



ORDINARY COUNCIL MEETING M I N U T E S Table of Contents

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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 24 May 2011 at 7.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance, in particular Mike Kent as Acting CEO. He then paid respect to the Noongar peoples, past and present, the traditional custodians of the land we are meeting on, and acknowledged their deep feeling of attachment to country.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best / Council Representatives

Note: Mayor / Council Representatives Activities Report for the month of April 2011 attached to the back of the Agenda.

3.2 Public Question Time

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

3.3 Audio Recording of Council meeting

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

4. ATTENDANCE

Mayor J Best (Chair)

Councillors:

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

Officers:

Mr M Kent	Acting Chief Executive Office
Mr S Bell	Director Infrastructure Services
Ms V Lummer	Director Development and Community Services
Ms D Gray	Acting Director Financial and Information Services
Mr R Kapur	Manager Development Services
Mr P McQue	Manager Governance and Administration
Ms P Arevalo	Marketing Officer
Mr R Woodman	Corporate Projects Officer
Mrs K Russell	Minute Secretary

Gallery There were 10 members of the public present and 1 member of the press.

4.1 Apologies

Cr C Cala	McDougall Ward - ill health
Cr I Hasleby	Civic Ward) -
Cr T Burrows	Manning Ward) - LGMA Conference
Mr C Frewing	Chief Executive Officer)

4.2 Approved Leave of Absence

Nil

5. DECLARATION OF INTEREST

Nil

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 3 May 2011 the following question was taken on notice:

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

Summary of Question

In relation to Amendment No. 25 - How much has the City spent on professional consultants' reports to support the case for intensive high rise development in a South Perth CBD in the guise of a station precinct?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 6 May 2011, a summary of which is as follows:

The planning in this precinct is not carried out not in the guise or pretext of a station precinct, rather is a genuine and proactive response to the future development of the train station in this location.

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

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

6.2 Public Question Time : 24.5.2011

Opening of Public Question Time

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. He said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided. The Mayor then opened Public Question Time at 7.06pm.

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

6.2.1 Mr Lindsay Jamieson, Tralee Way, Waterford

(Written Questions submitted prior to the meeting)

Summary of Question

With regard to the matters arising from the alleged failure by all Council Member participants in a Motion to Council in March 2007 to declare a financial interest. The CEO now has the Legal advice advising I did nothing wrong and the recent document from the Department of Local Government that was partially tabled at the 03 May 2011 meeting that advises they withdraw the caution issued against me.

1. Does the CEO believe the condition from the report in September 2007 ***“there is no information to support a conclusion that Cr Jamieson did not act unlawfully”*** has now been met?
2. The legal advice from McLeods in March 2007 advised the City to not pay municipal funds based on the Motion, yet concluded that all Council Member participants had a financial interest to declare. Does the CEO still believe that advice, and the subsequent report to Council is still correct?
3. The response at Agenda Item 6.2.4 of the 03 May 2011 Council meeting indicates information was made available to Council Members over the meal prior to the Council meeting, but was not made available to the public nor to Council members not at the meeting. Is this considered a suitable example of CoSP and Council openness, visibility and accountability?

4. On 03 May 2011 prior to the commencement of the Council meeting I advised Mayor Best verbally that I would accept a meeting with him and the CEO. Subsequently I sent an email, left two voice messages, and had a phone conversation with Mayor Best with the same message, yet I am still to have a meeting scheduled. When will the Mayor or his administrative assistant contact me to schedule a meeting?

Summary of Response

The Mayor responded that this is an ongoing matter which has been the subject of significant correspondence between Mr Jamieson and the City and these questions are an extension of that process. He further stated that under Standing Orders s.6.7(7) part (a) that the questions would be 'taken as correspondence' and that a written response would be provided by the Administration.

6.2.2 Shelah Perrot, Residents' Committee Collier Park Village

(Written Questions submitted prior to the meeting)

Summary of Question

1. In regard to the application by Lifestreams Christian Church for Amendment No. 26 to the City of South Perth Town Planning Scheme No. 6 – Is it the intention of this Council to make a site visit to McNabb Loop before considering submissions?
2. If this is not the intention of the Council at present, will you please give consideration to such a site visit?
3. Is the Council able to put any conditions on a Concept Plan before development applications are lodged?

Summary of Response

The Mayor responded as follows:

1. The City's Director Development and Community Services, the Strategic Urban Planning Adviser and the Senior Strategic Planning Officer all visited the site prior to assessing the submissions. It is the prerogative of individual Council Members as to whether they wish to visit the site prior to the June Council meeting to better familiarise themselves with the locality.
2. As above.
3. It is the intention that Amendment No. 26 to Town Planning Scheme No. 6 will be framed in such a way that any additional development entitlements will be performance-based. The proponent will need to satisfy a range of site-specific criteria in order to "qualify" for the particular entitlements provided for in the Amendment. The particular provisions of the Scheme Amendment are being re-examined in light of submissions received, and it is likely that some of the performance criteria will be modified as a result of submissions.

It is not possible to impose actual conditions of development approval until such time as a development application is received and fully examined, should Amendment No. 26 be approved by the Minister. However, it is possible to identify particular development issues which will need to be examined at the time of any future development application.

6.2.3 Barrie Drake, Scenic Crescent, South Perth

(Written Questions submitted prior to the meeting)

1. Is the house at No. 9 Lamb Street, south Perth a 3 storey house or a 2 storey house with an attic?
2. What is the wall height of the house at No. 9 Lamb Street, South Perth?
3. What is the minimum ceiling height of a multi-storey house?
4. Is it acceptable to the City for a house to be built below natural ground level in order to reduce the overall height ie to be built in a hole in the ground?
5. Has the Building Licence been issued for the new house at No. 9 Lamb Street, South Perth?
6. If the Mayor corresponds to Councillors and the CEO using the computer supplied by the City do these emails form part of the City's records?

Summary of Response

The Mayor responded as follows:

- 1-2. As previously advised, please refer to the report at Item 10.3.2 of the August 2010 Council meeting, which answers these questions.
3. Different types of rooms have different height requirements. Please check the Building Codes of Australia 2011 Part 3.8.2
4. Dwellings built below natural ground level would not be desirable from the streetscape perspective, and will adversely affect the amenity of the future residents of the dwelling.
5. No.
6. Yes

Close of Public Question Time

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

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 3 May 2011

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Skinner

That the Minutes of the Ordinary Council Meeting held 3 May 2011 be taken as read and confirmed as a true and correct record.

CARRIED (10/0)

7.1.2 Audit and Governance Committee Meeting Held: 11.5. 2011

COUNCIL DECISION ITEM 7.1.2

Moved Cr Doherty, Sec Cr Skinner

That the Minutes of the Audit and Governance Committee Meeting Held 11 May 2011 be received.

CARRIED (10/0)

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 - April Ordinary Council Meeting, Feedback on Fiesta 2011 and an Update on the Old Mill Proposal - Held:19.4.2011

Officers of the City presented background information and answered questions on items identified from the April Council Agenda. The Manager Community Culture and Recreation provided feedback on the Fiesta 2011 Event and Architect Garry Lawrence gave a progress update on the Old Mill proposal. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Concept Forum: South Perth Precinct Amendments Meeting Held: 11.4.2011

Consultants, Allering and Associates provided an overview of the proposed Scheme Amendment No. 25 for the South Perth Station Precinct. The Consultant and City Officers responded to questions raised by the Elected Members. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum - Review Public Places and City Property, Parking and Dogs Local Laws - Meeting Held: 12.4.2011

Consultant, Chris Liversage provided background information on the review of the local laws and Phil McQue facilitated a workshop on the Public Places and City Property Local Law. The Consultant and City Officers responded to questions raised by the Elected Members. Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum – Budget Overview/Capital Initiatives Meeting Held: 27.4.2011

The Director Financial and Information Services provided a presentation on the Budget and Capital Initiatives. Elected Members raised questions and points of clarification which were responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.4.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4

Moved Cr Grayden, Sec Cr Howat

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

(CARRIED 10/0)

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.

Nil

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: 17 May 2011

A Deputation in relation to Agenda Items 10.3.1 was heard at the May Council Agenda Briefing held on 17 May 2011.

8.3.2 Request for Deputation – Mr Lindsay Jamieson – former Councillor

Request received from Mr Jamieson on 17 May 2011 for a ‘Deputation to Address Council’, at its meeting on 24 May, on Agenda Item 3.4 of the March 2011 Council Meeting.

MOTION TO ACCEPT DEPUTATION

The Mayor referred to concerns in relation to co-ordinating a meeting between the Mayor, CEO and Mr Jamieson and asked that Mr Jamieson provide some clarity in relation to identifying the issues to be discussed and the outcome hoped to be achieved. He then called for a Motion in support of Mr Jamieson’s request for a ‘Deputation to Address Council’ on Item 3.4 of the March 2011 Council Meeting.

COUNCIL DECISION ITEM 8.3.2

There was no Motion put forward by Members at Item 8.3.2.

LAPSED

Deputations Closed

The Mayor closed Deputations at 7.15pm

8.4 COUNCIL DELEGATES REPORTS

Nil

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the item identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. He then sought confirmation from the Acting Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 17 May 2011.

The Acting Chief Executive Officer confirmed that this was correct.

WITHDRAWN ITEMS

The following item was withdrawn for discussion:

- Item 10.3.3

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Skinner

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.3.1, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5. 10.6.6 be carried en bloc.

CARRIED (10/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Karoo Street, South Perth - Request For Time Restricted Parking (<i>Petition referred February 2011 Council Meeting</i>)
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Location:	City of South Perth
Applicant:	Virginia Limberg (Petitioner)
File Ref:	LE/101
Date:	20 April 2011
Author:	Paul Edwards, Traffic and Design Coordinator
Reporting Officer:	Stephen Bell Director Infrastructure Services

Summary

At the Ordinary Council meeting held 22 February 2011 a petition was 'tabled' from Ms Virginia Limberg of 3 Karoo Street, South Perth. The petition requested that the City implement 2 hour time restricted parking in Karoo Street, from Onslow Street to Labouchere Road, between the hours of 8:30am to 4:30pm, Monday to Friday.

This report details the investigation undertaken by City Officers and recommends to Council that:

- hour time restricted parking, between the hours of 9.00 am to 4.00 pm Monday to Friday, be implemented on the southern side of Karoo Street, between Labouchere Road and Onslow Street;
- the "No Standing" zones at the intersection of Karoo Street and Labouchere Road be extended and formally marked to improve sight lines; and
- the petitioners be advised of the Council's decision.

Background

At Council's 22 February 2011 ordinary meeting a petition was received from Ms Virginia Limberg of 3 Karoo Street, South Perth, together with eleven signatures. The petition read "We, the residents of Karoo Street from Onslow Street to Labouchere Road, respectfully request that the parking regulations there be changed from 'unrestricted parking' to 2 hour parking from the hours of 8.30am to 4.30pm Monday through Friday."

Since implementation of time restricted ticket parking in the vicinity of Richardson Park, commuters have tended to migrate into the local streets to avoid the parking restrictions and associated fees. The commuters have migrated into streets such as Karoo Street, Hensman Street, and Riverview Street which are all time unrestricted parking areas.

In February 2011, a parking survey was undertaken in Karoo Street, between Labouchere Road and Onslow Street, in response to local resident concerns. The results of the survey highlighted that on any given weekday about eight (8) vehicles parked in the subject section of Karoo Street for the entire day. It is reasonable to expect that most of these vehicles are owned by commuters who park in the area to access public transport.

Introducing time restricted parking is one way of deterring all day parking without necessarily causing inconvenience to the other road users and local residents who have need for street parking. Imposition of time restricted parking has been very successful in managing the limited kerbside parking in areas where the parking demand exceeds availability.

All residents of Karoo Street (with the exception of No.2 Karoo Street who was not contactable by the petitioner), agree that timed parking would not adversely effect them and consequently have signed the petition.

Comment

The petition requested that consideration be given to the introduction of two hour time restricted parking in Karoo Street between Onslow Street and Labouchere Road. While it is accepted that time restricted parking will relieve the problems associated with commuter parking in Karoo Street, the resultant outcome could see commuters park in other streets in the local area. Introducing time restricted parking to one side of the street is a standard practice of managing the available kerbside parking for all users of the road network.

The suggested arrangement for Karoo Street is 4 hour timed parking on the south side only with no change to the north side. The requested 2 hour limit places an unrealistic expectation on enforcement by the City's Rangers and is likely to impact on visitors and tradespeople having a legitimate need to access the street. Previous experience has shown that 4 hour time restricted parking removes all day parking from an area whilst having less of an impact on local residents and their visitors.

It is considered that the recommended outcome will reduce the concerns of local residents by addressing the issue of all day parked vehicles on both sides of the road while still allowing for a certain amount of unrestricted timed parking within the local streets. Retaining some unrestricted timed parking reduces the likelihood of the problem being transferred to other local streets such as Hensman Street and Riverview Street.

There is no doubt that the natural tendency of drivers is to group as close to the intersection as possible. This creates an environment where intersections become very crowded, reducing the available sight distance for vehicles on the approach to the intersection. To address this problem, the "No Standing" zones at the intersection will be increased in length and marked appropriately.

Consultation

There has been no consultation in respect to the recommended action.

Policy and Legislative Implications

Nil

Financial Implications

Minimal costs will be incurred in purchasing and erecting three parking signs and installing approximately 30 metres of yellow line marking to delineate the No Standing zones.

There will be staff resource implications associated with Rangers Services needing to periodically enforce the new timed parking restrictions at Karoo Street.

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 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

Providing both time restricted and time unrestricted parking provides opportunity for local residents and commuters to the area to co-exist on the local road system.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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That....

- (a) four (4) hour time restricted parking, between the hours of 9.00 am to 4.00 pm Monday to Friday, be implemented on the southern side of Karoo Street between Labouchere Road and Onslow Street;
- (b) the “No Standing” zones at the intersection of Karoo Street and Labouchere Road be extended and formally marked to improve sight lines; and
- (c) the petitioners be advised of the Council’s decision.

CARRIED EN BLOC RESOLUTION

10.0.2 Davilak Street, Como - Request For Timed Parking <i>(Petition referred from April 2011 Council Meeting)</i>

Location:	City of South Perth
Applicant:	David Kennedy (Petition)
File Ref:	TT/302
Date:	2 May 2011
Author:	Paul Edwards, Traffic & Design Coordinator
Reporting Officer:	Stephen Bell Director Infrastructure Services

Summary

At Council’s April ordinary meeting, held on 3 May 2011, a petition was ‘tabled’ from Mr David Kennedy of 10 Davilak Street, Como. The petition requested the City to review placement of 4 hour Parking signs on the south side of the Davilak Street, between Edgumbe Street and Lockhart Street and install additional signs on the north side.

This report details the investigation undertaken by City Officers and recommends to the Council that the north side of Davilak Street between Lockhart Street and the crossover to 10 Davilak Street (a total of 5 parking bays) be reallocated to 4 hour time restricted parking between the hours of 9.00 am and 4.00 pm, Monday to Friday inclusive.

Background

At Council’s April ordinary meeting, held on 3 May 2011, a petition was received from Mr David Kennedy of 10 Davilak Street, Como together with seven (7) signatures in relation to parking signs on the south side of Davilak Street, between Edgumbe Street and Lockhart Street. The petition read “*We, the undersigned request that Council review its placement of 4 hour parking signs on only the south side of the Davilak Street road segment between Edgumbe and Lockhart Streets.*”

On 12 January 2011 the City introduced 4 hour time restricted parking within selected areas of Davilak Street, Robert Street and Lockhart Street to combat the growing problem of commuter parking within close proximity to Canning Bridge Railway Station and to improve sight lines at all road intersections. To date, these parking measures have been widely accepted by the local residents and are working extremely well to combat the commuter parking problems.

Introducing time restricted parking is one way of deterring all day parking without necessarily causing inconvenience to the other road users and local residents who have need for street parking. The arrangement that is in place at Davilak Street permits 4 hour time restricted parking along one side of the street with no restrictions applying on the other side. This arrangement provides parking for visitors and tradespersons as well as meeting some of the demand generated by commuters. It is also a well established parking practice for managing the limited kerbside space for all road users.

Comment

The City is aware that a small number of residents are being inconvenienced by the current parking arrangement. This has been validated through regular inspections to the area. Consequently, additional time restricted parking in Davilak Street, between Lockhart Street and Edgumbe Street could be implemented without adversely affecting adjacent streets in the local area. It should be noted however that migration of commuter parkers from one street to another is the likely outcome of increasing time restricted parking within the area, an outcome that has the potential to substantially impact on more residents than the proposed action to relieve the parking situation in Davilak Street.

The installation of time restricted parking on the north side of Davilak Street between Lockhart Street and the crossover to house number 10 Davilak Street (5 parking bays) is recommended as an appropriate action to address the petitioners concerns. The remaining section of Davilak Street, up to Edgumbe Street, would be retained as time unrestricted parking.

To resolve safety and obstruction concerns at crossovers etc, the section of Davilak Street would also be restricted by adjusting the “No Standing” markings. The resultant kerbside space would then accommodate five vehicles.

Consultation

There has been no consultation with the local residents regarding this matter.

Policy and Legislative Implications

Nil

Financial Implications

Minimal costs will be incurred in the purchase and erection of the necessary parking signs and installation of line marking.

There will be staff resource implications associated with Rangers Services needing to periodically enforce the new timed parking restrictions at Davilak Street.

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 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

Providing both time restricted and time unrestricted parking provides opportunity for local residents and commuters to the area to co-exist on the local road system.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2
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That the north side of Davilak Street between Lockhart Street and the crossover to No.10 Davilak Street (a total of 5 parking bays) be reallocated as 4 hour time restricted bays between the hours of 9.00am and 4.00pm, Monday to Friday inclusive.

CARRIED EN BLOC RESOLUTION

10.1 STRATEGIC DIRECTION 1 : COMMUNITY
Nil

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT
Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Three-Storey Mixed Development - Lot 408 (No. 2) Downey Drive, Como
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Location: Lot 408 (No. 2) Downey Drive, Como
 Applicant: Peter Jodrell Architect
 Lodgement Date: 29 December 2010
 File Ref: 11.2010.717 DO4/2
 Date: 19 May 2011
 Author: Chris Schooling, Snr Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

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

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

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

Element on which discretion is sought	Source of discretionary power
Car parking provision	Clauses 6.3 and 7.8(1) TPS6
Plot ratio	Table 3 and Clause 7.8(1) TPS6

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

Background

The development site details are as follows:

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

This report includes the following attachments:

- Confidential Attachment 10.3.1(a)** Plan and elevation drawings of the proposal.
- Attachment 10.3.1(b)** Site photographs.
- Attachment 10.3.1(c)** Notes from the concept forum held on 6 October 2010.
- Attachment 10.3.1(d)** Applicant’s supporting report.
- Confidential Attachment 10.3.1(e)** Schedule of submissions.

The location of the development site is shown below:



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

2. **Major developments**
 - (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings; and
3. **The exercise of a discretionary power**
 - (b) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant planning policies.

Comment

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

(b) Existing development on the subject site

The subject site is located at Lot 408 (No. 2) Downey Drive, Como. The former development on the site consisted of a single house and ancillary outbuildings. This development has recently been demolished and the site is currently vacant, as depicted in the site photographs at **Attachment 10.3.1(b)**.

(c) Description of the surrounding locality

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



(d) Description of the proposal

The proposal involves the construction of a mixed development on the site, comprising 3 two-bedroom dwellings and 9 single-bedroom dwellings in a multiple dwelling configuration, 3 shops / offices, and a shop / café-restaurant, as depicted in the submitted plan and elevation drawings at **Confidential Attachment 10.3.1(a)**. Additionally, the photographs show the relationship of the site with the surrounding built environment at **Attachment 10.3.1(b)**.

The applicant's letter, **Attachment 10.3.1(c)** describes the proposal in more detail.

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

(e) **Land use**

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

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

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

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

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

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

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

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

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

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

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

(i) **Building height**

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

(j) **Plot ratio**

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

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

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

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

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

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

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

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

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

(k) Car parking

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

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

The proposed number of car bays is 20, a shortfall of 8 bays (29%). 12 on-site parking bays have been allocated for the residential component of the development and 8 for the non-residential component. Therefore, the proposed development does not comply with the car parking requirement prescribed by Table 6 of TPS6. The applicant’s letter, **Attachment 10.3.1(e)**, provides written justification for the proposed car parking variation.

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

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

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

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

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

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

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

(l) Visual privacy

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

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

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application. Officers are of the view that the proposal demonstrates compliance with these matters:

- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
 - (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
 - (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality.*
- (n) **Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6**

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

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *Any planning policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *The potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (l) *The height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *The topographic nature or geographic location of the land;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *Whether adequate provision has been made for access by disabled persons; and*
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

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

Consultation

(a) Design Advisory Consultants' comments

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

DAC Comments	Applicant's Response	Officer's Comment
The Advisory Architects acknowledged the need for a café in this locality as there is none operating currently, and asked the City to consider approving appropriate concessions to the associated car parking requirements.	-	The City agrees that the cafe use will contribute to land use diversity within the locality, as well as providing casual surveillance of the sections of Downey Drive and Ley Street. The comment is NOTED .
Noting that the development was deficient of approximately 7 to 8 car-parking bays, the architects recommended that the applicant considers providing additional on-street car parking bays in accordance with the provisions of Clause 6.3 of TPS6.	The applicant has liaised with the City's Engineering Services with regards to providing 3 additional on-street parking bays along Downey Drive.	It is considered the 3 additional parking bays will positively contribute to the availability of car parking within the locality. Additional on-street parking bays do not require the built form to be modified to the extent that the size of the commercial tenancies is reduced. The comment is UPHELD .
A modified design layout was recommended to relocate the staircase (provided for fire escape purposes) outside the security gate and closer to the Downey Drive alignment. This will facilitate a direct connection between the covered car parking area with the entry foyer.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .
The architects recommended making the entrance to the building and car park more defined and placing soft landscaping (a hedge) along the property boundary.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .
The architects recommended that the bedrooms of Dwellings 14 and 15 which adjoined a light well be opened on to this space with a partition allowing for exclusive use by these dwellings. Providing obscure glazing along the periphery of the corridors will achieve visual privacy for these private outdoor areas.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .
Since the proposed common staircases go up to the first floor level only, they are not required to be isolated or fire rated. Hence, the walls enclosing these staircases could be removed, thus opening them up and make them more visible.	The applicant has incorporated the architects' comments into revised plans for the development.	The City considers the revised plans received with respect to this comment to be satisfactory. The comment is UPHELD .

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at No 73 Manning Road, Nos. 3, 4, 6 and 6A Downey Drive and Nos. 56, 61 and 71 Ley Street were invited to inspect the plans and to submit comments during a 14-day period. During the advertising period, a total of 8 consultation notices were sent and 2 submissions were received, 1 in favour and 1 against the proposal. The comments objecting to the proposal are summarised as follows, and they are more specifically referred to in the Schedule of Submissions contained in *Confidential Attachment 10.3.1(e)*:

- Clause 5.4(4) of TPS6
- Concern about the method and extent of consultation undertaken;
- Precedents for further development of this nature;
- Referral of the application to a Major Development Briefing;
- Procedure for reporting to Council;
- Number of units proposed;
- Plot ratio variations sought (including other variations cited in the Report);
- Overdevelopment of the site;
- Car parking variation sought and proposed on-street car parking;
- Setbacks proposed;
- Bulk and scale of the proposed development including Clauses 7.1.1 and 7.1.2 of the R-Codes;
- Balconies fronting Downey Drive;
- Length of construction period;
- The City’s Local Commercial Strategy and the amount of commercial floorspace; and
- Manning Hub.

Responses to the comments follow:

- Clause 5.4(4) of TPS6
Clause 5.4(4) of TPS6 prescribes land use and built form requirements for 2 and 4 Downey Drive, and 56 Ley Street. Clause 5.4(4) of TPS6 relates to Lot 409 (No. 56) Ley Street, Lot 408 (No. 2) Downey Drive, and Lot 407 (No. 4) Downey Drive. Clause 5.4(4) requires development across these three sites to be of an integrated nature; however development on each of the three lots has been undertaken largely independently. Comments regarding Clause 5.4(4) and its application to the development application for 2 Downey Drive are contained in Part d: Internal Referral - Strategic Urban Planning Adviser.

The development of 56 Ley Street has preceded the development application for 2 Downey Drive by a number of years. Consequently the City has assessed the development application for 2 Downey Drive on the basis of how the propose development integrates with, and addresses, the existing development on 56 Ley Street.

Clause 5.4(4) does not prescribe further consultation requirements for applications the subject of these sites, and therefore Policy P301 has been applied to determine the method and extent of consultation for 2 Downey Drive.

- Method and extent of consultation
Under the Policy P301 “Consultation for Planning Proposals” the development application for 2 Downey Drive requires “Area 1” consultation. Subsequent to the required extent of consultation being carried out; concerns were raised regarding the extent of consultation and the site’s relationship with a separate development application on the adjoining lot - 4 Downey Drive.

Policy P301 prescribes consultation requirements for development applications on individual sites. The development application for 2 Downey Drive was submitted separate to that for 4 Downey Drive, and consequently each application has followed its own assessment and consultation process.

- Precedents for further development of this nature
Each separate development application is assessed on its own merits. 2 Downey Drive and the lots abutting it are the only lots zoned Highway Commercial on the eastern side of Ley Street. The proposed development will therefore not set a precedent for further development of this nature.
- Referral of the application to a Major Development Briefing
Major Development Briefings are an optional facility for an applicant to present and explain a proposed development to the Elected Members. Additionally, the referral of an application to an Ordinary Council Meeting does not have to be preceded by presentation of the application at the most recent Major Development Briefing.

The applicant for 2 Downey Drive elected to present the application to the Elected Members at the Major Development Briefing held in October 2010.

- Procedure for reporting to Council
Comments relating to the delivery of the Council report are procedural in nature, and do not affect the assessment of the development application.
- Number of units proposed
The R-Codes do not prescribe a minimum site area per unit for R80 development. Dwelling yield is controlled by the minimum dwelling sizes prescribed in Clause 7.4.3 A3.2 of the R-Codes, as well as applicable plot ratio controls.

The proposed development complies with Clause 7.4.3 A3.2 of the R-Codes, and discussion has been provided with regards to plot ratio variations sought.

- Plot ratio variations sought
The maximum plot ratio for the proposed development is 0.5 under TPS6, and the proposed plot ratio is 1.088. This represents a variation of 0.58 (116%). Discussion regarding the plot ratio variation is contained within the Comments section of this report. It should be noted that if the proposed development was entirely non-residential, the maximum plot ratio would be 1.0. This serves to illustrate that a plot ratio of 1.0 is not out of character with the Residential zone.
- Overdevelopment of the site
There is no restriction in the City’s planning framework which limits the number of single bedroom dwellings on a development site.

- Car parking variation sought and proposed on-street car parking
The required number of car parking bays for the proposed development is 20 bays, and the proposed car parking shortfall is 8 bays. Discussion regarding the car parking shortfall is contained within the Comments section of this report. Further to locational justifications for the car parking shortfall, the applicant has elected to provide 3 additional on-street parking bays on the north and south sides of Downey Drive to complement existing on-street parking in the locality.

The City's Engineering Infrastructure Services has provided comment with regards to the proposed on-street car parking bays, and is supportive of their location and development.

- Setbacks proposed
The setbacks proposed for 2 Downey Drive are generally compliant with Table 3 of TPS6 as discussed in the Comment section of this report. No objections were received from the owners of properties directly abutting the development site with respect to setbacks.

Discussion on the proposed setbacks to Downey Drive and Ley Street are included in the Comments section of this report.

- Bulk and scale of the proposed development
The proposed development complies with the 7 metre building height limit for 2 Downey Drive. The development is also articulated at the pedestrian level through the use of visually permeable frontages, architectural elements and shadow.

The development plans indicate that the mezzanine floor of the multiple dwellings is set back from the street, and not on the lot boundary. This is necessary to ensure compliance with Clause 6.2 "Building Height Limit" of TPS6.

- Balconies fronting Downey Drive
The balconies along the Downey Drive frontage are intended to articulate the buildings elevation through their projection forward of the main building line. The balconies also enable casual surveillance of Downey Drive and the surrounding locality.

- Length of construction period
These comments are not relevant to the assessment and determination of the development application.

- The City's Local Commercial Strategy and the amount of commercial floorspace
2 Downey Drive, as well as the lots immediately abutting it, are currently zoned Highway Commercial. Development of these sites with mixed development does not result in any increase in highway commercial zoning. Furthermore the land uses proposed for 2 Downey Drive are all discretionary uses under Table 1 of TPS6.

Additionally *State Planning Policy 4.2 - Activity Centres for Perth and Peel* does not place limits on commercial floorspace, as the former *State Planning Policy 4.2 - Metropolitan Centres Policy Statement for the Perth Metropolitan Region* did. The latter policy was applicable at the time of development of the City's Local Commercial Strategy.

State Planning Policy 4.2 - Activity Centres for Perth and Peel specifically encourages mixed development of the nature proposed at 2 Downey Drive.

- Manning Hub

The Manning Community Facility Study is still in the development phase, and should not restrict proposed mixed use development in other areas of the locality.

(c) **Internal referral - Engineering Infrastructure Services**

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

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

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

(d) **Internal referral - Strategic Urban Planning Adviser**

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

“This proposal was the subject of a Council Members' concept forum held on 6 October 2010. At that time, the project architect provided an overview of the development concept proposed for No. 2 Downey Drive, Manning and responded to questions from Elected Members. Notes from the concept briefing are attached to this report as Attachment 10.3.1(c). Plans, elevations and perspective drawings were displayed at the concept forum and were favourably received. Council Members encouraged the applicant to submit an application for planning approval for the proposed mixed-use development.

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

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

- (i) Lot 409 (No. 56) Ley Street, Como (Lot 409);*
 - (ii) Lot 408 (No. 2) Downey Drive corner Ley Street, Como (Lot 408); and*
 - (iii) Lot 407 (No. 4) Downey Drive, Manning (Lot 407).*
- (c) None of the land comprised in Lot 408 may be used for the purposes referred to in paragraph (b) unless such use is part of an integrated development encompassing:*
- (i) both Lots 408 and 409; or*
 - (ii) all of the lots comprised in “Site D”.*

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

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

Policy and Legislative Implications

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

Financial Implications

The determination has no financial implications.

Strategic Implications

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

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

Sustainability Implications

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

Conclusion

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1</p>

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

(a) Standard Conditions

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

(b) Specific Conditions

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

(c) Standard Advice Notes

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

(d) Specific Advice Notes

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

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

CARRIED EN BLOC RESOLUTION

10.3.2 Additional Use (Family Day Care) to Single House - Lot 5 (No. 3C) Alston Avenue, Como

Location: Lot 5 (No. 3C) Alston Avenue, Como
 Applicant: Mr P Sutherland
 Lodgement Date: 17 March 2011
 File Ref: 11.2011.125 AL4/3C
 Date: 2 May 2011
 Author: Cameron Howell, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for an additional use (Family Day Care) to an existing Single House on Lot 5 (No. 3C) Alston Avenue Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Family Day Care land use	TPS6 Clause 3.3
Landscaping area	TPS6 Clause 7.8(1)
External playing area	TPS6 Clause 7.8(1)

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

Background

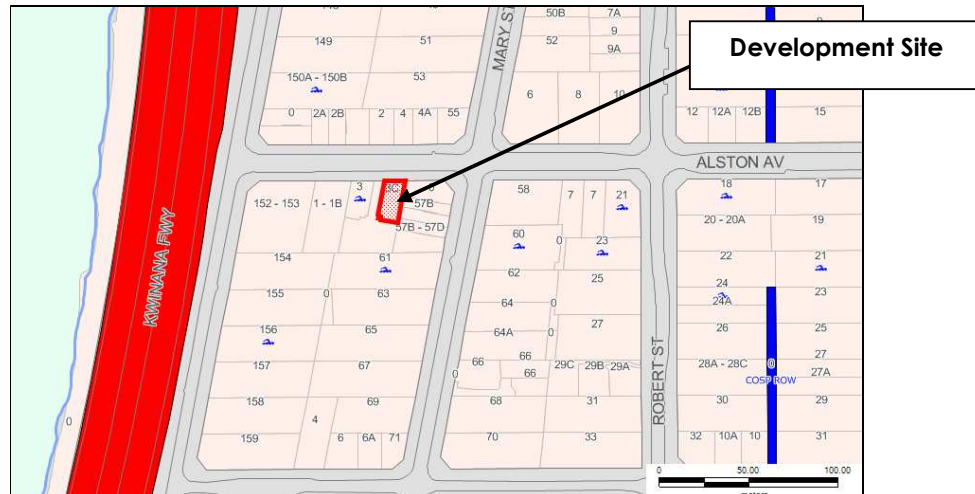
The development site details are as follows:

Zoning	Residential
Density coding	R30/R40
Lot area	264 sq. metres
Building height limit	7.0 metres
Development potential	1 dwelling
Plot ratio limit	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.2(a)** Plans of the proposal.
- Attachment 10.3.2(b)** Site photographs.
- Attachment 10.3.2(c)** Applicant's supporting report.

The location of the development site is shown below:



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

1. Specified uses

(g) *Non-residential “DC” uses within the Residential zone.*

6. Amenity impact

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

7. Neighbour comments

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

Comment

(a) Background

In March 2011, the City received an application for an existing two-storey building to be used as a Family Day Care on Lot 5 (No. 3C) Alston Avenue, Como (**Site**).

(b) Existing development on the subject site

The subject site is located at Lot 5 (No. 3C) Alston Avenue, Como. The existing development on the site currently features a two-storey residence with the land use of Single House, as depicted in the site photographs at **Attachment 10.3.2(b)**.

(c) Description of the surrounding locality

The site has a frontage to Alston Avenue to the north and is located adjacent to Grouped Dwellings to the east, south and west. In the immediate locality, the existing surrounding developments are either Single Houses or Grouped Dwellings, as seen in **Figure 1** below:



(d) Description of the proposal

The proposal involves the provision of a Family Day Care service within the existing two-storey residence on Lot 5 (No. 3C) Alston Avenue Como, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. The building would continue to be used as a Single House, with a Family Day Care operating as an additional land use on weekdays. The Family Day Care service is proposed to be operated by the owner / applicant, providing services for up to 8 children, including their own 2 children. The following hours of operation are proposed:

<u>Full Time Care</u>	Monday to Friday	7:30am - 5:00pm.
<u>Before and After School Care</u>	Monday to Friday	7:30am - 8:30am and 3:00pm - 5:00pm.

The maximum number of children proposed is 4 “Full Time Care” children and 4 “Before and After School Care” children of school age.

It is intended that the sitting and living rooms on the ground floor of the building are to be used as internal playing spaces, with the rear and front courtyards being used as external playing spaces. The site photographs show the playing spaces, fencing and screening of the site and the relationship of the site with the surrounding built environment at **Attachment 10.3.2(b)**.

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

The following components of the proposed development do not satisfy the City of South Perth Town Planning Scheme No. 6 (TPS6) and Council policy requirements:

- (i) *The preservation of the amenity of the locality.*

The proposal complies with the Scheme and relevant Council policies with the exception of the remaining non-complying aspects, including other significant matters, all as discussed below.

(e) Land use

The proposed land use of Family Day Care is classified as a “DC” (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the site adjoins residential land uses, in a location with a residential streetscape. Accordingly, the use is regarded as complying with Table 1 of the Scheme.

As at 1 February 2011, the Department for Communities has issued 4 valid Family Day Care licences for premises within the City of South Perth. The most recent applications for planning approval were submitted to Council for properties within Lansdowne Road, Kensington and Conochie Crescent, Manning. Both applications were conditionally approved by Council at the 24 August 2010 meeting. Lansdowne Road was approved with a maximum of 4 children between 7:30am and 6:00pm on Monday to Friday. Conochie Crescent was approved with a maximum of 3 children between 7:00am and 4:00pm on Monday to Friday. The other Family Day Care premises are located in Todd Avenue, Como and George Street, Kensington.

For this application, City officers recommend that the proposed number of children be reduced to minimise the amenity impact upon neighbouring properties. The proposed operating conditions are seen to create an unacceptable level of traffic and noise from the site. In addition, the internal and external playing spaces are seen to be an inadequate size for the number of children proposed. Further details of these matters are discussed below.

City officers recommend that a maximum of 4 “Full Time Care” children be approved with no modification to the applicant’s proposed operating hours. It is also recommended that the maximum number of approved “Before and After School Care” children be reduced from 4 to 2, with the hours modified to between 7:30am and 9:00am and 2:30pm and 5:00pm on Monday to Friday, as the school hours of the “Before and After School” children may result in the children not leaving the site by 8:30am or arriving prior to 3:00pm.

(f) Playing spaces - Internal and external

Clause 2 of City Policy P307 “Family Day Care and Child Day Care Centres” (previously numbered P380) requires the internal layout of a Family Day Care to minimise noise penetration on neighbouring dwellings. The sitting and living rooms on the ground floor are intended to be used as internal playing areas. The living room opens towards Alston Avenue while the sitting room opens towards the common driveway of the western adjoining property. Considering the dwelling’s setbacks from the neighbouring properties, being located adjacent to common driveways on the western and eastern side boundaries, a garage on the southern boundary and the provision of fencing and tall trees, City officers are satisfied this requirement has been met.

Table 4 of TPS6 requires a minimum external playing space of 40m² with a minimum dimension of 6.0 metres. The development proposes its front and rear courtyards be used as external playing spaces. The courtyards meet the minimum 6.0 metre dimension in a north / south direction but do not meet the minimum 6.0 metre dimension in an east / west direction. The front courtyard is 30.5m² and the rear courtyard is 32.7m², totalling 63.2m².

The previously approved Family Day Care at Lansdowne Road has an external play space of 112m² for 4 children, and Conochie Crescent has an external play space of 86m² for 3 children.

City officers considered the provided areas to be adequate for a Family Day Care with up to 6 children and support a variation to the minimum external playing space requirements being granted.

In addition, Clause 1(a) of City Policy P307 requires the external playing space to be:

- (i) *Fully fenced;*
- (ii) *For the exclusive use of the dwelling in which the Family Day Care is situated;*
and
- (iii) *Arranged so as to minimise noise penetration on neighbouring dwellings.*

The site has adequate fencing provided, with an open style fence surrounding the front courtyard and a brick boundary wall for the rear courtyard. The provided external playing spaces meet exclusive use requirement, as these areas are not accessible from adjoining properties. The location of the external playing spaces adjacent to common driveways, and being screened by boundary fencing and tall trees, are considered to minimise noise penetration to the neighbouring dwellings.

Therefore, the proposed development complies with the TPS6 and Council policy requirements.

(g) Landscaping

The required minimum landscaping area is 105.6m² (40%) and the proposed landscaping area is approximately 16.4m² (7%), therefore the proposed development does not comply with the landscaping requirements of Table 3 of TPS6. The existing provision of open space is 116.2m² (44%).

The previously approved Family Day Care at Lansdowne Road has a landscaping area of 41% (115m²), while Conochie Crescent was considered to meet the 40% requirement as the site's open space exceeds 50%.

Council discretion - Clause 7.8.1

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

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

In particular, there are existing pot plants and a proposed vegetable garden on top of the existing paving within the external playing areas, as well as many existing large trees planted within the provided landscaped area onsite.

As a response to the above sub-clause, the applicant submits the opinion that the provided landscaped area meets the requirements expected by families caring for young children.

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

Council discretion - Clause 5.1(5)

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

- (a) *Such landscaping shall be designed, developed and completed to a standard considered by Council to be outstanding;*
- (b) *Such landscaping shall comprise planting and at least one of the following decorative features:*
 - (i) *rockeries;*
 - (ii) *water features;*
 - (iii) *sculpture or other urban artwork; or*
 - (iv) *other decorative features considered by Council to enhance the visual quality of the streetscape;*
- (c) *Such landscaping shall not:*
 - (i) *be paved other than for vehicular or pedestrian access; or*
 - (ii) *form part of a private courtyard;*

- (d) *Such landscaping shall occupy the portion of the site between the primary street boundary and the principal building on that site; and*
- (e) *No fencing of any kind shall be erected between such landscaping and the primary street boundary, however Council may permit appropriate fencing forward of the proposed building along the side boundaries of the site.*

The existing landscaping does not fully meet the above listed requirements to be considered as outstanding landscaping.

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

(h) Car parking

The required number of car parking bays is nil beyond normal residential parking provisions. The Residential Design Codes requires 2 car bays for a Single House, which are provided within the existing double garage. The existing driveway can cater for 2 vehicles for the dropping off and picking up of children by parents. Therefore the proposed development complies with the car parking requirement in Table 6 of TPS6.

(i) Traffic

The provision of 4 “Full Time” places will create a maximum of 8 vehicle movements per day (dropping off children in the morning and picking up children in the evening). However, as 2 places will initially be taken by the applicant’s 2 own children, the additional 2 places will create a maximum of 4 vehicle movements per day.

The 4 “Before and After School” places will create up to 4 vehicle movements in the morning and evening, totalling 8 vehicle movements per day and at least 2 vehicle movements per day from transporting the children to and from school.

In total, the Family Day Care as proposed by the applicant is likely to create an additional 14 vehicle movements per day. The City’s recommended operating conditions would reduce the number of additional car movements to 10 per day.

Alston Avenue is subject to some regular on-street parking by residents and the noise impacts of heavy traffic from the Kwinana Freeway and the Perth to Mandurah rail line, both located approximately 120 metres west of the site, which was heard from the street and courtyards of the site during a site visit. The driveways on Alston Avenue within the focus area provide vehicle access to 21 residences.

The impact of additional traffic from the previously approved Family Day Care services in Lansdowne Road and Conochie Crescent were seen to have a minor impact, though in the case of Lansdowne Road, this property is located near a local shopping precinct.

Additional traffic from the Family Day Care will have some impact upon Alston Avenue, however the City’s recommended operating conditions are considered to reduce additional traffic on the street to an acceptable level.

(j) 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;*
 - (d) *Establish a community identity and "sense of community", both at a City and precinct level, and to encourage more community consultation in the decision-making process;*
 - (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
 - (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.*
- (k) **Other Matters to be Considered by Council - Clause 7.5 of TPS 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;*
 - (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;*
 - (p) *Any social issues that have an effect on the amenity of the locality;*
 - (s) *Whether the proposed access and egress to and from the site are adequate, and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
 - (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
 - (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
 - (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
 - (x) *Any other planning considerations which Council considers relevant.*

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

Consultation

(a) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 “Consultation for Planning Proposals”. Under the “Area 1” consultation method, individual property owners, occupiers and / or strata bodies at Nos. 2, 2B, 2C, 3, 3A, 3B, 4 and 4A Alston Avenue and Nos. 55, 57, 57A, 57B, 57C and 57D Mary Street were invited to inspect the plans and to submit comments during a minimum 14-day period (however, the consultation continued until this report was finalised).

During the advertising period, a total of 22 consultation notices were sent and 7 submissions were received, none in favour and 7 against the proposal, as well as a letter objecting to the proposal signed by 17 residents from 10 properties. The comments from the submitters, together with the applicant’s and officer response are summarised below.

Submitters’ Comments	Applicant’s Response	Officer Response
<p>The Family Day Care will create car parking and traffic issues including:</p> <ul style="list-style-type: none"> o Lack of available parking onsite and on the street. o Congestion and obstructions on the street, with vehicle collisions likely. o The noise emitted from vehicles. 	<p>The number of vehicles using on-street parking will not greatly increase. The property has 2 bays onsite and these bays will be used for a duration of 5 to 15 minutes for dropping off and picking up children. It is expected no more than 2 street bays will be required at any time. Additional bays would be available on the street if neighbouring properties ceased utilising street parking prior to their own.</p> <p>The business will establish a policy informing parents of the City’s Local Parking Laws. The business will inform the City of any breaches of its parking regulations and may terminate its services to the client.</p> <p>The noise from any vehicle accessing the site should meet the noise requirements of the Department of Transport. Any excessively noisy vehicle will be reported by the business. The area is already subjected to traffic noise as some vehicle and motorcycles used by neighbouring residential properties are excessively noisy, and the traffic noise from the freeway and railway are audible from the site.</p>	<p>There is adequate parking onsite to cater for parents dropping off or picking up children. In the event that more than 2 parents were onsite at the same time, Alston Avenue has the capacity for additional cars to park on the street for a short period of time.</p> <p>Any driver parking their car on the street should not leave their vehicle in a position that obstructs through traffic or the driveways of other properties.</p> <p>The noise impact from additional vehicles is considered to be minor, especially considering the site’s close proximity to the Kwinana Freeway.</p> <p>The City’s officers recommend that the number of children be restricted to a maximum of 6, to minimise the impact of traffic on neighbouring properties.</p> <p>The comment is NOTED.</p>

<p>The operation of a non-residential land use within a residential area will be detrimental to the residents' amenity. In particular:</p> <ul style="list-style-type: none"> o The loss of the neighbouring residents' "privacy" from having a high number of small children within a confined area, and from the arrival and departure of parents and their children. o A loss of property value. o The excessive provision of signage on the site. o This approval may lead to other non-residential land uses being approved nearby. o The noise from the operation of the business. o The area will become a less desirable area to live as the street would no longer be exclusively residential. o The street should remain as a quiet residential area. 	<p>The site will continue to be used primarily as a residence.</p> <p>There will be limited impact to the residential appeal of the street and the Family Day Care would not detract from the value of property. The provision of this service may render the street more favourable to potential buyers.</p> <p>No signage is proposed.</p> <p>Each application for non-residential land uses is assessed individually; the approval of this application would not influence further decisions by Council.</p> <p>The service will be operated by a qualified early child care professional and primary teacher who has completed the Family Day Care accreditation as required by the Act. The operator will take adequate steps to reduce noise to neighbours as required by the Environmental Protection (Noise) Regulations 1997. These steps include scheduled visits to local playgrounds and ovals for active play, quiet time, indoor play with doors closed, scheduled activities that maintain a composed noise free environment and play in areas where noise exposure to neighbours is limited. The site has high brick fencing and is surrounded by driveways. The maximum number of children utilising the service is similar to that of a large family.</p>	<p>The Family Day Care is proposed to operate predominately during standard business hours on weekdays only. The Family Day Care will not be operating during the evenings or on weekends. Outside of the nominated operating hours, the site will operate as a residence. The external playing areas are surrounded by driveways, boundary fences and large trees, which are seen to reduce the noise impacts to the sensitive areas of the neighbouring residences. The proposed hours and the City officers recommended maximum number of children is seen not to have a significant detrimental amenity impact to neighbouring properties.</p> <p>There is no evidence that the approval of this application would have any the impact upon property values.</p> <p>The applicant is not proposing to install any signage on the site.</p> <p>If a non-residential land use is later proposed at another residential property near the site, that application will be assessed on its merits.</p> <p>The comments are NOTED.</p>
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Another child care centre is not required as existing facilities are located nearby.	This service is in high demand with local child care facilities having waiting lists in excess of 12 months, and its provision is supported by local schools and the state and federal governments.	As at 1 February 2011, there are only 4 Family Day Care licences issued by the Department for Communities within the City of South Perth. This proposal is not for a Child Day Care Centre. The applicant indicates that there is sufficient demand for additional child care services to be provided within this area. The comment is NOTED .
The construction works will create excessive dust and noise.	No construction works are required.	No additions or alterations to the existing building are proposed. The comment is NOT UPHELD .
The site and the existing building are not suitable for child care services.	The property will undergo auditing by an accredited child care provider as stipulated in the Child Care Services (Family Day Care) Regulations 2006.	City officers have recommended that Council grant discretion to be exercised in regards to the size and dimensions of the external playing spaces. City officers consider the internal playing spaces to be adequate. The comment is NOTED .
The existing fencing is inadequate, potentially allowing children to escape.	There will be no inadequate fencing. The existing fencing will be audited for compliance (Refer to above).	The existing fencing is adequate to meet the requirements of City Policy P307. The comment is NOT UPHELD .

The applicant's response to the neighbours' comments are included in **Attachment 10.3.2(c)**.

(b) Internal administration

Comments were invited from the Environmental Health section of the City's administration. The Environmental Health section provided comments with respect to noise, food and kitchens. This section raises no objections and has provided recommended important notes.

Accordingly, important notes are recommended in response to the comments from the above officer.

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

Being non-residential land use of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

It is considered that the applicant's proposal without modification does not meet all of the relevant Scheme, R-Codes and Council Policy objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbours and streetscape. Provided that maximum number of children and other conditions are applied as recommended, it is considered that the application should be conditionally approved.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.2**

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for an additional use (Family Day Care) to an existing Single House on Lot 5 (No. 3C) Alston Avenue Como, **be approved** subject to:

(b) Standard Conditions

661 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

The Family Day Care be limited to:

- (i) 6 children on Monday to Friday between 7:30am and 9:00am and between 2:30pm and 5:00pm;
 - (ii) 4 children on Monday to Friday between 9:00am and 2:30pm on school days; and
 - (iii) 6 children on Monday to Friday between 9:00am and 2:30pm during school holidays;
- Any additional children or additional hours of operation will be subject to an amendment to the original planning approval.

(c) Standard Advice Notes

651 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.

(d) Specific Advice Notes

The applicant is advised to comply with the City's Environmental Health section requirements, including the following:

- (i) The design of all internal and external play spaces are to be in compliance with the *Environmental Protection (Noise) Regulations 1997* in relation to surrounding properties;
- (ii) The business will need to register with the City in accordance with the *Food Act 2008*; and
- (iii) The kitchen facilities are to comply with all applicable Australian Standards.

CARRIED EN BLOC RESOLUTION

**10.3.3 Draft Policy P351.14 “Cygnia Cove Residential Design Guidelines” –
adoption for advertising for submissions**

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: 2 May 2011
Author: Emmet Blackwell, Strategic Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

This report presents to the Council a draft Planning Policy P351.14 *Cygnia Cove Residential Design Guidelines* (draft policy). The draft policy aims to guide the assessment and determination of all residential development applications within Cygnia Cove estate.

The objectives of the draft 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.

Council is requested to adopt the draft policy for advertising for public submissions.

Background

The draft policy (Cygnia Cove Residential Design Guidelines) is provided as **Attachment 10.3.3.**

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 requires 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 are now presented as **Attachment 10.3.3** in the form of draft Policy P351.14.

Comment

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

(a) **Restrictive Covenants**

Restrictive covenants are to be placed on the Certificates of Title of all lots within the Cygnia Cove area. These will provide prospective landowners with sufficient notification in regard to the additional development controls as well as generally ensuring a high standard of development throughout the entire estate.

(b) **Approval Process**

The draft policy contains details of the required procedures in order to apply for both Planning and Building approvals. A detailed flow chart is included within this section of the policy to provide a simplified explanation of the required procedures. The roles of the "developer" Richard Noble and company (acting on behalf of the owners) and the City of South Perth throughout the approval process are also clearly defined. Specifically, applicants development plans are required to first be endorsed by Richard Noble prior to lodgement with the City.

(c) **Sustainable Living**

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.

A broad range of sustainability related requirements are contained under this heading, including but not limited to:

- water use and re-use;
- garden design;
- public safety and amenity;
- passive environmental home design; and
- energy use.

(d) **Built Form and Materials**

Housing in Cygnia Cove is to reflect a contemporary architecture as informed by the sustainability-requirements of the design guidelines to create a uniquely Australian urbanism. Dwelling elevations are to feature a composite of external wall finishes and be articulated to provide visual interest. Blank facades are to be avoided through the provision of projections and indentations on the floor plans with resultant shadow effects and corresponding roof elements. The street or 'public face' of the building is to be detailed to provide visual richness and variety and enhance individual identity. The following sub-headings are included within this section:

- Building appearance and streetscape;
- Roofscape;
- Wall materials;
- Site levels and retaining walls; and
- Colour.

(e) **Fences**

Fencing requirements additional to those contained within the R-Codes and Council's Fencing Policy P350.7 have been included to ensure that a particularly high standard of streetscape is designed, constructed and maintained. The provisions establish which materials are prohibited for a secondary street fence and impose controls relating to repairs or works involving a portion of fence originally provided by the Developer.

(f) **Vehicular Access and Garages**

With one exception, all residential on-site car parking requirements and associated setbacks are as per the R-Codes and relevant City of South Perth planning controls. The only exception is in those instances where particular lots are identified as being subjected to the alternate requirements prescribed under section 10.6 Indicative Development Plans as described below under 'Site Specific Considerations'.

(g) **Site Specific Considerations**

Due to varying constraints associated with the location of particular sites, numerous lots within the subdivision area are subjected to specific provisions to guide suitable development. The following sub-headings relate to detailed requirements in response to relevant site specific constraints:

- Minimum setbacks;
- Open space;
- Clontarf College heritage precinct;
- Quiet house design (lots fronting Manning Road or Centenary Avenue);
- Setback requirements from public open space;
- Indicative development plans (specific site design requirements for irregular shaped and grouped dwelling lots).

(h) **Design Guidelines Checklist**

A comprehensive checklist containing all relevant residential design guideline requirements is included as Appendix 1 of **Attachment 10.3.3**. The checklist will be a valuable tool for applicants submitting development applications and also for the nominated Richard Noble representative who will be responsible for endorsing plans before applications can be submitted to the City.

Consultation

(a) Environmental Health Services

The City’s Environmental Health Officers have provided advice on the draft policy, particularly the requirement that greywater reuse systems must be assessed and approved by the City’s Environmental Health Officers prior to installation. The policy has been modified to include this requirement.

(b) Building Services

The City’s Building Services section has provided detailed advice in relation to particular standards and processes in place regarding energy and water efficiency requirements and verification under the Building Code of Australia (BCA). The policy did not require modification in this regard.

(c) Statutory Planning

The City’s Statutory Planning Officers made significant contributions during the initial editing stage of the policy. However in general officers indicated that the draft policy provisions are appropriate, concise and straightforward for assessing development applications. They recommended additional clarification regarding development requirements for the grouped dwelling sites. Subsequently, additional indicative development plans for the grouped dwelling sites (five in total) have been incorporated into the draft policy provisions.

(d) Public Consultation

Public consultation on the draft policy will be undertaken in accordance with clause 9.6(2) of the city’s Town Planning scheme No. 6 (TPS6) and Planning Policy P301 *Consultation for Planning Proposals*.

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

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

Stages of Advertising and Adoption	Estimated Time Frame
Council resolution to adopt draft Policy P351.14 for advertising	24 May 2011
Public advertising period of not less than 21 days	Commencing early June 2011
Council review of the draft Policy P351.14 in light of submissions received, and resolution to formally adopt the policy with/without modification, or not proceed with the policy	Council meeting August 2011
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council’s resolution	August or September 2011

Policy and Legislative Implications

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

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

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

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

Financial Implications

The City will be responsible for costs associated with 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 draft 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 site. The policy complements the related provisions within TPS6, the R-Codes and other Council planning policies.

Council is requested to adopt the draft policy for advertising for public submissions.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.3**

Moved Cr Best, Sec Cr Trent

That...

- (a) in accordance with clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the draft Planning Policy P351.14 *Cygnia Cove Residential Design Guidelines*, **Attachment 10.3.3** be adopted for advertising;
- (b) public advertising of the draft Policy be implemented in accordance with Council Policy P301 *Consultation for Planning Proposals*; and
- (c) a report on any submissions received be presented to the earliest available Council meeting following the conclusion of the advertising period.

CARRIED (10/0)

10.3.4 Disposal of Lot 604, Diagram 98873 Como (former Right of Way 92)

Location:	City of South Perth
Applicant:	Council
File Ref:	ROW 92
Date:	3 May 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report recommends that the Council dispose of former Right of Way 92, Lot 604 on Diagram 98873 to Mr Michael John Sonntag and Ms Claire Margaret Sonntag at the independently licensed market valuation of \$8,000.

Background

The City owns freehold Lot 604 on Diagram 98873. Lot 604 is a part of the decommissioned Right of Way 92 which is now closed and inaccessible to the public. Lot 604 is an 88 square metre parcel of land adjoined by Lot 2, 11 Barker Avenue (owned by Mr and Mrs Sonntag) and 34 Alston Avenue Como, a drainage sump owned by the City of South Perth.

Mr and Mrs Sonntag approached the City with a view to purchasing Lot 604 to adjoin to their Barker Avenue property. The City has in the past disposed of former right of ways to adjoining lot owners at an agreed value, subject to there being suitable easement protections and there being no further need for the City to retain the former right of way for civic purposes.

Comment

In accordance with the *Local Government Act 1995*, an independent license market valuation was ascertained in February 2011. Local licensed valuers, Garmony Property Consultants assessed the market value of the property at \$8,000. A copy of the *Confidential* valuation is available for viewing in the Councillors' Lounge.

Mr and Mrs Sonntag have agreed as part of the disposal conditions to an easement burden being created over the City's drainage line, similar to the existing easement burden over the Water Corporation Sewer.



Consultation

In accordance with section 3.58(3) of the *Local Government Act 1995*, the City gave public notice of the proposed disposition inviting submissions for a period of not less than two weeks. Advertisements were placed in *The West Australian* on 31 March 2011 and the City's website with submissions closing Friday 15 April 2011. There were no submissions received during this period.

Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995* prescribes the requirements for disposing of land.

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*

- (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Financial Implications

The proposed disposition of property this property will earn the City \$8,000 in revenue. The proponents have agreed to be responsible for all costs associated with the proposed sale of land, including but not limited to the market valuation, settlement and legal fees, stamp duty fees etc.

Strategic Implications

The recommendation to dispose of this former Right of Way is consistent with Goal 3 of the Strategic Plan 2010-2015, “*Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential uses*”.

Sustainability Implications

This recommendation is consistent with the principles of the City’s Sustainability Strategy.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4
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That Council

- (a) resolve to dispose of former Right of Way 92, Lot 604 on Diagram 98873 by private treaty to Mr Michael John Sonntag and Ms Claire Margaret Sonntag at the independently licensed market valuation of \$8,000 on the condition that Mr and Ms Sonntag agree to an easement burden being created over the City of South Perth drainage line; and
- (c) delegate authority to the Chief Executive Officer to execute the relevant transfer of land documents.

CARRIED EN BLOC RESOLUTION

10.3.5 Disposal of Lot 44, Deposited Plan 39639 Como (former Right of Way 81)
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Location:	City of South Perth
Applicant:	Council
File Ref:	ROW 81
Date:	3 May 2011
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report recommends that the Council dispose of former Right of Way 81, Lot 44 on Deposited Plan 39639 to Mr Peter Chwall and Ms Elena Anatolievna Smith at the independently licensed market valuation of \$7,000.

Background

The City owns freehold Lot 44 on Deposited Plan 39639. Lot 44 is a part of the decommissioned Right of Way 81 which is now closed. Lot 44 is a 102 square metre parcel of land off Greenock Avenue, adjoined by 35 and 37 Robert Street South Perth.

Mr Chwall and Ms Smith, the owners of Lot 3, 37 Robert Street Como approached the City with a view to purchasing Lot 44 to adjoin to their Robert Street property. Mr Chwall is also keen to purchase the lot to prevent further anti-social behaviour occurring on this lot.

The City has in the past disposed of former right of ways to adjoining lot owners at an agreed value, subject to their being suitable easement protections and there being no further need for the City to retain the former right of way for civic purposes. There are no easement requirements on this lot and the City has no further use or requirement for this former right of way.

Comment

In accordance with the *Local Government Act 1995*, an independent license market valuation was ascertained in February 2011. Local licensed valuers, Garmony Property Consultants assessed the market value of the property at \$7,000. A copy of the *Confidential* valuation is available for viewing in the Councillors’ Lounge.



Consultation

In accordance with section 3.58(3) of the *Local Government Act 1995*, the City gave public notice of the proposed disposition inviting submissions for a period of not less than two weeks. Advertisements were placed in *The West Australian* on 31 March 2011 with submissions closing Friday 15 April 2011. There were no submissions received during this period.

In addition, the City also wrote to the body corporate seven individual owners of the adjoining 35 Robert Street Como seeking comment and feedback on the proposal to dispose of the former right of way. There was only one response received which was in favour of the City disposing of the lot to the owners of 3/37 Robert Street Como.

Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995* prescribes the requirements for disposing of land.

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition;*
and
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Financial Implications

The proposed disposition of property this property will earn the City \$7,000 in revenue. The proponents have agreed to be responsible for all costs associated with the proposed sale of land, including but not limited to the market valuation, settlement and legal fees, stamp duty fees etc.

Strategic Implications

The recommendation to dispose of this former Right of Way is consistent with Goal 3 of the Strategic Plan 2010-2015, “*Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential uses*”.

Sustainability Implications

This recommendation is consistent with the principles of the City’s Sustainability Strategy.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.5**

That Council

- (a) resolve to dispose of former Right of Way 81, Lot 44 on Deposited Plan 39639 by private treaty to Mr Peter Chwall and Ms Elena Anatolievna Smith at the independently licensed market valuation of \$7,000 on the condition that Mr Chwall and Ms Anatolievna Smith agree to an easement burden being created over the Water Corporation sewerage line; and
- (b) delegate authority to the Chief Executive Officer to execute the relevant documents.

CARRIED EN BLOC RESOLUTION

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Manning Community Hub – A Class Reserve 24331

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 9 May 2011
Author: Cliff Frewing, Chief Executive Officer

Summary

This report recommends that the Council seek approval from the State Government to acquire a portion of A Class Reserve 24331, situated at the rear of the shops in Welwyn Avenue, Manning. The projected funds from the proposed acquisition and future disposition of portions of this reserve are considerable and are potentially a significant financial component towards funding the Manning Community Hub.

The proposed acquisition of portion of Reserve 24331 would be on the basis of purchasing the land with freehold title from the State Government for 5% of its value in accordance with the State Government policy for dealing with reserve land created at sub division. The land area to be purchased relates to the portion to be used for commercial purposes.

Should the State Government approve this land acquisition, the Council could dispose of portions of land that would be used for commercial purposes on the proviso that all funds received are reinvested for community and recreation purposes, namely the Manning Community Hub.

Background

The Council originally endorsed the development of concept plans and community consultation for the Manning Community Hub in February 2008. CSD Consulting was subsequently engaged to undertake a comprehensive community survey and develop a community hub concept plan that incorporated community, sporting and commercial activities. A preferred option and the recommendations of the Manning Community Facility Study were considered and endorsed by the Council in June 2009 and the Council commenced the statutory process for associated road closures in December 2009.

Reserve 24331 is zoned neighbourhood commercial as outlined in Diagram 1. Diagram 2 details one of the redevelopment options being considered that incorporates some commercial development on the site – namely proposed supermarket, cafe/restaurant and medical centre.

The consultant's report in respect of the commercial land uses on the reserve recommended that:

- Funds from the sale/lease of the commercial area could be used to contribute back to provision of community facilities in the area.
- That Council investigate, in collaboration with State Government, potential mechanisms for ensuring that income from this community asset (A Class Reserve) is returned to the community rather than general State revenue.

Consultants Hester Property Solutions were engaged by the City in April 2011 to provide professional advice on the associated land tenure issues and investigate the possibility of the City acquiring Reserve 24331. Hester Property Solutions are presently working with a number of local governments on similar projects and has extensive experience in gaining freehold titles to reserve land for local authorities.

Hester Property Solutions briefed a Council workshop on 4 May 2011 outlining the opportunities and various land acquisition processes available to Council in respect to the Manning Community Hub, which is the subject of this report.

Diagram 1

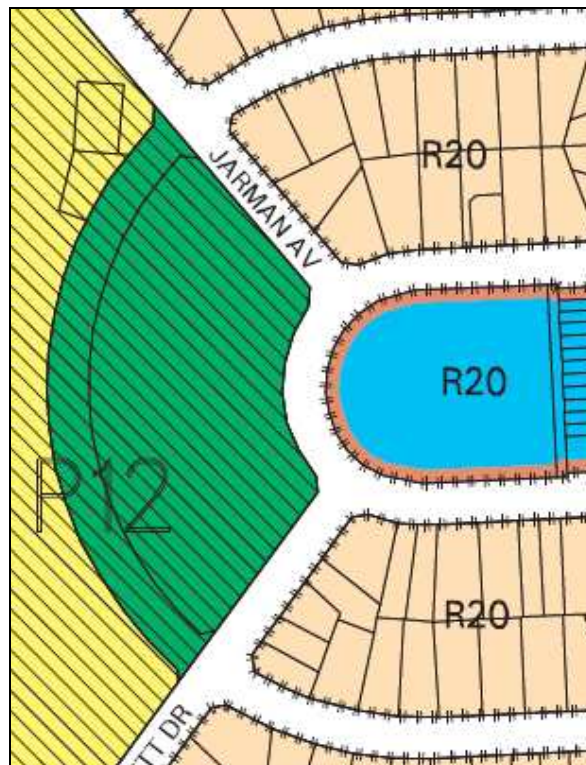
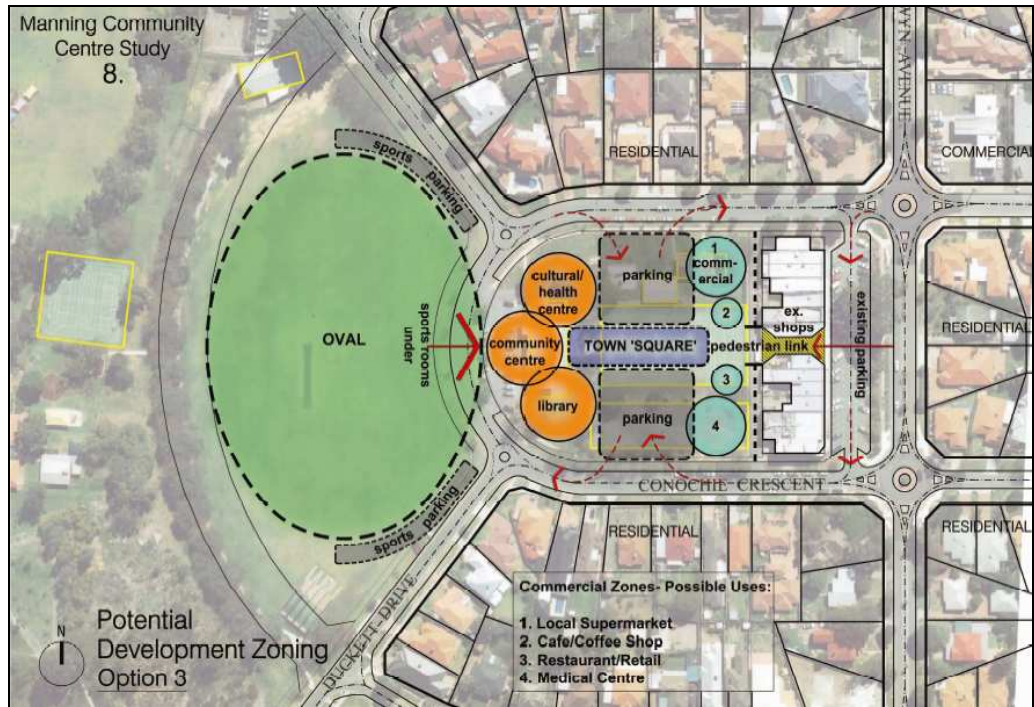


Diagram 2

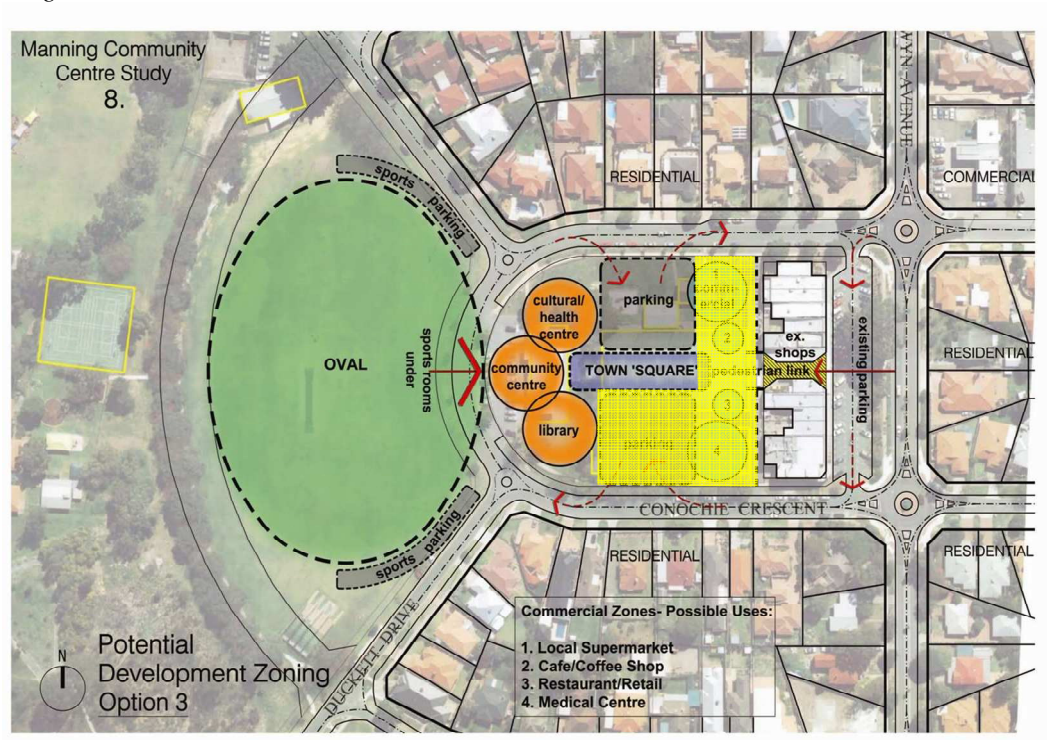


Comment

Hester Property Solutions have advised that Reserve 24331 provides the City with a unique opportunity to raise significant funds for community and recreation purposes within the Manning Community Hub. The local community has clearly indicated its enthusiasm for the precinct to be redeveloped for community, recreation and commercial uses which are much needed in the area.

The subject portion of land was created as an A Class reserve in 1955. Hester Property Solutions have advised that the City can make a formal request to State Land Services (SLS) to purchase the portion of land highlighted in yellow in Diagram 3 for 5% of the assessed market valued as determined by the Valuer General’s Office (estimated at approximately \$150,000). The area of land to be acquired is still approximate and will be further refined once more detailed design and planning for the precinct has been done.

Diagram 3



The process will require State Parliament approval as it will require the extinguishing of an A Class reserve. The process is relatively straight forward with the submission requiring to be tabled for fourteen sittings days in Parliament. Support from the community and local members of State Parliament will be required and will involve further public consultation and individual meetings. The process will also require liaising and support from relevant government agencies and service providers such as the Department of Planning.

Hester Property Solutions have had preliminary discussions with SLS officers, who although not in a position to predict the Parliament’s decision, have encouraged the City to lodge a purchase of land submission due to the strong community benefit that could potentially be achieved.

Should the Council proceed with this proposal, Hester Property Solutions would be engaged to manage the process on behalf of the City given their significant experience in this area. The City has been advised that the reserve acquisition process would take approximately twelve months.

Consultation

The Manning Community Hub has been the subject of extensive community consultation since 2008, inclusive of residents, community groups, government agencies and other key stakeholders. The existing concept plan including the proposed commercial development has been developed in close cooperation with the community and with community support. Further community consultation will be required as well as consultation with and support from local members of Parliament for the purchasing of part of the reserve for commercial purposes.

Policy and Legislative Implications

The proposal, process and legislative requirements to acquire and dispose of portions of A Class Reserve 24331 is subject to the provisions of the *Land Administration Act 1997* and the *Local Government Act 1995*.

Financial Implications

The acquisition and subsequent sale of portion of the reserve for commercial purposes will realise significant income that will be used as a contribution to the proposed redevelopment of the Manning Community Hub. The exact amount would be determined by the area of land set aside for commercial development and valued by a licensed valuation professional.

Should the Council proceed with this proposal, it is recommended that \$150,000 (5% of estimated valued) be included in the 2011/2012 budget for the acquisition of the land. It is anticipated that the land could be subdivided (if necessary) and sold for commercial development consistent with community wishes. All proceeds from future sales would be expended on the provision of community facilities on the site, consistent with Council and community expectations.

Hester Property Consultants have quoted a fee of \$15,000 to undertake the reserve acquisition process on behalf of the City.

The 2009 preliminary costs for the Manning Community Hub were estimated in excess of \$16.3M. The progress and development of the Manning Community Hub is also contingent on proposed land sales within the Civic Triangle.

The proposed acquisition and future subsequent dispositions within Reserve 24331 would contribute significantly towards funding these community facilities. In particular, acquisition of the reserve by the City would facilitate commercial infrastructure to be developed on freehold land by prospective developers.

Strategic Implications

The recommendation to acquire portion of Reserve 24331 is consistent with Goal 4.1 Places of the Strategic Plan 2010-2015, "*Identity and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable*".

Sustainability Implications

The creation of a community hub such as the Manning Community Hub is consistent with the concept of building strong sustainable communities by strengthening community networks and creating more opportunities to interact.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.4.1**

That...

- (a) Council consult with the local community and the local members of State Parliament in seeking support for Council to acquire portion of Reserve 24331 – the area to be determined for commercial purposes and report findings back to Council.
- (b) subject to recommendation (a) being successful, Council apply to the Department of Regional Development and Lands (State Land Services Division) to obtain approval from both the Minister for Lands and the WA State Parliament to acquire portion of Reserve 24331 for 5% of the assessed valuation;
- (c) subject to recommendation (b) being approved, Council relinquish the Management Order over Reserve 24331 and accept a new Management Order over portions of land to be designated for community purposes; and
- (d) all funds derived from the sale or lease of the land acquired are to be placed in the City's Asset Enhancement Reserve and reinvested for community and recreation purposes solely within the Manning Community Hub.

CARRIED EN BLOC RESOLUTION

10.5 STRATEGIC DIRECTION 5: TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - April 2011

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 08 May 2011
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

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

Background

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

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

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

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

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

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

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

Comment

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

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

Operating Revenue to 30 April 2011 is \$40.00M which represents 100% of the \$39.90M year to date budget. Revenue performance is close to budget expectations overall - although there are some individual line item differences. Meter parking is in line with budget expectations but infringements revenue lag budget by 10%. Interest revenues remain slightly ahead of budget expectations - with higher holdings of both Municipal and Reserve funds contributing to the favourable variance. Interim rates revenue is now very close to budget. Property enquiry revenue is low due to a reduced amount of sales activity in the area.

Despite a downwards budget adjustment, Planning revenues are now some 11% below budget expectations after a very quiet period since January. Building revenue now also lags budget by 2% despite a downwards budget adjustment. Collier Park Village revenue is slightly ahead of budget expectations whilst the Collier Park Hostel revenue remains significantly favourable even after an upwards revision to budget expectations - although a modest downwards adjustment is expected after a review of the commonwealth subsidies. Golf Course revenue is now 1% above budget target - after the budget figure was revised downwards in the last Budget Review. Infrastructure Services revenue is largely on budget in most areas - although transfer station entry fees were adjusted down in the Q3 Budget Review. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(5)**.

Operating Expenditure to 30 April 2011 is \$32.64M which represents 98% of the year to date budget. Operating Expenditure is 4% under budget in the Administration area, on budget in the Infrastructure Services area and 4% under budget for the golf course.

Operating expenses in most administration areas are close to budget other than timing differences and staff vacancies.

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

There are a number of budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 3.3% under the budget allocation for the 223.2 FTE positions approved by Council in the budget process - after having allowed for agency staff invoices to month end.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(5)**. The majority of disclosed variances are the result of bringing Q3 Budget Review adjustments to account.

Capital Revenue is disclosed as \$2.52M at 30 April against a year to date budget of \$2.75M. The major factor contributing to this variance is some environmental works grant funding revenue that can only be claimed back after the works are completed and a timing difference on CPV units leased. Details of the capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 30 April 2011 is \$14.26M representing 87% of the (revised) year to date budget and 77.2% of the full year revised budget (after the inclusion of \$4.0M of carry forward works). The major elements of the capital program delivered so far this year are \$6.73M in progress claims on the Library & Community Facility project and \$5.96M on various infrastructure projects.

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

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YT Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	135,000	40,802	48%	190,000
Library & Community Facility *	6,287,000	6,215,859	97%	6,287,000
Financial & Information Services *	1,037,000	1,038,373	100%	1,152,000
Planning & Community Services	988,200	512,679	52%	1,051,100
Infrastructure Services	6,751,689	5,594,020	83%	8,053,961
Waste Management	235,000	207,488	38%	245,000
Golf Course	492,000	489,307	99%	687,000
UGP	380,000	161,368	42%	800,000
Total	16,305,889	14,259,896	87%	18,466,061

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.1**

That ...

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

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 April 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	08 May 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 \$37.97M compare favourably to \$37.88M at the equivalent stage of last year. Reserve funds are \$5.50M higher than the level they were at for the same time last year - reflecting \$2.90M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Future Building Projects Reserve is \$0.3M more than at April 2010 as funds have been applied to the Library & Community facility project but new funds are now being accumulated towards the Manning Hub project. The UGP Reserve is \$0.9M higher. The Waste Management, Information Technology and Plant Replacement Reserves are each \$0.3M higher whilst the River Wall Reserve is \$0.2M higher. Other Reserve balances are also modestly higher when compared to last year.

Municipal funds are \$5.48M lower which reflects higher cash outflows on the Library & Community Facility project and major infrastructure projects. Collections from rates this year have remained strong and are still very close to last year's excellent performance.

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

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

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$5.89M (compared to \$7.90M last month) It was \$11.35M at the equivalent time in 2009/2010. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$37.02M compared to \$35.84M 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 97.2% of the funds are invested in securities having a S&P rating of A1 (short term) or better. The remainder are invested in BBB+ rated securities.

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

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

Total interest revenues (received and accrued) for the year to date total \$1.97M - well up from \$1.51M at the same time last year. This result is attributable to the higher interest rates available during the year and higher levels of cash holdings - particularly Reserves.

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

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

The weighted average rate of return on financial instruments for the year to date is 5.64% with the anticipated weighted average yield on investments yet to mature now sitting at 5.71% (compared with 5.76% last month). Investment results to date reflect prudent selection of investments to meet our immediate cash needs. At-call cash deposits used to balance daily operational cash needs currently provide a modest return of only 4.50% since the November 2010 Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of April 2011 (after the due date for the final instalment) represent 96.1% of rates levied compared to 96.3% at the equivalent stage of the previous year.

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

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

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.06M at month end (\$1.64M last year) (\$1.62M last month). The major changes in the composition of the outstanding debtors' balances are the GST Receivable (\$0.1M higher), sundry and balance date debtors (\$0.60M lower) and outstanding parking infringements (\$0.1M lower). Grant funding outstanding is broadly in line with the previous period balance. This represents a very positive collection result over the last 4 months.

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

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

(iii) Underground Power

Of the \$6.74M billed for UGP (allowing for adjustments), some \$6.15M was collected by 30 April with approximately 80.7% of those in the affected area electing to pay in full and a further 18.6% opting to pay by instalments. The remaining 0.7% (15 properties) represents properties that are disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings have been instituted in relation to the 3 outstanding debts (Jan & Feb 2011 hearings - one has since been settled). Two other paid in full, 8 have commenced a payment plan and 2 others are yet to reach a satisfactory arrangement.

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2

That Council receives the 30 April 2011 Monthly Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	08 April 2011
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 April 2011 and 30 April 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
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That the Listing of Payments for the month of April 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:	6 May 2011
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

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

Background

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

Comment

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

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

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

Register

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

April 2010

Nature of Document	Parties	Date Seal Affixed
Surrender of Lease	CoSP and Marjorie Doris Girdlestone	5 April 2011
Lease	CoSP and Trinity-Aquinas Amateur Football Club Inc	5 April 2011
Lease Agreement	CoSP and Michelle Pomery Trustee Trading As “Conon Road Kindergarten	6 April 2011
Lease	CoSP and Edward Paul Cogan	18 April 2011
Deed of Agreement to Lease	CoSP and Edward Paul Cogan	18 April 2011
Lease	CoSP and Betty Joyce Hillier	18 April 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
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That the report on the use of the Common Seal for the month of April 2011 be received.

CARRIED EN BLOC RESOLUTION

10.6.5 Planning Approval Determined Under Delegated Authority
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Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 2 May 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 April 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 April 2011, thirty-five (35) development applications were determined under delegated authority at **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 applications for planning approval during the month of April 2011, be received.

CARRIED EN BLOC RESOLUTION

10.6.6 Review of Ward Boundaries and Representation –Discussion Paper
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Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 9 May 2011
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report considers the 'Review of Ward Boundaries and Representation Discussion Paper'. The Discussion Paper at **Attachment 10.6.6** has been prepared in response to the State Government's current local government reform process and considers the Council reducing from thirteen to nine elected members with a view to coming into effect for the 2013 ordinary local government elections. The Discussion Paper also considers and assesses four ward options in light of the proposed reduction in elected members.

Background

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

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

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

The City of South Perth currently has 25,422 electors (as of March 2011) in six wards with two elected members each, with one elected member retiring every two years. The Mayor is elected at large. The existing ward structure is based primarily on Canning Highway, with two wards north, one west and three south of the highway.

Comment

Reduction in Elected Members

The Discussion Paper considers reducing the number of elected members to a number between six and nine in line with State Government policy. There is anecdotal evidence that reduced elected member representation still provides strong balanced representation whilst resulting in more effective and efficient decision making, governance savings and better value for money service delivery.

Elected member representation affects how much access people and communities have to their local government and their ability to influence decisions about what services and initiatives they value.

The advantages of reducing elected member representation include:

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

The disadvantages of reducing elected member representation include:

- A smaller number of elected members may result in an increased workload and demand, reducing their effectiveness and discouraging prospective candidates
- Potential loss of diversity of interests
- Potential for less community participation if there are fewer elected members to contact
- Potential for possible interest groups to dominate Council

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

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

Ward Boundary Review Options

The Discussion Paper considers four options on the Ward Boundary review, based on eight elected members and a Mayor elected at large.

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

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

Option 1 – Eight Wards with One Elected Member Per Ward



WARD	SUBURBS	ELECTED MEMBERS	ELECTORS	ELECTED MEMBER : ELECTOR RATIO	% RATIO DEVIATION
1	South Perth	1	3494	1 : 3494	0.09%
2	South Perth	1	3443	1 : 3443	0.08%
3	Kensington	1	2860	1 : 2860	-0.09%
4	Como	1	2947	1 : 2947	0.07%
5	Como	1	3524	1 : 3524	0.10%
6	Como Salter Point	1	3083	1 : 3083	-0.02%
7	Manning Salter Point	11	3163	1 : 3163	-0.004%
8	Karawara Manning	1	2908	1 : 2908	-0.08%
CITY WIDE		8	25,422	1 : 3177	

The option of creating eight wards proves difficult in satisfying all five factors used by the Local Government Advisory Board in their determination of Council submissions. To achieve the required representational balance ratio, the ward boundaries proposed creates a number of issues in respect to retaining community of interest as it divides every suburb excepting Kensington and Karawara between wards, and in particular, Como between three wards. Some ward boundaries are divided upon minor physical features which could also create confusion amongst electors (e.g. minor roads such as Anstey Street, Goss Avenue, Challenger Avenue become ward boundaries).

Option 2 – Four Wards with Two Elected Members Per Ward



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

This option as detailed in the above map considers dividing the district into four wards, north, south, east and west. The representational balance ratio deviation is within the Minister for Local Government's required 10% deviation.

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

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

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

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

Should the Council consider that the proposed boundary between the north ward and south ward should be realigned from Coode and Hensman Street to South Terrace to better reflect the community of interest, it would have to make a submission to the Minister for Local Government outlining the extenuating circumstances, as it would create a ratio deviation in the north ward well in excess of the 10% variance allowed.

Option 3 – Two Wards with Four Elected Members Per Ward



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

This option as detailed in the above map considers two wards, a northwest ward and southeast ward, divided by Canning Highway, Henley Street, Ley Street, Gentilli Way and Mt Henry Road.

As can be seen from above, the representational balance ratio deviation is within the Minister for Local Government's required 10% deviation.

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

The proposed ward boundaries follow natural physical boundaries, with Canning Highway being the main feature of distinction. This proposal allows the north west coastal suburbs to remain together in one ward, which is important in the City's future planning for the South Perth Station Precinct and the Canning Bridge Station Precinct.

There would appear to be strong community of interest within the two proposed wards, divided by Canning Highway. However, this proposal could also perpetuate the already existing perceptions within the district.

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

Option 4 – No Ward System

This option considers having no wards within the City, with all eight elected members being elected by all electors of the district.

The advantages of a no ward system include:

- Would eliminate potential ward bias - the *Local Government Act 1995* requires that elected members represent their interests of all electors, ratepayers and residents of the district, not just their ward.
- Would achieve more balanced representation across the City.
- Smaller populated and sometimes more disadvantaged areas would be represented by the whole Council.
- Simpler election process to administer and understand.
- Broadens the views and understanding of elected members beyond their own immediate area.
- Members of the community can speak to any elected member rather than their usual ward elected member.

The disadvantages of a no ward system include:

- Electors may feel that they are not adequately represented if they do not have an elected member within their immediate area.
- There is the potential for an interest group to dominate the Council.
- Elected members may not have an affinity for issues across the district.
- Elected members are expected to have an understanding of all issues across the district, increasing their workload and demand.
- More costly for prospective candidates to contest elections given they need to campaign across the whole district.

Whilst there are sixty seven local governments without wards in Western Australia, only four metropolitan local governments, Perth, Kwinana, Peppermint Grove and Gosnells currently have no wards.

Consultation

The draft Discussion Paper was the subject of a Council workshop, 4 May 2011. Should the Council endorse the Discussion Paper, there will be a minimum 42 day statutory public submission period, 28 May 2011 through to 11 July 2011.

Policy and Legislative Implications

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

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

Financial Implications

There are limited financial implications in preparing and consulting on the Discussion Paper. Should the Council resolve to reduce to nine elected members from thirteen, there would be significant governance savings from October 2013 onwards.

Strategic Implications

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

Sustainability Implications

This Discussion Paper has been prepared directly in response to the State Governments' local government reform process, which is aimed at making the industry more sustainable and stronger into the future.

OFFICER RECOMMENDATION AND COUNCIL DECISION 10.6.6

That Council...

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

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 7.21pm.

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 28 June 2011

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

17. RECORD OF VOTING

24/05/2011 7:08:46 PM

Item 7.1.1 Motion Passed 10/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Glenn Cridland, Cr Peter Best, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat

No: Absent: Cr Ian Hasleby, Cr Travis Burrows, Cr Colin Cala, Casting Vote

24/05/2011 7:09:33 PM

Item 7.1.2 Motion Passed 10/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Glenn Cridland, Cr Peter Best, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat

No: Absent: Cr Ian Hasleby, Cr Travis Burrows, Cr Colin Cala, Casting Vote

24/05/2011 7:09:50 PM

Item 7.2.1 – 7.2.4 Motion Passed 10/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Glenn Cridland, Cr Peter Best, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat

No: Absent: Cr Ian Hasleby, Cr Travis Burrows, Cr Colin Cala, Casting Vote

24/05/2011 7:10:17 PM

Item 9.0 En Bloc Motion Passed 10/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Glenn Cridland, Cr Peter Best, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat

No: Absent: Cr Ian Hasleby, Cr Travis Burrows, Cr Colin Cala, Casting Vote

24/05/2011 7:19:02 PM

Item 10.3.3 Motion Passed 10/0

Yes: Mayor James Best, Cr Veronica Lawrance, Cr Glenn Cridland, Cr Peter Best, Cr Les Ozsdolay, Cr Kevin Trent, Cr Susanne Doherty, Cr Betty Skinner, Cr Rob Grayden, Cr Peter Howat

No: Absent: Cr Ian Hasleby, Cr Travis Burrows, Cr Colin Cala, Casting Vote