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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 26 July 2011 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7:03pm and 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. He then welcomed everyone in attendance.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

The Mayor advised that the Mayor / Council Activities Report for the month of June was attached to Agenda paper.

3.2 Public Question Time

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

3.3 Audio Recording of Council meeting

The Mayor reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member" and stated that as Presiding Member he gave permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor J Best (Chair)

Councillors:

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

Officers:

Mr C Frewing	Chief Executive Officer
Ms V Lummer	Acting Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Finance and Information Services
Ms D Gray	Manager Financial Services
Mr R Kapur	Manager Development Services
Mr P McQue	Manager Governance and Administration
Ms P Arevalo	Marketing Officer

Mr R Woodman Acting Minute Secretary

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

4.1 Apologies
Nil

4.2 Approved Leave of Absence
Nil

5. DECLARATION OF INTEREST

The Mayor advised that two Declaration of Interest Affecting Impartiality were received from Crs Doherty and Cridland in relation to Agenda Item 10.5.1 (*Area 8 Local Area Traffic Management Study*).

He further stated that in accordance with the Local Government (Rules of Conduct) Regulations 2007 that the Declaration would be read out immediately before the Item in question was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 28 June 2011 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME : 26.7.2011

Opening of Public Question

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 given in writing. 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 7.09pm.

6.2.1 F J Oliver, 3/24 Charles Street, South Perth

Summary of Question

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

Summary of Response

The Mayor advised that this question would be taken on notice and a response provided by the Chief Executive Officer to Mr Oliver and also included in next month's minutes.

6.2.2 Paul Ruthven, 5/24 Charles Street, South Perth

Summary of Question

The Federal Member for Swan, Steve Irons recently conducted a survey of ratepayers in the area affected by the South Perth Station Precinct proposal. The overwhelming feedback from respondents was that they are against any densification plan for the area. Steve has written to the City of South Perth urging them to halt the densification plan until such time as they can demonstrate community support. In addition, the State Government recently released the forward estimates, and a South Perth train Station was not included in the 20 year plan. Given the strong opposition from the local community, and the failure of the City in getting the train station included in the forward estimates, will Council now halt this proposal, and put ratepayer money to better use?

Summary of Response

The Mayor advised Mr Ruthven that the City has been working with the community on the South Perth Railway Station Precinct proposal. Of attendants at previous public meetings made during the initial , approximately 80% of residents indicated that they were in support. He also mentioned the City's Community Visioning exercise, in which a key focus was better connection of housing with good public transport. The Mayor then handed over to the Chief Executive Officer.

The Chief Executive Officer reiterated that the City is working with the community on increased density. He made reference to the State Government document "Directions 2031", which contains growth targets for all Local Government areas. If the City does not work towards the targets, the State Government will likely intervene and amend our Town Planning Scheme to suit.

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: 28.6.2011

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 28 June 2011 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.1.2 Special Council Meeting Held: 12.7.2011

COUNCIL DECISION ITEM 7.1.2

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Special Council Meeting held 12 July 2011 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing - June Ordinary Council Meeting Held: 21.6.2011

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

7.2.2 Concept Forum – Canning Bridge Bus Station Joint Briefing – Cities of South Perth and Melville - Meeting Held: 20.6.2011

Officers of the City of Melville presented an update on the proposed Canning Bridge Bus Station.

Notes from the Concept Briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Forum – Proposed Budget Presentation - Meeting Held: 22.6.2011

The Director Financial and Information Services presented an update on the proposed Budget and responded to questions from Members. Notes from the Concept Briefing are included as **Attachment 7.2.3**.

COUNCIL DECISION ITEM 7.2

Moved Cr Hasleby, Sec Cr Ozsdolay

That the comments and attached Notes under Items 7.2.1 to 7.2.3 on Council Agenda Briefings held since the last Ordinary Meeting of Council be noted

CARRIED (13/0)

8. PRESENTATIONS

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

Nil

8.2 PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.
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- 8.2.1 Commemorative Plaque – presented by Benedictine Community of New Norcia**
The Mayor presented a plaque commemorating the relationship between the City and the Benedictine Community of New Norcia. He also outlined the City's relationship with the Benedictine Community of New Norcia. The Mayor announced that a tree was planted and then invited the Chief Executive Officer of the New Norcia Benedictine Community to address Council.

PRESENTATION - CARMEL ROSS

Ms Ross gave a brief history of New Norcia, which was founded in 1846 as a Benedictine Mission to Aboriginal people. A Private town, all facilities at New Norcia are owned and operated by the Benedictine monks of New Norcia, an incorporated Catholic religious institute. New Norcia is Australia's only monastery town and the Benedictine Community is responsible for its upkeep.

Commercial activities include a museum, art gallery, hotel, roadhouse and farm. Non-commercial activities include maintain the town's archives, collections and library, and the day-to-day administration of the town.

Infrastructure maintained by the Benedictine Community includes:

- Internal roads
- Gas
- Electricity
- Water
- Parks, gardens, lawn
- Sewerage
- Garbage collection and management
- Cemetery
- Swimming Pool

Ms Ross then gave a brief outline of the City of South Perth's voluntary involvement

- Volunteers have visited in 2008, 2009, 2010
- 2008 – pruning suckers around bases of olive trees (>600 trees)
- 2009 – planting >600 trees in parkland immediately south of the town
- 2010 – plantings of smaller numbers at a number of sites around the town
- Making a difference
- Seed gathering and propagation

Ms Ross presented a plaque to Council that reads,

“With sincere gratitude to the Mayor and Councillors, Staff and their Families of the City of South Perth for their generous contribution to tree propagation and planting at the township of New Norcia through voluntary work since 2008.”

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

8.3.1 Deputations at Council Agenda Briefing Held: 19 July 2011

Two deputations in relation to Agenda Items 10.3.3 were heard at the July Council Agenda Briefing held on 19 July 2011.

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate: Rivers Regional Council Ordinary General Meeting: 16 June 2011

A report from Cr Trent and Cr Cala summarising their attendance at the Rivers Regional Council Ordinary General Meeting held 16 June 2011 is at **Attachment 8.4.1**.

The Minutes of the Rivers Regional Council Ordinary General Meeting of 28 May 2008 have also been received and are available on the new *iCouncil* website.

RECOMMENDATION

That the Delegate's Reports and Minutes, at **Attachment 8.4.1**, in relation to the Rivers Regional Council Ordinary General Meeting held 16 June 2011 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Doherty, Sec Cr Burrows

That the Minutes, at **Attachment 8.4.1**, of the Rivers Regional Council Ordinary General Meeting held 16 June 2011 at the City of Mandurah be received.

CARRIED (13/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of Item 10.5.1, would be adopted en bloc, i.e. all together. He then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 19 July 2011.

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Cala, Sec Cr Hasleby

That with the exception of Items 10.5.1, which is to be considered separately, the remainder of the reports including the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.1.1, 10.3.1, 10.3.2, 10.3.3, 10.6.1, 10.6.2, 10.6.3, 10.6.4, and 10.6.5 be carried en bloc.

CARRIED (13/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Draft Policy P351.14 “Cygnia Cove Residential Design Guidelines” – final adoption following advertising for submissions (Item 10.3.3 Council meeting 24 May 2011 refers)

Location:	Lots 83, 829, 9000 & 9001, corner Manning Road and Centenary Avenue, Waterford
Owners:	Trustees of the Christian Brothers
Applicant:	Council
File Ref:	LP/801/14/14
Date:	1 July 2011
Author:	Emmet Blackwell, Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

At its 24 May meeting, the Council endorsed the draft Planning Policy P351.14 *Cygnia Cove Residential Design Guidelines* for advertising for public submissions. The policy aims to guide the assessment and determination of all residential development applications within Cygnia Cove estate (east Clontarf).

The objectives of the policy are to:

- (a) promote safety, variety and a sense of place;
- (b) ensure development is compatible with adjoining heritage buildings;
- (c) permit a variety of housing forms so as to promote a wide choice in housing and satisfy the demand of a variety of household types and lifestyles.
- (d) preserve and enhance the local area’s natural ecosystems and waterways, particularly the Swan River;
- (e) promote development which maximises water and energy efficiency;
- (f) encourage a high standard of sustainable design, which has due regard to the needs of occupants, neighbours and the availability of local amenities.

The required period of advertising for public submissions is complete and one submission was received. Therefore the Council is now requested to adopt Policy P351.14.

Background

Policy P351.14 *Cygnia Cove Residential Design Guidelines* is provided as **Attachment 10.0.1**.

Council supported a subdivision proposal at its meeting on 25 July 2006 for the creation of 189 new residential lots at R20 density and approximately 5.0 hectares of open space. The subdivision proposal was subsequently conditionally approved by the Western Australian Planning Commission (WAPC) on 29 January 2007. Condition No. 30 which was recommended by Council required the applicant to produce residential design guidelines in consultation with the City to address the following, amongst other matters:

- (a) Architectural compatibility between developments within this subdivision and the Clontarf Campus;
- (b) Ecologically sustainable design initiatives;
- (c) Setback requirements from public open space;

- (d) Structures permitted in portions of lots that are visible from public open space and Manning Road or Centenary Avenue;
- (e) Crossover locations for corner lots at respective entrances to the subdivision and at roundabouts;
- (f) Guidelines relating to verge treatment; and
- (g) Any other aspect considered to be relevant.

The landowner applied to the WAPC for renewal of the subdivision approval in May 2010 as the subdivision approval was due to expire on 29 January 2011. Council again supported the subdivision proposal (unmodified) at its 27 July 2010 meeting and the WAPC subsequently granted a renewal of the subdivision approval on 17 September 2010. Condition No. 30 of the original subdivision approval requiring the applicant to produce residential design guidelines was again imposed without change. The applicant submitted draft guidelines and following internal review by the City's Planning staff, the residential design guidelines for Cygnia Cove were presented to the 24 May Council meeting in the form of draft Policy P351.14. The officer report to the 24 May Council meeting contained a comprehensive summary of the provisions of the policy.

Comment

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

Policy P351.14 will ensure that dwellings constructed in Cygnia Cove are of a very high standard in terms of architectural design and environmental sustainability.

As stated in the previous officer report, both the "developer" (subdivider) and the City of South Perth are committed to the promotion of environmentally sustainable development. Individual homes constructed within the estate must satisfy a range of socially responsible sustainability criteria. Cygnia Cove is a certified EnviroDevelopment project. EnviroDevelopment is an initiative of the Urban Development Institute of Australia which recognises developments that satisfy a range of sustainability criteria. Certification has been achieved in the categories of 'Community' and 'Ecosystems'. Cygnia Cove has been carefully designed to mitigate the impact of new development on the environment and to use resources responsibly.

Consultation

The statutory advertising required by clause 9.6(2) of TPS6 and Council Policy P301 'Consultation for Planning Proposals' was undertaken in the manner resolved at the 24 May 2011 Council meeting, as follows:

- Southern Gazette newspaper notice in two issues: 7 June and 21 June 2011 and submissions were accepted until close of business on Friday 1 July 2011 (24 days).
- Notices and Amendment documents displayed in Civic Centre customer foyer, in the City's Libraries and Heritage House, and on the City's web site ('Out for Comment').

During the advertising period 1 submission was received in relation to the proposal. The submitters' comments together with officer responses are summarised below. The recommendation is that Clause 5.2.5 of the Policy be slightly modified in response to the submission received, in relation to mosquito breeding risk within rain water tanks:

Submitters' Comments	Officer's Responses
Limited regulation on the eventual construction of rainwater tanks will create many potential new mosquito breeding locations. How does City of South Perth plan to ensure that all tanks are fitted with suitable screens and continue to be maintained in a safe condition that prevents mosquito breeding?	Modern prefabricated rainwater tanks typically supplied for use within cities are constructed to be properly sealed in order to prevent mosquito breeding. Specifically inlet and outlet holes are supplied with mesh screens. Advice shall be inserted into the policy advising of the potential risk and that it is the landowners responsibility to take precautionary measures. The comment is NOTED .
Since freestanding rainwater tanks may be constructed without a building license, how will the City ensure that rainwater tank overflow is managed so as to not impact neighbours?	Clause 6.8(2) of Town Planning Scheme No. 6 requires all stormwater to be disposed of on the development site. The comment is NOT UPHELD .
Specification of a very low output solar power system will either result in poor quality installation with limited ability to upgrade in future as technology improves. Further, most 'home sized' PVC systems contribute more to CO2 emissions than they save due to the CO2 embedded in their energy intensive manufacture. Current guideline is therefore not as eco-sustainable as first appears.	The submitters comments on this issue are speculative and opinion based. It is likely many home builders will choose a larger solar system than the minimum required, or choose to install a gas boosted solar hot water system as the alternate option (2), as specified under Clause 5.1.1. The comment is NOT UPHELD .

Policy and Legislative Implications

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy and for modification of an adopted policy. Public advertising of draft policy provisions is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The process as it relates to the proposed draft Policy P351.14 is set out below, together with an estimate of the likely time frame associated with each stage of the process. Those stages which have been completed are shaded:

Stages of Advertising and Adoption of Policy P351.14	Estimated Time Frame
Council resolution to endorse draft Policy P351.14 for advertising	24 May 2011
Public advertising period of 24 days	7 June - 1 July 2011
Council review of the draft Policy P351.14 in light of no submission having been received and a resolution to formally adopt the policy without modification, or not proceed with the policy.	July 2011 Council meeting
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	August 2011

Financial Implications

The City is responsible for costs associated with adoption of the policy.

Strategic Implications

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

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

Sustainability Implications

The policy requires that all development within the Cygnia Cove site is to meet detailed sustainable development requirements. The estate has been certified by the Urban Development Institute of Australia as being an EnviroDevelopment project in the categories of 'Ecosystems' and 'Community', satisfying a range of related sustainability criteria. Additionally, a range of other development controls seek to encourage designs that are both energy and water efficient.

Conclusion

The policy will provide guidance to the City and applicants for residential developments within the Cygnia Cove estate. The policy complements the related provisions within TPS6, the R-Codes and other Council planning policies.

It is considered that the modified Policy P351.14 is now in a form suitable for final adoption by the Council.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
--

That...

- (a) in accordance with clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the modified Planning Policy P351.14 *Cygnia Cove Residential Design Guidelines*, at **Attachment 10.0.1** be adopted;
- (b) notice of the Council's decision be published in the *Southern Gazette* newspaper as required by clause 9.6(2)(d) of Town Planning Scheme No. 6; and
- (c) submitters be thanked for their participation in this process and be advised of the Council's decision.

CARRIED EN BLOC RESOLUTION

10.0.2 Proposed Amendment No. 28 to Town Planning Scheme No. 6 to rezone Lot 51 (Nos. 245-247) Canning Highway, SW corner South Terrace, Como to Highway Commercial (Item 10.3.1 Council meeting 3 May 2011 refers).

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

Summary

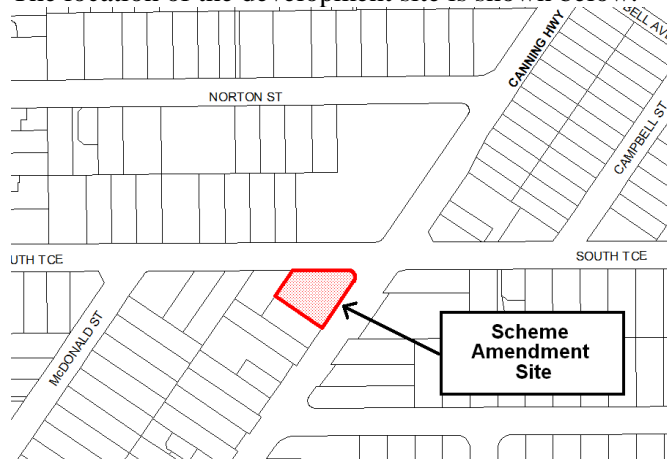
The applicant has requested an amendment to Town Planning Scheme No. 6 (TPS6) in relation to the site at Nos. 245 and 247 Canning Highway, Como, identified as Amendment No. 28. The Council resolved to initiate this amendment at its meeting on 3 May 2011. Usually the resolution to initiate the Scheme Amendment process and the Council's endorsement of the draft text of the Amendment occur at the same meeting. However, on this occasion, the applicant requested that the initial resolution and consent to advertise be carried out separately. The applicant has now prepared a Scheme Amendment report, **Attachment 10.0.2**, to be forwarded to the WA Planning Commission (WAPC) and the Minister. That report also contains the text of the draft Amendment and development concept plans. The applicant is seeking rezoning from Residential R40 with 7 metre building height limit to Highway Commercial (R80 residential density coding) with a 10.5 metre building height limit. The recommendation is that draft Amendment No. 28 be endorsed to enable the Amendment to be advertised for public inspection and comment.

Background

Relevant details relating to the subject land are as follows:

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

The location of the development site is shown below:



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

In 1984, development approval was granted for the conversion of the previous houses to Consulting Rooms. The 'Como Physiotherapy Clinic' commenced operation at that time.

Development concept plans, **Attachment 10.0.2**, have been submitted by the applicant as part of the Amendment No. 28 documents to indicate the likely form of development on the site, should the rezoning ultimately be approved by the Minister. The concept plans are not intended to be the final design solution for the site, however the design indicated on the concept plans appears generally to comply with Council's relevant planning controls applicable to the proposed zoning, density coding and building height limit.

Although the Council resolved to initiate the Scheme Amendment at the 3 May meeting, some reservations were expressed about the building design shown on the concept plans. In this regard, the Council resolved further, as follows:

“(c) the applicant be advised that Council has certain reservations about the design and site planning of the proposal reflected in the concept plans. Therefore, Council's decision to initiate the Scheme Amendment process should not be construed as support for a development designed in the manner shown on the concept plans. Should the Scheme Amendment ultimately be finally approved by the Minister, Council's decision on any future development application will be governed by Town Planning Scheme No. 6 and related Planning Policies, and the assessed amenity impact on neighbouring sites.”

Comment

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

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

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

The proposed Scheme Amendment meets this overriding objective.

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

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

- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality.*

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

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

Clause 7.5 lists a range of matters to which the Council is to have due regard, and in connection with which the Council may impose conditions of development approval. Of the 24 listed matters, the following are particularly relevant to the current proposal:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (g) *in the case of land reserved under the Scheme, the purpose of the reserve;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and*
- (x) *any other planning considerations which the Council considers relevant.*

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

(c) Canning Highway Reservation Review

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

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

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

Consultation

(a) Design Advisory Consultants

The officer’s report to the 3 May Council meeting discussed the concerns of the Council’s Design Advisory Consultants about the applicant’s concept plans.

The concerns are reflected in Part (c) of the Council’s 3 May resolution, reproduced above, under “Background”.

(b) Neighbour Consultation

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

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

Policy and Legislative Implications

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

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment No. 28 to TPS6	3 May 2011
Council adoption of draft Scheme Amendment No. 28 proposals for advertising purposes	26 July 2011
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early August
Public advertising period of not less than 42 days	Unknown
Council consideration of Report on Submissions	Unknown
Referral to the WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council’s recommendation on the proposed Amendment No. 28; • Three signed and sealed copies of Amendment No. 28 documents for final approval 	Unknown
Minister’s final determination of Amendment No. 28 to TPS6 and publication in <i>Government Gazette</i>	Unknown

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

Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, the estimated Planning Fee of \$15,000 was paid on 6 May 2011 following Council's resolution to initiate the Scheme Amendment process. The actual fee will be based on officers' time and other actual costs incurred by the City. At the completion of the amendment process the fee will be adjusted to reflect actual costs.

Strategic Implications

This matter relates to Strategic Directions 3 "Housing and Land Uses" identified within the Council's Strategic Plan 2010-2015 which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

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

Conclusion

The Council has previously resolved to initiate the Scheme Amendment process. The proposed Amendment is considered reasonable, having regard to the unique location of the site in being the only remaining corner lot at the intersection of Canning Highway and South Terrace which is currently zoned residential, despite its existing approved use as Consulting Rooms. The built form and scale demonstrated by the applicant's supporting concept plans, **Attachment 10.0.2**, is consistent with that existing in the immediate locality.

Council should now endorse the draft Scheme Amendment No. 28 documents, **Attachment 10.0.2**, to enable the proposed Amendment to be advertised to the public.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2

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 10.0.2**;
- (b) the Report on the Amendment containing the draft Amendment No. 28 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.0.2**, 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. 28 be implemented in accordance with the Town Planning Regulations and Council Policy P301; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 28:

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

CARRIED EN BLOC RESOLUTION

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Proposed changes to Policy P107 Disability Access

Location: City of South Perth
Applicant: Council
File Ref: RC/105
Date: 8 July 2011
Author: Margaret King Acting Manager Community Culture and Recreation
Reporting Officer: Mandi Wheatley Community Development Officer

Summary

The purpose of this report is to seek Council endorsement for the amended Policy P107 Disability Access.

Background

The City of South Perth recognises that people with disability, their families and carers comprise a significant and important part of the community. The City is committed to compliance with the Western Australian Disability Services Act 1993 and the *Commonwealth Disability Discrimination Act 1992* and will strive to ensure that its services, facilities, practices and planning strategies are accessible to, and include, people with disability. As such the P107 Disability Access was previously endorsed by the City.

Comment

The P107 Disability Access Policy has been amended to bring it in line with the updated and reviewed Disability Access and Inclusion Plan (DAIP) 2011-2016 and the policy will be included within the DAIP document to be registered with the Disability Service Commission (DSC).

As the date of the next Audit and Governance Committee has yet to be set, and the policy is required for the Disability Access Inclusion Plan, it was important for it to be endorsed by council prior to submission of the DAIP to DSC.

Consultation

Community consultation not required

Policy and Legislative Implications

This Policy is required to be updated annually by the current City of South Perth DAIP in line with the *Western Australian Disability Services Act 1993* (amended 2004) and *Commonwealth Disability Discrimination Act 1992*.

Financial Implications

Any costs will be covered by the annual City of South Perth budget. There will be no extra financial implication for this amended policy.

Strategic Implications

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

Sustainability Implications

Nil

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1

That Council endorse the changes to the Policy P107 Disability Access.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT
Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Amendment No. 29 to Town Planning Scheme No. 6 – Fencing

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/29
Date:	1 July 2011
Author:	Emmet Blackwell, Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services

Summary

Council is requested to consider a proposal to initiate Amendment No. 29 to the City of South Perth Town Planning Scheme No. 6 (TPS6). The purpose of the amendment is to expand clause 6.7 in order to clarify and refine the application and approval requirements for fences of various types in specified locations. Amendment No. 29 will make clear the types of fences which require planning approval and other types which require Council's written consent in the form of a letter as distinct from a Schedule 8 Notice of Determination. Further, Amendment No. 29 will expand the existing definition of 'planning approval' to clarify that this term refers to a Notice of Determination issued 'in the form prescribed in Schedule 8'. The Scheme Amendment will also provide greater clarity regarding the kinds of fences that are exempt from the need to obtain planning approval or Council's written consent.

The recommendation is that Council resolve to initiate the Scheme Amendment process for the proposed Amendment No. 29 and to proceed to community consultation.

Background

In August 2009 the City's Planning Department had a legal challenge regarding the City's ability to require planning approval for any fence not exceeding 1.8 metres in height due to the wording of clauses 6.7 and 7.1(2)(b) of TPS6. In response the Planning Department acknowledged that the City had no grounds to require planning approval for fences unless they exceeded 1.8 metres in height. Therefore a new process was implemented whereby applicants had to apply to the City's Planning Department for 'informal written consent' so that officers could ensure that related requirements of Council's Planning Policy P350.7 (Fencing and Retaining Walls) and the R-Codes had been met prior to the City issuing a building license for any fence within the front setback area or on a secondary street boundary. This new informal procedure meant that planning officers were doing all of the work required for a development application without the City being able to charge the appropriate planning fee. This scheme amendment is proposed so that the correct process of requiring a development application to be lodged for fences proposed within the front setback area or on a secondary street boundary, can be implemented. The attached Scheme Amendment Report, **Attachment 10.3.1**, expands upon the summary set out above. The proposed Amendment No. 29 will enable Planning Officers to deal with applications for approval of fences more effectively.

Comment

The Scheme Amendment will implement the following changes to the Scheme Text:

- Addition of sub-clauses into existing clause 6.7 to clarify that fencing greater than 1.2m in height requires planning approval in the following locations:
 - (a) on the primary street boundary of a lot or within the primary street setback area of a lot;
 - (b) on or within 3 metres of a secondary street boundary; or
- Replacement of the words ‘approval of the council’ with the words ‘prior written consent of Council’ within the existing clause 6.7.
- Addition of a new paragraph to clause 6.7 outlining the procedural requirements which apply when making a request for Council’s written consent, being a request in the form of a letter signed by the owner of the lot, accompanied by a scaled site plan and elevation drawings and any other information or drawings required by a planning policy of the City.
- Addition of a new paragraph to clause 6.7 to establish that the Council’s decision in response to a request made for Council’s written consent, under paragraph (3) of clause 6.7 shall be issued in the form of a letter addressed to the owner of the related lot, and that consent may be granted with or without conditions.
- Addition of words to the existing definition of ‘planning approval’ within Schedule 1 of TPS6, specifying that a planning approval is issued ‘in the form prescribed in Schedule 8’.

The requirements for fences, against which applications for planning approval will be assessed are contained in Council's Policy 350.7 Fencing and Retaining Walls and the R-Codes, which remain unchanged.

Consultation

At this stage, no community consultation has been undertaken. Formal advertising procedures will be implemented in this regard following Council’s endorsement of the draft Amendment No. 29.

In the course of preparing the draft Scheme Amendment the Manager Development Services, Strategic Urban Planning Adviser and the Senior Statutory Planning Officers have been consulted.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 29 is set out below, together with an estimated time frame associated with each stage of the process:

Stages of Advertising and Adoption of Amendment No. 29	Estimated Time Frame
Council resolution to initiate Amendment No. 29 to TPS6	26 July 2011
Council adoption of draft Amendment No. 29 for advertising purposes	26 July 2011
Referral of draft Amendment proposal to EPA for environmental assessment during a 28-day period, and a copy to the WAPC for information	Early August 2011
Public advertising period of not less than 42 days	Unknown
Council consideration of submissions and final consideration of Amendment No. 29 for final adoption	Unknown
Referral to the WAPC and Minister for Planning for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 29; • Three signed and sealed copies of Amendment No. 29 to TPS6 and publication in <i>Government Gazette</i> 	Unknown

Planning Policy P301 *Consultation for Planning Proposals* will be used in conducting the public advertising of the amendment.

Public advertising of Amendment No. 29 will commence upon receiving favourable assessment and advice from the Environmental Protection Authority.

Financial Implications

The proposed Scheme Amendment has financial implications in relation to statutory advertising costs (local newspaper and Government Gazette), and all operational costs, all of which will be met by the City.

Strategic Implications

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

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

Sustainability Implications

There are no sustainability implications in relation to Amendment No. 29.

Conclusion

Amendment No. 29 will refine and clarify the approval processes for fences of various types and in specified locations, and will expand the definition of ‘planning approval’ by the addition of reference to Schedule 8. In addition, the Scheme Amendment will clarify the kinds of fences which do not require approval of any kind.

The Scheme Amendment is of a procedural nature only, and is being introduced to eliminate existing misunderstandings and uncertainty regarding required approval processes for fencing. Council should now initiate the statutory Scheme Amendment process for the proposed Amendment No. 29 to enable the Amendment to be advertised to the public.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1

That...

- (a) the Council, under the powers of the Planning and Development Act 2005, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in Attachment 10.3.1;
- (b) in accordance with section 81 of the *Planning and Development Act 2005*, the amendment be forwarded to the Environmental Protection Authority for its assessment under the *Environmental Protection Act 1986*;
- (c) the amendment being forwarded to the Western Australian Planning Commission for information;
- (d) upon receiving the Environmental Protection Authority’s clearance, advertising of Amendment No. 29 shall be implemented in accordance with the Town Planning Regulations 1967 and the City’s Planning Policy P301 Consultation for Planning Proposals;
- (e) a report on any submissions received on Amendment No. 29 be presented to the next available Council meeting following the conclusion of the advertising period; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 29:

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

CARRIED EN BLOC RESOLUTION

10.3.2 Proposed Submission on the draft <i>Prostitution Bill 2011</i>.

Location:	Western Australia
Applicant:	The Department of the Attorney General / Council
Lodgement Date:	14 June 2011
File Ref:	GR/502
Date:	29 June 2011
Author:	Matt Stuart, Coordinator Statutory Planning, Development Services
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

Summary

To consider draft state legislation, the *Prostitution Bill 2011*, and provide City's comments to the Department of the Attorney General as a submission during the public consultation period.

It is recommended that the Council endorses the City's submission for lodgement with the Department of the Attorney General.

This report includes the following attachments:

- **Attachment 10.3.2(a)** Minister's letter
- **Attachment 10.3.2(b)** City of South Perth submission

Comment

(a) Background

The City of South Perth (the **City**) is regularly involved in investigations into alleged businesses of prostitution, which usually involve concerns from neighbours in relation to adverse amenity impact, and protracted communications with the tenant and/or the landowners.

The City's experience is that this issue is not suitably controlled by the current state legislation, which effectively places the burden of resolving these matters on the local statutory planning provisions, with less than satisfactory outcomes.

In 2008, the then Labor State government passed the *Prostitution Amendment Act 2008* through both houses of parliament, which sought to legalise and regulate the industry. However the legislation was not proclaimed by the new Liberal-National State government in that same year.

(b) Description of the Prostitution Bill

In June 2011, the Liberal-National State government introduced the draft *Prostitution Bill 2011* (the **Bill**). Local Government and the general community have been invited to provide comments on Bill. The invitation and a general overview forms **Attachment 10.3.2(a)**; and the City's comments on the Bill, which forms Attachment 10.3.2(b), is the focus of this report. Comments to the Department are due by 29 July 2011.

The Bill seeks to legalise and regulate the industry, with the following primary components:

- Regulating operating procedures, including criminalising soliciting and seeking clients in public places;
- Regulating advertisement;
- Minimising the risk of infections;

- (iv) Protecting the welfare of children;
- (v) Requirement and regulation of licences for operators, managers and prostitutes;
- (vi) Prohibiting a business of prostitution in 'residential' and 'special use areas';
- (vii) Powers of enforcement;
- (viii) Review provisions;
- (ix) General provisions; and
- (x) Repeals and transitional provisions.

The Bill attempts to create provisions for the Department of Public Service (the **Department**) and the WA Police to administer and regulate. It outlines the requirement to obtain planning approval from the Local Government. Therefore, the Bill does not directly impact upon the City, but its indirect impacts could be a significant reduction in work for officers in regard to compliance actions. For example, the responsibility to administer enforcement and issue licenses resides with 'the CEO' of the Department and 'the Commissioner' of the Police.

The introduction of this Bill is generally supported from a statutory planning perspective. Certain matters have been raised in the City's submission, which forms **Attachment 10.3.2(b)**.

(c) Licensing of operators, managers and prostitutes

Part 6 division 3 of the Bill permits the Department to license operators, managers and prostitutes (including a place of business) subject to a number of tests. One of these tests is whether the applicant has gained a planning approval from the responsible planning authority i.e. local government.

The effect of this provision empowers the City (or the SAT upon review), to carry out the required community consultation in relation to the prostitution proposal, carefully assess the proposed location of the site and associated amenity impacts, and accordingly determine such an application. A refusal determination could prevent a licence being issued by the Department, or have it revoked. Subsequently, the provisions for enforcement and penalties in the Bill can be invoked by the Police or the Department and manifest in the form of a compliance matter or a retrospective planning application.

Additionally, section 78 of Division 9 Part 6 states that the Governor may, for any reason, make an order that the CEO must not issue a licence to any person to operate or manage a prostitution business in an area of the State that is specified in the 'no licence area' order.

Before a no licence area order is made, the Minister must publish in the Gazette, at least 14 days before the day on which the order is proposed to be made, notice of the intention to make the order so that persons likely to be aggrieved by the order may make a representation in writing to the Minister.

Section 58 of the Bill regulates the size of such businesses in terms of the number of rooms, prostitutes and total staff at any one time.

Accordingly, these provisions may aid in the prevention and timely resolution of compliance matters.

(d) **Transitional / temporary licences**

There are transitional provisions in the Bill to allow an existing business to continue for a specified time period. In accordance with section 166 of the Bill, the CEO of the Department may approve the use of land for the purposes of a prostitution business, for a period not exceeding 18 months from commencement day [section 163(1)], subject to having due regard to the associated provisions, and liaison with the local government in relation to:

- Complaints being received;
- Disturbances in the neighbourhood; and
- The amenity of the neighbourhood.

It is suggested that an addition test of residency or suitable visa is appropriate, because it is considered that breaches in border control should not be supported via legalising their employment. If an operator, manager or prostitute does not have the legal right to stay in the country, then it is suggested that they have no right to apply for a business they cannot be present to operate.

(e) **Prohibited areas**

These are discussed in Division 8 of Part 6 of the Bill. Special attention should be given to the areas within the City that licensed businesses of prostitution are prohibited under the Bill. These are 'residential areas' and 'special use areas', which in itself may seem logical, however the definitions of these terms may be problematic, as discussed below.

- (i) *Residential areas*: The term 'residential area' is defined by the Bill as (s. 73, emphasis added):

"...means an area, zone or precinct, however described, in which the use of land for residential purposes is permitted by the applicable planning scheme without the need for development approval, as long as any development standards in the scheme that apply to the use are complied with;"

As the *City of South Perth Town Planning Scheme No. 6* (the **Scheme**) does not allow residential development without planning approval under cl. 7.1(1) (Requirements for Planning Approval), it is considered that there may not be 'residential areas' in the City as defined by the Bill, and that this provision may not have effect in the City.

- (ii) *Special use areas*: The term 'special use area' is defined by the Bill as (s. 73, emphasis added):

"...means an area, zone or precinct, however described, in which land may be used only for purposes specified in the applicable planning scheme as 'special use';"

The City does not currently have any areas that can be described as a 'special use area'. The City is currently considering a Scheme amendment to introduce a 'special control area' for the South Perth Train Station Precinct, however it is considered that this does not fit within the definition of a 'special use area'. The reasoning behind this relates is that a special use is considered akin to an additional use (e.g. Schedule 2 - Additional Uses); whereas the proposed precinct provisions will control land uses with its own zoning table (e.g. Table 1 Zoning - Land Use).

As the Scheme does not and will not have any special use areas as defined by the Bill, it is considered that this provision will not have any effect in the City.

(iii) *Protected places*: ‘Protected places’ are other sensitive areas in addition to the above that licences are not issued for, and are defined as (s. 76, emphasis added).

“...means a *hospital* or other prescribed place or a place used for *education, worship, the care or recreation of children, or for a prescribed purpose.*”

(iv) *Potential effect upon the City*: It is considered that the potential effect of these terms upon the City, is that there may be no areas that prostitution businesses are prohibited from, which would not be a desirable outcome. The definitions listed above are required to be amended so that it is clear which areas are protected from prostitution business, which should include most of the City of South Perth as the City is mainly residential in nature.

(v) *The relationship between the Scheme and the Bill*: It should be noted that the Bill makes special reference in ss. 75(1) - 75(3) that overrides any provision in the Scheme (existing or proposed) relating to areas permitted for land uses of prostitution.

(f) Enforcement Powers

These are discussed in Division 4 of Part 7 of the Bill.

(i) *Powers of entry*: The Police will have the powers to enter, search, stop, detain and seize in non-residential premises without a warrant to investigate places of prostitution, whether licensed or otherwise (s. 92).

(ii) *Closure orders*: A police officer may issue a closure notice or closure order if [s. 121(2)]:

- A written complaint is received (e.g. from the City);
- There are reasonable grounds to believe that a prostitution business is operating; and
- A licence has not been issued.

(iii) *Prohibition orders*: The Department may issue a prohibition order to prohibit persons working for and entering businesses of prostitution (Div. 5).

(iv) *Move on notices*: The Police may issue a move-on notice to expel persons from a place, valid for 24 hours (s. 96).

(v) *Barring notice*: The Police may issue a barring notice to expel persons from a place, valid for 12 months (Div. 6).

(vi) *Restraining order*: The courts may issue a restraining order to expel persons from a place or engaging in a specified behaviour, valid as order so (Div. 8).

(vi) *Potential effect upon the City*: Accordingly, these provisions may aid in the prevention and timely resolution of compliance matters, which is a welcomed outcome.

Consultation

(a) Community Consultation

It should be noted that community consultation was not sought in the preparation of this report, because the Bill is a State initiative, with submissions being sought the general public as well as Local Government.

(b) Internal Administration

The Environmental Health section provided comments with respect to potential health and noise issues, and has provided the following comments:

“The Bill appears to have no impact upon Environmental Health, based on all licensing and enforcement responsibility at a State Government level. In reference to the Health comments provided in attachment 10.3.2(a) (the Minister’s letter), these matters are all of a medical health concern and not Environmental Health. In summary, there will be little to no implications for Environmental Health, should the Bill be passed.”

Council Policy and Legislative Implications

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

Financial Implications

The financial implications of the draft Prostitution Bill 2011 are likely to be positive for the City, in as much as officer time currently spent on compliance and investigating possible prostitution businesses will be saved when compliance work is undertaken by the Department or the police.

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

One of the aims of the Bill is to protect the residential amenity from the encroachment of inappropriate uses, hence promote sustainability of a social nature.

Conclusion

It is generally considered that the introduction of this Bill may aid in the prevention and timely resolution of compliance matters, which is a welcomed outcome. Points that need to be clarified are itemised in the City’s submission, and may lead to suitable amendments to the Bill and proceeding Act of Parliament.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2

That the Council endorses the City’s submission on the draft *Prostitution Bill 2011* which will be forwarded to the Western Australian Attorney General for consideration prior to producing the final version of the Bill.

CARRIED EN BLOC RESOLUTION

10.3.3 Proposed Seven × Single Bedroom Dwellings (2-Storeys) - Lot 9 (No. 353) Canning Highway, Como

Location: Lot 9 (No. 353) Canning Highway Como
 Applicant: S A Gorjy and B Gorjy, Yaran Property Group
 Lodgement Date: 16 February 2011
 File Ref: 11.2011.79.1 CA6/353
 Date: 1 July 2011
 Author: Cameron Howell, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for seven × Single Bedroom Dwellings (2-storeys) on Lot 9 (No. 353) Canning Highway Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Plot ratio	R-Codes Performance Criteria 6.11.3 P3
Land use	TPS6 Clause 3.3
Setbacks from specified streets	TPS6 Clause 7.8
Outdoor living areas	R-Codes Performance Criteria 6.4.2 P2

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

Background

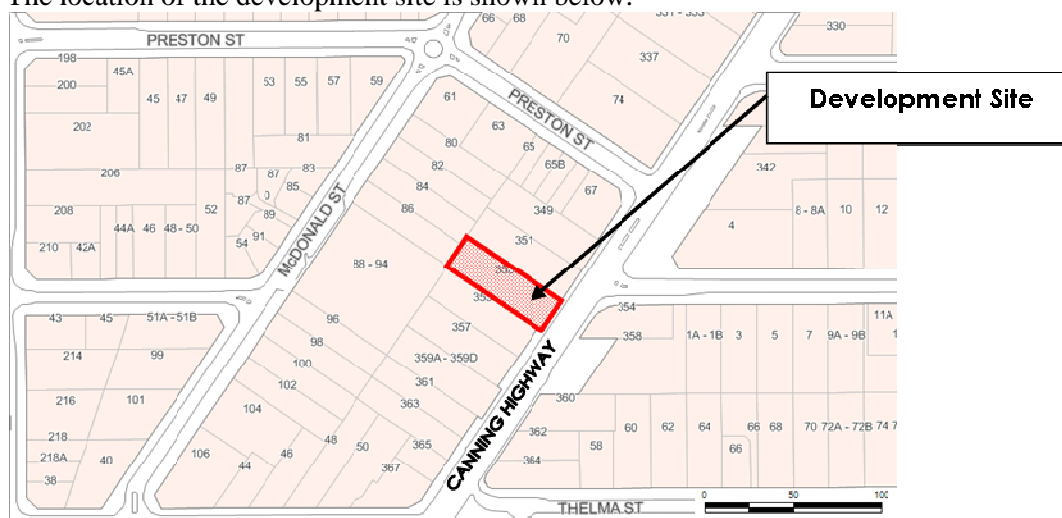
The development site details are as follows:

Zoning	Primary Regional Road (MRS) and Residential
Density coding	R40
Lot area	1,298 sq. metres (1,248 sq. metres zoned Residential)
Building height limit	7.0 metres
Development potential	5 × Single Houses / Grouped Dwellings or 8 × Single Bedroom Dwellings
Plot ratio limit	Nil (Single House / Grouped Dwelling); 60.0 sq. metres per Single Bedroom Dwelling

This report includes the following attachments:

- **Confidential Attachment 10.3.3(a)** Plan, elevation and perspective drawings of the proposal.
- **Attachment 10.3.3(b)** Site photographs.
- **Attachment 10.3.3(c)** Applicant's supporting report.

The location of the development site is shown below:



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

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

Comment

- (a) **Background**

In February 2011, the City received an application for seven × Single Bedroom Dwellings in 2-storey buildings on Lot 9 (No. 353) Canning Highway, Como (the site). The City received amended plans in May 2011 and June 2011.
- (b) **Existing development on the subject site**

The existing development on the site currently features the land use of “Single House”, incorporating a single-storey residence and associated outbuildings, as depicted in the site photographs at **Attachment 10.3.3(b)**.
- (c) **Description of the surrounding locality**

The site has a frontage to Canning Highway to the south-east, located adjacent to a single-storey Single House to the north-east, single-storey Grouped Dwellings to the north-west and south-west and the tennis courts of a Religious Activities building (Uniting Church) to the west, as seen in **Figure 1** below:



- (d) **Description of the proposal**

The proposal involves the demolition of the existing development and the construction of seven × 2-storey Single Bedroom Dwellings on the site, as depicted in the submitted plans at **Confidential Attachment 10.3.3(a)**. Furthermore, the site photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.3(b)**.

The applicant’s letter, **Attachment 10.3.3(c)**, describes the proposal in more detail.

The proposal complies with the Scheme, the R-Codes and relevant Council policies in relation to open space; minimum ground and floor levels; building height limits; solar access for adjoining sites; vehicular movement and access; driveway gradient; protection of significant views; fencing; and sustainable design. The remaining non-complying aspects along with other significant matters have been discussed below.

(e) Land use

The proposed land use of Single Bedroom Dwelling is classified as a “D” (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6. The definition of Single Bedroom Dwelling is “*a dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom*”. Each proposed dwelling is considered by City officers to meet this definition as each dwelling consists of a bedroom on the upper floor and two habitable rooms on the ground floor. The opening between the living / kitchen room and multi-purpose room is considered by City officers to be a sufficient size, such that the multi-purpose room forms a part of the living areas, and unlikely to be used as a second bedroom.

In considering this discretionary use, it is observed that the site adjoins residential land uses in a location with a predominately residential streetscape. Accordingly, the use is regarded as complying with Table 1 of the Scheme.

(f) Residential density

The permissible number of dwellings is eight × Single Bedroom Dwellings (R40), and the proposed development comprised of seven × Single Bedroom Dwellings. Each proposed strata lot meets the minimum site area requirements listed in Table 1 of the R-Codes. Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes.

The applicant has submitted a subdivision application to the Western Australian Planning Commission. The City is not able to provide a response to WAPC until the planning application is determined. If the planning application is approved, City officers will recommend approval subject to conditions for the subdivision plan in accordance with the development approval by Council, subject to the required amendments. City officers are recommending changes to the strata boundary between the common property and Strata Lot 7, to cater for re-location of the visitor bay and for the provision of pedestrian access to the letterbox / meter box structure, as discussed in Sections (o) and (r) below.

(g) Plot ratio

The maximum permissible plot ratio for each Single Bedroom Dwelling is 60.0 sq. metres, and the proposed plot ratio varies between 66.5 sq. metres and 68.6 sq. metres for each dwelling. Therefore, the proposed development does not comply with the Acceptable Development plot ratio element of the R-Codes.

The plot ratio area for each dwelling has been calculated as listed in the table below:

Strata Lot / Dwelling	Ground Floor (sq. metres)	Upper Floor (sq. metres)	Store (sq. metres)	Total (sq. metres)
1	40.1	23.2	4.6	67.9
2	39.3	23.2	5.5	68.0
3	39.3	23.2	5.5	68.0
4	39.3	23.2	4.0	66.5
5	39.3	23.2	4.0	66.5
6	39.3	23.2	4.0	66.5
7	40.4	23.2	4.1	66.5

The performance criteria for Single Bedroom Dwellings requires “*dwellings that provide limited accommodation for one or two persons*”. City officers support the variation to plot ratio for the following reasons:

- The design of the dwellings will facilitate occupation by one or two people only;
- Even though storage areas are not required for Single Bedroom Dwellings, their provision would provide additional storage space and not living space for the occupiers of the Single Bedroom Dwellings; and
- If the storage areas were removed from the total plot ratio area, the effective plot ratio area of the ground and upper floor components of the dwellings will exceed the 60.0 sq. metre requirements by only 2.5 sq. metres to 3.6 sq. metres for each dwelling.

The applicant is also seeking discretion to be exercised by Council for the plot ratio area as the proposed development conflicts with Council Policy P350.12 “Single Bedroom Dwellings”. In particular, Clause 4(a) states:

The City would generally not approve Single Bedroom Dwellings where:

- (i) *a density bonus [a reduction in site area per dwelling] is sought; and*
- (ii) *the plot ratio area of any dwelling exceeds the 60.0 sq. metre maximum prescribed by Clause 7.1.3A3 of the R-Codes.*

City officers support the variation being granted, as the development is considered to comply with the performance criteria of the R-Codes.

(h) Specific street setback - Ground floor (South-east)

The permissible minimum setback from Canning Highway, as prescribed by Table 2 of the Scheme, is 10.0 metres. The ground and upper floors of Dwelling 7, which comprise the living areas (excluding the garage and store) are set back 10.0 metres, hence comply with the requirement. Only the proposed garage and store of Dwelling 7 are set back 6.98 metres, which results in non-compliance with setbacks prescribed by Table 2 of the Scheme.

The proposed setback of the balcony at the upper level of Dwelling 7 also complies with Clause 4.3 “Special Application of Residential Design Codes - Variations” of TPS6.

Council discretion - cl. 7.8.1

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

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

As a response to the above sub-clause, the applicant submits the opinion that there are examples within the focus area and elsewhere on Canning Highway where development is set back less than 10.0 metres from the street. Compliance with the setback restricts the provision of medium density development and the number of

dwellings at a R40 density. The lesser setback from the street would have no adverse effect on the occupiers of the site or inhabitants of the precinct.

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

The City suggests that there are numerous examples along the western side of Canning Highway within the City, as identified by the applicant, where buildings are set back less than 10.0 metres from the original street boundary, though these structures are either garages, carports, patios, pergolas or porches. There are four examples within the focus area on the same side of the street where either a porch, patio or garage is set back less than 10.0 metres from the original street boundary.

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

The City suggests that the reduced setback will have no significant detrimental impact on the occupiers of the development or to neighbouring residents. The garage will provide some noise screening for the occupant of Dwelling 7 to their ground floor living area and the outdoor living area.

The objectives of the Scheme and for the precinct

The City suggests that the proposed setback does not interfere with the 2.5 metre future road widening reservation.

For the objectives of the Scheme, please refer to the section “Scheme Objectives” which are considered to have been satisfied. Therefore, it is considered that the proposal complies with the discretionary clause and is supported by the City.

(i) Outdoor living area

The minimum outdoor living area requirement is 20.0 sq. metres, with a minimum dimension of 4.0 metres. All dwellings meet the 20.0 sq. metre requirement, though for Dwellings 2 to 7 inclusive, the 4.0 metre minimum dimension is not met for part of the provided outdoor living area. Therefore Dwellings 2 to 7, inclusive of the proposed development, do not comply with the associated Clause 6.4.2.A2 “Outdoor Living Area” of the R-Codes.

The development is considered to comply with the corresponding performance criteria as the outdoor living areas are directly accessible from a habitable room, have access to winter sunlight being located on the northern side of the site, and have a space of a sufficient size and width to be useable. Therefore, the proposed development complies with the R-Codes.

(j) Wall setback - Ground and upper floor (North-east, north-west and south-west)

The proposed wall setbacks are compliant with Clause 6.3.1, and Tables 2a and 2b of the R-Codes. Setbacks of the store (north-east wall) and carport (south-west wall) for Dwelling 1, are compliant with Clause 6.3.2.A2 “Buildings on Boundary”. Therefore, the proposed development complies in this respect.

(k) Finished ground and floor levels - Maximum

The *maximum* finished *ground* level permitted is RL 21.35 metres above AHD for dwellings 1 and 2, and the proposed finished ground level is 21.41 metres. The *maximum* finished *ground* level permitted is RL 20.90 metres above AHD for Dwellings 3 and 4, and the proposed finished ground level is 20.90 metres. The *maximum* finished *ground* level permitted is RL 20.44 metres above AHD for Dwellings 5 and 6, and the proposed finished ground level is 10.56 metres. The *maximum* finished *ground* level permitted is RL 20.13 metres above AHD for Dwelling 7, and the proposed finished ground level is 20.21 metres. Therefore, the proposed development does not comply with Clause 6.10.3 “Maximum Ground and Floor Levels” of TPS6.

The *maximum* finished *floor* level permitted is RL 21.59 metres above AHD for Dwellings 1 and 2, and the proposed finished floor level is 21.50 metres. The *maximum* finished *floor* level permitted is RL 21.07 metres above AHD for Dwellings 3 and 4, and the proposed finished floor level is 20.99 metres. The *maximum* finished *floor* level permitted is RL 20.53 metres above AHD for Dwellings 5 and 6, and the proposed finished floor level is 20.64 metres. The *maximum* finished *floor* level permitted is RL 20.35 metres above AHD for Dwelling 7, and the proposed finished floor level is 20.30 metres. Therefore, the proposed development does not comply with Clause 6.10.1 “Maximum Ground and Floor Levels” of TPS6.

Council discretion - cl. 6.10

Council has discretionary power under Clause 6.10 of TPS6 to approve the proposed ground / floor levels, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed ground / floor levels be approved, as the applicant has satisfied the City in relation to the following requirements of that clause:

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

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

The City suggests that the proposed variations will have minimal visual impact to the amenity of neighbouring properties, or to the streetscape. The applicant has retaining walls proposed adjacent to the boundary of the site to retain the higher ground levels.

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

The City suggests that the proposed levels will have a minimal impact to occupiers of the development, or for users and inhabitants of the precinct.

The objectives of the Scheme and for the precinct

The City suggests that the development is compliant.

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

(I) Car parking

The required number of car bays is eight, consisting of one bay per dwelling and one visitor bay. The proposed number of car bays is 14, consisting of one bay for Dwelling 1, two bays each for Dwellings 2 to 7 inclusive and one visitor bay, being a surplus of six bays (75 percent). Therefore, the proposed development complies with the car parking requirement of the R-Codes. All parking bays comply with the minimum dimensions required by Clause 6.3(8) and Schedule 5 of TPS6.

City officers are recommending that the location of the visitor bay be shifted a further 1.0 metre from the boundary of the road widening and development site to provide a 1.5 metre landscaping strip to screen the vehicle from the street, as required by Clause 6.3(6)(c) of TPS6. This amendment to the subdivision plan does not affect compliance with the density or minimum lot area requirements for Strata Lot 7. A revised drawing condition is recommended.

(m) Pedestrian access

The common driveway is seen by City officers to be aligned to provide clear sight lines to pedestrians using the driveway, as required by Clause 6.5.5.A5.2 of the R-Codes. However, the driveway will require adequate lighting to be provided to ensure pedestrian safety, as required by Clause 6.5.5.A5.2 of the R-Codes. A condition is recommended for the provision of lighting.

It is also recommended that the common property boundary be altered between Strata Lot 7 and the common property to provide a common property pedestrian footpath to the rear of the letterbox / meter box structure. This amendment to the subdivision plan does not affect compliance with the density or minimum lot area requirements for Strata Lot 7. A revised drawing condition is recommended.

(n) Visual privacy setback - Upper floor

The required minimum visual privacy setbacks for the balconies to the south-west are 7.5 metres, and the proposed visual setback is 7.5 metres. The required minimum visual privacy setbacks for each bedroom to the north-east are 4.5 metres, and the proposed visual setback measured from the balustrade is 7.7 metres. Screening is provided on the balcony and highlight bedroom window of Dwelling 1 facing to the north-west to prevent overlooking of the rear residential properties. Therefore, the proposed development complies with the visual privacy element of the R-Codes.

In addition, further details are required to ensure that the visual privacy screens comply with Clause 6.8.1 of the R-Codes and protect the neighbour's visual privacy. A standard condition is recommended.

(o) Noise - Canning Highway

The development is required to be designed to incorporate noise attenuation measures, to the satisfaction of Council, to minimise the impact of vehicle noise from Canning Highway. The City has not been provided with sufficient information to assess whether the development is required. Accordingly, a condition is recommended requiring details be provided with the working drawings submitted with a building licence application.

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6, which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development; and*
- (g) *Protect residential areas from the encroachment of inappropriate uses.*

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

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

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

- (a) The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme;*
- (b) The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) The provisions of the Residential Design Codes and any other approved Statement of Planning Council policy of the Commission prepared under Section 5AA of the Act;*
- (d) Any other Council policy of the Commission or any Planning Council policy adopted by the Government of the State of Western Australia;*
- (f) Any Planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) The preservation of the amenity of the locality;*
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) Whether adequate provision has been made for access by disabled persons;*
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved; and*
- (w) Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in April 2011. The proposal was favourably received by the consultants. Their comments and response from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
<p>The Architects observed that the proposed Single Bedroom Dwellings were significantly large and one of the rooms on the ground floor could potentially be used as a second bedroom. The proposal conflicts with the definition of "Single Bedroom Dwelling" contained within the Residential Design Codes 2010, which states as follows: "A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom."</p>	<p>The floor plan does not exceed a plot ratio area of 60.0 sq. metres. The multi-purpose room provides a space where tenants can store miscellaneous items or be setbacks as a study, sewing room, gymnasium etc. The multi-purpose room is not capable of use of a second bedroom. The dividing wall with the kitchen serves an important function as there is limited wall space to accommodate a fridge recess, pantry etc. The same floor plan has been approved by other local authorities including Albany, Cockburn, Kwinana, Mandurah and Wanneroo. If another occupant used the multi-purpose room as a bedroom, there would be no privacy for the occupants of the upper floor bedroom, given the open balustrade to one side.</p>	<p>The plot ratio area calculated by the City is greater than 60.0 sq. metres as it includes the storerooms, the laundry under the stairs and staircase above, and the external walls of the residence, in accordance with the R-Codes definition. However, it is recommended that discretion be granted for the plot ratio area. The multi-purpose room in the original design could have been converted into a separate room with the addition of an internal door. The applicant has since amended the plans to make the opening between the kitchen and multi-purpose room larger. City officers are satisfied that the amended multi-purpose room is unlikely to be used as a second bedroom. The comment is NOTED.</p>
<p>Large bold "text" has been laid over the plan drawings which hide the internal layout of dwellings underneath. This issue needs to be addressed in order to facilitate a complete assessment of the proposed development.</p>	<p>The bold text has been removed.</p>	<p>The applicant submitted amended plans and met this requirement. The comment is UPHELD.</p>
<p>The functions of the proposed spaces / areas within each dwelling have not been labelled e.g. living, dining, kitchen, bedroom, storage, garage etc. To facilitate a clear understanding of the functional linkages within each dwelling, use of these areas need to be clearly identified.</p>	<p>The functions of each room have now been labelled.</p>	<p>The applicant submitted amended plans and met this requirement. The comment is UPHELD.</p>
<p>The Architects observed that the proposed built form was fairly ordinary.</p>	<p>No amendments to the plans have been made.</p>	<p>The design, materials and colours of the proposed dwellings are considered to be sufficiently compatible with the neighbouring buildings and meet the requirements of Policy P302 "General Design Guidelines for Residential Development". The comment is NOTED.</p>

DAC Comments	Applicant's Response	Officer Comment
Even though Table 2 of Town Planning Scheme No. 6 (TPS6) prescribes a 10.0 metre setback from Canning Highway to provide for future road widening while retaining a 7.5 metre setback to the development, the proposed lesser setback for the development should also be assessed against the setbacks of existing developments, and keeping in view the provisions of Clause 7.8 of TPS6.	The 10.0 metre reduces the number of dwellings that can be built onsite. There are numerous examples on Canning Highway where lesser setbacks have been approved and the Scheme does not distinguish between residences and other structures. The applicant has since amended the plans, to set back the buildings further from the street.	City officer comments have been provided in Section (h) above. It is recommended that discretion be exercised for the setback of the Dwelling 7 garage / store. The comment is NOTED .

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and / or strata bodies at Nos. 349, 351, 355, 357, 358, 360 and 362 Canning Highway, Nos. 82, 84, 86 and 88-94 McDonald Street, and Nos. 1A and 1B Ryrie Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however, the consultation continued until this report was finalised).

During the advertising period, a total of 31 consultation notices were sent to owners and 17 consultation notices were sent to occupiers. Three neighbour submissions were received, with none in favour and three against the proposal, plus a response from Main Roads WA. The comments of the submitters, together with the officer response are summarised below.

Submitters' Comments	Officer Response
Additional noise created by people and vehicles due to: <ul style="list-style-type: none"> the setback of buildings from the boundary; and having a higher density of development. 	The building's setback from the boundary is compliant with the acceptable development requirements of the R-Codes. The Single Bedroom Dwellings are not expected to create more noise than a Grouped Dwelling development. The site and neighbouring properties are already subject to noise from vehicular traffic using Canning Highway. The comment is NOT UPHELD .
Loss of privacy: <ul style="list-style-type: none"> in general; from overlooking into bedroom windows and courtyards from the upper storey and balconies; and the loss of screening from the removal of the existing trees onsite. 	The development is compliant with the visual privacy requirements of the R-Codes. The comment is NOT UPHELD .
Concern regarding the number of dwellings onsite and the building's design and layout.	The development is compliant with the density requirements for R40 density coding. The building's design and location is not considered to have a significant detrimental impact to the occupiers of the site or neighbouring properties. The comment is NOT UPHELD .

Submitters' Comments	Officer Response
Overshadowing of habitable room windows.	As the common driveway is located on the southern side of the site, the buildings are set back a sufficient distance to prevent overshadowing of the southern adjoining property. The comment is NOT UPHELD .
Replacement of the existing boundary fencing will result in an inconsistent fencing material, which will detract from their property (requesting new fencing for the full length of their rear boundary).	The selected material of any boundary fencing is to be resolved between the owners of both properties. The proposed fence height and materials are compliant with P350.07. The comment is NOT UPHELD .

(c) Internal administration

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

The City Landscapes Officer, City Environment section provided comments with respect to the proposed landscaping plan. This section raises no objections and has provided the following comments:

- (i) *The selection of the Corymbia ficifolia as the verge tree is an acceptable tree species;*
- (ii) *As this narrow strip of land along the footpath may become a part of the City's streetscapes, it will be necessary to alter the selection of plant species to a dwarf variety, or a different species completely, to comply with the City's verge policy of not having plants grow more than 45.0 centimetres in height on the verge, so it will not restrict pedestrian and vehicular line of sight; and*
- (iii) *The revised plant species list, submitted by the applicant in response to Item (ii) above, is OK. The selected species are listed in the City's new verge brochure.*

Accordingly, planning conditions and important notes are recommended to respond to the comments from the above officer. In particular, the landscaping plan will need to be revised to be consistent with the approved site / subdivision plan.

(d) External agencies

Comments were also invited from the Department of Transport and Main Roads WA.

The Department of Transport provided comments with respect to the site being on or abutting a regional road reservation. This agency raises no objections, subject to the all car bays being able to enter and exit the street in forward gear. The applicant has demonstrated to the City that the vehicle manoeuvring areas are compliant with the Australian Standard.

Main Roads provided comments with respect to the potential effect of the proposed development upon the Canning Highway reserve. This agency raises no objections and recommends standard conditions and notes be placed on the approval.

Accordingly, planning conditions and important notes are recommended to respond to the comments from Main Roads WA.

Council Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications,

Strategic Implications

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

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

Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Additionally, the driveway located towards the southern boundary assists in minimising overshadowing and maximising solar access for the adjoining southern property. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for seven × Single Bedroom Dwellings (2-storeys) on Lot 9 (No. 353) Canning Highway Como **be approved** subject to:

(a) Standard Conditions

210 Screening - Permanent	471 Retaining walls - Timing
205 Screening - Demonstrate compliance	455 Dividing fences - Standards
352 Car bays - Marked and visible	456 Dividing fences - Timing
355 Car bays - Screened from street	458 Dividing fences - Internal
353 Visitor bays - Marked and visible	509 Landscaping approved and completed
354 Car bays - Maintained	510 Landscaping plan - Private tree
390 Crossover - Standards	377 Screening - Clothes drying
393 Verge and kerbing works	550 Plumbing hidden
427 External colours and materials	445 Stormwater infrastructure
470 Retaining walls (if required)	625 Sightlines for drivers
525 Noise attenuation	660 Expiry of approval

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

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The setback of the visitor bay is to be increased from 0.5 metre to 1.5 metre from the effective street boundary (excluding the portion of land to be set aside for future road widening), as required by Condition (a) (355);
 - (B) A pedestrian path is to be provided on the subject site for accessing the letterbox and meter box structure;

- (C) The proposed landscaping plan is to be amended to comply with the City Environment Department's advice and to include the following:
 - (1) *Corymbia ficifolia*, as a verge tree, will be an acceptable tree species; and
 - (2) The selected species of verge plants, submitted to the City in May 2011, not to exceed a height of 45.0 centimetres, within the land required for road widening purposes, in order not to obstruct pedestrian and vehicular line of sight.
- (D) Lighting is provided to the common property to comply with the requirements of Clause 6.5.5 "Pedestrian Access" Sub-clause A5.2 of the R-Codes.
- (ii) The proposed development is required to comply with the conditions of approval imposed by Main Roads as per their letter dated 9 March 2011, which is enclosed with the approval determination. The applicant / owner are required to submit written confirmation from Main Roads that the submitted drawings and documentation satisfactorily address those requirements. Refer also to Important Note (d)(i).

(c) **Standard Advice Notes**

700A	Building licence required	762	Landscaping- Plan required
705	Revised drawings required	766	Landscaping- General standards
706	Applicant to resolve issues	707	Masonry fences require BA
720	Strata note - Comply with that Act	790	Minor variations - Seek approval
716	Fences note - Comply with that Act	795B	Appeal rights - Council decision

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

- (i) It is the applicant's responsibility to liaise with Main Roads WA in order to satisfactorily address all requirements stated in their letter dated 9 March 2011, prior to the issuing of the building licence.
- (ii) The applicant / owner are advised of the requirement to amend the subdivision plan lodged with Department of Planning, to align with the conditions of planning approval, including modifications within the common property.

CARRIED EN BLOC RESOLUTION

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

10.5.1 Area 8 Local Area Traffic Management Study

Location: City of South Perth
File Ref: TT/602/8
Date: 05 July 2011
Author: Catherine Deady, Traffic Technical Officer
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

A Local Area Traffic Management Study has recently been completed for the precinct bounded by Canning Highway, Douglas Avenue, Hayman Road and Thelma Street at Como. The City’s Infrastructure Services division refer to this precinct as “Area 8”.

This report summaries the key findings and recommendations of the Area 8 Local Area Traffic Management Study for consideration by Council.

Background

In September 2010, the City appointed Donald Veal Consultants (DVC) to undertake a Local Area Traffic Management Study for Area 8 which part covers the suburbs of Como and Kensington respectively. The study area is bounded by Canning Highway, Douglas Avenue, Hayman Road and Thelma Street and is shown at Figure 1 below.

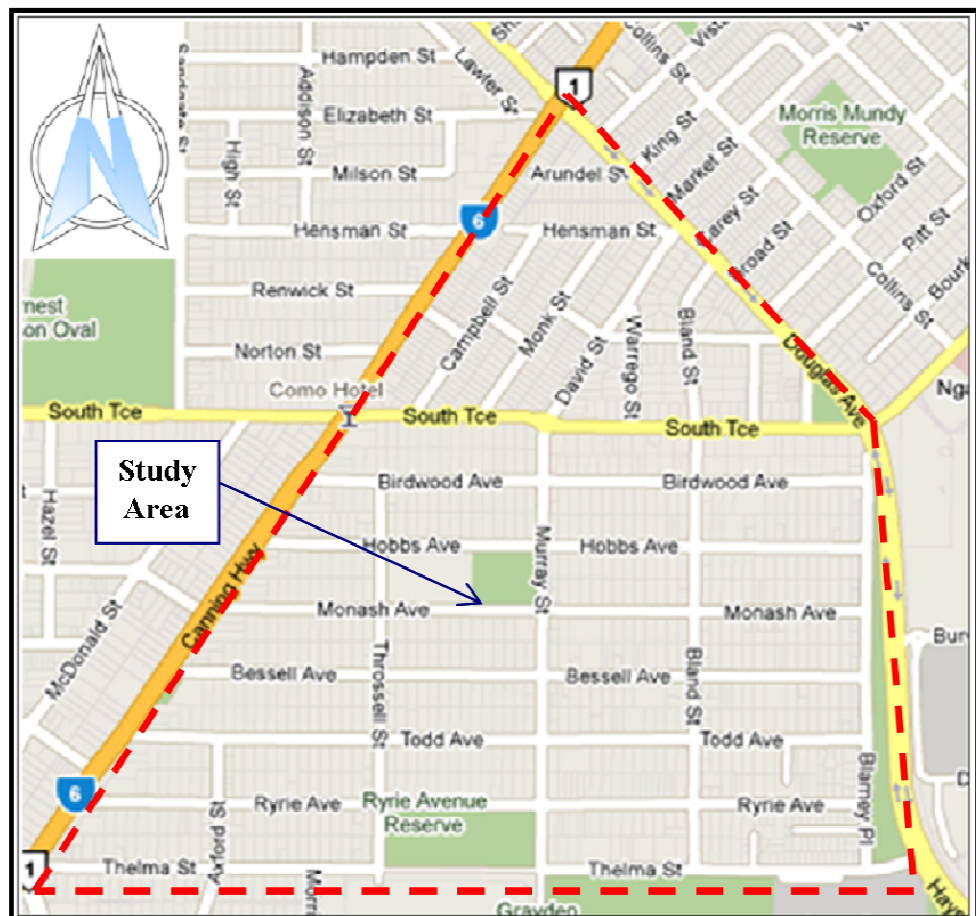


Figure 1 - Study Area

The land uses in the study area consist of residential uses with Penrhos College abutting the southern boundary at Thelma Street. In addition, a few small pocket parks are located within the study area, with a linear park flanking the western side of Hayman Road. The topography varies throughout the study area and generally is on a down gradient from Canning Highway to Thelma Street.

The road network in the study area generally has a traditional grid pattern which is typical for the planning of the time when the area was mainly developed during the first half of the 1900's. There are a total of 26 roads in the study area, including Douglas Avenue, Thelma Street and Hayman Road which are three of the major boundary roads servicing the study area and which provide connections to the major Primary Distributor roads including Canning Highway (the south-eastern boundary road), the Kwinana Freeway to the west and Causeway (Albany Highway) to the east.

In December 2009 the City sought community comment and input via a questionnaire, which was distributed to all residents within the study area. In total, 593 responses were received providing valuable anecdotal information which identified a reasonable cross-section of community concerns relating to the movement network and safety issues within the area. Following receipt of the questionnaire responses, the City developed a recommended traffic management plan through a direct consultative process involving members of the community.

The study objectives for the project, included but were not limited to the following:

- To manage traffic movements within Local Traffic Area 8 in order to enhance safety and amenity for all road users.
- To ensure infrastructure management strategies minimise potential conflicts between road users and provide equity for all road users.
- To ensure that management strategies are appropriately applied to the functional classification of the roads, are consistent with the road environment and minimise impacts on mobility throughout the area.
- To ensure that management strategies are consistent with the existing road hierarchy.
- To encourage the appropriate usage of distributor class roads.

A copy of the Area 8 Local Area Traffic Management Study is at **Attachment 10.5.1(a)**.

Comment

Traffic Volumes

A review of the traffic volumes generally indicates that the traffic using the roads within the study area are generally within the acceptable range associated with the road hierarchy and consistent with the relevant functional classifications of the roads (as established by Main Roads WA). The traffic volumes do not indicate any uncharacteristic trends which would be typically associated with excess 'through' or 'rat running' traffic. As a result, the study report indicates that specifically targeted strategies aimed at reducing traffic volumes on these roads are not warranted.

A review of the existing traffic volumes in the context of the potential for future growth indicates that due to the existing nature of built-form in the area and the fact that the area is generally 'built out' close to its maximum footprint, future traffic increases are likely to be minimised to less than 1 percent per annum resulting in limited growth in volumes over the next 20 years. This growth is considered to be reasonable in the context of the available practical capacity of the local roads in the area and can be managed through the implementation of relevant and appropriate traffic management measures.

The built-up area speed limit in Western Australia was reduced from 60 km/h to 50 km/h on 1 December 2001. Consequently, the 85th percentile (or operating) speeds on some roads may have reduced as a result. The 85th percentile (or operational) speed is defined as that speed at which 85 percent of surveyed vehicles are travelling at or below, and is the commonly used measure of speed in traffic studies.

Vehicle speed surveys were conducted within the study area and indicated that at several locations the 85th percentile speeds exceed the nominated speed limit of 50 km/hr and can be considered to be excessive and undesirable. As a result, several strategies outlined in the implementation plan have been developed to specifically target this adverse driver behaviour.

Public Transport

The bus routes servicing the study area have been sourced from Transperth and include:

- Routes 106 and 709 running a line haul service along Canning Highway along the north-eastern boundary of the study area;
- Route 34 which provides a local service through the study area to Curtin University to the south; and
- Routes 33, 35 and 342 providing line haul service along Hayman Road along the south-eastern boundary of the study area.

The study area is well serviced by convenient and regular bus services, with the majority of residents being within a 400 metre walk to a road along which one of the above bus services operates. This achieves the Western Australian Planning Commission's Liveable Neighbourhoods policy requirement for walkable catchments and this short distance and the frequency of the buses should both be factors that encourage local residents to utilise these bus services when needed.

Route 34, which is the only bus service internal to the study area, provides a local service connecting from Douglas Avenue via David Street and Murray Street to Curtin University. Existing service frequency consists of 15 to 20 minute service during the weekday a.m. peak period, 30-minute service during the p.m. peak period and generally hourly service during the midday peak and off-peak evening and Saturday periods.

Crash History - Roads and Intersections

The City obtained historical crash data from Main Roads WA to inform the traffic modelling and study report. Crash statistics are for the 5-year period from 1/1/2004 to 31/12/2008 inclusive.

The intersection crash sites are typically along the higher order roads within the study area which carry a higher volume of traffic at higher speeds than compared to the local access roads. As a result, crashes in the study area are more prevalent at intersections along Canning Highway, South Terrace, Douglas Avenue and Hayman Road.

However, a review of the existing crash data on the lower order (or local roads) within the study area do not indicate that any particular location is an issue with regard to satisfying Black Spot criteria. It is therefore recommended that these intersections be considered for further detailed review in the context of undertaking Road Safety Audits in the future.

Area 8 Local Area Traffic Management Study - Recommendations

As a result of the review of the existing traffic data and relevant crash data on each of the roads contained within the study area and following consultation with the community, a series of Local Area Traffic Management (LATM) measures were developed. These LATM measures incorporate best practice traffic engineering principles which represent a balanced approach between community expectations and concerns and maintaining a balanced and efficient movement network.

The recommended LATM measures include, but are not limited to the following:

- Implementation of additional 'slow points' at key locations within the study area, including Blamey Place, Bessell Avenue and Todd Avenue;
- Closure of Blamey Place at the intersection with Thelma Street;
- A proposed roundabout incorporating the access road from Penrhos College at the intersection of Thelma Street and Murray Street;
- Improved line marking and signage on a number of roads within the study area to address way finding, conflict and car parking issues, particularly at key activity generators;
- Increased car parking enforcement at 'hot spots', including in the vicinity of local schools;
- Road safety audits at key locations internal to the study area including Douglas Avenue / David Street, Canning Highway / South Terrace, Canning Highway / Douglas Avenue and Hayman Road/Thelma Street;
- Review of existing priority traffic control at Douglas Avenue / South Terrace / Hayman Road / George Street and potential to replace existing traffic signals with dual circulating roundabout;
- Review existing unsignalised traffic control at Hayman Road / Thelma Street and investigate the potential to implement a priority traffic control measure such as traffic signals or roundabout;
- Review the existing classification of roads such as Murray Street, Thelma Street and Rylie Avenue to be reclassified as Local Distributor roads; and
- Investigate the effectiveness of current local area traffic measures currently in place around schools in light of a possible future move towards permanent 40 km/h speed zones in these areas.

It will be a recommendation to Council that the Area 8 Local Area Traffic Management Study be endorsed, with the identified actions being progressively implemented through future annual budgets.

Consultation

In 2009, extensive community consultation was undertaken to ensure the residents of the study area had opportunity to provide input about the operation of their local road network. This input was achieved via a questionnaire distributed to all residents and businesses within the study area. A total of 593 responses were received providing valuable anecdotal information from the road users in the area, and identifying a broad spectrum of community concerns relating to traffic issues.

Further consultation (as required by Policy - P103 Communication and Consultation), will be undertaken for each individual project prior to commencement of any identified initiative.

Policy and Legislative Implications

Nil

Financial Implications

The annual budget for 2011/2012 has allocated funding towards a number of key projects identified in the Area 8 Local Area Traffic Management Study, with these projects being:

- Implementation of speed reducing devices (slow points) in Bessell Street and Todd Avenue - Project Cost \$50,000
- Restricting turning movements at Blamey Place to left in / left out only - Project Cost \$25,000
- Installation of a roundabout at the intersection of Murray Street and Thelma Street - Project Cost \$150,000.

All of the other identified key actions resulting from the Area 8 Local Area Traffic Management Study will be identified for funding in future annual budgets.

Strategic Implications

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

Direction 1.1 - Community

“Develop, prioritise and review services and delivery models to meet changing community needs and priorities”

Direction 1.2 - Community

“Ensure that land use planning and service delivery aligns and responds to community safety priorities”.

Direction 5.2 - Transport

“Ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network.

Sustainability Implications

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic and transport needs of the community, whilst ensuring that local resident concerns are taken into account.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
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Moved Cr Trent, Sec Cr Skinner

That Council adopt the Area 8 Local Area Traffic Management Study as presented at Attachment 10.5.1(a) for implementation.

DECLARATION OF INTEREST AFFECTING IMPARTIALITY

Mayor Best advised that a Declaration of Interest Affecting Impartiality had been received from Councillor Doherty, which read:

“In accordance with the Local Government (Rules of Conduct) Regulations 2007, I declare an interest affecting impartiality as I live in Birdwood Avenue, Como which is within the area where the study was undertaken and where changes are proposed to be made. This will not preclude me from participating in debate and voting on this matter as it is not a financial interest.”

Mayor Best also advised that a Declaration of Interest Affecting Impartiality had been received from Councillor Cridland, which read:

“In accordance with the Local Government (Rules of Conduct) Regulations 2007, I declare an interest affecting impartiality as I live in Arundel Street, Kensington which is within the area where the study was undertaken and where changes are proposed to be made. This will not preclude me from participating in debate and voting on this matter as it is not a financial interest.”

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Trent opening for the Motion

- This is a long time coming
- Our budget allows for this study
- Will stop unsafe driving behaviour
- Look forward to the changes

Councillor Skinner for the Motion

- Agree with Councillor Trent, nothing to add

CARRIED (13/0)

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts – June 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 July 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

Whilst acknowledging the very important need for Council and the community to be provided with a 'final' year-end accounting of the City's operating performance and financial position; the year end financial accounts for the City are yet to be completed - in either a statutory or management account format. This is because the City is still awaiting supplier's invoices and other year end accounting adjustments before finalising its annual accounts ready for statutory audit. It is considered imprudent to provide a set of 30 June Management Accounts at this time when it is known that the financial position disclosed therein would not be final - and would be subject to significant change before the accounts are closed off for the year.

It is proposed that a complete set of Statutory Accounts and a set of Management Accounts as at year end would be presented to Council at the first available meeting of Council after their completion - ideally the August 2011 meeting if possible. Such action is entirely consistent with Local Government Financial Management Regulation 34(2)(b), responsible financial management practice - and the practice of this City in previous years.

Consultation

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

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

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

Strategic Implications

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

Sustainability Implications

This report addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1

That the monthly Statement of Financial Position, Financial Summaries, Schedule of Budget Movements and Schedule of Significant Variances for the month of June 2011 be presented to the first meeting of Council after their completion in order to allow the final year end position to be accurately and completely disclosed.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at June 2011
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 July 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

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

Background

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

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

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

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

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

Comment

(a) Cash Holdings

Total funds at month end of \$34.52M (\$36.63M last month) compare favourably to \$33.73M at the equivalent stage of last year. Reserve funds are \$3.5M higher than the level they were at for the same time last year - reflecting \$3.0M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH whilst the Future Building Projects Reserve is \$1.2M more than at June 2010 as funds have been applied to the Library & Community facility project - but new funds are now being accumulated towards the Manning Hub project. The UGP Reserve is \$0.5M lower. The Sustainability and Information Technology Reserves are each \$0.3M higher whilst the River Wall Reserve is \$0.2M higher. Other Reserve balances are also modestly higher when compared to last year. The Future Municipal Works

Reserve is \$0.5M lower and Waste Management Reserve is \$0.8M lower. The CPGC Reserve is also \$0.4M lower as funds are applied to the Island Nine project.

Municipal funds are \$2.64M lower which reflects the cash outflows associated with a higher percentage completion of the capital works program this year. Anticipated carry forward works this year are only \$0.95M versus \$3.8M last year - so the lesser cash holdings is not unexpected. Collections from rates this year were strong and are actually exceeded 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 \$3.44M (compared to \$5.57M last month) It was \$6.08M at the equivalent time last year. **Attachment 10.6.2(1)**.

(b) Investments

Total investment in money market instruments at month end was \$31.60M compared to \$33.48M 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 98.4% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

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

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

Total interest revenues (received and accrued) for the year total \$2.31M - well up from \$1.81M at the same time last year. This result is attributable to the higher interest rates available during the year and higher levels of cash holdings - particularly Reserves.

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

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

The weighted average rate of return on financial instruments for the year is 5.63% with the anticipated weighted average yield on investments yet to mature now sitting at 5.84% (compared with 5.66% last month). This is as a result of some longer term maturities (with higher interest rates) being placed in June. At-call cash deposits used to balance daily operational cash needs still provide a modest return of only 4.50% - unchanged since the November 2010 Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of June 2011 represent 97.4% of rates levied compared to 97.0% at the equivalent stage of the previous year.

This provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2010/2011 Annual Budget and the range of appropriate, convenient and user friendly payment methods offered by the City. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses) these have provided strong encouragement for ratepayers - as evidenced by the strong collections during the year.

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

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.23M at month end (\$3.2M last year) although this balance may be subject to further adjustment as the year end accounts are finalised. This reduction is partly attributable to the one-off impact of around \$1.0M in insurance recoveries and grant funds receivable in the previous year - but notwithstanding this, 'regular' overall debtors have still been reduced significantly.

The major changes in the composition of the outstanding debtors' balances are the GST Receivable (\$0.10M lower), sundry debtors (\$1.0M lower as detailed above) and balance date debtors (\$0.90M lower) and outstanding parking infringements (\$0.10M lower).

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 \$6.81M billed for UGP plus interest of \$0.48M, some \$6.79M was collected by 30 June - leaving an outstanding balance of \$0.50M.

Approximately 81.9% of those in the affected area have elected to pay in full and a further 17.9% have opted to keep paying by instalments. The remaining 0.2% (5 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 were not being satisfactorily addressed in a timely manner.

Collections in full continue to be better than expected as UGP accounts are being settled in full ahead of changes of ownership or as an alternative to the instalment payment plan.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to 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 collectability of debts.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2
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That Council receives the 30 June 2011 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 July 2011
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 June 2011 and 30 June 2011 is presented to Council for information.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

The report format now reflects contemporary practice in that it now records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party. For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Payments made through the Accounts Payable function are no longer recorded as belonging to the Municipal Fund or Trust Fund as this practice related to the old fund accounting regime that was associated with Treasurers Advance Account - whereby each fund had to periodically 'reimburse' the Treasurers Advance Account.

For similar reasons, the report is also now being referred to using the contemporary terminology of a Listing of Payments rather than a Warrant of Payments - which was a terminology more correctly associated with the fund accounting regime referred to above.

Consultation

This financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3

That the Listing of Payments for the month of June 2011 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

10.6.4 Use of the Common Seal

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 11 July 2011
 Author: Ricky Woodman, Acting 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 Chief Executive Officer to record in a register:

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

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

Register

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

June 2011

NATURE OF DOCUMENT	PARTIES	DATE SEAL AFFIXED
Lease Agreement	City of South Perth and West Australian Football Commission	1 June 2011
Deed of Lease (Collier Park Village - Unit 32, 2 Bruce St, Como)	City of South Perth and Leslie Lionel Davidson and Jennifer Gai Davidson	13 June 2011
Deed of Agreement to Lease (Collier Park Village - Unit 32, 2 Bruce St, Como)	City of South Perth and Leslie Lionel Davidson and Jennifer Gai Davidson	13 June 2011
Deed of Lease (Collier Park Village - Unit 3, 57 Saunders St, Como)	City of South Perth and Vivien Findlay	13 June 2011
Deed of Agreement to Lease (Collier Park Village - Unit 3, 57 Saunders St, Como)	City of South Perth and Vivien Findlay	13 June 2011
Resident Agreement for Low Care (Hostel) Residents	City of South Perth and Mrs Betty Joyce Hillier	21 June 2011
Resident Agreement for Low Care (Hostel) Residents	City of South Perth and Mrs May Audrey Watson	21 June 2011
Resident Agreement for Low Care (Hostel) Residents	City of South Perth and Mrs Lila Florence Semple	21 June 2011

NATURE OF DOCUMENT	PARTIES	DATE SEAL AFFIXED
Loan Agreement for Loan 225A	City of South Perth and Western Australian Treasury Corporation	24 June 2011
Deed of Surrender of Easement	City of South Perth and the Trustees of the Christian Brothers in Western Australia	24 June 2011
Emergency Services Levy Administration - Section 36ZJ 'Option B' Agreement	City of South Perth and the Fire and Emergency Services Authority of WA	24 June 2011
Appointment of Settlement Agent for Seller (the City) - Lot 604 on Diagram 98873, Former ROW 92	City of South Perth and Century Settlements	24 June 2011
Transfer of Land - Lot 604 on Diagram 98873, Former ROW 92	City of South Perth and Michael John Sonntag and Claire Margaret Sonntag	24 June 2011
Appointment of Settlement Agent for Seller (the City) - Lot 44 on Deposited Plan 39639, Former ROW 81	City of South Perth and Century Settlements	24 June 2011
Transfer of Land - Lot 44 on Deposited Plan 39639, Former ROW 81	City of South Perth and Peter Chwal and Elena Anatolievna Smith	24 June 2011
Amendment No. 23 to Town Planning Scheme No. 6 (Child Day Care Centres and Consulting Rooms in the Residential zone) x3	City of South Perth and Minister for Planning	24 June 2011
Surrender of Lease (Collier Park Village - Unit 48, 2 Bruce St, Como)	City of South Perth and	27 June 2011
Notification under section 70A for Lot 145 on Plan 6057 (18 Seventh Ave, Kensington 6151)	Robert Paul Kerrigan and Mirella Zaira Kerrigan and Landgate (City of South Perth to verify)	27 June 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 10.6.4

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

CARRIED EN BLOC RESOLUTION

10.6.5 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 July 2011
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of June 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 June 2011, thirty-six (36) development applications were determined under delegated authority, as listed in the **Attachment 10.6.5**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications

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

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

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Approved Leave of Absence – Cr Ozsdolay

Leave of Absence for the period 12-16 August 2011 inclusive.

11.2 Request for Approved Leave of Absence – Cr Burrows
--

Leave of Absence for the period 21-28 August 2011 inclusive.

COUNCIL DECISION ITEM 11.0

Moved Cr Trent, Sec Cr Skinner

That Leave of Absence be granted to:

- Councillor Ozsdolay for the period 12-16 August 2011 inclusive
- Councillor Burrows for the period 21-28 August 2011 inclusive

CARRIED (13/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Aquatic Centre – Community Survey – Cr Burrows
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MOTION

That....

- (a) a community survey be carried out to established whether ratepayers want an Aquatic Centre to be established within the City of South Perth; and
- (b) the outcome of the survey be the subject of a report to the earliest available Council meeting.

MEMBER COMMENT

I am aware that similar exercises have been undertaken in the past but it was several years ago since last considered. Since then many people have moved into the city and should be given the opportunity to put forward their views and have access to the results. I personally receive many enquiries as to why there is no community aquatic centre in the City of South Perth. I therefore believe it is appropriate that this issue be reviewed and a community survey carried out to establish whether or not ratepayers want a pool; and that a report be prepared for Council consideration in relation to:

- the need for an Aquatic Centre
- at what cost to ratepayers
- suggested location; and
- the timeframe for such a development.

CEO COMMENT

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

The City of South Perth Strategic Plan 2010 - 2015 does not identify the funding and construction of an aquatic centre as being a short to long term priority.

The City is of the view that there is very little demand from the community for an aquatic centre within the City of South Perth. The City has limited financial capacity to fund the construction and operational costs associated with an aquatic centre. If an aquatic centre was to be progressed, there would be a significant financial burden incurred which would restrict the ability of the City to fund future capital works as well as severely impacting the City's long term financial sustainability.

Any proposed aquatic centre would require the City to carry out due diligence and commission a Consultant to prepare a feasibility study on an aquatic centre, assessing consumer demand, site suitability, preliminary conceptual designs, fiscal feasibility, funding methods/options, access and transport, community values and project timeframes.

A significant part of the State Government's local reform agenda is resource sharing, and the City strongly supports this view. Residents of South Perth have access to a range of nearby aquatic facilities including Aqua Life (Victoria Park), Wesley Sports Club (South Perth), Canning Aquatic (Bentley) and Riverton Leisureplex (Riverton).

Given the number of surrounding aquatic centres within the proposed catchment area, the City does not believe that an aquatic centre within the City of South Perth would generate sufficient demand and revenue to offset the significant operational costs, and could present a significant financial risk to the City.

It is also reasonable to assume that an aquatic centre would have significant start up deficits in the first 3 to 5 years of its operation, and guided by experience from other local governments, would require significant revenue streams to ensure a return on its investment.

The City of Stirling has recently undertaken an assessment for a proposed aquatic centre in Hamersley. Their financial estimates are \$38M for a 25m pool and \$40M for a 50m pool. These types of costs are clearly beyond the ability of the City to fund.

The City is aware that the George Burnett Leisure Centre site has been identified as a possible location for an aquatic facility. The City is concerned however about the potential environmental constraints that could prevent proposed development on this site given its former function as a landfill site.

Finally, a survey of residents, without providing further details in regard to costs to ratepayers, timeframes and future financial impacts on the operations of the City could be misleading and falsely raise the expectations of the community that an aquatic centre might be delivered.

AMENDED MOTION

Moved Cr Burrows, Sec Cr Skinner

That....

- (a) a community survey be carried out to established whether ratepayers want an Aquatic Centre to be established within the City of South Perth. The cost of the community survey be capped at \$10,000; and
- (b) the outcome of the survey be the subject of a report to the earliest available Council meeting.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Burrows opening for the Motion

- Amendment to the Motion (cost of the community survey)
- Issue should be reviewed by way of a telephone survey of up to 500 ratepayers
- The administrations position is clear, but we need to establish the feelings of the community
- Investigation is reasonable
- A survey conducted by Steve Irons MP has had the following results so far - out of 857 replies, 825 are in favour of a pool at George Burnett Leisure Centre, 16 are in favour but prefer a different location, and 16 are against the idea.
- The pool at Wesley College has limited access

Councillor Skinner for the Motion

- Nothing to add

Councillor Doherty against the Motion

- Proposing an alternative motion if Cr Burrows motion lapses
- We need more information before consultation begins
- Community expectation will be raised if we start the ball rolling without asking the right question

Councillor Ozsdolay for the Motion

- We should consult ratepayers first
- Not setting false expectation
- Community Vision and Strategic Plan are fluid documents
- Now is the time to start planning for our next Strategic Financial Plan

Councillor Trent against the Motion

- Survey conducted previously - let's see that first
- Previous proposal was for the pool to be situated near Royal Perth Golf Course in order to create a sustainable catchment area
- Victoria Park and Canning pools are within the catchment area
- Town of Victoria Park proposed a shared pool with the City of South Perth, which was rejected several years ago

Councillor Grayden for the Motion

- The pool argument is an old one
- Manning is geographically not the best location - on the peninsula is a much better idea
- Need to have a fresh look at the issues

MOTION TO SUSPEND STANDING ORDERS

Councillor Best proposed that Council suspend standing orders in order to have an open discussion about the issues. The Motion had no seconder and therefore lapsed.

LAPSED

Councillor Best against the Motion

- Given the all round need for recreation in the City, the survey could be better considered to address the needs of our community

Councillor Howat for the Motion

- \$10,000 is a good amount to allocate to the survey
- Steve Irons has already generated discussion and questions within the community
- We are obligated to move forward
- The proposal won't eventuate without financing

Councillor Burrows closing for the Motion

- Our population is changing to a much younger demographic
- The last report was 2005/2006 - let's revisit this issue
- Managing the community expectation is all about open communication

The Mayor put the Motion

CARRIED (11/2)

12.2 Security Patrols – Cr Burrows

MOTION

That....

- (a) an investigation be carried on the effectiveness and cost of implementing private security patrols within the City of South Perth; and
- (b) report on the outcome be presented to the earliest available Council meeting.

MEMBER COMMENT

A proposal for private security patrols in the City of South Perth, including a community survey, was last considered in 1999 and the proposal not endorsed.

Based on the level of enquiries I have currently been receiving in relation to this issue I believe it is appropriate that the effectiveness of private security patrols vs. the cost to implement etc be re-visited and a report prepared for Council consideration.

CEO COMMENT

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

The City is of the view that there is little merit or benefit in the introduction of security patrols and any such security service would be at considerable cost to the City's residents (i.e. rates may need to be increased to cover the cost of the service). The City has an active and effective Eyes on the Street campaign and a strong alliance and partnership with Kensington Police and the Neighbourhood Watch Executive Committee.

The City also has a Crime Community Safety and Crime Prevention Plan 2010-2013. This comprehensive plan was the result of a partnership between the Office of Crime Prevention, the City of South Perth, various State Government agencies and the community. The Plan identifies community safety and crime prevention priorities for the City of South Perth. The objectives of the Plan are to:

- Make the City a safer place through community connectedness and ownership of community safety and crime prevention strategies.
- Sustain a partnership between the City, State Government Agencies, community and businesses to work toward community safety outcomes;
- Identify community safety and crime prevention priorities for the City by researching current criminal and antisocial activity, and consulting with the community.
- Set up a process for monitoring and evaluating crime prevention initiatives and strategies that form part of the plan.

The City also undertakes regular community safety initiatives such as safety forums, information updates in the Southern Gazette to inform and educate the community on their community safety responsibilities

The City's most recent annual community satisfaction survey run by Catalyst in 2010 indicated that 70% of residents are satisfied with the City's security and safety initiatives. 32% of these respondents were delighted with the service. This is a significant improvement on the satisfaction rating of 61% in 2008 and compares extremely well against the industry average of 33% satisfaction with security and safety initiatives. Consequently, it can only be inferred from the above survey results that a move towards security patrols is not necessary.

The City has been in active dialogue with the community in relation to community safety, including the Community Visioning survey and community safety survey which were completed in 2009. As part of the development of the Community Safety and Crime Prevention Plan 2010-2013, the City undertook a major community safety survey to identify the community's perception of safety and crime within the City. 20,000 surveys were distributed to each households within the City with only 165 responses received. Less than 10% of respondents identified security patrols as a preferred community safety and crime prevention strategy, with improved lighting being rated very highly by the community.

There is no circumstantial evidence that security patrols in places such as Stirling, Bayswater, Melville, Rockingham etc has been directly responsible for any increase or decrease in crime rates. There is also the issue of the cost of funding a security service as this cost would eventually be borne by the local government. For example, the City of Melville charge each property owner \$48.50 per annum for the privilege of operating a private security patrol service.

MOTION

Moved Councillor Burrows, Sec Councillor Skinner

That....

- (a) an investigation be carried on the effectiveness and cost of implementing private security patrols within the City of South Perth; and
- (b) report on the outcome be presented to the earliest available Council meeting.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Councillor Burrows opening for the Motion

- Amendment to the Motion
- Last time this issue was addressed was in 1999 - at this time, the effectiveness of security patrols had not been substantiated to Local Government
- There is a high percentage of residents that support security patrols
- 63% people would be happy to pay a levy
- Twelve years is a long time - maybe it's time for further investigation

Councillor Skinner for the Motion

- Because something has been reviewed in the past shouldn't prevent it from being reviewed again
- We would only be making a wish list, not writing a proposal

AMENDED MOTION

Moved Councillor Best, Sec Councillor Lawrance

That...

- (a) a report be prepared for Council on the progress and effectiveness of our Community Safety and Crime Prevention Plan for consideration by Council no later than December 2011; and
- (b) the report include an investigation be carried on the effectiveness and cost of implementing private security patrols within the City of South Perth.

Councillor Best opening for the Amended Motion

- Population growth leads to feelings of insecurity
- Summary of Councillor's individual contributions to community safety initiatives
- Council endorsed the Safety and Crime Prevention Plan last year
- Community Visioning underline the need to develop strategies for a safer community
- Summary of City of Melville security patrol activity

The Mayor put the Amended Motion

CARRIED (13/0)

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

13.2.1 Strategic Financial Plan - Councillor Trent

Summary of Question

Was the Strategic Financial Plan put out to the public for comment, and if so, how many comments were received?

Summary of Response

The Director Financial and Information Services met with Cr Trent following the meeting and provided a response to the questions raised.

13.2 Questions from Members

13.2.1 Council Photo Montage - Councillor Trent

Summary of Question

In the past Council produced for the historic records and as a memento for Councillors a photo montage of Council and Senior staff. Will this be occurring again given that elections are coming up?

Summary of Response

The Chief Executive Officer responded that this montage has not been produced for a number of years, however has been replaced by a Council photograph after the elections.

13.2.2 Collier Park - Councillor Best

Summary of Question

What is the City's liability with regards to departing Collier Park residents and what funds does the City have in reserve as such?

Summary of Response

The Director of Finance and Information Services provided the following response.

Collier Park Village (CPV)

- All movements into and out of the CPV Residents Rerve (arriving and departing Village residents) move through the CPV Residents Reserve.
- No money can be removed from the reserve other than for the purpose of refunding monies to departing CPV residents.
- In any single year approximately 10 residents may depart with a total refundable amount of approximately \$2M.
- Each year, the reserve is increased by the interest earned on the invested reserve funds (\$750K per year).
- The gap between the liability and reserves has narrowed from \$15.3M down to \$12.3M (in 8-9 years).

Collier Park Hostel (CPH)

- All refundable monies for all CPH residents are 100% fully cash-backed and have been so since 2004/2005.

13.2.1 Pool Inspection Fees - Councillor Hasleby

Summary of Question

1. Why was the pool inspection fee increased substantially to \$26.50 in the 2010/2011 budget?
2. Does the fee cover the actual cost of an officer making the pool inspection?
3. How regularly is the pool inspection carried out?
4. What is the total revenue to the City derived from the pool inspection service?
5. How does the City of South Perth pool inspection fee compare with other like metropolitan municipalities?

Summary of Response

The Mayor invited the Director of Finance to provide answers as below.

1. The pool inspection fee was initially set under legislation in 1992 and many Local Governments opted to keep using the fee as originally prescribed, i.e. the \$55 fee divided by 4 (years) giving a fee of \$13.75 inc GST (since 2000). Obviously costs have risen substantially in the 19 years since the initial fee was set.

In actual fact, Local Governments can charge a higher fee than \$55 over four years, providing that the fee charged does not exceed the cost of undertaking the inspection.

The City's Building Services department has undertaken a thorough costing of the pool inspection function and has determined that the City incurs a cost of more than \$80,000 to inspect the City's pools (in excess of 2000 pools). Accordingly, the City adjusted the fee to the higher rate of \$26.50 for the 2011/2012 year - although this only recovers around 70% of the cost of the service. The fee was set at this level after making peer comparisons with other Local Governments.

Even at \$26.50 per year, the fee equates to little more than 50 cents per week, which is a very small price to pay to secure the safety of pools.

2. The fee covers around 70% of the actual cost of the inspection.
3. A pool inspection must be carried out at least once in every four years. However, often the inspection reveals areas of non-compliance, which requires one or more return visits for follow-up inspections.
4. For the 2011/2012 period the City anticipates receiving \$52,850. This is substantially more than the 2010/2011 revenue but still much less than the cost of the inspection service.
5. City of Melville charge \$26 and City of Stirling charge \$33.

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

Nil

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 8:45pm.

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 23 August 2011

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

17. RECORD OF VOTING

26/07/2011 3:52:32 PM

Item 7.1.1 Motion Passed 10/4

Yes: Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Rob Grayden, Cr Colin Cala

No: Mayor James Best, Cr Betty Skinner, Cr Peter Howat, Casting Vote

Absent:

26/07/2011 7:11:14 PM

Item 7.1.2 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:11:53 PM

Item 7.2.1-7.2.3 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:12:31 PM

Item 8.4.1 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:36:11 PM

Item 9.0 En Bloc Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:38:13 PM

Item 10.5.1 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:40:36 PM

Item 11.1-11.2 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:41:24 PM

Item 12.1 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 7:59:39 PM

Item 12.1 Motion Passed 11/2

Yes: Cr Veronica Lawrance, Cr Ian Hasleby, Cr Glenn Cridland, Cr Peter Best, Cr Travis Burrows, Cr Les Ozsdolay, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Mayor James Best, Cr Kevin Trent

Absent: Casting Vote

26/07/2011 8:24:22 PM

Item 12.2 Motion Passed 13/0

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 Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat, Cr Colin Cala

No: Absent: Casting Vote

26/07/2011 8:25:50 PM

Item 12.2 Motion Passed 13/0

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

No: Absent: Casting Vote
