e)

Legal advice obtained by the City

The basis of the City’s advice is that the required number of parking bays for the proposed offices is in accordance with Table 6 of the Scheme. Applying the requirements of Table 6 for the Neighbourhood Centre Commercial zone results in 16 bays being necessary for the proposed offices. Clause 5.4(2)(b)(vii) requires car parking for offices to be provided strictly in accordance with this requirement with no reciprocity of use or other form of concession with respect to the number of parking spaces provided.

The discretion to vary car parking cannot be exercised with respect to the parking requirements of Clause 5.4, as a consequence of Clause 7.8(2)(b).

Clause 5.4(2) is intended to provide specific requirements for the site and ensure that these requirements prevail over the general requirements of the scheme.

Therefore the proposed offices cannot be approved without providing 16 car parking bays in strict conformity with the parking requirement of the Scheme. **Attachment 10.3.2.(f)** refers.

- (ii) *If there must be strict adherence with the parking requirements of the Scheme, is the use of five bays pursuant to a license granted by the owners of multiple dwellings, a permissible means of satisfying the parking requirements of the Scheme?*

Advice provided by the applicant's legal consultant

The advice given to the applicant is that the owners of the residential lots will not breach TPS6 if they licence the use of their respective car bays. It may be different if the proprietor sold or otherwise alienated the car bay as, in those circumstances, the residential lot may be regarded as ceasing to comply with TPS6.

Legal advice obtained by the City

The City's advice is that the provision of five car parking bays, pursuant to a license granted by the owners of the dwellings on the site, would be inconsistent with orderly and proper planning as it would deprive those dwellings of the use of a car bay which must be provided in accordance with the approval issued for those dwellings.

(f) Scheme Objectives - Clause 1.6 of TPS6

The officers observe that the following general Scheme objectives are not met:

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with the preservation of the amenity of the locality.*

(g) Other Matters to be Considered by Council - Clause 7.5 of TPS6

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. The following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
(b) *the preservation of the amenity of the locality; and*
(c) *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.*

The proposed change of use is considered non-compliant in relation to all of these matters.

Consultation

(a) Neighbour consultation

The proposed change of use from Tavern to Office (a "D" use in Neighbour Commercial zone) does not require consultation in accordance with Policy P355.

(b) Comments from Building Services

In relation to the justification and documentation provided by the applicant, referred to as **Attachment 10.3.2(c)**; since the certificate of classification for the building issued by the City's Building Services only identifying residential units and offices as the approved uses, an application for the change of use is not required. Noting that Planning and Building Services have different sets of matters for consideration in accordance with their statutory controls; the officers do not support the applicant's justification. The following are the comments obtained from the Team Leader, Building Services:

"The Building Regulations 1989 require that every building shall be classified in accordance with Part A3 of the Building Code of Australia (BCA) by the Local Authority. The classification of a building, or part of a building, is determined by the purpose for which it is designed, constructed or adapted to be used.

The class of building generally reflects the level of risk the building presents to the occupants in the event of a fire or emergency. The BCA Part A3 classifies buildings into Classes 1 to 10.

The BCA considers the structural adequacy and integrity of the structure, the emergency services and equipment to protect the building, and emergency warning and evacuation measures for occupant safety for the different classes.

A Class 2 building has the purpose of a multi-storey residential building which presents a high risk to sleeping occupants in the event of a fire and therefore, the type of construction and the passive and active requirements of the building needs to reflect that class of building.

A Class 5 building, as defined in the BCA, is an office building used for professional or commercial purposes. The occupants of this class of building are assumed to be awake, alert and ambulatory, therefore the building does not require the same type of construction or passive and active building requirements. The requirements for this type of building will also depend on other factors such as the height and area of the building.

The classification of a building in accordance with Part A3 of the BCA groups building into generic uses and is not aligned to the permitted uses under the Town Planning Scheme. The BCA does not take into account any moral or social implications associated with the building.

The BCA groups supermarkets, service stations, hotels, undertaker establishments and restaurants as Class 6 buildings as they sell goods by retail or the supply of services direct to the public. The BCA has no concern on where these buildings are located, however under the City of South Perth Town Planning Scheme Zoning - Land Use, these groups would not be permitted in all areas or buildings."

Policy and Legislative Implications

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

Strategic Implications

This matter relates to Strategic Direction 6 "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

Due to the shortfall of the required 16 car parking bays, the proposed change of use will result in an additional demand on street parking and an adverse amenity impact on the neighbourhood. Therefore, the proposal is seen to be unsustainable.

Conclusion

It is considered that the proposal does not comply with TPS6 provisions, based upon the information provided in this report and legal opinions presented from both sides.

Small business operations in surrounding areas depend on parking available in this street. If the City of South Perth accepted a variation on the provision of parking bays, which are already at a premium during business hours, small businesses would be placed in a financially vulnerable position because customers would have less parking available to them. Additionally, dwellings are required to have two parking bays as per the Residential Design Codes. Any shortfall in this respect will again result in parking congestion on the streets.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2 |
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That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use on Lot 950 (No. 1) Preston Street, Como, **be refused** for the following reasons:

(a) Specific Reason

- (i) Having regard to Clause 5.4 “Development Requirements for Certain Sites” Subclause (2)(b)(vii) of the Town Planning Scheme No. 6 (TPS6) which requires car parking for all office spaces to be strictly in accordance with the Scheme, with no reciprocity of use or other form of concession in respect to the number of parking spaces provided, the proposed Office use does not comply with this requirement (**Refer also to the Important Notes**).

(b) Important Notes

- (i) Discretion was previously exercised by the City with respect to car parking for the subject tenancy in accordance with the provisions of Clause 5.4 of TPS6, when the tenancy was initially approved for use as a Café / Restaurant in November 2003 and later for use as a Tavern in November 2007. Discretion related to the use of parking bays allocated for offices to be made available for the Café / Restaurant after office hours on weekdays, and for the full day and during evening trading hours on weekends and public holidays. Clause 5.4(2)(b)(vii) of TPS6 does not offer discretion with respect to an Office use.
- (ii) The proposed use would create a deficiency of 16 car parking bays based upon the parking ratio of one car bay per 20.0 sq. metres of gross floor area as prescribed in Table 6 of TPS6.

CARRIED EN BLOC RESOLUTION

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| 10.3.3 | Proposed Amendment No. 27 to Town Planning Scheme No. 6: Rezoning of Kensington Child Health Clinic, Lot 30 (No.14) Collins Street, Kensington to Residential R25. |
|---------------|---|

| | |
|--------------------|--|
| Location: | Lot 30 (No. 14) Collins Street, Kensington. |
| Applicant: | City of South Perth |
| File Ref: | LP/209/27 |
| Date: | 1 February 2011 |
| Author: | Rod Bercov, Strategic Urban Planning Adviser |
| Reporting Officer: | Vicki Lummer, Director, Development & Community Services |

Summary

This report presents a proposal to initiate Amendment No. 27 to Town Planning Scheme No. 6 (TPS6) in order to rezone the site of the Kensington Child Health Clinic for residential development. The recommendation is that the Council adopt the necessary formal resolution to initiate the Scheme Amendment process, and that the draft Amendment No. 27 be endorsed to enable the Amendment to be advertised for public inspection and comment.

Background

The Amendment site details are as follows:

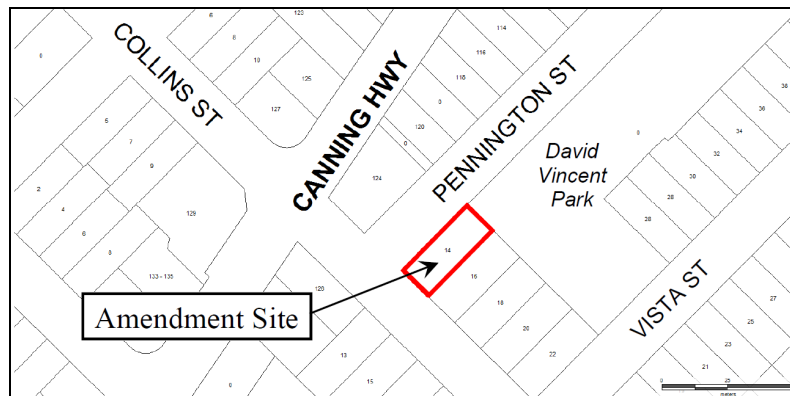
| | |
|--|---|
| Current zoning | Public Purposes Reserve specifically for Clinic |
| TPS6 Amendment proposed zoning and density coding | Residential R25 |
| Lot area | 496 sq. metres |
| Building Height Limit | 7.0 metres |
| Existing Development | Disused Child Health Clinic |
| Development potential | 1 Single House |

This report includes **Attachment 10.3.3**, being the Amendment report for community consultation and ultimately for the Minister's final determination.

The Amendment site comprises a lot on the corner of Collins Street and Pennington Street, Kensington. To the south-east of the subject lot are four Single Houses in the section of Collins Street between Pennington Street and Vista Street. Those properties are zoned Residential with R25 density coding. The rear boundaries of the clinic site and the adjoining residential lots abut a local park known as David Vincent Park. The residential lots on the opposite side of Collins Street are also zoned Residential R25. The lot on the corner of Collins Street and Canning Highway opposite the Clinic site (No. 126 Canning Highway) is partly reserved for Primary Regional Road Purposes and partly zoned Highway Commercial with R80 density coding.

The operation of the Kensington Child Health Clinic is about to relocate to the Civic Centre Child Health Clinic when this becomes operational during February this year. The existing Clinic at 14 Collins Street will then be surplus to the City's requirements. For some considerable time, the intention has been that, following the relocation of the Clinic the property would be sold with the funds being used for other community purposes. To facilitate the sale and alternative use of the subject land, in the interests of orderly and proper planning, the Amendment site should be rezoned to be consistent with the zoning and density coding of surrounding land.

The location of the subject site is shown below:



The proposal is for an amendment to TPS6 to zone the site of the Kensington Child Health Clinic for residential development, with the proposed density coding being R25.

Comment

The report to be presented to the Minister is contained at **Attachment 10.3.3**. When the rezoning is finalised, it is proposed to offer the subject land for sale for residential development. The development potential of the site will be one Single House.

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

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

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

The proposed Scheme Amendment meets this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- Objective (d)** *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- Objective (e)** *Ensure community aspirations and concerns are addressed through Scheme controls;*
- Objective (f)** *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

While clause 7.5 is intended to relate to the consideration of development applications, the proposed Scheme Amendment will have an effect on future applications for residential development. To that extent, clause 7.5 is also relevant to the Scheme Amendment. Clause 7.5 lists a range of matters which the Council is required to have due regard to, and may impose conditions with respect to, when considering a proposed development. Of the 24 listed matters, the following are relevant to this Scheme Amendment, and will also be relevant when a future development application is being considered for the site:

- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) the topographic nature or geographic location of the land;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

The proposed Scheme Amendment will be beneficial in relation to all of these matters.

Consultation

Community consultation has not yet been undertaken in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the Town Planning Regulations and in the City's Policy P355 "Consultation for Planning Proposals". Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P355. The consultation process will also involve referral to the Environmental Protection Authority for assessment; and also to the Water Corporation.

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

Policy and Legislative Implications

Lot 30 (No. 14) Collins Street is owned freehold by the City of South Perth. Council Policy P306 'Development of Council Owned Land' presents the rationale for the Policy in the following terms:

"An application involving the rezoning or development of land owned (by) the City of South Perth, for commercial purposes, is to be assessed independently and in a manner that removes the potential for a perceived or real conflict of interest or bias.

This policy is intended to cover applications involving significant developments on Council owned or controlled land for commercial purposes. This policy is not intended to apply to applications involving non-profit services, community based services, education services or recreational pursuits or where the project is the subject of an existing lease, which has previously been publicly advertised and approved by Council. The policy also does not apply where the commercial use is ancillary to the predominant use or where State Government bodies are the final approving authority."

While Council Policies provide guidance for decision-making, Council Members are not bound by policies and should exercise discretionary judgement as to whether particular policy provisions should be invoked in particular instances. In relation to the current Scheme Amendment proposal, the Chief Executive Officer considers that Policy P306 should not be invoked because:

- the Policy does not apply where State Government bodies are the final approving authority - in this instance, the Minister for Planning and the Western Australian Planning Commission are the final approving authorities for the Scheme Amendment;
- the current proposal does not relate to "commercial development". It relates to rezoning of the subject land for future low density residential development with the density coding being identical to the existing coding of other residential land in the vicinity; and
- the current proposal does not relate to building construction, but only the rezoning of the land - the Council will not be undertaking the actual development.

When finalised, Amendment No. 27 will have the effect of modifying the Scheme Maps of the City's operative Town Planning Scheme No. 6.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 27 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

| Stage of Amendment Process | Estimated Time |
|--|--|
| Council resolution to initiate Amendment No. 27 to TPS6 | 22 February 2011 |
| Council adoption of draft Scheme Amendment No. 22 proposals for advertising purposes | 22 February 2011 |
| Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information | End of February 2011 |
| Public advertising period, including Water Corporation, of not less than 42 days | Commencing end of March / early April 2011 |
| Council consideration of Report on Submissions | June 2011 Council meeting |
| Referral to the WAPC and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 27; • Three signed and sealed copies of Amendment No. 27 documents for final approval | Early July 2011 |
| Minister's final determination and publication of Notice in <i>Government Gazette</i> | Unknown |

Financial Implications

The Kensington Child Health Clinic facility has become redundant with the construction of the new Child Health Clinic at the Civic Centre. The consolidation of the new Child Health Clinic facility at the Civic Centre was designed to service the catchment area that the Kensington facility covers, as well as other areas. The disposal of the Kensington property was intended when the Civic Centre facility is completed. Funds will be used to provide other community facilities (in a similar fashion to the sale of the Como Child Health Centre and Kindergarten, currently undergoing rezoning and disposal processes).

Sale options will be considered when the rezoning is completed in the latter half of 2011.

Some minor financial costs will be incurred during the course of the statutory Scheme Amendment process. In the case of Scheme Amendments implemented at the request of an external applicant, the applicant is required to pay the Planning Fee, in accordance with the Council's adopted fee schedule. However, in this instance, since the City is the proponent, all costs are borne by the City. These include the cost of notices in newspapers and the Southern Gazette, placement of signs on site, and mailing of notices to neighbouring landowners.

Strategic Implications

This matter relates to Strategic Directions 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 Scheme Amendment provides an opportunity for the Council to make effective use of the subject land when no longer required for its present use. The rezoning of the land to Residential will make a small contribution towards urban infill which is an objective of the State Government and the City in the interest of sustainability.

Conclusion

If Amendment No. 27 is ultimately approved by the Minister and the subject land is rezoned and sold for residential purposes, the community will still have the benefit of a new Child Health Clinic located at the Civic Centre. The rezoning of the subject land will have benefits in terms of facilitating more appropriate and sustainable residential use of the land. The money from the sale of the land will contribute to Council's capital works projects without imposing on the ratepayers of the City.

Following Council's resolution to initiate the Scheme Amendment, the draft Amendment documents will be made available for community consultation before being referred to the Western Australian Planning Commission and the Minister for final determination.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.3**

Moved Cr Hasleby, Sec Cr Cridland

That ...

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.3.3**;
- (b) the Report on the Amendment containing the draft Amendment No. 27 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.3.3**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information;
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 27 be implemented in accordance with the Town Planning Regulations and Council Policy P355; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 27:

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

CARRIED (11/1)

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Manning District Community Facility (Manning Hub)

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|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | CS/310 |
| Date: | 24 January 2011 |
| Author: | Vicki Lummer, Director Development & Community Services |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

This report outlines the process to be followed to redevelop the community facilities at Manning, in what has come to be known as the Manning Hub development.

Background

In February 2008 Council resolved to prepare a Concept Plan into the development of a Manning District Centre (Manning Hub) with input from stakeholder groups. In June 2009 Council adopted a Concept Plan prepared by Troppo Architects for the Manning Hub following a review of the community facilities.

The Manning Hub revitalisation is Item 4.1.1 of the City's Corporate Plan 2010/2011 and is also listed on the Strategic Financial Plan.

Comment

There is a recognition that several older facilities servicing Manning have reached or are reaching the end of their serviceable life. Different facilities, with the ability to accommodate multiple purposes to cater for the needs of a range of groups and activities are also required by the community.

The study by Troppo Architects in 2009 found that there is real enthusiasm, amongst community stakeholders and residents, for development of a vibrant, integrated Manning Hub – a ‘village centre’ for Manning that incorporates shops, a range of services and activities within the multi purpose community facility, ‘town square’ space, recreational areas, open space, sporting clubs and the senior citizens centre.

Many residents are excited by the idea of their suburb having a real ‘heart’; they see the potential to ease existing problems of parking, security and pedestrian safety; they look forward to improved local shops and cafes. And of course, they look forward to high quality, integrated community facilities – an expanded oval, improved ‘hall space’ and meeting rooms, spaces for early years experiences; a better, more conveniently located library and so on.

This project is one of great significance for the City and the community and it is vitally important that the project be well managed and planned from the outset.

It is suggested that the best way to do this is for the City to engage an experienced lead consultant to provide the City with advice throughout the redevelopment of the community facilities project. It is envisaged this consultant would be an architectural or project management company. The recommended process is similar to that which was followed for the current redevelopment of the Civic Centre Community and Library Facilities.

Initially expressions of interest will be sought through advertising. Tenders will then be requested from a shortlist. The process for the appointment of the consultancy service will be conducted in accordance with the *Local Government Act* and the tender results will be decided by the Council. This is anticipated to occur early in the next financial year.

Following the appointment of a successful tenderer, there are a number of significant steps, which it is anticipated, will span over the next three years. These include the revision of the detailed brief provided by Troppo Architects, which involved consultation with key stakeholders and user groups, including the community.

Concept Plans will then be developed based on the requirements of the brief. Once the concept, staging and costs have been agreed it is envisaged working drawings will be prepared and tenders for the construction of the facilities called. Construction is likely to occur over a period of 12 to 15 months depending on staging requirements.

Consultation

Extensive consultation has already occurred with stakeholders, user groups and the community in the work conducted by Troppo Architects in 2009, culminating in the report to Council in June 2009. Further community engagement will occur during the process of the development of concept plans.

Policy and Legislative Implications

The process for the appointment of the consultancy service will be conducted in accordance with the *Local Government Act*.

Financial Implications

The financial implications of this report are limited to the costs associated with the appointment of a lead consultant for the project. The architectural firms responding to this EOI will specify a fee schedule for their design work / consultancy (and their team of professional consultants including quantity surveyor, mechanical, electrical, hydraulic and structural consultants) based on a % of the project cost. Most of this cost will be incurred if / once the project proceeds to the construction phase.

This report deals not with construction, but only with the design phase of the project.

Notional funding has been allowed for this project and the associated lead consultant's professional fees in the in the City's forward financial plan. Actual expenditure of this funding (other than the design related costs) is of course contingent on a number of other factors including the successful disposal of the Civic Triangle site (in accordance with Council's resolution), access to Commonwealth Government and Lotterywest grant funding and of course Council's future approval to tender for a builder and commence construction. However those decisions and costs are not the subject of this report.

The immediate financial implications of this report are therefore limited to the lead successful architect's professional fees for design work / documentation only. These are accommodated in the funding allocation currently allocated to this project in 2011.

Strategic Implications

This project relates to Strategic Direction 4 "Places" identified within the Council's Strategic Plan which is expressed in the following terms:

4.1 "Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable"

It is also identified at item 4.1.1 of the City's Corporate Plan 2010/2011 as follows :

4.1.2 "Progress the Manning Community Hub Revitalisation"

Sustainability Implications

The development of new facilities allows the opportunity to incorporate sustainable design elements such as those included on the new library and hall facility.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1 |
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That....

- (a) expressions of interest (EOI) be sought for a lead consultant to provide advice and services to enable the redevelopment of the Manning Community Facility; and
- (b) a shortlist of suitable consultants from the EOI be prepared by the Chief Executive Officer and tenders be called from shortlisted consultants;

CARRIED EN BLOC RESOLUTION

10.5 STRATEGIC DIRECTION 5: TRANSPORT

10.5.1 De-Proclamation of Kwinana Freeway Bus Ramps at Canning Highway

Location: City of South Perth
Applicant: Main Roads Western Australia
File Ref: GR/308
Date: 1 February 2011
Author/Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Main Roads Western Australia (MRWA) has written to the City seeking support for the two bus ramps located at Canning Bridge Interchange to be managed by the PTA.

It is a statutory requirement that the Council consider any proposal for proclamation of “highways”. Accordingly, this report provides the background to the request from MRWA and recommends that the proposal be supported.

Background

At its meeting held on 24 February 2009, the Council resolved....

That....

- (a) Council endorse the proposal for the proclamation of Kwinana Freeway Paths and Ramps as detailed on Main Road Drawings 0821-376 to 378 at Attachments 10.4.1(a), 10.4.1(b) and 10.4.1(c); and*
- (b) it be noted, that the river walls owned by Main Roads are not the responsibility of the City of South Perth.*

By letter dated 14 December 2009, Main Roads Western Australia (MRWA) advised that proclamation of the ramps and paths associated with the Kwinana Freeway was published in the Government Gazette of 27 November 2009 and that MRWA were now managers of the infrastructure.

Since this time, MRWA has reached agreement with the Public Transport Authority (PTA) for the two bus ramps located at Canning Bridge Interchange to be managed by the PTA. Accordingly, by letter dated 13 December 2010 MRWA has written to the City seeking formal endorsement of the Council for the bus ramps to be managed by the PTA.

In the event that Council does not support the changes, Section 13A(2) of the Main Roads Act makes provision for Council to lodge an objection with the commissioner of Main Roads. Any objection needs to be lodged with main Roads by 28 February 2011.

The proclamation plan showing the location of the two bus ramps at Canning Bridge Interchange is at **Attachment 10.5.1(a), 10.5.1(b) and 10.5.1(c)** respectively.

Comment

This proposal seeks to transfer management of the two bus ramps at Canning Bridge Interchange from MRWA to the PTA given they are used exclusively by buses. Whether MRWA or the PTA manage the bus ramps is of no consequence to the City and hence the proposal is therefore recommended for support.

Consultation

Not applicable

Policy and Legislative Implications

The *Main Road Act* requires the Commissioner of Main Roads Western Australia to obtain endorsement from the Council for the proclamation of any “main road” within the local government district. Endorsement is a statutory requirement.

Financial Implications

Nil

Strategic Implications

This project compliments the City’s Strategic Plan 2010 – 2015 and in particular Direction 5 - Transport

5.1 Improve access and use of railway station precincts and surrounding land uses.

Sustainability Implications

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

Reporting on the Main Roads’ proposal to proclaim the bus ramps contributes to the City’s sustainability by promoting effective communication between key stakeholders.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1 |
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That Council endorse the proclamation of the bus ramps at Canning Bridge Interchange to be managed by the Public Transport Authority as detailed on the Main Roads Western Australia drawings 0821-376-01, 1021-0219-00 and 1021-0220-00 at **Attachments 10.5.1(a), 10.5.1(b) and 10.5.1(c)**

CARRIED EN BLOC RESOLUTION

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

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| 10.6.1 Monthly Financial Management Accounts - January 2011 |
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|-----------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 4 February 2011 |
| Author / Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

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

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

Background

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

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

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

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

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

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

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

Comment

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

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

Operating Revenue to 31 January 2011 is \$36.66M which represents 102% of the \$36.02M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking is in line with budget expectations - and infringements revenue has improved significantly following the Aust Day event. Interest revenues are well ahead of budget expectations - with higher holdings of both Municipal and Reserve funds contributing to the favourable variance. Interim rates revenue has also improved during the month.

Planning revenues are now in line with budget expectations after an earlier favourable timing difference has reversed. Collier Park Village revenue is very close to budget expectations whilst the Hostel revenue remains favourable despite a number of downwards adjustments to commonwealth subsidies. Golf Course revenue is now 3% behind budget targets. Infrastructure Services revenue is largely on budget in most areas other than a significant favourable variance from receiving unbudgeted contributions revenue.- which is adjusted in the Q2 Budget Review considered in this agenda as Item 10.6.4. 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 January 2011 is \$22.72M which represents 100% of the year to date budget. Operating Expenditure to date is 2% under budget in the Administration area, 3% over budget in the Infrastructure Services area and 4% under budget for the golf course.

Operating expenses in most administration areas are close to budget other than timing differences. Park management costs and plant use recoveries are both under investigation by an external consultant at present to allow corrective measures to be introduced. Waste management costs are very close to budget expectations. Golf Course expenditure is very close to budget at this time with only minor timing differences being evident.

There are a number of budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 3.8% under the budget allocation for the 223.2 FTE positions approved by Council in the budget process - after having allowed for agency staff invoices to month end.

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

Capital Revenue is disclosed as \$2.35M at 31 January against a year to date budget of \$2.11M. The major factors contributing to this significant favourable variance are a favourable timing difference on the lease premium and refurbishment levy attributable to an additional re-leased unit at the Collier Park Village and an unanticipated grant allocation from the Swan River Trust for river wall works and additional insurance recoveries for storm damaged buildings (which are adjusted in the Q2 Budget Review). Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5).**

Capital Expenditure at 31 January 2011 is \$11.15M representing 82% of the year to date budget and 56.0% of the full year revised budget (after the inclusion of \$4.0M of carry forward works). The major element of the capital program delivered so far this year is \$6.0M in progress claims on the Library & Community Facility project (which brings the project within 3% of budgeted cash flow expectations).

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

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|------------------------------------|-------------------|-------------------|--------------|-------------------|
| CEO Office | 79,500 | 38,133 | 48% | 160,000 |
| Library & Community Facility * | 5,875,000 | 6,062,280 | 103% | 6,175,000 |
| Financial & Information Services * | 850,500 | 807,957 | 95% | 1,533,500 |
| Planning & Community Services | 557,220 | 244,951 | 44% | 1,572,500 |
| Infrastructure Services | 5,580,874 | 3,638,081 | 65% | 9,651,555 |
| Waste Management | 330,000 | 72,055 | 22% | 445,000 |
| Golf Course | 387,000 | 282,568 | 73% | 537,000 |
| Total | 13,660,094 | 11,146,025 | 82% | 20,074,555 |

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

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulations 34.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances which in turn promotes dynamic and prudent financial management.

Strategic Implications

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

Sustainability Implications

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

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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) the Schedule of Movements between the Adopted & Amended Budget provided as **Attachments 10.6.1(6)(A) and 10.6.1(6)(B)** be received;
- (d) the Rate Setting Statement provided as * **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

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| 10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2011 |
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|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 05 February 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 \$44.12M compare favourably to \$43.39M at the equivalent stage of last year. Reserve funds are \$6.07M higher than the level they were at for the same time last year - reflecting \$4.0M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The balance of the Future Building Projects Reserve is \$0.9M less than at January 2010 as funds have been applied to the Library & Community facility project - but the UGP Reserve is \$1.0M higher. The Waste Management and Plant Replacement Reserves are both \$0.2M higher and most other Reserve balances are also modestly higher when compared to last year.

Municipal funds are \$5.44M lower which reflects higher cash outflows on the Library and Community Facility project. Collections from rates this year have remained strong and are still close to last year's excellent performance.

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

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

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$12.46M (compared to \$13.53M last month) It was \$17.89M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$42.55M compared to \$41.93M at the same time last year. This is due to the higher holdings of Reserve Funds as investments (but less as Municipal Funds) as described above.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment at present. Analysis of the composition of the investment portfolio shows that approximately 96.4% 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 \$1.41M - well up from \$1.02M at the same time last year. This result is attributable to the higher interest rates available during the year and higher levels of cash holdings - particularly Reserve funds.

Investment performance continues to be monitored in the light of current modest interest rates to ensure that we pro-actively identify secure, but higher yielding investment opportunities as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 5.59% with the anticipated weighted average yield on investments yet to mature now sitting at 5.87% (compared with 5.82% last month). Investment results to date reflect prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs currently provide a modest return of only 4.50% since the early November Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

Effective management of accounts receivable to convert the debts to cash is also an important part of business management. Details of each of the three major debtor's category classifications (rates, general debtors & underground power) are provided below.

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of January 2011 (after the due date for the third instalment) represent 88.2% of rates levied compared to 89.0% at the equivalent stage of the previous year. This is not considered to be a significant difference.

Feedback from the community suggests a good acceptance of the rating strategy and communication approach used by the City in developing the 2010/2011 Annual Budget. The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) has provided strong encouragement for ratepayers - as evidenced by the strong collections to date.

The good initial collection result is being 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 \$1.62M at month end (\$1.66M last year) (\$2.36M last month). Major changes in the composition of the outstanding debtors' balances relate to a higher GST Receivable due to payments on the Library & Community Facility project and other capital projects (\$0.2M higher) but lesser amounts for outstanding parking infringements and grant funding. This represents a very positive collection result over the last 2 months.

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

The majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$6.03M was collected by 31 January with approximately 79.4% of those in the affected area electing to pay in full and a further 19.8% opting to pay by instalments. The remaining 0.8% (15 properties) represents properties that are disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings have been instituted in relation to two of the outstanding debts (Jan 2011 hearing), 3 have commenced a payment plan in November and 10 others negotiated a suitable payment plan that commenced in December.

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.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2 |
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That Council receives the 31 January 2011 Monthly Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 03 February 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 December 2010 and 31 January 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 months of December 2010 and January 2011 as detailed in the report of the Director of Financial and Information Services at **Attachment 10.6.3** be received.

CARRIED EN BLOC RESOLUTION

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| 10.6.4 Budget Review for the Quarter ended 31 December 2010 |
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| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 1 February 2011 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

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

The Budget Review recognises two primary groups of adjustments:

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

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

Background

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

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

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

The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This review incorporates all known variances up to 31 December 2010 including a comprehensive review of the capital program jointly undertaken by Financial Services & Infrastructure Services.

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

Comment

The Budget Review is typically presented in three parts:

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

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

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

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

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

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

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$7,255 to the projected 2010/2011 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

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

The adopted budget at 13 July showed a Closing Position of \$149,265. The changes of (\$82,250) recommended in the Q1 Budget Review resulted in the estimated 2010/2011 Closing Position being adjusted to \$223,191 - after also allowing for required adjustments of \$156,175 to the estimated opening position, accrual movements and reserve transfers. The Q2 Budget Review then includes a further net adjustment of \$7,255 to the Closing Balance.

The impact of the proposed amendments (Q2 Budget Review only) on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

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

TABLE 1: (Q2 BUDGET REVIEW ITEMS ONLY)

| Directorate | Increase Surplus | Decrease Surplus | Net Impact |
|---------------------------------------|------------------|--------------------|----------------|
| Office of CEO | 154,275 | (178,625) | (24,350) |
| Financial and Information Services | 201,170 | (127,125) | 89,045 |
| Development and Community Services | 234,250 | (62,320) | 171,930 |
| Infrastructure Services | 334,076 | (563,446) | (229,370) |
| Opening Position | 0 | 0 | 0 |
| Accrual Movements & Reserve Transfers | 0 | 0 | 0 |
| Total | \$938,771 | (\$931,516) | \$7,255 |

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

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

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

| Directorate | Increase Surplus | Decrease Surplus | Net Impact |
|---------------------------------------|--------------------|----------------------|------------------|
| Office of CEO | 214,775 | (295,125) | (80,350) |
| Financial and Information Services | 283,170 | (224,725) | 58,445 |
| Development and Community Services | 332,500 | (120,945) | 211,555 |
| Infrastructure Services | 728,811 | (933,456) | (264,645) |
| Opening Position | 206,175 | 0 | 206,175 |
| Accrual Movements & Reserve Transfers | 0 | (50,000) | (50,000) |
| Total change in Adopted Budget | \$1,765,431 | (\$1,624,251) | \$141,180 |

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City's budget, the overall budget closing position has only moved from the \$149,265 as determined by Council when the budget was adopted in July 2010 to \$230,445 after including all budget movements to date.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

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

- amendments identified from normal operations in the Quarterly Budget Review at **Attachment 10.6.4(1)**;
- items funded by transfers to or from Reserves at **Attachment 10.6.4(2)**; and
- cost neutral re-allocations of the existing Budget at **Attachment 10.6.4(3)**.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

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| 10.6.5 Capital Projects Review to 31 December 2010 |
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| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 1 February 2011 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 31 December 2010. Officer comment is provided only on the significant identified variances as at the reporting date.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 78.0% of the year to date target - and 47.3% of the full year's budget. The Executive Management Team acknowledges the challenge of delivering the remaining capital program and remains cognisant of the impact of:

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

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

Comments on the broad capital expenditure categories are provided at **Attachment 10.6.1(5)** and details on specific projects impacting on this situation are provided at **Attachment 10.6.5 (1)** and **Attachment 10.6.5 (2)**. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5 |
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That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 December 2010, as per **Attachments 10.6.5(1)** and **10.6.5(2)**, be received.

CARRIED EN BLOC RESOLUTION

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| 10.6.6 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 February 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 months of December 2010 and January 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 December 2010, fifty (50) development applications were determined under delegated authority at **Attachment 10.6.6(a)**.

During the month of January 2011, fifty-eight (58) development applications were determined under delegated authority at **Attachment 10.6.6(b)**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to 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 10.6.6 |
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That the report and **Attachments 10.6.6(a)** and **10.6.6(b)** relating to delegated determination of applications for planning approval during the months of December 2010 and January 2011, be received.

CARRIED EN BLOC RESOLUTION

10.6.7 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 1 February 2011
 Author: Kay Russell, Executive Support Officer
 Reporting Officer: Phil McQue, Governance and Administration Manager

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:
“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.”

Comment

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Register

The Common Seal Register is maintained on an electronic data base and is available for inspection. Extracts from the Register on the use of the Common Seal are provided each month for Elected Member information.

December 2010

| Nature of document | Parties | Date Seal Affixed |
|--|--|-------------------|
| Lease Agreement | City of South Perth and South Perth Cricket Club Inc. | 8 Dec 2010 |
| Deed of Variation - Collier Park Village | City of South Perth and Myra Olsson | 8 Dec 2010 |
| Deed of Variation - Collier Park Village | City of South Perth and Gay Dawn Richards | 8 Dec 2010 |
| Collaborative Arrangement - Riverbank Grants Scheme 11SP02 (Maintenance of Cloisters Reserve) | City of South Perth and Swan River Trust | 8 Dec 2010 |
| Collaborative Arrangement - Riverbank Grants Scheme 11SP03 (Salter Point Lagoon Foreshore Erosion Control and Revegetation Plan) | City of South Perth and Swan River Trust | 8 Dec 2010 |
| Collaborative Arrangement - Riverbank Grants Scheme 11SP01 (Restoration of Riverwall South Of Canning Bridge) | City of South Perth and Swan River Trust | 8 Dec 2010 |
| Collaborative Arrangement - Riverbank Grants Scheme 11SP04 (Restoration of Milyu Reserve) | City of South Perth and Swan River Trust | 8 Dec 2010 |
| Removal of Notification: Lot 556 (No. 1) Henning Crescent Manning | City of South Perth and Garrick Andrew McCamney and Brooke Joanne McCamney | 14 Dec 10 |
| Certificate - City of South Perth Honorary Freeman of the City | City of South Perth | 17 Dec 10 |
| Amendment No. 22 Rezoning Lot 165 (No. 15) and Lot 166 (No. 17) Alston Avenue cnr Labouchere Road | City of South Perth | 24 Dec 10 |

January 2011

| Nature of document | Parties | Date Seal Affixed |
|--|---|-------------------|
| Resident Agreement for Low Care (Hostel) Residents at Collier Park Village | City of South Perth and Mrs Elsie Frances Davies | 6 Jan 2011 |
| Resident Agreement for Low Care (Hostel) Residents at Collier Park Village | City of South Perth and Mrs Mary Groessler | 6 Jan 2011 |
| Lease Agreement for James Miller Pavilion | City of South Perth and Manning Rippers Football Inc. | 10 Jan 2011 |
| Deed of Agreement - Cygnia Cove | City of South Perth and Trustees of the Christian Brothers in Western Australia | 10 Jan 2011 |
| Deed of Variation - Collier Park Retirement Village | City of South Perth and Ms Liliana Turner | 11 Jan 2011 |

Consultation

Not applicable.

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7

That the report on the use of the Common Seal for the months of December 2010 and January 2011 be received.

CARRIED EN BLOC RESOLUTION

10.6.8 Proposed Subdivision of Lot 114 (No. 6) Ray Street, South Perth

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|--------------------|---|
| Location: | Lot 114 (No.6) Ray Street, South Perth |
| Applicant: | Council |
| File Ref: | LP/601 |
| Date: | 3 February 2011 |
| Author: | Phil McQue, Manager Governance and administration |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

This report recommends that the Council consider the subdivision of (Lot 114) 6 Ray Street South Perth into four separate lots, with the objective of eliminating a number of issues presently being experienced with the site, and the proceeds from the sale of part of this asset being used to assist in the funding of improvement of other City facilities for the benefit of the City of South Perth community. It also recommended that the construction works to realign the South Shore Centre vehicle ramps with Ray Street commence this financial year

Background

The City owns freehold Lot 114, No.6 Ray Street, South Perth, a site zoned *Mends Street Centre Commercial* and depicted in red in the aerial photograph below. No. 6 Ray Street is a 1,828sq.metre site which essentially comprises a Council car park bounded by the Windsor Hotel, Ray Street and the South Shore Centre, a vehicular ramp to the South Shore Centre, part of the western side of Ray Street, and part of the northern laneway adjacent to the South Perth Esplanade.



Comment

It is proposed to subdivide (Lot 114) 6 Ray Street into four lots as detailed in the diagram below for the reasons as outlined.

- Area A –176sqm
- Area B - 1,116 sqm
- Area C –152sqm
- Area D –384sqm

Area A

The City entered into a deed with Hardie Finance Corporation in 1991, the owner of the adjoining South Shore Centre, granting exclusive and ongoing access to the vehicle ramps, allowing vehicles to park on the second and third floor of the Centre.

The existing ramping configuration requires that all vehicles access the vehicular ramp through the City's car park via Mends Street or Mill Point Road, causing traffic congestion particularly on Mends Street and also creating a potential pedestrian hazard in the car park adjacent to the Windsor Hotel.

It is proposed that Area A (176sq.metres) of Lot 114 be subdivided with a view to selling the land to Hardie Finance Corporation thereby giving them ownership and security of the vehicular ramps. This proposed subdivision would also allow the redesigning of access to the vehicular ramps from Ray Street, decreasing vehicular congestion on Mends Street and in the City's Windsor Hotel car park and increasing pedestrian safety.

Area B:

The City's car park on Ray Street is immediately adjacent to the Windsor Hotel car park, which is operated by Wilsons. The City's car park and Wilson's car park both operate separately of each other with different parking fees and conditions. This arrangement has created much confusion with many parking tickets issued where commuters inadvertently bought tickets from the City's parking machine but parked in the Wilsons car park, or vice versa.

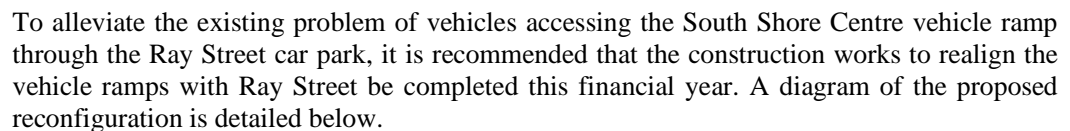
It is proposed to subdivide Area B comprising 1,116sqm with a view to a future rationalisation of the car parking arrangements.

Area C

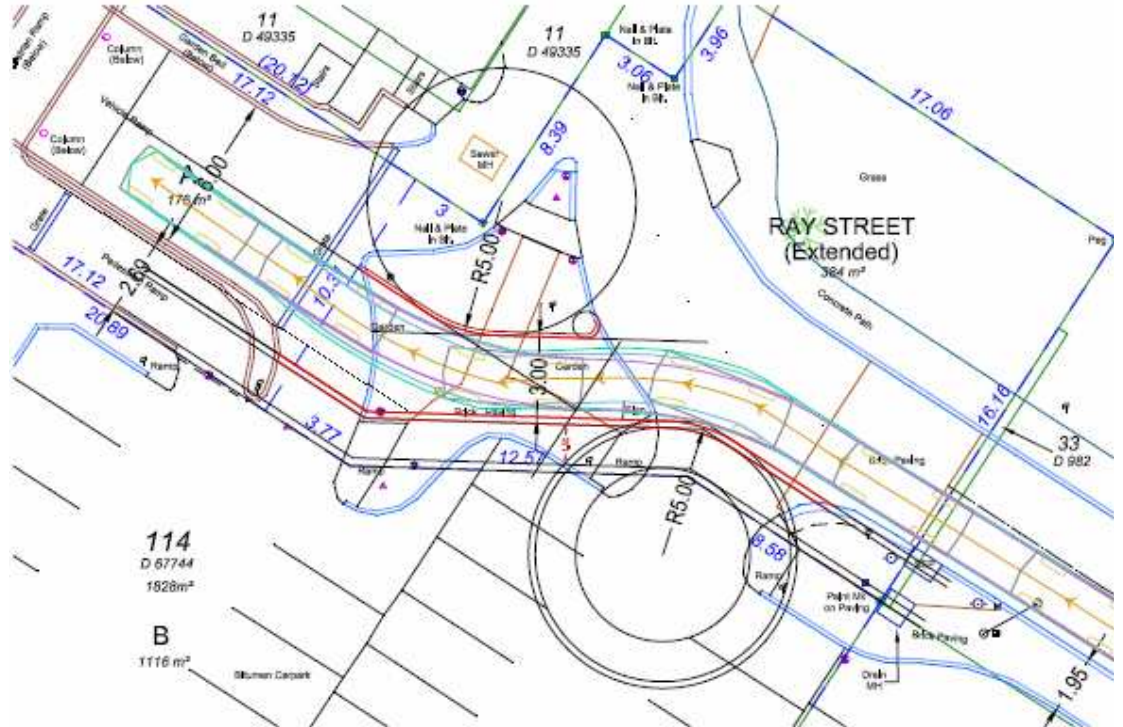
Area C is the northern part of Lot 114 which is distinctly separate for the remainder of the lot and in the laneway that adjoins the South Perth Esplanade. It is proposed that Area C comprising 152sq.metres be retained by the City to allow for the ongoing continuation of the public laneway to the South Perth Esplanade.

Area D

Area D comprises that part of Lot 114 which is presently Ray Street. It is proposed that Area D comprising 384sq.metres be retained by the City to allow for the ongoing continuation of Ray Street as a public road.



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Consultation

The Western Australian Planning Commission is required to comply with the statutory consultation process prescribed in the *Planning and Development Act 2005* and *Strata Titles Act 1985*. Any proposed disposition of land by the City would be required to a consultation process in compliance with Section 3.58 and 3.59 of the *Local Government Act 1995*.

Policy and Legislative Implications

Following subdivision approval from the Western Australian Planning Commission, the process for the proposed disposition of two of the lots by private treaty would be subject to Section 3.58 and 3.59 of the *Local Government Act 1995*, including the preparation of a business plan and a statewide public submission period.

Financial Implications

The City considers the present use of No. 6 Ray Street as a 20 bay car park earning \$140,000 per annum (gross) as an underutilised asset obtaining minimal revenue.

The proposed construction works to align the South Shore Centre vehicle ramps with Ray Street is estimated to cost \$30,000. It is recommended that the \$30,000 expenditure be funded by reducing the current 2010/2011 budget closing position by \$30,000.

It is estimated that the subdivision process would cost approximately \$30,000. The proceeds from the proposed sale of part of No.6 Ray Street is provided for in the 2010/2011 Budget, however given the timeframe estimated for the subdivision process to be completed, any proceeds from funding will occur in the 2011/2012 financial year.

Strategic Implications

The recommendation to subdivide No.6 Ray Street, South Perth is consistent with the 2010-2015 Strategic Plan - Direction 6.4 – Governance: *..develop and sustain appropriate human, financial, asset and technological resource capacity to deliver the priorities set out in the Strategic Plan”.*

Sustainability Implications

The proposal to subdivide No. 6 Ray Street will strengthen the financial viability of the City of South Perth.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.8 |
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That the Council:

- (a) make application to the Western Australian Planning Commission for approval to subdivide Lot 114 on Diagram 67744 (No. 6 Ray Street, South Perth) as follows:
 - Area A – 176sqm
 - Area B - 1,116 sqm
 - Area C – 152sqm
 - Area D – 384sqm; and
- (b) approve the construction works commencing this financial year to realign the South Shore Centre vehicle ramps with Ray Street at an estimated cost of \$30,000, funded by reducing the current 2010/2011 Budget closing position by \$30,000.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

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| 10.6.9 Tender 04/2011 - Upgrade to Lyall Street Stormwater Pump Station |
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| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | Tender 04/2011 |
| Date: | 7 February 2011 |
| Author: | Les Croxford Manager Engineering Infrastructure |
| Reporting Officer: | Stephen Bell, Director Infrastructure Services |

Summary

Tenders have been called and received for the proposed upgrade to Lyall Street Stormwater Pump Station. The contract is of short duration and relates to the provision, installation and commissioning of below ground structures and essential pumping equipment. This report outlines the assessment process and recommends acceptance of the tender that provides the required level of service and best value for money to the City.

Background

The City has four below ground stormwater pumping stations to dispose of stormwater from the Mill Point Peninsula area to the Swan River. Two units are located on the South Perth Esplanade and two are located on Melville Parade. The pumping stations are an integral part of the drainage system in the area and have been in operation since the opening of the Kwinana Freeway. Over the past decade three units have been replaced and fully re-equipped with pumping and control equipment. The upgraded/replacement units now have after hours remote sensing and performance monitoring.

The fourth unit located at Lyall Street underwent a maintenance overhaul about four years ago but now needs to be relocated away from the Freeway. In its present location it is squeezed between the Serpentine Trunk Main and the Kwinana Freeway. Access to the Pump Station for anything other than minor maintenance must be from the Freeway and this requires out of hours work and substantial traffic management to close part of the Freeway. The pumping station accepts stormwater from four concrete pipes that either rest on or are in very close proximity to the Water Corporations Trunk Main. The very close proximity of the drainage pipes to the Main reduces the efficiency of the “cathodic” protection fitted to the Main. This protection is intended to reduce the likelihood of corrosion and potential failure.

The Water Corporation has contributed initial funding of \$71,090 for works associated with the relocation of pipe work adjacent to or crossing the Trunk Main. The funds have been applied to the investigation study and drainage modelling of the catchment area to support an upgraded pump station and pipe replacement program. The catchment study identified the stormwater line in Melville Parade north of Lyall Street to Bowman Street as undersized and needed to be increased in size and relocated off the Trunk Main. The upgrade of this pipe work does not form part of the pump station upgrade but will be included in future budgets as shared funding with the Water Corporation.

The new pumping station will be located away from the Serpentine Trunk Main and under the Melville Parade road pavement

Tenders were invited on Saturday 15th January 2011 and during the advertised tender period twenty eight (28) sets of documents were distributed to Contractors. At the close of tender period only one (1) tender had been received from MMM (WA) Pty Ltd Civil Contractors for the GST exclusive amount of \$259,830.

Comment

Tenders received having met all the compliance criteria were assessed using the following qualitative criteria with the tender price assessed separately.

| Qualitative Criteria | | Weighting % |
|-----------------------------|---|--------------------|
| 1. | Demonstrated ability to perform the tasks as set out in the specification | 40% |
| 2. | Work methodology | 40% |
| 3. | Referees | 20% |
| TOTAL | | 100% |

The tender of MMM (WA) Pty Ltd Civil Contractors satisfied all of the criteria for assessment. The tender was a lump sum contract for the prescribed works with the contractor providing itemised schedules for each relevant activity as supporting documentation. In the absence of any other tender a rated score was not determined for the above.

A review of the companies who had sought / received the tender documents but omitted to finalise the submission identified eight companies that had the capacity to do the work as compared to the majority who were simply consultants or suppliers of equipment and not installers.

Of the Civil contractors interviewed post tender, most indicated that they had sufficient commitments for the immediate future and were not available to undertake the proposed work. It should be noted the installation of the concrete structures represents about 40% the expected contract value with the supply and installation of electrical control equipment, traffic management and dewatering operations making up the balance. Generally the civil contractors who collected the documents, but did not submit a tender, would be involved in laying stormwater and sewerage mains on subdivisional works or large street runs where the works representing their expertise would be in excess of 80% of the contract value i.e. ancillary works represent only a portion of the work. It was always acknowledged that the project may have difficulty in attracting more than three contractors for the following reasons:

- small in size but relatively complex;
- involved deep excavation into the water table;
- located in close proximity to the Trunk Main; and
- the uncertainty associated with aspects of the work including dewatering, coordination of a number of subcontractors.

However, MMM (WA) Pty Ltd Civil Contractors have demonstrated in their relative short history to be a company willing to attempt any municipal type project irrespective of the size. The Company has undertaken works for the City, including but not limited to:

- the supply and installation of a steel stairway at Sulman Reserve;
- the supply and installation of a mass bloc retaining wall at Redmond Reserve;
- limestone walls and landscaping at David Street;
- car park construction at Preston Street;
- pump station installation at South Perth Esplanade opposite Frasers Lane; and
- groyne and river wall works including drainage outlets at Como Foreshore.

On the basis of the above experiences, the Company would on assessment have rated very highly.

MMM (WA) Pty Ltd Civil Contractors are also retained by the City on a separate contract to provide labour and plant hire for minor projects associated with the City's capital and operations budgets. The Company regularly supplies supporting staff and appropriate plant to undertake minor drainage works, road widening base preparation and earthmoving activities.

The Pump Station upgrade is an important first stage in the overall upgrade of the stormwater drainage system in this immediate area of the Peninsula. The Upgrade will provide this location with the same constant monitoring that has become the norm at the other three sites. Progressing the works fulfils a commitment given to the Water Corporation, following the Judd Street trunk main eruption, to work with them to remove and/or negate the impact of City infrastructure on the main.

Recalling tenders will not necessarily increase the likelihood of other contractors putting in a bid, and more likely result in the deferment of this project until November (after the wet season) and the real possibility of price increases across all activities. It is recommended that MMM (WA) Pty Ltd Civil Contractors be awarded the drainage upgrade works with the Chief Executive Officer having the delegated authority to negotiate with the contractor prior to entering into a contract, to clarify particular aspects of their pricing structure.

Consultation

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

Tenders were invited on Saturday 15 January 2011 and during the advertised period twenty eight (28) sets of documents were distributed. At the close of tenders one submission had been received.

Policy and Legislative Implications

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

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

The following Council Policies also apply:

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

Financial Implications

An allocation of \$175,000 has been provided in the annual budget for the Pump Station upgrade. This allocation was prior to a detailed design being completed by Consultant PJ Wright and Associates and a detailed estimate prepared. There was an expectation that on receipt of the design and pricing for the electrical and pumping equipment and the assessment of tenders for the installation of the concrete structures that a budget amendment would be required. The works had been estimated at \$318,000 with the contract component expected to be \$224,000.

To fund the projected shortfall it is suggested that the funds currently allocated to Mill Point Road Drainage Structures and the City's contribution to the MRRG road grant project at Mill Point Road between Mends Street to Coode Street be re-allocated to the Lyall Street Pump Station project. A review of the estimate, and through negotiations with the recommended contractor, it is envisaged that an adjusted budget of \$308,000 is required to complete the work. The above adjustments would provide the shortfall.

The reason why the Mill Point Road resurfacing project is identified for deferral is because it has specific design issues that will require greater consultation than simply resurfacing and will not be able to be completed in sufficient time to have the works scheduled prior to 30 June this year. Both deferred projects will be listed for consideration in the 2011/2012 annual budget.

Strategic Implications

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

Sustainability Implications

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

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.9 |
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That:

- (a) the tender submitted by MMM (WA) Pty Ltd Civil Contractors for the upgrade to Lyall Street Stormwater Pump Station in accordance with Tender 04/2011 be accepted;
- (b) Council delegate to the Chief Executive Officer authority to negotiate with MMM (WA) Pty Ltd Civil Contractors, prior to entering into a contract, to clarify particular aspects of their pricing for this project; and
- (c) additional funding for the project be provided by the following amendment to the adopted Budget.

| A/C No. | Description | Budget | Adjustment | Revised Budget |
|---------|--|---------|------------|----------------|
| 5296 | Lyall St. Pump Station | 175,000 | 133,285 | 308,285 |
| 5480 | Mill Point Rd. Drainage Pit Replacements | 50,000 | (50,000) | 0 |
| 5461 | Mill Point Rd. Mends St. to Coode St. | 249,856 | (83,285) | 166,571 |

CARRIED EN BLOC RESOLUTION
And By Required absolute Majority

10.7 MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE

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|--|
| 10.7.1 Audit and Governance Committee Recommendations from Committee Meeting held 8 February 2011 |
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| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/108 |
| Date: | 9 February 2011 |
| Author: | Kay Russell, Executive Support Officer |
| Reporting Officer: | Phil McQue, Governance and Administration Manager |

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 8 February 2011.

Background

The Committee was established by Council in recognition of the importance of its audit functions and to monitor and improve the City's corporate governance framework. As the Committee does not have delegated authority it may only make recommendations to Council.

The Minutes of the Committee meeting held on 8 February 2011 are at **Attachment 10.7.1**. The background to the Committee's recommendations, which incorporate the officer reports, are set out in the Minutes.

The following items were considered by the Committee:

- (a) Membership of Audit & Governance Committee
- (b) Compliance Audit Return 2010
- (c) Review of Council Delegations
- (d) Review of Council Policies
- (e) Review of Legal Representation Policy
- (f) Local Law Review Update
- (g) Proposed Public Places and City Property Local Law 2011

Comment

- (a) **Membership Audit & Governance Committee** (*Item 5.1 Audit & Governance Committee*)

Officer/Committee Recommendation

The Audit and Governance Committee having reviewed the Committee's Membership, in relation to an external consultant / legal adviser being appointed as a member of the Committee, recommends that legal advice be provided to the Committee on a 'needs' basis only.

Comment

The subject of this report ie: *That the Membership of the Audit and Governance Committee be reviewed to establish whether or not an external consultant / legal adviser should be a member...* was discussed by the Committee in relation to the 'history' of legal advice and a review of the number of Committee meetings held over the last two years, the topics under discussion at those meetings and the need for legal advice. The committee agreed with the recommendation that the practice of using legal representatives on a 'needs only' basis be continued.

- (b) **Compliance Audit Return 2010** (*Item 5.2 Audit & Governance Committee*)

Officer/Committee Recommendation

The Audit and Governance Committee recommends to Council:

That...

- (a) the 2010 Compliance Audit Return for the period 1 January 2010 to 31 December 2010 be adopted;
- (b) the Mayor and Chief Executive Officer be authorised to jointly certify the 2010 Compliance Audit Return; and
- (c) the 2010 Compliance Audit Return be submitted to the Department of Local Government, in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

Comment

The Committee having reviewed the 2010 Return, recommends that Council adopt it. A copy of the Return is at **Attachment 10.7.1(b)**

(c) **Review of Delegations** (*Item 5.3 Audit & Governance Committee*)

Officer/Committee Recommendation

That the Audit and Governance Committee, having reviewed the City's Delegations, recommends to Council that the revised Delegations, listed hereunder, be adopted:

- DC353 Issue of Building Licence
- DC354 Administration of Building Controls within the City
- DC355 Authority to Issue Strata Title Certificates
- DC511 Partial Closure of Thoroughfare for Repair or Maintenance
- DC601 Strategic Financial Plan & Annual Budget Preparation
- DC602 Authority to Make Payments from Municipal and Trust Funds
- DC603 Investment of Surplus Funds
- DC607 Acceptance of Tenders
- DC609 Leases and Licences
- DC612 Disposal of Surplus Property
- DC616 Write off Debts
- DC642 Appointment of Acting CEO
- DC678 Appointment of Authorised Officers
- DC679 Administer the City's Local Laws
- DC685 Inviting Tenders or Expressions of Interest
- DC686 Granting Fee Concessions
- DC690 Town Planning Scheme 6

Comment

The Committee having reviewed the revised delegations, recommends that Council adopt them. A copy of the delegations is at **Attachment 10.7.1(c)**.

(d) **Policy Review** (*Item 5.4 Audit & Governance Committee*)

Committee Recommendation

That the Audit and Governance Committee, having reviewed the policies, recommends to Council:

That

- (a) the officer report detailing the review of the Council Policies be noted;
- (b) the following policies having been reviewed with 'no change' to *content* be adopted:
 - P101 Public Art
 - P103 Communication and Consultation
 - P104 Community Awards
 - P105 Cultural Services and Activities
 - P106 Use of City Reserves and Facilities
 - P107 Disability Access
 - P108 Honorary Freeman of the City
 - P110 Support of Community and Sporting Groups
 - P111 Commemoration
 - P112 Community Advisory Groups
 - P113 Parking for People with Disabilities
 - P204 Chemical Use

- P205 Tree Preservation Orders
- P206 Street Trees
- P208 Ecologically Sustainable Building Design
- P209 Shade Structures
- P301 Consultation for Planning Proposals
- P302 General Design Guidelines for Residential Development
- P303 Design Advisory Consultants
- P304 Narrow Lot Design Guidelines
- P305 Land Reserves for Road Widening
- P306 Development of Properties Abutting River Way
- P307 Family Day Care Centre and Child Day Care Centres
- P308 Signs
- P309 Satellite Dishes
- P310 Telecommunications Infrastructure
- P311 Subdivision Approval - Early Release From Conditions
- P350 Residential Design Policy Manual (P350.1 - P351)
- P350.1 Sustainable Design
- P350.2 Residential Boundary Walls
- P350.3 Car Parking Access, Siting and Design
- P350.4 Additions to Existing Dwellings
- P350.5 Trees on Development Sites and Street Verges
- P350.6 Safety and Security
- P350.7 Fencing and Retaining Walls
- P350.8 Visual Privacy
- P350.9 Significant Views
- P350.10 Ancillary Accommodation
- P350.11 Aged or Dependent Persons' Dwelling
- P350.12 Single Bedroom Dwellings
- P350.13 Strata Titling of Dwellings Constructed prior to TPS 6
- P350.14 Use or Closure of Rights-of-Way
- P350.15 Bed and Breakfast Accommodation
- P352 Final Clearance Requirement for Completed Buildings
- P356 Electricity Substations
- P357 Right of Way (ROW) Maintenance and Development
- P358 House Numbers on Kerbs
- P359 Toilets on Building Sites
- P402 Alfresco Dining
- P501 Paths - Provision and Construction
- P502 Cycling Infrastructure
- P503 Crossovers
- P506 Road Rehabilitation Prioritisation
- P507 Path Replacement
- P508 Bus Shelter Provision and Replacement
- P509 Stormwater Drainage Requirements for Proposed Buildings
- P510 Traffic Management Warrants
- P601 Preparation of Strategic Financial Plan & Annual Budget
- P602 Authority to make payments from the Municipal and Trust Funds
- P603 Investment of Surplus funds
- P604 Use of Debt as a Funding Option
- P605 Purchasing & Invoice Approval

- P606 Continuous Financial Disclosure
 - P607 Tenders and Expressions of Interest
 - P608 Dividend Policy – Collier Park Golf Course
 - P609 Lease of City Buildings
 - P610 Collier Park Village – Financial Arrangements
 - P611 Collier Park Hostel – Financial Arrangements
 - P612 Disposal of Surplus Property
 - P613 Capitalisation of Fixed Assets
 - P632 Equal Employment Opportunity
 - P633 Elimination of Harassment in the Workplace
 - P648 Motor Vehicles
 - P661 Complaints
 - P662 Advertising on Banner Poles
 - P665 Use of Council Facilities
 - P666 Local Government Resource Sharing
 - P667 Member Entitlements
 - P668 Mayoral Portraits
 - P669 Travel
 - P670 Delegates from Council
 - P671 Governance
 - P672 Briefings, Forums and Workshop
 - P673 Audio Recording of Council Meetings
 - P674 Management of Corporate Records
 - P677 State Administrative Tribunal
 - P687 Development of Council Owned Land
 - P688 Asset Management
 - P689 Applications for Planning Approval: Applicants Responsibilities
 - P691 Business Excellence Framework
- (c) the following policies as reviewed and the content revised, be adopted;
- P102 Community Funding Program
 - P201 Sustainable Procurement
 - P202 Energy Conservation
 - P203 Groundwater Management
 - P207 Natural Areas
 - P401 Graffiti Management
 - P636 Occupational Safety and Health
 - P692 Sustainability Policy
- (d) the following policies as reviewed be deleted;
- Policy P410 “Microcell Transmitters”
 - Policy P507 “Employee Separation Payments”
 - Policy P508 “Injured Workers Rehabilitation”
 - Policy P520 “Employee Recognition”; and
- (e) Policy P504 “Street Verges” be the subject of a Council Member Workshop; and
- (f) any ‘work in progress’ town planning policies be circulated to Elected Members for information.

Comment

The Policies, identified under part (c) of the Recommendation, were considered to have **major** changes to content. A discussion, in particular in relation to these policies was held and resulted in the addition of some further minor amendments by the Committee. The content changes have been highlighted in **red** with the additional refinements being in **green**. These policies have also been renumbered to now align to the current Strategic Plan.

The proposed 'Deletions' under part (d) of the Recommendation were supported by the Committee.

Policy P504 "Street Verges" – following discussion the Committee recommended that Policy P504 be the subject of a future Elected Member Workshop. Submissions on Policy P504 submitted by Members will be considered at that Workshop.

Part (f) of the Recommendation is the result of a request from the Committee to view any 'work in progress' town planning policies. (These policies will be circulated separately).

(e) **Review of Legal Representation Policy** (*Item 5.5 Audit & Governance Committee*)

Officer/Committee Recommendation

The Audit and Governance Committee recommends that the Council adopt Policy P675 (old number P519) "Legal Representation".

Comment

The Committee having reviewed Policy P675 "Legal Representation" (renumbered from P519 to align with the current Strategic Plan) recommends that Council adopt it.

A copy of the Policy is at **Attachment 10.7.1(e)**.

(f) **Proposed Public Places and City Property Local Law 2011** (*Item 5.7 Audit & Governance Committee*)

Officer/Committee Recommendation

The Audit and Governance Committee recommends to Council that the proposed "Public Places and City Property Local Law 2011" be further considered at a future Council Member Workshop.

Comment

The Committee acknowledged the Council Member Briefing held on 1 December 2010 to provide background on the proposed Local Law, however were of the view the *draft* Public Places and City Property Local Law 2011 required 'workshopping' of each clause before the document is approved for public comment.

Consultation

N/A

Policy and Legislative Implications

The report accurately records the policy and legislative implications of the matters contained therein.

Financial Implications

Nil

Strategic Implications

This matter relates to Strategic Direction 6.1 identified within Council's Strategic Plan 2010-2015, which is expressed in the following terms: ***Implement management frameworks, performance management and reporting systems to drive and improve organisational performance.***

Sustainability Implications

Nil

DECLARATIONS OF FINANCIAL INTEREST : ITEM 10.7.1 PART (e)

The CEO read aloud the following Declaration of Financial Interest. He reported that he had received identical Declarations of Financial Interest from all Elected Members present and from Cr Doherty who is not present.

In accordance with the section 5.65(1)(a) of the Local Government Act 1995 I wish to declare a Financial Interest in the City of South Perth Policy P519 "Legal Representation", for consideration at the Audit and Governance Committee Meeting scheduled for 8 February 2011 and the Ordinary Council Meeting scheduled for 22 February 2011.

All Elected Members remained in the Council Chamber.

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| <p>OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL DECISION ITEM 10.7.1</p> |
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Moved Cr Best, Sec Cr Skinner

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting held 8 February 2011:

That....

(a) Legal Advice

The Audit and Governance Committee having reviewed the Committee's Membership, in relation to an external consultant / legal adviser being appointed as a member of the Committee, Council resolves that legal advice be provided to the Committee on a 'needs' basis only.

(b) Compliance Audit Return 2010

The Committee having reviewed the Compliance Audit Return 2010 at **Attachment 10.7.1(b)** Council resolves to adopt the Return so as to enable it to be submitted to the Department of Local Government and Regional Development.

(c) Review of Delegations

Council resolves that the following revised Delegations at **Attachment 10.7.1(c)**, be adopted;

- DC353 Issue of Building Licence
- DC354 Administration of Building Controls within the City
- DC355 Authority to Issue Strata Title Certificates
- DC511 Partial Closure of Thoroughfare for Repair or Maintenance
- DC601 Strategic Financial Plan & Annual Budget Preparation
- DC602 Authority to Make Payments from Municipal and Trust Funds
- DC603 Investment of Surplus Funds
- DC607 Acceptance of Tenders
- DC609 Leases and Licences
- DC612 Disposal of Surplus Property
- DC616 Write off Debts
- DC642 Appointment of Acting CEO
- DC678 Appointment of Authorised Officers
- DC679 Administer the City's Local Laws
- DC685 Inviting Tenders or Expressions of Interest
- DC686 Granting Fee Concessions
- DC690 Town Planning Scheme 6

(d) Review of Policies

Council receives the Review and resolves that:

- (i) the following policies having been reviewed with 'no change' to content be adopted:

- P101 Public Art
- P103 Communication and Consultation
- P104 Community Awards
- P105 Cultural Services and Activities
- P106 Use of City Reserves and Facilities
- P107 Disability Access
- P108 Honorary Freeman of the City
- P110 Support of Community and Sporting Groups
- P111 Commemoration
- P112 Community Advisory Groups
- P113 Parking for People with Disabilities
- P204 Chemical Use
- P205 Tree Preservation Orders
- P206 Street Trees
- P208 Ecologically Sustainable Building Design
- P209 Shade Structures
- P301 Consultation for Planning Proposals
- P302 General Design Guidelines for Residential Development
- P303 Design Advisory Consultants
- P304 Narrow Lot Design Guidelines
- P305 Land Reserves for Road Widening
- P306 Development of Properties Abutting River Way
- P307 Family Day Care Centre and Child Day Care Centres
- P308 Signs
- P309 Satellite Dishes
- P310 Telecommunications Infrastructure
- P311 Subdivision Approval - Early Release From Conditions
- P350 Residential Design Policy Manual (P350.1 - P351)

- P350.1 Sustainable Design
- P350.2 Residential Boundary Walls
- P350.3 Car Parking Access, Siting and Design
- P350.4 Additions to Existing Dwellings
- P350.5 Trees on Development Sites and Street Verges
- P350.6 Safety and Security
- P350.7 Fencing and Retaining Walls
- P350.8 Visual Privacy
- P350.9 Significant Views
- P350.10 Ancillary Accommodation
- P350.11 Aged or Dependent Persons' Dwelling
- P350.12 Single Bedroom Dwellings
- P350.13 Strata Titling of Dwellings Constructed prior to TPS 6
- P350.14 Use or Closure of Rights-of-Way
- P350.15 Bed and Breakfast Accommodation
- P352 Final Clearance Requirement for Completed Buildings
- P356 Electricity Substations
- P357 Right of Way (ROW) Maintenance and Development
- P358 House Numbers on Kerbs
- P359 Toilets on Building Sites
- P402 Alfresco Dining
- P501 Paths - Provision and Construction
- P502 Cycling Infrastructure
- P503 Crossovers
- P506 Road Rehabilitation Prioritisation
- P507 Path Replacement
- P508 Bus Shelter Provision and Replacement
- P509 Stormwater Drainage Requirements for Proposed Buildings
- P510 Traffic Management Warrants
- P601 Preparation of Strategic Financial Plan & Annual Budget
- P602 Authority to make payments from the Municipal and Trust Funds
- P603 Investment of Surplus funds
- P604 Use of Debt as a Funding Option
- P605 Purchasing & Invoice Approval
- P606 Continuous Financial Disclosure
- P607 Tenders and Expressions of Interest
- P608 Dividend Policy – Collier Park Golf Course
- P609 Lease of City Buildings
- P610 Collier Park Village – Financial Arrangements
- P611 Collier Park Hostel – Financial Arrangements
- P612 Disposal of Surplus Property
- P613 Capitalisation of Fixed Assets
- P632 Equal Employment Opportunity
- P633 Elimination of Harassment in the Workplace
- P648 Motor Vehicles
- P661 Complaints
- P662 Advertising on Banner Poles
- P665 Use of Council Facilities
- P666 Local Government Resource Sharing
- P667 Member Entitlements
- P668 Mayoral Portraits

- P669 Travel
- P670 Delegates from Council
- P671 Governance
- P672 Briefings, Forums and Workshop
- P673 Audio Recording of Council Meetings
- P674 Management of Corporate Records
- P677 State Administrative Tribunal
- P687 Development of Council Owned Land
- P688 Asset Management
- P689 Applications for Planning Approval: Applicants Responsibilities
- P691 Business Excellence Framework

(ii) Council resolves that the following revised policies set out in **Attachment 10.7.1(d)(ii)** be adopted;

- P102 Community Funding Program
- P201 Sustainable Procurement
- P202 Energy Conservation
- P203 Groundwater Management
- P207 Natural Areas
- P401 Graffiti Management
- P636 Occupational Safety and Health
- P692 Sustainability Policy

(iii) Council resolves that the following policies as reviewed at **Attachment 10.7.1(d)(iii)** be deleted;

- Policy P410 “Microcell Transmitters”
- Policy P507 “Employee Separation Payments”
- Policy P508 “Injured Workers Rehabilitation”
- Policy P520 “Employee Recognition”; and

(iv) **Policy P504 “Street Verges”** be the subject of a Council Member Workshop; and

(v) any ‘work in progress’ town planning policies be circulated to Elected Members for information.

(e) Legal Representation Policy

Council resolves that Policy P675 (old number P519) “Legal Representation” be adopted; and

(f) Proposed Public Places and City Property Local Law 2011

Council resolves that the proposed “Public Places and City Property Local Law 2011” be further considered at a future Council Member Workshop.

CARRIED (12/0)

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr K Trent

I hereby apply for Leave of Absence from all Council Meetings for the period 18 – 29 April 2011 inclusive.

11.2 Request for Leave of Absence - Cr L Ozsdolay

I hereby apply for Leave of Absence from all Council Meetings for the period 15 April to 22 May 2011 inclusive.

11.3 Request for Leave of Absence - Cr T Burrows

I hereby apply for Leave of Absence from all Council Meetings for the period:

- **23 February to 3 March; and**
- 21 April to 1 May 2011 inclusive.

11.4 Request for Leave of Absence - Mayor Best

I hereby apply for Leave of Absence from all Council Meetings for the period: 7 April to 24 April 2011 inclusive.

11.5 Request for Leave of Absence - Cr P Howat

I hereby apply for Leave of Absence from all Council Meetings for the period: 12 April to 15 May 2011 inclusive.

11.6 Request for Leave of Absence - Cr G Cridland

I hereby apply for Leave of Absence from all Council Meetings for the period: 18 March to 10 April 2011 inclusive.

COUNCIL DECISION ITEMS 11.1 TO 11.6 INCLUSIVE

Moved Cr Lawrance, Sec Cr Burrows

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

- Cr Trent for the period 18 – 29 April 2011 inclusive.
- Cr Ozsdolay for the period 15 April to 22 May 2011 inclusive;
- Cr Burrows for the period 23 February to 3 March and 21 April to 1 May 2011 inclusive;
- Mayor Best for the period 7 April to 24 April inclusive;
- Cr Howat for the period 12 April to 15 May 2011 inclusive; and
- Cr Cridland for the period 18 March to 10 April 2011 inclusive.

CARRIED (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

DECLARATION OF INTEREST : ITEM 15.1.1 : CEO

The Mayor reported that the following Declaration of Interest had been received from the CEO in relation to Item 15.1.1:

I wish to declare a Conflict of Interest in Agenda Item 15.1.1 "Recommendations from CEO Evaluation Committee Meeting 8.2.2011 on the Agenda for the Ordinary Council Meeting to be held 22 February 2011. As I am the subject of the report in question I will leave the Council Chamber while this item is being debated.

Note: The Mayor sought an indication from Members as to whether they wished to discuss *Confidential* Item 15.1.1. As there was no debate proposed by Members the meeting was not closed to the public. The Chief Executive Officer did not leave the Council Chamber.

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|---|
| 15.1.1 Recommendations from CEO Evaluation Committee Meeting Held 8 February 2011 <i>CONFIDENTIAL Not to be Disclosed REPORT</i> |
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| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| Date: | 9 February 2011 |
| Author: | Kay Russell, Executive Support Officer |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Confidential

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

Note: *Report/Attachment circulated separately*

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| COUNCIL DECISION ITEM 15.1.1 |
|-------------------------------------|

Moved Cr Hasleby, Sec Cr Burrows

The CEO Evaluation Committee recommendation Item 4.1:

That Council endorses the 2010/2011 CEO Key Performance Indicators for the period ending 31 August 2011.

CARRIED (12/0)

15.2 Public Reading of Resolutions that may be made Public.

The Council decision at Item 15.1.1 was not read aloud.

ELECTED MEMBER COMMENDATION

The CEO addressed the meeting, stating that over his many years in local government he had attended many, many committee and council meetings. He said that he wished to record that the quality of debate and the respectful way in which Members responded to each other is a credit to all and that he intended writing to the Department of Local Government in this regard recommending that the City of South Perth Council be used as a 'model' for other local governments.

16. CLOSURE

The Mayor thanked everyone for their attendance and input and closed the meeting at 8.22pm.

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 22 March 2011

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

17. RECORD OF VOTING

22/02/2011 7:10:08 PM

Item 7.1.1 – 7.1.4 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:11:02 PM

Item 7.2.1 and 7.2.2 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:12:38 PM

Item 8.1.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:17:03 PM

Item 8.3.2 Deputation Request Motion Passed 7/5

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Peter Best, Cr Rob Grayden

Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:26:58 PM

Item 8.4.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:27:32 PM

Item 8.4.2 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:28:22 PM

Item 8.5.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 7:30:01 PM

Item 9.0 En Bloc Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

MINUTES : ORDINARY COUNCIL MEETING : 22 FEBRUARY 2011

22/02/2011 7:57:28 PM

Item 10.0.1 Motion Passed 9/3

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Cr Ian Hasleby, Cr Glenn Cridland, Cr Kevin Trent

Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 8:05:55 PM

Item 10.0.3 Motion Passed 7/5

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Peter Howat, Cr Colin Cala

No: Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden

Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 8:14:30 PM

Item 10.3.3 Motion Passed 11/1

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Cr Rob Grayden

Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 8:17:16 PM

Item 10.7.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 8:17:59 PM

Item 11.1 – 11.6 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote

22/02/2011 8:19:23 PM

Item 15.1.1 Motion Passed 12/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Susanne Doherty, Casting Vote