



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

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ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 27 November 2012 at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Doherty / Council Representatives

The Mayor advised that the Council Representatives Activities Report for the month of September 2012 is attached to the back of the Agenda.

3.2 Public Question Time

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

3.3 Audio Recording of Council meeting

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

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors:

I Hasleby	Civic Ward
G Cridland	Como Beach Ward
G W Gleeson	Como Beach Ward
S Hawkins-Zeeb	Manning Ward
C McMullen	Manning Ward
C Cala	McDougall Ward
P Howat	McDougall Ward
B Skinner	Mill Point Ward
F Reid	Moresby Ward
K Trent, OAM, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Ms D Gray	Manager Financial Services
Mr P McQue	Manager Governance and Administration
Mr R Kapur	Manager Planning Services (until 8.18pm)
Mr R Bercov	Strategic Urban Planning Adviser
Mr C Schooling	Senior Strategic Project Planner (until 8.18pm)
Ms G Nieuwendyk	Corporate Support Officer
Mrs K Russell	Minute Secretary

Gallery There were 12 members of the public and 1 member of the press present

4.1 Apologies

Cr R Grayden Mill Point Ward

4.2 Approved Leave of Absence

Cr V Lawrance Civic Ward

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.

The Mayor referred to Agenda Item 10.0.3 'Local Housing Strategy' in relation to Declarations of Interest and requested the CEO address the meeting on this issue. The CEO referred to the definition of a 'proximity interest' circulated to Elected Members and to further legal advice received on this matter which states that at this point in time because the City is only conducting surveys / consultation etc there will be no requirement for Proximity or Financial Interests to be made. He further stated that this will change when this item is next presented to Council.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 23 October 2012 there were no questions taken on notice.

6.2 PUBLIC QUESTION TIME : 27.11.2012

The Mayor stated that in accordance with the *Local Government Act* regulations question time would be limited to 15 minutes. She said that questions are to be in writing and

questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to.

The Mayor advised that the purpose of Public Question time was to provide the community with the opportunity to raise questions and said that there were other ways people could raise questions, such as contacting their Ward Councillors or by logging on to the City's website and submitting a question via 'enquires'. She also reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. The next meeting day is Friday 7 December.

The Mayor then opened Public Question Time at 7.10pm

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

6.2.1 Geoff Defrenne, Kennard Street, Kensington

(Written Questions submitted prior to the meeting)

Summary of Questions

Special Electors' Meeting re Manning Community Hub 26 November 2012

- 1 – 11 Mr Defrenne has asked eleven (11) questions concerning the conduct of the CEO and the Director Infrastructure Services who are not electors of the City regarding their participation at the meeting.
12. At the electors meeting the CEO implied that the Manning Community Hub project will be delayed if the scale of the commercial land is not proceeded with or reduced in scale.
13. Since when has the City allocated the proceeds of the sale of any asset to any project.

Summary of Response

The Mayor responded that:

- 1-11 It is normal for officers of local governments to provide information and advice at Electors' Meetings.
12. the CEO agreed and comments noted.
13. This is a requirement of the State as it relates to the sale of an 'A' Class Reserve.

The following written questions were 'tabled' at the meeting.

Summary of Question

1. Since 1/1/2007 how many current and former Council Members have been given a caution by the Department of Local Government for breach of the Local Government Act or any other Act?
2. Since 1/1/2007 how many current and former Council Members have been given an informal caution by the Department of Local Government for breach of the Local Government Act or any other Act?
3. The Minister for Local Government Mr Castrilli advised parliament on 07 August 2012 that "There is no provision contained within the Local Government Act 1995 or associated legislation which provides any power for the Department of Local Government to issue a formal legal caution to any person." Did the CEO seek legal advice to give Council Members a caution?

Summary of Response

The Mayor responded.....

1. 2.. The Department of Local Government does not customarily advise the relevant local government that it has cautioned one of its Elected Members. Therefore the City cannot respond to this question.
3. Not relevant - Refer response above

Close of Public Question Time

There being no further written questions the Mayor closed Public Question Time at 7.15pm

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: 23.10.2012

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Howat

That the Minutes of the Ordinary Council Meeting held 23 October 2012 be taken as read and confirmed as a true and correct record.

CARRIED (9/2)

7.1.2 Audit & Governance Committee Meeting Held: 14.11.2012

COUNCIL DECISION ITEM 7.1.2

Moved Cr Trent, Sec Cr Howat

That the Minutes of the Audit and Governance Committee Meeting held 14 November 2012 be received.

CARRIED 11/0

7.2 BRIEFINGS

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

7.2.1 Agenda Briefing - October 2012 Ordinary Council Meeting Held: 16.10.2012

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

7.2.2 Canning Bridge Precinct Structure Plan Workshop (Joint Workshop with City of Melville) Meeting Held at City of Melville : 30.10.2012

Director, Urban Planning, City of Melville facilitated a workshop on the Canning Bridge Precinct Structure Plan. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.2

Moved Cr Cala, Sec Cr Skinner

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

CARRIED (11/0)

8. PRESENTATIONS

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

Nil

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

8.2.1 Perth Airports Municipalities Group 30th Anniversary

The Mayor presented a commemorative wine box to the City of South Perth in recognition of the PAMG's 30th Anniversary and acknowledging the City's involvement in that Group.

The PAMG membership consists of 11 local government councils who are either directly or indirectly impacted by airports. The eleven local governments are the City of Armadale, Town of Bassendean, City of Bayswater, City of Belmont, City of Cockburn, City of Gosnells, Shire of Kalamunda, City of Melville, Shire of Mundaring, City of South Perth and City of Swan. The combined population of these 11 Councils is in excess of 700,000 residents, which is just under 50% of population of metropolitan Perth. The City's delegates on the PAMG are Crs Hasleby, Skinner and the CEO.

8.3 COUNCIL DELEGATES REPORTS

8.3.1. WALGA "Cash for Containers Scheme" presentation 1 November 2012.

Crs Hasleby and Trent attended the WALGA "Cash for Containers Scheme" presentation held 1 November 2012 at the Town of Cottesloe. The presentation is at **Attachment 8.3.1.**

RECOMMENDATION

That the presentation in relation to the WALGA "Cash for Containers Scheme" presentation held 1 November 2012 at the Town of Cottesloe be received.

COUNCIL DECISION ITEM 8.3.1

Moved Cr Skinner, Sec Cr Hawkins-Zeeb

That the Delegates' Report at **Attachment 8.3.1** in relation to the WALGA "Cash for Containers Scheme" presentation held 1 November 2012 at the Town of Cottesloe be received.

CARRIED (11/0)

8.3.2. Council Delegate: Rivers Regional Council Ordinary General Meeting: 18 October 2012

A report from Cr Trent (Deputy Delegate) and the Director Infrastructure Services summarising their attendance at the Rivers Regional Council Ordinary General Meeting held 18 October 2012 at the Shire of Murray is at **Attachment 8.3.2**. The Minutes of the RRC Meeting of 18 October 2012 have also been received and are available on the *iCouncil* website.

RECOMMENDATION

That the Delegate's Report at **Attachment 8.3.2**, in relation to the Rivers Regional Council Ordinary General Meeting held 18 October 2012 at the Shire of Murray

COUNCIL DECISION ITEM 8.3.2

Moved Cr Trent, Sec Cr Skinner

That the Delegate's Report at **Attachment 8.3.2**, in relation to the Rivers Regional Council Ordinary General Meeting held 18 October 2012 at the Shire of Murray

CARRIED (11/0)

8.4 CONFERENCE DELEGATES REPORTS

8.4.1. Conference Delegate: 13th International Cities Town Centres and Communities Society Conference (ICTC) held on the Gold Coast 16-19 October 2012.

A report from Cr Skinner summarising her attendance at the 13th International Cities Town Centres and Communities Society Conference held on the Gold Coast between 16 and 19 October 2012 is at **Attachment 8.4.1**.

RECOMMENDATION

That the Delegate's Report in relation to Cr Skinner's attendance at the 13th International Cities Town Centres and Communities Society Conference held on the Gold Coast between 16 and 19 October 2012 be received.

COUNCIL DECISION ITEM 8.4.1

Moved Cr Gleeson, Sec Cr Cala

That the Delegate's Report in relation to Cr Skinner's attendance at the 13th International Cities Town Centres and Communities Society Conference held on the Gold Coast between 16 and 19 October 2012 be received.

CARRIED (11/0)

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, would be adopted en bloc, ie all together. She then sought confirmation from the Chief Executive Officer that all the report items had been discussed at the Agenda Briefing held on 20 November 2012.

The Chief Executive Officer confirmed that this was correct with the exception of Item 10.6.7 'Final Report on Local Government Reform' which was the subject of a separate discussion at a briefing held on 19 November.

WITHDRAWN ITEMS

The following report items withdrawn for discussion with the remaining report items being adopted en bloc:

- Item 10.0.3 – withdrawn Amendments proposed
- Item 10.0.4 – withdrawn for discussion
- Item 10.6.7 – withdrawn for discussion

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Hawkins-Zeeb, Sec Cr Gleeson

That with the exception of Withdrawn Items 10.0.3, 10.0.4 and 10.6.7 the officer recommendations in relation to Agenda Items 10.0.1, 10.0.2, 10.0.5, 10.1.1, 10.3.1, 10.3.2, 10.3.4, 10.3.5, 10.5.1, 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5, 10.6.6, and 10.7.1 be carried en bloc.

CARRIED (11/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No. 32 to Town Planning Scheme No. 6 - Definitions of Land Use (Shop and Consulting Rooms). Adoption for final approval.
(Item 10.3.5 Council meeting 26 June 2012 refers)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/32
Date:	1 November 2012
Author:	Adrian Ortega, Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development and Community Services

Summary

Amendment No. 32 will amend the definitions of “Shop” and “Consulting Rooms” in Town Planning Scheme No.6 (TPS6). Draft Amendment No. 32 documents have been advertised to the extent required by the *Town Planning Regulations* (the Regulations), Town Planning Scheme No. 6 (TPS6) and Council Policy P301 ‘Consultation for Planning Proposals’ (Policy P301). No submissions were received.

The recommendation is that Council adopt Amendment No. 32 without modification, and that this recommendation be forwarded to the Minister for Planning for his final approval.

Background

This report includes **Attachment 10.0.1:** Amendment No. 32 Report for final approval.

Amendment No. 32 was initiated at the June 2012 Council meeting. The definitions of ‘Shop’ and ‘Consulting Rooms’ are being amended to give the City more effective control over unsuitable activities relating to sexual services which the operators claim fall within the current definitions of those land uses. Legitimate massage services will not be affected.

Comment

The current and proposed definitions of 'Shop' and 'Consulting Rooms' are set out below:

Current definition	'Shop' : means premises used for the sale of goods by retail, for the hire of goods, or to provide hairdressing or beauty therapy services and the like, but does not include a Showroom or any other uses specifically defined elsewhere in this Scheme.
Proposed definition	'Shop' : means premises used for the sale of goods by retail, for the hire of goods, or to provide hairdressing or beauty therapy services but does not include a Showroom or any other uses specifically defined elsewhere in this Scheme.

Current definition	'Consulting Rooms' : means premises used by a health consultant for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
Proposed definition	'Consulting Rooms' : means premises (other than a hospital) used by one or more health consultants, who are registered or licensed to practise in Western Australia either under a written law of Western Australia or by an Australian professional association or board, for the investigation or treatment of human injuries or ailments and may also include general outpatient care (including preventative care, diagnosis, medical and surgical treatment and counselling).

The attached Amendment No. 32 document more fully explains the proposed changes.

Consultation

As required by the Regulations, immediately following initiation of the Scheme Amendment process at the June 2012 meeting, the Amendment No. 32 proposals were forwarded to the Environmental Protection Authority (EPA) for assessment. The EPA responded by letter dated 16 July 2012 advising that no assessment was required under Part IV Division 3 of the *Environmental Protection Act*.

Following receipt of the EPA advice, the statutory advertising required by the Regulations, TPS6 and Policy P301 was undertaken. The community consultation period commenced on 4 September and concluded on 19 October 2012.

The draft Amendment was advertised in the manner described below:

- Notice in two issues of *Southern Gazette* newspaper: on 4 and 18 September 2012; and
- Notices and Amendment documents displayed in the Civic Centre customer foyer, City Libraries and on the City's web site ('Out for Comment').

As the Amendment No. 32 proposals do not relate to specific parcels of land, no signs were placed on any particular site, and Notices were not mailed to landowners.

The required minimum advertising period is 42 days. It is the City's practice to extend community consultation for a few days to allow for late submissions and delays in postage and delivery. On this occasion, the actual advertising period was 46 days. During the advertising period, no submissions were received.

Policy and Legislative Implications

The Council has undertaken public advertising as required by the Regulations, TPS6 and Council Policy P301, and must now resolve to finally adopt Amendment No. 32, prior to forwarding the proposals to the Minister for Planning for his final approval. When this has been granted, the City will arrange for Notice of the Minister's approval to be published in the *Government Gazette* and in the *Southern Gazette*. The Amendment provisions will then become operative.

The statutory Scheme Amendment process is set out below, together with a date for each stage: The stages which have been completed, including the consideration at the forthcoming 27 November 2012 Council meeting, are shaded:

Stage of Amendment Process	Date
Council resolution to initiate Amendment No. 32 to TPS6	26 June 2012
Council adoption of draft Scheme Amendment No. 32 proposals for advertising purposes	26 June 2012
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	27 June 2012
Public advertising period of 46 days	4 September – 19 October 2012
Council meeting for final adoption of Amendment No. 32	27 November 2012
Referral to the WAPC and Planning Minister for consideration of: <ul style="list-style-type: none"> • Council's recommendation on the proposed Amendment No. 32; • Three signed and sealed copies of Amendment No. 32 documents for final approval 	Within two weeks of November 2012 Council meeting
Minister's final determination of Amendment No. 32 to TPS6 and publication in <i>Government Gazette</i>	Not yet known
Publication of the approved Amendment No. 32 notice in <i>Government Gazette</i>	Not yet known - following receipt of WAPC advice of Minister's final approval

Following Council's decision to recommend to the Minister that Amendment No. 32 proceed without modifications, three copies of the Amendment document will be executed by the City, including application of the City Seal to each copy. Those documents will be forwarded to the Western Australian Planning Commission with the Council's recommendation.

Financial Implications

The Amendment has been initiated by the Council and therefore a Planning Fee is not payable in this instance. All costs incurred during the course of the Scheme Amendment process are being met by the City.

Strategic Implications

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

Sustainability Implications

The proposed Amendment No. 32 to TPS6 will add more clarity for City officers, elected members and community stakeholders. The Amendment is not linked to any proposed development.

Conclusion

The draft Amendment No. 32 has been supported by Council. As no submissions were received during the public consultation period, Council should now adopt the Amendment without modification and forward it to the Minister for his final approval.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1

That...

- (a) the Western Australian Planning Commission be advised that Council recommends that, no submissions having been received during the statutory advertising period, Amendment No. 32 to the City of South Perth Town Planning Scheme No. 6 proceed **without modification**;
- (b) in accordance with the *Town Planning Regulations 1967 (as amended)*, the Council hereby adopts Amendment No. 32 to Town Planning Scheme No. 6 for final approval, and authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 32 document (**Attachment 10.0.1**), as required by those Regulations; and
- (c) three executed copies of the Amendment No. 32 document be forwarded to the Western Australian Planning Commission for final determination by the Minister for Planning.

CARRIED EN BLOC RESOLUTION

10.0.2 Proposed Amendment No. 17 to TPS6 relating to calculation of Building Heights. Consideration of submissions and adoption for final approval. (Item 10.3.1 Council meeting 24 July 2012 refers)

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/209/17
Date:	1 November 2012
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

Amendment No. 17 to the City's Town Planning Scheme No. 6 (TPS6) will introduce more clearly worded provisions relating to the method of measuring building height. Draft Amendment No. 17 documents have been advertised to the extent required by the *Town Planning Regulations* (the Regulations), Town Planning Scheme No. 6 (TPS6) and Council Policy P301 'Consultation for Planning Proposals' (Policy P301). In addition, building companies and architects who are either based in, or are known to have operated within the City this year, were consulted. At the conclusion of the consultation period, two submissions were received. These are discussed in the 'Consultation' section of this report.

It is recommended that the Council adopt Amendment No. 17 with modification, and that this recommendation be forwarded to the Minister for Planning for his final approval.

Background

This report includes **Attachment 10.0.2: Amendment No. 17 Report for final approval.**

This report serves as the formal 'Report on Submissions' on Amendment No. 17, and when adopted by the Council, will be forwarded to the Western Australian Planning Commission for further processing towards the final approval of Amendment No. 17 by the Minister for Planning.

Amendment No. 17 was initiated at the July 2012 Council meeting for the purpose of clarifying existing provisions contained in clause 6.1 of TPS6 relating to replacement of approved over-sized buildings, and clause 6.2 relating to measurement of building height. The Amendment provisions apply throughout the whole City area.

Comment

The attached Amendment No. 17 document fully explains the proposed amendments to the Scheme Text and the reasons for those changes. It gives a brief history of building height controls in successive Town Planning Schemes within the City and discusses the need for clarification of existing building height provisions in particular clauses. The primary purpose of Amendment No. 17 is not to introduce new provisions, but to ensure that the existing provisions relating to building height are more clearly expressed so as to eliminate confusion and ambiguity. For this reason, a number of additional explanatory diagrams are being introduced.

Consultation

As required by the Regulations the Amendment No. 17 proposals were forwarded to the Environmental Protection Authority (EPA) for assessment, on 27 July 2012. The EPA responded by letter dated 13 August 2012, advising that no assessment is required under Part IV Division 3 of the *Environmental Protection Act*.

Following receipt of the EPA advice, the statutory advertising required by the Regulations, TPS6 and Policy P301 was undertaken. The community consultation period commenced on 4 September and concluded on 19 October 2012.

The draft Amendment was advertised in the manner described below:

- Letters inviting comment sent to 82 building companies and architects (including the City's five Design Advisory Consultant architects) who are either based in, or are known to have operated within the City during 2012;
- Notice in two issues of *Southern Gazette* newspaper: on 4 and 18 September 2012; and
- Notices and Amendment documents displayed in the Civic Centre customer foyer, City Libraries and on the City's web site ('Out for Comment').

As the Amendment No. 17 proposals do not relate to specific parcels of land, no signs were placed on any particular site, and Notices were not mailed to landowners.

The required minimum advertising period is 42 days. It is the City's practice to extend community consultation for a few days to allow for late submissions and delays in postage and delivery. On this occasion, the actual advertising period was 46 days. During the advertising period, two submissions were received. The submissions are summarised below:

Submission comment	City response and recommendation
<p>Submission 1</p> <p><i>Draftsperson of housing company comments:</i></p> <p>Due to the popularity of skillion roofs, construction tends to always be a problem to satisfy building height requirements. Hence, could there be an exemption for alternative materials (such as cladding or timber work) to relieve the building height requirement.</p>	<p>While the use of different materials can provide some degree of visual relief to the appearance of a building, it does not physically reduce the height or bulk of the building. The main purpose of Amendment No. 17 is to clarify height controls and ensure uniformity of administering the Scheme provisions. The suggested exemption would not provide the certainty expected from Scheme provisions.</p> <p>Further, clause 7.8(2) of TPS6 specifically precludes the exercise of Council discretion with respect to building height, and has done so during the life of TPS6. Similarly, under previous town planning schemes, the Council did not have discretionary power to permit variations from the prescribed height limits. Modification of this provision in the suggested manner would be beyond the scope of Amendment No. 17.</p> <p>It is recommended that Submission 1 be NOT UPHELD, and that Amendment No. 17 not be modified in response to this comment.</p>
<p>Submission 2</p> <p><i>Verbal submission from an architect in relation to a proposal designed to meet Amendment No. 25 proposals for the South Perth Station Precinct.</i></p> <p>In terms of the 25.0 metre Building Height Limit, Amendment No. 25 (South Perth Station Precinct) is not clear with regard to what constitutes the “finished floor level of the highest storey of the building.” Specifically, would plant and equipment housed (on a floor) within the roof cavity of the building need to be contained within the 25 metre height limit?</p>	<p>While it is most unusual for the City to accept a verbal submission on a Scheme Amendment, in this case, City Officers are of the opinion that the enquiry highlights a possible source of ambiguity and confusion in Amendment No. 17. The purpose of Amendment No. 17 is to eliminate any source of confusion in the ‘building height’ provisions.</p> <p>Amendment No. 17 deals with all TPS6 provisions relating to building height, and incorporates the proposed Amendment No. 25 building height provisions. Therefore, it is appropriate to consider this verbal enquiry as part of Amendment No. 17. The issue raised had not previously been apparent to City Officers, and therefore requires clarification.</p> <p>The provision of Amendment No. 17 referred to is clause 6.1A (10)(b)(ii), which reads as follows:</p> <p><i>“For all comprehensive new development in Precinct 15 ‘South Perth Station’... where the assigned Building Height Limit is 25.0 metres, height shall be measured to the finished floor level of the highest storey of the building.”</i></p> <p>The intention of this provision is to provide for and encourage flexibility of design for the top storey of ‘25.0m high’ buildings. It is not the intention to curtail design by requiring that essential plant and equipment be housed at the 25.0 metre height limit. Operating plant and equipment, such as air conditioning units, fire equipment, and the like, must sit on a ‘floor’, but it is reasonable for it to be housed above the top storey of the building, either in the roof cavity or in a service ‘storey’.</p> <p>Therefore, it is recommended that Submission 2 be UPHELD, and that Amendment No. 17 be modified in response to this comment to the extent contained in Attachment 10.0.2.</p>

If the Council supports the officer recommendation on the submissions, when the Council has adopted the Amendment document at **Attachment 10.0.2**, it will be forwarded to the Western Australian Planning Commission (WAPC) with a recommendation that the Minister for Planning grant final approval **with modification**.

Policy and Legislative Implications

The Scheme Amendment will have the effect of modifying the following clauses in the Scheme Text of the City's operative Town Planning Scheme No. 6:

- Clause 4.3 'Special Application of Residential Design Codes – Variations' : identifying the Scheme provisions relating to building height as variations from the R-Codes;
- Clause 6.1 'Replacement of Existing Buildings not complying with Density, Plot Ratio, Use or Height Limits' : being deleted and replaced with the new clause 6.2A;
- Clause 6.1A 'Building Height Limits and Method of Measuring Height' : replacing the former clause 6.2;
- Clause 6.2 'Building Height Limits' : being deleted and replaced with the new clause 6.1A;
- Clause 6.2A 'Special Provisions for Pre-Scheme Developments' : replacing the former clause 6.1;
- Clause 6.5 'Multiple Street Boundaries and Irregularly Shaped Lots' : relating to cross-referenced clause numbers;
- Clause 7.2 'Applications for Planning Approval' : requiring additional information to be provided by applicants lodging certain development applications;
- Clause 7.8 'Discretion to Permit Variations from Scheme Provisions' : relating to cross-referenced clause numbers; and
- Schedule 1 'Definitions': inserting definitions of new terms.

The Council has undertaken public advertising as required by the Regulations, TPS6 and Council Policy P301, and must now resolve to finally adopt Amendment No. 17, prior to forwarding the proposals to the Minister for Planning for his final approval. When this has been granted, the City will arrange for Notice of the Minister's approval to be published in the *Government Gazette* and in the *Southern Gazette*. The Amendment provisions will then become operative.

The statutory Scheme Amendment process is set out below, together with a date for each stage: The stages which have been completed, including the consideration at the 27 November Council meeting, are shaded:

Stage of Amendment Process	Date
Council decision to initiate Amendment No. 17	24 July 2012
Council adoption of draft Amendment No. 17 Report and Scheme Text for advertising purposes	24 July 2012
Referral of draft Amendment No. 17 documents to EPA for environmental assessment, and to WAPC for information	27 July 2012
Receipt of EPA comments advising that no environmental assessment is required	13 August 2012
Public advertising period of 46 days	4 September to 19 October 2012
Council consideration of Report on Submissions on Amendment No. 17	27 November 2012
Referral to WAPC and Minister for consideration of: <ul style="list-style-type: none"> • Report on Submissions and attachments • Council's recommendation on proposed Amendment No. 17 • Three signed and sealed copies of Amendment documents for the Minister's final approval 	Within two weeks of the November 2012 Council meeting.
Minister's final determination of Amendment No. 17	Not yet known.
City's publication of Notice of the Minister's final approval of Amendment No. 17 in <i>Government Gazette</i> and <i>Southern Gazette</i> newspaper.	Not yet known - following receipt from WAPC of advice of Minister's final approval

It is usual for the submissions to be discussed, assessed, and an appropriate Council recommendation provided on each, as part of a 'Report on Submissions' and a 'Schedule of Submissions'. In this case, however, as there are only two submissions, this Council report will perform the role of the formal 'Report on Submissions' and will be forwarded to the WAPC as such.

Financial Implications

All financial costs incurred during the course of the statutory Scheme Amendment process are being met by the City.

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

Clause 9.8(1) of TPS6 states that "*the City is required to keep the Scheme under constant review and where appropriate, carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means of pursuing community objectives regarding development and land use.*"

Amendment No. 17 will ensure that the Scheme provisions relating to building height limits are clear, easy to administer and understand, and will enable residents, developers, Council Members and City Officers to apply the provisions with greater confidence and accuracy.

Conclusion

Having regard to the discussion contained in this report, City officers are satisfied that the Amendment No. 17 proposals should now be adopted by the Council for final approval by the Minister. The Scheme Amendment process is designed by statute to be open and accountable, and inclusive of community input. Despite targeting architects and builders who have been active within the City during 2012, only two submissions were received during the advertising period. It is recommended that Amendment No. 17 be modified in response to one of those submissions. Following the Council's final adoption of Amendment No. 17, the City's recommendations will be forwarded to the WAPC and the Minister for Planning for final processing and determination.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.2

That

- (a) The Western Australian Planning Commission be advised that Council recommends that:
 - (i) Submission 1 be **NOT UPHELD**;
 - (ii) Submission 2 be **UPHELD**; and
 - (iii) Amendment No. 17 to the City of South Perth Town Planning Scheme No. 6 **proceed with modification** in response to Submission 2;
- (b) in accordance with the *Town Planning Regulations 1967 (as amended)*, the Council hereby adopts Amendment No. 17 to Town Planning Scheme No. 6 for final approval, and authorises the affixing of the Common Seal of Council to three copies of the modified Amendment No. 17 document at **Attachment 10.0.2**, as required by those Regulations;
- (c) this Report on Submissions containing the Council's recommendation, and three executed copies of the modified Amendment No. 17 documents, be forwarded to the

- Western Australian Planning Commission for final determination of the submissions and for final approval of Amendment No. 17 by the Minister for Planning; and
- (d) to ensure that the proposed Amendment No. 17 building height provisions are the most current, the Western Australian Planning Commission and the Hon Minister for Planning be requested to grant final approval to Amendment No. 17 **after** granting final approval to Amendment No. 25 'South Perth Station Precinct', which contains building height provisions specific to that precinct.

CARRIED EN BLOC RESOLUTION

10.0.3 Draft Local Housing Strategy – Engagement Report and Next Steps <i>(Item 12.1 Council Meeting 28.8.2012 refers).</i>

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/227
Date:	7 November 2012
Author:	Chris Schooling, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

To consider the Report on the community engagement period for the Draft Local Housing Strategy, held between 31 October 2011 and 14 February 2012, as well as recommendations on each of the 16 Draft Local Housing Strategy Actions, which have been informed by submissions received during and after the community engagement period.

A detailed Engagement Report was provided in conjunction with the August 2012 report.

Background

The City of South Perth is undertaking a Draft Local Housing Strategy project. The Draft Local Housing Strategy, along with the upcoming Activity Centres Strategy and Local Planning Strategy projects, will inform a review of the City's operative Town Planning Scheme No. 6 (TPS6).

As part of the project, extensive community engagement and stakeholder consultation was undertaken for the draft Strategy. While much of the administration of community engagement was undertaken in-house, the City appointed Brian Curtis, a professional with expertise in the facilitation of public forums, to run the three public information sessions conducted in November 2011 and January 2012.

Extensive community engagement has already been undertaken by the City during its Our Vision Ahead project. Community engagement for the Draft Local Housing Strategy built on the feedback obtained during this process and sought further comments specifically related to the Draft Local Housing Strategy Actions.

Community engagement was intended to involve the community in the Draft Local Housing Strategy process and receive feedback with regards to the draft Strategy. The Engagement Strategy Flowchart broadly outlines the process which was used to inform the community of the Draft Local Housing Strategy project and seek feedback.

At the August 2012 Ordinary Meeting, Council passed the following resolution with regards to the way forward for the Draft Local Housing Strategy (Item 12.1):

That....

- (a) Council consider the recommendations of the Engagement Report, Local Housing Strategy, May 2012 at the November 2012 Ordinary Council Meeting; In the interim the City immediately publish the Councillor Briefing material summarising submissions received on its website. For the convenience of interested residents, they should be sorted by Ward and submitter suburb (where provided). Further those submitters who provided contact details shall be provided with this summary by Australia Post;*
- (b) following Council's determination, the next phase of the draft Local Housing Strategy will involve consultation on each proposal, tailored to engage with those residents directly affected by the Actions in the draft Strategy, that have been determined by Council; and*
- (c) an item is placed in the Peninsular Snapshot section of the Southern Gazette newspaper advising of the Council resolution and next phase of the draft Local Housing Strategy project.*

Comment

The community engagement period for the Draft Local Housing Strategy was held between 31 October 2011, and 14 February 2012. Further to these dates, a number of submissions were received after the close of the community engagement period. These late submissions, numbering 29 in total, have also been considered in the discussion and next steps.

In implementing the August 2012 Council Resolution (Item 12.1), the information contained in the resolution was provided to the 241 residents who provided comments (and their contact details) in the initial consultation process. No further comments or submissions were received subsequent to the August 2012 Council Resolution.

The Engagement Report detailed the community engagement process, and discussed issues experienced throughout the process. All submissions received were circulated previously as an attachment to the Engagement Report.

The Engagement Report identifies each Local Housing Strategy Action, and provides a discussion and identifies the next steps with respect to the process moving forward for each Action. The next steps have been informed by all submissions received during the community engagement period, as well as the State government planning framework and the City's intended direction with regards to the following projects and studies:

- Activity Centres Strategy (currently in development);
- Local Planning Strategy (currently in development);
- Public Open Space Strategy (currently in development);
- Canning Highway Road Reservation Review (Item 10.5.1 of June 2012 Council Agenda);
- Manning Community Facility redevelopment project;
- Karawara pedestrian accessway and public open space closure and upgrade study; (Item 10.3.1 of August 2012 Council Agenda); and
- Karawara community open space master plan study (currently underway)

The reasons behind the next steps are detailed in the Engagement Report.

The next steps have been developed to specifically inform further investigations of each Action. As part of these investigations, it is considered appropriate to undertake additional issue-based consultation of further iterations of the Actions, which will also be informed by the Activity Centres Strategy. Council's support of the next steps is sought, to enable these detailed investigations and consultation to occur.

The term 'Density Flank' has been used in the Draft Local Housing Strategy, as well as the Engagement Report and next steps. Density Flank refers to the portions of land on either side of Canning Highway and Manning Road, which are identified for investigations into density increases under Actions 4.1A and 4.1C. The Draft Local Housing Strategy identifies these Density Flanks as having a notional depth of 100 metres, extending from the Canning Highway and Manning Road reservations.

Consultation

Consultation with the community, as well as key stakeholders, has played a significant part in the development and review of the Draft Local Housing Strategy. Subsequent to the close of the community engagement period, each Action of the Draft Local Housing Strategy has been revisited and reviewed in the context of submissions received.

The purpose of the Engagement Report is to summarise the community engagement process undertaken and the submissions received, as well as describe the next phase in the Draft Local Housing Strategy process.

Policy and Legislative Implications

The Draft Local Housing Strategy signifies the first step in the Local Planning Strategy process, which will inform a review of the City's operative Town Planning Scheme, TPS6, and the suite of Local Planning Policies adopted under it.

Financial Implications

Further studies with regards to the Draft Local Housing Strategy are funded in the 2012-2013 Annual Budget.

Strategic Implications

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

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

- 3.1 Undertake a housing needs study and develop a new local housing strategy to meet changing community needs and demands.*
- 3.3 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.*

The Draft Local Housing Strategy, together with the Activity Centres Strategy and Local Planning Strategy, will also implement the other Strategic Directions identified within the City's Strategic Plan 2010-2015.

Sustainability Implications

The Draft Local Housing Strategy identifies further detailed studies with regards to built form sustainability, and the encouragement and facilitation of sustainable lifestyles and communities within the City. The Draft Local Housing Strategy also identifies a need for greater community education on sustainability, which should be developed through the forthcoming Local Planning Strategy and Town Planning Scheme Review processes.

Further detailed investigations into sustainability and the City's planning framework should be undertaken on a holistic level, in conjunction with the Activity Centres Strategy and Local Planning Strategy development processes.

PRELUDE TO RECOMMENDATION

There is a comprehensive suite of recommendations that is based on the “next steps” contained in the Local Housing Strategy Engagement Report for each of the specific areas consulted.

OFFICER RECOMMENDATION ITEM 10.0.3

That:

- (a) Council adopts the following recommendations as the next phase of the draft Local Housing Strategy project:
 - (i) Progress detailed investigations into Action 4.1A with stronger emphasis on localised areas. Further detailed investigations are to include (but not be limited to):
 - (A) Removal of all properties fronting Campbell Street from the Canning Highway density flank;
 - (B) Specific densities in individual locations with respect to lot dimensions, size and orientation in specific areas;
 - (C) Boundaries for density coding changes, including consideration on the use of streets as buffers between different densities, and the graduation of densities within the density flank area;
 - (D) Outcomes of the Canning Highway Road Reservation Review and the future direction of the City in dealing with this Review;
 - (E) Outcomes of the Activity Centres Strategy, existing and future non-residential uses, and their interface with residential development;
 - (F) Provision of an R40 density coding to properties fronting Canning Highway on the eastern side of the Highway between Hensman Street and the residential zone properties up to South Terrace; and
 - (G) Investigation of residential densities surrounding the Canning Highway/South Terrace intersection, and the interface between residential densities and existing non-residential land uses.

Provided that there shall be no decrease to any residential densities within the Canning Highway density flank area.
 - (ii) Discontinue investigations into comparatively higher densities at key intersections along Canning Highway and Manning Road (Action 4.1B).
 - (iii) Commence investigations into specific design provisions for the Manning Road medium density flank (Action 4.1C). Design provisions should complement the aspects of Action 4.1A relevant to Manning Road, and prescribe (but not be limited to) the following:
 - (A) Site coverage of new development;
 - (B) Site access and car parking, particularly with respect to the Other Regional Road (Manning Road);
 - (C) Setbacks for new development;
 - (D) Facilitation of amalgamation of lots prior to development; and
 - (E) The interface between new and existing development.
 - (iv) Progress investigations into the delivery of affordable housing within the South Perth Station Precinct, Canning Bridge Precinct and the Eastern Activity Centre (Action 4.2A). Investigations are to include (but not be limited to):
 - (A) The location of affordable housing and its connectivity with public transport; and
 - (B) The delivery mechanism/s for affordable housing.
 - (v) Progress investigations into capped car parking provisions within the South Perth Station Precinct, Canning Bridge Precinct and the Eastern Activity Centre (Action 4.2B), taking into consideration:

Item 10.0.3 Recommendation cont'd

- (A) The applicable Town Planning Scheme provisions;
- (B) The Department of Planning's direction towards car parking in activity centres, including the development of the State Planning Policy for parking in activity centres;
- (C) Existing and proposed public transport connectivity within the three specified locations; and
- (D) Existing and proposed land use and development patterns within the three specified locations.
- (vi) Progress investigations into facilitating building adaptability within the South Perth Station Precinct, Canning Bridge Precinct and Eastern Activity Centre (Action 4.2C).
- (vii) Progress investigations into facilitating housing accessibility within the South Perth Station Precinct, Canning Bridge Precinct and Eastern Activity Centre (Action 4.2D). Investigations should include the association of accessible housing with affordable housing as delivered under Action 4.2A.
- (viii) Progress investigations into the Eastern Activity Centre, in conjunction with the Activity Centres Strategy (Action 5.1). Particular attention is to be paid to:
 - (A) The boundaries of the mixed use and residential components of the Eastern Activity Centre;
 - (B) The type and extent of residential development throughout the Eastern Activity Centre;
 - (C) The interface between areas of new development and existing development;
 - (D) Mechanisms to encourage coordinated development throughout the Eastern Activity Centre;
 - (E) The outcomes of the Canning Highway Road Reservation Review, and the future direction of the City in dealing with this Review; and
 - (F) The outcomes of the Activity Centres Strategy, existing and future non-residential uses, and their interface with residential development.
- (ix) (A) Investigate opportunities for a scaled-back version of Action 5.2, incorporating properties fronting Bradshaw Crescent, Welwyn Avenue and Conochie Crescent in the immediate vicinity of the Manning Neighbourhood Centre.
- (B) Investigate the possibility of encouraging residential development above existing and future commercial tenancies within the Manning Neighbourhood Centre.
- (C) Develop specific planning controls to facilitate redevelopment of the properties fronting Bradshaw Crescent, Welwyn Avenue and Conochie Crescent in the immediate vicinity of the Manning Neighbourhood Centre, with particular consideration to lot sizes, minimum frontage widths, and other mechanisms which would encourage appropriate development.
- (x)(A) Progress investigations into a density increase for all lots which are directly adjacent to the Karawara greenways, from a density of R20 to a density of R30 (Action 5.3). The specific lots proposed for this increased density will be informed by the Karawara pedestrian accessway and public open space closure and upgrade project.

Item 10.0.3 Recommendation cont'd

- (B) Develop specific design controls to ensure redevelopment engages with the public open space and ensures an appropriate interface between new and existing development.
 - (C) Ensure Multiple Dwellings are not a permitted use in R30 density coded areas within Karawara.
- (xi) Discontinue investigations into increasing density over selected blocks along Gwentyfred Road, Kensington (Action 5.4).
- (xii) Progress investigations into the removal of dual density codings from the City of South Perth planning framework, and replace them with the higher density code of the respective dual coding (Action 6.1).
- (xiii) Progress a Town Planning Scheme provision which negates the occupancy requirements of Element 6.11 – Ancillary Accommodation of the R-Codes (Action 6.2). Development of the Town Planning Scheme provision should investigate appropriate site cover provisions for secondary dwellings.
- (xiv) Progress the review and expansion of the City's Local Planning Policy P350.1 (Action 6.3). The review should include (but not be limited to):
 - (A) Expansion of the Policy to encompass all development and land uses;
 - (B) The encouragement of sustainability through development concessions;
 - (C) The adaptability of emerging theories and technologies into the built environment; and
 - (D) The role of education within the community with regards to sustainable design and devices.
- (xv) Note the importance of coordinating residential densities with appropriate community facilities, for further investigations in the Local Planning Strategy (Action 6.4).
- (xvi) Progress the development of a new Local Planning Policy for heritage places (Action 6.5), with a specific focus on (but not limited to):
 - (A) Facilitating ownership and maintenance of heritage places;
 - (B) Designing surrounding development that is sympathetic to heritage places; and
 - (C) Appropriate community education and recognition of heritage places.
- (b) proposal-based consultation be undertaken for the next iteration of the Draft Local Housing Strategy Actions, in conjunction with the Activity Centres Strategy;
- (c) all submitters who provided contact details are advised of the Council resolution and next phase of the Draft Local Housing Strategy project; and
- (d) an item is placed in the Peninsula Snapshot section of the *Southern Gazette* advising of the Council resolution and next phase of the draft Local Housing Strategy project.

MOTION

Cr Gleeson moved the officer Recommendation, Sec Cr Hasleby

AMENDMENT 1

Moved Cr Cala, Sec Cr Skinner

That the officer's recommendation be amended as follows:

(1) the sentence at the end of part (a)(i) "*Provided that there shall be no decrease to any residential densities within the Canning Highway density flank area*" be deleted;

(2) part (a)(iii) be amended as follows:

(a)(iii) Commence investigations into specific design provisions for **higher densities along Manning Road** (Action 4.1C). Design provisions should complement the aspects of Action 4.1A relevant to Manning Road, and prescribe (but not be limited to) the following:

(A) **Removal of all properties fronting Downey Drive from the Manning Road density flank;**

(B) **Removal of all properties fronting Pether Road from the Manning Road density flank;**

The existing parts (A) to (E) be renumbered (C) to (G) with the new part (E) being re-worded to include the words "*and building heights*"

(C) Site coverage of new development;

(D) Site access and car parking, particularly with respect to the Other Regional Road (Manning Road);

(E) Setbacks **and building heights** for new development;

(F) Facilitation of amalgamation of lots prior to development; and

(G) The interface between new and existing development.

(3) part (a)(iv) be amended as follows and with a new Part (C):

(iv) Progress investigations into the delivery of affordable housing within the South Perth Station Precinct, Canning Bridge Precinct and the Eastern Activity Centre (Action 4.2A). Investigations are to include (but not be limited to):

(A) The location of affordable housing **within those activity centres** and its connectivity with public transport;

(B) The delivery mechanism/s for affordable housing; and

(C) **A clear definition of what comprises 'Affordable Housing'.**

(4) part (ix) be amended as follows:

(A) **Progress Action 5.2, but only incorporating properties fronting Bradshaw Crescent, Welwyn Avenue and Conochie Crescent, adjoining with or adjacent to the Manning Neighbourhood Centre.**

(B) Investigate the possibility of encouraging residential development above existing and future commercial tenancies within the Manning Neighbourhood Centre.

(C) Develop specific planning controls to facilitate redevelopment of the properties fronting Bradshaw Crescent, Welwyn Avenue and Conochie Crescent **adjoining with or adjacent to the Manning Neighbourhood Centre**, with particular consideration to lot sizes, minimum frontage widths, **building heights** and other mechanisms which would encourage appropriate development.

- (5) Part (x) be amended by parts (A) to (C) being deleted
- ~~(x)(A) Progress investigations into a density increase for all lots which are directly adjacent to the Karawara greenways, from a density of R20 to a density of R30 (Action 5.3). The specific lots proposed for this increased density will be informed by the Karawara pedestrian accessway and public open space closure and upgrade project.~~
 - ~~(B) Develop specific design controls to ensure redevelopment engages with the public open space and ensures an appropriate interface between new and existing development.~~
 - ~~(C) Ensure Multiple Dwellings are not a permitted use in R30 density coded areas within Karawara.~~

and replaced with:

Discontinue investigations into a density increase for all lots which are directly adjacent to the Karawara greenways (Action 5.3).

- (6) inclusion of the following additional part (e):
- This resolution forms the “next steps” of an ongoing engagement with the Community in the formulation of the City’s Local Housing Strategy.

The Mayor Put the Amendment.

CARRIED (10/1)

AMENDMENT 2

Moved Cr Reid, Sec Cr Trent

That the officer’s recommendation be amended at parts (a)(i)(A) and (a)(viii)(A) as follows:

- (a) Council adopts the following recommendations as the next phase of the draft Local Housing Strategy project:
- (i) Progress detailed investigations into Action 4.1A with stronger emphasis on localised areas. Further detailed investigations are to include (but not be limited to):
 - (A) ~~Removal of all properties fronting Campbell Street from the Canning Highway density flank;~~ Discontinue investigations into increasing density within the Canning Highway density flank for all properties fronting Campbell Street, Kensington;”
 - (viii) Progress investigations into the Eastern Activity Centre, in conjunction with the Activity Centres Strategy (Action 5.1). Particular attention is to be paid to:
 - ~~The boundaries of the mixed use and residential components of the Eastern Activity Centre;~~
 - (A) The boundaries of the mixed use and residential components of the Eastern Activity Centre, including the removal of First Avenue, Second Avenue and Hovia Terrace from the Eastern Activity Centre;

The Mayor Put the Amendment.

CARRIED (11/0)

COUNCIL DECISION ITEM 10.0.3

The Mayor Put the Amended Motion

That:

- (a) Council adopts the following recommendations as the next phase of the draft Local Housing Strategy project:
 - (i) Progress detailed investigations into Action 4.1A with stronger emphasis on localised areas. Further detailed investigations are to include (but not be limited to):
 - (A) Discontinue investigations into increasing density within the Canning Highway density flank for all properties fronting Campbell Street, Kensington;”
 - (B) Specific densities in individual locations with respect to lot dimensions, size and orientation in specific areas;
 - (C) Boundaries for density coding changes, including consideration on the use of streets as buffers between different densities, and the graduation of densities within the density flank area;
 - (D) Outcomes of the Canning Highway Road Reservation Review and the future direction of the City in dealing with this Review;
 - (E) Outcomes of the Activity Centres Strategy, existing and future non-residential uses, and their interface with residential development;
 - (F) Provision of an R40 density coding to properties fronting Canning Highway on the eastern side of the Highway between Hensman Street and the residential zone properties up to South Terrace; and
 - (G) Investigation of residential densities surrounding the Canning Highway/South Terrace intersection, and the interface between residential densities and existing non-residential land uses.
 - (ii) Discontinue investigations into comparatively higher densities at key intersections along Canning Highway and Manning Road (Action 4.1B).
 - (iii) Commence investigations into specific design provisions for higher densities along Manning Road (Action 4.1C). Design provisions should complement the aspects of Action 4.1A relevant to Manning Road, and prescribe (but not be limited to) the following:
 - (A) Removal of all properties fronting Downey Drive from the Manning Road density flank;
 - (B) Removal of all properties fronting Pether Road from the Manning Road density flank;
 - (C) Site coverage of new development;
 - (D) Site access and car parking, particularly with respect to the Other Regional Road (Manning Road);
 - (E) Setbacks and building heights for new development;
 - (F) Facilitation of amalgamation of lots prior to development; and
 - (G)) The interface between new and existing development.
 - (iv) Progress investigations into the delivery of affordable housing within the South Perth Station Precinct, Canning Bridge Precinct and the Eastern Activity Centre (Action 4.2A). Investigations are to include (but not be limited to):
 - (A) The location of affordable housing within those activity centres and its connectivity with public transport;
 - (B) The delivery mechanism/s for affordable housing; and
 - (C) A clear definition of what comprises ‘Affordable Housing’.

Item 10.0.3 Recommendation cont'd

- (v) Progress investigations into capped car parking provisions within the South Perth Station Precinct, Canning Bridge Precinct and the Eastern Activity Centre (Action 4.2B), taking into consideration:
 - (A) The applicable Town Planning Scheme provisions;
 - (B) The Department of Planning's direction towards car parking in activity centres, including the development of the State Planning Policy for parking in activity centres;
 - (C) Existing and proposed public transport connectivity within the three specified locations; and
 - (D) Existing and proposed land use and development patterns within the three specified locations.
- (vi) Progress investigations into facilitating building adaptability within the South Perth Station Precinct, Canning Bridge Precinct and Eastern Activity Centre (Action 4.2C).
- (vii) Progress investigations into facilitating housing accessibility within the South Perth Station Precinct, Canning Bridge Precinct and Eastern Activity Centre (Action 4.2D). Investigations should include the association of accessible housing with affordable housing as delivered under Action 4.2A.
- (viii) Progress investigations into the Eastern Activity Centre, in conjunction with the Activity Centres Strategy (Action 5.1). Particular attention is to be paid to:
 - (A) The boundaries of the mixed use and residential components of the Eastern Activity Centre, including the removal of First Avenue, Second Avenue and Hovea Terrace from the Eastern Activity Centre;
 - (B) The type and extent of residential development throughout the Eastern Activity Centre;
 - (C) The interface between areas of new development and existing development;
 - (D) Mechanisms to encourage coordinated development throughout the Eastern Activity Centre;
 - (E) The outcomes of the Canning Highway Road Reservation Review, and the future direction of the City in dealing with this Review; and
 - (F) The outcomes of the Activity Centres Strategy, existing and future non-residential uses, and their interface with residential development.
- (ix)
 - (A) Progress Action 5.2, but only incorporating properties fronting Bradshaw Crescent, Welwyn Avenue and Conochie Crescent, adjoining with or adjacent to the Manning Neighbourhood Centre.
 - (B) Investigate the possibility of encouraging residential development above existing and future commercial tenancies within the Manning Neighbourhood Centre.
 - (C) Develop specific planning controls to facilitate redevelopment of the properties fronting Bradshaw Crescent, Welwyn Avenue and Conochie Crescent adjoining with or adjacent to the Manning Neighbourhood Centre, with particular consideration to lot sizes, minimum frontage widths, building heights and other mechanisms which would encourage appropriate development
- (x) Discontinue investigations into a density increase for all lots which are directly adjacent to the Karawara greenways (Action 5.3).

Item 10.0.3 Recommendation cont'd

- (xi) Discontinue investigations into increasing density over selected blocks along Gwentyfred Road, Kensington (Action 5.4).
 - (xii) Progress investigations into the removal of dual density codings from the City of South Perth planning framework, and replace them with the higher density code of the respective dual coding (Action 6.1).
 - (xiii) Progress a Town Planning Scheme provision which negates the occupancy requirements of Element 6.11 – Ancillary Accommodation of the R-Codes (Action 6.2). Development of the Town Planning Scheme provision should investigate appropriate site cover provisions for secondary dwellings.
 - (xiv) Progress the review and expansion of the City's Local Planning Policy P350.1 (Action 6.3). The review should include (but not be limited to):
 - (A) Expansion of the Policy to encompass all development and land uses;
 - (B) The encouragement of sustainability through development concessions;
 - (C) The adaptability of emerging theories and technologies into the built environment; and
 - (D) The role of education within the community with regards to sustainable design and devices.
 - (xv) Note the importance of coordinating residential densities with appropriate community facilities, for further investigations in the Local Planning Strategy (Action 6.4).
 - (xvi) Progress the development of a new Local Planning Policy for heritage places (Action 6.5), with a specific focus on (but not limited to):
 - (A) Facilitating ownership and maintenance of heritage places;
 - (B) Designing surrounding development that is sympathetic to heritage places; and
 - (C) Appropriate community education and recognition of heritage places.
- (b) proposal-based consultation be undertaken for the next iteration of the Draft Local Housing Strategy Actions, in conjunction with the Activity Centres Strategy;
 - (c) all submitters who provided contact details are advised of the Council resolution and next phase of the Draft Local Housing Strategy project;
 - (d) an item is placed in the Peninsula Snapshot section of the *Southern Gazette* advising of the Council resolution and next phase of the draft Local Housing Strategy project; and
 - (e) This resolution forms the “next steps” of an ongoing engagement with the Community in the formulation of the City's Local Housing Strategy.

CARRIED (11/0)

Reasons for Change – Amendment 1

- 1 The deletion of this paragraph removes any suggestion that those actions outlined in (a)(i) (A) – (G) will only proceed if there is no decrease in density in the density flank area of Canning Highway.
- 2 The Manning Road flank takes in those properties along Downey Drive and Pether Road. Investigations into density increases should be confined only to the main road which forms an existing major public transport route, but will form a future light rail route between the Canning Bridge Interchange and Curtin University.

These two roads in Manning have seen significant urban renewal in recent years where a renewal of confidence in the area has brought about the construction of many new homes. To take Pether Road as an example, there are around 10 houses that would be 5 years old or less. With the value of the dwelling being relatively high for these properties, these newer single houses will not be subject to redevelopment for many years. It would seem unlikely because of the economics that developers would buy these properties for demolition, to facilitate the lot amalgamation as described. Hence, under the proposed scheme, the Pether Road streetscape will potentially end up with a mixture of single house lots, broken up with new medium density developments where lot amalgamation has occurred. Such a streetscape does not consider the amenity of the single house lots that will remain. As described in the Action, the intent is that vehicles access the new medium density developments via Pether Road. As well as increasing the traffic levels on Pether Road, this will subsequently increase the traffic load on Ley Street, Canavan Crescent and Henley Street, for vehicles travelling to Canning Highway and Freeway South. Residents already have issues with high levels of street parking, as expressed at the Area 12 Local Area Traffic Management Study. The same dynamics will occur in Downey Drive. These issues have been acknowledged for Campbell Street residents in Kensington and consequently those properties fronting Campbell Street have been removed from the Canning Highway density flank.

3. Affordable housing can mean different things to different people. We need to make it very clear what is intended.
4. As there was a clear message that there was little support for widespread density increases in the area defined by Action 5.2, any future investigation needs to be clearly focused. The amended wording seeks to achieve this.
5. Some of the rationale behind the housing strategy is to propose increased zoning and housing densities in areas connected to activity hubs and busy urban corridors. The eastern end near and beside the District Shopping Centre of Waterford Plaza, presently has densities ranging from R30 to R50; though not of a high standard, the densities of these developments are consistent with what would be expected around or near a activity hub. The western end of Karawara however comprises the cul-de-sacs identified in Action 5.3 and is away from intense commercial and traffic activity, a feature which is much valued by the residents. Anything other than the present R20 would have a significant impact on their amenity.
The proposition that the increased density will in some way “reactivate” the ‘Greenways’ or provide “casual surveillance”, is not based on the reality of the locality. Many of the new homes in Karawara that have replaced the old are already two storey and have the new design codes that require permeable fencing out onto the Greenway.
6. With respect to the argument of “activation through community uses and facilities, such as community gardens and play and exercise equipment”; the City of South Perth has shown little inclination to undertake such programmes. With the current policy there will be an even more measured approach to the provision of facilities and maintenance of this open space.
7. There can be no perceived improvement in safety or amenity that would outweigh the negative impact of the proposed higher densities on the cul-de-sacs.
8. The addition of Part (e) is to convey to residents that the draft proposals that are endorsed by Council at this stage, form part of an ongoing process that the residents of the City will continue to be involved in.

Reasons for Change - Amendment 2

The amendment to both parts (a)(i)(A) and (a)(viii)(A) ensure the wording and intention of this motion is less ambiguous than in the original report, providing greater certainty for the residents in those streets, of whom the majority have provided feedback during the Draft Local Housing Strategy consultation phase. Additionally the proposed amendment at (a)(xiii)(A) reflects that these residential streets are some distance from the commercial area at the corners of Berwick and Canning Hwy and that those properties fronting Canning Hwy are already R80 and 10.5mtr, and therefore should be outside of the proposed investigations to be progressed as part of the Eastern Activity Centre.

10.0.4 South Perth Train Station Business Case – Community Engagement <i>(Item 10.0.2 Council Meeting 23.8.2011 refers)</i>

Location:	City of South Perth
Applicant:	Council
File Ref:	TT/3062-05
Date:	2 November 2012
Author:	Vicki Lummer, Director Development & Community Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

In accordance with Council resolution, the South Perth Station Business case preferred option was the subject of widespread community consultation during August and September 2012. This report contains the results of the community consultation and recommends that Council proceeds with the business case in the manner indicated by the community.

Background

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

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

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

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

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

In November 2010 the Council resolved:

- (a) *the City develop the concept further for Options 3(a) and 3(b) as identified in report Item 10.5.1 of the November 2010 Council Agenda and conduct community consultation to seek community views on the proposals; and*
- (b) *should the concept options be favourably received by the community and that no loss of function be found for Richardson Park users; that a preferred option with its Business Case be provided to the WA State Government to demonstrate the viability of a station and to have the South Perth Railway Station reinstated on the forward estimates and constructed as a matter of urgency.*

In August 2011 Council again considered the matter and resolved :

That.....

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

Reason for Change

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

This report is in response to item (d) of the August 2011 resolution above.

The consultation did not take place immediately after the Council workshop as it was considered more appropriate to wait until the consultation and finalisation process for Amendment 25 was completed so that the community could keep both items separate and not be confused between the two.

Comment

A total of 867 responses were received up to and including Wednesday 10 October.

The schedule of submissions and some statistics are included at **Attachment 10.0.4(b)**.

The purpose of this report is for Council to be informed of the comments and responses. In this instance, it is not appropriate for officer's responses to be provided for each comment made in the submissions as the officer's recommendation is in accordance with the majority of submissions and it is not intended to provide arguments for or against the proposal to utilise the business case.

However, the following are general comments regarding the issues raised.

The purpose of providing a rail station at South Perth, is not only to provide transport into and out of the CBD at peak times. A station provides a permanent sustainable transport option that is not currently available to the community. It will reduce the need for some people to bring cars into the City of South Perth, which is a desirable outcome. It will provide options for travel anywhere on the rail network which are not currently available.

The station is primarily intended to be a destination station. That is more passengers will alight at South Perth in the morning than get on the train. These people will work and recreate in the City of South Perth, increasing economic activity and because they can use the train they will not need to bring their vehicles into the City, so congestion is eased – or at least not increased.

Without doubt the car parking in the precinct and beyond will need to be carefully managed, as mentioned in many submissions. The current parking controls in the vicinity of Richardson Street have solved the previous problem of CBD commuters using up available spaces, and now there are many spaces available for business and residential visitors alike.

As described in the business case, use of a portion of Richardson Park for the purposes of the building would be compensated by the inclusion of the closed part of Melville Parade into the land parcel. Current sports ovals can be shifted on Richardson Park and continue to be used. The sports clubs that currently use the oval have raised no objections.

Many comments provide conditional support, but are concerned about the design and form of the development proposed. It would be premature at this stage to have a design, however it is agreed that the final design will need to demonstrate community benefit and have involvement from the community.

In answer to the question : Do you think a train station should be constructed at South Perth?
569 people said YES and 298 people said NO

In answer to the question: Do you think the City of South Perth should lobby the state government for faster provision of the station?
551 people said YES and 243 people said NO

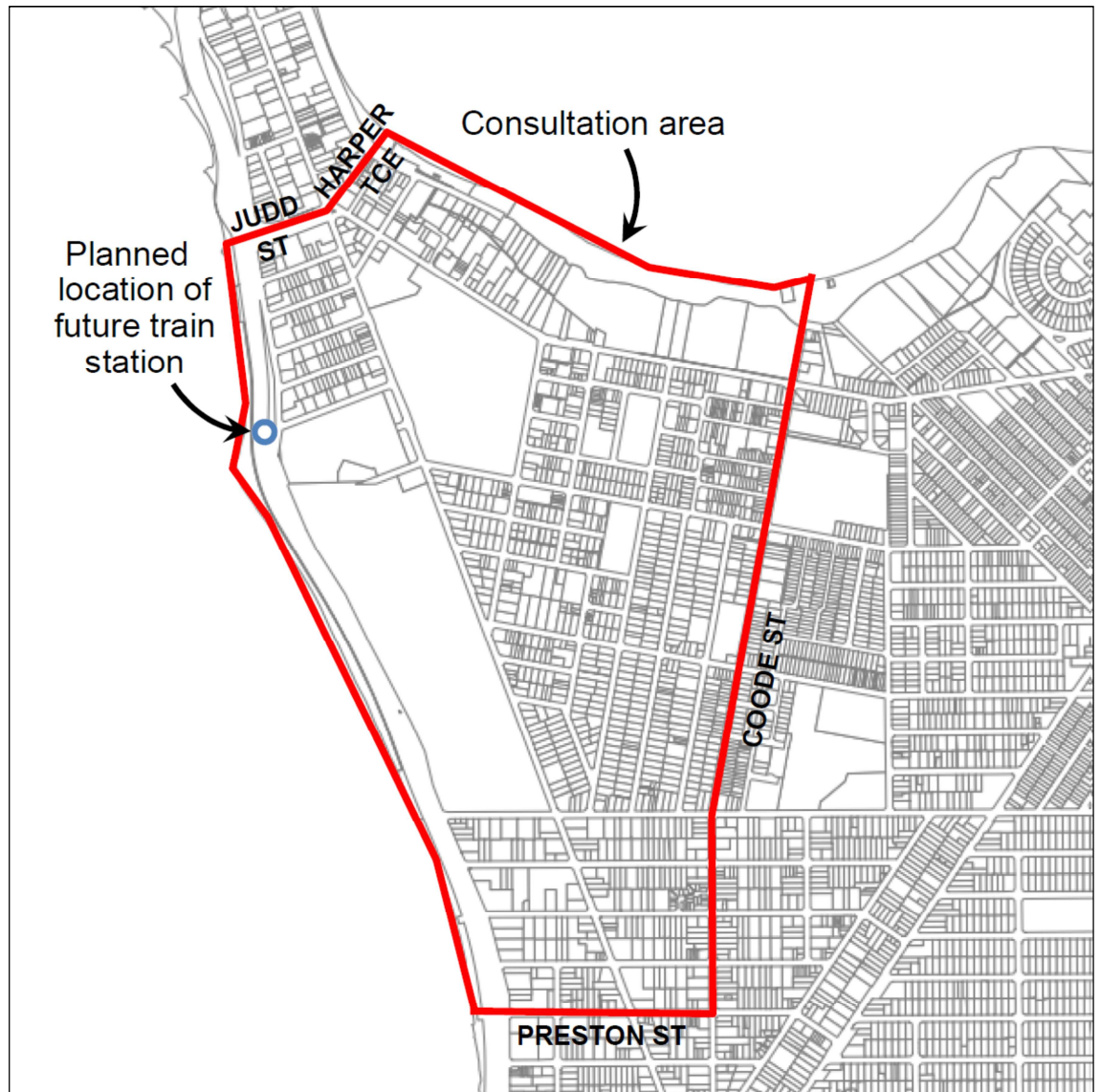
In answer to the question: Do you support the development of a building on a portion of Richardson Park adjacent to the proposed location of the station in order to deliver the station earlier than planned by the state government?
500 people said YES and 295 people said NO.

The results of the consultation support the Council's documented history of support for provision of the South Perth Train Station. For example resolution 9.0.2 from 16 December 2003 in which Council recommends approval for the works within the Kwinana freeway reservation for the provision of the station.

Consultation

Consultation was carried out in accordance with Council directions provided in its resolution of August 2011 and the outcomes of the Councillor workshop held on 30 August 2011. All owners and occupiers within the area bounded by Preston Street, Coode Street, Judd Street and Harper Terrace were sent letters (approximately 5900 letters) providing the opportunity to use a prepaid response form and attend an open information session held at the WCG Thomas Pavilion, Richardson Park, on Sunday 26 August 2012.

The plan below indicates the area of consultation:



The prepaid feedback form asked the following questions:

1. Do you think a train station should be constructed at South Perth?
2. Do you think the City of South Perth should lobby the state government for faster provision of the station?
3. Do you support the development of a building on a portion of Richardson Park adjacent to the proposed location of the station in order to deliver the station earlier than planned by the state government?

The letters detailed that more information was available on the City's web site. The submission period ran for 4 weeks and 3 days, closing on 14 September 2012.

Elected members were advised of this consultation strategy in July 2012 and given the opportunity to provide feedback. No feedback was received.

There were 867 submissions received. The schedule of submissions is at **Attachment 10.0.4**.

Policy and Legislative Implications

The South Perth Railway Station Business Case supports the recently approved South Perth Station Precinct Amendment No. 25. There are no legislative implications in respect to this matter at this time.

Financial Implications

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

Strategic Implications

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

Direction 1.3 – Community - *“Encourage the community to increase their social and economic activity in the local community”*

Direction - 3.3 Housing and Land Uses - *“Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery”*

Direction 4.4 Places - *“Facilitate optimal development of the Civic Triangle precinct.”*

Direction 5.1 Transport - *“Improve access and use of railway station precincts and surrounding landuses”*

Sustainability Implications

The provision of a train station at South Perth will increase the sustainable travel options available to the South Perth community and reduce the need for reliance upon the private motor vehicle. The station also supports the City's precinct planning in the area as it will provide efficient public transport to support the increased density and business uses in Amendment 25.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.4

Moved Cr Hasleby, Sec Cr Trent

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

CARRIED (10/1)

Note: Manager Planning Services and Senior Strategic Project Planner retired from the meeting at 8.18pm

Cr Gleeson left the Council Chamber at 8.18pm and returned at 8.19pm

10.0.5 Draft Public Open Space Strategy (<i>Item 10.2.1 Council Meeting 28.8.2012 refers</i>)

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	8 November 2012
Author:	Stephen Bell - Director Infrastructure Services
Reporting Officer:	Cliff Frewing - Chief Executive Officer

Summary

The City's draft Public Open Space (POS) Strategy has been advertised for public comment. The purpose of this report is to present to Council the submissions received and to formally adopt the Strategy.

Background

In April 2011, the City engaged Curtin University to progress the first phase of the POS Strategy. The first phase was completed in August 2011, with the work generally involving:

- Conducting a literature review;
- Documenting the history of POS within the City of South Perth;
- Undertaking detailed GIS mapping; and
- Conducting a resident and observation (i.e. park user) survey.

In November 2011, the City engaged Curtin University to progress the second phase of the POS Strategy. The second phase was completed by late March, with a Council briefing held on 14 July 2012 to discuss the implications of the POS Strategy to the City of South Perth.

At its meeting held on 28 August 2012 at Item 10.2.1, Council resolved:

“That the draft Public Open Space Strategy be endorsed for the purpose of community consultation; and be advertised for a period of 35 days, after which time a further report is to be considered by Council prior to its adoption.”

The POS Strategy was publicly advertised during the months of September, October and November for a consultation period exceeding the 35 days (minimum) stipulated by Council. As at the close of submissions, only one (1) response from a South Perth resident was received.

The POS Strategy is very large, comprising five (5) separate documents. Consequently, rather than providing the document as an Attachment, several copies have been placed in the Council lounge for perusal by Councillors, with a copy uploaded to iCouncil. However, a consolidated version of the Strategy (i.e. the Executive Summary) is included at **Attachment 10.0.5**.

Comment

Why is there a need for a POS Strategy?

The City of South Perth is in the fortunate position of having a large number of high quality open spaces dispersed across its municipality. In total, the City has approximately 217.7 hectares of open space which equates to 11.5% of the City's land area vested for recreation purposes.

The City recognises public open space greatly contributes to the quality of life of its residents as well as contributing to the quality and diversity of the South Perth natural and built environment. The City aims to develop and manage its public open space network in an efficient and equitable manner so that all residents can enjoy and partake of its many benefits, whilst not placing an unnecessary burden on the City's resources. As community needs, expectations, and demographics change it is essential that the City develops a long-term sustainable strategic plan (or Strategy) for the future provision and management of public open space.

This POS Strategy has been developed to manage our recreation and open space assets and meet the current and future needs of the South Perth community. The strategy provides the strategic direction for the development of more detailed plans, policies and actions relating to sport and recreation, the natural environment, community development and land use planning. The Strategy aims to provide clear direction on the purpose, level of provision, and management of public open spaces across the City of South Perth well into the future. Without this strategic planning there is a risk that decisions and allocation of resources and funding tend to be made in an adhoc and ineffective manner.

What is Public Open Space?

Quality open space that is well located and well developed positively contributes to urban amenity as well as the environmental, social, health and well-being, and economic sustainability of the community. For the purposes of the POS Strategy, open space includes all land which is freely accessible that people can visit for recreation, relaxation and socialisation, including organised sporting activities and informal play opportunities.

Traditional types of public open space include parks and gardens, playgrounds, sports fields & recreation facilities. These facilities provide opportunities for activities such as organised sports, informal sports and play, socialising and relaxing. Public open spaces may also include 'green spaces', which can include areas of natural or cultural heritage value, habitat corridors, some easements, open water / wetlands and agricultural land. In the City of South Perth, there is a good mix of traditional open space and green areas.

Why is Public Open Space important?

Public open space is a vital component of any urban environment. It complements the built form, contributes to the identity of place and provides recreational opportunities, all of which are integral in building quality places to live. Public open space performs many social, environmental and economic functions that make it a highly valued aspect of the urban environment. Fundamentally, public open space is provided to assist with significant positive outcomes concerning community health and well-being. A principal role is for sport and recreational use, which covers a variety of activities that are undertaken for sport development, health and leisure, including active, informal and passive recreation. Environmental protection is also an essential role of public open space, through habitat and biodiversity conservation and air and water quality management to name but a few examples.

The importance of physical activity is recognised given the health consequences of physical inactivity and the annual costs associated with healthcare and obesity. It is well documented that public open space that is of high quality and accessible is important in providing spaces and opportunities for people's physical and mental health and well-being. Additionally, the social benefits are well known, including providing tools for social connectivity and building community capacity.

The main functions of public open space include, but are not limited to, the following:

- relaxation
- exercise (humans and pets)
- improving/maintaining health
- interaction with the natural environment
- supporting the organisation and function of the urban environment
- connectivity of networks (pedestrian, cycle, wildlife migration)
- sense of place, identity and history
- visual amenity (landscape)
- contributing to community and economic value of localities
- tourism
- quality of life
- exploration
- social interaction
- sport (competing and spectating)
- children's play and development
- opportunities for seniors' activities
- learning
- improving / maintaining environmental quality
- nature, wildlife habitat and biodiversity conservation
- water management
- arts
- celebration

Types of Open Space covered in the Strategy

The types of open space considered in the POS Strategy include:

- Parks,
- Reserves,
- Playgrounds,
- Sportsgrounds,
- Conservation areas, including bushland and wetlands.

The POS Strategy does not cover areas of privately owned or institutional open space (i.e. education facilities), streetscapes, sporting / recreation facilities or state owned conservation land (i.e. Perth Zoo, Royal Perth Golf Club).

Reserve Classifications

There are a wide range of parks and reserves within the City that fulfil a range of different functions and accommodate different uses and activities. Not all parks could be expected to meet the full range of performance criteria. Accordingly the City's parks have been categorised into a classification framework based on a system developed by the WA State Government that identifies the roles of the different types of park in meeting the needs of the local and wider community. This classification forms a background against which judgements can be made about their ability to meet the current and future needs of the City as well as its contribution to the wider metropolitan populations. Briefly, the classification of Reserves is as follows:

- *Regional Reserves* – Are those areas of publicly owned and managed land whose primary purposes are to protect and enhance their valued natural environment and encourage passive recreation and enjoyment. The reserves are considered of regional significance because of their important contribution to the metropolitan region's sense of place and their attraction of users from throughout the region.
- *District Reserves* – Are those areas of publicly owned and managed land whose primary purpose is to accommodate formal sport, other forms of recreation and to protect/enhance their valued natural environment. The reserves are considered of district significance because of their attraction to a wide range of users from a range of surrounding suburbs.
- *Neighbourhood Reserves* – Are those areas of publically owned and managed land whose primary purpose is to meet the recreational needs of the immediate local suburb and to develop/enhance the local 'sense of place'.
- *Local Reserves* – Are those areas of publically owned and managed land whose primary purpose is to meet the recreational needs of the surrounding residential population and to develop/enhance the local sense of place.

Using the Reserve Classification system, the City's Parks and Reserves are categorised as shown at Table A below:

TABLE A – Reserve Categorisation

Regional	District	Neighbourhood	Local	Small Local
Milyu Nature Reserve	Windsor Park	Comer Reserve	David Vincent Reserve	Carlow / Kilbride Reserve
Mt Henry Reserve	James Miller Oval	Karawara Greenways	Bill McGrath Reserve	Garvey Street Park
Canning River Foreshore Reserve	Richardson Park	Como Beach Reserve	Mackie Street Reserve	Hope Avenue Reserve
Andrew Thompson Reserve	Morris Mundy Reserve	Bodkin Park	Ryrie Avenue Reserve	Isabella / Craigie Reserve
Sandon Park	Ernest Johnson Oval (incorporating Hensman Reserve and Sandgate Reserve)		Bradshaw / Conochie Reserve	Marsh Avenue Reserve
Sir James Mitchell Park (incorporating South Perth Esplanade and Clydesdale Park)	Collier Reserve, Collins Oval (leased) and Bill Grayden Reserve		Mt Henry Reserve	Jan Doo Park
Collier Park Golf Course (leased)	Challenger Reserve		Davilak Reserve	Axford / Barker Reserve
Royal Perth Golf Course (leased)	Neil McDougall Park		Coolidge Street Reserve	Canavan Crescent Reserve
	George Burnett Park		Olives Reserve	Moresby Street Reserve
	South Perth Lawn Tennis Club (leased)			Swanview Terrace Reserve
				Warrego Street Reserve
				Hensman Square
				Meadowvale Avenue Reserve
				Shaftesbury Street Reserve
				Brandon / Darling Reserve
				George / Gwennyfred Reserve
				George Street Reserve (near Berwick)

Note:

There are numerous small reserves excluded from the Reserve Classification system established by the WA State Government. These reserves are generally small spaces which are primarily used for playground or native planting purposes. State Government policy notes that 'small areas of undefined, residual or special purpose open spaces (less than 0.4 ha)' are not included in this classification framework. For the purpose of the City's POS Strategy and Reserve Categorisation, "Small Local Reserves" have been included in the Reserve Categorisation under a separate heading.

Under the Reserve Classification System a series of guidelines have been developed by the Department of Sport and Recreation (DSR) for each category of reserve relating to factors such as catchment, location and provision of facilities. It should be noted that existing parks in South Perth have been planned, designed and managed to meet the specific needs of the site and community at a given point of time and while standards based approaches are useful as a guide for facility provision they should generally not be used as a substitute for detailed research and community responsive planning and design.

The City of South Perth has established procedures that ensure all master and management plans for public open spaces are prepared in consultation with key agencies and the community, to clearly identify how the park is to be planned, developed and maintained. Consequently, the Reserve Characteristics noted in the POS Strategy are only a guide as to what typically would be found in a Regional, District, Neighbourhood, or Local reserve.

Open Space Provision – What are the Key Issues?

The City has a wide variety of high quality open spaces but if this is to continue into the future then the development and management of these reserves will need to respond to the imperatives of a Council committed to a sustainable use of its assets. Using the “Environmental”, “Social” and “Economic” components of sustainability within a governance framework, the emerging issues facing reserve management and development have been considered. Consequently, the key areas for consideration, which provide the foundation upon which the POS Strategy has been developed, are highlighted below.

Environment

- Need to respond to the impact of climate change on the Swan / Canning river and foreshores;
- Need for water conservation;
- Increasing tree canopy cover to improve human comfort levels and reduce watering demand;
- Planting regimes to respond to longer, dryer summers and restrictions to water budget;
- Application of technology to improve water use efficiency;
- Use of native plantings to reduce management costs and watering demand;
- Investment in development and management to reduce resource degradation; and
- Protection and/or enhancement of biodiversity.

Social

- South Perth has a growing population and this is likely to continue into the foreseeable future;
- South Perth has a very diverse population make up and this is likely to remain;
- Contemporary lifestyles and preferences are reducing the time available and the time allocated to outside recreation pursuits;
- The amount of time people are spending on recreation reserves is reducing;
- Multi-purpose trips to recreation reserves are becoming more popular;
- Diverse recreation facilities are required to meet the needs of the population;
- There will be future increases in housing density in South Perth with particular increases in medium density and high density housing forms; town houses and units;
- Increases in higher density housing forms (with less private open space provision) will increase the demand on publically provided open space;
- Increases in residential density will reduce green space/tree cover on residential lots;
- Increases in population will increase the demand for recreational activity;
- Recreation provision is a key to local community formation;
- Recreation activity improves public health outcomes in the community;
- With increasing use of open space for a wider range of activities there may be conflict between uses and users which will be required to be managed; and
- Persons need to feel safe when they are using public spaces.

Economic

- Significant future investment will be required to maintain the quality of open spaces;
- The cycle of rising expectations has to be considered in investment decisions;
- The level of satisfaction with the current open space system is high;
- Many users of Council's open space are not residents of the City;
- There are opportunities for revenue raising from the existing open space asset base through the leasing and sale of land and the imposition of user pay fees and charges;
- Currently the revenue raised from bookings of reserve space is limited;
- Public liability is a key consideration in considering development and management regimes; and
- Open spaces need to be managed in the public interest and never sacrificed for private influence or gain.

Governance

- There are many over lapping state and local government responsibilities in open space development and management;
- Relationships between state and local government (professional and political) need to be carefully managed;
- Effective community consultation and involvement is vital in open space planning; and
- Conflict between different open space users should be expected and planned for.

Submissions Received

Only one (1) submission was received from a local resident. The submission, which related to David Vincent Reserve, was as follows (quote):

“As a frequent user of David Vincent park including my children, their friends, neighbours etc. it is a perfect local neighbourhood park that provides a good mix for children, dog walkers and general users. My only suggestion for improvement is that it does need another bin up the Dyson street end along with a constant supply of doggy bags as they are only supplied up the Collins street end and some dog walkers seem to struggle picking their mess up and perhaps even a sign or two. We have lived in Kensington for 6 years and this park is a terrific example of a well positioned, safe, recreational and suitably maintained public open space that requires no change at all and if there are additional tree plantings etc. as per the report, my family would be more than willing to help.”

The suggestion for an additional bin (with dog bags) and more trees to be planted at David Vincent Reserve is an operational matter and can be handled via the annual budget. This was communicated to the resident, with the requests to be actioned as soon as practicable.

As only one submission was received, it is therefore reasonable to assume that the community are comfortable with the contents of the POS Strategy. On this basis, it is now recommended that the POS Strategy be formally adopted.

Consultation

A cross functional project steering group (PSG) was established to oversee progression of the POS Strategy (ie information gathering, document preparation and review, and conducting regular meetings with the Consultant). The PSG comprised Officers from the following business units:

- Infrastructure Services (City Environment & Engineering);
- Community Development;
- Strategic Planning;
- Governance and Administration; and
- Finance Services.

To determine usage of the City's Public Open spaces, Curtin University conducted a survey of people using the reserves in January 2012. The results of the survey can be found in the section entitled "Observation Findings" of the Strategy.

A survey questionnaire was distributed to 800 residents during the month of January 2012. The surveys were hand-delivered to a random selection of residents within each precinct. The survey comprised of questions targeting resident household demographics, activity types and levels in City of South Perth parks and surrounding areas. The results of the survey can be found in the section entitled "Resident Survey" of the Strategy

An elected member briefing was conducted on 14 July 2012. In addition, a report was tabled at Council's meeting held on 28 August to adopt the draft POS Strategy for the purpose of undertaking community consultation. The POS Strategy was advertised for a period exceeding 35 days. Only (1) submission from a South Perth resident was received.

Policy and Legislative Implications

The City's POS Strategy sits within a broader context of state and local legislation, policies, guidelines and strategies.

The POS Strategy integrates with the core values of a number of existing City of South Perth strategic documents such as the Strategic Plan, Corporate Plan, Town Planning Scheme Number 6, Sustainability Strategy and related Policies, the Green Plan, and Disability and Access Inclusion Plan to name but a few examples.

Financial Implications

The City engaged Curtin University to progress the various components of the POS Strategy. Funding was allocated in the 2011/2012 annual budget to facilitate completion of the Strategy.

The POS Strategy has been developed to manage the City's recreation and open space assets and meet the current and future needs of the South Perth community. The strategy provides the strategic direction for the development of more detailed plans, policies and actions relating to sport and recreation, the natural environment, community development and land use planning. The Strategy also aims to provide clear direction on the purpose, level of provision, and management of public open spaces across the City of South Perth well into the future. As such, funding will be provided in future budgets to facilitate upgrade/improvement to POS in line with Strategy objectives.

Strategic Implications

Developing a POS Strategy aligns to the following Strategic Directions within the Council's Strategic Plan, and is identified as:

- **Strategic Direction 1 “Community”** – *Create opportunities for a safe, active and connected community*
 - 1. *Develop, prioritise and review services and delivery models to meet changing community needs and priorities.*
 - 1.2 *Ensure the land use planning and service delivery aligns and responds to community safety priorities.*
- **Strategic Direction 2 “Environment”** – *Nurture and develop natural spaces and reduce impacts on the environment*
 - 2.1 *Undertake assessments of the City's key natural areas, activity centres and streetscapes to identify opportunities to improve biodiversity.*
 - 2.3 *Review and integrate sustainable water management strategies to improve community and City practices.*
 - 2.4 *Review and establish contemporary sustainable building, land use, and environmental design standards.*
 - 2.6 *Encourage the community to embrace sustainable lifestyles.*
- **Strategic Direction 4 “Places”** – *Plan and develop safe, vibrant and amenable places*
 - 4.3 *Engage the community to develop a plan for activities and uses on and near foreshore areas and reserves around the City.*

Sustainability Implications

It is the responsibility of the City to ensure that whatever we do is socially responsible, economically viable, environmentally friendly, and good governance guides decision-making. The POS Strategy provides a strategic framework to help guide the City's decision-making in regards to providing quality public parks and reserves to meet the current and future recreational and social needs of the South Perth community. Without a Strategy, there is a risk that decisions and allocation of resources and funding will be made in an adhoc and ineffective manner.

Consideration must be given to minimising the use of water and other resources; conserving ecosystems; using renewable resources; avoiding waste by reuse and recycling, and designing out maintenance intensive landscapes. Minimising the cost of ongoing maintenance is also an important consideration.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5

That Council adopt the *draft* Public Open Space Strategy.

CARRIED EN BLOC RESOLUTION

10.1 STRATEGIC DIRECTION 1 : COMMUNITY

10.1.1 Australia Day 2013

Location:	City of South Perth
Applicant:	Council
File Ref:	RC/105
Date:	1 November 2012
Author:	Sandra Watson, Manager Community Culture and Recreation
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

To outline the plans and strategies to manage the Australia Day celebrations on the South Perth foreshore in 2013 and to approve the parking restrictions and road closures applicable for the event.

Background

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event. In addition, the City decided to introduce a range of new initiatives at the Australia Day celebrations including entertainment options and activities related to risk management in an effort to provide a range of opportunities for the community to participate in for the entire day and not just attend the event for the fireworks.

The Strategy focused on the following areas:

- The introduction of new Local Laws;
- Increased crowd control measures;
- Revised Traffic Management and Road Closure Plans;
- Initiatives to improve public transport and waste management; and
- A significant media and communications campaign.

The Strategy aimed to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the instances of anti-social behaviour on the South Perth foreshore. Following the Australia Day celebrations in January 2005, the City conducted a community consultation survey to determine what effect the Strategy had had in terms of addressing the concerns of the previous year. The results showed that the Strategy had worked well and this was further built upon in 2006 through to 2008 with successful events conducted.

Following on from this, the 2009 Australia Day event saw the City of South Perth introduce a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for families, young people and the community in general to enjoy throughout the day leading up to the fireworks. These initiatives were generously funded by Lotterywest. In 2010, the City built upon the popularity of the two 'zones' in the previous year to host a hugely successful event on the South Perth Foreshore. This event once again received substantial financial support from Lotterywest and Healthway, with 30,000 visitors enjoying the Family Zone and 10,000 visitors experiencing the Youth Zone.

In 2011 the decision was made to combine the Family and Youth Zones into one 'Celebration Zone' located on Sir James Mitchell Park directly behind the flagpole area. This decision was taken to enable families and groups to come together in one area, rather than being separated across two 'zones'. The 'Celebration Zone' was expanded to 100,000m², which was more than double the size of the two previous zones combined. This initiative was so successful that in 2012 it was continued, with the 'Celebration Zone' containing seventy (70) free activities for all ages, a central 'Big Top' with on stage entertainment including a screening of the Australian film 'Danny Deckchair' and a performance from the renowned 'Pigram Brothers', free drinking water stations and various healthy food stalls. In addition, the zone was once again alcohol and smoke free. However in 2012 the attendances were less than previous years due to extreme weather conditions on Australia Day 2012 which included 44° temperatures and an electrical storm. The weather conditions effected attendance numbers for the entire event including the City of Perth event and activities. However from the City's perspective, the South Perth Celebration Zone was still successful, attracting 30,000 visitors and there was little or no anti-social issues or incidences of Police involvement .

Comment

It is important to note that in 2013, the City of Perth Skyshow will be fundamentally different from previous events, with the loss of the Esplanade as a public viewing area on the Perth side. The reason for this change is due to the Elizabeth Quay construction works and as direct result, the staging area for the fireworks is to be moved 450 metres east. Langley Park will then become the prime viewing area and the main event zone for the City of Perth, with family entertainment and food stalls.

In response to this relocation, traffic management has also changed on both sides of the river, with the westbound closure of the Causeway (7pm) being the main change south of the river. It is also likely, while crowd behaviour is difficult to predict, that the new fireworks location might attract bigger crowds in Sir James Mitchell Park, between Douglas Avenue and Ellam Street. As such, City officers are preparing for this by ensuring more public amenities are located in this area including toilets, bins and protective fencing. However the Celebration Zone (Coode Street end) of Sir James Mitchell Park will still be a prime viewing area for the Skyshow on the South Perth side. It is also planned to do a special letter drop in the Access Restricted Area (roads bounded by Douglas Avenue, Mill Point Road and Ellam Street), to inform residents of the new situation and the measures being taken, along with the usual information that is sent out to local residents about Australia Day which commences in the first week of December.

In relation to the City of South Perth's Australia Day event, in 2013 it is planned to continue with the successful formula commenced in 2011 of the 'Celebration Zone' with the key elements of the 2012 event being retained such as the 'Big Top' tent, the screening of an iconic Australian film (Red Dog), the multi-cultural stage performances and the art competition tent. The 'Celebration Zone' will contain sixty (60) free activities for all ages, ample shaded areas, free drinking water stations, various healthy food stalls and will once again be alcohol and smoke free. Accordingly, it is proposed that the Safer Australia Day Strategy 2013 will be conducted along the same format and operations as previous years and that the 'Celebration Zone' will be an integral part of the Strategy. Strategies for Australia Day 2013 will consist of the following:

1. Public Transport

In 2012, the City expanded on its free bus shuttle service from George Burnett Leisure Centre to the 'Celebration Zone'. The buses ran every fifteen minutes between the hours of 10.00am and 9.30pm following the fireworks. This service is targeted towards City of South Perth residents in Manning, Karawara and Salter Point in particular, however anyone including non-residents is able to utilise this service. Due to the very high demand in 2012 the City will double the number of buses in 2013 between the hours of 8.30pm and 9.30pm or immediately following the fireworks.

2. Local Laws

The Special Events Local Law provides City officers and other enforcement agencies with a range of offences that are backed up by additional powers under the *Local Government Act (WA) 1995*. The additional offences include the possession of liquor (whether or not the liquor is in a sealed container), possession or use of a large object ("large object" includes lounge chair, bed, refrigerator, spa/wading pool etc, and excludes shade shelters/umbrella's) and possession or use of loud stereos (as determined by amplification outputs). Since the introduction of these local laws, there has been a dramatic reduction in the number of large items being brought to the foreshore. In previous years large items such as lounges and inflatable swimming pools would be brought down to the foreshore resulting in the creation of nuisance obstructions or litter after the event had concluded.

3. Crowd Control

The Western Australian Police Service (WAPS) and City of South Perth Rangers will commence patrolling the restricted areas and Sir James Mitchell Park (SJMP) from approximately 6.00am on the morning of 26 January 2013. Initially Rangers will focus on illegal parking and large objects being taken to the foreshore. Management of the crowd will also be assisted by exclusion zones on Sir James Mitchell Park, Coode Street car park and Queen Street Jetty area. This will provide access for the various emergency services and hazard management agencies (HMA's) including the Police Command Posts. These restriction zones will assist with patrolling and rapid responses from the various HMA's. In addition, St Johns Ambulance will be providing a primary treatment facility on the South Perth foreshore to administer first aid assistance and to reduce the need for patient transfer to hospital and the Department of Child Protection will have a lost children's facility inside the Celebration Zone.

4. Celebration Zone

Australia Day 2009 heralded the successful launch of the Family and Youth Zones and in 2010 the City extended these areas in response to the excellent feedback and successes of the 2009 event. In 2011 and 2012 as previously outlined, the two 'zones' were combined into one giant 'Celebration Zone' covering 100,000² immediately behind the flagpole area on Sir James Mitchell Park. This secure and managed area will once again in 2013 be transformed into a safe fun zone brimming with activities and entertainment for young children, youth and adults. A very popular aspect of the Family Zone in previous years was the art tent and this will once again return in 2013. Other notable aspects of the 'Celebration Zone' include the return of the very unique 'Silent Disco', as well as a central feature of a 'big top' tent, which was extremely popular in previous years. For the first time in 2011 and then again in 2012, the traditional Australia Day citizenship ceremony was held inside the 'Big Top', as well as the breakfast event immediately following the ceremony. This proved to be very popular and as such, will once again follow this format in 2013.

5. Road Closures (Access Restricted Area)

The roads bounded by Labouchere Road, Angelo Street, Douglas Avenue, Canning Highway and Ellam Street will be closed from 8.00am to 9.00pm on Australia Day allowing adequate time for people to attend the City's Australia Day Citizenship ceremony on the South Perth foreshore. This early closure is required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement at the closure of the event. The road closures will be advertised in accordance with the requirements of the Local Government Act 1995 and in a number of different mediums including City publications, the community newspaper and on the City's website.

The City may declare general no parking zones, in accordance with the City's Parking Local law, section 4.4 which states as follows:

General No Parking Zones

- (1) In this clause-
 - (a) 'general no parking zone' means, the area contained within the wards of Civic and Mill Point in the City of South Perth which area is bounded by and includes South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north; and
 - (b) the general no parking zone applies from **6.00am** on 26 January to **6.00pm** on 27 January each year.
- (2) Where a general no parking zone applies, the local government establishes a general no parking zone, the local government must erect a sign at entry points to the general no parking zone indicating;
 - (a) The area that is a general no parking zone, and
 - (b) The dates and times during which the area is a general no parking zone.
- (3) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.

On Australia Day 2013 this area will be restricted with no parking on the road or verge and have staffed road closures at each intersection. Several intersections will be accessible into the access restricted area for use by residents, visitors and businesses. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Verge parking permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the verge normally. To ensure vehicle and pedestrian safety, Police Traffic Branch and emergency services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Waters to boats because of the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used for the WA Police compound, by State Emergency Services and by St John Ambulance. Parking for people with disabilities will be made available on the verge surrounding the Celebration Zone, near the main entrance to the 'Zone' opposite Forrest Street. The City will employ the services of traffic management officers to secure the road closures as previously outlined in this report. Indicative costs for this service have been included in the 2012/2013 Australia Day budget.

6. Traffic Management (Parking Restricted Area)

The proposed parking restricted area during Australia Day 2013 will extend from the access restricted area (as per item 5 of this report) to Hensman Street, to Canning Highway and to Ellam Street and be effective from 8.00 am to 9.00 pm. In 2011 the City successfully trialled a reduction in the amount of parking restricted streets in this area and in 2013 a further reduction will be trialled, with the area between Hensman Street and South Terrace no longer being part of the Parking Restricted Area.

Street signage, advertising in the community newspaper and a pamphlet drop will publicise all restrictions to local residents.

7. Waste Management

Event organisers (City of Perth and City of South Perth) will provide sufficient separate mini-skips for rubbish and recycling, which will be located at regular intervals along the foreshore. Biodegradable rubbish/recycling collection bags will also be distributed amongst the crowd for their use and to facilitate the post event cleanup.

8. Media and Communications

The Safer Australia Day Strategy 2013 provides for a number of initiatives and strategies which when combined are designed to more effectively manage the event. As in previous years, a targeted media and communications campaign is key. In that regard, the City will undertake some of this campaign directly plus work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy are effectively communicated. In addition, the City will liaise with the Community Newspaper Group in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

Consultation

In reviewing and developing the Safer Australia Day Strategy 2013, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads
- WA Police
- Department of Health
- DPI Marine Safety
- Keep Australia Beautiful
- Swan River Trust
- Department of Child Protection
- Total Road Services (TRS) - traffic management company
- Public Transport Authority
- Lotterywest
- Healthway
- State Emergency Service
- St John Ambulance
- Department of Mines and Petroleum
- FESA SES
- FESA Fire
- AEP Australian Event Protection
- Department of Environment and Conservation

Policy and Legislative Implications

Nil

Financial Implications

Funding has been allocated in the 2012/2013 budget for the implementation of this strategy and event logistics in general, plus grant funding applications have been submitted as follows:

- Lotterywest \$350,000 (awaiting notification – for the Celebration Zone)
- WALGA Road Safety Program - \$1000 (confirmed)
- Local Drug Action Group - \$3000 (confirmed)

Strategic Implications

The Safer Australia Day Strategy 2013 is complimentary to Strategic Directions - Community. *Create opportunities for a safe, active and connected community.*

Sustainability Implications

The Safer Australia Day Strategy 2013 will embrace and implement the City's Sustainability Strategy in the areas of waste management in particular.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1</p>

That...

- (a) Council adopts the Safer Australia Day Strategy 2013 as detailed in this report;
- (b) the General 'No Parking' clause in section 4.4, Part 4 of the City's Parking Local Law 2011 (as amended) be approved for:
 - (i) The temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Canning Highway to Ellam Street, from 8.00am to 9.00pm on 26 January 2013; and
 - (ii) The parking restrictions, bounded from Labouchere Road, corner of Angelo Street to Hensman Street to Canning Highway to Ellam Street as outlined.

CARRIED EN BLOC RESOLUTION

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT
Nil

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Additions to Church [Religious Activities] including Child Day Care Centre - Lot 52 (No. 2) Lawler Street, South Perth

Location: Lot 52 (No. 2) Lawler Street, South Perth
 Applicant: South Perth Baptist Church
 Lodgement Date: 15 June 2012
 File Ref: 11.2012.278.1 LA6/2
 Date: 8 November 2012
 Author: Cameron Howell, Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for proposed additions to the South Perth Baptist Church including a child day care centre on Lot 52 (No. 2) Lawler Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use	TPS6 Clause 3.3
Car parking provision	TPS6 Clause 7.8(1)
Bicycle parking provision	
Landscaping	
Building setback from the street (Douglas Avenue)	
Plot ratio	

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

Background

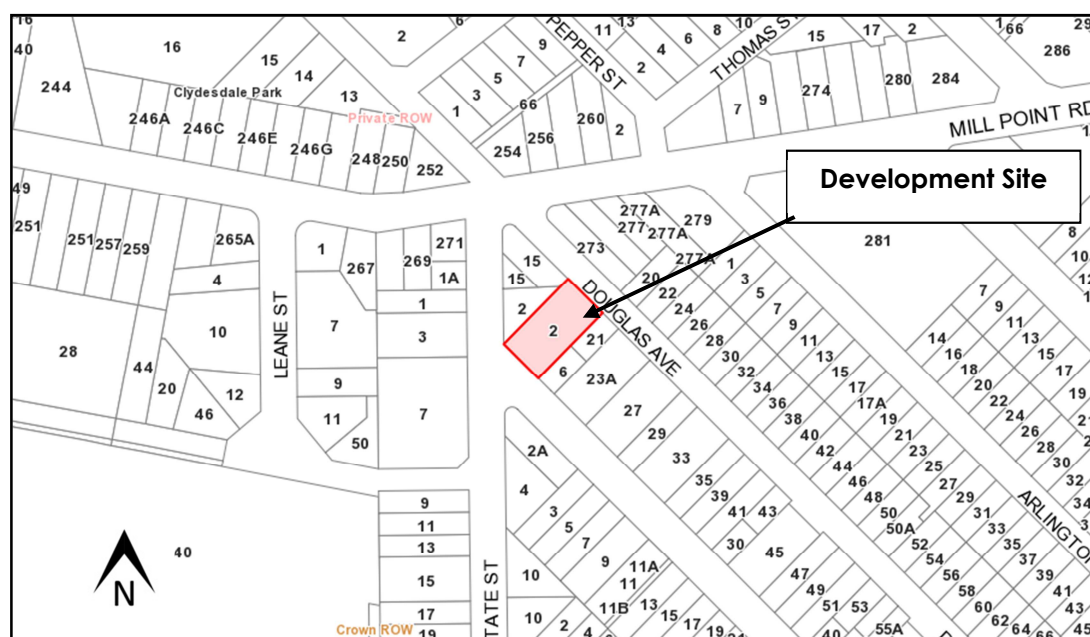
The development site details are as follows:

Zoning	Public Assembly
Density coding	R40
Lot area	1344 sq. metres
Building height limit	7.0 metres
Development potential	6 single houses / grouped dwellings or selected non-residential land uses
Plot ratio limit	0.50

This report includes the following attachments:

Confidential Attachment 10.3.1(a)	Plans of the proposal.
Attachment 10.3.1(b)	Images of the proposal.
Attachment 10.3.1(c)	Photographs.
Attachment 10.3.1(d)	Applicant's supporting reports.
Attachment 10.3.1(e)	Applicant's acoustic report.
Attachment 10.3.1(f)	Applicant's car parking and traffic report.
Attachment 10.3.1(g)	Internal administration comments - Engineering Infrastructure and Environmental Health Services.

The location of the development site is shown below:



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

1. **Specified uses**
 - (a) *Child Day Care Centres.*
3. **The exercise of a discretionary power**
 - (b) *Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*
6. **Amenity impact**

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

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

Comment

(a) **Background**

In June 2012, the City received an application for two-storey additions to the single storey South Perth Baptist Church building, including a child day care centre on Lot 52 (No. 2) Lawler Street, South Perth (the site). The City received amended plans in August, September and October 2012. The plans received in September (first floor, elevation and roof plans) and October (site and ground floor plans) 2012 are being presented to Council.

(b) **Existing development on the subject site**

The existing development on the site currently features a single storey building with the land use of "Religious Activities", as depicted in the site photographs referred to as **Attachment 10.3.1(c)**. The construction of the church on this site was first approved by the City in 1963, with a number of additions taking place; the latest being approved in 1995.

(c) **Description of the surrounding locality**

The site has a frontage to Lawler Street and Tate Street to the south-west and Douglas Avenue to the north-east, located adjacent to single houses to the north-west and south-east, opposite single houses and grouped dwellings to the east, south and west, and a café / restaurant to the north-east, as seen below:



(d) **Description of the proposal**

The proposal involves the addition of an upper storey to the existing development on the site, incorporating offices, a meeting room and a multiple purposes room for church activities, as well as alterations to the ground floor level incorporating internal changes, the addition of a child day care centre and extensions to the building for the child day care centre and the existing church auditorium, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.1(a)**. Furthermore, the site photographs referred to as **Attachment 10.3.1(c)**, show the relationship of the site with the surrounding built environment.

The child day care centre is proposed to cater for up to 56 children, with up to nine (9) staff, between 7:00am and 6:30pm on Monday to Friday inclusive. The religious activities includes the weekend church services and activities, office administration on weekdays and weekly programs such as pilates, yoga, adult learning classes and English classes. The applicant's letters and reports, referred to as **Attachments 10.3.1(d), (e) and (f)** describes the proposal in more detail.

The following components of the proposed development are compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6), Residential Design Codes of WA 2010 (R-Codes) and Council policy requirements:

- Setback from street boundaries - Lawler Street (TPS6 Clause 5.1 and Table 3);
- Building height (TPS6 Clause 6.2);
- Minimum and maximum floor and ground levels (TPS6 Clauses 6.9 and 6.10);
- Solar access for adjoining sites (R-Codes 6.9.1.A1);
- Fencing (Council Policy P350.07); and
- Significant views (Council Policy P350.09).

The following components of the proposed development require discretion to be exercised, though are considered by the City to be compliant with the *City of South*

Perth Town Planning Scheme No. 6 (Scheme; TPS6), *Residential Design Codes of WA 2010* (R-Codes) and Council policy requirements. These components would not normally be presented to Council, and would otherwise be approved under delegated authority:

- Setback from side boundaries (TPS6 Clause 5.1(4) and R-Codes 6.3.1.A1 and 6.3.1.P1);
- Visual privacy (TPS6 Clause 5.1(4), R-Codes 6.8.1.A1 and Council Policy P350.08);
- Boundary walls (TPS6 Clause 5.1(4) and Council Policy P350.02); and
- Minimum dimensions - Car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5).

The following components of the proposed development require discretion to be exercised, though are considered by the City to be compliant with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6), *Residential Design Codes of WA 2010* (R-Codes) and Council policy requirements, subject to the inclusion of the recommended conditions of approval:

- Land use control within zones (TPS6 Clause 3.3 and Table 1; Council Policy P307);
- Plot ratio (TPS6 Clause 5.1 and Table 3);
- Setback from street boundaries - Douglas Avenue (TPS6 Clause 5.1 and Table 3);
- Landscaped area (TPS6 Clause 5.1 and Table 3);
- Car parking (TPS6 Clause 6.3 and Table 6); and
- Bicycle parking (TPS6 Clause 6.4 and Table 6).

(e) **Land use**

The existing land use of religious activities and the proposed land use of child day care centre are classified as “DC” (Discretionary with Consultation) land uses in Table 1 (Zoning - Land use) of TPS6. In considering its use, it is observed that the site adjoins residential and non-residential land uses. The continuing of the religious activities use of the site is seen to comply with Table 1 of the Scheme. The child day care centre use is seen to be compatible with the neighbouring residential uses and meeting the requirements of Council Policy P307. Accordingly, the proposal is regarded by officers as complying with Table 1 of the Scheme, hence the proposal is recommended for approval.

(f) **Car parking**

The car parking for the existing development is as stated in Table 1 below:

TABLE 1 - Car parking available for the existing development		
Land use	Gross floor area	Existing bays
Religious activities (various approvals between 1963 & 1995)	585m ²	7 (onsite car parking)
Available marked parking bays within the Tate Street road reserve (located between Lawler Street and Mill Point Road)		5
Unmarked street car parking in Tate Street between Lawler Street and Anthony Street		Approximately 18
Total number of car parking bays available		30

As has been confirmed by the City’s Ranger Services, the rangers have not received any car parking complaints associated with the church within the adjoining streets over the past two (2) years.

The required number of car bays is as stated in the following tables:

TABLE 2 - Car parking requirement for the proposed development					
Where the separately assigned portions of the building are operating at the same time, as religious activities and child day care centre.					
Land use	Rate	Value	Required bays	Additional bays onsite	Variation
Religious activities	1 per 5m ² gross floor area	No change to the existing requirement, i.e. 585m ² (Table 1)	No change to the existing requirement, i.e. 7 (Table 1)		
Child day care centre	1 per required employee	9	9		
	1 per 10 children permitted to receive care	56	6		
TOTAL			15	7	8 shortfall

Total gross floor area of the building - 968m² (Ground floor 647m²; first floor 321m²).

As per Table 2, there is a shortfall of eight (8) car bays onsite. Therefore, the proposed development does not comply with the car parking requirement in Table 6 of TPS6.

TABLE 3 - Possible special event					
Possible special event when the entire proposed building is operating solely as religious activities, and the child day care centre is closed (e.g. over the weekends or weeknights).					
Land use	Rate	Value	Required bays	Additional bays onsite	Variation
Religious activities (Additions to existing)	1 per 5m ² gross floor area	383m ²	77	7	70 shortfall

To prevent a situation as identified in Table 3 resulting in a shortfall of 70 car bays that will significantly impact upon the amenity of the adjoining residential developments, the use of the areas of the building allocated for the child day care centre for religious activities will need to be restricted. Accordingly, Specific Condition (v) is recommended to address this issue. (The condition prevents the allocated child day care centre areas and the upper floor being used for religious activities simultaneously.)

Council has discretionary power under Clauses 6.3.4 and 7.8.1 of TPS6 to approve the proposed car parking if Council is satisfied that all requirements of those clauses have been met. Clause 6.3(5)(b) "Cash-in-lieu of Car Parking Bays" cannot be utilised in this instance, as in order to seek the cash payment, Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, and it does not have such proposals.

After reviewing the applicant's proposal, Table 4 outlines the City's observations of the expected demand for car parking on the site at various times and days of the week, in addition to the existing demand for the religious activities land use that currently utilises street car parking.

TABLE 4 - Car parking onsite (Likely demand for the entire development)				
Please note that in addition to the 14 car parking bays proposed onsite, 23 marked and unmarked car parking bays are located in Tate Street, as stated in Table 1.				
Day / Time	Religious activities	Child day care centre	Total bays	Variation
Weekdays before 7:00am	0 bays (closed)	0 bays (closed)	0	14 surplus
Weekdays 7:00am - 9:00am	2 bays (administration staff)	15 bays (staff & parents)	17	3 shortfall
Weekdays 9:00am - 5:00pm	7 bays (existing demand)	9 bays (staff)	16	2 shortfall
Weekdays 5:00pm - 7:00pm	2 bays (administration staff)	15 bays (staff & parents)	17	3 shortfall
Weekdays after 7:00pm	7 bays (existing demand)	0 bays (closed)	7	7 surplus
Weekends	7 bays (existing demand)	0 bays (closed)	7	7 surplus

As observed from Table 4, the maximum shortfall of onsite car parking bays is three (3). This proposal is seen to require up to three (3) additional vehicles to park in Lawler or Tate Streets during the child day care centre operating hours, compared to the existing development. The proposal provides more car parking onsite for the religious activities outside of the child day care centre operating hours than the existing development.

While it is noted that Tate and Lawler Streets are currently utilised by users of neighbouring land uses (e.g. residents, commercial activities, Wesley College), the street parking available is seen to be able to cater for the additional car parking shortfall onsite created from the proposed child day care centre. Most participants in the smaller group activities (operating on weekdays between the morning drop-off and afternoon pick-up times) and church activities (operating outside of child day care centre hours) will need to park their vehicles in Tate and Lawler Streets, as currently occurs.

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

(g) Dimensions of car parking bays and accessways

The proposed car park is compliant with the minimum dimensions required by Clause 6.3(8) and Schedule 5 of TPS6, except for Car Bay 5 which has a 0.2 metres clearance from the adjoining fence rather than 0.3 metres. A revised drawings condition is recommended to resolve this matter.

(h) Bicycle parking

The bicycle parking for the existing development is as stated in Table 5 below:

TABLE 5 - Existing bicycle parking		
Land use	Gross floor area	Provided bays
Religious activities (various approvals between 1963 & 1995)	585m ²	0

The required number of bicycle bays is as stated in Table 6 below:

TABLE 6 - Proposed bicycle parking					
Land use	Rate	Value	Required bays	Additional bays onsite	Variation
Religious activities	1 per 40m ² gross floor area for visitors	No change to the existing requirement, i.e. 585m ² (Table 5)	0		
Child day care centre	Not applicable	-	0		
TOTAL			0	0	0

Total gross floor area of the building - 968m² (Ground floor 647m²; first floor 321m²).

TPS6 does not require end of trip facilities to be provided for visitor bicycle parking. As this proposal does not require bicycle bays to be provided onsite, the proposed development complies with the bicycle parking requirement in Table 6 of TPS6.

The applicant has not proposed bicycle parking as there is no existing provision of bicycle parking, and the applicant does not consider that bicycle parking will now be required as the capacity of the church is not increasing (as stated in Tables 5 and 6).

The City is of the opinion that bicycle parking should be provided onsite, as outlined below:

- (i) The provision of some bicycle parking facilities will encourage church patrons to cycle rather than use their private vehicles. An increase in patrons cycling to the site will compensate for the onsite car parking shortfall, and therefore reduce the demand for car parking in the surrounding streets.
- (ii) The provision of bicycle parking will address the City's sustainability objectives.

Accordingly, a condition is recommended requiring bicycle parking facilities to be provided for eight (8) bicycles onsite.

(i) Street setback - Ground and 1st floor (North-east)

The prescribed minimum street setback is 7.5 metres for the building and the proposed setback is 5.4 metres from the Douglas Avenue boundary, therefore the proposed development does not comply with Table 3 of TPS6.

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed street setback if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed setback be approved as the proposal is seen to be keeping with the residential streetscape while the properties on the same side of Douglas Avenue have a R40 density coding, which permits a 4.0 metre setback from the street.

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

(j) Boundary wall - Ground floor (North-west)

The boundary walls are assessed using Council Policy P350.02 rather than Table 3 of TPS6, as the walls abuts residential zoned properties. This boundary wall has been assessed against the "amenity test" referred to in Clause 5 of Council policy:

(i) Auditorium stage (North-west)

- (A) The wall has no impact on the existing streetscape character as there are numerous garage boundary walls on the same side of the street as this site, it abuts a garage boundary wall, and is setback approximately 12.0 metres from the street. The wall setback complies with the 6.0 metres required by Clause 7.
- (B) The visual impact from the front of the adjoining dwelling (driveway) is seen to be acceptable.
- (C) No overshadowing of adjoining habitable room windows or outdoor living areas as the adjoining property is located to the north.
- (D) The boundary wall is visible from a habitable room (guest bedroom / study) window of the neighbouring property, setback 1.5 metres from the boundary. The visual impact is seen to be acceptable, noting that only part of the wall's length is visible from these windows.
- (E) The boundary wall is not located adjacent to an outdoor living area, therefore the 2.7 metre height limit required by Clause 6 does not apply.
- (F) No comments were received from the neighbour in relation to this component of the development.

(ii) Childcare activity / Laundry (North-west)

- (A) The wall has no impact on the existing streetscape character as there are numerous garage boundary walls on the same side of the street as this site, abuts a store boundary wall, and it is setback approximately 8.5 metres from the street. The wall setback complies with the 6.0 metres required by Clause 7.
- (B) No visual impact from the front of the adjoining dwelling.
- (C) No overshadowing of adjoining habitable room windows or outdoor living areas as the adjoining property is located to the north.
- (D) The boundary wall may be visible from a highlight habitable room (Bedroom 4) window of the neighbouring property, setback 1.5 metres from the boundary. The visual impact is seen to be acceptable, noting that only part of the wall's length is visible from these windows.
- (E) The boundary wall is not located adjacent to an outdoor living area, therefore the 2.7 metre height limit required by Clause 6 does not apply.
- (F) No comments were received from the neighbour in relation to this component of the development.

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

(k) **Wall Setback - Ground and 1st floor (South-east and north-west)**

The side setbacks are assessed using the R-Codes rather than Table 3 of TPS6, as the site adjoins residential zoned properties. Apart from the boundary walls referred to separately, the proposal complies with acceptable development setbacks from the side boundaries of the site except for:

- (i) Ground floor play area patio posts (south-east); and
- (ii) First floor office (north-west).

In both cases, the City considers that the proposal meets the applicable performance criteria. The patio posts are seen to pose no significant visual impact to the neighbouring property, with the patio roof complying with the acceptable development setback requirements for minor projections. The office wall contains the equivalent of a major opening in a residential development and is assessed using Table 2b of the R-Codes. As the opening poses no overlooking of sensitive areas, the wall does not overshadow the northern adjoining properties and the wall setback complies with Table 2a (no major openings), therefore the proposed setback is not seen to impact upon the amenity of the neighbouring properties.

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

(l) Visual privacy setback - 1st floor (North-west and south-east)

As the site adjoins residential zoned properties, the side setbacks including visual privacy setbacks, are assessed using the R-Codes rather than Table 3 of TPS6. The required minimum visual privacy setback for all major openings to the rooms that function like active habitable spaces on the first floor level is 6.0 metres. The 6.0 metres cone of vision from the meeting room (west), office (north-west and north) and multi-purpose room (south) windows extend over the adjoining residential properties, therefore the proposed development does not comply with the visual privacy element of the R-Codes.

The proposal has been assessed using Council Policy P350.08, including the use of a 25.0 metres cone of vision, to assess compliance with the R-Codes performance criteria. This assessment has identified overlooking of:

- (i) Meeting room (west) - Ground floor garage and first floor study / bedroom window of 2 Tate Street;
- (ii) Office (north-west) - Ground floor clothes line area and store of 2 Tate Street;
- (iii) Office (north) - Ground floor garage of 15 Douglas Avenue; and
- (iv) Multi-purpose room (south) - Ground floor garage of 6 Lawler Street.

In this instance, apart from the overlooking of the study / bedroom window of 2 Tate Street, it is considered that the proposal complies with the performance criteria as there is no overlooking of sensitive areas of the adjoining residential properties. A revised drawings condition is recommended for the meeting room window to demonstrate compliance, and thereby rectify this matter. Subject to this condition, the proposal is therefore supported by the City.

(m) Plot ratio

The maximum permissible plot ratio is 0.50 (672m²) and the proposed plot ratio is 0.504 (678m²), therefore the proposed development does not comply with the plot ratio element of the Scheme.

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed plot ratio if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed plot ratio be approved, as the variation is seen to be minor and not pose any significant impact to the locality.

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

(n) **Landscaping**

The required minimum landscaping area is 336.0m² (25%) and the proposed landscaping area is 252.7m² (18.8%), therefore the proposed development does not comply with the landscaping requirements of Table 3 of TPS6.

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed landscaping if Council is satisfied that all requirements of that clause have been met. In addition, Clause 5.1(5) allows Council to permit a lesser landscaped area if the developer provides outstanding landscaping. In this instance, it is recommended that the proposed landscaping be approved with a condition requiring the provision of outstanding landscaping as the proposed provision of landscaping is seen to be sufficient for this site.

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

(o) **Building design**

The design of the proposed building including the external form, materials and colours are matters to be considered by Council when assessing a planning application, in accordance with Clause 7.5 of TPS6. When this application was presented to the Design Advisory Consultants, the building including its skillion / gable roof design, was not seen by the architects to be compatible with the existing streetscape character.

The surrounding locality contains a variety of residential and non-residential building styles, though it could not be identified by the City that the proposed church building would be compatible with the design of the neighbouring residences. However, it is considered reasonable to expect that a non-residential building will not have a similar building design as the other buildings in a residential streetscape. The external colours, as seen in **Attachment 10.3.1(b)** are seen to be compatible with the colours of neighbouring buildings. The City considers that the proposed additions and alterations to the existing church building will enhance the existing streetscape, as the design and age of the existing church building detracts from the residential streetscape.

Therefore, the proposed development is considered to comply with the building design requirements of TPS6.

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

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

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

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

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

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

- (a) The objectives and provisions of this Scheme, including the objectives and provisions of a precinct plan and the Metropolitan Region Scheme.*
- (b) The requirements of orderly and proper planning, including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought.*
- (c) The provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act.*
- (f) Any planning policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (i) The preservation of the amenity of the locality.*
- (j) All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*
- (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.*
- (o) The cultural significance of any place or area affected by the development.*
- (p) Any social issues that have an effect on the amenity of the locality.*
- (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.*
- (x) Any other planning considerations which Council considers relevant.*

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

Consultation

(a) Design Advisory Consultants' Comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in July 2012. The proposal was not favourably received

by the consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
1. The Design Advisory Architects observed that car parking was inadequate for the proposed child day care centre. 50 to 60 children being dropped at the premises, within a span of an hour during the morning peak traffic times, with approximately 12 - 14 proposed on-site car parking bays was observed as a significant shortfall. The applicant should seek confirmation from the relevant state registration body whether a licence could be granted for the subject premises to cater for the proposed number of children.	The child care requirements for a 57 place centre are 17 of which we can provide 15 onsite. Following discussions with your Engineering Branch we had hoped the City at its discretion would allow us to use a couple of bays available in the street. Please note the Uniting Church and its Childcare Centre nearby if I recall correctly has only 3 of its own off street parking bays.	The proposal is now for 56 children and 14 car bays. Based upon the internal and external playing areas provided, the proposal number of children could be approved. The provided parking onsite and available on Lawler and Tate Streets is seen to be adequate for the child day care centre, The comment is NOTED .
2. The Architects asked the applicant to clarify whether the intention is to use the subject premises as a child day care centre Monday to Friday; and church related religious activities to be conducted only during the weekends. If so, detailed information should be provided to the City, having regard to the peak parking demand for different uses on the site whereby justification be put forth in relation to the reciprocal car parking arrangement for these uses.	I will submit a parking schedule as requested to clarify the parking/timing requirements of the various activities held both currently and the projected future use.	The applicant has since provided additional information regarding the use of the site, included in Attachment 10.3.1(d) . The comment is UPHELD .
3. The Architects observed that the proposed outdoor playing space for the children was significantly short of the requirements of the relevant Child Care Services Act.	When I last checked the requirements for outdoor space, the requirements were being revised from 9.3m ² to 7m ² / child. I will recheck if this is now ratified.	The <i>Education and Care Services National Regulations 2012</i> came into effect on 1 August 2012. The current requirement is 7m ² per child (regulation 108). The outdoor playing area (383m ²) is a sufficient size for 54 children. The applicant has advised that the regulations allow additional indoor space to be traded (e.g. the Auditorium) to cater for a shortfall. The comment is NOT UPHELD .
4. The proposed built form was observed to be incompatible to the existing streetscape character.	The proposed built form will be consistent in finishes and colour to the surrounding modern buildings. Finishes and colours details will be provided.	It is acknowledged that the building design is not consistent with the residential properties in the same streets as the Site. However, the proposal is seen to provide a better built outcome than the existing development. The selected external colours are seen to be compatible with the neighbouring properties. The comment is NOTED .

5. The drawings do not carry appropriate notations with regards to the location of voids, lift openings, fenced areas for outdoor play spaces, and the like.	The drawings will be amended as per points raised.	The amended plans included further information that was omitted from the first submission. The comment is NOTED .
6. With regards to the Architects concerns about noise, officers informed that the application has been referred to the City's Environmental Health Services for relevant comments.	Noise levels at the Balcony of Residence 1 [6 Lawler Street] are being addressed through an additional verandah and updated drawing details will follow shortly.	The amended plans included a patio roof over the Lawler Street side play area. The report from Herring Storer Acoustics (August 2012) advises the noise level emissions comply. The City's Environmental Health Services have not raised any additional noise concerns from the proposal than listed in the acoustic report. The comment is NOTED .
7. Separately, the architects asked the City's Engineering Infrastructure Services to review the design of the street T-junction of Lawler Street and Tate Street. The acute angle at which Lawler Street meets Tate Street was not conducive to safe pedestrian and traffic movement.	The T Junction was discussed with the City Engineers previously. I plan to meet with them again to seek a solution.	The design of the intersection is a separate matter to this planning application. This comment has been conveyed to the City's Engineering Infrastructure Services for their investigation. The comment is NOTED .

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 1" consultation method, individual property owners, occupiers and/or strata bodies at Nos 15, 20, 21, 22, 23, and 23A Douglas Avenue, Nos 6, 8 and 10 Lawler Street, No 273 Mill Point Road and Nos 1, 2, 2A, 3, 3A and 7 Tate Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 22 consultation notices were sent and 10 submissions were received, 1 in favour and 9 against the proposal. The comments from the submitters, together with officer responses are summarised below (the # symbol refers to the number of submissions received):

Submitters' Comments	No. Received	Officer Response
<p>1. Provided comments on the existing car parking and traffic within Tate and Lawler Street:</p> <ul style="list-style-type: none"> ▪ The street is busy, limited street parking is available, insufficient street parking is available at times - resultant difficulty to exit property, previous damage to vehicles parked on street, previous damage to verges and reticulation, resultant parking on privately owned car parks, unsafe driving practices undertaken due to road layout and number of cars parked on the site. ▪ Tate Street is used for access and parking for neighbouring commercial properties (café/restaurants and shops); Wesley College; all day commuter parking for city workers - by bike and bus; access to foreshore; Church Sunday services. 	8	<p>The City's Ranger Services has advised that there have been no complaints received in regards to car parking in Tate or Lawler Streets near the church site within the past 2 years. Complaints received during the neighbour consultation process for this application have been forwarded to the Ranger Services for their information and necessary action.</p> <p>The comment is NOTED.</p>

2. The proposal will result in increased traffic and congestion - increased number of vehicles driving and parking on the street (Tate and Lawler Street).	7	The Child Care Centre in particular will increase the traffic volumes in Tate and Lawler Street. The parking and traffic report advises that these streets will be able to cater for the additional traffic generated from the proposal. The City's Engineering Infrastructure Services has not raised any issues regarding the contents of this report. The comment is UPHELD .
3. Oppose the child day care centre.	5	A "Child Day Care Centre" is a "DC" land use in the public assembly zone. The "Child Day Care" land use is seen to be compatible with neighbouring residential land uses. The comment is NOTED .
- Oppose the child day care centre being within a residential area.	3	
- Child day care centre is not an appropriate use in the public assembly zone.	2	
4. Existing Tate and Lawler Street corner is dangerous.	4	It has been observed that some drivers pass through this intersection in an unsafe manner. Any modifications to the intersection are outside the scope of this application. The proposal is seen to have minimal safety consequences for vehicles passing on Lawler and Tate Streets. This comment has been conveyed to the City's Engineering Infrastructure Services for their investigation. The comment is NOTED .
5. The site is not seen cater for the number of vehicles expected.	4	The car parking demand is expected at some times to be greater than the number of car bays proposed onsite. The comment is UPHELD .
6. Impact of noise from vehicles using car park and children playing outside.	2	The acoustic report advises that the noise generated from the proposal will be compliant with the applicable noise regulations. The City's Environmental Health Services raised no objections and supports the recommendations listed in this report. The comment is NOTED .
7. No objection to additional Church meeting rooms, subject to sufficient parking provided onsite.	2	The car parking demand is expected to be greater than the number of car bays proposed onsite. The comment is NOTED .
8. Request a time limit on Tate Street car bays to stop all day commuters.	2	The request is outside the scope of this application. The applicant has indicated a 3 hour limit would be helpful for patrons to their property. The comment is NOTED .
9. Overlooking from the upper storey of the proposal (visual privacy)	1	The amended plans have incorporated additional screening to prevent overlooking of the sensitive areas of the submitter's property. The proposal complies with the City's visual privacy requirements, subject to inclusion of the recommended conditions. The comment is NOTED .

10. Overshadowing impacts	1	The winter sun shadow cast over the southern adjoining residential properties is less than the acceptable development requirements for the R40 density (a minimum of 35% of the neighbour's site area). The comment is NOT UPHELD .
11. Loss of city views	1	The proposal is seen to comply with requirements of Council Policy P350.09. The building is not seen to exceed the normal development entitlements for this property. The comment is NOT UPHELD .
12. The proposed playing area is insufficient for the number of children proposed	1	New regulations came into effect on 1 August 2012. The proposed indoor and outdoor playing spaces are seen to be a sufficient size for the number of children proposed. The comment is NOTED .
13. No objection to the extensions proposed.	1	The comment is NOTED .
14. Aesthetic & safety concerns if retaining existing asbestos roofing.	1	The plans indicate that the existing new roof material is Colorbond metal sheeting. A condition is recommended requiring the new and existing external materials and colours to match. The comment is NOTED .
15. Support blocking pedestrian access between Douglas Avenue and Tate Street - prevents graffiti of the Church and dividing fence. Concern if the access cannot be legally closed.	1	The applicant and City have not identified any requirement that prevents the pedestrian access from being closed to the public. The comment is NOTED .
16. Conflict regarding the proposed retention of the existing tree - previously advised verbally it was to be removed (pruning is required).	1	The amended plans indicated that this tree is now proposed to be removed. The comment is NOTED .
17. Objection to the removal of existing brick fencing (north west boundary).	1	The applicant advised this was a drafting error. The amended plans indicate that this brick fencing will be retained. The comment is NOTED .
18. Loss of property value due to the proposed development.	1	The City is not in a position to determine whether the proposal impacts upon property values. The comment is NOT UPHELD .

(c) **Internal Administration**

Comments were invited from the City Environment, Engineering Infrastructure, Environmental Health and Ranger sections of the City's administration.

- (i) The City Environment section provided comments with respect to the removal of two street trees due to the proposed crossover and car parking and the replanting of a new tree in the verge. This section raises no objections and has provided the following comments:
- (A) Both street trees are in good condition, but are too large to transplant;
 - (B) Both trees are permitted to be removed and are to be replaced with one tree on the verge after construction. The owner is to pay all costs for removal and replacement, as per Council Policy P350.05 Clauses 8(b), 8(g) and 9; and
 - (C) \$1551.00 is to be paid to the City for the street tree removal and replacement.

- (ii) Engineering Infrastructure Services was invited to comment on a range of issues relating to car parking and traffic generated from the proposal, including the applicant parking and traffic report. This section generally raises no objections and has provided the following comments, with the full comments included in **Attachment 10.3.1(g)**:
 - (A) The parking layout is supported in principle;
 - (B) The parking bays on the verge will have minimal safety consequences for vehicles passing the site on Lawler and Tate Streets.
 - (C) It is unlikely a footpath will be constructed on the eastern side of Lawler Street;
 - (D) The new vehicle crossing is to be constructed to the City's specifications, with the existing crossing removed and the kerbing replaced;
 - (E) The City will provide advice on the preferred construction materials for the parking bays to be constructed in the verge.
 - (F) Appropriate bollards to be placed on the verge to prevent access to the site other than at the crossing.
 - (G) The shared area for the disabled parking bay to be clearly delineated with striped markings.
 - (H) Any infrastructure affected by the verge parking bays is to be replaced by the applicant to the City's satisfactions.
 - (I) Soak wells with sufficient capacity are to be provided so that stormwater is contained onsite.
 - (J) The parking within the road reserve remains the responsibility of the owner to ensure public safety and to repair any work undertaken by public authorities to access services, if not reinstated by the public authority.
- (iii) Environmental Health Services provided comments with respect to noise and the acoustic report, with the comments included in **Attachment 10.3.1(g)**. This section generally raises no objections and has provided comments that can be incorporated into the recommended important notes.
- (iv) The Ranger Services section provided comments with respect to street parking and traffic. This section generally raises no objections and provided the following comment:
 - There have been no complaints received in regards to car parking in Tate or Lawler Streets near the church site within the past 2 years.

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officers.

(d) External Agencies

This application did not require comments from external agencies.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

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

Sustainability Implications

Being non-residential land use, it is considered that the development enhances sustainability by providing local businesses, employment opportunities and child care services within the local community. In addition, the proposal results in the use of a building which otherwise largely lies dormant during the week, therefore increasing land use efficiency.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and Council Policy objectives and provisions, as it will only have a minor detrimental impact on adjoining residential neighbours and streetscape. Provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1

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 the proposed additions to South Perth Baptist Church [Religious Activities] including child day care centre on Lot 52 (No. 2) Lawler Street, South Perth **be approved** subject to:

(a) Standard Conditions

427	colours & materials- details	393	verge & kerbing works
425	colours & materials- new & existing match	470	retaining walls- if required
382	bicycle parking (x8)	471	retaining walls- timing
508	landscaping approved & completed	455	dividing fences- standards
512	outstanding landscaping- provided	456	dividing fences- timing
513	outstanding landscaping- details	625	sightlines for drivers
415	street tree- fee yet to be paid (\$1550.00 GST exclusive)	550	plumbing hidden
210	screening- permanent	445	stormwater infrastructure
352	car bays- marked and visible	560	rubbish storage screened
354	car bays- maintained	377	screening - clothes drying
390	crossover- standards	660	expiry of approval

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) The first floor Meeting Room windows (south west wall) shall be redesigned and/or relocated to prevent overlooking of the adjoining property by either:
 - (i) Increasing the setback of the windows to 4.25 metres or greater from the north western boundary, so that the 6.0 metre cone of vision does not extend over the boundary; or
 - (ii) Increasing the sill height to 1600mm or greater above the floor level; or
 - (iii) The use of fixed obscure glass, glass blocks or the installation of another form of effective screening; or
 - (iv) Reducing the size of the windows to less than 1 sq. metre in aggregate; or
 - (v) The deletion of the windows;

- (B) The fencing located adjacent to south eastern side of car parking bay 5 shall be setback 0.3 metres or greater from the car bay, in accordance with clause 6.3(8) of *Town Planning Scheme No. 6*:
- (ii) For the surface of the boundary walls not visible from the street, on the north western side of the lot, the applicant is to obtain the adjoining owner's agreement as to the surface finish of the wall. If the adjoining owner's agreement is not obtained, the surface finish is to be compatible with the external walls of the neighbour's dwelling. Details in this respect are to be included on the plans submitted with a building permit application (refer also to Important Note [708]).
 - (iii) The maximum number of people permitted in the child day care centre is limited to the following:
 - (A) 56 children; and
 - (B) 9 staff.
 - (iv) The hours of operation of the child day care centre are limited to the following:
 - (A) Monday to Friday inclusive - 7:00am to 6:30pm.
 - (v) In the event that the parts of the building on the ground floor level allocated for the child day care centre are used for a religious activities event or service, the upper floor level of the building shall not be used at the same time, as there is insufficient car parking available onsite or the adjoining streets to cater for the whole building being used for religious activities at the same time.
 - (vi) Details of any signage associated with the religious activities or child day care centre are expressly not part of this planning approval, as none has been proposed. A separate planning application is required if any external signage is proposed.
 - (vii) As advised by the City's Engineering Infrastructure Services, the car parking bays proposed within the Lawler Street road reserve shall be constructed to the City's specifications, including the installation to bollards on the remaining verge to restrict access to the car park other than via the approved vehicle crossover. The car parking within the road reserve remains the responsibility of the owner to ensure public safety.

(c) **Standard Advice Notes**

700A	building permit required	762	landscaping- plan required
705	revised drawings required	708	boundary wall surface finish
706	applicant to resolve issues	709	masonry fences require BA
720	strata note- comply with that Act	790	minor variations- seek approval
716	fences note- comply with that Act	795 B	appeal rights- council decision

(d) **Specific Advice Notes**

- (i) It is the responsibility of the Applicant to liaise with the City's Environment, Engineering Infrastructure, Environmental Health and Ranger officers to ensure satisfaction of all of the relevant requirements.

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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CARRIED EN BLOC RESOLUTION

10.3.2 Policy P304 ‘Narrow Lot Design Guidelines’: Rescission

Location:	City of South Perth
Applicant:	Council
File Ref:	LP/801/15
Date:	1 November 2012
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Vicki Lummer, Director, Development & Community Services

Summary

Policy P304 ‘Narrow Lot Design Guidelines’ (originally identified as Planning Policy No. 22) was adopted in 1993, almost 20 years ago. It became redundant some time ago because it was overtaken by provisions in the Residential Design Codes. The policy has not been in use for many years and needs to be rescinded.

Background

This report includes **Attachment 10.3.2**, being Policy P304 ‘Narrow Lot Design Guidelines’.

Policy P304 is still displayed on the City’s website although it has not been used for many years. The originally adopted policy, then known as Policy No. 22, was accompanied by detailed Design Guidelines relating to the creation of narrow lots. However, only the covering Policy is on the website, not the accompanying Guidelines.

Comment

The provisions in Policy P304 are now covered by the Residential Design Codes and the policy is redundant. Therefore it should have been rescinded some years ago, but this had been overlooked and only recently came to light in response to an enquiry.

Consultation

No consultation is required in connection with rescission of Policy P304, although the rescission needs to be advertised in the *Southern Gazette*.

Policy and Legislative Implications

Clause 9.6 of the City’s Town Planning Scheme No. 6 sets out the procedure for making new planning policies and for amending or rescinding existing policies. Subclause (5)(b) states that a planning policy may be rescinded by publication of a formal notice of rescission once in a local newspaper circulating in the district.

Financial Implications

There are no financial implications other than the cost of the statutory notice of rescission.

Strategic Implications

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

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

There are no sustainability implications in relation to this matter.

Conclusion

This report relates to a necessary minor administrative action – the overdue rescission of a redundant policy.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2

That

- (a) Planning Policy P304 'Narrow Lot Design Guidelines' at **Attachment 10.3.2** is hereby rescinded; and
- (b) in accordance with Clause 9.6 of the City of South Perth Town Planning Scheme No 6, notice of the rescission of Planning Policy P304 'Narrow Lot Design Guidelines' be published once in the *Southern Gazette* newspaper.

CARRIED EN BLOC RESOLUTION

10.3.3 Proposed Two-Storey Additions to Single House - Lot 286 (No. 96) King George Street Kensington

Note: Following a written request by the applicant, this item has been withdrawn from the November 2012 Council Meeting Agenda.

10.3.4 Amendment to Delegation D370, D371 and D372 – Building Services

Location:	City of South Perth
Applicant:	Council
File Ref:	GR/502
Date:	26 October 2011
Author:	Vicki Lummer, Director, Development & Community Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

In July 2012 Council resolved to approve delegation for additional City officers in regards to Building Permits for the City, as the employees of the Building Department that had delegation had resigned.

In October 2012 the City employed a qualified Building Surveyor to undertake duties relating to the *Building Act 2011* amongst other duties. The title of the new employee has been changed from previous building services employees. As a consequence, the delegations D370, D371 and D372 are required to be amended again to include the title.

This report includes the following attachments:

- **Attachment 10.3.4(a)** Existing Delegations from Council to Authorised Officers
- **Attachment 10.3.4(b)** New Delegations from Council to Authorised Officers

Background

The *Building Act 2011* became effective on 2 April 2012 and has brought 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 has established 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 introduction of the new *Building Act 2011* has resulted in difficulties for many Local Government Authorities as they have struggled to cope with new processes and procedures, an exodus of Building Surveyors from Local Government to private practice and legislated timeframes and requirements that they have not been able to meet.

In July 2012, Council assigned new delegations to the CEO, Director Development and Community Services, Manager Development Services and Manager Governance and Administration after the resignation of the Team Leader Building Services and the Building Surveyor in order to undertake private building surveying work.

The City has successfully recruited a new professional in the building department, with the title of Coordinator Building Services.

Permits

The City is 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 delegations for issuing these permits are at **Attachment 10.3.4(a)** and the amended delegations are at **Attachment 10.3.4(b)**. The delegations have been amended by adding in the following officer: *Co-ordinator Building Services*

Delegation of Powers

Local Government can under section 127 of the *Building Act 2011* 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.

Conclusion

In order to maintain the provision of adequate customer service in building, the City has employed a new Co-ordinator Building Services. The new title is required to be added to the relevant delegations and this report recommends that course of action.

Policy and Legislative Implications

Delegation under Section 127 of the *Building Act 2011*.

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

There are no financial implications as a result of this report.

Sustainability Implications

There are no sustainability implications as a result of this report.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4

That Council adopts amendments to the following delegations, made under Section 127 of the *Building Act 2011* , to include an additional assigned Officer

- DC 370 Grant or refuse to grant a building Permit
- DC 372 Grant or Refuse to Grant Occupancy Permits or Building Approval Certificates
- DC 371 Grant or Refuse to Grant a Demolition Permit

CARRIED EN BLOC RESOLUTION

10.3.5 Proposed Amendment No. 30 to Town Planning Scheme No. 6 – Car Parking and Cash In Lieu of Car Parking Bays; and Proposed Planning Policy P315 “Car Parking Reductions for Non-Residential Development”

Location: City of South Perth
Applicant: Council
File Ref: LP/209/30
Date: 9 November 2012
Author: Emmet Blackwell, Senior Strategic Projects Planner
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

The principal purpose of Amendment No. 30 is to rationalize existing Town Planning Scheme No. 6 (TPS6) provisions regarding cash in lieu of car parking bays, specifically the ability to use funds collected by the City for the provision of transport infrastructure, rather than be limited to the supply of car parking bays. At the same time Amendment No. 30 intends to rationalise and update the existing car parking provisions within TPS6.

In support of Amendment No. 30, officers have also prepared a complimentary draft Planning Policy P315 “*Car Parking Reductions for Non-Residential Development*” to allow a reduction of the number of car parking bays required for non-residential Uses, where there are significant opportunities to promote alternate modes of transport or utilise existing transport and car parking infrastructure.

In addition to initiating Amendment No. 30, Council is requested to endorse draft Policy P315 for the purpose of advertising for public submissions.

Background

Since TPS6’s initial gazettal in 2003, the current cash in lieu provisions under Clause 6.3 have not been effectively implemented for two reasons. Firstly, Council has no discretion regarding the method in which the cash in lieu payment shall be calculated. In the same vein, Clause 6.3 currently restricts Council’s allocation of the cash in lieu payments to car parking related infrastructure such as timed meters and additional car parks which are in accordance with a firm proposal by Council and must be implemented within 5 years of the planning approval being granted. As a result, Council has not been able to effectively utilise TPS6’s cash in lieu provisions due to their restricted nature, instead opting to grant car parking variations in an ad hoc manner without always capturing any value from the approved car parking shortfall.

Amendment No. 30 seeks to provide increased flexibility to the method used to calculate cash in lieu of car parking payments, so that the merits of applications can be considered on a case by case basis. The second intention is to broaden the range of transport infrastructure that the cash in lieu payments can be spent on, to include alternate modes of transport to a private motor vehicle, including walking, cycling and public transport.

An ancillary component of Amendment No. 30 is to bring the car parking requirements of Table 6 for the residential components of mixed use developments in line with the Residential Design Codes, as such requirements are recognised to be inconsistent and out-dated.

Draft Policy P315 shall provide increased guidance to applicants and Council regarding the circumstances under which variations to the car parking requirements in Table 6 of TPS6 should be permitted. This is recommended as in recent years applicants have used various evidence including other nearby Local Governments Scheme requirements and proximity to public transport as justification for variations. With no policy as guidance, assessment of such evidence is difficult and inconsistent.

Comment

The Amendment No. 30 report comprising **Attachment 10.3.5(a)** discusses the rationale for the proposal. The Amendment will modify TPS6 in the following areas:

- Revised provisions will allow Council to spend cash in lieu payments on additional transport infrastructure in the vicinity of the development site, or to acquire land for the provision of additional transport infrastructure;
- A new method for the calculation of cash in lieu funds required for deficit bays will give Council discretion to include any of the following costs:
 - (a) the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by the Council;
 - (b) the cost to the Council of constructing the deficit bays; and
 - (c) the cost to the Council of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.
- Any costs incurred by the Council in estimating the amount of a cash-in-lieu payment shall be paid by the applicant seeking planning approval.
- The cash-in-lieu payment shall be payable in such a manner and at such time as Council determines.
- Cash-in-lieu payments received by Council shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse Council for any related expenses, including loan repayments, which it incurs in providing and maintaining transport infrastructure.
- Additional sub-section to clause 7.8(2), which restricts the scheme provision Council are permitted to vary with their discretion, outlining that Council shall not vary the way in which the numbers of deficit car parking bays are determined for the purpose of cash-in-lieu of car parking payments.
- Removing specific car parking requirements for residential uses from Table 6 which are not in line with the current Residential Design Codes in regard to the residential components of Mixed Developments' and replacing these requirements with a reference to the Residential Design Codes.
- Adding definitions to Schedule 1 for the following terms:
 - (a) "Cash-in-lieu payment";
 - (b) "Transport Infrastructure"; and
 - (c) "Comprehensive new development".

Draft Policy P315 contains provisions to address the following areas (refer **Attachment 10.3.5(b)**).

- Table 1 provides a range of performance criteria which if successfully justified by the applicant can allow a reduction in the number of car parking bays required under table 6 of TPS6. The performance criteria address the following factors:
 - Distance to a rail station;
 - Distance to a bus stop/station;
 - Distance to a public car parking place;
 - Mixed use developments including residential components; and
 - Provision of 'end-of-trip' cycling facilities or secure bicycle parking.

- Table 2 describes the method to be applied when calculating the number of deficit car parking bays in the case that a reduction is applied to the number of car parking bays required using per table 1.
- Table 3 lists the City managed car parking facilities considered to be “public car parking places” in the context of table 1.
- As the Canning Bridge Precinct will have its own reduced car parking requirements in the future, when those requirements come into force (not anticipated for at least 5 years), then the policy will no longer apply to this Precinct, as per the provisions under the section ‘Policy Scope’.

Given the complex nature of Amendment No. 30 and draft Policy P315, an example of the intended method of implementation is provided in the form of a development application previously approved by Council which contained a significant car parking shortfall, being a mixed use development which included both residential and commercial use at numbers 3 & 5 Barker Avenue Como, which was approved at Council’s meeting on the 13th December 2011 (item number 10.3.3). Coincidentally in this example, the numbers reflect exactly what Council resolved to approve.

If draft Policy P315 is applied to the development application at numbers 3 & 5 Barker Avenue Como, under Table 1, the following performance criteria factors are met:

Criteria Reference	Percentage Reduction	Adjustment Factor	Factors to be successfully justified by the applicant to the City
2	15 percent	0.85	The proposed development is within 400 metres** of a bus stop/station.
4	20 percent	0.80	The proposed development contains a mix of uses, where at least 45 percent of the gross floor area is residential, provided that the required provision of visitor bay's for each use are made available to visitors at all times.
6	10 percent	0.90	The proposed development provides ‘end-of-trip’ facilities* for bicycle users, in addition to any facilities required under Clause 6.4(5);

In order to calculate the total adjustment factor permitted under Table 1 of P315, adjustment factors which have been successfully met are multiplied:

$$0.85 \times 0.8 \times 0.90 = \mathbf{0.612}$$

The total adjustment factor is then multiplied by the total number of onsite car parking bays required under Scheme and related policy provisions, providing the reduced number of car parking bays permitted under Policy P315:

$$92 \times 0.612 = \mathbf{56 \text{ onsite car parking bays}}$$

Summary of onsite car parking assessment for 3&5 Barker Avenue Como	
Onsite car bays required under TPS6 and R-Codes	92
Onsite car bays proposed by the applicant	56
Onsite car bays approved by Council (13 December 2011)	56
Onsite car bays required under Draft Policy P315	56

Consultation

At this stage, no community consultation has been undertaken. Formal advertising procedures will be implemented in this regard following Council’s endorsement of the Amendment No. 30 and draft Policy P315.

Advertising of draft Policy P315 could commence before public consultation on Amendment No. 30, however it is considered appropriate to bring both items back to Council at the same meeting for final adoption.

In the course of preparing Scheme Amendment No. 30 and draft Policy P315 the Manager Development Services, Strategic Urban Planning Adviser and Senior Statutory Planning Officers have been consulted.

Policy and Legislative Implications –Amendment No. 30 to TPS6

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 30 is set out below, together with an estimated time frame associated with each stage of the process:

Stages of Advertising and Adoption of Amendment No. 23	Estimated Time Frame
Preliminary consultation under Policy P301	Not applicable
Council resolution to initiate Amendment No. 30 to TPS6	11 December 2012
Council adoption of draft Amendment No. 30 for advertising purposes	11 December 2012
Referral of draft Amendment proposal to EPA for environmental assessment during a 28-day period, and a copy to the WAPC for information	Mid December 2012
Public advertising period of not less than 42 days	Commencing January 2013
Council consideration of submissions and final consideration of Amendment No. 30 for final adoption	March/April 2013 Council meeting
Referral to the WAPC and Minister for Planning for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 30; • Three signed and sealed copies of Amendment No. 30 to TPS6 and publication in <i>Government Gazette</i> 	Unknown

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

Public advertising of Amendment No. 30 will commence upon receiving favourable assessment and advice from the Environmental Protection Authority.

Policy and Legislative Implications – Policy P315

Clause 9.6 of TPS6 sets out the required process for adoption of a planning policy. Public advertising of a new planning policy is an important part of this process. Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The process as it relates to draft Policy P315 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stages of Advertising and Adoption of Policy P315	Estimated Time Frame
Council resolution to consider the modified Policy P315 for advertising	11 December 2012
Public advertising period of not less than 21 days	Commencing January 2013
Council review of the draft Policy P315 in light of submissions received and outcome of public consultation on Amendment No. 30 to TPS6, and resolution to formally adopt the policy with/without modification, or not proceed with the policy	March/April 2013 Council meeting
Publication of a notice in one issue of the <i>Southern Gazette</i> , advising of Council's resolution	May 2013

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

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

Financial Implications

Proposed Scheme Amendment No. 30 and Policy P315 are expected to increase the total amount of cash in lieu of car parking payments received by the City, as well as making it easier for the City to allocate cash in lieu funds to related transport infrastructure projects. Policy P315 also allows for cash in lieu funds to be collected from an applicant in the case that a car parking variation to Table 6 of TPS6 is granted in accordance with Table 1 of P315 and there is a remaining number of deficit car parking bays in accordance with the calculation method outlined within Table 2 of P315.

Additionally, proposed Scheme Amendment No. 30 and Policy P315 both have financial implications in relation to statutory advertising costs, and operational costs, all of which will be met by the City.

Strategic Implications

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

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

Sustainability Implications

The proposed Amendment No. 30 and Policy P315 both promote alternate modes of transport to the private motor vehicle where there are opportunities to do so, thereby reducing transport related carbon emissions.

Conclusion

It is acknowledged that the current provisions of TPS6 discourage applicants and Council from effectively applying cash in lieu of car parking arrangements permitted under existing clause 6.3 due to a lack of flexibility. Proposed Amendment No. 30 seeks to rectify the existing unsatisfactory situation.

Draft Policy P315 will provide officers, the Council and the community with greater clarity and certainty in relation to reductions of non-residential car parking requirements in accordance with Scheme provisions, whilst retaining the effectiveness of the cash in lieu provisions within TPS6.

In light of all of the matters addressed in this report, it is considered that Council should now initiate the statutory Scheme Amendment process for the proposed Amendment No. 30 to enable the Amendment to be advertised to the public, and to adopt the draft Planning Policy P315 *Car Parking Reductions for Non-Residential Development* for public advertising.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.5

That...

- (a) the Council, under the powers of the *Planning and Development Act 2005*, hereby amends the City of South Perth Town Planning Scheme No. 6 in the manner described in **Attachment 10.3.5(a)**;
- (b) in accordance with section 81 of the *Planning and Development Act 2005*, the amendment be forwarded to the Environmental Protection Authority for its assessment under the *Environmental Protection Act 1986*;
- (c) the amendment being forwarded to the Western Australian Planning Commission for information;
- (d) upon receiving the Environmental Protection Authority's clearance, advertising of Amendment No. 30 shall be implemented in accordance with the *Town Planning Regulations 1967* and the City's Planning Policy P301 *Consultation for Planning Proposals*; and
- (e) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 30:

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.

- (f) in accordance with clause 9.6 of the City of South Perth Town Planning Scheme No. 6, draft Planning Policy P315 *Car Parking Reductions for Non-Residential Development* comprising **Attachment 10.3.5(b)** be adopted for advertising;
- (g) public advertising of draft Policy P315 be implemented in accordance with Council Policy P301 *Consultation for Planning Proposals*; and
- (h) a report on any submissions received on Amendment No. 30 and draft Policy P315 be presented to the same Council meeting following the conclusion of both advertising periods.

CARRIED EN BLOC RESOLUTION

10.4 STRATEGIC DIRECTION 4: PLACES
Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT

10.5.1 Declaration for Road Safety

Location:	City of South Perth
File Ref:	GO/106
Date:	3 November 2012
Author:	Paul Edwards - Traffic & Design Coordinator
Reporting Officer:	Stephen Bell, Director, Infrastructure Services

Summary

To support the City's active role in road safety and ongoing commitment to the guiding principles of the *Towards Zero, the Western Australian road safety strategy 2008-2020* it is recommended that the City sign a *Declaration of Road Safety* as noted at **Attachment 10.5.1(a)**.

Background

At an Elected Member briefing held on the 2 October 2012, WALGA representative Ms Ruth Wernham provided Council with an overview of the following:

- the State Government publication *Towards Zero, the Western Australian road safety strategy 2008-2020*, and more particularly, the emphasis on reducing the number of crashes and road safety generally;
- the safe systems approach to road safety; and
- the need for all local governments in WA to demonstrate a commitment to working towards zero road fatalities and serious injuries through the signing of a Declaration for Road Safety.

This report seeks endorsement by the Council to sign the Declaration for Road Safety at **Attachment 10.5.1(a)** as a demonstrated commitment to working towards zero road fatalities and serious injuries in the City of South Perth. The Declaration of Road Safety was drafted by WALGA.

Comment

Safe Systems Approach

Towards Zero, the Western Australian road safety strategy 2008-2020 is based on the safe system approach to road safety – an internationally recognised and evidence based approach which provides a holistic framework for long term and sustainable improvements in road safety.

The long-term vision of *Towards Zero* is of a road transport system where crashes resulting in death or serious injury are virtually eliminated. This approach to road safety involves combining ambitious targets and evidence based interventions to create the safest vision for road safety

A Safe System approach benefits all road users and has four essential elements, these being:

- Safe road use (driver behaviour);
- Safe roads and roadsides;
- Safe speeds; and
- Safe vehicles.

The guiding principles of the Safe System approach for Local Government are as follows:

- *The limits of human performance* - We all make mistakes and we all need to acknowledge the limits of our capabilities.
- *The physical limits of human tolerance to violent forces* - We are physically vulnerable when involved in a traffic crash.
- *Shared responsibility* - This means all of us take an individual and shared role in road safety.
- *A forgiving road system* - when crashes do happen, deaths can be avoided and injuries minimised.

The City actively embraces the Safe Systems approach and is signed up as a pilot local government for Phase 2 of WALGA's Local Government Safe System Improvement Program. As part of this program, the City of South Perth (Metro) and Town of York (Rural) have been working closely with WALGA to deliver an action plan that ensures that road safety is clearly addressed within the organisations strategic, corporate, operational, and long term financial plan (and annual budget) and relevant policies/practices.

A flyer outlining the Safe Systems Approach is at **Attachment 10.5.1(b)**

Declaration of Road Safety

The Declaration for Road Safety stands as a voluntary opportunity for Local Government, and other agencies, to demonstrate a political commitment to work towards zero road fatalities and serious injuries, and to participate in a sector wide leadership approach.

It does not commit Local Governments to actions beyond current resources, standards or means, but provides a statement of intent and acknowledges the moral and ethical role Local Governments have in their communities. Essentially, the Declaration provides an opportunity for local leaders to pledge to future generations that every road death is one too many.

The Declaration of Road Safety can be amended to suit individual needs and commitments, should they wish to strengthen its intent, or include locally relevant statements. In this regard, WALGA is encouraging all Local Governments to demonstrate a commitment to working towards zero road fatalities and serious injuries through this Declaration.

The Declaration has been developed based on:

- Towards Zero, the Western Australian road safety strategy 2008-2020
- The Safe System Guiding Principles for Local Government
- Moscow Declaration, from the First Global Ministerial Conference on Road Safety

Consultation

An elected member briefing was held on 2nd October 2012

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Direction 5.2 – Transport - *“Ensure transport and infrastructure plans integrate with the land use strategies and provide a safe and effective local transport network.*

Sustainability Implications

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic, transport and road safety needs of the community.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1

That Council declares its support for road safety by becoming a signatory to the Declaration for Road Safety as shown at **Attachment 10.5.1(a)**.

CARRIED EN BLOC RESOLUTION

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - October 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 November 2012
Author:	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

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 previously 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 Management 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 reflects the City's 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 adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide 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 capital 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 2012/2013 Adopted Budget and the 2012/2013 Amended Budget including the introduction of the capital expenditure items carried forward from 2011/2012.

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

Comment

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

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

Operating Revenue to 31 October 2012 is \$36.76M which represents just over 100% of the \$36.68M year to date budget. Revenue performance is very close to budget expectations overall although there are some individual line item differences.

Meter parking is 9% ahead of budget whilst a turnaround in infringement revenue performance sees that item now 10% favourable to budget expectations. Reserve interest revenues are presently 3% behind budget expectations to date whilst municipal interest revenue is on budget. There is a risk however, that future interest rate cuts may have a further adverse impact on anticipated interest revenues for the rest of the year. Rates revenue is now on budget figures despite receiving late advice of some downwards GRV adjustments immediately before the rates strike. The overall result for the Rating area is slightly better than anticipated because interest revenues and administration fees from instalment payment options are higher than anticipated.

Planning revenues are 22% above budget - largely due to the receipt of revenues relating to Town Planning Amendments 27 & 38. Building Services revenues are now in line with budget after a very significant (20%) downwards adjustment in the Q1 Budget Review (following a significant drop in local government revenues as builders opt to use private certifiers). This revenue shortfall has been partly offset through lower staffing costs in the area.

Collier Park Village revenue is now in line with budget expectations following an upwards budget adjustment to account for higher than anticipated revenues from Council rates (returned to CPV for garden maintenance) and higher than expected revenue from rental units. Collier Park Hostel revenue is now 1% ahead of target at month end.

Golf Course revenue is 1% above budget target. Green fees are slightly ahead of budget but lease revenue is less than expected - largely offsetting the favourable variance on green fees.

Infrastructure Services revenue includes the (unbudgeted) proceeds of a vehicle trade-in that was deferred from the previous year. The largest revenue item in the Infrastructure area is waste management levies which are now right on target after a Q1 Budget Review adjustment to recognise the billing of a higher number of services than was anticipated when budget modelling was done. There are also some additional contributions revenues for third party private works - which will result in some additional costs being incurred in the recoverable works area. These unanticipated items were also adjusted in the Q1 Budget Review.

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

Operating Expenditure to 31 October 2012 is \$16.79M which represents 98% of the year to date budget of \$17.11M. Operating Expenditure is 4% under budget in the Administration area, 13% over budget for the golf course and 2% under in the Infrastructure Services area.

For most administration areas, cash operating expenses are typically on budget or favourable to budget due to a combination of factors including favourable timing differences on invoicing by suppliers for materials, savings on utilities and currently vacant staff positions.

Most parks infrastructure maintenance activities (other than streetscape maintenance) are reflected as being favourable to budget expectations. These variances are largely timing in nature and are expected to reverse as maintenance programs roll out in the park maintenance, grounds maintenance, building maintenance and environmental services areas. Streetscape maintenance is currently 11% over budget following an accelerated start to the first 4 months on the street tree maintenance program.

In the Engineering Infrastructure area, road, path and drainage maintenance activities are all slightly under budget. Street sweeping is on budget whilst street lighting is favourable to an over-stated budget allocation. This anomaly has been corrected for future months.

Cash operating expenses in the overheads area for both City Environment & Engineering Infrastructure are close to budget. Recoveries against jobs for overheads are now very close to budget expectations - reflecting the success of the re-calibration of this area during the 2012/2013 budget development process.

Waste management costs are currently on budget overall with savings on collection costs and the City's contribution to the Rivers Regional Council (RRC) offsetting additional costs being incurred on the kerbside collection service. This extra cost relates to the most recently accepted tender for kerbside collection and additional funding was addressed in the Q1 Budget Review.

Golf Course expenditure is currently unfavourable to budget due to a combination of factors including significantly increased power charges since the introduction of the new reticulation system, accelerated spending on some maintenance activities and unplanned consultancy costs associated with the Island Nine upgrade. Remedial action options are being considered to bring course maintenance costs closer to budget expectations to avoid further depletion of the golf course cash reserves.

There are some budgeted (but vacant) staff positions across the organisation. Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 3.1% under the budget allocation for the 228.9 FTE positions approved by Council in the budget process. 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 \$0.33M at 31 October - under the year to date budget of \$0.40M due to a timing difference on the leasing of two units at the Collier Park Village. Details of capital revenue variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**.

Capital Expenditure at 31 October is \$2.57M representing 100% of the year to date budget.

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	7,500	6,727	89%	456,000
Major Community Projects	110,000	77,597	70%	1,450,000
Financial & Information Services	408,000	423,251	96%	880,000
Development & Community Services	247,500	254,605	97%	765,000
Infrastructure Services	1,712,245	1,658,223	107%	11,050,512
Waste Management	17,365	19,240	111%	165,000
Golf Course	74,535	112,521	151%	406,014
UGP	0	22,131	-%	0
Total	2,577,145	2,574,295	100%	15,172,526

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.1

That

- (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 **Attachments 10.6.1(6)(A) and 10.6.1(6)(B)** be received;
- (d) the Rate Setting Statement provided as **Attachment 10.6.1(7)** be received.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 October 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	11 November 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 & 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 \$53.86M (\$54.78M last month) compare favourably to \$51.43M at the equivalent stage of last year. Reserve funds are \$1.3M higher overall than the level they were at the same time last year - reflecting \$1.0M higher holdings of cash backed reserves to support refundable monies at the CPV & CPH. The Asset Enhancement Reserve is \$0.3M higher. The Sustainable Infrastructure Reserve is \$0.4M higher whilst the Technology Reserve and Plant Replacement Reserves are each \$0.3M lower. The Waste Management Reserve is \$0.3M higher and the River Wall Reserve and Future Building Reserves are \$0.2M higher. The Future Municipal Works Reserve is \$0.1M higher when compared to last year. The CPGC Reserve is also \$0.7M lower as funds were applied to the Island Nine project. The Future Parks Reserves is \$0.1M higher whilst various other reserves are modestly lower.

Municipal funds are \$0.94M higher than last year at present as a consequence of the timing of outflows on capital projects, accelerated receipt of grant funds and collections from rates being close to last year's excellent result so far.

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 \$19.5M (compared to \$20.5M last month). It was \$18.5M at the equivalent time in 2011/2012. **Attachment 10.6.2(1).**

(b) Investments

Total investment in money market instruments at month end was \$51.83M compared to \$48.91M at the same time last year. This is due to higher Reserve & Municipal cash investments as a consequence of good collections and 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 all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently none invested in BBB+ rated securities.

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

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

Total interest revenues (received and accrued) for the year to date total \$0.79M - compared to \$0.74M at the same time last year. Whilst the City now has higher levels of cash invested at this time, the prevailing interest rates have been lower.

Investment performance continues to be monitored in the light of current low 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 5.17% with the anticipated weighted average yield on investments yet to mature now sitting at 4.83% (compared with 4.97% last month). At-call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 3.00% since the 2 October 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 October 2012 (after the due date for the first instalment) represent 70.5% of rates levied compared to 72.0% at the equivalent stage of the previous year.

This result continues to reflect a good acceptance of the City's 2012/2013 rating strategy, communications and the range of convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies have provided strong encouragement for ratepayers - as evidenced by the collections to date.

Collection efforts have been impacted by the absence of a key staff member during October but renewed collection efforts are underway in November which should close the gap between last year's collection record and this year's in the near future.

(ii) General Debtors

General debtors (excluding UGP debtors & Pension Rebates on Rates) stand at \$1.13M at month end (\$1.12M last year) (\$0.95M last month). GST Receivable is significantly less than the balance at the same time last year but Sundry Debtors are higher whilst Pension Rebate Claims are slightly higher.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

(iii) Underground Power

Of the \$7.39M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), some \$7.25M was collected by 31 October with approximately 87.8% of those in the affected area having now paid in full and a further 11.7% opting to pay by instalments. The remaining few properties were disputed billing amounts which are being pursued by external debt collection agencies as they have not been satisfactorily addressed in a timely manner. Collections now represent 98.1% of the billed amount - including interest and charges.

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).

Since the initial \$4.48M billing for the Stage 5 UGP Project, some \$3.41M has already been collected with 68.7% of property owners opting to settle in full and a further 27.4% paying by instalments so far. The remainder (3.9%) have yet to make a satisfactory payment arrangement and have now received a follow up account statement seeking at least an instalment payment in the immediate future. Further collection actions will follow in the event of no response being received to this invitation to commence payment.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.2

That Council receives the 31 October 2012 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Listing of Payments

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	10 November 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 October 2012 and 31 October 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 cannot be individually debated or withdrawn.

The report format reflects contemporary practice in that it 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. These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3

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

CARRIED EN BLOC RESOLUTION

10.6.4 Capital Projects Review to 31 October 2012

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	13 November 2012
Author:	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 31 October 2012. Officer comment is provided only on the significant identified variances as at the reporting date.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 100% of the year to date target - and 17% of the full year's budget. The Executive Management Team acknowledges the challenge of delivering the remaining capital program and remains cognisant of the impact of:

- contractor availability
- community consultation on project delivery timelines
- challenges in obtaining complete bids for small capital projects.

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

The capital expenditure budget now also includes some projects carried forward from 2011/2012 into the new year – a process which was important not only for workforce continuity but also in effectively managing organisational cashflows.

Comments on the broad capital expenditure categories are provided in **Attachment 10.6.1(5)** of this agenda - and details on specific projects impacting on this situation are provided in **Attachment 10.6.4(1)** and **Attachment 10.6.4(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Sustainability Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.4

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 October 2012, as per **Attachments 10.6.4(1)** and **10.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

10.6.5 Council Meeting Schedule 2013

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/2
Date:	12 November 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer: :	P McQue, Manager Governance and Administration

Summary

The purpose of this report is to adopt the Council Meeting / Agenda Briefing Schedule for the 2013 year.

Background

It is customary to set the Council meeting calendar as early as possible so that meeting dates are known and dates can be advertised to the public well in advance. Typically, Council meets on the fourth Tuesday in each month with the Agenda Briefing on the preceding Tuesday.

Exceptions to the above for 2013 are:

- during January when the Council is in recess any urgent matters that may arise, that the Chief Executive Officer does not have authority to deal with, will be the subject of a Special Meeting of Council. Clause 3.1 of the Standing Orders Local Law 2007 '*Calling and Convening Meetings*' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government as he is empowered to do in accordance with the *Local Government Act*; and
- in December when the ordinary scheduled Council meeting date is usually brought forward by one week to accommodate the Christmas period. In 2013 this would mean the December meeting would be held on 17 December, only four working days before Christmas Eve which would allow very little time for the preparation of the Council Minutes and the implementation / 'action' of Council resolutions. It is more appropriate that the December Council Meeting be brought forward by 2 weeks to 10 December (as was the case with the December 2010, 2011 and 2012 Meetings).

Comment

A resolution is required to adopt the Council Meeting / Agenda Briefing Schedule for the year 2013. The dates of all of these meetings, open to the public, are known well in advance and can therefore be advertised early in the new year. The 'standard' meeting schedule for 2013 is as follows:

Council Agenda Briefings 2013		Ord. Council Meetings 2013	
January	Recess	January	Recess
February	19.2.2013	February	26.2.2013
March	19.3.2013	March	26.3.2013
April	16.4.2013	April	23.4.2013
May	21.5.2013	May	28.5.2013
June	18.6.2013	June	25.6.2013
July	16.7.2013	July	23.7.2013
August	20.8.2013	August	27.8.2013
September	17.9.2013	September	24.9.2013
October	15.10.2013	October	22.10.2013
November	19.11.2013	November	26.11.2013
December	03.12.2013	December	10.12.2013

The changes proposed for January and December have been custom and practice at the City of South Perth for many years. This report is proposing continuation of this practice, albeit that for 2013 the December meeting has been brought forward by two weeks instead of the customary one week to accommodate the timing of the Christmas break. There is minimal public impact expected by the proposed changes.

Special Council Meetings

Special Council meetings are generally called on a needs basis and as a result, it is not possible to predict in advance when such meetings will be held.

Consultation

It is proposed to advertise the Council Meeting / Agenda Briefing Schedule for the year 2013 in the Southern Gazette newspaper and to update the internet 'Schedule of Meetings' accordingly. In accordance with normal practice the contents of Agendas for all meetings are included on the internet under 'Minutes / Agendas' and displayed on the Noticeboards in the Libraries and outside the Civic Centre Administration Offices.

Policy Implications

Adopting the Council Meeting schedule for the forthcoming year is in common with past practice and in line with the *Local Government Act Regulations* which state that: *at least once each year a local government is to give local public notice of the dates, time and place at which Ordinary Council Meetings/Briefings open to the public are to be held.*

Financial Implications

N/A

Strategic Implications

In line with Strategic Direction 6 "Governance" of the City's Strategic Plan which states: *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 on the Council / Briefing meeting schedule for 2012 contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND] COUNCIL DECISION ITEM 10.6.5

That the Council Meeting Schedule for 2013, as detailed in Item 10.6.5 of the November 2012 Council Agenda be adopted and advertised for public interest.

CARRIED EN BLOC RESOLUTION

10.6.6 Applications for Planning Approval Determined Under Delegated Authority

Location: City of South Perth
Applicant: Council
File Ref: GO/106
Date: 1 November 2012
Author: Rajiv Kapur, Manager, Development Services
Reporting Officer: Vicki Lummer, Director, Development & Community Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of October 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 October 2012, fifty (50) development applications were determined under delegated authority at **Attachment 10.6.6**.

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 Council’s Strategic Plan. Strategic Direction 6 is expressed in the following terms:

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

Sustainability Implications

Reporting of applications for planning approval determined under delegated authority contributes to the City's sustainability by promoting effective communication.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6

That the report and **Attachment 10.6.6** relating to delegated determination of applications for planning approval during the months of October 2012, be received.

CARRIED EN BLOC RESOLUTION

10.6.7 Final Report of the Metropolitan Local Government Review

Location:	City of South Perth
Applicant:	Council
File Ref:	A/ME/1
Date:	19 November 2012
Author:	Cliff Frewing, Chief Executive Officer

Summary

On the 25 October 2012, the Minister for Local Government released the Final Report on Metropolitan Local Government Review. This Report known as the "Robson Report" has been progressing to finalisation over the past 15 months or so.

The Minister appointed Professor Alan Robson and two other highly qualified persons (Doctor Peter Tannack AM and Doctor Sue van Leeuwen) to form the Metropolitan Local Government Review to Panel to prepare a report on the structural reform of local government. The Panel's Terms of Reference were as follows:

1. *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.*
2. *Identify current and anticipated national and international factors likely to impact in the next 50 years.*
3. *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, accountability and State imperatives among other things the Panel may identify during the course of the review.*
4. *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.*
5. *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; and*
6. *Present a limited list of achievable options together with a recommendation on the preferred option.*

The Final Report lists a number of recommendations which are detailed below together with officer comment.

The State Government has not provided any comment or guidance on the content of the Robson Report and has given a public submission period of approximately five months for community comment. The comment period closes on Friday, 5 April 2013.

Background

The topic Local Government Reform has been with the WA Local Government industry for a considerable period of time. In particular, the topic of reform has been active for the last five years when the Western Australian Local Government Association (WALGA), on behalf of the industry, initiated its Systematic Sustainability Study (SSS) study. Whilst a considerable amount of work was conducted by WALGA as part of this process, the work was not finished because the Minister, on behalf of the Government, announced that the State Government would be driving the Reform process.

In February 2009, the WA Minister for Local Government announced that he was keen to see reform of local governments in the State, with changes that may result in changes in four areas:

- A reduction in the number of elected members to between 6 and 9;
- Regional groupings of Councils for service delivery;
- Amalgamations of local governments; and
- Boundary changes.

In response to this, the City in August 2011 (item 10.0.3) prepared a submission on the matter of Elected Member Representation and Ward boundaries, and agreed to reduce the number of Elected Members from 13 to 9 and the number of Wards from 6 to 4 with effect from October 2013. The Local Government Advisory Board has since agreed with this proposal and the new arrangements have been gazetted to come into effect in 12 months-time.

The Independent Metropolitan Governance Review Panel, chaired by Professor Robson, released an Issues Paper together with a series of questions in October 2011, inviting public submissions by 23 December 2011 to which the Council responded (item 10.6.6).

Following the consideration of submissions, the Panel released their Draft Findings in April 2012 seeking final comment by 25 May 2012 to which the Council responded with a comprehensive submission (item 10.6.8).

In relation to amalgamation, numerous discussions have been held with neighbouring local governments, in particular the City of Belmont (which ultimately decided its fate lay in the Eastern metropolitan area) and the Town of Victoria Park (which decided to “stay as is” for the time being).

Comment

The Robson Report contains 30 recommendations, however the recommendations generating the most interest relate to the number of local governments that, in the Panel’s view, best suits the metropolitan area.

At the current time, there are 30 metropolitan local governments of varying sizes and capacities which the Panel found, will not serve the Perth metropolitan areas best interests into the future. When the draft findings were released by the panel earlier this year for comment, three options were identified as follows:

- (a) 10 – 12 Local Governments
- (b) 5 – 6 Local Governments
- (c) 1 Metropolitan Local Government

Most local governments regard the single local government option and the 5-6 local government option as a “red herring” and did not favour the 10-12 local governments’ option. Interestingly, the Premier is on the record as saying that he would prefer a solution of between 15-20 local governments.

During the course of the Robson Panel conducting its investigations, WALGA has continued to be involved in coordinating a response on behalf of metropolitan local governments. For example, in May 2012, WALGA conducted a survey of metropolitan local governments and arrived at the following consensus (in part):

“WALGA supports a Governance Model for the Perth metropolitan region consisting of approximately 15-20 local governments, and will work towards achieving the objective, based on sustainability principles, with reference to Directions 2013, using existing local government boundaries as a starting point.”

The Robson Report finally recommended the 10-12 local governments option based on the Strategic Regional Planning Centres as follows:

Strategic Regional Planning Centres of Perth, Armadale, Cannington, Fremantle, Joondalup, Morley, Midland, Stirling, Rockingham and Yanchep (emerging).

In addition, two local governments should be based around ‘secondary centres’ ie Claremont and Cockburn. The 12 local governments created under this model would have an average population of 190,000 in 2026.

Interestingly, whilst Claremont is described as a ‘Strategic Metropolitan Centre’ in Directions 2031 (along with other areas such as Booragoon, Victoria Park and Bentley – but these centres have been overlooked) and could arguably be designated as a major activity centre, the same cannot be said for Cockburn which is not identified as such.

The Panel developed principles for Metropolitan Local Government Review based on the Organisation for Economic Co-operation and Development (OECD) principles, for improving governance in metropolitan areas. The seven principles developed by the Panel were:

- **Long-term approach:** the Panel’s recommendations will focus on long-term and strategic proposals for local government in the metropolitan area. This approach will ensure Perth is prepared for the future and able to sustain a productive economy, diverse communities and a healthy environment.
- **Community outcomes:** community wellbeing, both short and long term, will underpin the Panel’s recommendations. Change to local government, if required, should improve metropolitan Perth for the people that live in it, work in it, and visit the area.
- **Equity:** the Panel’s recommendations will seek equity, not only among the residents of the metropolitan area, but equity between generations. Decisions made now should not adversely affect future generations.
- **Clarity:** the Panel’s recommendations will seek clarity as to which level of government, or other organisation, is best placed to provide services to communities. The recommendations will identify funding sources, and provide evidence of the sustainability of any proposed arrangements.
- **City scale:** the Panel will make recommendations for the benefit of metropolitan Perth as a city. While acknowledging the diversity of local communities, and the value of local-level governance, the Panel will focus on outcomes that are best for the metropolitan area as a whole.
- **Best city:** the Panel’s recommendations will build on the best of Perth’s attributes, ensuring its future as a sustainable, liveable, attractive, competitive, dynamic and

connected city while building its international reputation as one of the world's most successful cities.

- **Evidence based:** *the Panel's recommendations will be based on thorough investigation and sound research.*

These principles should be taken into account when consideration is given to the recommendations of the panel.

In relation to the Recommendations of the Robson Report, the following comments are provided in relation to each of the Recommendations made. It is proposed to further expand on these reports before a final report is submitted to Council for consideration in March 2013.

1. **The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts.**

Comment: Agreed.

This is a very worthy principle worth pursuing. The intent behind this recommendation is that all local governments should have equal access to an equitable share of non-residential (commercial and industrial) rates. The City of South Perth is disadvantaged at this time because of its relatively low portion of non-residential rates. This basically means that the rate burden is borne by residential rate payers.

2. **A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government.**

Comment: Agreed.

WALGA, LGMA and the Minister for Local Government have had a Negotiated Partnership Agreement for approximately ten years and it is periodically reviewed. Unfortunately, the State does not adhere to the principals and obligations contained in the Agreement. It is suggested that the reason for this recommendation is as a result of comments and by local governments to the panel, in this regard.

3. **The State Government facilitate improved coordination between State Government agencies in the metropolitan area, including between State Government agencies and local government.**

Comment: Agreed.

Improved coordination between state agencies and the local governments is an ongoing priority and there is a much to be improved. This may be in improving delegation, legislation, and funding.

4. **A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.**

Comment: Agreed.

No further comment necessary.

- 5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.**

Comment: Agreed.

This partly relates to the introduction of Development Assessment Panels (DAPs). It is doubtful whether the development application process has been improved with the introduction of DAPs. During the period of their introduction, the City has had only three applications referred to a DAP.

- 6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.**

Comment: Agreed.

It has been recognised for some time that without State Government intervention, local government cannot satisfactorily manage the Waste Management function. This is for two reasons: First, if a local government was to become an owner/operator of a Waste Management plant (or a principal user) funding up to \$100M would be required or guaranteed for each plant. Secondly, the State needs to ensure that adequate land is appropriately zoned for this purpose and is prepared to make that land available to local government.

- 7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups.**

Comment: Agreed.

Many organisations have their own vision, the City of Perth will have its vision, the Committee for Perth will have its vision, and the State's view is presumably expressed in Directions 2031. The point is made however, that there is no common view of the vision of the greater City of Perth and this is a valid observation.

- 8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a 'voice' for Perth.**

Comment: Agreed.

This is a view that the City has supported in the past. This suggestion is based on a very successful model opted by Queensland Mayors (and Presidents) and can only serve to achieve a strong voice for local government. To some extent this recommendation cuts across WALGA's role but nevertheless is seen as a useful position and could potentially be negotiated with WALGA.

- 9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.**

Comment: Agreed.

The suggestion that the Lord Mayor chair a forum of mayors is logical and supported.

- 10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.**

Comment: Agreed in principle.

Subject to further information being made by “participatory governance modes” and what this actually means in practice. References are also made to place management approaches and it is suggested that this would only be relevant if the 10-12 local governments’ option is introduced as local governments will generally be much larger entities than they are now.

- 11. The existing Regional Local Governments in the metropolitan area be dissolved, the provisions in the *Local Government Act 1995* be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.**

Comment: Subject to Council agreeing with the need for Reform, the action contained in this recommendation relating to amendments to the *Local Government Act 1995* to facilitate change would be required.

Dependent upon the number of local government’s that ultimately is chosen, the need for regional local governments may or may not be relevant. Given that regional local governments have been primarily formed for the purpose of waste management treatment and other recommendations contained in the Robson Report touch on this subject, it may be that regional local governments may not be required in their current form.

If new technology to dispose of waste is selected, i.e. waste to energy (incineration) and these plants are provided by contractors without the need for capital funding or guarantees by local government, then this may also be a reason for not dissolving regional local governments in their current form.

- 12. The State Government give consideration to transferring oversight responsibility for developments at Perth’s airports, major hospitals and universities to the Metropolitan Redevelopment Authority.**

Comment: Not agreed.

By its very name Redevelopment Authority should be focussed on revitalising Perth’s priority areas. This has been particularly successful to date with the redevelopment of East Perth, Subiaco and Midland. The redevelopment is also involved in the transformation of a number of areas of central Perth as well as the Armadale Town Centre.

There is no justification provided or need identified to transfer major developments owned or controlled by either the Federal or State Government to the Redevelopment Authority. Local government is heavily involved in all of the developments contained in this recommendation and no reasonable justification has been provided to remove these developments from local government jurisdiction.

- 13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops.**

Comment: Agreed.

No further comment necessary.

- 14. The Local Government Advisory Board be dissolved and its operating and process provisions in the *Local Government Act 1995* be rescinded with the Local Government Commission taking over its roles, including consideration of representation reviews.**

Comment: Agreed, in principle.

The Local Government Commission would have much broader roles compared to the existing roles of the advisory board but unconditional support could only be given when a full assessment of the roles and functions of the Commission has been conducted.

- 15. A new structure of local government in metropolitan Perth be created through specific legislation which:**

- (a) incorporates all of the Swan and Canning Rivers within applicable local government areas;**

Comment: Uncertain.

The implications of such a recommendation are not sufficiently clear to provide meaningful comment. It is certainly agreed that some of the controls of the Swan River Trust and Local Government should be relaxed which would minimise duplication.

- (b) transfers Rottnest Island to the proposed local government centred around the City of Fremantle;**

Comment: Uncertain.

The only benefit of Rottnest Island being incorporated into the City of Fremantle is that it appears to cement the link between the Port City and the Island. Currently, Rottnest Island is incorporated into the City of Cockburn. The only area within the Perth metropolitan area that is currently not incorporated into any local government area is Kings Park.

- (c) reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.**

Comment: This is one of the critical recommendations of the Robson Report and is the subject of further comment later in the report.

- 16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.**

Comment: Not agreed.

It is suggested that other organisations may be able to participate in conducting local government's elections, such as the Commonwealth Electoral Commission. At the very least, the addition of the Commonwealth Electorate Commission would provide some competition to the Western Australian Electoral Commission.

17. Compulsory voting for local government elections be enacted.

Comment: Not agreed.

The City has previously agreed that compulsory voting may encourage politicisation of local government and councils which can have a negative affect or impact. It is also noted that whilst compulsory voting applies to Commonwealth and State Elections, these spheres of government are recognised in the Australian Constitution whereas local government is not.

18. All Mayors and Presidents be directly elected by the community.

Comment: Uncertain.

The City has previously agreed that the current system demonstrates a feature of the autonomy of local government whereby the method of election of Mayor is determined by each local government. It is odd that local government is the only sphere of government where electors have the capacity to elect a non-appointed leader.

19. Party and group nominations for local government electoral vacancies be permitted.

Comment: Not agreed.

This recommendation would clearly introduce party politicisation into local government and this is not felt as being desirable. Local government in WA is generally regarded as being free of politics which minimises opportunities for 'block voting.'

20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.

Comment: Not agreed.

This is an odd recommendation but could be supported if the same principles applied to commonwealth and state government elected representatives. No reason is given as to why local government should have a different set of principles applied to it when compared with commonwealth and state governments.

21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.

Comment: Agreed.

Clearly appropriate training is desirable for Elected Representatives and this will certainly be more important for local governments which will be consolidated to 10-12 local governments within the metropolitan area of the recommendations of the Panel are implemented.

22. A full review of current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).

Comment: Not agreed.

The system of voting has changed a number of times in recent years, and it is not believed a case has been made to change the method of voting from the current system of "first past the post".

- 23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.**

Comment: Agreed.

A review of the fees and allowances for Elected Members is long overdue.

- 24. Payments made to elected members be reported to the community on a regular basis by each local government.**

Comment: Unnecessary.

Disclosure of allowances paid is considered best practice and should be disclosed.

- 25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.**

Comment: Agreed, in principle.

This recommendation is supported on the basis that the Public Sector Commission would only provide advice and assistance to local governments. Having said that, local governments could currently call upon the commission at the present time for assistance, on a needs basis, should the need arise without there being any formal requirement in place.

- 26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.**

Comment: Agreed. No further comment necessary.

- 27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.**

Comment: Agreed.

Council will need to communicate the main components of the Robson Report and seek comment from the community. Ultimately however, as the corporate body the council will need to make the final decision on behalf of the community.

- 28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.**

Comment: Agreed.

Importantly, the Robson report does not identify the costs associated with Local Government Reform. It is very important therefore that the State Government commits to the funding of costs associated with reform, otherwise the additional costs – potentially significant costs – will need to be borne by rate payers.

- 29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State Government and local government.**

Comment: Agreed, in principle.

If Local Government Reform eventuates, an entity such as a Local Government Commission would be desirable to facilitate change.

- 30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.**

Comment: Not agreed.

It is doubtful whether the State would support all of the changes contained in the Report and in any event, the City is on record not supporting many of the directions contained within some of the recommendations.

The following information is provided in relation to **Panel Recommendation 15(c)** “A new structure of local government in metropolitan Perth be created through specific legislation which reduces the number of local governments in metropolitan Perth to 12.”

The Panel has identified and recommended two options for the future of metropolitan reform:

- **Option A – Amalgamation only** (Table 5.10 Page 133) and
- **Option B – Amalgamations and splitting of Local Government areas** (Table 5.11 Page 13.5). This is the preferred option of the Panel. .

It is considered that the Robson Report is deficient in that despite the resources allocated to the project, the report fails to:

- Adequately quantify the costs and benefits associated with either option A or option B;
- Identify the issues associated with the reform proposed, i.e. costs of merging the Town Planning Schemes, Policies and Local Laws, IT systems and EBA's and HR Practices etc.;
- Take into consideration costs of inevitable redundancies; and
- Costs associated with rationalisation of administration/civic centre buildings etc.

There are also significant issues relating to Regional Local Governments long term contracts, signage and branding etc. Surely these matters need to be taken into consideration and fully considered during the course of the decision making process. However leaving these matters aside, it is apparent that the structure of local government will be affected, at least in the following ways:

Essentially, there are at least **five options** available to the City:

- 1. Support the recommendations to become wholly merged with the City of Perth along with the Town of Victoria Park and the City of Vincent.**

This option is certainly easier to implement than Option B. In respect of the City of South Perth, it would be merged with the City of Perth, Town of Victoria Park and the City of Vincent. The following tables show the possible elected membership structure of a City of Perth under this option.

Combined new City of Perth based on current system of elected member election:

	Population	Electors	Electors	Councillor Representation (12 in total)
Perth	18,000	10,250	13.7%	2
South Perth	45,000	25,700	34.2%	4
Victoria Park	32,300	18,500	24.7%	3
Vincent	31,200	20,600	27.4%	3
TOTAL	126,500	75,050	100%	12

This option would see representatives from the City of Perth to go from controlling the organisation as it presently is, to only electing 2 of the 12 elected members. The City of South Perth and the Town of Victoria Park would have 7 elected members and could effectively 'control the council.'

The balance would change over time as populations change (particularly in the current City of Perth). The Mayor would presumably still be elected at large. It is quite likely that a candidate from south of the river would be successful because of the vastly superior number of electors from that area.

2. Support the recommendation to become partly merged with the City of Perth along with parts of Victoria Park, Nedlands, Stirling, Vincent and Cambridge.

Under this option, (the Panel's preferred option), the creation of the expanded City of Perth would include the area south of Manning Road being transferred to a new City of Canning (based around the Cannington Regional Centre). Representation data is difficult to obtain because of the lack of information regarding population and electors for the new local government.

3. Ignore the two issues above and solely concentrate on merging with Victoria Park.

This option appears to be the most logical and again, is relatively straight forward to implement. Based on the current system of elected member election, the following would result:

	Population	Electors	Ratio	Councillor Representation (8 in total)
South Perth	45,000	25,700	58%	5
Victoria Park	32,300	18,500	42%	3
TOTAL	77,300	44,200	100%	8

In the medium term, it is likely that representation would even out at 4:4 as the population of Victoria Park will increase at a greater rate than South Perth because of development around the Burswood Peninsula area.

4. Consider another option i.e. merging with Victoria Park and part of Canning (or Belmont etc.).

A more likely scenario is that if the City of South Perth and the Town of Victoria Park combined that the area should expand into the area currently administered by the City of Canning. At the very least, the area to the north of Leach Highway covering Bentley (to solve a very odd boundary alignment with the Town of Victoria Park) should be considered. Further encroachment into the current City of Canning is also a possibility. It is likely that the City of Perth may wish to 'acquire' the Burswood Peninsula and (incorporating the Casino).

5. Do nothing - stay as we are.

Unlikely to be supported by the State Government in the short, medium or long term. Change is seen as inevitable.

Consultation

The City should prepare information on the reform process and consult its community. It is doubtful whether there is a more important subject in which to consult. Various methods of consulting are available but a prominent feature in the 'Peninsula' is preferred. Residents should be encouraged to make a submission directly to the Department of Local Government.

It is proposed to include a four page insert in the January edition of the Peninsula seeking the community's feedback on the Metropolitan Local Government Review Panel's report and recommendations. The preparation on this insert will commence late November 2012, inclusive of Councillor consultation, and will be distributed via Australia Post to each property within the City the week commencing 14 January 2013. In addition, the four page insert and information on the Metropolitan Local Government report and recommendations will also be included on the City's website.

Policy and Legislative Implications

There is significant change anticipated which would require considerable change to the *Local Government Act 1995* to facilitate local government reform outcomes.

Financial Implications

It is anticipated that the outcome of the Metropolitan Local Government Review will have significant financial and sustainability 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 and draft Submission paper 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 AND COUNCIL DECISION ITEM 10.6.7

Moved Cr Hasleby, Sec Cr Gleeson

That the Council:

- (a) include a special four page Metropolitan Local Government Reform insert in the January 2013 *Peninsula* seeking the community's view on the Metropolitan Local Government Review Final Report and Recommendations; and
- (b) consider this matter in February 2013 inclusive of community comment, with a final report to be prepared for Council consideration in March 2013.

CARRIED (11/0)

10.7 MATTERS REFERRED FROM AUDIT & GOVERNANCE COMMITTEE

<p>10.7.1 Audit and Governance Committee Recommendations from Committee Meeting held 14 November 2012</p>

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/106
Date:	15 November 2012
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Phil McQue, Governance and Administration Manager

Summary

The purpose of this report is to enable Council to consider recommendations arising from the Audit and Governance Committee meeting held 14 November 2012.

Background

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

The Minutes of the Committee meeting held 14 November 2012 are at **Attachment 10.7.1**. The background to the Committee recommendations, which incorporate the officer reports, are set out in the Minutes.

The following items were considered by the Committee at its meetings held on 29 May 2012:

- (a) Audit Management Letter
- (b) Risk Review Register
- (c) draft Local Emergency Management

Comment

The Audit & Governance Committee reviewed the reports/recommendations and provided the following comments:

(A) Audit Management Letter (*Item 4.2 Audit and Governance Meeting 14.11.2012*)

Comment

A presentation on the audit process was provided by the City's Auditors. Elected Members raised questions and points of clarifications which were responded to by the Auditors. Following the discussion on the audit process the Committee supported receiving the Audit Management Letter and Report as attached to the Audit and Governance Committee Agenda of 14 November 2012..

(B) Risk Management Review Register (*Item 4.3 Audit and Governance Meeting 29.5.2012*)

Comment

The Director Financial and Information Services presented an overview of the City's risk management approach and review of the Risk Management Plan. Following a discussion the Committee endorsed the Risk Management Review Register presented as an Attachment to the Audit and Governance Committee Agenda of 14 November 2012.

(C) Local Emergency Management Plan (*Item 4.4 Audit and Governance Mtg 29.5.2012*)

Comment

Following a discussion questions were raised by Elected Members and responded to by Cr Lawrance (Chair of Local Emergency Management Committee for Canning) and the Director Infrastructure Services (Council's support office to this Committee). The Committee then endorse the Plan.

Cr Lawrance commended the Director Infrastructure Services and his team on their work in the preparation of the Local Emergency Management Plan.

Mayor Doherty requested that the commendation be included in the Committee Recommendation. The Committee agreed.

Consultation

N/A

Policy and Legislative Implications

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

Financial Implications

Nil

Strategic Implications

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

Sustainability Implications

Nil

Committee Recommendations that require a Council determination are presented hereunder:

COMMITTEE RECOMMENDATION AND COUNCIL DECISION ITEM 10.7.1

The Audit and Governance Committee recommends Council adopt the following recommendations of the Committee Meeting Held 14 November 2012:

- (A) **Audit Management Letter** (*Item 4.2 Audit and Governance Meeting 14.11.2012*)
That....
(a) the Auditors Report as at 30 June 2012; and
(b) the Audit Management Letter for the 2011/2012 financial year as submitted by the City's Auditors, Macri Partners, Certified Practicing Accountants be received.
- (B) **Risk Review Register** (*Item 4.3 Audit and Governance Meeting 29.5.2012*)
That the annual report on the current status of the Risk Management Strategy be received.
- (C) **Local Emergency Management Plan** (*Item 4.4 Audit and Governance Mtg 29.5.2012*)
That
(a) Council:
(i) take into account that the Audit and Governance Committee has considered and endorsed the LEMA Plan and supporting documentation; and
(ii) in the event that the Local Emergency Management Committee adopts the Plan without major change, resolve that the LEMA Plan be adopted without the need for further consideration; and
(b) acknowledge the leadership of Cr Lawrance, as Chair of the LEMA Committee and commend the Director Infrastructure Services, the City's supporting officer on the LEMA Committee for their work in producing the City's LEMA Plan.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 Request for Leave of Absence - Cr Lawrance

I hereby apply for Leave of Absence from all Council Meetings for the period 26 to 30 November 2012 inclusive.

COUNCIL DECISION ITEM 11.1

Moved Cr Hasleby, Sec Cr Trent

That Cr Lawrance be granted leave of absence from all Council Meetings for the period 26 – 30 November 2012.

CARRIED (11/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1. Response to Previous Questions from Members Taken on Notice

Nil

13.2 Questions from Members

13.2.1 Local Government Reform – Cr Reid

Summary of Questions

If the City of South Perth is amalgamated into a larger local / regional centre Council, what are the implications for planned disposal of assets (such as the Civic Triangle) and significant Community Developments (such as the Manning Community Hub), if these are not realised or progressed prior to such an amalgamation?

Summary of Response

The CEO responded that all contracts entered by the City of South Perth prior to amalgamation (if this occurs) will be legally binding on the “new” local government. Plans that have not generated a legally binding contract will not be binding on the “new” local government.

In the example given in the question it would not be appropriate for the City to commit to the Manning Community Hub development until revenue has been committed to fund construction costs. In this instance therefore, it would not be appropriate for the City to commit itself to the Manning Hub development before the Civic Triangle land is sold. It is anticipated that both of these events will occur within the next 12 months.

On this basis, if the sale of the Civic Triangle occurs and the contract to construct the Manning Hub building is entered into both of these events are likely to occur before any amalgamation proposal is implemented.

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

Nil

15.2 Public Reading of Resolutions that may be made Public.

Nil

16. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 8.30pm

DISCLAIMER

The minutes of meetings of the Council of the City of South Perth include a dot point summary of comments made by and attributed to individuals during discussion or debate on some items considered by the Council.

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 11 December 2012

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

17. RECORD OF VOTING

27/11/2012 7:13:32 PM

Item 7.1.1 Motion Passed 9/2

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Cr Sharron Hawkins Zeeb, Cr Chris McMullen

Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 7:14:15 PM

Item 7.1.2 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 7:15:07 PM

Item 7.2.1 – 7.2.2 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 7:18:45 PM

Item 8.3.1 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 7:19:34 PM

Item 8.3.2 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 7:20:43 PM

Item 8.4.1 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 7:24:49 PM

Item 9.0 En Bloc Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 8:04:02 PM

Amendment 1 Item 10.0.3 Motion Passed 10/1

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Cr Bill Gleeson

Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 8:11:18 PM

Amendment 2 Item 10.0.3 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 8:12:08 PM

Amended Motion Item 10.0.3 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 8:16:46 PM

Item 10.0.4 Motion Passed 10/1

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Peter Howat, Cr Colin Cala

No: Cr Betty Skinner

Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 8:21:30 PM

Item 10.6.7 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote

27/11/2012 8:23:59 PM

Item 11.1 Motion Passed 11/0

Yes: Mayor Sue Doherty, Cr Ian Hasleby, Cr Glenn Cridland, Cr Bill Gleeson, Cr Sharron Hawkins Zeeb, Cr Chris McMullen, Cr Kevin Trent, Cr Fiona Reid, Cr Betty Skinner, Cr Peter Howat, Cr Colin Cala

No: Absent: Cr Veronica Lawrance, Cr Rob Grayden, Casting Vote