



ORDINARY COUNCIL MEETING

A G E N D A

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ORDINARY COUNCIL MEETING AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chairperson to open the meeting

2. DISCLAIMER

Chairperson to read the City's Disclaimer

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Declaration of Office of Councillor

Mayor to conduct Declaration of Office Ceremony for Elected Member to the Manning Ward.

3.2 Activities Report Mayor Doherty / Council Representatives (Attached to Agenda paper)

3.3 Public Question Time

3.4 Audio Recording of Council meeting (Mobile Phones Required to be turned off)

4. ATTENDANCE

4.1 Apologies

4.2 Approved Leave of Absence

5. DECLARATION OF INTEREST

Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 13 December 2011 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME : 28.2.2012

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: 13 December 2011

7.1.2 Annual Electors Meeting Held: 07 December 2011

7.1.3 Special Electors Meeting Held: 20 December 2011

7.1.4 Special Electors Meeting Held: 17 January 2012

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 - December Ordinary Council Meeting Held: 6.12.2011

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

7.2.2 Concept Forum - Heritage Workshop - Meeting Held: 31.1.2012

Consultant, Allan Tranter "Creating Communities" facilitated the Workshop on Heritage with Elected Members. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

8. PRESENTATIONS

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

8.1.1 Petition received 1 February 2012 from K Oates, 131 South Terrace, Como together with 120 signatures (75 of which were out of the CoSP) , in relation to the draft Local Housing Strategy.

Text of Petition reads:

"We the undersigned support an increase in housing density in the most suitable locations and in achieving an increase to the distribution of new residents in inner city regions. This provides the sustainable benefit of easing the environmentally destructive and costly fringe urban sprawl...."

RECOMMENDATION

That the Petition received 1 February 2012 from K Oates, 131 South Terrace, Como together with 120 signatures (75 of which not from CoSP), in relation to the *draft* Local Housing Strategy be forwarded to the Strategic Planning Projects Department and considered together with other submissions on this matter as part of a report to the earliest available Council Meeting.

8.2 PRESENTATIONS - Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.
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8.2.1 Australian Baseball Federation - Presentation

The Mayor to present to the City of South Perth from the Planning Institute Australiaa commemorative baseball from the Australian Baseball Association following the Australian National Baseball Championships held in South Perth on 14 January 2012, in recognition of the City's support.

8.2.2 Planning Institute of Australia - Awards for Planning Excellence

The Mayor to present to the City of South Perth from the Planning Institute of Australia an Award and Citation for Planning Excellence in the category of "Best Planning Ideas" for the Canning Bridge Precinct Vision project.

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: 6.12.2011

8.3.2 Deputations at Council Meeting Held: 28.2.2012

8.4 COUNCIL DELEGATES REPORTS

8.4.1. Council Delegate: Perth Airports Municipalities Group Meeting 15 December 2011.

A report from Crs Hasleby and Skinner and the CEO summarising their attendance at the Perth Airports Municipalities Group Meeting held on 15 December 2011 at the City of Swan is at **Attachment 8.4.1.**

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.1** in relation to the Perth Airport Municipalities Group Meeting held at the City of Swan on 15 December 2011 be received.

8.4.2. Council Delegate: South East Metropolitan Zone Meeting 25 January 2012.

A report from Mayor Doherty and Cr Trent summarising their attendance at the South East Metropolitan Zone Meeting, also attended by the CEO, held on 25 January 2012 at the City of South Perth is at **Attachment 8.4.2.**

RECOMMENDATION

That the Delegates' Report at **Attachment 8.4.2** in relation to the South East Metropolitan Zone Meeting held on 25 January 2012 at the City of South Perth be received.

8.5 CONFERENCE DELEGATES REPORTS

8.5.1. Conference Delegate: AAA National Convention Held in Brisbane on 14-15 November 2011.

A detailed program of the AAA National Convention 2011 which was attended by Cr Hasleby and Presentations made at the Convention are on a CD-Rom available in the Councillors' Lounge, for any interested Council Members.

RECOMMENDATION

That the Delegate's Report in relation to Cr Hasleby's attendance at the AAA National Convention Held in Brisbane on 14-15 November 2011 be received.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Old Mill Precinct <i>(Item 10.0.1 referred from November 2011 Council Meeting)</i>
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Location:	City of South Perth
Applicant:	Council
File Ref:	ED/101
Date:	10 February 2012
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to advise on the progress of various components of the Concept Plan for the Old Mill Precinct which was approved in principle at the May 2011 Council Meeting and then deferred at the November 2011 Council Meeting pending receipt of legal advice on various issues.

Background

In September 2010 Council endorsed the Old Mill Precinct proposal solely for the purpose of conducting community consultation. The results of the community consultation was the subject of a report to the May 2011 meeting. At that meeting Council resolved as follows:

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

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

The preliminary results of the assignment were provided by Garry Lawrence at a Councillor Briefing session held on 3 October 2011. Following this Briefing a report was prepared, identifying the course of action presented at the briefing, and this was presented to the November 2011 Council Meeting. At that meeting Council resolved as follows:

“That....

- (a) the officers recommendation not be adopted;*
- (b) consideration of the Old Mill Precinct proposal be deferred to a future Council meeting pending the receipt of legal advice on the following issues:*
 - (i) If Council adopts the revised Concept Plan detailed in the report,*
 - (A) does this bind the Council to these plans should it wish to deviate from them at some time in the future or chooses to re-visit the Master Planning Process entirely; and*
 - (B) does the issues stated in the report on various land dealings and proposed funding, but not part of the recommendation, also bind the Council to any specific course;*

- (ii) *If Council wishes to progress with the construction of any of the buildings in an approved Master Plan,*
 - (A) *are Expressions of Interest required as detailed under the conditions of the Local Government Act; and*
 - (B) *does the adoption of the Concept Plan bind the Council to Garry Lawrence & Associates as the lead consultant;*
- (iii) *is a formal agreement required to appoint Garry Lawrence & Associates to project manage the studies proposed in the recommendation and any negotiations he will undertake with any government department or body on behalf of the Council and would such outcome be binding on the Council;*
- (iv) *would any agreement outline any obligations required under the Local Government Act and subsidiary legislation such as any disclosures of financial interest regarding any part of the project; and*
- (v) *who owns the Intellectual Property (IP) rights of the Concept Plan; and if it is established that they belong to Garry Lawrence & Associates, how can the Council be protected should they wish to on-sell to a third party developer at some stage in the future, who may not be of the Council's choice.*

Comment

Legal advice on the issues raised at the November 2011 Council Meeting has now be received and is contained at **Confidential Attachment 10.0.1**. A response is provided as follows:

Resolution (b)(i)

If Council adopts the revised Concept Plan detailed in the report,

- (A) *does this bind the Council to these plans should it wish to deviate from them at some time in the future or chooses to re-visit the Master Planning Process entirely; and*
- (B) *does the issues stated in the report on various land dealings and proposed funding, but not part of the recommendation, also bind the Council to any specific course;*

Summary of Response Resolution (b)(i)

- (A) *For various reasons including the fact that the plan is a concept plan and that the final decision to commence development is made by the Swan River Trust the answer is NO. The plan is the basis for future direction and would not result in any legally binding or enforceable requirement on the City.*
- (B) *Similarly, the answer is No*

Resolution (b)(ii)

If Council wishes to progress with the construction of any of the buildings in an approved Master Plan:

- (A) *are Expressions of Interest required as detailed under the conditions of the Local Government Act; and*
- (B) *does the adoption of the Concept Plan bind the Council to Garry Lawrence & Associates as the lead consultant.*

Summary of Response Resolution(b)(ii)

- (A) *Tenders may be required but that would depend upon the circumstances.*
- (B) *The adoption of the Master Plan does not bind Council to appoint Garry Lawrence & Associates as lead consultants but that may be the course of action that is chosen because of his superior background knowledge of the project.*

Resolution (b)(iii)

Is a formal agreement required to appoint Garry Lawrence & Associates to project manage the studies proposed in the recommendation and any negotiations he will undertake with any government department or body on behalf of the Council and would such outcome be binding on the Council.

Summary of Response Resolution (b)(iii)

There is no legal requirement to enter into a formal agreement with Garry Lawrence & Associates to project manage the studies.

Resolution (b)(iv)

Would any agreement outline any obligations required under the *Local Government Act* and subsidiary legislation such as any disclosures of financial interest regarding any part of the project;

Summary of Response Resolution (b)(iv)

The normal disclosures under the Local Government Act would be required for Garry Lawrence & Associates as it would for any other consultant engaged by Council.

Resolution (b)(v)

Who owns the Intellectual Property (IP) rights of the Concept Plan; and if it is established that they belong to Garry Lawrence & Associates, how can the Council be protected should they wish to on-sell to a third party developer at some stage in the future, who may not be of the Council's choice.

Summary of Response Resolution (b)(vi)

As the proposed recommendation is only calling for studies to be conducted to enable Council to determine whether it wishes to proceed with the project, it is not necessary to consider this subject at this time.

Consultation

During the course of developing the concept plan, significant community consultation and liaison has occurred. In addition, informal consultation has been carried out with the following State Government and related agencies. The overwhelming response received to date has been extremely positive by all those agencies contacted.

The State Government and other stakeholders consulted for informal response are as follows:

- > Aboriginal Groups - (Sovereign Whadjuk and South West Aboriginal Land and Sea Council)
- > City of Perth
- > Committee for Perth
- > Department of Lands and Regional Development
- > Department of Planning
- > Department of Premier and Cabinet
- > Department of Transport (Marine Safety)
- > Heritage Council
- > Kings Park Botanic Gardens & Parks Authority
- > Local State & Federal politicians
- > Lotteries WA

- > Main Roads Western Australia
- > National Trust of WA
- > Perth Waterfront Authority
- > Premier's Office
- > South Perth Historical Society
- > Swan River Trust
- > Telstra
- > Tourism WA
- > WA Planning Commission

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

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

Because of the location and possible impact of the proposed development on the local community, a total of 7,500 brochures were delivered to each household in the Mill Point and Civic Wards, with extensive advertising occurring in local and City media to cover the whole of the City.

Policy and Legislative Implications

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

	Title	Purpose
1	Reserve 37594 LR Vol 3043 Fol 251 Lot 921 on Deposited Plan 214831	Park and Recreation
2	Reserve 20804 LR Vol 3127 Fol 182 Lot 818 on Deposited Plan 209789	Public Recreation
3	Reserve 20804 LR Vol 3127 Fol 183 Lot 833 on Deposited Plan 34516	Public Recreation
4	Reserve 37593 LR Vol 3043 Fol 252 Lot 922 on Deposited Plan 214831	Park and Recreation
5	Reserve 33804 Vol 3119 Fol 157 Lot 920 on Plans 14831 and 14832	Recreation
6	Portion of road reserve	Local Road

A change in the vesting in respect of one or more of the above parcels may be required. It is possible that an amalgamation of some or all of the vesting orders will also be required. Approval will also be necessary to lease portions of the land for commercial purposes but this is not proposed at this time.

The relevant statutory implications were detailed in the April report considered by Council on 3 May 2011.

Legal advice on a series of questions has also been sought and that advice is referred to in a *Confidential* Attachment.

Financial Implications

Significant funds are required to complete the project and a full financial implications summary was included in the April report adopted by Council on 3 May 2011. The information provided below reflects the new information provided at the Council briefing and is subject to the results of the environmental studies being conducted, the finalisation of the various design elements and results of tenders being called.

The studies include the following with estimated costs:

- Heritage Council Conservation Plan Update \$11,000
- Heritage Council Impact Study \$2,500
- Approval Required Under Section 18 of the *Aboriginal Heritage Act 1972* \$40,780
- Environmental Studies including acid sulphate soil studies (Geotech and dewatering) and SRT Approvals etc \$185,000
- Western Power Fibre Optic Relocation (Tram Enclosure) \$35,000
- Public Environment review costs if required could amount to a further sum of approximately \$277,000 if a review is required to be conducted by the Swan River Trust or other State Agency. This work would not be conducted this financial year and would only be incurred if the Swan River Trust required the Public Environment review to be done after lodgement of a Development Application.

Fees of approximately \$65,900 would also be required to prepare detailed specifications for the construction of the tram enclosure for the purpose of tendering.

The 2011/12 budget includes budget provisions of \$585 000 for this project of which \$51,483 has been spent at the date of the report. Sufficient funds are therefore available to fund the works proposed.

Strategic Implications

This project fosters a sense of community by increasing appreciation of South Perth's heritage and aligns with the City's Strategic Direction 4 "Places" - *Plan and develop safe, vibrant and amenable places*. In particular Strategic Direction 4.1 states: *Identify and ensure activity centres and community hubs offer a diverse mix of uses and are safe, vibrant and amenable..*

Corporate Plan, Action 4.1.1. states: *Progress the Old Mill Precinct Redevelopment Concept*

Sustainability Implications

This project assists in providing a tangible link with the City's past and is a celebration of its history in the community of South Perth. The project also has a tangible and relevant link with the Perth Waterfront project and is seen to complement this project.

The City, through its Sustainability Policy and Strategy, is committed to ensuring that developments are considered with adaptations to the impacts of climate change. Notably for the proximity of this development, the major climate change impacts are likely to be sea/river level rise and storm surge and the flood allowance level for long term climate change has been considered when setting the floor levels of the major building elements.

Through the Sustainability Strategy, the City is committed to ensure that a Sustainability Assessment approach be applied to development proposals, in particular, the community consultation element and the procurement / tendering process. A successful demonstration of a Sustainability Assessment approach was recently applied to the planting of extra trees on the Sir James Mitchell Park.

In addition, the application of Ecologically Sustainable Development (ESD) principles be applied to the built elements of the development, to ensure the buildings are 'future fit'. The ESD principles include energy and water efficiency, waste reduction, materials use, the consideration of sustainable transport, and others.

OFFICER RECOMMENDATION ITEM 10.0.1

That....

- (a) Council notes the *Confidential* legal advice provided by McLeods Solicitors;
- (b) the following studies be conducted to provide essential information to advance the Old Mill Precinct Concept Plan:
 - (i) Heritage Council Conservation Plan and Impact Study;
 - (ii) Study to obtain approval under Section 18 of the *Aboriginal Heritage Act* 1972; and
 - (iii) Environmental Study incorporating acid sulphate soil study, Dewatering Study, Public Environmental review (if required) and all other work necessary to obtain the approval of the Swan River Trust and Department of Water and other related State Agencies.
- (c) if Council decides to proceed with the project, approves Lawrence Associates Architects to prepare detailed specification for the Tram Enclosure to tender standard and project manage the various studies, including to proceed with the relocation of the Western Power Fibre optic cable; and
- (d) Council considers a further report on the completion of the works detailed in (b) and (c) above.

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Minutes Special Electors Meeting 20 December 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	10 February 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

Summary

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Tuesday 20 December 2011 to discuss Lot 800 Ray Street South Perth and to consider Motions moved at the meeting.

Background

The Special Electors' Meeting was called following receipt of a Petition organised by Murray Fisher, 875 South Perth Esplanade, South Perth together with 152 signatures for the purpose of discussion Lot 800 Ray Street, South Perth currently used as a Public Car Park.

The 'text' of the Petition reads:

"We, the undersigned request the City to adopt and administer the following:

- 1. It is essential that the City retains its ownership in perpetuity Lot 800 on Plan 71366 it being currently a 34 bay Public Car Park;*
- 2. It is essential that the original footpath access located previously on Lot 114 and giving pedestrian access via this City Public Car Park to the Mends Street Precinct be reinstated and defined in perpetuity in the proposed subdivision for this area and in the TPS for this area.*
- 3. It is essential that on Lot 800 Plan 71366 that the City retains its previously existing and its only vehicular crossover exist from its Public Car Park the one leading onto Ray Street via Ray Street land designated "road widening".*
- 4. It is essential that the land designated "road widening" on Plan 71366 be converted into dedicated road reserve thereby extending Ray Street as a public road.*
- 5. It is essential to provide car parking for peak periods when almost all Mends Street Businesses or traders are relying on peak customer numbers for trading success.*

As a result, a Special Electors Meeting was held on 20 December 2011 to discuss residents' concerns. Approximately 50 members of the public attended the Special Electors Meeting where the City's Chief Executive Officer provided a presentation, members of the community raised issues and concerns, and a number of motions were carried unanimously.

Comment

The Minutes from the Special Electors Meeting held 20 December 2011 are at **Attachment 10.1.1.**

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

MOTION

That....

- (a) the City of South Perth be advised that this meeting of its Electors requires the City to adopt and administer all of the following 5 essentials:
1. *It is essential that the City retains its ownership in perpetuity Lot 800 on Plan 71366 it being currently a 34 bay Public Car Park;*
 2. *It is essential that the original footpath access located previously on Lot 114 and giving pedestrian access via this City Public Car Park to the Mends Street Precinct be reinstated and defined in perpetuity in the proposed subdivision for this area and in the TPS for this area.*
 3. *It is essential that on Lot 800 Plan 71366 that the City retains its previously existing and its only vehicular crossover exist from its Public Car Park the one leading onto Ray Street via Ray Street land designated "road widening".*
 4. *It is essential that the land designated "road widening" on Plan 71366 be converted into dedicated road reserve thereby extending Ray Street as a public road.*
 5. *It is essential to provide car parking for peak periods when almost all Mends Street Businesses or traders are relying on peak customer numbers for trading success.*
- (b) the Minister for Local Government be appraised of this Motion and that the Minister be requested to help ensure that the City of South Perth accordingly retains its public land for its public's use;
- (c) the City of South Perth be asked to ensure that its Mayor and all of its City Councillors and all of its associated technical officers be given a copy of all of the above; and
- (d) the City of South Perth be asked to ensure all its City Councillors respond publicly to all of the above as it is a matter of considerable public concern.

CARRIED UNANIMOUSLY

The Council will undertake a comprehensive strategic review of City owned land in March / April 2012, which will include consideration of Lot 800 Ray Street South Perth. Given the review is yet to commence, the City considers it too premature to consider the issues raised in the Motion pertaining to Lot 800 Ray Street South Perth.

Consultation

Notice of the Special Electors' Meeting held on 20 December 2011 was advertised in accordance with the Local Government Act requirements:

- in the Southern Gazette newspaper;
- on the City's web site; and
- on the Public Noticeboards at the Civic Centre and the Libraries.

Policy Implications

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

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

If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the Minutes of the Council Meeting

Financial Implications

The outcome of the comprehensive strategic review of City owned land will have significant financial implications for the City of South Perth.

Strategic Implications

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with the Strategic Plan, Direction 1 'Community' in particular *Goal 1.3 Encourage the community to increase their social and economic activity in the local community*.

Sustainability Implications

This report contributes to the City's sustainability by promoting effective communication and community participation. .

OFFICER RECOMMENDATION ITEM 10.1.1.
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That....

- (a) the Minutes of the Special Electors Meeting dated 20 December 2011 be received; and
- (b) the Petitioner, Mr Fischer, be advised that Council:
 - (i) notes the Motion carried at the Special Electors Meeting on 20 December 2011; and
 - (ii) will be undertaking a comprehensive strategic review of all City land holdings, including Lot 800 Ray Street, South Perth in March / April 2012.

10.1.2 Minutes Special Electors Meeting 17 January 2012
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	10 February 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	P McQue, Manager Governance and Administration

Summary

The purpose of this report is to note the Minutes from the Special Electors Meeting held on Tuesday 17 January 2012.

Background

The Special Electors' Meeting was called following receipt of a Petition organised by Chris McMullen, 80 Elderfield Road, Waterford together with 137 signatures. The text of the Petition is as follows:

Text of the petition reads:

"We, the undersigned request a special meeting of electors to discuss Mosquito Management in the Waterford wetland and surrounding areas including:

- review of performance to date;*
- summary of expert's recommendations and how they are to be implemented;*
- alignment with residents' expectations of the City for its Mosquito Management Programme; and*
- other issues raised by the meeting relating to the mosquito management."*

As a result, under a requirement of the *Local Government Act*, Section 528 a Special Electors Meeting was held on 17 January 2012 to discuss residents' concerns.

Comment

The Minutes from the Special Electors Meeting held 17 January 2012 are at **Attachment 10.1.2.**

At the Special Electors' Meeting the following Four (4) Motions were passed unanimously:

MOTION 1

That the draft 2011/2012 Mosquito Management Plan not be accepted by Council until the Expert's Recommendations are addressed.

MOTION 2

That the City provide sufficient funds in its 2012/2013 Budget to allow the full and complete implementation of all of the Expert's Recommendations throughout the 2012/2013 mosquito season (August to as late as May).

MOTION 3

That the City immediately commence aerial larviciding as recommended by the Expert and continue such program for the remainder of the 2011/12 season.

MOTION 4

That until the City Administration can reliably identify and treat all breeding spots, it shall:

- conduct fogging when thresholds are exceeded (as per original plan); and
- measure the effects of the fogging immediately and repeat fogging / measurements if still necessary.

RESPONSE TO MOTIONS

The Motions passed at the Special Electors Meeting held on 17 January 2012 is the subject of report on the February 2012 Council Agenda at **Item 10.1.3.**

Consultation

Notice of the Special Electors' Meeting scheduled for 17 January 2012 was advertised:

- in the Southern Gazette newspaper;
- on the City's web site; and
- on the Public Noticeboards at the Civic Centre and the Libraries.

Policy Implications

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

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

If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the Minutes of the Council Meeting

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

The Special Electors Meeting was called in accordance with the provisions of the *Local Government Act*. The calling of the meeting aligns with the Strategic Plan, Direction 1 'Community' in particular ***Goal 1.3 Encourage the community to increase their social and economic activity in the local community.***

Sustainability Implications

This report contributes to the City's sustainability by promoting effective communication and community participation. .

OFFICER RECOMMENDATION ITEM 10.1.2.
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That the Minutes of the Special Electors Meeting dated 17 January 2012 be received.

10.1.3 Mosquito Management

Location:	City of South Perth
Applicant:	Council
File Ref:	PH/401
Date:	6 February 2012
Author/Reporting Officer::	Vicki Lummer, Acting Chief Executive Officer

Summary

This report examines the issues and options associated with the review of the City of South Perth Mosquito Management Plan 2011/2012 taking into account the following:

- Outcome of the councillors and community briefing session on Mosquito Management held on Monday 30 May 2011;
- Results of Community survey conducted pursuant to the 2010/11 Mosquito Management Plan at **Attachment 10.1.3(a)** conducted in July 2011;
- Review by Mosquito Consulting Services Pty Ltd at **Attachment 10.1.3(b)**; and
- Resolutions and Minutes of the Special Electors meeting held on 17 January 2012 at **Attachment 10.1.2**.

The report and recommendations also take into account the budget implications of all matters considered.

It is recommended that the City incorporates all of the recommendations from the Review by Mosquito Consulting Services Pty Ltd into the City's Mosquito Management Plan subject to sufficient funds being made available in the 2012/2013 annual budget.

Background

The City developed the 2010/2011 Mosquito Management Plan in conjunction with the Waterford in Action community group. Whilst City officers have conducted mosquito control duties in Waterford for many years, there had previously not been a formal management plan in place.

The Waterford in Action community group became involved in the development of the plan as a result of community dissatisfaction with the City's level of Mosquito Control, which was expressed at a Special Electors meeting held in May 2010.

At the end of the 2010/2011 season, on Monday 30 May 2011, City officers presented an overview of the season to elected members and the Waterford in Action community group and made a number of recommendations to be incorporated into the review of the plan. After the presentation, questions and suggestions were taken for possible inclusion into the City's Mosquito Management Plan 2011/2012.

The 2010/2011 Management Plan called for a community survey to be undertaken and this was completed during July 2011.

It was intended that the feedback from elected members, the Waterford in Action Community Group and also the residents survey would inform the review of the Management Plan and a 2011/2012 Management Plan would be developed and finalised for the current season. However in August 2011, as a result of a Notice of Motion, Council resolved to engage consultants to assist in the review of the plan.

In August 2011 Council resolved the following :

That....

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

The effect of this has been that the finalisation of the *draft* Mosquito Management Plan 2011/2012 has not been possible, even though various improvements have already been implemented in an operational sense. The purpose of this report is to advance the review of the 2011/2012 Mosquito Management Plan, albeit that the season is over half way through and the full effect of changes to the Plan will not be appreciated until next season, 2012/2013.

On 17 January 2012 a Special Electors meeting was held for the purpose of discussing mosquito management in the Waterford wetland and surrounding areas (refer Item 10.1.2 of the Agenda). At that meeting the following motions were carried by the residents in attendance:

1. That the draft 2011/2012 Mosquito Management Plan **not** be accepted by Council until the Expert's recommendations are addressed.
2. That the City provide sufficient funds in its 2012/2013 Budget to allow the full and complete implementation of all of the Expert's recommendations throughout the 2012/2013 mosquito season (August to as late as May).
3. That the City immediately commence aerial larviciding as recommended by the Expert and continue such program for the remainder of the 2011/12 season.
4. That until the City Administration can reliably identify and treat all breeding spots, it shall conduct fogging when thresholds are exceeded (as per original plan); and measure the effects of the fogging immediately and repeat fogging / measurements if still necessary.

Comment

Comments on the briefing session

The briefing session held on 30 May 2011 was attended by 7 elected members and 3 members of the Waterford in Action Group. Some of the feedback provided to officers at that meeting included:

- Reminder of the necessity for a survey
- An opinion was expressed that signage along footpaths and in POS warning the public of the mosquito nuisance was not necessary
- Suggestion that the City's resources be widened to include pest control contractor who would be available to provide fogging treatments on weekends if necessary

Comments on the community survey

The community survey was sent to all 800 dwellings in Waterford . In total 211 responses were received, ie a 26.37% response rate - a statistically significant result.

The survey results indicates that most respondents rate the mosquito problem as severe in their area and that most are also aware that environmental factors played a significant role in increasing the mosquito numbers in the 2010/2011 season. This demonstrates that residents are informed in regard to the changing environmental conditions.

Over half the respondents did not know the City undertook 9 fogging treatments, which indicates we need to communicate this information more effectively with the community. The respondents acknowledge that the fogging had limited effectiveness but most still believe the City should undertake fogging treatments.

The answers also demonstrate that only a third of respondents use the City's web site for information, which indicates that the City should increase awareness of the web site and also continue to use other methods to communicate with the Waterford residents.

70% of residents were not aware of the mosquito problem before they moved in, and 50% say it would have affected their decisions to move to Waterford. This being the case, it is understandable that 77% of respondents believe that people moving to the area should be made aware of the mosquito nuisance. To this end, the City now has a standard clause that is included on all property inquiries for the Waterford area which states :

This lot is in close proximity to known mosquito breeding areas. Times will exist when mosquito management is not achieved or achievable due to environmental factors and mosquito nuisance will result. The predominant mosquito species is known to carry Ross River Virus and other diseases. Any further enquiries please contact our Environmental Health Services Department on 9474 0777.

Around half the respondents have never contacted the City in regard to mosquitoes.

There was an almost even split in satisfaction with the program and the work that the City undertakes to reduce the mosquito nuisance - 47.25% being not at all satisfied and 46.25% being somewhat satisfied. 6.5% were extremely satisfied.

Comments on the Consultant's Review Recommendations

The Review of the City of South Perth Mosquito Management Plan 2010/2011 carried out by Mosquito Consulting Services Pty Ltd was a comprehensive and well managed review which has received compliments from both officers and community members alike. The report from the review contains 14 recommendations as follows - with officer comments and recommendations:

Report Recommendation	Officer comment and Recommendation
1. The major source of mosquito impact to residents of the CoSP is the salt-marsh mosquito breeding habitat as currently identified by Council but also newly identified in November 2011 by CoSP & MCS.	The consultants identified new breeding areas in Salter Point that were considered minor in nature. All of these newly identified breeding habitat areas are already being treated.
2. Additional salt-marsh mosquito breeding habitat should be included within the Mosquito Management Plan.	The new areas will be included in the revised Plan.
3. A high percentage of the identified salt-marsh mosquito breeding habitat should be included in Council's control program of application of larvicide	Currently all of the breeding habitat areas that can be accessed by foot are being treated. To treat a "high percentage" of the area, aerial applications would be required. Refer cost implications identified in the body of the report.
4. Current inadequacies in effective larvicide application coverage, excessive foot traffic in sensitive salt-marsh habitat and high WPH&S risk should be collectively addressed by introducing aerial application of mosquito larvicide.	The ability to use aerial application of larvicide is supported by officers however is dependant upon sufficient funds being made available in the 2012/2013 budget and how this is funded. Refer cost implications identified in the body of the report..
5. The preferred format for aerial application is to use S-methoprene pellets with an effective control life of not less than 28 days.	Some S-methoprene pellets have already been purchased and are in use via ground based application. The cost of the pellets is high in comparison to other previously used chemicals. Refer cost implications identified in the body of the report. .
6. Reapplication of S-methoprene pellets should be in advance of the next likely salt-marsh flooding following not less than one month from the previous treatment (a month or more apart subject to likely flooding).	The suggested monthly application is supported and is the basis for the calculation of estimated costs identified in the body of the report.
7. Current ground based application should be limited to areas untreated by aerial application.	Agreed. Area of ground based application will synchronise with aerial application.
8. Current ground based larvicide application equipment should be replaced with back-pack blower equipment to allow improved "stand-off" application and reduce foot traffic through sensitive salt-marsh.	A back-pack blower is currently being sourced by the City.
9. Current fogging operations should be modified as outlined in this report to minimise potential environmental impacts, improve effectiveness and community outcomes The report outlines : 1. Re-assess need for fogging after improved larviciding outcomes both locally and regionally. 2. Consider substitution of aerosol based fogging with residual insecticide barrier treatments. 3. More responsive and rational fogging triggers 4. Consider fogging from suitable water-craft to access windward side 5. Only fog when environmental conditions are correct	1. Agreed 2. The costs involved with residual insecticide barrier treatments are discussed in the body of the report. 3. This needs to be discussed with the community however, the theory that in the cooler months the mosquito numbers that trigger fogging should be greater, is supported. 4. Fogging from a watercraft will not be able to be implemented as it is contrary to advice received from the Swan River Trust and the Department of Environment and Conservation. 5. The City currently employs this method, however it is poorly understood by residents and more education needs to occur
10. Introduction of residual insecticide barrier treatments should be considered in suitable public open space.	The costs involved with residual insecticide barrier treatments are discussed in the body of the report.

Report Recommendation	Officer comment and Recommendation
11. Council may consider providing appropriate community advice on residual insecticide barrier treatments so that households may choose (if they wish) to have treatments applied within their home yards by commercial pest control operators.	The City has added some information to its web site to advise residents of this service that can be provided at resident's cost by a licensed pest controller.
12. Council should consider forming a CLAG with adjoining Councils to achieve improved regional outcomes for coordinated mosquito control and avail themselves to shared funding opportunities with the State Government.	A formal letter was sent to City of Canning in December 2011 raising this issue. A follow up meeting was conducted with officers from the City of Canning and the Department of Health on 30 January 2012. Discussions and actions are on going.
13. The existing Mosquito Management Plan should be amended as Council sees fit to include the matters and recommendations of this report.	As above - the subject of this report
14. Appropriate and specific in-service competency based training for Council's vector control officers should be developed and delivered to ensure local expertise is developed and provides long-term professional technical management of the program.	Officers currently undergo training provided by the Department of Health and this is considered to be adequate. Additional training opportunities are examined on a needs basis.

It is important to note that at no point in the consultant's report is it claimed that following all of the recommendations will eliminate the mosquito presence and problem in Waterford. The report's recommendations aim to address risk factors that can be reasonably controlled. There are a number of risk factors that cannot be reasonably controlled by the City as noted in the report.

Comments on the Motions carried at the Special Electors meeting that was held on 17 January 2012

Motion 1.

That the draft 2011/2012 Mosquito Management Plan **not** be accepted by Council until the Expert's recommendations are addressed.

Comment

The focus of this report is to do what this recommendation states. The draft management plan cannot be completed until Council has considered which of the recommendations to adopt and include in the final management plan.

Motion 2

That the City provide sufficient funds in its 2012/2013 Budget to allow the full and complete implementation of all of the Expert's recommendations throughout the 2012/2013 mosquito season (August to as late as May).

Comment

A recommendation of this report is that funds of approximately \$101,848 be set aside in the 2012/2013 budget process for the implementation of the recommendations from the report on the Review of the City of South Perth Mosquito Management Plan 2011/2012 by Mosquito Consulting Services Pty Ltd.

Motion 3

That the City immediately commence aerial larviciding as recommended by the Expert and continue such program for the remainder of the 2011/12 season.

Comment

It is not possible to “immediately” commence aerial treatments as the Department of Health has recommended that the City undertake a ground based trial of the chemical recommended by the Consultants. Further, the current budget funds are not sufficient for more than one aerial trial. The funds for the ongoing aerial treatments must be provided in the coming year’s budget, meaning on going aerial treatment can only commence next season.

Motion 4

That until the City Administration can reliably identify and treat all breeding spots, it shall conduct fogging when thresholds are exceeded (as per original plan); and measure the effects of the fogging immediately and repeat fogging / measurements if still necessary.

Comment - This is already taking place, in accordance with the Draft Management Plan.

Comments on the costs involved in the consultant’s recommendations

1. Aerial application of larvicide.

Hire of helicopter per hour - \$1580 plus GST (2 hours per application (which includes travel time from Jandakot airport) X 7 applications per year = \$22,120 (plus gst \$2,212) = \$24,332

Purchase of larvicide (S-methoprene pellets) - \$9,902.61 per application X 7 applications = \$69,318

2. Residual insecticide barrier treatments in POS by commercial pest control operator.

A quote has been received from a licenced pest controller. The cost per annum of residual barrier treatments to Wetland Elderfield Road, Donarail Park, the New Footpath, Templemore Footpath and the top of Bodkin Park is approximately \$7480 plus GST = \$8198

Total cost to the City : \$101,848

This cost can be reduced if the City becomes part of a Contiguous Local Authorities Group (CLAG) as per recommendation No.12, above. In this instance 50% of the laravicide costs will be refunded by the State Government which will be a figure of approximately \$34,659.

This reduces the additional costs of the annual Mosquito Management Plan to \$67,189 pa.

The Mosquito Management service is exclusively for the benefit of Waterford residents. The City's records indicate that residents in Waterford have been the only complainants (with the exception of 1 or 2 isolated incidents) about mosquitoes in this area since the City began recording complaints in 2006.

Currently, none of the other services provided by the City to its ratepayers are specifically area-based. The mosquito service is currently funded by all of the ratepayers in the City.

Waterford residents currently pay no higher rates than other residents and are able to access all of the same services and facilities (such as libraries, ovals, roads, recreation centres) as other residents in the City, yet also have this additional service provided exclusively for their suburb funded by all ratepayers funds. With a large increase in costs of the Mosquito Management Service in this and future years, this situation is not considered equitable to continue and is a burden on ratepayers who live in other areas. Therefore it is considered that the additional cost of this service should be recovered from those residents it benefits by means of a specified area rate.

For the purposes of this exercise, it is considered reasonable for all of the City's ratepayers to continue to contribute to the existing level of operations. The use of a specified area rate is only considered in relation to the additional and significant costs identified during this review.

Specified area rates may be imposed on rateable land within a portion of the local government district for the purpose of meeting the cost of provision of a specific work, service or facility if the local government considers that the residents within that area have benefited or will benefit from or have contributed to the need for that service.

All monies raised via a Specified Area Rate must be quarantined in a reserve established especially for that purpose. All costs associated with the "service" for which the Specified Area Rate is levied must be separately identified when disbursed from the municipal fund. Costs incurred from the municipal fund to provide the service are then reimbursed from the reserve fund. Mosquito management reserve funds can only be used for this purpose.

The area proposed to be levied the specified area rate is the whole of the suburb of Waterford, excluding those properties in the "Waterford Triangle" which is land bounded by Manning Road, Conlon Street and McKay Street, as this land is well removed from the Waterford wetland area. This specific area has been chosen due to its proximity to the known breeding sites and the history of complaints received by the City.

Consultation

The report on the Review of the City of South Perth Mosquito Management Plan 2011/2012 by Mosquito Consulting Services has been made publically available on the City's web site and was sent to the Waterford in Action Group.

Policy and Legislative Implications

The City has an obligation to meet the requirements of Part IV (Sanitary Provisions), Part VII (Nuisances and offensive Trades) and Part IX (Infectious Diseases) of the *Health Act 1911* with respect to Mosquito Control.

Financial Implications

The financial issues of conducting an increased service level are described above. If a special area rate was to be adopted to recover the additional costs of \$ 67,189, a flat rate fee per property will be calculated by the cost divided by the number of affected properties. There are 701 properties affected which equates to a flat fee per property of \$95.84.

Strategic Implications

This matter relates to Strategic Direction 1– Community

1.1 – Develop, prioritise and review services and delivery models to meet changing community need and priorities.

Sustainability Implications

The requirement to kill the natural inhabitants of the wetland raises the question of whether human habitation is sustainable in this environment, particularly as the effects of Climate Change (temperature increase and increased sea levels) increase the conditions for successful mosquito breeding and life span. However, the City acknowledges that it has a duty / responsibility to undertake mosquito control.

The financial sustainability of the recommended treatments will be safeguarded by implementing the Specified Area Rate.

OFFICER RECOMMENDATION ITEM 10.1.3

That

- (a) the procedure to implement a Specified Area Rate for Waterford be commenced;
- (b) contingent upon the specified area rate being imposed, additional funds of approximately \$101,848, (\$67,189 of which will be funded by the Specified Area rate and \$34 659 of which will be funded by the Department of Health) be set aside in the 2012/2013 budget process for the implementation of the recommendations from the report on the Review of the City of South Perth Mosquito Management Plan 2011/2012 by Mosquito Consulting Services Pty Ltd;
- (c) the City's Mosquito Management Plan be updated to include the recommendations from the report on the Review of the City of South Perth Mosquito Management Plan 2011/2012 by Mosquito Consulting Services Pty Ltd; and
- (d) the final Mosquito Management Plan be made available on the City's web site and sent to the Waterford in Action community group.

10.1.4 Proposed Mobile Phone Tower Lease - Moresby Hall

Location: City of South Perth
Applicant: Council
File Ref: DO2/211
Date: 14 February 2012
Author: Rick Woodman, Corporate Project Officer
Reporting Officer: Phil McQue, Manager Governance and Administration

Summary

This report considers a request from Daly International representing Optus Mobile Pty Ltd for Council approval to install a low-impact mobile communication facility on the roof of Moresby Hall, Moresby Street, Kensington to service residents of neighbouring Como and Kensington.

Background

Daly International, representing Optus Mobile Pty Ltd, has indentified the area of Kensington and Como as a black spot in relation to telecommunications coverage. To better service these neighbouring residents, Daly International have identified the City owned Moresby Hall, as the preferred site for a low impact telecommunication facility to improve mobile and wireless broadband coverage.

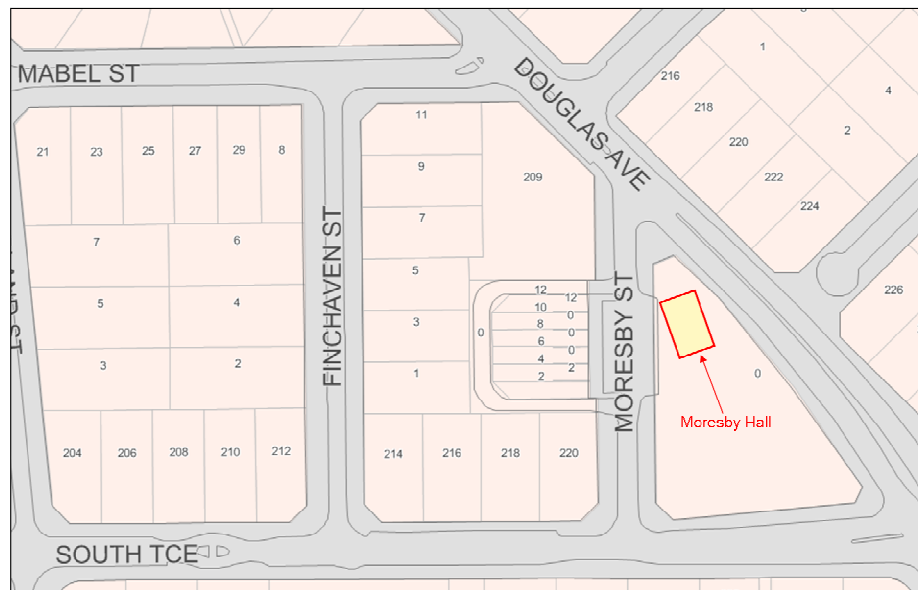


Figure 1 Map of proposed location

Comment

Daly International are proposing to install six panel antennas in two pod arrangements of antennas on the rooftop similar to the photograph shown below. One pod would be installed initially, with space reserved for a second pod in the future as demand and technology require. It is proposed to use the existing storage area underneath the building to house the associated electronic equipment, with all necessary connecting and feeder cables located in the roof cavity.

The antennas would be painted to match that of the existing building to reduce the visual impact of the installation. The installation and existing structure will be designed and certified by a structural engineer, which could include strengthening of existing structural members or additional bracing. Detailed designed drawings would be prepared by Daly International and submitted to the City for approval.

Radio frequencies and electromagnetic energy has been the subject of many scientific studies, with the overwhelming majority indicating no negative health effects and no scientific study having yet found conclusive evidence of negative health effects.

The Australia Communications and Media Authority under section 376(2) of the *Telecommunications Act 1997* and s.162 of the *Radiocommunication Act 1992* sets standards that limit human exposure to electromagnetic energy. In most cases, a telecommunications base station will equate to less than 1% of the mandated exposure limit, which is less than 1% of the allowable maximum output. The proposed mobile communications facility at Kensington will operate at levels significantly below the Commonwealth Governments mandated exposure limit.

Daly International are willing to enter into a long term lease or license agreement on the site and will pay all costs associated with the installation, operation and maintenance of the facility. All preparatory works would also be guaranteed to be undertaken to the City's satisfaction. Reasonable legal fees and Council and government charges will also be paid by Daly International. The proposed lease would also allow for any future development works and plans by the City for Moresby Hall.



Figure 2 Example of proposed antenna in situ

Consultation

The proposed installation is classified as a low-impact facility as defined under the *Telecommunications Act 1997* and is exempt from local and state planning regulations. The Industry Code ACIF C564:2004 (Deployment of Mobile Phone Network Infrastructure) applies and will require that Daly International submit a consultation plan to the City prior to commencement of the consultation process. Part of the proposed community consultation will involve a community drop-in session to provide people with more information.

The City consulted with the two ward councillors and attempted to consult with frequent users of Moresby Hall in September 2011. No responses were received, however these stakeholders will be contacted again as part of the consultation plan.

Policy and Legislative Implications

The proposed installation is classified as a low-impact facility as defined under the *Telecommunications Act 1997 (Cth)* and the *Telecommunications (Low Impact Facilities) Determination 1997*. Section 3.58 of the *Local Government Act 1995* Disposing of Property will also apply.

Financial Implications

Rental will be determined by the City's valuers but is anticipated to be approximately \$12,000 per annum escalating at 3% compounding annually. Over the proposed twenty year term, this equates to approximately \$400,000 revenue and is an excellent opportunity for the City to secure a long term income stream for part of the building that would otherwise be unproductive.

Strategic Implications

The report aligns to Strategic Direction 1 of the Strategic Plan - *Community – Create opportunities for a safe active and connected community*. It also aligns with Strategic Direction 3 - *Housing and Land Uses – Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses*.

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.1.4

That the Council approve the proposal for Daly International representing Optus Mobile Pty Ltd to install a low impact telecommunication facility at Moresby Hall, Moresby Street Kensington for a twenty year lease subject to meeting the requirements of the *Telecommunications Act 1997* and Industry Code ACIF C564:2004.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Waterford Triangle Project Implementation

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

Summary

This report examines recent history and consultation in regard to the Waterford Triangle study. There is a recommendation for Council to formally adopt a modified Urban Design Plan. A suggested implementation process including further consultation is also recommended.

Background

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

At the June 2011 meeting of Council it was resolved :

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

The text of the petition reads:

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

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

In August 2011, Council resolved:

That....

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

The community consultation was held in September 2011.

In December 2011 draft costs were received from consultants for the Water Sensitive Urban Design (WSUD) proposals. An application was submitted for federal funding in December 2011 to the Liveable Cities Program for half the costs of the WSUD. The City will be advised in March 2012 if the application for funding is successful.

Comment

The Community consultation held in September 2011 focussed on:

- the inclusion of the property at 231 Manning Road as a public open space link and
- 3 particular options for the laneways which are required to provide safe access to the properties that front Manning Road.

The consultation took the form of letters and feedback forms posted to all owners of land in the Triangle followed by a community workshop held on 28 September 2011 in the Civic Centre Reception Room. Feedback from both the workshop and the forms has been collated. There were 26 properties represented at the workshop and 11 feedback forms received. Two feedback forms were from people who were not at the workshop and the remaining 9 forms were from people at the workshop.

The analysis of the feedback from the workshop and forms reveals that there is unanimous support for the removal of the public open space link that was proposed over 231 Manning Road. The Urban Design Plan and Design Guidelines have now been amended to reflect this change as per **Attachment 10.2.1(a)**

In regard to the access for properties fronting Manning Road, the feedback was particularly varied with no single option being favoured by all. A summary of the comments received in regard to the laneways from both the feedback forms and the sheets at the workshops are at **Attachment 10.2.1(b)**.

The feedback in regard to laneway options was diverse and contradictory, making it impossible to recommend an option that will be acceptable to the majority of Waterford Triangle owners, or even those owners on Manning Road. The comments indicate that many owners are basing their views on a consideration of the present day conditions rather than understanding that this plan will be implemented over the next 2 to 10 years or more. One consistent comment was that owners did not want to lose development potential due to giving up land for the laneway.

Accordingly, it is proposed that the following conditions are included in a future Town Planning Scheme amendment to facilitate development in the Triangle:

1. Development potential on lots that have to give up land for the laneways will remain as it would have been without the loss of land - that is there is no loss of development potential for these lots.
2. Land for the laneway is only given up upon development of the property. A condition will be placed on the development approval to the effect that the land is given up free of charge along with a contribution for the purpose of constructing the laneway. Only upon carrying out the development, will the condition need to be fulfilled by giving the land up.
3. The above condition will dictate that the sequence of development is limited. The properties closest to the public street will need to develop before the next adjacent property can develop and so on. Whilst this may be inconvenient for some owners, it does have the benefits of :
 - No resumption of land ahead of development on a property
 - No contributions plan required for the development of the laneways

The community will have the opportunity to provide comments on these proposals when the Draft Town Planning Scheme amendment is advertised for public comment.

Under clause 9.8 of Town Planning Scheme No.6, when an amendment is proposed that has not been requested by the owner of the land, the City must invite comments from those landowners before Council considers it for initiation.

The City will be advised in due course whether or not it is successful in obtaining federal funding for approximately half the cost of the Water Sensitive Urban Design treatments and this will be considered as the City's contribution to the project. Regardless of success, the City will also be seeking contributions towards infrastructure upgrades from the owners of properties in the Triangle. Details of the costs and recovery mechanisms will form part of the scheme amendment and consultation.

Consultation

Extensive community engagement has already taken place in regard to the *Waterford Triangle Urban Design Plan and Design Guidelines*. The next stage of engagement will take place once a draft Town Planning Scheme amendment has been formulated.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

This recommendation also addresses the City's Corporate Plan 2011-2012 Initiative 3.3.1

Sustainability Implications

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

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

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

OFFICER RECOMMENDATION ITEM 10.2.1

That.....

- (a) the amended *Waterford Triangle Urban Design Plan and Design Guidelines* be adopted as the basis for future planning of the area;
- (b) the City prepare a Scheme Amendment based on the amended *Waterford Triangle Urban Design Plan and Design Guidelines* which will undergo preliminary advertising to all landowners in the locality; and
- (c) owners in the Waterford Triangle be advised of the above.

**10.2.2 Supply and Delivery of PVC & Polythene Associated Sprinklers & Fittings
Tender 24/2011**

Location: City of South Perth
Applicant: Council
File Ref: Tender 24/2011
Date: 16 February 2012
Author: Fraser James, Tenders and Contracts Officer
Reporting Officer: Stephen Bell, Director Infrastructure Services

Summary

Tenders were invited and have been received for the annual supply and delivery of PVC and Polythene Associated Sprinklers and Fittings. The Tender is for a two (2) year period terminating on the 28 February 2014.

This report outlines the assessment process and recommends the preferred Tenderer to be awarded the Contract for the supply and delivery of PVC and Polythene Associated Sprinklers and Fittings.

Background

In order to uphold its status as a green and leafy inner City area, the City is required to maintain extensive areas of parks, reserves and gardens under irrigation. Irrigation systems require regular maintenance to ensure their effective, efficient, and safe operation. Accordingly, the purpose of this tender to identify a preferred Tenderer who is able to supply the City with fittings to operate the various irrigation systems such as PVC and polythene pipe, sprinklers, solenoid valves and fittings.

A Request for Tender (RFT) was advertised in the West Australian on Saturday 15 October 2011. Tenders closed at 2.00pm on Wednesday 2 November 2011, with four (4) tenders being received from registered companies.

Comment

The prices received from the four (4) companies who responded to Tender 24/2011 is shown below:

Tenderer	Tendered Price (ex GST)*
Total Eden Pty Ltd	\$192,138
Water Dynamics	\$210,294
Reece Plumbing	\$245,424
Think Water	\$250,855

**based on an annual average over 2 years utilising the prices submitted in the Schedule of Rates*

A qualitative evaluation of all tenders received was completed by the Evaluation Panel based on the following criteria (as listed in the RFT:

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in the Specification	20%
2. Works records and experience.	5%
3. Referees	5%
4. Price	70%
Total	100%

The evaluation process resulted in the following total weighted score, which was based on the annual average (estimated) of works to be undertaken over the two (2) year Contract period:

Tenderer	Total Weighted Score (out of 10)
Total Eden Pty Ltd	8.80
Water Dynamics	8.14
Reece Plumbing	6.06
Think Water	5.86

**based on an annual average over two years utilising the prices submitted in the Schedule of Rates*

All of the companies that submitted a tender satisfied the City's needs regarding PVC and polythene sprinklers and fittings. All tenders complied with the requirements of the RFT and all companies have extensive experience in WA, including servicing the needs of local government.

Analysis of the tenders against the assessment criteria shows that the tender submitted by Total Eden provides the best value for the City. Total Eden has been a reliable supplier of services to the City during the existing contract, and they also received very good references from companies that use their services (including other local governments). As a result, it is recommended that Tender 24/2011 for the annual supply and delivery of PVC and Polythene Associated Sprinklers and Fittings be accepted.

Consultation

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

Policy and Legislative Implications

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

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

The following Council Policies also apply:

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

Financial Implications

The City has funding allocated in the various 2011/2012 Infrastructure Maintenance and Capital programs to service the Contract. In addition, the 2012/2013 annual budget will make provision for funding to cover the City's irrigation needs in response to Tender 24/2011.

Strategic Implications

This item is consistent with the Strategic Plan Direction 2 'Environment' *Nurture and develop natural spaces and reduce impacts on the environment* and in particular Goal 2.3 *Review and integrate sustainable water management strategies to improve community and City practices.*

Sustainability Implications

The supply of irrigation fixtures and fittings is not normally considered to be sustainable, as the products are oil based which is a finite resource. Irrigation promotes the use of summer watering which is also not normally considered to be sustainable as it is using a scarce resource.

The City is a green leafy suburb, which Council is keen to retain and the organisation is committed to the sustainable use of water and water-wise planting. In this regard, the City is progressively moving to hydro-zoning and use of water wise landscaping to reduce its water dependency.

OFFICER RECOMMENDATION ITEM 10.2.2

That the tender submitted by Total Eden Pty Ltd for the supply and delivery of PVC and Polythene Associated Sprinklers and Fittings (Tender 24/2011) for the estimated amount of \$192,138 (Excluding GST) per annum be accepted for the period 1 March 2012 to 28 February 2014 inclusive.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Building Act 2011.

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/502
Date:	10 February 2012
Author:	Lindsay Stone, Team Leader, Building Services
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

The *Building Act 2011* (the Act) was passed on 23 June 2011 and will come into operation from 2 April 2012 with a proposed phased implementation over a period of 12 months.

The new Building Act has been developed to replace the *Building Regulations 1989* (the existing Act) and parts of the *Local Government (Miscellaneous Provisions) Act 1960*. The Act covers all buildings in the whole State of Western Australia and enables local governments to issue permits, enables private certification of design compliance and is designed to streamline and clarify the building process.

In December 2011 a bulletin item was provided to the Elected Members giving a summary of the background to the Act and the possible implications to the City.

This report seeks approval for amendments to the schedule of fees and charges; and issuing amended Delegations of Authority to officers for the administration the new Act. It is considered that these are required to ensure that the City's Building Services continues to operate effectively under the provisions of the Building Act 2011, as it currently does under the existing Act.

This report includes the following attachments:

- **Attachment 10.3.1(a)** The New Building Approvals System (Draft) - A Guide for Local Government Permit Authorities in Western Australia (Revised Draft November)
- **Attachment 10.3.1(b)** Building Commission Drafting Regulations (in part) to support the Building Act 2011: Schedule 2 - Fees.
- **Attachment 10.3.1(c)** Existing Delegations from Council to CEO
- **Attachment 10.3.1(d)** New Delegations from Council to Authorised Officers

Background

The Building Act 2011 is to become effective on 2 April 2012 and will bring significant changes to the building approvals process for all types of buildings in WA, from the design stage through to the occupation of a building. It will establish Permit Authorities to issue permits and notices/orders, ensure enforcement of permits and retain building records. A Permit Authority can be a local government, Special Permit Authority (a group of local governments) or State Government.

In December 2011 a bulletin item was provided to the Elected Members giving a summary of the background to the Act and the possible implications to the City.

Comments

The *Building Act 2011* enables the local government to take a more proactive role in enforcement of the building control legislation to ensure buildings are constructed in compliance with legislative requirements and appropriate standards within the community.

With the introduction of the new *Building Act 2011* there will be key changes that will affect local governments as it will introduce changes such as:

- Private Certification.
- Permit Authorities.
- Applying for Building Permit when ready to build or occupy
- Timeframe for approvals and issue of permits.
- Occupancy Permits and Building Approval Certificates.
- Consent to affect other land.

The functions that Local Governments will be required to perform under the Building Act include:

- Issue permits including building permits, demolition permits and occupancy permits; and
- Ensure building works within the municipality achieve statutory compliance; and
- Undertake assessment and issue Certificate of Design Compliance for Class 1 (single houses) and Class 10 (sheds & patios etc).

These reforms are likely to have a significant impact on the operation of the Building Services Section of the City however the full impact of the changes is likely to occur over a 6-12 month period. An overview of the key aspects of the Building Act is now provided.

Building permits and certification

Under the existing building legislation in WA, if an owner / builder wishes to undertake building works, they are required to submit an application for a building licence to the City. A Building Surveyor employed by the City undertakes an assessment of the application to confirm that the application complies with all relevant legislation, and then issues a building licence.

The current WA Building Regulations 1989 give legal effect to the Building Code of Australia (BCA) which provides a set of minimum technical provisions for the design and construction of buildings and other structures.

The Building Code of Australia categorises building types, dependant on the level of risk, into a particular 'Class' from Class 1 to Class 10. Class 1 buildings are primarily residential dwellings. Class 2 to 9 buildings generally comprise commercial buildings, industrial buildings, and multi-storey residential buildings. Class 10 comprise structures such as carports, garages, outbuildings, swimming pools, fences and the like. Therefore Classes 1 and 10 are typically domestic residential dwellings and structures, while Classes 2 to 9 are primarily non-residential buildings and residential apartments.

The key differences between the existing building approval process and the new tentative building approval process that is intended to be undertaken by the City of South Perth Building Services is summarised as follows:

Current Process for Residential Class 1 and 10 and Commercial 2 to 9

- An application for building licence is lodged with the local government.
- An internal assessment is undertaken for compliance with Planning approval, Environmental Health and Infrastructure Services requirements.
- Application is assessed for compliance with the Building Code Australia requirements.
- Referrals are sent to external agencies, where necessary, such as FESA, Water Corp, etc.
- Upon compliance with the relevant requirements, a Building Licence issued.

Process under the Building Act 2011

For Uncertified Application Class 1 and 10:

- Applicant to obtain Planning approval and external approvals where necessary from FESA, Water Corp, Heritage Council, Swan River Trust, etc.
- Application for building permit lodged with local government.
- An internal assessment is undertaken for compliance with Planning approval, Environmental Health and Infrastructure Services requirements.
- Assessed for Building Code Australia compliance with Certificate of Design Compliance being issued.
- Building Permit issued.

Certified Application Class 1 and 10 and 2 to 9:

- Applicant to obtain Planning approval and all required approvals necessary from FESA, Water Corp, Heritage Council, Swan River Trust, and the City's Environmental Health and Technical Services.
- Applicant obtains Certificate of Design Compliance (in relation to Building Code Australia compliance).
- Application for building permit lodged with local government.
- Internal check for compliance with Planning, Environmental Health and Technical Services requirements.
- Building permit issued.

The Building Act treats separately the process of certifying compliance with building standards from the process of dealing with an application and issuing a building permit. The process of certifying compliance is now opened up to competition and may be carried out by a qualified Building Surveyor, either within the local government, as is the case now, or by a private sector building surveyor. The local government will retain its function to issue building permits.

For Class 1 and 10 buildings (dwellings and incidental structures to dwellings) the local government will be required to provide an assessment service for uncertified applications; and issue a certificate that the building complies with the Building Code (Certificate of Design Compliance) and other associated legislation. Following the issue of the Certificate of Design Compliance, the local government will then issue a building permit.

For Class 2 to 9 buildings, the local government is not required to provide a certification service, however it may choose to do so as a service to the community. In this case, an applicant may engage a registered Building Surveyor from either the local government (if they offer that service) or the private sector to undertake the certification and issue a Certificate of Design Compliance. Following the issue of the Certificate of Design Compliance, the applicant will then submit the Certificate of Design Compliance, drawings and other relevant documentation to the local government as part of an application for a building permit.

If a local government is to consider providing a certification service then all necessary requirements under the *Local Government Act 1995* are required to be met, in particular:

- Section 3.18 Performing executive functions; and
- Section 3.59 Commercial enterprises by local government.

Building Permit applications can be either 'uncertified' (Class 1 or 10 only) or 'certified' (any Class of building). Building Permits can only be signed by 'authorised persons' appointed by the Council. Certificates of Design Compliance documents can only be signed by a registered building surveyor.

Uncertified applications will be required to be determined in 25 business days. Certified applications are required to be determined in 10 business days. Failure to achieve the specified time frames will result in the application being deemed refused and the full application fees refunded to the applicant.

Notwithstanding the refund and the refusal the application will still be required to be determined for no fee and the determination is appealable through the State Administrative Tribunal (SAT).

During the assessment, if additional information is required, the local government may 'stop the clock' and request for this information to be provided within 21 calendar days. Upon the receipt of this additional information within the specified timeframe the 'clock is reset' and the local government is to continue to assess the application. There is a timeframe of another 10 business days (from when the document was due) for the local government to finalise the application. If the additional information is not received within the specified timeframe then the application is deemed refused and the fees are retained. As one of the principles of the Act is to provide a reduction in the approval times for building approvals, the timeframes as detailed in **Attachment 10.3.1(a)** - 'A Guide for Local Government Permit Authorities in Western Australia' for processing applications will be tight and require local governments to perform at the most efficient level.

Essentially, the implications of the Act on the City's current procedures relating to the processing of building permits is that the applicant when applying for a building permit must ensure that all relevant approvals applicable to the development have been obtained before making the application to the local government for a building permit. This effectively ceases the common practice of lodging simultaneous applications for building and planning, or the local government holding applications for an extended period of time until the applicant finalises all outstanding requirements.

Other Permits

The Permit Authority will be responsible for issuing all relevant permits under the Act, including:

1. Building Permits;
2. Demolition Permits;
3. Occupancy Permits; and
4. Building Approval Certificates.

The local government as the Permit Authority is also responsible to issue the Occupancy Permit which will enable a building to be occupied. Occupancy permits are required for all classes of buildings other than Class 1 and 10 and replace the previous Certificate of Classification.

Prior to applying for an Occupancy Permit an inspection is to be undertaken by a registered building surveyor and if the building is compliant with the Building Permit issued by the Permit Authority a Certificate of Construction Compliance can be issued. The owner of the building is then required to apply through the Permit Authority for an Occupancy Permit. The timeframe for determining the Occupancy Permit application is 14 days with the ability to request for additional information to be provided within 21 days. Applications not determined in the specified timeframes require the application fees to be refunded to the applicant.

Delegation of Powers

A Special Permit Authority or a local government will be able under section 127 of the *Building Act 2011* to delegate any of its powers or duties as a Permit Authority to an employee of the Special Permit Authority or a local government (under the *Local Government Act 1995* - section 5.36). The power and the duties of the Permit Authority in relation to both the approval or enforcement roles cannot be delegated to the private sector. The delegation is to be in writing, executed by, or on behalf of, the Special Permit Authority or local government. The person that has the delegated power cannot on delegate those powers to someone else.

Delegations

The City currently has the following delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960:

Strategic Direction 3 - Housing and Land Uses

DC No.	DM No.	Delegation Title	Custodian	Reviewed
DC353	DM353	Issue of Building Licenses	CEO	Feb 2011
DC354	DM354	Administration of Building Controls within the City	CEO	Feb 2011
	DM354A			Mar 2011
DC355		Authority to Issue Strata Title Certificates	CEO	Feb 2011

With the full introduction of the Building Act 2011, the above delegations will become redundant in that the head of power will move from the Local Government (Miscellaneous Provisions) Act 1960 to the Building Act 2011.

The City therefore now seeks Council's approval for new delegations under the Building Act 2011. Given the relevant provisions relating to delegations under the Building Act 2011 have not yet come into operation, the functions of the new delegations cannot be performed by Officers until such time as the relevant provisions are proclaimed. It is therefore proposed that Officers continue to perform such functions in accordance with existing delegations with Council adopting the new delegations to be implemented at such future time as these provisions are proclaimed. The ability to do this is referred to under section 25 of the Interpretations Act 1984.

Section 127 of the Building Act 2011 enables local governments to delegate any powers or duties to an employee. under Section 127 of the Act, a delegation that is assigned to a person cannot be delegated to another person. In view of this, rather than the delegations being issued to the Chief Executive Officer who may then sub-delegate, in this instance the delegations are to be directly to the relevant Officers.

Accordingly, the following new delegations will be required under the Building Act 2011 for the City to effectively provide Certification and Permit issuing function:

DC No.	Reference	Delegation Title	Custodian
DC370	s20, s22	Grant or refuse to grant a Building Permit	Team Leader Building Services Building Surveyor
DC371	s21, s22	Grant or refuse to grant a Demolition Permit	Team Leader Building Services Building Surveyor
DC372	s58	Grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates	Team Leader Building Services Building Surveyor
DC373	s65	Approve or refuse an application to extend the validity of an Occupancy Permit or Building Approval Certificate	Team Leader Building Services Building Surveyor
DC374	s96	Appoint authorised persons for the purposes of the Building Act 2011	Chief Executive Officer
DC375	s110, s117	Issue or revoke building orders in relation to building work, demolition work and/or an existing building or structure	Director Development and Community Services Manager Planning Team Leader Building Services

Authorisations

With the introduction of the Building Act 2011 additional authorisations are needed for Officers to carry out the relevant provisions under the Building Act 2011. Under s.96 of the Building Act 2011, Permit Authorities (local governments) may also designate employees as authorised persons to undertake certain actions in accordance with Act.

The following new authorisations are therefore proposed under various sections of the Building Act.

Reference	Authorisations	Authorised Officer
s100	Entry Powers	Team Leader Building Services Building Surveyor Swimming Pool Coordinator/Compliance Officer
s101	Powers after entry for compliance	Team Leader Building Services Building Surveyor Swimming Pool Coordinator/Compliance Officer
s102	Obtaining information and documents	Team Leader Building Services Building Surveyor Swimming Pool Coordinator/Compliance Officer
s103	Use of force and assistance	Team Leader Building Services Building Surveyor Swimming Pool Coordinator/Compliance Officer
s106	Apply for an entry warrant	Director Development and Community Services Manager Development Services Team Leader Building Services
s133	Commence prosecution action	Director Development and Community Services Manager Development Services Team Leader Building Services

Given these relevant provisions have not yet come into operation; the new authorisations cannot be undertaken by officers until such time as this occurs. It is therefore proposed that Council appoint authorised officers and adopt the new authorisations to be implemented at such future time as the relevant provisions of the Building Act are proclaimed.

Revisions to Schedule of Fees and charges

Many of the fees to be charged are determined in the draft legislation. These proposed fees have been published in advance by the Building Commission to assist the building industry in preparing for the implementation of the Building Act. It is possible that the final regulations may change the fee structure and in that event further revisions to the fee schedule may be necessary.

The following table compares the existing common fees to the proposed statutory fees for services provided by the City:

Building Act Provisions	Current Fee (based on construction value (exc. GST)	Proposed fee (based on construction value inc. GST)
Building permit application minimum fee	\$85.00	\$90.00
Building permit application Class 1 & 10 – Uncertified	0.35% of the building / structure's construction value	0.32% of the building / structure's construction value
Building permit application Class 1 & 10 – Certified	No current equivalent	0.19% of the building / structure's construction value
Building Permit Application Class 2 to 9 – Certified	No current equivalent	0.09% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90
For the grant of a building permit to do building work in respect of a building or incidental structure for an amended application in relation to which a building permit has already been granted	\$85	Modified fee – the relevant building permit application fee methodology outlined above is to be applied, except that the estimated value of the proposed building work as determined by the permit authority is to be calculated by determining the estimated value of the building work as amended, minus the estimated value of the building work as determined by the permit authority declared for the purposes of the calculation of the fee for the building permit already granted but not less than \$90.
Demolition Permit Application for the issue of permit for demolition of Class 1 & 10	\$50 for each storey	\$90
Demolition Permit Application for the issue of permit for demolition of Class 2 to 9	\$50 for each storey	\$90 for each storey
Application to extend the time during which a building or demolition permit has effect	No current equivalent	\$90

Building Act Provisions	Current Fee (based on construction value (exc. GST))	Proposed fee (based on construction value inc. GST)
Application for Occupancy Permit for Class 2 to 9 buildings – completed building Application for Temporary Occupation Permit for incomplete building Application for modification of occupancy permit for additional use of building on temporary basis Application for replacement occupancy permit for permanent change of building's use, classification	Certificate of Classification is the closest equivalent. No current fee associated with provision of certificate of classification	\$90 per application
Application for occupancy permit or building approval certificate for registration of strata scheme, plan of re-subdivision – Class 2 to 9 buildings	No current equivalent	\$100 or \$10 per strata unit, whichever is greater.
Application for Occupancy Permit for unauthorised Class 2 to 9 buildings - Certified	Certificate of Classification is the closest equivalent. No current fee associated with provision of certificate of classification	0.18% of the estimated value (inclusive of GST) of the building work as determined by the permit authority but not less than \$90
Building approval certificate for unauthorised Class 1 & 10 – Certified	No current equivalent For uncertified application 0.7% of the building/structure's construction value	0.38% of the building / structure's construction value
Application for occupancy permit for building with existing authorisation	No current equivalent	\$90 per application
Application building approval certificate for building with existing authorization (Class 1 & 10 buildings)	No current equivalent	\$90 per application
Application to extend the time during which an occupancy permit or a building approval certificate has effect	No current equivalent	\$90
Application for copies of permits, building approval certificates	No current equivalent is set under the Building Regulations 1989; however each local government may, under the Local Government Act 1995 s6.16, set its own fee for providing copies of local government records.	\$50

In addition to the fees payable to local government, a Building Services Levy of 0.09% is payable which is distributed to the Building Commission.

The Building Commission will review these fees once the new Act has been in operation for a sufficient period to ensure the fees align accurately with the actual costs associated with providing the permit authority functions. Therefore, the above fees are to be seen as interim until more accurate actual information on costs becomes available post the operation of the Building Act.

Certification Service

As detailed earlier the Building Act 2010 provides that a local government can establish a 'business unit' to provide a certification service for Class 1 to 10 buildings provided all necessary requirements under the *Local Government Act 1995* are met.

For Class 1 and 10 applications, the City is required under the Act to provide an assessment of uncertified applications for compliance with the Building Code of Australia and other legislation and issue a Certificate of Design Compliance. This service will be funded by the regulated uncertified building permit application fee payable by the applicant.

At this stage, it is not possible to determine the number of privately certified applications for Class 1 and 10 buildings that will be lodged for the issue of a permit only, as compared to the number of uncertified Class 1 and 10 building applications to be lodged with the City for assessment, certification and permit issuing. However feedback from industry indicates that building practitioners are actively engaged in discussions with building companies to provide a certifying role and a share of the market for this type of building.

In the 2010/2011 financial year 95% of the applications received by the City were for Class 1 and 10 residential applications although the income received by the City for Class 2 to 9 building applications was \$87,707 representing 15% of building licence approval revenues.

In respect to Class 2 to 9 applications, where certification is required prior to lodgement of a Permit Application, there is likely to be a significant impact for the City and other local governments. Under the existing system, local governments have previously undertaken the certification function in a regulated market for Class 2 to 9 buildings. It is considered that initially, the City of South Perth should endeavour to maintain the services at an equivalent level to that currently provided, while positioning itself to be able to either extend or contract that business over time (likely over a 2 year period) as the building industry begins to understand the systems provided by the *Building Act*.

It is recommended that the City offer a certification service for Class 2 to 9 building applications similar to what currently exists within Council. As the market unfolds the City consider establishing a certification service for Class 1 and 10 buildings similar to that provided privately to assist applicants in preparing an application for Building Permit.

The certification fee to be charged by local governments is not set by legislation and is open to the local government to determine. While a "business unit" could be established in accordance with Section 3.59 of the *Local Government Act*, the purpose of providing a certification service is not for the City to make a profit. Instead it is proposed that the certification fee be set on a "cost recovery model" and as additional service that the local government provides, in accordance with Section 3.18 of the *Local Government Act*.

The following fees have been determined to be an appropriate fee to cover operating costs:

Fees for Certification service for Class 2 to 9 buildings	
Construction value (inc. GST)	Proposed fee
Up to \$150,000	\$270
\$150,001 to \$500,000	\$270 plus 0.15% for every \$1 in excess of \$150,000
\$500,001 to \$1m	\$795 plus 0.12% for every \$1 in excess of \$500,000
\$1,000,001 and above	\$1395 plus 0.1% for every \$1 in excess of \$1,000,000
Unauthorised structures	Double the fee above
Other fees	
Inspection fee (per inspection)	\$110 for up to 1 hour, and thereafter \$50 for each 30 minute block.

The above fees are not statutory fees, hence require adoption by the Council in accordance with Section 6.19 of the Local Government Act.

Conclusion

While the Building Act has been on the table for the last 20 years or so, the introduction of the current version of the Act and supplementary guidance information has been progressed very quickly over the recent past. The rapid implementation and the lack of supporting information such as the Regulations, and limited advice from the Building Commission, has resulted in it being challenging for Local Governments to understand the full implications of the Building Act.. While undoubtedly the Act will have an impact upon the existing services provided by the Building Services, it will take some time for the full impact of the changes to be felt. Therefore it is considered that the proposals contained in this report regarding providing a certification service, fees and charges, delegations etc should be regarded as a starting point. City officers will monitor the implications of these upcoming changes on a regular basis and take necessary actions.

Policy and Legislative Implications

The Building Act will require new statutory procedures to be implemented as part of the City's Building Services functions; and the adoption of new fees and charges, delegations and authorisations to City Officers. Although the Building Act does not have a direct impact on any existing Building Services policies, standard conditions attached to the building licences and information sheets on the City's website will need to be modified.

Strategic Implications

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

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

Financial Implications

Though local governments do receive legislated fees for their building permit function, it is expected that the amount of revenue local governments normally receive from building licence applications will be affected. With the introduction of private certification, local governments will cease to be the sole permit approving authority. This is expected to have an impact on the City's revenue in relation to the building approval fees and charges, and indirectly on the staffing levels. However, it is not possible to ascertain the exact extent of the impacts.

Sustainability Implications

The key objectives of the new Act are to provide a comprehensive system of building control in Western Australia, reduce building approval times, set standards for buildings and demolition work in Western Australia and deal with building or demolition work that affects other land. The change is intended to promote the built form sustainability, lessen the impact of development on other property and provide an enforcement role for the Permit Authority.

OFFICER RECOMMENDATION ITEM 10.3.1

That....

- (a) Council's Fees and Charges for 2011/2012 be modified to reflect the statutory fees contained in the Building Regulations supporting the *Building Act 2011*, with the modified fees being effective on a date prescribed for the implementation of the *Building Act 2011*;
- (b) Council adopts by Absolute Majority the proposed Fees and Charges for providing a Certificate of Design Compliance for Class 2 to 9 buildings and other related fees as detailed in report Item 10.3.1 of the February 2012 Council Agenda;
- (c) pursuant to Section 6.19 of the *Local Government Act 1995*, Public Notice be given of the proposed Fees and Charges for Class 2 to 9 buildings;
- (d) the existing Delegations from Council to the CEO be revoked when the *Building Act 2011* takes effect;
- (e) new Delegations from Council to the authorised officers, be adopted and take effect when the *Building Act 2011* is implemented; and
- (f) in accordance with Section 96 of the *Building Act 2011*, the appointment of 'Authorised Officers' as detailed in report Item 10.3.1 of the February 2012 Council Agenda be adopted.

(Note: An Absolute Majority is Required).

10.3.2 Proposed 18 x Multiple Dwellings in a 3-Storey Building. Lot 410 & 411 (No. 15 and 17) Eric Street, Como.

Location: Lots 410 and 411 (Nos. 15 and 17) Eric Street, Como
 Applicant: Hames Sharley
 Lodgement Date: 08 June 2011
 File Ref: 11.2011.244.1 ERI/15
 Date: 28 February 2012
 Author: Siven Naidu, Senior Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

To consider an application for planning approval for 18 x multiple dwellings in a 3-storey building, on Lot 410 & 411 (No. 15 & 17) Eric Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Building setbacks	R-Code Performance Criteria 7.1.4 - P4.1

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1009 sq. metres
Building height limit	10.5 metres
Development potential	No restriction on number of dwellings (Number of dwellings are only restricted by maximum plot ratio).
Plot ratio limit	1.0

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 category described in the Delegation:

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

Comment

(a) Background

In June 2011, the City received an application for 16 Multiple Dwelling in a 3-storey building on Lot 410 & 411 (No. 15 & 17) Eric Street Como (the Site). Since the initial submission, amended plans were received increasing the number of dwellings from 16 to 18.

(b) Existing Development on the Subject Site

The site comprises of two lots, one of which is vacant and the other currently features a 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 Eric Street to the north. The site is located opposite group dwellings and single houses, adjacent to group dwellings to the east and west, and commercial buildings to the south, with the Cygnet Cinema being directly behind the proposed development, as seen in **Figure 1** below:



(d) Description of the Proposal

The planning application proposes 18 Multiple Dwellings within a 3-storey building on the Site, consisting of one and two bedroom dwellings in the first and second floors. The ground floor level is occupied by associated car parking bays and storerooms, as depicted in the submitted plans at **Confidential Attachment 10.3.2(a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment 10.3.2(b)**.

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

(e) Compliant aspects

The following aspects of the proposed development are compliant with Scheme provisions:

- Plot Ratio (R-Codes 7.1.1).
- Building Height Limit (TPS6 Clause 6.2).
- Building setbacks from street (R-codes 7.1.3).
- Building Setbacks from the Western Boundary - Ground, 1st and 2nd Floor Levels (R-Codes 7.1.4).
- Boundary Wall to the rear of the property (City Policy P350.2).
- Surveillance of the Street (R-Codes 7.2.1).
- Outdoor Living Areas (R-Codes 7.3.1).
- Landscaping (R-codes 7.3.2).
- On-Site Parking Provisions (R-Codes 7.3.3).
- Minimum Dimensions for Car Parking Bays and Accessways (TPS6 Clause 6.3(8) and Schedule 5).
- Vehicular Access (R-Codes - 7.3.5).
- Sight Lines at Vehicle Access Points and Street Corners (R-Codes 7.3.6).
- Finished Ground & Floor Levels and Driveway gradients (TPS6 Clauses 6.9 and 6.10).
- Visual Privacy (R-Codes 7.4.1).
- Dwelling Size (R-Codes 7.4.3).

(f) **Land Use**

The proposed land use of Multiple Dwellings is classified as a 'P' (Permitted) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this permitted use, it is observed that the Site adjoins residential and neighbour centre commercial land uses, in a location with a residential streetscape. Accordingly, the use is regarded as complying with the Table 1 of the Scheme.

(g) **Residential Density**

The R-codes do not prescribe a minimum site area per dwelling for multiple dwellings in areas coded R30 or greater, neither do the R-codes prescribe a Minimum Open Space for an R80 residential coded site. The number of dwellings is primarily regulated by the R-codes 7.1.1 'building Size (Maximum Plot Ratio)', 7.1.3 'Street setbacks & 7.1.4 'Side and rear boundary setbacks.

(h) **Wall Setback- 1st & 2nd floor, east, Apartments 1 - 18**

Clause 7.1.4 and Table 5 of the R-Codes requires a 4.0 metre setback from the side boundaries for properties coded R80 and greater. The eastern walls of the 1st & 2nd floors are setback at 1.5 metres to the boundary in lieu of 4.0 metres requirement. Therefore, the proposed development does not comply with Table 5 of the R-Codes.

As a response to the above, the applicant submits the following comments in support of their submission referred to in **Attachment 10.3.2(c)**:

Side Setback to the Eastern side

My justification is based on treating this side of the building in accordance with the low density requirements of the R-code , as it bounds this type of use, it seems most appropriate. The proposed building is also a scale and bulk which is comparable with lower density 1 and 2 storey Housing along the street, rather than 4-6 storey Multiple dwelling form, which is covered by Part 7 of the R-codes. R80 built form is assumed by the R-code to be 4 storeys or over, which is not the case with our proposed development. Built form of R60 and below are setback as per table 2a and 2b, we believe is is more appropriate to use these standards

Taking the bedroom and terrace blocks set back (these can be treated individual as per figures 2d and 2e of the R-codes) , we believe our setback of 1.5m shown on our drawing complies in all respects to the R-codes Table 2a.

These blocks contain only minor openings and are 7.2m long and 7metres high, this therefore only requires a 1.2m side boundary setback to be compliant against the acceptable development standards.

In addition, we make the follow comments assessing the side setback in terms of performance.

A) Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them.

The articulation of the form with rear courtyards and bedroom allows for adequate amount of solar penetration and natural air ventilation to all proposed apartments. Its mirrored floor plate allows for massing to be consolidated and also the open space to be 'double' allowing little or no limitation to northern exposure to 50% of the apartments in question. This allows for better solar penetration than if it were a repeated module.

- B) Moderate the visual impact of building bulk on a neighbouring property
As seen in sketch above the articulation of the form allows for massing to be consolidated and also the open space to have a visual doubling. This reduces the apparent density and scale of the development upon its neighbours due to the repetition is reduced and the scale (both building form and open space) is doubled.
- C) Ensure access to Daylight and direct sun for adjoining properties.
Given that on our western boundary we only have the access driveway directly adjacent, its impact is negligible and this can also be said for the southern or rear boundary as the Cygnet theatre has its laneway/parking adjacent to the property boundary. The building's impact is largely only its eastern boundary and given that the 2x neighbouring properties have their private open space on their eastern boundary and they have minimal setback to the common boundary, its impact could be regarded as no more invasive than their current situation. Late afternoon harsh western summer sun will in effect be shielded by our property, having said that given the doubling of courtyard to this elevation solar penetration from the west will still be evident through these zones.
- D) Assist with the protection of privacy between adjoining neighbours
As stated above the only real consequence is the eastern neighbour and all bedrooms facing this boundary that are within 4.5m of the boundary have high level windows (above 1.6m FL).

In regards to the upper terrace it is permanently screened to 1.65m Above FL, thus negating any direct overlooking according to the codes. Although it cannot be strictly adopted (rather than minimum 4m we have approx 3.5m and 7m separation of built form), using figure 2D calculations for wall separation we propose that the upper level terrace can be assessed individually in its setback with no major openings, thus a setback of 1.5m would be deemed permissible.

Given that the terrace that would be fully enclosed from outlook to a height of 1.65m the reduction of the terrace by the suggested 1.5m metres in depth would create an uncomfortable space, which would then render the space undesirable. To reduce the balcony depth creates a change in waterproofing details for the room below, and a small roof would need to be added creating visual inconsistencies visible from the neighbour.

For aesthetic reasons, usability and a limited impact on neighbouring property concerns we request that the terraces remain 1.5m from the boundary fully screened.

In response that the apartments 1-6 be moved.

I assume that this is in relation to the Eastern boundary setback and not in regards to the front. A shift in the western direction will also result in the car park structure and retaining to be adjusted similarly. This will adversely affect the driveway entrance and possible visitor parking. Although the driveway can be relocated east to some extent, the intention of the vegetation to act as a visual buffer and amenity will be lost, creating more hardstand in this region. Balconies for the corner apartment will then also be with 7.5m of the setback.

With respect to the above points we request that the setback of 1.5m with minor or fully screened openings only permissible on that eastern wall remain as submitted.

Officers consider the points put forward by the applicant are valid to the proposal; however the applicant does not appear to adequately satisfy all of the Performance Criteria 7.1.4 P4.1 of the R-codes as stated below:

- B - Moderate the visual impact of building bulk on a neighbouring property

In considering the above dot point officers make the following recommendation:

- Due to the proposed finished ground and floor levels being between 0.5 & 0.9 metres higher than the adjoining property to the east (frontage to Eric Street), and taking into account the 1.5 metre proposed setback on the second floor, the visual impact of build bulk for the length of the building will have an impact on these adjoining buildings.
- It must also be noted the properties along the south side of Eric Street slope from east down to west.
- Each of the apartments on the 2nd floor comply with the outdoor living area requirement as seen with the balconies along the western side of the proposed building, hence officers suggest a greater setback of 2.5 metres to the 2nd floor balconies along the eastern boundary to 2.5metres in lieu of the 1.5 metres provided. The setback to the 2nd floor balconies would reduce the depth from 3 metres to 2 metre, hence still allowing these balconies to be of sufficient size to be used in conjunction with bedroom 1 from which it is accessed.
- Officers further suggest a 0.2 metre shift of the block of apartments 1 -6 to the west along Eric Street, thereby increasing the side setback from 1.5 metres to 1.7 metres, while maintaining visual privacy to the west facing balcony.

In this instance, it is considered that the City can support the proposal by conditioning the approval as stated above.

(i) Significant Views

Council's Planning Policy P350.09 "Significant Views" aims at giving a balanced consideration to the reasonable expectations with respect to a significant view of both the existing residents as well as the applicants proposing a new development.

There are currently two neighbouring properties to the east of the Site. The first lot comprises of two (2) single storey group dwellings with a frontage to Eric Street and the second comprises of six (6) two storey group dwellings with a frontage to Labouchere Road and currently neither of these properties enjoy views of the Perth City skyline and Swan River (significant views).

The proposed setback variation does not pose any restriction in relation to significant views as the setback variation on the site is approximately 1.2 metres below the proposed building height of the multiple dwelling. The proposed building height is 7.5 metres, which is well within the 10.5 metre building height limit prescribed by TPS6.

The proposed building is not seen to exceed the normal development entitlements of the site, and therefore it is considered that the proposed development complies with Council policy.

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

In considering the application, the 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 the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

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

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

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

In considering the application, the 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 the 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;*
- (f) any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (l) the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development Site;*
- (m) the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development Site and adjoining lots;*

- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (q) *the topographic nature or geographic location of the land;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

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

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 1 August 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 Responses	Officer's Comments
The Design Advisory Architects observed that the street facing facade of the building needs to be designed to enhance the existing streetscape character. Instead of a side of one of the multiple dwellings facing the street as proposed, the building will present itself better to the street if the dwellings were oriented to face Eric Street. As a design option, the Architects recommended that a two-bedroom dwelling and two smaller single-bedroom dwellings could be designed to face Eric Street, which will fit in the available lot frontage.	The design has been amended to accommodate this comment.	The comment is NOTED .

DAC Comments	Applicant's Responses	Officer's Comments
Noted that the proposed development does not comply with the 4.0 metre rear and side setback requirements prescribed in the Residential Design Codes 2010, and that a boundary wall, approximately 8.0 metres high, is proposed on the rear boundary, the applicant should submit written justification in support of these setback variations, demonstrating compliance with the associated performance criteria.	The applicant has provided justification in relation to the boundary walls and setback as referred to in Attachment 10.3.2(c) .	<p>The height of the boundary wall to the rear of the site was touched upon by the DAC architects based on the requirements of table 4 of the R-codes 'Maximum height of built to boundary walls', which prescribes a 7.0 metre height restriction.</p> <p>In accordance with City policy P305.2 'Boundary Walls', all residential boundary walls are assessed against this policy. The policy primarily addressing the amenity impacts of the adjoining properties to the site. The proposed boundary wall meets the requirements of this policy.</p> <p>The comment is NOTED.</p>

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 21-day period.

During the advertising period, a total of 32 consultation notices were sent and 2 submissions were received, 1 in favour and 1 raising some concerns with the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer Responses
A 1.5 metre setback to the eastern boundary seems minimal and the submitter has suggested a greater setback be applied to address restriction of sunlight and sea breeze.	<p>The applicant's proposal by choosing not to build to the permitted height limit of 10.5m metre together with the articulation of the form with the courtyards and bedroom along the eastern boundary ensures access to daylight, direct sun and ventilation to the adjoining property.</p> <p>The comment is NOTED.</p>
Concerns in relation to the height of the development and the maximum number of multiple dwellings being proposed.	<p>Applicant is well within the height limit requirement. There is no minimum site area per dwelling requirement, stipulated in the R-Codes; the number of dwellings is primarily regulated by the maximum permitted plot ratio.</p> <p>The comment is NOTED.</p>
On-site and impact on street parking provisions.	<p>On-site parking bays have been provided in access of the required number as prescribed by the R-codes; hence it is not envisaged to overflow onto the street.</p> <p>The comment is NOTED.</p>

(c) **Internal Administration**

Comments were invited from Engineering Infrastructure and City Environment of the City's administration.

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. Engineering Infrastructure raised no objections and has provided recommended important notes to the applicant.

City Environment provided comments with respect to the removal of a street tree due to the proposed crossover. City Environment raises no objections and has provided recommended important notes to the applicant.

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

The proposed development is observed to generally meet sustainable design principles. The proposed development is observed to be more sustainable within the urban area as it provides more diversity in housing choice by offering one and two bedroom dwellings.

Conclusion

It is considered that subject to the recommended conditions, the proposal meets all of the relevant Scheme, the R-Codes and / or Council policy objectives and provisions. Accordingly, it is recommended that the application be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.2

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a 18 x multiple dwellings in a 3-storey building on Lot 410 & 411 (No. 15 & 17) Eric Street Como **be approved** subject to the following conditions:

(a) Standard Conditions / Reasons

340B	Parapet walls - Finish from neighbour	456	dividing fences- required
577	Amalgamation - New Titles	470	retaining walls- if required
427	colours & materials- details	471	retaining walls- required
210	screening- permanent	625	sightlines for drivers
390	crossover- standards	377	screening- clothes drying
393	verge & kerbing works	560	Rubbish storage are screened
352	car bays- marked and visible	550	plumbing hidden
353	visitor bays- marked and visible	445	stormwater infrastructure
354	car bays- maintained	650	inspection (final) required
455	dividing fences- standards	660	expiry of approval

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) Second storey balconies along the eastern boundary shall be setback to 2.5 metres; and
 - (B) Apartment block incorporating dwellings 1 to 6 along Eric Street shall be setback to 1.7 metres to the eastern side boundary.
- (ii) The approved drawings show that the proposed crossover will interfere with an existing street tree situated within the road reserve. The Applicant is required to pay a Street Tree Amenity Fee to the value of \$ 2,008 for the cost of removing and replacing this tree as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence.
- (iii) Fence and letterbox within the front setback area shall be visually permeable above 1.2 metres in accordance with R-Codes 7.2.2 'Street Walls and Fences'.

Item 10.3.2(cont'd)

(c) **Standard Advice Notes**

700A	building licence required	790	minor variations- seek approval
705	revised drawings required	709	masonry fences require BA
708	Boundary wall surface finish process	766	landscaping- general standards
706	applicant to resolve issues	725	fences note- comply with that Act
715	Subdivision Procedure	795B	appeal rights- council decision

(d) **Specific Advice Notes**

- (i) It will be necessary to pay all costs associated with the construction of the proposed crossover prior to the collection of the building licence as identified within Condition No. (ii) above.
- (ii) Verge tree to be removed and replaced with three (3) London Plane Trees in the road reserve at the owners cost, as per Policy P350.5 8(b) & (g).
- (iii) The applicant is advised of the need to comply with the relevant requirements of the Engineering Infrastructure, City Environment and City's Environmental Health Departments.
- (v) The applicant is advised that, prior to the issuing of a building licence, certification is required to be provided that the site has been remediated (soil and groundwater) to the satisfaction of the Department of Environmental Protection.

Footnote:	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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10.3.3 Request for Increase in Density Coding and Building Height Limit for Grouped Housing Sites, Cygnia Cove (Amendment No. 33 to Town Planning Scheme No. 6)
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Location:	Cygnia Cove Estate, Waterford
Applicant:	Development Planning Strategies (DPS) for Richard Noble and Company, representing the Christian Brothers
Lodgement Date:	12 December 2011
File Ref:	LP/209/33
Date:	2 February 2012
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

Summary

To consider a request for an Amendment to Town Planning Scheme No. 6 (TPS6) in relation to the Cygnia Cove Estate, eastern Waterford, for the following purposes:

- (a) to increase the density coding from R20 to R60 for two grouped housing sites, and to R80 for three grouped housing sites;
- (b) to increase the maximum permissible building height from 7.0 metres to 10.5 metres for the five grouped housing sites; and
- (c) to correct minor inconsistencies in zoning along the common boundary between the Clontarf Aboriginal College site and the Cygnia Cove Estate, arising from a previous realignment of the boundary, to ensure that the zoning coincides with the latest cadastral boundary.

It is recommended that the request be supported, and that Amendment No. 33 to TPS6 be initiated and endorsed for community advertising.

Background

This report includes the following attachments:

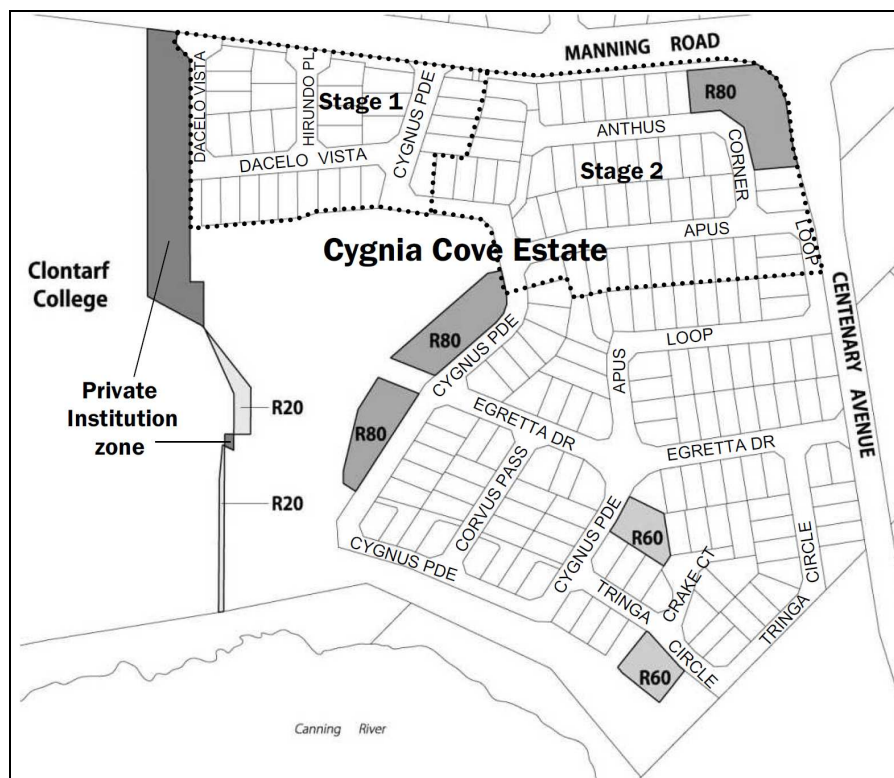
- **Attachment 10.3.3(a)** Scheme Amendment request report by DPS
- **Attachment 10.3.3(b)** Appendix 1 to DPS report: Certificate of Title and Deposited Plan 70746
- **Attachment 10.3.3(c)** Appendix 2 to DPS report: WAPC subdivision approval
- **Attachment 10.3.3(d)** Appendix 3 to DPS report: Traffic Implications report by Riley Consulting
- **Attachment 10.3.3(e)** Cygnia Cove Estate plan taken from Policy P351.14 '*Cygnia Cove Residential Design Guidelines*'
- **Attachment 10.3.3(f)** Draft Amendment No. 33 document for advertising

The Cygnia Cove Estate is situated between the Clontarf Aboriginal College and Centenary Avenue. This report does not relate to approval of the subdivision as a whole, which received conditional approval from the Western Australian Planning Commission (WAPC) on 17 September 2010. The requested Scheme Amendment relates only to the three particular matters referred to in the 'Summary' above. The proposals are described fully in **Attachment 10.3.3(a)**, being the detailed Amendment request report prepared by consultants Development Planning Strategies on behalf of Richard Noble and Company who represent the Christian Brothers owners and in **Attachment 10.3.3(f)**, being the draft Amendment No. 33 document prepared for community advertising.

The Cygnia Cove Estate is the last portion of the Waterford locality to be subdivided. The applicant lodged indicative subdivision plans with the Western Australian Planning Commission (WAPC) in January 2003. Since that time, the Council has been made aware of the proposed grouped housing sites for the estate at the following Council meetings:

- **July 2004:** as part of the required environmental assessment, the preliminary plans were forwarded to the City for comment;
- **July 2006:** consideration of revised subdivision plans following environmental assessment, when it was also noted that the five grouped housing sites would be the subject of a later request for an increase in density coding. The current report comprises this request;
- **July 2010:** in connection with the renewal of the lapsed conditional subdivision approval;
- **May 2011:** endorsement of Policy P351.14 'Cygnia Cove Residential Design Guidelines' which also identified the five future grouped housing sites; and
- **July 2011:** adoption of Policy P351.14 'Cygnia Cove Residential Design Guidelines' following community consultation.

The plan below shows the Cygnia Cove subdivision layout, with the five grouped housing sites and the affected portions of land along the Clontarf boundary, shown shaded:



Other than in Stage 1, individual lots have not yet been created. A coloured version of the Cygnia Cove plan taken from Policy P351.14 'Cygnia Cove Residential Design Guidelines' is provided as **Attachment 10.3.3(e)**. This plan clearly shows the intention with respect to the ultimate development of the estate, including the five grouped housing lots.

Details relating to the site are as follows:

Site name	Cygnia Cove Estate, Waterford
TPS6 zoning	Residential zone; and Parks and Recreation Reserve (Regional)
Current density coding	R20
Requested density coding	2 grouped housing lots: R60 3 grouped housing lots: R80
Current building height limit	7.0 metres
Requested building height limit	5 grouped housing lots: 10.5 metres
Predominant current development	Wetlands; earthworks in preparation for subdivision

The statutory Scheme Amendment process requires this request to be referred to a Council meeting for consideration. In addition, should the Scheme Amendment be finally approved by the Minister for Planning, the subsequent development applications for the five grouped housing sites will be referred to a Council meeting if they take full advantage of the requested Amendment provisions and fall within the following category described in Schedule 1 of Council Delegation DC690:

2. Major developments

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

Comment

(a) Description of the requested Scheme Amendment

The Scheme Amendment request is contained in the consultant's report which comprises **Attachment 10.3.3(a)**.

The specific purposes of the Amendment are explained as follows:

Increase in density coding and building height limit for five grouped housing sites

The main purpose of the Amendment is to increase the density coding and building height limit for five grouped housing sites within the Cygnia Cove estate. Since TPS6 came into operation in 2003, the land comprising the Cygnia Cove has been blanket zoned 'Residential' with a density coding of R20. At that time, the subdivision of the land had not been fully designed; therefore specific density coding for particular sites could not be allocated. The subdivision was approved by the WAPC in May 2010, incorporating five grouped housing sites, with the intention that such sites would be allocated a higher density coding prior to development. It is now proposed that two of the sites be allocated a density coding of R60 and three be coded R80, all with a Building Height Limit of 10.5 metres.

While the proposed density coding is considerably higher than the R20 coding of the surrounding land, the proposed Building Height Limit will provide for only one additional storey above neighbouring dwellings. The applicant is keen to encourage compact development throughout the estate by requiring Single Houses to be of two-storey design.

At the time when this Scheme Amendment request was lodged, the five grouped housing lots had not been created, because only a small portion of the subdivision, Stage 1, has received final approval. The applicants explain that there is a need to allocate the intended density codings and building height limit to the grouped housing lots at the earliest opportunity, in order to openly declare the proposed development entitlements for the five grouped housing sites. This is important, as the sale of Stage 1 lots has commenced.

A simple summary of development potential for each of the five grouped housing sites is set out below, based on the assumption of the proposed increased density coding:

Proposed Lot No. ⁽¹⁾	Proposed Lot Area ⁽¹⁾	Proposed Density Coding ⁽²⁾	Minimum open space ⁽⁴⁾ (% of site)	Grouped Dwellings ^{(5), (6)}	Multiple Dwellings ⁽⁵⁾
236	1,162 m ²	R60	40%	Min site area per dwelling: 180 m ²	Max Plot Ratio: ⁽³⁾ 0.7 = 813 m ² total floor area on site
				Maximum No. of Dwellings: 6	Indicative No. of Dwellings: 6 ⁽⁶⁾ @ say, 130 m ² per dwelling
256	1,184 m ²	R60	40%	Min site area per dwelling: 180 m ²	Max Plot Ratio: ⁽³⁾ 0.7 = 828 m ² total floor area on site
				Maximum No. of Dwellings: 6	Indicative No. of Dwellings: 6 ⁽⁶⁾ @ say, 130 m ² per dwelling
146	3,329 m ²	R80	-	Min site area per dwelling: 180 m ²	Max Plot Ratio: ⁽³⁾ 1.0 = 3,329 m ² total floor area on site
				Maximum No. of Dwellings: 18	Indicative No. of Dwellings: 22 ⁽⁷⁾
287	1,929 m ²	R80	-	Min site area per dwelling: 180 m ²	Max Plot Ratio: ⁽³⁾ 1.0 = 1,929 m ² total floor area on site
				Maximum No. of Dwellings: 10	Indicative No. of Dwellings: 15 ⁽⁷⁾
288	2,520 m ²	R80	-	Min site area per dwelling: 180 m ²	Max Plot Ratio: ⁽³⁾ 1.0 = 2,520 m ² total floor area on site
				Maximum No. of Dwellings: 14	Indicative No. of Dwellings: 18 ⁽⁷⁾

- (1) The proposed Lot number and area are based on the conditionally approved subdivision which has not yet been finalised by the WAPC.
- (2) Density coding is based on the requested Amendment to TPS6.
- (3) Maximum Plot Ratio is as prescribed by the R-Codes.
- (4) The Minimum Open Space is prescribed as 45% by the R-Codes for land coded R60. Policy P351.14 allows this figure to be reduced by 5%.
- (5) Other kinds of residential development are also permissible; however, Multiple Dwellings are the most likely form of development.
- (6) Calculations are based on R-Codes provisions.
- (7) Number of dwellings is based on the indicative sketches contained in **Attachment 10.3.3(a)**.

In July 2011, the City adopted Policy P351.14 '*Cygnia Cove Residential Design Guidelines*'. These guidelines relate to the whole of the estate and include specific provisions applicable to the five sites in question. The Guidelines will apply to any future development of the sites. Policy P351.14 may be accessed on the City's website at www.southperth.wa.gov.au under 'Council Policies'.

Correction of zoning anomalies along the Clontarf / Cygnia Cove boundary

The subdivision of the Cygnia Cove Estate has involved the realignment of the boundary adjacent to the Clontarf Aboriginal College, also owned by the Christian Brothers. While Cygnia Cove is zoned 'Residential', Clontarf is zoned 'Private Institution'. The geographic extent of the zones needs minor adjustment to ensure that the zones exactly coincide with the new cadastral boundary.

Future Scheme Amendment

Cygnia Cove is currently 'blanket zoned' as Residential including all proposed roads and public open space reserves. The current Scheme Amendment will not affect that arrangement. Officers at the Department of Planning do not see it as a priority that the roads and public open space reserves be removed from the Residential zone and allocated their own respective local Scheme reservation colours, because the purposes of the reserves will be clearly identified on Department of Land Information plans when the respective kinds of reserves are vested in the City for those purposes.

At a later stage, however, when the whole of the Cygnia Cove subdivision has been finalised and land parcels created, it would be desirable to undertake another Scheme Amendment for the following purposes:

- to remove all land comprising road reserves from the Residential zone and to allocate to those reserves the TPS6 'Local Roads' reserve;
- to remove all public open space reserves from the Residential zone and to allocate to that land the TPS6 'Parks and Recreation' reserve ('Local' or 'Regional', as required).

While not essential in the short term, the change of zoning for the road and public open space reserves would reflect their true Planning purpose in TPS6. Such local Scheme reservations will clearly identify future Planning intentions for the land. It is expected that purchasers into the Estate would value this certainty. This cannot be part of the current Scheme Amendment because at this stage, not all of the affected land parcels have been created through the subdivision.

(b) Assessment of the proposal

In July 2006, the Council conditionally supported the Cygnia Cove subdivision which included the creation of the five grouped housing lots which are the subject of the current Scheme Amendment. These sites have also been approved by the WAPC.

The current proposal warrants support for the following reasons:

- (i) the Cygnia Cove subdivision follows sustainable design principles, both in terms of density, housing design and site planning;
- (ii) no lots within Cygnia Cove within proximity of the five sites have yet been sold and purchasers will be made aware of the applicable density coding and building height limit at the time of purchase;
- (iii) building design of the future developments will be controlled by normal TPS6 and R-Codes requirements, as well as Policy P351.14 design guidelines for Cygnia Cove;

- (iv) During the various times of consideration of the subdivision and related design guidelines Policy, the Council did not express any concerns or limitations on the proposed density coding or building height that should ultimately apply to the five sites;
- (v) In assessing the merits of the proposal, City officers are satisfied that the proposal would have minimal impact on the surrounding locality, having regard to the following:
 - (A) **No adjoining residential development** - The Cygnia Cove Estate site is bounded by road reserves to the north and east, the river to the south, and the Clontarf institutional site to the west. There is no existing development adjoining any of the Amendment sites within Cygnia Cove, and no residential development immediately adjoining the estate itself. The nearest residential land is in the Waterford Triangle, which is separated from Cygnia Cove by Manning Road.
 - (B) **Council Policy P351.14 ‘Cygnia Cove Design Guidelines’** - The performance criteria associated with the Council Policy P351.14 have been formulated to achieve not only visually attractive design but also design which incorporates sustainability principles. Such principles are supported by the City.

Other justification is provided in the applicant’s report (**Attachment 10.3.3(a)**).

- (c) **Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme**

Having regard to the preceding comments, the proposal is considered to meet the overriding objective of TPS6 in requiring and encouraging performance-based development which retains and enhances valued attributes of the City. In terms of the general objectives listed within clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

 - (a) *Maintain the City’s predominantly residential character and amenity.*
 - (b) *Introduce performance-based controls supported by planning policies and Precinct Plans.*
 - (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and in the older areas of the district, the existing built form character.*
 - (d) *Establish a community identity and ‘sense of community’ both at a City and precinct level and to encourage more community consultation in the decision-making process.*
 - (e) *Ensure community aspirations and concerns are addressed through Scheme controls.*
 - (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*
 - (k) *Recognise and preserve areas, buildings and sites of heritage value.*

Consultation

- (a) **Manager, Engineering Infrastructure**

This Scheme Amendment proposal has been referred to the City’s Manager, Engineering Infrastructure for comment on the Riley Consulting ‘Traffic Impact’ report appended to the applicant’s submission. Both the consultant and the City’s Engineering Infrastructure Manager provide comments on the basis of the subdivision containing 183 dwellings at R20, 12 dwellings at R60 and 55 dwellings

at R80 density - a total of 250 dwellings. With respect to trip generation, both agree that the expected traffic generation would be slightly lower than previously expected, based on an earlier subdivision design. With the revised subdivision design, Cygnia Cove would be expected to generate 2,000 vehicle trips per day, approximately 70 trips less than previously estimated. Therefore, they conclude that traffic generation should not be a problem for the locality.

Cygnia Cove is accessed via one link to Manning Road and one link to Centenary Avenue. While the Manning Road entry point has been approved, the precise location and design of the Centenary Avenue entry point is still under negotiation between the City of South Perth, City of Canning and the applicant. The five grouped housing sites are dispersed throughout Cygnia Cove and will use either access points. The proposed density coding and building height increases are accommodated within acceptable trip generation during the day as well as during peak times.

(b) Neighbour consultation

Neighbour Consultation is not required to be undertaken at this preliminary stage of the Scheme Amendment process. However, should the Council resolve to initiate an amendment to TPS6, draft Scheme proposals will be prepared and presented to the Council to endorse for the purpose of community consultation. Consultation would then be undertaken to the extent and in the manner required by Policy P301 'Consultation for Planning Proposals', and the *Town Planning Regulations*. The statutory consultation period will be not less than 42 days.

Policy and Legislative Implications

The Scheme Amendment would have the effect of modifying the City's operative Town Planning Scheme No. 6 in terms of the density coding and building height controls applicable to the five grouped housing sites. Although the Council may initiate a Scheme Amendment at its discretion, once it has been initiated, the final decision will be made by the Minister for Planning.

The current proposal would be progressed as Amendment No. 33 to TPS6. The statutory Scheme Amendment process is set out below, together with an estimate of the likely time frame for each stage:

Stage of Amendment Process	Estimated Time
Council decision to initiate Amendment No. 33 to TPS6 (Note: This is the stage of the current request)	28 February 2012
Council adoption of draft Amendment No. 33 Report and Scheme Text for advertising purposes	28 February 2012
Payment of Planning Fee by applicant following Council decision to initiate Amendment No. 33	Not yet known.
Referral of draft Amendment No. 33 documents to EPA for environmental assessment, and to WAPC for information	End of February 2012
Public advertising period of not less than 42 days	Anticipated to be April-May 2012 - the City normally allows a slightly longer period than the minimum 42 days to provide for mail delivery and slightly late submissions
Council consideration of Report on Submissions in relation to Amendment No. 33 proposals	At the first available Council meeting following full assessment of submissions received during the statutory advertising period - anticipated to be July or August 2012

Stage of Amendment Process	Estimated Time
Referral to the WAPC and Minister for consideration of: <ul style="list-style-type: none"> • Report on Submissions; • Schedule of Submissions; • Copy of original submissions; • Council's recommendation on the proposed Amendment No. 33; • Three signed and sealed copies of Amendment documents for final approval 	Not yet known, but usually within two weeks of the Council meeting at which submissions are considered
Minister's final determination of Amendment No. 33	Not yet known.
Publication by the City of Notice of the Minister's approval of Amendment No. 33 in the <i>Government Gazette</i> and a local newspaper; and notification to all submitters	Not yet known - following receipt from WAPC of the Minister's final approval

Depending on the complexity of issues raised by submitters and the time taken to assess and research those issues by City and WAPC officers, the total Scheme Amendment process usually takes 12 to 18 months.

Financial Implications

Financial costs incurred during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City's adopted '*Fees and Charges Schedule 2011/2012*'. In this case, the estimated Planning Fee is \$15,000, payable upon initiation of the Amendment by the Council. The actual fee will be based on officers' time and other actual costs incurred by the City. While the estimated fee is calculated as closely as possible to cover the actual cost of the Amendment, at the completion of the Amendment process, the fee will be adjusted to reflect the actual costs.

Having regard to the above, it is recommended that an estimated total Planning Fee of \$15,000 be imposed for Amendment No. 33, to be invoiced immediately following Council's resolution to initiate the Amendment.

Strategic Implications

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

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

Sustainability Implications

The City is required to accommodate additional dwellings to accommodate population increases over the next 20 years. The density increases proposed via Amendment No. 33 contribute in a small way to this required increase.

Policy P351.14 '*Cygnia Cove Residential Design Guidelines*' contains requirements for all dwellings to incorporate sustainable design principles. This will ensure that any proposed development will achieve an outcome that demonstrates adherence to the sustainable design principles.

Conclusion

Having regard to the discussion contained in this report and in the applicant's submission at **Attachment 10.3.3** and related appendices, City officers are satisfied that the requested Amendment concept should be endorsed and the Amendment No. 33 process initiated. The Scheme Amendment process is designed by statute to be open and accountable, and inclusive of community input. Once the Council has initiated the process, a formal Amendment No. 33 report and statutory text of the Amendment will be prepared for consideration by the Council. When this has been endorsed and duly advertised for community comment, the Council will consider the submissions and decide whether to recommend to the WAPC and the Minister for Planning to proceed with the Amendment, modify it, or not proceed with it. The final decision will be made by the Minister.

OFFICER RECOMMENDATION ITEM 10.3.3

That

- (a) the Council of the City of South Perth under the powers conferred by the *Planning and Development Act 2005*, hereby resolves to amend the City of South Perth Town Planning Scheme No. 6 for the following purposes:
 - (i) with respect to the Cygnia Cove Estate in Waterford, within Lot 9002, to:
 - (A) increase the density coding of two grouped housing sites from R20 to R60;
 - (B) increase the density coding of three grouped housing sites from R20 to R80;
 - (C) increase the Building Height Limit for the five grouped housing sites from 7.0 metres to 10.5 metres;
 - (ii) to correct minor inconsistencies in zoning along the common boundary between the Clontarf Aboriginal College site and the Cygnia Cove Estate, arising from a previous realignment of the boundary, to ensure that the zoning coincides with the latest cadastral boundary; and
 - (iii) to amend the Scheme Maps accordingly.
- (b) the Report on the Amendment containing the draft Amendment No. 33 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.3.3(f)** be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information;
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 33 be implemented in accordance with the *Town Planning Regulations* and *Council Policy P301 'Consultation for Planning Proposals'*; and
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 33:

FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.

- (e) the applicants be invoiced for payment of the City's estimated Planning Fee of \$15,000 including GST.

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - January 2012
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 February 2012
Author / Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

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

Background

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

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

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

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

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

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month from September onwards. This schedule reflects a reconciliation of movements between the 2011/2012 Adopted Budget and the 2011/2012 Amended Budget including the introduction of the capital expenditure items carried forward from 2010/2011 (after September 2011).

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

Comment

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

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

Operating Revenue to 31 January 2012 is \$38.28 M which represents 101% of the \$38.08M year to date budget. Revenue performance is very close to budget expectations overall - although there are some individual line item differences. Meter parking is 13% ahead of budget but infringement revenue is around 20% behind budget expectations after a very modest result on Australia Day (smaller crowds and better parking behaviour). Reserve interest revenues are close to budget expectations to date but municipal interest revenue is some 5% behind budget expectations. Interim rates revenue is comfortably greater than anticipated due to a higher volume of interim valuations and significant additional rates revenue from the Village Green Shopping Centre. This is adjusted upwards in the Q2 Budget Review.

Planning revenues are now 17% below budget - but this is compensated by using lesser levels of staff resource in the area. Building Services revenues remain 8% ahead of the revised target (adjusted down in the Q1 Budget Review) but they will inevitably drop after the 'lag time' to reflect the similar downturn in planning revenues. Community Culture & Recreation revenue is \$20K ahead of budget due to the receipt of grant funds for the Secret Event (offset by similar unbudgeted event costs). Collier Park Village revenue is in line with budget expectations whilst the Collier Park Hostel revenue is now on target following the phasing in of previously anticipated adjustments to commonwealth subsidies.

Golf Course revenue remains weak - some 10% below budget targets even after a significant downwards budget adjustment as revenues continue to be impacted by disruption to the course during the (now completed) major 9 hole course upgrade.

Infrastructure Services revenue largely relates to waste management levies at this stage of the year and these are now ahead of budget after recognising additional revenues transfer station entries and from billing a higher number of services than was anticipated when budget modelling was done.

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

Operating Expenditure to 31 January 2012 is \$28.28M which represents 100% of the year to date budget. Operating Expenditure is 1% under budget in the Administration area, 2% under budget for the golf course and 1% over budget in the Infrastructure Services area.

Cash operating expenses are typically favourable to budget due to a combination of factors including approved but vacant staff positions and favourable timing differences on invoicing by suppliers.

Most infrastructure maintenance activities are reflected as broadly in line with budget expectations or slightly favourable whilst building maintenance activities are currently quite favourable due to contractor availability.

Park and grounds maintenance reflects as currently significantly favourable to budget but these variances are due to a minor system glitch following a software upgrade which has resulted in the oncosts for these areas for December and January not being recognised until the issue was detected in January and corrected in February 2012. This is offset by an under recovery in overheads allocated outwards - so the net effect on the overall budget is zero. Streetscape maintenance costs are currently accelerated well in advance of budget phasing but remedial actions taken by the relevant director are beginning to show results suggesting that the costs can be brought back into line with budget allocations.

Waste management costs are slightly under budget expectations. Golf Course expenditure is currently 2% favourable to budget but will need to be closely monitored for the remainder of the year given the weak revenue performance from this area. Overheads in both the City Environment & Engineering Infrastructure areas are significantly higher than expected due to less than anticipated overhead recoveries - but as noted above some corrective action occurred in February. However, this issue is likely to require further remedial action before year end.

Relevant adjustments to operating expenditure items have been made in the Q2 Budget Review.

There are several budgeted (but vacant) staff positions across the organisation that are presently being recruited for. The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 2.3% under the budget allocation for the 227.2 FTE positions approved by Council in the budget process. The factors impacting this include vacant positions yet to be filled, staff on leave and timing differences on agency staff invoices.

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

Capital Revenue is disclosed as \$2.75M at 31 January against a year to date budget of \$2.74M. All items are very close to budget expectations at present. Details of capital revenue variances (if any) may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 January 2012 is \$11.32M representing 83% of the year to date budget of \$13.68M. At this stage, almost 30% of the expenditure relates to the CPGC work and UGP. A special review of the capital program was undertaken in January and is reflected in the Budget Review Report presented to Council in February.

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

TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	160,000	113,994	71%	290,000
Financial & Information Services	430,000	355,942	83%	1,355,000
Development & Community Services	635,000	537,016	85%	1,215,000
Infrastructure Services	5,030,777	3,373,677	67%	8,809,924
Waste Management	190,360	172,970	91%	245,360
Golf Course	5,433,460	4,960,742	91%	5,548,760
UGP	1,800,000	1,803,411	100%	4,766,000
Total	13,679,597	11,317,752	83%	22,230,044

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.1

That

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

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2012
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 February 2012
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

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

Background

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

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

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

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

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

Comment

(a) Cash Holdings

Total funds at month end of \$48.28M (\$49.07M last month) compare to \$44.12M at the equivalent stage of last year. Reserve funds are \$1.8M higher overall than the level they were at the same time last year - reflecting \$1.6M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The UGP Reserve is \$0.9M lower. The Sustainability, River Wall and CPH Capital Reserves are each \$0.3M higher whilst the Technology Reserve and Railway Station Reserve are each

\$0.2M higher (quarantined funds for the new corporate document management system). The Future Building Works Reserve is \$0.6M higher when compared to last year. The CPGC Reserve is also \$1.1M lower as funds are applied to the Island Nine project. Various other reserves are modestly higher.

Municipal funds are \$2.7M higher than last year at present as a consequence of the timing of outflows on capital projects. Collections from rates so far are only slightly behind last year's excellent result after the third instalment date. Progress to date suggests that our convenient and customer friendly payment methods, supplemented by the Rates Early Payment Incentive Prizes (with all prizes donated by local businesses), have again had a positive effect on our cash inflows.

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

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$15.15M (compared to \$17.05M last month). It was \$12.46M at the equivalent time in 2010/2011. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$46.90M compared to \$45.55M at the same time last year. This is due to the higher holdings of Reserve & Municipal Funds as investments due to deferred cash outflows on capital projects.

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 99% 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 \$1.43M - compared to \$1.41M at the same time last year. Whilst the City now has higher levels of cash invested at this time - it was received later and the prevailing interest rates have been slightly lower.

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 5.79% with the anticipated weighted average yield on investments yet to mature now sitting at 5.72% (compared with 5.76% last month). At-call cash deposits used to balance daily operational cash needs provide a very modest return of only 4.00% - down 0.5% following the December 2011 Reserve Bank decision on interest rates.

(c) Major Debtor Classifications

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of January 2012 (after the due date for the third instalment) represent 88.1% of rates levied compared to 88.2% at the equivalent stage of the previous year.

This again provides convincing evidence of the good acceptance of the rating strategy and communication approach used by the City in developing the 2011/2012 Annual Budget and the range of appropriate, convenient and user friendly payment methods offered by the City. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these have provided strong encouragement for ratepayers - as evidenced by the collections to date.

This collection result is being supported administratively throughout the year by timely and efficient follow up actions by the City's Rates Officer to ensure that our good collections record is maintained.

(ii) General Debtors

General debtors (excluding UGP debtors) stand at \$1.70M at month end (\$1.62M last year) (\$1.24M last month). Most balances other than GST receivable and Pension Rebate Claims are very close to the balances for the equivalent time last year. This continuing good result is particularly important with respect to effectively maintaining our cash liquidity in the light of the less than anticipated budget opening position for 2011/2012.

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

(iii) Underground Power

Of the \$6.74M billed for UGP Stage 3 project, (allowing for adjustments), some \$6.40M was collected by 31 January with approximately 84.3% of those in the affected area having now paid in full and a further 15.0 % opting to pay by instalments. The remaining properties were disputed billing amounts. Final notices were issued and these amounts have been pursued by external debt collection agencies as they had not been satisfactorily addressed in a timely manner. As a result of these actions, legal proceedings were instituted in relation to three outstanding debts (two have since been settled). 2 other paid in full, 8 are participating in a payment plan. Only 1 other has yet to reach a satisfactory payment arrangement - and this continues to be pursued as a delinquent debtor – with the relevant costs attaching to the debt.

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

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to recognise that this is not an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.2

That Council receives the 31 January 2012 Statement of Funds, Investment and 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) |

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	9 February 2012
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 January and 31 January 2012 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 ITEM 10.6.3

That the Listing of Payments for the month of January 2012 as detailed in the report of the Director of Financial and Information Services, **Attachment 10.6.3**, be received.

10.6.4 Budget Review for the Quarter ended 31 December 2011
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	13 February 2012
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A comprehensive review of the 2011/2012 Adopted Budget for the period to 31 December 2011 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

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

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

Background

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

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

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

The results of the Half Yearly (Q2) Budget Review are forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 December 2011.

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

Comment

The Budget Review is typically presented in three parts:

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

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

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

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 12 July 2011.

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

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of (\$218,000) to the projected 2011/2012 Budget Closing Position as a consequence of the review of operations. The budget closing position is calculated in accordance with the Department of Local Government's guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds.

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

The adopted budget at 12 July showed an estimated Closing Position of \$208,213. The aggregate effect of changes recommended in the Q1 & Q2 Budget Reviews will result in the estimated 2011/2012 Closing Position being adjusted to \$366,067 after allowing for required adjustments to the estimated opening position, accrual movements, loan principal repayments and reserve transfers.

The impact of the proposed amendments (Q1 Budget Review only) on the financial arrangements of each of the City's directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not any previous amendments). Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2010/2011 year end accounts. Adjustments to loan principal repayments relate to changes in the timing (deferral) of budgeted borrowings - and movements in loan interest rates.

TABLE 1: (Q2 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	90,000	(66,000)	24,000
Financial and Information Services	155,000	(25,000)	130,000
Development and Community Services	345,500	(335,000)	10,500
Infrastructure Services	195,000	(141,500)	53,500
Opening Position	0	0	0
Accruals & Loan Principal Movements	0	0	0
Special Review Items	0	0	0
Total	\$785,500	(\$567,500)	\$218,000

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

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

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2011/2012 BUDGET ADJUSTMENTS) *

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	176,000	(181,000)	(5,000)
Financial and Information Services	516,500	(243,000)	273,500
Development and Community Services	455,500	(485,000)	(29,500)
Infrastructure Services	892,711	(1,052,211)	(159,500)
Opening Position	0	(192,787)	(192,787)
Accruals & Loan Principal Movements	20,000	0	20,000
Special Review Items	245,000	0	245,000
Total change in Adopted Budget	\$2,305,711	(\$2,153,998)	\$151,713

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources. Whilst there have been a number of budget movements within individual areas of the City's budget, the overall budget closing position has only moved from the \$208,213 as determined by Council when the budget was adopted in July 2011 to \$359,926 after including all budget movements to date.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.4

That following the detailed review of financial performance for the period ending 31 December 2011, the budget estimates for Revenue and Expenditure for the 2011/2012 Financial Year, (adopted by Council on 12 July 2011 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

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

(Note: An Absolute Majority is Required)

10.6.5 Sustainability Strategy 2012 - 2015

Location:	City of South Perth
Applicant:	Council
File Ref:	EM/111
Date:	10 February 2012
Author:	Wendy Patterson, City Sustainability Coordinator
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This Sustainability Strategy 2012-2015 sets the scene for an interim timeframe to accommodate the City's development of an integrated planning and reporting framework as prescribed by the Department of Local Government. The draft Strategy 'bridges' the inaugural Sustainability Strategy and Action Plan 2006-2008 and, the City's current Strategic Plan 2010-2015. In the six years since the inaugural Sustainability Strategy was endorsed by Council, sustainability projects and processes have been developed, implemented and managed. Moving towards sustainability is a journey and a commitment which allows the City to respond to future challenges and opportunities.

Background

The City developed its inaugural Sustainability Strategy and Action Plan in 2004/2005 which was endorsed at the December 2005 Council Meeting. The Strategy and Action Plan was based on the Western Australian State Sustainability Strategy published by the State Government in 2003. The project brief (2003/2004) required the development of a sustainability framework, a sustainability strategy, and a sustainability management system (based on ISO 14001 - Environmental Management Systems) to drive the implementation and management of the developed and endorsed Sustainability Strategy.

The themes of the Strategy consisted of Governance, Global Contribution, Natural Resources, Settlements, Community, and Business. The Strategy was both strategic and specific, and applied across the whole organisation and the community of the City of South Perth. At the time of publishing the Sustainability Strategy and Action Plan, the responsible department (City Environment) nominated the time frame of 2006 - 2008 for the Strategy. Implementation of the Strategy has continued to the present.

The ongoing development and implementation of the Sustainability Strategy 2006-2008 is a key role for the City Sustainability Coordinator, whose primary responsibility is to lead and promote sustainability within the City of South Perth. The progress of the Strategy was reported to Council via the Chief Executive Officer's six monthly review of the City's Strategic Plans.

Even though the expiry date of the Sustainability Strategy and Action Plan was 2008, the Action Plan has continued to be managed. Many of the actions have been developed and implemented, including (but not limited to):

- Sustainability Assessment - a demonstration project applying sustainability assessment to achieve the successful planting of extra trees on the Sir James Mitchell Park foreshore.
- The development of a Sustainable Purchasing Strategy and Action Plan in 2009.
- Implementation of a Safety Management Plan.
- Developed and pursued opportunities for partnering with local and government agencies.
- Established contact and partnering arrangements with neighbour Councils.
- Endorsement of a Sustainability Policy P692 in March 2008.

- Endorsement of a Green Plan, an Integrated Catchment Management Plan, Environmental Management Plans, Street Tree Management Plan and others, as well as participating in the ICLEI Water Campaign.
- Conducted various exhibitions and displays for community education and awareness.
- Established an Aboriginal Engagement Strategy working group in March 2011.
- First Council in WA to subscribe to the Planet Footprint program, an environmental data measuring and reporting tool.
- Establishment of a Sustainable Infrastructure Fund.
- Signed a partnership agreement with the Perth Biodiversity Project to protect locally significant biodiversity.
- Conducted and engaged in various tree planting activities as staff and community events.
- Completion of ICLEI Cities for Climate Protection Plus Program - June 2008.
- Development of the Climate Change Strategy 2010-2015.
- Conducted a risk assessment for adaptation to climate change.
- Established an internal Climate Change Adaptation Working Group.
- Improved emissions efficiency of vehicle fleet, and implementation of a Fleet Vehicle Policy and Management Practice - July 2009.
- Conducted and participated in TravelSmart programs and activities.
- Development of a basic Ecological Sustainable Development (ESD) Building Design Policy for civic buildings in March 2008.
- Completion of Civic Hall, Library and Community Centre re-furbishment in February 2011, which incorporated sustainable building design elements.
- Development of a Sustainable Design Policy (P350.1) in the Residential Design Policy Manual - November 2008.
- Development of a draft Local Housing Strategy in October 2011.
- Development of precinct studies for Canning Bridge, South Perth Station and Waterford Triangle.
- Promotion of waste education with the support of Rivers Regional Council.
- Development of a sustainability website in 2007 until 2009. New sustainability micro-site now developed within the City's website upgrade.
- Conducted a building energy audit across Operations and Civic Centres.
- Developed and implemented many community programs.
- Community Sustainability Advisory Group established in 2005.
- Sustainable Living Reference Group (of residents) established in 2011.

In 2008, the City embarked on its community visioning exercise which resulted in 'Our Vision Ahead', a community planning project launched in 2009. 'Our Vision Ahead' was then integrated with the City's review of its Strategic Plan 2010-2015.

Comment

The rebuild of the Sustainability Strategy 2006-2008 is based on the City's Strategic Plan 2010-2015 and is intended to be a high level document. It is envisaged that future iterations of the Sustainability Strategy be incorporated into the Strategic Planning process and become part of the City's governance framework. The Department of Local Government has recently instructed Councils to develop an integrated planning and reporting framework by 2013, and it is appropriate that the Sustainability Strategy at first be an informing strategy (both organisational and community) to this process, and then incorporated within the Strategic Plans as the strategic and integrative planning process evolves.

This Strategy outlines the history and premise of sustainability in general and highlights common principles applied to 'process' and 'content/outcome' elements of sustainability. The Strategy records the history of the sustainability journey at the City of South Perth and touches on the City Environment project to develop the Strategy, Sustainability Management System and Sustainability Framework. An objective is to record the history and background in the one document for reference and is attached for your reference at **Attachment 10.6.5**.

The text addresses the 'bridging' between the 2006-2008 Strategy to this Strategy, and the alignment with the City's Strategic Plan 2010-2015 (and the to be developed integrated planning and governance framework). The Action Plan is themed to the Strategic Plan 2010-2015 and incorporates the areas of intent as Strategies (C1...G5). This bridging Action Plan highlights those sustainability initiatives already captured in the Corporate Plan 2011-2012, and those that are legacy to the inaugural Sustainability Strategy.

Importantly, the Strategy connects the whole business of the City of South Perth and provides high-level and strategic guidance to all functions and operations of City Administration. Page five of the Strategy outlines the key sustainability issues for the City as they relate to the City's operations and demonstrates the integration of all of the City's functions when applying the model (Figure 1 on page four of the Strategy) to the City's sustainability elements of natural environment, physical (built) environment, socio-cultural and economic.

For example, the City is currently developing its strategic urban planning documents (Local Housing Strategy and the Local Planning Strategy) and the Sustainability Strategy provides guidance on sustainability commitments, principles and processes, for application to the development of these urban planning documents.

This Sustainability Strategy provides a framework for the City's corporate and business planning processes to identify these integrations and collaboratively work to developing and applying the principles and processes. This will ensure that all relevant and impacted parts of the organisation actively participate and have access to information.

The Sustainability Strategy can be utilised as a guide and reference tool for all parts of the organisation when strategies, policies, processes and projects are being developed. Referring to the City's Sustainability Policy and the sustainability principles (page nine to ten) will provide focus and clear links to developed documentation.

The Sustainability Framework and the Australian Business Excellence Framework (pages seven and eight) also provide a guiding tool and methodology for the development of City strategies, policies, processes and projects.

The Strategy's Action Plan will be treated in accordance with the City's current practice for those actions identified as belonging to the Corporate Plan 2011-2012. The balance of the actions will be administratively managed by the City Sustainability Coordinator on a similar reporting basis until such a time as the actions become part of future strategic and corporate plans as the City develops its integrated planning and reporting framework over time.

An ongoing task will be to communicate the Sustainability Strategy and its context and content to all Stakeholders.

Consultation

During the initial iterations of this Strategy, the City's Community Sustainability Advisory Group (CSAG) reviewed and provided feedback which was incorporated into updated versions. In addition, the City's Executive Management Team have reviewed the document and provided feedback. More recently, Staff and Councillors of the City were invited to review the draft document and seven respondents provided feedback. Given the development of the Community vision, 'Our Vision Ahead' which consulted at the broad community level, no further external consultation was undertaken for this draft Strategy.

Policy and Legislative Implications

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

- Sustainability Policy P629
- Governance P671
- Business Excellence Framework P691

Financial Implications

As the Action Plan is high level, the initiatives are expected to be implemented over a three to four year period. Those initiatives represented in the current Corporate Plan 2011-2012 are funded. The remaining Action Plan initiatives will be incorporated into the Integrated Planning and Reporting Framework, which is currently being developed.

Strategic Implications

Strategic Plan 2010-2015 *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.*

"Our Vision Ahead" Community visioning document.

Strategic Plan 2010-2015 - all themes.

To be developed Integrated Planning and Reporting Framework

Sustainability Implications

The City's Sustainability Strategy is a key document which demonstrates the City's commitment to effective and efficient government and governance, to its community and alliance agencies.

OFFICER RECOMMENDATION ITEM 10.6.5

That Council endorse the City of South Perth Sustainability Strategy and Action Plan 2012-2015 at **Attachment 10.6.5**.

10.6.6 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	10 February 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

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

Background

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

Comment

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

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

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

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

Register

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

December 2011

Nature of document	Parties	Date seal affixed
Underground Power Program - Salter point Major Residential Project	The Honourable Minister for Energy, Western Power & The City of South Perth	5 December 2011
Deed of Variation x 3 (variation to maintenance fees - CPV)	The City of South Perth and Ruby Jayne Lanhorst	6 December 2011
Deed of Variation x 3 (extension of lease for a further 1 year)	The City of South Perth and Myra Olsson	13 December 2011
Amendment No. 29 to TPS 6 as adopted at the December Council Meeting	The City of South Perth and the Minister for Planning	21 December 2011

January 2012

Nature of document	Parties	Date seal affixed
Lease Agreement	City of South Perth & Como Bowling and Recreation Club	12 January 2012
Surrender of Lease (Unit 19, 2 Bruce Street COMO) - Collier Park Village).	City of South Perth & Mary Pearson	19 January 2012
Surrender of Lease (Unit 104, 39 McNabb Loop, COMO) - Collier Park Village x3	City of South Perth & Mary Rose Birch	19 January 2012
Lease Agreement (Unit 129, 43 McNabb Loop, COMO) - Collier Park Village x3	City of South Perth & Ivy Jean Brandon	20 January 2012
Deed of Agreement to Lease (Unit 129, 43 McNabb Loop, COMO) - Collier Park Village x3	City of South Perth & Ivy Jean Brandon	20 January 2012
Lease Agreement (Unit 82, 37 McNabb Loop, COMO) - Collier Park Village x3	City of South Perth & Judith Anne Wilkie	31 January 2012
Deed of Agreement to Lease (Unit 82, 37 McNabb Loop, COMO) - Collier Park Village x3	City of South Perth & Judith Anne Wilkie	31 January 2012

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 ITEM 10.6.6

That the report on the use of the Common Seal for the months of December 2011 and January 2012 be received.

10.6.7	Applications for Planning Approval Determined Under Delegated Authority
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Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 February 2012
Author: Rajiv Kapur, Manager Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the months of December 2011 and January 2012.

Background

At the Council meeting held on 24 October 2006, Council resolved as follows:

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

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

Comment

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

Consultation

During the month of December 2011, forty-three (43) development applications were determined under delegated authority at **Attachment 10.6.7(a)**.

During the month of January 2012, thirty-nine (39) development applications were determined under delegated authority at **Attachment 10.6.7(b)**.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

Sustainability Implications

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

OFFICER RECOMMENDATION ITEM 10.6.7

That the report and **Attachments 10.6.7(a) and (b)** relating to delegated determination of applications for planning approval during the months of December 2011 and January 2012, be received.

10.6.8 Dedication of Unallocated Crown Land contained within the Kwinana Freeway Reserve near Henley Street
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Location:	City of South Perth
Applicant:	Council
File Ref:	RW1
Date:	10 February 2012
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Stephen Bell, Director Infrastructure Services

Summary

Main Roads Western Australia (MRWA) has identified a portion of unallocated crown land within the freeway reservation that had been set aside for road purposes. To enable this portion of land to be dedicated as road reserve it is a requirement of the *Land Administration Act 1997* that the local government within which a portion of land is to be dedicated must give its concurrence to the dedication. While largely a formality the Act requires the Council to formally concur with the dedication.

Background

The Council had previously given its concurrence to the land dealings in correspondence dated November 1983. In accepting the proposed works for the Canning Bridge off ramps and the Freeway extension, the Council accepted the land dealings that went with that proposal. It was expected that the dedication would occur under the former *Land Act 1933*. It was not until after the replacement *Land Administration Act 1997* was in effect that certain parcels of land forming part of the Freeway had not been dedicated as such. As required by the Act, the Council at its May 2002 meeting, in support of the request from the Department of Land Administration, agreed to the dedication.

Since that time other portions of land have been identified and resolved in accordance with the Act. The current request is from Complex Land Solutions Pty Ltd who has been retained by MRWA to facilitate/finalise the dedication of the Kwinana Freeway.

Comment

The portion of land the subject of the above request is outlined on the attached plan **Attachment 10.6.8**. The portion of land is identified with a highlighted border and is adjacent to Swan Location 12507 now under the care control and management of the City and referred to as Olives Reserve on Mary Street.

Under Section 56 of the *Land Administration Act 1997* the Council is required to:

- Consider and concur with the request to have that portion of crown land dedicated as road; and
- Provide in its letter of concurrence the following statement – *Council at its meeting of (date) concurred to the dedication of the land reserved as Primary Regional Road, Kwinana Freeway shown in the attached (refer plan) and contained within the City of South Perth as road under section 56 of the Land Administration Act.*

It should be noted that MRWA will indemnify the City against any /all costs and charges relating to this dedication action.

Consultation

There is no requirement for public consultation. The request from MRWA simply satisfies a statutory requirement.

Policy and Legislative Implications

The Report identifies the request as a requirement of Section 56 of the *Land Administration Act 1997*.

Financial Implications

Nil

Strategic Implications

This report deals with a matter that is aligned directly to the Key Result area of Governance (Strategic Direction 6) identified in the City's Strategic Plan - *To ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

The proposed action is an essential administrative requirement for the preservation and retention of this important regional link.

OFFICER RECOMMENDATION ITEM 10.6.8

That Council concur to the dedication of that portion of land reserved as Primary Regional Road, Kwinana Freeway as outlined in **Attachment 10.6.8** and contained within the City of South Perth as road under section 56 of the *Land Administration Act*.

10.6.9 Metropolitan Local Government Review
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	14 February 2012
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Vicki Lummer, Acting Chief Executive Officer

Summary

This report considers the City's response to the Towns of Claremont, Cottesloe, Mosman Park and Shire of Peppermint Grove resolution to *"forever uphold and not dilute constituents right to self determination as embodied in clauses 8, 9 and 10(2) of Schedule 1 of the Local Government Act 1995"*.

Background

The Minister for Local Government on 24 June 2011 announced an independent review of Perth metropolitan local government and broader governance structures. An independent Metropolitan Governance Review Panel comprising Professor Alan Robson AM, Dr Peter Tannock and Dr Sue van Leeuwen is presently examining the social, economic and environmental challenges facing metropolitan Perth and will recommend appropriate boundaries and governance models for Perth metropolitan local government to the Minister for Local Government in June 2012.

The Panels Terms of Reference are:

- Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.
- Identify current and anticipated national and international factors likely to impact in the next 50 years.
- Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, and accountability and State imperatives among other things the panel may identify during the course of the review.
- Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.
- Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
- Present a limited list of achievable options together with a recommendation on the preferred option.

The City of South Perth Council considered and finalised its submission at the December 2011 Council Meeting which was subsequently submitted to the Metropolitan Local Government Review Panel on 23 December 2011.

The City's submission recommended the following to the Metropolitan Local Government Review Panel:

Having considered above Discussion Paper and response to the Panel's questions, the City has formed the view:

- 1 That the Metropolitan Local Government Review Panel be advised that the City does not consider that changes to the current system of local government within the metropolitan area are warranted in the absence of clear identification of any major issues that need to be addressed;*
- 2 That the Panel be further advised that the City considers that there are many areas where the efficiency of Local Government can be improved via amendments to legislation and State policies that restrict or hinder local government [and therefore the State] in its future development, and that the Panel be provided with a copy of the Background and Discussion Paper attached to this report which lists some suggestions points in relation to the 'key questions' and provides some suggestions for change.*

Comment

The Towns of Claremont, Cottesloe, Mosman Park and Shire of Peppermint Grove have written to all local governments advising of their resolution and seeking individual Council support for their resolution as outlined below:

That Council

- 1 Advise the Premier of the State of Western Australia, the Minister for Local Government, the Leader of the Opposition, the Shadow Minister for Local Government, our local members of the Legislative Assembly and Legislative Council, the Metropolitan Local Government Review Panel, and the President of the Western Australian Local Government Association, that this Council calls upon the Parliament of Western Australia to forever uphold and not dilute our constituents' right to self-determination as embodied in clauses 8, 9 and 10(2) of Schedule 2.1 of the Local Government Act 1995 (WA).*
- 2. Request the recipient of each such letter to notify our Council by written reply as to whether they do support and will continue to support the preservation without dilution of our constituents' right to self-determination as embodied in clauses 8, 9 and 10(2) of Schedule 2.1 of the Local Government Act 1995 (WA).*
- 3 Provide to the Secretariat of the Councils for Democracy a copy of each of our above letters and any responses that our Council receives, for use in demonstrating collective support for our constituents' right to self-determination.*

The quartet of Councils are concerned that the poll provisions in the *Local Government Act 1995* will be amended. These poll provisions provide:

8. Electors may demand poll on a recommended amalgamation

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (**the districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

9. Procedure for holding poll

- (1) *Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —*
 - (a) *the Advisory Board is to —*
 - (i) *determine the question or questions to be answered by electors; and*
 - (ii) *prepare a summary of the case for each way of answering the question or questions;**and*
 - (b) *any local government directed by the Minister to do so is to —*
 - (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
 - (ii) *subject to subclause (2), declare* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.*
- (2) *Before making a declaration under subclause (1)(b)(ii), the local government is to obtain the written agreement of the Electoral Commissioner.*

10. Minister may accept or reject recommendation

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
 - (a) *at least 50% of the electors of one of the districts vote; and*
 - (b) *of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.*
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

The Metropolitan Local Government Review Panel's Terms of Reference do not include reviewing and considering the poll provisions contained in Schedule 9.1 of the *Local Government Act 1995*. Further, the Minister for Local Government on 13 February 2012 stated publically that *"there are no current plans to change the poll provisions of the Act"*.

WALGA President Troy Pickard stated publically on 13 February 2012 *"that the four councils' view were not reflective of broad sentiment in the sector, and that they are entitled to do whatever they wish but encouraged local governments to get their facts straight before engaging the sector"*. WALGA's position is that they would vigorously oppose and challenge any proposed amendments to poll provisions contained in the *Local Government Act 1995*, however believe this is not presently being considered by the Metropolitan Local Government Review Panel.

It is the City's view that the quartet of Council's resolution is premature and presently unnecessary as there is currently no proposal to amend the poll provisions contained in Schedule 9.1 of the *Local Government Act 1995*. The City may however consider supporting a similar resolution in the future should there be any proposed amendments to the poll provisions.

Given all of the above, it is recommended that the Council resolve not to support the resolution relating to Schedule 9.1 of the *Local Government Act 1995* at this point in time.

Financial Implications

The possible outcome of the Metropolitan Local Government Review could have significant financial implications for the City of South Perth.

Strategic Implications

The proposal is consistent with Strategic Direction 6: 'Governance' of the Strategic Plan 2010-2015 *"Ensure that the City's governance enables it to respond to the community's vision and deliver its service promises in a sustainable manner"*.

Sustainability Implications

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

OFFICER RECOMMENDATION 10.6.9

That the Council advise the Towns of Cottesloe, Claremont, Mosman Park and Shire of Peppermint Grove that it is not presently supportive of their resolution relating to Schedule 9.1 of the *Local Government Act 1995* as this is not presently under review.

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr Hasleby

I hereby apply for retrospective Leave of Absence from all Council Meetings for the period 23 January to 6 February 2012 inclusive.

11.2 Request for Leave of Absence - Cr Gleeson

I hereby apply for Leave of Absence from all Council Meetings for the period 12 March to 30 March 2012 inclusive.

11.3 Request for Leave of Absence - Cr Lawrance
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I hereby apply for Leave of Absence from all Council Meetings for the period 5 April to 15 April 2012 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

13.2 Questions from Members

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

15.2 Public Reading of Resolutions that may be made Public.

16. CLOSURE

17. RECORD OF VOTING



Mayors Activity Report December 2011/January 2012

Date	Activity
January 2012	
Tuesday, 31 January	Attend Heritage Workshop Mayor/CEO weekly meeting
Monday 30, January	Meet Mayor Carol Adams of Town of Kwinana Attend Discussion Community Cafe + CEO
Saturday, 28 January	Attend 10th Anniversary Here's Luck Lottery Kiosk @ Belmont Shopping Centre
Thursday, 26 January	Australia Day Celebration Zone :Present winners of the kids art competition in Sir James Mitchell Park Attend City of Perth Australia Day citizenship ceremony and awards presentation Conduct Australia Day citizenship ceremony in Sir James Mitchell Park
Wednesday, 25 January	Attend South East Zone Special Meeting + CEO + Deputy Mayor, Cr Kevin Trent @ City of South Perth
Tuesday, 24 January	Perth Writers Festival discussion with Joy Legge (Gibbs collection curator) + Library Officer, Local Studies Attend South Perth Senior Citizens Australia Day luncheon + CEO + Deputy Mayor, Cr Kevin Trent Mayor/CEO weekly meeting
Monday, 23 January	Attend Australia Day launch @ Government House + CEO Meeting with Mayor Trevor Vaughan of Town of Victoria Park
Saturday, 21 January	Attend Draft Housing Strategy Community Engagement + Deputy Mayor Cr Kevin Trent + Crs Betty Skinner, Fiona Reid, Sharron Hawkins-Zeeb and Colin Cala.
Friday, 20 January	Australia Day <i>Southern Gazette</i> photo shoot at Sir James Mitchell Park
Thursday, 19 January	Attend National Year of Reading Launch night + Cr Fiona Reid Australia Day discussion with John McGrath MLA + CEO
Wednesday, 18 January	Attend Perth Writers Festival Launch @ UWA
Tuesday, 17 January	Chair Special Electors Meeting - Mosquitoes

AGENDA : ORDINARY COUNCIL MEETING : 28 FEBRUARY 2012

	Attend Summadayze De brief
	Mayor/CEO weekly meeting
	Photo shoot with <i>West Australian</i> @ Sir James Mitchell Park foreshore + CEO
Monday, 16 January	Attend WALGA: Metropolitan Local Government Review + CEO
Saturday, 14 January	Attend and present prizes at U14 National Baseball closing ceremony at Grayden Reserve
Thursday, 12 January	Open Collier Park Golf Course Island 9 + Crs Betty Skinner, Ian Hasleby and Glenn Cridland
Wednesday, 11 January	Meet with aggrieved neighbour regarding construction of house
Tuesday, 10 January	Meeting Mayor Russell Aubrey of City of Melville
Monday, 9 January	Attend Voices of the SWAN Choral Concert @ Wesley College
December 2011	
Thursday, 22 December	Attend CoSP Staff Christmas party + Deputy Mayor Cr Kevin Trent, Crs Betty Skinner, Bill Gleeson, Ian Hasleby
Wednesday, 21 December	Gowrie WA - meeting + CEO
	Attend Kensington Primary School Presentation - Wetlands Habitat project
Tuesday, 20 December	Chair Special Electors meeting concerning Lot 800 Ray St car park.
	Mayor/CEO weekly meeting
Monday, 19 December	Attend Aboriginal Engagement Strategy Working Group Meeting
Sunday, 18 December	Attend Secret Event at the Old Mill
Saturday, 17 December	Drew Lions Raffle at Manning Markets
	Attend
Friday, 16 December	Meet Panel of Metro Local Government Reform + CEO
	Meet with Simon O'Brien, Minister for Commerce and Small Business + CEO + Deputy Mayor, Cr Kevin Trent
Thursday, 15 December	Attend Swan River Trust - Landowners Briefing + CEO
	Attend Infrastructure Services Christmas Function @ Richardson Park + CEO
	Meeting re Buddhism Conference - with Andres Tamleht
Tuesday, 13 December	Chair Ordinary Council meeting.
	Meeting Curtin Trinity Pirates Hockey Ground + Manager, Community Culture and Recreation + Recreation Development Coordinator
	Mayor/CEO weekly meeting
	Present award at Kensington Primary Year 7 graduation + Deputy Mayor, Cr Kevin Trent
Monday, 12 December	Meet with JPs - to acknowledge their commitment during the year

AGENDA : ORDINARY COUNCIL MEETING : 28 FEBRUARY 2012

	Committee for Perth: Light Rail Presentation by visiting international expert Andy Wood + CEO
	Attend Kensington Primary Presentation of project re Future Problem Solving Nationals finals on Gold Coast + Cr Veronica Lawrance
Sunday, 11 December	Attend South Perth Bridge Club Christmas Party Attend Community garden meeting @ Hazel McDougall House Attend 75 th Anniversary of laying foundation stone of St Columba's Church
Friday, 9 December	Present prizes at Como Golf Academy Annual Presentation Night Attend Meath Care Annual Christmas Sundowner Attend Key Corporate Luncheon of the Year - 2011 in Review + CEO
Thursday, 8 December	Attend Bushfoods in the Backyard special event Attend Children's Christmas Party - South Perth Library Open Cygnet Cinema Christmas Concert + Deputy Mayor, Cr Kevin Trent
Wednesday, 7 December	Conduct Annual Electors Meeting Preston St Creative Hub meeting with Roderick McKay Attend Anna Gare Luncheon @ South Perth Community Centre + CEO Sustainable Living Project discussion with Sustainability Coordinator
Tuesday, 6 December	Chair December Council briefing Speak at Homereader & Volunteer Christmas Party Attend South Perth Senior Citizens Club Christmas lunch Mayor/CEO weekly meeting
Monday, 5 December	Conduct Citizenship ceremony Attend Aboriginal Engagement Strategy Working Group Meeting Australia Day 2012 discussion with Manager, Community Culture and Recreation, Civic Functions and Ceremonies Officer + Art & Events Officer May Gibbs meeting with Danielle Bender + Library Branch Supervisor & Library Officer - Local Studies
Sunday, 4 December	Attend South Perth Historical Society Annual Christmas breakfast + Deputy Mayor, Cr Kevin Trent, Fiona Reid, Betty Skinner, Colin Cala+
Saturday, 3 December	Host Thank a Volunteer Breakfast + Deputy Mayor, Cr Kevin Trent Crs Betty Skinner, Veronica Lawrance, Fiona Reid, Colin Cala
Friday, 2 December	Attend City of Melville Annual Civic Dinner Attend City of Perth lunch Attend Kensington Secondary School Graduation

Attend signing of Salter Point Underground Power Project with Minister for Energy and CEO Western Power, John McGrath MLA + CEO

Thursday, 1 December

Meeting with Steve Irons, Member for Swan + CEO

Council Representatives' Activity Report - December 2011/ January 2012

December 2011/January 2012	Activity
January 2012	
Thursday, 26 January	Attend City of Perth Citizenship & Award Ceremony
Monday 9 - Friday 13 January	Attend AICD - Company Directors Course - Cr Veronica Lawrance
December 2011	
Wednesday, 14 December	Attend South Perth Primary Final assembly - Cr Rob Grayden
Wednesday, 14 December	Chair Safety and Crime Prevention meeting - Cr Veronica Lawrance
Wednesday, 14 December	Manning Senior Citizens Xmas Party - Deputy Mayor, Cr Kevin Trent
Wednesday, 14 December	VIP Plus @ Communicare Graduation 2011 - Deputy Mayor, Cr Kevin Trent
Monday, 12 December	Collier Primary Graduation assembly - Deputy Mayor, Cr Kevin Trent + Cr Fiona Reid
Friday, 9 December	Present Award at Carson St School - Deputy Mayor, Cr Kevin Trent
Thursday, 8 December	St Columba's Primary Year 6 Graduation - Cr Veronica Lawrance
Wednesday, 7 December	WALGA State Council meeting Deputy Mayor, Cr Kevin Trent
Monday, 5 December	Wesley College Speech Night - Cr Veronica Lawrance
Monday, 5 December	Como Manning United church - - Deputy Mayor, Cr Kevin Trent
Friday, 2 December	Attend Penrhos College Junior School Speech Day & Secondary School Speech Night - Deputy Mayor, Cr Kevin Trent
Thursday, 1 December	Present CoSP award at Aquinas College - Deputy Mayor, Cr Kevin Trent