

MINUTES

Table of Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	DISCLAIMER.....	4
3.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	4
4.	DECLARATION OF INTEREST	5
5.	PUBLIC QUESTION TIME.....	5
5.0	PREVIOUS PUBLIC QUESTIONS - MODIFIED RESPONSE	5
5.0.1.	Mr Chris Groom, 5 Hovia Terrace, Kensington.....	5
5.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	6
5.1.1.	Mr Barrie Drake, 2 Scenic Crescent, South Perth.....	6
5.1.2.	Mr Geoff Defrenne, 24 Kennard Street, Kensington	6
5.2	PUBLIC QUESTION TIME : 26.4.2006.....	7
5.2.1.	Mr Geoff Defrenne, 24 Kennard Street, Kensington	7
5.2.2.	Mr James Best, 77 Dyson Street, Kensington.....	8
5.2.3.	Mr Chris Groom, 5 Hovia Terrace, Kensington.....	9
5.2.4.	Mr Gary Masiello, 15 Thomas Street, South Perth	10
5.2.5.	Mr Barrie Drake, 2 Scenic Crescent, South Perth.....	10
5.2.6.	Mr Bob Simper, 32 Sandgate Street, South Perth.....	10
6.	CONFIRMATION OF MINUTES / BRIEFINGS	11
6.1	MINUTES.....	11
6.1.1	Ordinary Council Meeting Held: 28 March 2006	11
6.1.2	Special Council Meeting Held: 11 April 2006.....	11
6.2	BRIEFINGS	11
6.2.1	Agenda Briefing - March Ordinary Council Meeting Held: 21.3..2006	11
6.2.2	Concept Briefing - Strategic Financial Plan Meeting Held: 22.3.2006.....	11
7.	PRESENTATIONS.....	11
7.1	PETITIONS - A formal process where members of the community present a written request to the Council	11
7.2	PRESENTATIONS - Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.	11
7.3	DEPUTATIONS - A formal process where members of the community may, with prior permission, address the Council on Agenda items where they have a direct interest in the Agenda item.	12
7.3.1.	Mrs Belinda Moharich (Phillips Fox) representing the applicant Mr Bauwens, 38 Roseberry Avenue, South Perth . Agenda Item 9.0.1	12
7.3.2	Kareena May for the owner, Ms Visona, 59 Hovia Terrace, Kensington Agenda Item 9.3.4	12
7.3.3.	Mr Benjamin Vance for the owners 54 Lansadowne Road, Kensington. Agenda Item .9.3.5	12
7.3.4.	Mr Ben Doyle representing Total Communications “Vodafone” Agenda Item 9.3.8.....	12

MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2006

7.4	DELEGATE'S REPORTS Delegate's written reports to be submitted to the Minute Secretary prior to April 2006 for inclusion in the Council Agenda.....	7 13
8.	ANNOUNCEMENTS FROM THE CHAIRPERSON.....	13
8.1	Method of Dealing with Agenda Business.....	13
9.	R E P O R T S.....	13
9.0	MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS.....	13
9.0.1	Proposed Second Storey Addition to a Single House. Lot 67 (No. 36) Roseberry Avenue, South Perth (<i>Item 9.3.3 referred from Council meeting 28 March 2006</i>).....	13
9.0.2	Audit & Governance Committee Recommendations - Compliance Audit Return (<i>Item 9.5.1 referred from Council meeting 28 March 2006</i>).....	24
9.1	GOAL 1 : CUSTOMER FOCUS.....	33
9.2	GOAL 2: COMMUNITY ENRICHMENT.....	33
9.3	GOAL 3: ENVIRONMENTAL MANAGEMENT.....	33
9.3.1	Water Campaign Milestone 2.....	33
9.3.2	Proposed Single House. Lot 114 (No. 49) Jackson Road, Karawara.....	38
9.3.3	Proposed Two Storey Single House. Lot 16 (No. 15) Thomas Street, South Perth.....	42
9.3.4	Reconsideration of condition of Planning Approval for Proposed Additions and Alterations to Single House. Lot 24 (No. 59) Hovia Terrace, Kensington.....	51
9.3.5	Proposed two storey Single House with undercroft. Lot 71 (No. 54) Lansdowne Road, Kensington.....	55
9.3.6	Proposed Public Utility (Electricity Substation). Lots 3 and 5 (Nos. 2 and 4 - 6) Clarence Street, South Perth.....	62
9.3.7	Proposed Enclosed Patio (Sunroom) Addition to Grouped Dwelling. Lot 340 (Unit 6, No. 82) Edgumbe Street, Como.....	68
9.3.8	Proposed Telecommunications Infrastructure. Lot 5 (No. 6) Melville Parade, South Perth....	73
9.4	GOAL 4: INFRASTRUCTURE.....	88
9.5	GOAL 5: ORGANISATIONAL EFFECTIVENESS.....	88
9.5.1	2006 Future of Local Government Summit.....	88
9.6	GOAL 6: FINANCIAL VIABILITY.....	90
9.6.1	Monthly Financial Management Accounts – March 2006.....	90
9.6.2	Monthly Statement of Funds, Investments & Debtors at 31 Mar 2006.....	94
9.6.3	Warrant of Payments Listing.....	96
9.6.4	Statutory Financial Statements for Quarter ended 31 March 2006.....	97
9.6.5	Budget Review for the Quarter ended 31 March 2006.....	100
9.6.6	Strategic Financial Plan Process.....	103
10.	APPLICATIONS FOR LEAVE OF ABSENCE.....	105
10.1	Request for Leave of Absence - Cr Gleeson 19.5.2006 - 31.5.2006.....	105
11.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	106
11.1	Notice of Motion Councillor Maddaford 18.4.2006 Submission re Revision of the Residential Design Codes (R-Codes).....	106

MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2006

12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	.106
13.	MEETING CLOSED TO PUBLIC.....	107
	13.1 Matters for which the Meeting May be Closed.....	107
	13.2 Public Reading of Resolutions that may be made Public.	108
14.	CLOSURE	108



ORDINARY COUNCIL MEETING

**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber at Collier Park Community Centre
Wednesday 26 April 2006 commencing at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance. He then acknowledged and welcomed visiting Mill Point Rotary exchange student Pedro Moreira Viana from the Rotary Club Divinopolis in Brazil.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer following the close of Deputations at Item 7.3.

3. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Present:

Mayor J Collins, JP (Chairman)

Councillors:

G W Gleeson	Civic Ward
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic & Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Development Services
Ms D Gray	Manager Financial Services
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Gallery

Approximately 35 members of the public present and 1 member of the press.

Apologies:

Cr M B McDougall	Civic Ward - leave of absence
Mr R Burrows	Director Corporate and Community Services - annual leave

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

5.0 PREVIOUS PUBLIC QUESTIONS - MODIFIED RESPONSE

At the Council meeting held 28 March 2006 the following questions from Mr Chris Groom were provided in writing prior to the meeting. A response was prepared by the Acting Director Strategic and Regulatory Services. The response included in the March 2006 Council Minutes has since been re-assessed and is now provided hereunder.

5.0.1. Mr Chris Groom, 5 Hovia Terrace, Kensington

Summary of Question

The officer's report on the proposed alterations to the Metro Hotel reports that there are 98 car bays available on site, or that could be made available with the proposed alterations. How many of these car bays meet the minimum size requirements as detailed in the City of South Perth Town Planning Scheme 6 including the supplementary requirement that any bays adjacent to a wall or column be a minimum of 300 mm wider?

Summary of Response

Subsequent to providing the responses to Mr. Groom's questions as recorded in the Minutes of the March Council meeting, the application drawings have been more closely scrutinised. Due to minor drafting inaccuracies in those drawings, it has been now established that there are a larger number of parking bays that technically do not meet the requirements of Town Planning Scheme No. 6 (TPS6) relating to the dimensions of parking bays. Accordingly, the following information is now provided in place of the previous response to the questions:

Of the 100 parking bays shown on the applicant's drawings, 68 comply with the dimensions prescribed by TPS6.

Summary of Question

How many car bays, complying with the minimum size requirements of the City of South Perth Town Planning Scheme No. 6 could be made available on the area proposed for parking?

Summary of Response

At this stage, definitive information cannot be provided regarding the number of parking bays, complying with the minimum size requirements of TPS6 that could be made available. Various design options are available to the project architect with respect to re-configuring bays on site. The number of bays which could be provided would be dependent upon alternative design solutions.

Drafting inaccuracies on the applicant's drawings have the effect of showing some parking bays within rows of a lesser dimension than prescribed by TPS6 while others are shown with larger dimensions. With accurate drafting, the number of bays of complying dimensions would increase beyond the number identified on the drawings already submitted.

Based upon the submitted drawings, a number of the parking bays do not comply with prescribed dimensions due to the location of columns adjacent to parking bays. In this respect, it is important to note that the parking configuration is pre-existing and was established at a time when parking requirements were different from those prescribed today. A large number of these parking bays, while of a lesser dimension than now prescribed by TPS6 are considered to be functional and capable of continued use. It is appropriate for the Council to consider this factor when dealing with any further application for the redevelopment or upgrading of the property. Clause 7.8 of TPS6 "Discretion to Permit Variations from Scheme Provisions" gives Council the capacity to exercise discretion in this respect.

These responses relate to the drawings submitted by the applicant for planning approval. As part of the City's assessment of any future development application, the actual on-site parking arrangement will be considered in conjunction with the applicant's drawings.

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 28 March 2006 the following questions were taken on notice:

5.1.1. Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Question

At the July 2003 Council Meeting I asked: *When will the Council install a footpath from Scenic Crescent to Sir James Mitchell Park ie along Heppingstone Street to Lamb Street?* The written response received advised the path extension would be included for consideration in the 2004/05 Capital Works Program. When will the path be built bearing in mind there is no path on either side of the road?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 April 2006, a summary of which is as follows:

In response to your question taken on notice at the March Council meeting regarding a new footpath in Heppingstone Street between Scenic Crescent and Lamb Street I can advise that it has been listed on the Capital Works Program for 2006/07. The program will be presented to Council at the July Budget meeting with the recommendation that it be adopted. The footpath had been previously listed on the Five Year Forward Works Schedule having been omitted from the 2004/05 Program. The existing path section from Mill Point Road to Scenic Crescent is listed on the Slab Replacement Program for 2006/07. The inclusion of the new path section from Scenic Crescent would complement the replacement works and provide a very good pedestrian link to Sir James Mitchell Park.

5.1.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

I note the Agenda Item for the Metro Inn has been withdrawn. At the Special Electors meeting held to discuss the Metro Inn proposal it was stated that the required number of parking bays was 160, at the March Council Agenda Briefing the number was changed to 180 and that figure was then changed again in the report to 271. This represents three changes in little over a week. Which figure is the CEO confident is correct? When did the CEO become confident with the figure as presented? Was the CEO confident that any of the other figures were correct? Is the CEO confident there is no other changes required?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 5 April 2006, a summary of which is as follows:

The number of required car bays quoted at the Special Electors' Meeting did not take into account requirements prescribed by Town Planning Scheme No. 6 (TPS6) for three existing function rooms on the first floor of the building which were not proposed to be physically modified as part of the application in question. When assessed under TPS6 requirements, those function rooms would require an additional 119 car bays, bringing the total car parking requirement for the building to 279 bays. I am satisfied that the officer's March 2006 report contained correct information in relation to that withdrawn proposal.

5.2 PUBLIC QUESTION TIME : 26.4.2006

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that 2 minutes would be allowed to formulate questions, not statements, and that questions must relate to the area of Council's responsibility. He further stated that questions would be taken from the gallery on a rotational basis, with written questions being dealt with first and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.03pm.

5.2.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Note: Mr Defrenne provided the following questions, in writing prior to the commencement of the Council meeting. The Mayor read aloud the questions as follows:

Summary of Questions

1. The draft Minutes of the March 2006 meeting show that public question time lasted 13 minutes.
 - (a) Did the CEO inform the Deputy Mayor that the Deputy Mayor cut question time short when I had further questions to ask Council and that it was in breach of the *Local Government Act*?
 - (b) What action will the CEO take to ensure that Question Time is not cut short when the public has further questions?
 - (c) Will the CEO have the Council amend the Minutes of the March meeting to note that the public question time was cut short and a member of the public had further questions?
2. In response to my question at the March Council Meeting, the CEO said it was dangerous for some possible legal aspect to measure the height of 10 Jubilee Street. How could it be dangerous to measure a building that the Council has a statutory obligation to ensure that it complies with the Town Planning Scheme?
3. Previously, I have asked a series of questions regarding the compliance of the Councillors and Council staff in lodging Annual Financial Returns.
 - (a) Did all Councillors lodge their 2005 Annual Financial Returns by the required date?
 - (b) Did all the required Council staff lodge their 2005 Annual Financial Returns by the required date?
 - (c) If a Councillor or staff member failed to lodge the required Return by 31 August, has the CEO reported the matter to the Corruption and Crime Commission as 'failure to lodge' as required is deemed serious misconduct?

4. I note in response to my question at the March Council Meeting regarding the parking requirements for the Metro Inn, the CEO stated that he was confident the report as presented to the Council Meeting was correct. I also note that the CEO has modified his response to Mr Groom stating the amount of compliant parking bays at the Metro Inn is only 68 and not the 98 in the officer's report to Council.
 - (a) In revising the required parking requirement from 180 to 271, was this done in response to a query from the public?
 - (b) In revising the required parking bays available from 98 to 68, was this done in response to a query from the public?
 - (c) Does the CEO still have confidence in the report as presented to Council was correct?

Summary of Response

1. The Mayor responded that the March Minutes, at the close of Public Question Time state: *there being no further questions the Deputy Mayor closed Public Question Time at 7.18pm.* He then reiterate that when there were no further questions the Chair has every authority to close public question time early and in reading the March 2006 Council Minutes that is what happened.
2. The Chief Executive Officer advised that this question has been asked and answered previously. He stated that the answer then and now is that it would set a dangerous precedent to measure the building.
3. The Mayor responded that this question was taken on notice.
4. The Mayor responded that this question was taken on notice

5.2.2. Mr James Best, 77 Dyson Street, Kensington

Note: Mr Best tabled the following written questions prior to the commencement of the Council meeting. The Mayor read aloud the questions as follows:

I refer to the Technology Precinct Master Plan deputation I made to this Council on 25 October 2005 on behalf of the Kensington Community Association. Has Council seen the 'Bentley buildings on boom' article in today's West Australian newspaper? What is the Council proactively doing to protect the residential amenity and the billions of dollars of mum and dad assets in the City of South Perth during the proposed development of Technology Park, to quote:... "to attract more people to the area by developing residential areas, a hotel and retail space"?

Summary of Response

The Mayor stated that following meetings with Planning Minister MacTiernan and dialogue with the Technology Park Precinct Working Party Consultants that it has now been agreed that the City of South Perth will receive frequent updates on the progress of the Technology Park Master Plan. He further stated that the Working Party Consultants were not involved in a true 'planning' sense but would be providing the City with progress information on the Master Plan and that the City in turn will be following this through.

5.2.3. Mr Chris Groom, 5 Hovia Terrace, Kensington

Summary of Question

In relation to the Metro Hotel development, last month I asked:

The officer's report on the proposed alterations to the Metro Hotel reports that there are 98 car bays available on site, or that could be made available with the proposed alterations. How many of these car bays meet the minimum size requirements as detailed in the City of South Perth Town Planning Scheme 6 including the supplementary requirement that any bays adjacent to a wall or column be a minimum of 300 mm wider?

How many car bays, complying with the minimum size requirements of the City of South Perth Town Planning Scheme 6 could be made available on the area proposed for parking?

The initial response provided to me stated:

The applicant's drawings submitted as part of the application for the Metro Hotel (now withdrawn from the March 2006 Council agenda), show a total of 100 car bays on site. For the reasons explained in the officer's report, 98 of these bays are considered to be 'functional'. Based on the applicant's drawings, 2 car bays on the upper level and 1 bay on the lower level car park, do not meet the minimum size requirements of TPS6. The remaining 95 bays meet the minimum size requirements.

Based on the drawings forming part of the now withdrawn application for the Metro Hotel, if the car park were to be redesigned taking into account the actual physical constraints reflected on the plans, at least 95 car bays complying with TPS6 requirements could be accommodated on the site. While the 'underwidth' bays are less convenient to use, they are still functional.

I then asked that the questions be answered correctly as part of the response provided talks about 'functionality of bays' whereas I did not asked about functionality of bays.

Summary of Response

The Chief Executive Officer advised that a response was provided on Page 3 of the April Council Agenda which included the initial questions asked and advised Councillors and the public that:

Subsequent to providing the responses to Mr. Groom's questions as recorded in the Minutes of the March Council meeting, the application drawings have been more closely scrutinised. Due to minor drafting inaccuracies in those drawings, it has been now established that there are a larger number of parking bays that technically do not meet the requirements of Town Planning Scheme No. 6 (TPS6) relating to the dimensions of parking bays. Accordingly, the following information is now provided in place of the previous response to the questions:

Of the 100 parking bays shown on the applicant's drawings, 68 comply with the dimensions prescribed by TPS6.

Mr Groom stated that the revised reply provided in the April Council Agenda is still incorrect - in particular the 'discretion'.

The Mayor responded that he would take the questions on notice and have the response provided reviewed.

5.2.4. Mr Gary Masiello, 15 Thomas Street, South Perth

Summary of Question

Are you aware that Councillor Bill Gleeson has requested that Item 9.3.3 on the Council Agenda be withdrawn?

Summary of Response

The Mayor responded yes.

5.2.5. Mr Barrie Drake, 2 Scenic Crescent, South Perth

Summary of Question

At last month's meeting I asked: *When will the Council install a footpath from Scenic Crescent to Sir James Mitchell Park along Heppingstone Street?* All I want is a simple date.

Summary of Response

The Director Infrastructure Services advised that it was difficult to provide a specific date as the project was part of the Council's Capital Works Program and that while items such as the footpath down Heppingstone Street were considered it was a Council decision as to which projects were approved for implementation. He further advised that the footpath for Heppingstone Street would again be listed for consideration in the next Budget.

5.2.6. Mr Bob Simper, 32 Sandgate Street, South Perth

Summary of Question

In February I raised the issue of bins / rubbish outside the Coles Supermarket in Anstey Street. When is Council going to do something about bringing this organisation into line to comply with health regulations etc?

Summary of Response

The Director Strategic and Regulatory Services stated that the question was taken on notice.

Summary of Question

There is a problem with the footpath outside the Coles Supermarket in Anstey Street, in particular in relation to the Optus communications lid in the footpath. There are also similar situations with communication lids situated behind the Telecom Building (Post Office) in Angelo Street and at the corner of Hensman and Sandgate Streets. When will Optus be brought into line.

Summary of Response

The Director Infrastructure Services stated that the question was taken on notice.

Close of Public Question Time

There being no further questions the Mayor closed Public Question Time at 7.25pm

6. CONFIRMATION OF MINUTES / BRIEFINGS

6.1 MINUTES

6.1.1 Ordinary Council Meeting Held: 28 March 2006

6.1.2 Special Council Meeting Held: 11 April 2006

COUNCIL DECISION ITEMS 6.1.1 AND 6.1.2

Moved Cr Wells, Sec Cr Maddaford

That the Minutes of the Ordinary Council Meeting held 28 March 2006 and the Special Council Meeting held 11 April 2006 be taken as read and confirmed as a true and correct record.

CARRIED (11/1)

NOTE: CR JAMIESON REQUESTED HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

6.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, not open to the public, 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.

Note: As per Council Resolution 11.1 of the Ordinary Council Meeting held 21 December 2004 Council Agenda Briefings, with the exception of *Confidential* items, are now open to the public.

6.2.1 Agenda Briefing - March Ordinary Council Meeting Held: 21.3.2006

Officers of the City presented background information and answered questions on items identified from the March 2006 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 6.2.1**.

6.2.2 Concept Briefing - Strategic Financial Plan Meeting Held: 22.3.2006

Officers of the City presented an update on the Strategic Financial Plan for 2006/07-2010/11 and answered questions. Notes from the Concept Briefing are included as **Attachment 6.2.2**.

COUNCIL DECISION ITEMS 6.2.1 AND 6.2.2

Moved Cr Maddaford, Sec Cr Macpherson

That the comments and attached Notes under Items 6.2.1 and 6.2.2 on the Council Agenda Briefings held since the last Ordinary Meeting of Council on 28 March 2006 be noted.

CARRIED (12/0)

7. PRESENTATIONS

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

Nil

7.2 PRESENTATIONS -	Formal or Informal Occasions where Awards or Gifts may be Accepted by the Council on behalf of the Community.
----------------------------	---

Nil

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

Opening of Deputations

The Mayor opened Deputations at 7.28pm and advised that speakers would be permitted 10 minutes each to address the Members.

7.3.1. Mrs Belinda Moharich (Phillips Fox) representing the applicant Mr Bauwens, 38 Roseberry Avenue, South Perth . Agenda Item 9.0.1

Mrs Moharich spoke on Agenda Item 9.0.1 and requested Council to exercise its discretion to impose a condition requiring a flat roof. Copies of suggested 'wording' of an additional condition requiring a flat roof were circulated to Members.

7.3.2 Kareena May for the owner, Ms Visona, 59 Hovia Terrace, Kensington Agenda Item 9.3.4

Ms May spoke against the officer recommendation and commented on the following points in the report:

- 'Performance Criteria R Codes'
- Neighbours' consent
- Design of proposed extension
- Existing character and amenity of area; and
- R Codes and the intent thereof.

7.3.3. Mr Benjamin Vance for the owners 54 Lansdowne Road, Kensington. Agenda Item 9.3.5

Mr Vance spoke against the officer recommendation and raised the following points:

- Design of the proposed development;
- Setbacks;
- Boundary Walls;
- Finished floor level;
- Crossover and driveway; and
- Visual privacy

7.3.4. Mr Ben Doyle representing Total Communications "Vodafone" Agenda Item 9.3.8

Mr Doyle spoke against the officer recommendation and raised the following points:

- Existing telecommunications infrastructure on the subject site;
- Compliance with Clause 1.6 of Town Planning Scheme No. 6;
- Compliance with Clause 7.5 of Town Planning Scheme No. 6;
- Compliance with Clause 6.15 of Town Planning Scheme No. 6; and
- Potential to reduce height of antennas to 3 metres above building.

Photographs of the proposed infrastructure site were tabled.

Close of Deputations

The Mayor closed Deputations at 7.55pm and thanked everyone for their comments.

Note: The Mayor read aloud the City's Disclaimer at this point in the meeting and prior to the officer reports and recommendations being considered by Council.

7.4 DELEGATE'S REPORTS	Delegate's written reports to be submitted to the Minute Secretary prior to 7 April 2006 for inclusion in the Council Agenda.
-------------------------------	--

Nil

8. ANNOUNCEMENTS FROM THE CHAIRPERSON

8.1 Method of Dealing with Agenda Business

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 18 April 2006.

The Chief Executive Officer confirmed that this was correct.

The Mayor then advised that a request to consider Item 9.3.3 at the next meeting had been received from the applicant concerned and that this matter would be considered later in the Agenda.

COUNCIL DECISION ITEM 8.1- EN BLOC RESOLUTION
--

Moved Cr Doherty, Sec Cr Ozsdolay

That the officer recommendations in relation to Agenda Items 9.3.1, 9.3.2, 9.3.6, 9.3.7, 9.6.1, 9.6.2, 9.6.3, 9.6.4 and 9.6.6 be carried en bloc.

CARRIED (12/0)

9. REPORTS

9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

9.0.1 Proposed Second Storey Addition to a Single House. Lot 67 (No. 36) Roseberry Avenue, South Perth <i>(Item 9.3.3 referred from Council meeting 28 March 2006)</i>

Location:	Lot 67 (No. 36) Roseberry Avenue, South Perth
Applicant:	Tangent Nominees Pty Ltd
File Ref:	11/6547 - 11.2005.490
Date:	3 April 2006
Author:	Frank Polglaze, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The application is for a second storey addition to a Single House. The application complies with the 'Planning' requirements of the City of South Perth. The matter has been referred to a Council meeting at the direction of the Chief Executive Officer in response to concerns expressed by an adjoining property owner regarding the effect of the proposed development on their existing views.

The matter was deferred at the March 2006 Council meeting, as a result of matters raised by an adjoining neighbour and a representative acting on the behalf of that neighbour. These matters are addressed under the "Comment" section of this report under the heading "Matters Raised at March Council Meeting".

Background

This report includes the following attachments:

- Confidential Attachment 9.0.1(a):** Plans of the proposed developmental.
- Confidential Attachment 9.0.1(b):** Letter from Summit Home Improvements, dated 17 February 2006
- Confidential Attachment 9.0.1(c):** Submission from neighbouring landowners dated 6 November 2005.
- Confidential Attachment 9.0.1(d):** Submission from Planning Solutions on behalf of the neighbouring landowner received 14 November 2005.
- Confidential Attachment 9.0.1(e):** Unsigned Deed of Agreement submitted at Council Meeting held 28 March 2006.
- Confidential Attachment 9.0.1(f):** Submission from neighbouring landowner provided at Council Meeting held 28 March 2006.
- Confidential Attachment 9.0.1(g):** Submission from another neighbouring landowner provided at Council Meeting held 28 March 2006.
- Confidential Attachment 9.0.1(h):** Submission from Phillips Fox on behalf of neighbouring property owner provided at Council Meeting held 28 March 2006.

Zoning:	Residential
Density coding:	R15
Lot area:	540 sq. metres
Height limit:	7.0 metres

The development site is adjoined by residential zoned land and is shown below:



Comment

The owners of the property to the south-east of the development are concerned about the loss of views as a result of the proposed development.

Based upon amended drawings submitted to the City on 27 January 2006 the proposed development now complies with the requirements of the Residential Design Codes and the City's Town Planning Scheme No. 6.

This report clarifies why the submitted drawings comply with Council's Planning Policy P373_T "Views". The 'Background' section of Policy P373_T states that:

"While giving some consideration to the effect of proposed developments on existing views, Council is also mindful of the fact that 'when a person buys a house, he/she does not buy the view'. At best, views currently enjoyed over neighbouring properties can only be regarded as "borrowed views."

"Nevertheless, where the protection of one person's views would not interfere with another person's reasonable development entitlements, Council will expect new developments to have regard to existing views."

Clause 2 of Policy P373 states that:

"Without affecting the intention of Policy Provision 1 (Provision 1 is not in this instance relevant), where:

- (a) an adjoining land owner lodges a valid objection regarding the effect of a proposed development on views; and*
 - (b) it is possible to maximise views currently enjoyed by that adjoining land owner without affecting potential views from an applicant's proposed dwellings;*
- Council may require design changes with the object of maximising views for both parties."*

The proposed development will have a significant impact on the views currently enjoyed from the adjoining south-eastern property. Therefore, the objection to the proposed development by the adjoining neighbour is valid under part (a) of clause 2 of the Policy.

The determination is therefore whether it is possible to modify the current drawings to maximise views currently enjoyed by that adjoining land owner without diminishing the potential views from the applicant's property. In order to test the situation in this regard, the City has asked the applicant to consider a possible amendment to the drawings currently before the Council. They responded with a letter [*Confidential Attachment 9.0.1(b)*] to the effect that the narrow width of the lot (12.4 metres) left limited scope for any modifications to the current design, and that the current design was in compliance with the Residential Design Codes.

The loss of views from the adjoining lot will be towards the north (city views), being the views from the kitchen, dining and living area and the rear balcony. It should be noted that an outlook from the dining room, living room and the balcony is still achieved to the north-east, but without views to the city. To protect the adjoining neighbours' existing views from the kitchen to the balcony, the proposed two storey additions would have to be reduced by approximately 12 metres, from a total wall length of 16.5 metres. This effectively would require the deletion of the balcony, the retreat and staircase on the drawings before Council.

If only the balcony was to be deleted, limited views from the neighbours' living room to the city would be maintained and uninterrupted views to the city from their rear balcony would be maintained. However, due to the narrow width of the development site, no alternative location for a balcony is apparent on the development site. As well as the constraint imposed by the narrow width of the development site, the ability to relocate the proposed balcony is further constrained by the Residential Design Codes requirement for unscreened balconies to have a setback of 7.5 metres from a side or rear property boundary in order to comply with visual privacy provisions of the Codes. As such, the relocation of the balcony could not be supported due to the level of visual intrusion into the north-western adjoining property.

Having regard to the circumstance described above, in order to maintain some city views from the neighbour's living room and also from their rear balcony, it would be necessary for the applicant's proposed rear balcony to be deleted. This would deny the applicants their reasonable development entitlement, noting conformity of the proposed development with the standard Residential Design Codes requirements and also the City's Policy P373_T "Views".

Separately from the visual privacy requirements that have been identified, Table 1 - "General Site Requirements" of Codes prescribes a setback requirement of 6.0 metres from the proposed dwelling to the rear property boundary. A rear setback of 14.4 metres has been provided, being 8.4 metres in excess of the R-Code requirement. Therefore, the proposed length of wall of the proposed development cannot be said to constitute 'overdevelopment' of the site.

In the opinion of the assessing officer, the Council could not require the modification of the current drawings without interfering with the reasonable development entitlements of the owner of No. 36 Roseberry Avenue. Under these circumstances, it is recommended that the current drawings before Council be approved without modification.

Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

As stated in subclause (1) of clause 1.6, the overriding objective of Town Planning Scheme No. 6 (TPS6) is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct. The proposed development is considered to meet this overriding objective having regard to its compliance with the general provisions of TPS6 incorporating the Residential Design Codes.

The proposal is also considered to meet the general objectives set out in subclause (2) of clause 1.6 of TPS6.

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, other matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. The proposed development is considered to satisfactorily address the matters listed within clause 7.5 of TPS6, having regard to its compliance with the general provisions of the Scheme and Codes.

While the proposed development will have some adverse impact on the adjoining property primarily through the loss of views currently enjoyed from this dwelling, the concerns raised by the adjoining neighbour must be balanced against the applicants' reasonable development entitlements. In this instance, it is considered that the proposed development is reasonable, having regard to the wide range of development requirements against which the proposal must be assessed, and the demonstrated compliance with these requirements.

Matters raised at March Council Meeting

1. Deed of Agreement - Attachment 9.0.1(e)

An unsigned copy of a Deed of Agreement was presented at the March Council meeting. The Waterworths' (applicants) name appears on this document as well as that of the Bauwens, being the owners of the adjoining property at No. 38 Roseberry Avenue. The deed attempts to ensure that development on No. 32 Roseberry Avenue would be designed so as to protect views to the city from Nos. 36 and 38 Roseberry Avenue. The deed does not seek to impose any development restrictions on the subject development site at No. 36 Roseberry Avenue. In any event, a Deed of Agreement between private property owners is not binding on the City, and is not a relevant matter which Council can consider in its assessment of a development application. Additionally, this particular deed relates to development on an unrelated site, and not the site which is the subject of Council's current consideration.

2. Submitter's letter No. 1 - Attachment 9.0.1(f)

Submitter's Comment	Officer Response
Owners are very disappointed with the proposed extension.	Comment noted.
Were not notified of the proposed development by the City.	The owners of this lot were not notified; as there was no requirement to do so under Council Policy P104 "Neighbour and Community Consultation in Town Planning Processes"
Development will have a negative impact on amenity of home.	While the proposed development will adversely affect the adjoining property with respect to a restriction on the extent of existing views, the proposed development complies with the provisions of the R-Codes.
For 12 years there has been an agreement between property owners to consider the amenity of each other. This agreement has been disregarded by the owner of 36 Roseberry Ave.	This is similar to the Deed of Agreement referred to above. An understanding between private property owners is not a relevant matter that can be considered by the Council in its determination of the application.

3. Submitter's letter No. 2 - Attachment 9.0.1(g)

Submitter's Comment	Officer Response
The height and closeness to the neighbouring properties will create problems of privacy with neighbouring properties and restrict light entering these properties.	The permitted building height (wall height) under TPS6 is 7.0 metres with the proposed extensions having a wall height of 6.6 metres measured from RL10.15 being the point of highest Natural Ground Level underneath the footprint of the building. The closest wall to a side boundary is 12.5 metres long and 6.0 metres high (based on the ground height at the boundary of the adjoining lot). The required setback under Table 2a - Boundary Setbacks of the Residential Design Codes is 1.6 metres, with the setback provided being 1.9 metres. All other boundary setbacks are far in excess of the requirements of the Residential Design Codes.
The blocks in Roseberry Avenue are narrow and it is important that any extensions take into consideration the impact on adjoining properties.	See the above comments.
The proposal has not been presented to or discussed with neighbours and is creating unpleasant tension amongst neighbours	This comment appears to be related to the matter of the private understanding between private property owners. As previously stated, this understanding is not able to be considered by the Council in its determination of the application. As also referred to previously, under Council Policy P104, neighbour consultation was not required.
Would like the above matters to be considered by Council.	The development application is being determined by Council at the April meeting.

4. Submitter's letter No. 3 - Attachment 9.0.1(h)

Submitter's Comment	Officer Response
<p>Possible non-compliance with the Planning requirements of the City relating to Solar Access to adjoining buildings.</p> <p>Furthermore, the drawings lodged do not show Finished Floor Levels using the same Australian Height Datum used for the site spot levels.</p>	<p>The adjoining lot being No. 38 Roseberry Ave has an area of 518 sq. metres.</p> <p>Clause 3.9.1(A1) of the R-Codes, "Solar Access for Adjoining Sites" states that the proposed development must be designed so that the shadow cast on any adjoining property does not exceed 25% at midday on 21 June.</p> <p>On this basis, the proposed development may cast no more than 129.5 sq. metres shadow onto the adjoining property. The actual amount of overshadowing that result from the proposed development is 85 sq. metres or 16.4% per cent of the site area of the adjoining lot. Therefore, the proposed development complies with the R-Codes in this respect.</p> <p>The applicant provided the City with a revised site plan on 17 January 2006 which shows the finished floor level of the existing dwelling relative to an assumed height datum. The proposed building height was interpolated from this information and calculated at a height of 6.6 metres. Such height fits within the maximum permitted building height of 7 metres.</p>
<p>Request that the Council decision be deferred to allow for further analysis. If the Council makes a determination (<i>at the March meeting of Council</i>), possible recourse via an application to the Supreme Court for prerogative relief.</p>	<p>The matter was deferred from the March meeting to the April meeting in order for Council to be further informed on the matters raised by the submitters.</p>

Consultation

Following the Planning Officer's assessment, the applicant was requested to submit amended drawings addressing all identified areas of non-compliance. Amended drawings were submitted on 27 January 2006. These drawings have been assessed and are in compliance with all 'Planning' requirements of the City.

The proposed development was advertised to the adjoining north-eastern property owners who are affected the most by the development. Those owners and their Planning Consultant responded, objecting to the proposed development. It should be noted that their comments relate to the original drawings and not the amended drawings. The amended drawings have addressed, to the satisfaction of the assessing officer, those matters of concern that were identified in the drawings originally submitted. A brief overview of the comments from both the adjoining landowners and their Planning Consultant is provided below, together with the Planning Officer's response.

Submitters' Comments	Officer's Response
Objection to the height extension of the existing boundary wall.	Although the original plans showed an increase in the height of the boundary wall, this situation has now changed. The existing boundary wall will be retained; and its height will be reduced from that which currently exists.
The proposed extension would obliterate our privacy as all the areas would overlook our pool and back garden.	The amended drawings now show screening to the north-eastern side of the balcony. No overlooking of the north-eastern adjoining property will occur.
Negative impact on the value of their property.	The R-Codes and Council's Policy P373_T regulate the permissible form of development. The monetary effect of the proposed development upon other properties is not a matter that is directly regulated, and therefore this cannot properly be a factor in the decision-making on the current application.
The drawings do not have sufficient detail to be assessed and should therefore be refused.	Amended drawings were submitted which address the matters of concern raised by the assessing officer. The amended drawings satisfactorily address the concern raised by the submitter.
Loss of views.	This matter is discussed in the 'Comment' section of this report.

Policy and Legislative Implications

The development application has been assessed having regard to the provisions of the City's Town Planning Scheme No. 6 incorporating the Residential Design Codes and Council policies. Of particular note is Policy P373_T "Views".

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City's unique natural and built environment.*

OFFICER RECOMMENDATION ITEM 9.0.1

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 second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, **be approved** subject to:

- (a) **Specific Conditions**
 - (i) the external materials and colour finish of the proposed additions shall match with those of the existing building;
 - (ii) all plumbing fittings on external walls shall be concealed from external view as required by clause 7.5 (k) of Town Planning Scheme No. 6; and
 - (iii) the validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval.
- (b) **Important Advice Notes**
 - (i) This planning approval is **not** an authorisation to commence construction. A **building licence must be obtained** from Council's Building Services Department prior to commencing any work of a structural nature.
 - (ii) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice. There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

COMMENT ON DEPUTATION ITEM 9.0.1

The Mayor requested an officer comment on the Deputation for Item 9.0.1.

The Director Strategic and Regulatory Services stated that taking into account points raised in the Deputation that he did not recommend any changes to the officer recommendation. He further commented that the officer recommendation complies with Town Planning Scheme No. 6, the R-Codes and Council policy.

MOTION

Cr Maddaford moved the officer recommendation, Sec Cr Smith

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Maddaford opening for the Motion

- applicant had developer design alterations/additions that comply
- alterations/additions designed to meet TPS6 and R Codes
- application before us meets all requirements
- support Motion

Cr Smith for the Motion

- presumption that neighbour will approve of flat roof suggestion
- application has been properly assessed - wrong to contemplate any alternative
- no grounds in TPS6 or R Codes for application be to be refused
- owners have right to have this approved - to do anything else is a nonsense.

Cr Gleeson against the Motion

- speak against the Motion on the basis of 'amenity'
- amenity means quality and character of site and neighbouring area
- neighbouring Bauwens will live in darkness if application approved
- Bauwens will lose their amenity - will destroy natural light
- against the Motion

Mayor point of clarification - in relation to the brick wall issue I understand that has been negotiated - is that correct? The Manager Planning Services responded yes. He advised that originally the proposal incorporated a vertical extension to the existing boundary wall. That has been removed from the plan and is no longer an issue.

Cr Wells against the Motion

- always advocate no loss of natural light
- would not like this development next door
- tremendous loss of amenity / natural light
- against the Motion

Cr Cala for the Motion

- have an issue with alternative flat roof suggested during Deputations
- would have to approve something 'sight unseen' - would need to be assessed by officers
- cannot consider flat roof as part of recommendation
- support the Motion

Cr Ozsdolay against the Motion

- officer's report (Policy P373) states:
"Without affecting the intention of Policy Provision 1 (Provision 1 is not in this instance relevant), where:
(a) an adjoining land owner lodges a valid objection regarding the effect of a proposed development on views; and
(b) it is possible to maximise views currently enjoyed by that adjoining land owner without affecting potential views from an applicant's proposed dwellings;
Council may require design changes with the object of maximising views for both parties."
• believe this is valid grounds for refusal
• against the Motion

Cr Doherty point of clarification - does another application incorporating a flat roof need to go through the development / DAC process?

Director Strategic and Regulatory Services responded yes and stated that it would be difficult to assess without seeing plans.

Cr Doherty question - how appropriate would it be for officers to conduct a mediation between both parties to see if a 'win win' situation could be achieved?

Director Strategic and Regulatory Services advised this could be done at the direction of Council but that it should be recognised that the applicant potentially has a right of appeal and in that situation it would be prudent to taken into account the applicant's wishes and the applicant has indicated his position.

Cr Trent point of clarification - suggestion that the proposal be approved with a flat roof - would that not be considered a refusal?

Director Strategic and Regulatory Services stated that the suggestion during Deputations is that the flat roof be an additional condition of approval.

Cr Gleeson point of clarification - if the words in the proposed additional condition: '*revised drawings shall be submitted*' were to be deleted would that be acceptable?

Director Strategic and Regulatory Services responded that the proposed additional condition, as written, is acceptable to officers, however the issue is that it is difficult to perceive what the flat roof design would look like.

Cr Maddaford closing for the Motion

- owner of 36 Roseberry Avenue has made no request to change is application to flat roof
- owner of 36 Roseberry Avenue has done the right thing all the way
- believe if it goes to Appeal Tribunal - they will win
- should not put officers in the position of having to defend our own approval
- support the Motion

The Mayor put the Motion.

LOST (5/7)

MOTION

Moved Cr Gleeson, Sec Cr Trent

That the officer recommendation be amended by the inclusion of the following additional condition:

- (a)(iv) revised drawings shall be submitted showing a flat roof over the proposed rear balcony in place of the pitched roof shown on the submitted drawings.

Cr Gleeson opening for the Motion

- support including additional clause on grounds of amenity
- flat roof would assist neighbours to retain amenity/lifestyle they are used to
- adjoining neighbours drew up an agreement to preserve amenity for neighbours
- acknowledge proposal conforms with R Codes
- R Codes are set in concrete - amenity is not
- urge Councillors to think what the loss of amenity means
- support Motion

Cr Trent for the Motion

- cannot always achieve everything set out in Guidelines and Regulations
- there has to be some flexibility - proposed Motion achieves this
- support Motion

Cr Smith against the Motion

- cannot believe Councillors are contemplating this Motion
- what about the applicants and their amenity - application complies
- right of applicant to be able to discuss an alternative solution
- how can we impose a flat roof without discussing with the applicant
- will advise owners of the potential to Appeal this
- against the Motion

FORESHADOWED MOTION CR SMITH

Cr Smith foreshadowed that he would be moving for deferral of the proposal if the current Motion is Lost.

Mayor against the Motion

- concerned that we are discussing technical advice on the roof
- neighbourhood agreement to protect amenity is nice to have but is between neighbours but is not relevant to Council's deliberations
- to make a decision based on design of roof is unusual

Cr Macpherson point of clarification - Cr Gleeson's Motion calls for a Amendment to a defeated Motion? The Mayor stated that the Councillor introduced a new Motion using the words of the officer recommendation with the inclusion of an additional clause which makes a significant change.

Cr Wells point of clarification there was an agreement in writing among several neighbours that they would consult and that did not happen, whether that is Council business or not, why was the local agreement set up in the first place? The Mayor stated the agreement was drawn up between neighbours and did not include this Council.

Cr Ozsdolay point of clarification - Am I correct in assuming that since the original Motion has been defeated that deferral is not an option. The Mayor responded that deferral of the application was still an option. Cr Ozsdolay stated that the Motion, including the additional condition, speaks about a flat roof over the proposed rear balcony in place of the pitched roof shown on the submitted drawings. He stated that following discussions he believed that the neighbours would find this acceptable, however the Motion as tabled during Deputations states: *modification of the plans to show a flat roof above the retreat and balcony areas of the upper floor* - do not now know which is acceptable to applicant.

Cr Gleeson closing for the Motion

Nothing further to add

The Mayor put the Motion.

LOST (5/7)

MOTION

Moved Cr Smith, Sec Cr Gleeson

That this application for planning approval for second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, be deferred pending further discussion with the owner.

Cr Trent point of clarification - is this tantamount to a refusal because of timing and if so could they go to the Tribunal? The Director Strategic and Regulatory Services responded that the option of deemed refusal has lapsed. He confirmed that the applicant could go to the Tribunal.

Cr Macpherson asked: would the Mover and Secunder consider including the additional words *within the next 4 weeks* at the end of the Motion. Crs Smith and Gleeson agreed to the inclusion of the additional words.

COUNCIL DECISION ITEM 9.0.1

The Mayor put the Motion

That this application for planning approval for second storey additions / alterations to a Single House on Lot 67 (No. 36) Roseberry Avenue, South Perth, be deferred pending further discussion with the owner within the next 4 weeks.

CARRIED (12/0)

Reasons for Change

Deferred to allow further discussion with the applicant in relation to the amenity of the affected neighbour without adversely impacting on the 'liveability' and scale of the extensions.

9.0.2 Audit & Governance Committee Recommendations - Compliance Audit Return <i>(Item 9.5.1 referred from Council meeting 28 March 2006)</i>

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	10 April 2006
Author:	Sean McLaughlin, Legal & Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

At its March meeting Council requested the CEO to provide a response by way of report to the issues raised by Cr Jamieson in relation to the Compliance Audit Return - Agenda Item 9.5.1(d).

This report responds to those issues and recommends that Council adopts the Compliance Audit Return.

Background

Item 9.5.1(d) was reviewed by the Audit and Governance Committee at its meeting held on 27 February 2006. The Committee recommended that Council adopt the Return so as to enable its submission to the Department of Local Government and Regional Development by 31 March 2006.

At the March Council meeting, Cr Jamieson moved a Motion, subsequently lost, which sought to amend three items in Section (f) of the Return as follows:

- Item 19: change the response for the first dot point from 'yes' to 'no';
- Item 21: change the response from 'yes' to 'no'; and,
- Item 24: change the response for the sixth dot point from 'yes' to 'no'.

In the course of speaking to his Motion Cr Jamieson raised a further issue which was not included in his Motion. The issue related to Item 20 in Section (f) of the Return and was described by Cr Jamieson as follows: *at the Special Council Meeting on 14 February 2005 the meeting continued without a quorum for 3 minutes.*

In speaking to Items 19, 21 and 24 Cr Jamieson made the following comments:

- Item 19: 24 May 2005 meeting Public Question Time was only 13 minutes; 28 June 2005 meeting Public Question Time was only 12 minutes;
- Item 21: At the Special Council Meeting on 14 February 2005 the meeting conducted a secret ballot to determine the preferred candidate for the CEO position; and
- Item 24: Questions Taken on Notice by the Mayor at 28 June 2005 meeting were answered administratively under instructions from the CEO to the Minute Secretary following a decision by the Mayor.

As a consequence of the issues raised, further consideration of the Return was deferred to the April meeting.

Comment

Item 19

The essential element in section 5.24 of the *Local Government Act 1995* and regulation 6 of the *Local Government (Administration) Regulations 1996* concerning Public Question Time is that a minimum time of 15 minutes was *allocated* for questions to be raised by members of the public and responded to.

As regulation 6 makes clear:

“Once all the questions raised by members of the public have been asked and responded to at a meeting, nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters”.

There is nothing in the Minutes of either of the meetings nominated to suggest that the requirements of regulation 6 were not faithfully observed. The response in the Return is therefore correct.

Item 20

Item 20 in Section (f) of the Return is referable to regulation 8 of the Administration Regulations which states:

If a quorum has not been established within 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned -

(a) in the case of a council, by the mayor, or if the mayor is not presiding by the deputy mayor ...

[The regulation continues in relation to a range of other circumstances which are not presently relevant to the issue at hand.]

It is clear that regulation 8 and Item 20 have no application to the situation described by Cr Jamieson.

It may be observed in any event that it is not unusual for members to briefly leave the Council Chamber and that the critical moment for a quorum of Members to be present is during debate and at the moment of decision-making. A brief perusal of the Minutes on this occasion confirms that that was the case. Whilst it is acknowledged that a quorum did not exist for a period of three minutes during the course of the meeting, this was not the question which Item 20 asks. The response in the Return is therefore correct.

Item 21

The Minutes of the Special Council meeting disclose that:

- (i) Council resolved to conduct a ballot to determine the preferred candidate;
- (ii) ballot papers were circulated to each member; and,
- (iii) completed papers were then handed up to the Mayor for counting.

Does this method of voting offend regulation 9 of the Administration Regulations which states:

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

It is arguable that a ballot conducted as described would infringe against the regulation but final judgment on the proposition would depend on just what were the factual circumstances of the ballot. For example, if the Members simply wrote yes or no on the paper to signify whether they agreed with the choice of preferred candidate and handed the paper up to the Mayor without any attempt to hide it from their colleagues could it be said to be secret?

The vote was not a secret to the Presiding Member, whose task it was to count the votes and announce the result, because each ballot paper had the name of the Member written on it.

However because this voting method departed from the usual method of voting there remains the possibility that a voter's vote was secret and thereby infringed the regulation. Because of this possibility the relevant item on the Return will be changed to 'no' to reflect this possibility and a comment to the following effect will be added to the Return.

Item 21

The Minutes of the Special Meeting of Council held on 14 February 2005 disclose that the method of voting was conducted by ballot rather than a show of hands. Because there is the possibility that a voter's vote was secret it is possible that regulation 9 was breached.

Item 24

Regulation 11(e) of the Administration Regulations requires the Minutes of a Council Meeting to include:

A summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Regulation 7 of the Administration Regulations provides that:

Procedures for the asking and responding to questions raised by members of the public at a council meeting are to be determined by the person presiding at the meeting; or, in the case where the majority of council members of the Council present at the meeting disagree with the person presiding, by the majority of those members.

Clause 3.3 of the City's Standing Orders Local Law 2002 provides that the person presiding may decide that a public question shall not be responded to where the same or similar question was asked at a previous meeting and a response was provided.

The Minutes of the June 2005 Council meeting (the subject of Cr Jamieson's complaint) disclose that a Mr Geoff Defrenne tabled a list of 39 questions which the Mayor stated would be Taken on Notice.

The Minutes of the July 2005 Meeting of Council record that:

- (i) 39 written questions were tabled by Mr Defrenne at the June 2005 meeting;
- (ii) the Mayor as the person presiding took the Questions on Notice; and,
- (iii) a written response was provided by the CEO to Mr Defrenne by letter dated 8 July 2005.

The written response records the fact that a number of questions had previously been asked and had previously been answered. Of the remainder, a significant number of questions were referable to questions previously asked and answers previously given but these questions and answers would not necessarily be known to or remembered by Councillors or members of the public attending this Council Meeting or previous meetings. Because of this, the questions and answers could not easily be summarised in the Minutes of the Council meeting.

In view of this unusual circumstance the notation at Item 24 - dot point 6 will be amended to 'no' and a note will be added to the commentary box at page 21 of the Return as follows:

Item 24 - dot point 6:

The Minutes of the June 2005 Council Meeting, which were duly adopted by Council at its July 2005 meeting, recorded the fact that at the June 2005 Council Meeting a member of the public tabled a list of 39 questions which were Taken on Notice by the Presiding Member. The questions were subsequently responded to by the CEO by way of letter dated 8 July 2005. In view of the number and character of the questions it was not possible to unambiguously summarise the questions in the Minutes as required by regulation 11 of the Administration Regulations.

It should be noted that Cr Jamieson's comment appears to be directed to the manner in which the Mayor and CEO dealt with the request from the member of the public and his request for answers to his list of 39 questions. Clearly Regulation 7 and Clause 3.3 of the Standing Orders provide ample authority to justify the manner in which the Mayor and CEO dealt with the questions.

Consultation

The Department of Local Government and Regional Development was notified that the Return was not able to be submitted by the due date of 31 March 2006 and the reasons for the delay.

Advice was obtained from the Senior Compliance Officer in the Department with respect to the situation where a Councillor seeks to amend the notation made by a City employee in the belief that the notation is incorrect. This advice confirms that it is the responsibility of the appropriate employee to sign and notate in the manner which they consider to be correct. If the Council remains of a view which is at variance with the Return as presented to Council for adoption this fact may be noted in the Minutes of the Council Meeting which will be forwarded with the Return upon its submission to the Department.

Policy and Legislative Implications

This report is made in accordance with the requirements of the *Local Government Act 1995*.

Financial Implications

Nil.

Strategic Implications

Goal 5 - Organisational Effectiveness:

To be a professional, effective and efficient organisation.

OFFICER RECOMMENDATION ITEM 9.0.2
--

That Council note the response to the issues raised and adopt the amended Return so as to enable its submission to the Department of Local Government and Regional Development.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Macpherson

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- issues raised by Cr Jamieson have been addressed
- support recommendation that Return, as amended, be submitted

Cr Macpherson for the Motion

- dealt with this issue and heard comments
- time we moved on and dealt with issues in the running of \$200M business

AMENDMENT

Cr Jamieson moved that the Motion be amended to include the following, Sec Cr Smith

That....

- (a) Council believes the response to Section F Meeting Process question 19 bullet point one is No;
- (b) comment on Section F Meeting Process question 19 first bullet point: The May 2005 meeting allocated 13 minutes to public question time. The June 2005 meeting allocated 12 minutes to public question time. On both occasions the Mayor closed public question time without first establishing that the minimum 15 minutes of public question time had expired or there would not be further questions from the public;
- (c) comment on Section F Meeting Process question 20: Council wishes to advise that the special Council meeting held on 14 February 2005 continued without a quorum for 3 minutes. No decisions were made during this period without a quorum;
- (d) response to new comment on Section F Meeting Process question 24 bullet point 6: The comment by the responsible officer "*In view of the number and character of the questions it was not possible to unambiguously summarise the questions in the Minutes as required by regulation 11 of the Administration Regulations.*" is not accepted by Council;
- (e) additional comment on Section F Meeting Process question 24 bullet point 6: Questions Taken on Notice by the Mayor at 28 June 2005 meeting were answered administratively under instructions by the CEO to the Minute Secretary following a decision by the Mayor. Remedial action includes providing the questions and responses to the questions in the May 2006 Agenda; and
- (f) the City's responses to the 39 questions raised by Mr Defrenne at the 28 June 2005 Council Meeting be included in the May 2006 Agenda.

Cr Jamieson opening for the Amendment to the Motion

The meeting agenda page 13 on the background is incorrect as it only references part of my Motion. I raised this problem at the 18 April 2006 Agenda Briefing but the fault with the report has not been addressed.

Comments supporting parts (a) and (b):

Copied from Minutes of a set of meetings from 2005

24 May 2005:

The Mayor then opened Public Question Time at 7.05pm.

The Mayor closed Public Question Time at 7.18pm.

28 Jun 2005:

The Mayor then opened Public Question Time at 7.03pm.

The Mayor closed Public Question Time at 7.15pm.

26 Jul 2005:

The Mayor then opened Public Question Time at 7.06pm.

The Mayor closed Public Question Time at 7.24pm.

22 November:

The Mayor then opened Public Question Time at 7.03pm.

There being no more questions the Mayor closed Public Question Time at 7.08pm.

20 December:

The Mayor then opened Public Question Time at 7.03pm.

There being no further questions the Mayor closed Public Question Time at 7.08pm.

Questions Taken on Notice – June 2005 Council Meeting from Mr Defrenne

The *Local Government Act 1995* states there is to be a minimum question time. That question time is set by regulation and it is 15 minutes.

At the May 2005 Council Meeting you called an end to question time and would not allow me to ask further question as the 15 minute time had expired.

10. The Minutes of the May Council Meeting show that question time started at 7.05 and ended at 7.18. My mathematical knowledge and I would like to you think yours, calculates that as 13 minutes, does the Council agree that question time lasted only 13 minutes.

Response to Questions Taken on Notice – June 2005 Council Meeting from Mr Defrenne

Questions 10

The *Local Government Act 1995* states there is to be a question time of 15 minutes. The Minutes of the May 2005 Council meeting commenced at 7.05pm and ended at 7.18pm, lasting only 13 minutes.

Response

Procedures for asking / responding to questions raised by members of the public are determined by the Chair.

Comments supporting part (c):

Copied from the Minutes of Special Council Meeting 14 Feb 2005

Present:

Mayor, J Collins, JP (Chairman)

Councillors:

L M Macpherson	Como Beach Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Apologies:

Cr B W Hearne	Como Beach Ward
Cr I Hasleby	Civic Ward
Cr M B McDougall	Civic Ward
Cr L J Jamieson	Manning Ward (leave of absence)
Cr L P Ozsdolay	Manning Ward
Cr D S Smith	Mill Point Ward (leave of absence)

Note: The Mayor left the Chamber at 8.53pm. The Deputy Mayor, Cr Macpherson took the position as Chair. The Mayor returned to the Chamber at 8.56pm and resumed the position as Chair.

The answer to question 20 remains as yes. However I believe in openness, visibility and accountability. Since there is no question that says something like “all council meetings at all times had a quorum” for which we would have to say no, the nearest question to advise the Department of the error is question 20.

Comments supporting part (d):

Cr Jamieson requested and received a copy of the questions and a copy of the responses. The response by the City includes a summary of the questions (total length is 3 and a half pages). Therefore the statement provided by the responsible officer is factually wrong since a summary has been created.

For Council Member information, in asking his questions Mr Defrenne provided headings for his questions. They were:

- CEO – STATUTORY COMPLIANCE (questions 1-3)
- LEADERSHIP (questions 4-9)
- 15 MINUTES (questions 10-13)
- QUORUM AT COUNCIL MEETING (questions 14-29)
- VOTES BY BALLOT (questions 30-37)
- BAD DEBTS (questions 39-40: there was no question numbered 38)

Comments supporting part (e):

Copied from the Minutes of 28 June 2005

5.2.5 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Thirty Nine (39) written questions were tabled by Mr Defrenne.

Summary of Response

The Mayor stated that the questions tabled would be taken on notice.

Copied from the Minutes of 26 July 2005

5.2.2 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

At the last Council meeting I had a series of questions in writing and asked would Council take them on Notice. Why did the questions not appear in the June Council Minutes or the July Agenda and who instructed the Minute Secretary not to include them?

Summary of Response

The Mayor responded that the CEO instructed the Minute Secretary not to include the questions on the Agenda as the Mayor, in his capacity as Chair, had decided that the questions be dealt with as normal correspondence received.

Cr Smith for the Amendment to the Motion

- support that we should be accurate and if there are problems we should deal with those problems
- commend Cr Jamieson for his research
- support Cr Jamieson's comments
- support the Motion

Cr Hearne requested a response to the issues raised by Cr Jamieson's Amendment

Mayor Collins comments in relation to Cr Jamieson's Amendment

The Mayor responded that in relation to public question time that the time allocated is decided by the Chair. In relation to comments supporting parts (a) and (b) of the Motion stating there was only 13 minutes provided for question time with the inference there were more questions from the public the Mayor stated that prior to October 2005 you will find all Minutes had the statement *The Mayor closed Public Question Time at whatever time*. Question Time was closed because there were no more questions. From October 2005 due to issues such as those raised by Cr Jamieson, the Minutes now include the statement: *"There being no further questions the Mayor closed Public Question Time at ...whatever time"*. The Mayor stated that he believed that comments supporting parts (a) and (b) of the Motion were flawed and that it was incorrect to suggest that this Council is not giving the correct amount of time to public questions.

The Mayor advised that in relation to the issue of a quorum, that the Audit Return asked: *was there a quorum at the start of each meeting?* It does not ask if a quorum was not achieved at any point. The Councillor is correct when stating there was a period of 3 minutes, as noted in the Minutes, that there was not a quorum during this period - but this is not the question which the Return poses. Therefore the question was answered correctly as there **was** a quorum at the start of the meeting.

The Mayor referred to the issue of Mr Defrenne's 39 questions that were taken on notice and dealt with administratively as the time that would have been involved in reading out and responding to the 39 questions was considered not to be a productive use of Public Question Time and therefore the questions were responded to in writing administratively. The Mayor further stated that for 3 1/2 years this Council has taken 80% of questions at Public Question Time from one person (Mr Defrenne) which is in the vicinity of 400 questions. He said Mr Defrenne has never been disadvantaged at any Council meeting and that Mr Defrenne would never be 'short changed'.

Mayor Collins stated that he would also like to comment on the 'secret' ballot proposed to have been conducted at a *Confidential* meeting at which Cr Jamieson was not present and stated that in the first instance how can Councillors possibly discuss matters at a meeting at which they were not present? They have to rely on the Minutes and no where in the Minutes was the word "secret" mentioned as it was not a secret. If we are to be factual, this would seem to be an enhancement that could create the perception of something that never happened. The word 'secret' has never been used and should be struck from the report. Certainly a Ballot was held to adopt a mode of voting.

The Mayor further stated that he believed that the Motion is flawed based on assumptions and is trying to change questions and answers not on the Audit Return. He said that to ensure we are dealing with the facts recommended to Members that the Motion to amend the officer recommendation be defeated.

Cr Jamieson closing for the Amended Motion

- critical thing to look at is we are putting in a Compliance Report
- not a matter of number of questions answered and % over the years etc
- issue is where questions are taken on notice and not put on an Agenda and the answer is No.
- issue of how long public question time has gone on is the times put down by start and end time and if they are showing they are not 15 minutes and they do not show 'no further questions....' we must answer No.
- quorum - meeting process does say meeting must start with a quorum - needs a further comment to make sure we are open and visible
- support Amended Motion

The Mayor put the Amended Motion.

LOST (5/7)

NOTE: CRS JAMIESON, HEARNE, WELLS, SMITH AND MADDAFORD REQUESTED THEY BE RECORDED AS HAVING VOTED FOR THE AMENDED MOTION.

Cr Jamieson advised the Mayor he wished to ask questions about other items in the Compliance Audit Return.

MOTION

Cr Macpherson Moved that the officer recommendation be put. Sec Cr Trent.

CARRIED (7/5)

VOTES RECORDED

Cr Jamieson requested that the votes for and against the Motion be recorded.

<u>FOR</u>	<u>AGAINST</u>
Cr Gleeson	Cr Jamieson
Cr Macpherson	Cr Hearne
Cr Ozsdolay	Cr Wells
Cr Cala	Cr Smith
Cr Maddaford	Cr Doherty
Cr Trent	
Mayor Collins	

COUNCIL DECISION ITEM 9.0.2

The Mayor put the Motion

That Council note the response to the issues raised and adopt the amended Return so as to enable its submission to the Department of Local Government and Regional Development.

CARRIED (7/5)

VOTES RECORDED

Cr Jamieson requested that the votes for and against the Motion be recorded.

<u>FOR</u>	<u>AGAINST</u>
Cr Gleeson	Cr Jamieson
Cr Macpherson	Cr Hearne
Cr Ozsdolay	Cr Wells
Cr Cala	Cr Smith
Cr Maddaford	Cr Doherty
Cr Trent	
Mayor Collins	

MEETING ADJOURNED

Moved Cr Smith, Sec Cr Hearne

That the meeting be adjourned for 10 minutes from 9.20pm.

CARRIED (12/0)

MEETING RECONVENED

Moved Cr Maddaford, Sec Cr Trent

That the meeting be reconvened at 9.30pm.

CARRIED (12/0)

Note: All those being present before the adjournment returned to the meeting.

9.1 GOAL 1 : CUSTOMER FOCUS
Nil

9.2 GOAL 2: COMMUNITY ENRICHMENT
Nil

9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

9.3.1 Water Campaign Milestone 2

Location:	City of South Perth
Applicant:	Council
File Ref:	EM/107
Date:	7 April 2006
Author:	Kim Dravnieks, City Environment Coordinator
Reporting Officer:	Glen Flood, Director Infrastructure Services

Summary

The City of South Perth is a participant in the Water Campaign, an international freshwater management program developed by the International Council for Local Environmental Initiatives (ICLEI). The aim of the program is to build the capacity of local government to reduce water consumption and improve local water quality.

The City of South Perth resolved to participate in the Water Campaign Australia program on the 24 August 2004. The purpose of this report is for council to adopt the four City of South Perth water management goals as part of Milestone 2 of the Water Campaign.

Background

The Water Campaign is a program developed by ICLEI and is supported by the Federal Government. The program is an international movement of local governments and their stakeholders who are committed to achieving tangible improvements in the sustainable use of fresh water resources.

The Water Campaign was launched at the ICLEI World Congress in June 2000, and introduced into Australia in 2001. The program currently has 75 participants across Australia. Twenty of the local governments are from Western Australia.

Structure and operation of the Water Campaign

The Water Campaign is based on a similar framework as ICLEI's other international sustainable development campaign, Cities for Climate Protection (CCP), which the City of South Perth successfully completed and is now undertaking CCP plus.

The Water Campaign's framework provides for the management of water resources to be addressed on two levels or modules, Water Quality and Water Conservation. These two modules are each addressed on a further two levels; Corporate: Improving water management within the City's own operations; and Community: Improving water management for both residential and non-residential water use in the community.

Each of the modules are addressed using the "milestone framework", a five step performance based structure. The milestones are designed to motivate participants to systematically examine their own processes and policies in light of their impact on the quantity and quality of fresh water.

The framework consists of:

- Milestone 1: Inventory and forecast direct and indirect impact on local water resources;
- Milestone 2: Establish targets for water quality and water quantity;
- Milestone 3: Develop and obtain approval for a Local Water Action Plan;
- Milestone 4: Implement policies and measures;
- Milestone 5: Monitor and report the progress towards council's goals.

Comment

The City of South Perth was recognised by the State Government for its commitment to the Water Campaign and achievement of Milestone 1 at the ICLEI WA Recognition Ceremony on the 19 May 2005.

Milestone 2 involves setting water management goals as a quantifiable statement of the City's intention to move forward on water management.

The water conservation goals involve setting a target to reduce water consumption by a certain percentage below a base year by a target year. The base year is selected from the milestone 1 inventory.

The water quality goals involve aiming to achieve a certain number of "points". Water Quality points are assigned to various management actions according to a set of criteria established initially by ICLEI to help improve water quality. The City will select from the list of management actions for the quality goal establishment in the action plan (Milestone 3). ICLEI-A/NZ requires that a minimum of 50 points be set for each quality goal. An example of a management action that is assigned water quality points is as follows:

Develop and adhere to a monitoring and metering program for the sustainable extraction of ground water = 5 points.

The four water management goals were developed in consultation with the City of South Perth's Water Team, ICLEI and EMRC. The Water Team was established to consider the issues of integrated water resource management. This working group consists of officers from a broad spectrum of City departments.

The management goals including a justification for their selection are presented below.

Corporate Water Conservation

To reduce corporate scheme water consumption by 40% below 2002/03 levels by 2010 and achieve a further 10% reduction by 2012. Overall this will result in a 50% reduction in scheme water consumption from 2002/03 levels by 2012.

Justification

Based on South Perth having quantified a 43% reduction in water use in 2003/04 from 2000/01 levels. This was due to a number of reasons, namely improvements to facility water management, sealing a previously unknown leaking main and reducing the reliance of the City's traffic management measure landscaping on scheme water.

It is the Water Team's opinion that an additional 10% reduction is achievable. Such proposed water saving measures as the installation of waterless urinals in public toilets and the development of low water using gardens will assist greatly in achieving this goal.

The Conservation goal if passed by Council will be the equal highest goal out of 75 Australian Councils participating in the Water Campaign. Figure 1: shows the large water consumption reduction the City of South Perth has achieved in recent years through improved water management.

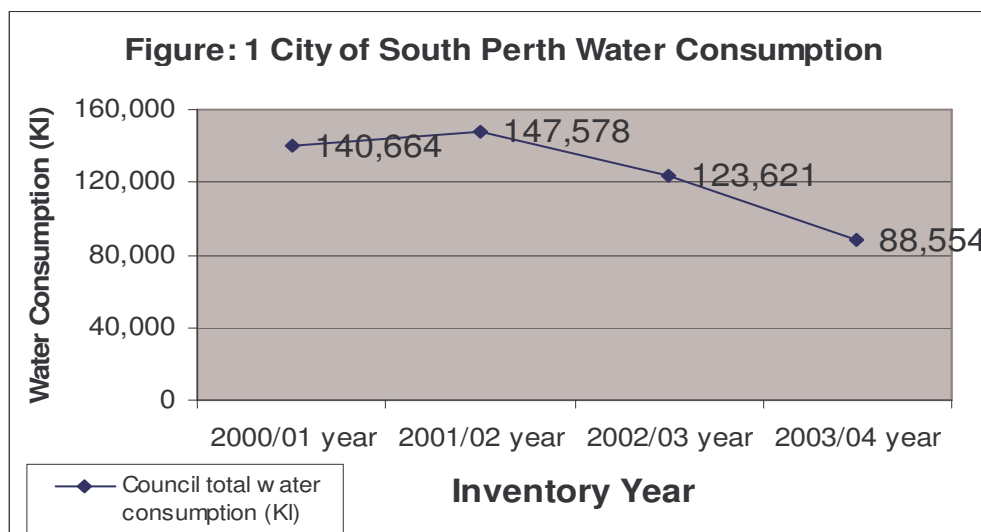


Figure 1: City of South Perth water consumption per year

The stretch goal has been used to acknowledge past success and aim for future improvements. The goal is very aggressive compared to other Water Campaign Councils and establishes the City of South Perth as a leadership Council. The year 2010 was selected as a review period and 2012 was chosen as the end date to coincide with Council's Strategic Plan and the WA State Water Strategy. The WA State Water Strategy is the guiding action plan for the State Government's response to a drying climate. Council's water management activities should be consistent with this strategy.

Corporate Water Quality

To achieve 50 points of actions from the corporate Water Campaign water quality action cards by 2010 and achieve a further 20 points by 2012. Overall this will result in the achievement of 70 points of actions from the corporate Water Campaign water quality action cards by 2012

Justification

The Water Team’s recommendation was that a stretch goal would promote City leadership and accountability. The reporting periods are the same as the Conservation goal for consistency. The Water Team, through an analysis of current and future water management activities for the City, believes that a total of 70 points is a realistic goal that will inspire continual water management improvement. This water goal will be one of the highest out of the Local Authorities participating in the Water Campaign and will promote South Perth as a leader.

Community Water Conservation

To reduce community scheme water consumption by 20% below 2002/03 levels by 2010 and achieve a further 5% reduction by 2012. Overall this will result in a 25% reduction in scheme water consumption from 2002/03 levels by 2012.

Justification

The stretch goal has been used to acknowledge past success and aim for future improvements. Figure 2: presents the large water consumption reduction the City of South Perth’s community has achieved in recent years through improved water management. This, of course, has been largely achieved by a strong campaign by the Water Corporation.

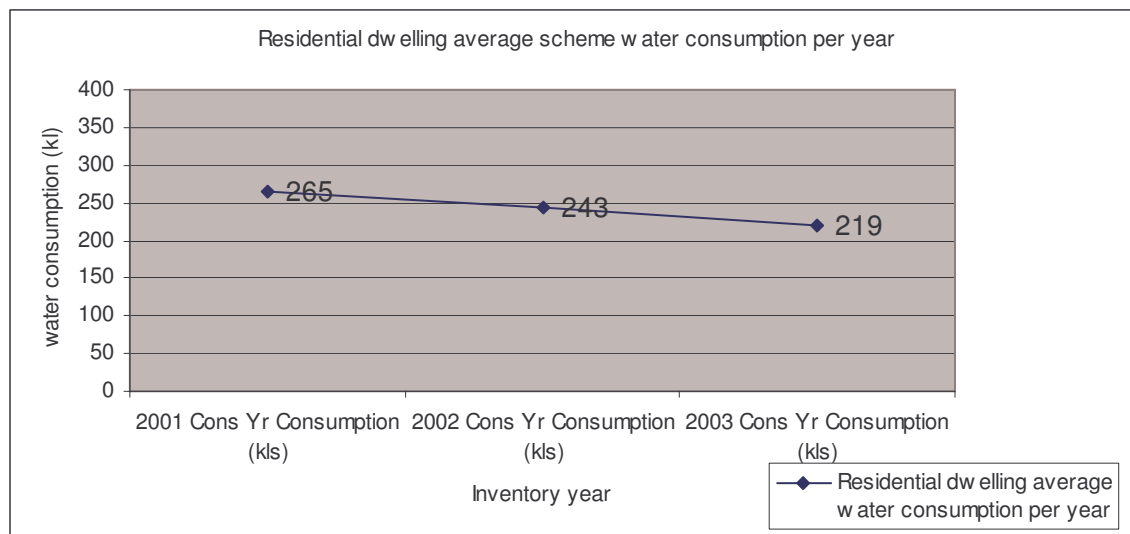


Figure 2: Residential dwelling’s average scheme water consumption per year

The goal is greater than other Water Campaign Councils and establishes the City of South Perth as a leadership Council. The 2010 year was selected as a review period and 2012 was chosen as the end date to coincide with Council’s Strategic Plan and the WA State Water Strategy. The 15% reduction is in line with the WA State Government residential water consumption goal to reduce water consumption per person to 150kL as outlined in the State Water Strategy.

Community Water Quality

To achieve 50 points of actions from the community Water Campaign water quality action cards by 2010 and achieve a further 20 points by 2012. Overall this will result in the achievement of 70 points of actions from the corporate Water Campaign water quality action cards by 2012

Justification

This Water Management Goal's justification is the same as Corporate Water Quality Goal.

Participation in the water campaign will enhance the sustainable programs undertaken by the City and has been identified as an important initiative the City should be undertaking. (Council Performance Monitor 2003/2004).

Consultation

Joining the Cities for Climate Protection Program is consistent with the Action Plans of the City of South Perth Sustainability Strategy which was adopted by Council in December 2005 following community consultation.

Policy Implications

The Water Campaign is consistent with a number of policy areas such as P303 *Groundwater Management*.

Financial Implications

The City contributed \$4,690 to the program during 2005/06 and will require a similar level of funding for the next financial year.

A moderate level of resources will be required to carry out the priority actions which include:

- The finalisation of the Water Action Plan
- Implementing high priority actions from the Water Action Plan
- Applying for funding through the Federal Government Community Water Grants program to implement high priority actions.
- Officer time for the Water Team quarterly meetings.

Strategic Implications

By participating in the Water Campaign, the Council will be fulfilling Strategy 3.2 '*Develop and Implement a Sustainability Management System to coordinate initiatives contained in associated Management Plans and to ensure City's environment is managed in a sustainable way*' of Goal 3 Environmental Management of the city's Strategic Plan 2004-2008. The water campaign will also allow the achievement of specific action plans.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.1

That the following four water management goals be adopted:

- (a) Corporate Water Conservation
To reduce corporate scheme water consumption by 40% below 2002/03 levels by 2010 and achieve a further 10% reduction by 2012. Overall this will result in a 50% reduction in scheme water consumption from 2002/03 levels by 2012;
- (b) Corporate Water Quality
To achieve 50 points of actions from the corporate Water Campaign water quality action cards by 2010 with a further 20 points by 2012. Overall this will result in the achievement of 70 points of actions from the corporate Water Campaign water quality action cards by 2012;

- (c) Community Water Conservation
To reduce community scheme water consumption by 20% below 2002/03 levels by 2012 and achieve a further 5% reduction by 2012. Overall this will result in a 25% reduction in scheme water consumption from 2002/03 levels by 2012; and
- (d) Community Water Quality
To achieve 50 points of actions from the Community Water Campaign water quality action cards by 2010 with a further 20 points by 2012. Overall this will result in the achievement of 70 points of actions from the Community Water Campaign water quality action cards by 2012.

CARRIED EN BLOC RESOLUTION

9.3.2 Proposed Single House. Lot 114 (No. 49) Jackson Road, Karawara

Location: Lot 114 (No. 49) Jackson Road, Karawara
 Applicant: Peter Stannard Homes for A & M Amin
 File Ref: 11/1113 11.2006.78 JA1.49
 Date: 3 April 2006
 Author: Eleni Demetriades, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed Single House on Lot 114 (No. 49) Jackson Road, Karawara. Council's discretion is sought to approve a reduced setback adjacent to an open space reserve. Setback requirements in this respect are prescribed by Clause 4.3(e)(ii) of the City of South Perth Town Planning Scheme No. 6 (TPS6). Council also needs to determine whether it is appropriate that the scope of a future Council report, scheduled for presentation to the June Council meeting, and proposing an amendment to clause 4.3(e)(ii) of TPS6, should be expanded to reflect the final determination of this application.

It is recommended that the application be approved, subject to a number of standard conditions.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.2(a):** Plans of the proposed Single House
- **Confidential Attachment 9.3.2(b):** Letter from Peter Stannard Homes dated 21 March 2006

The development site details are as follows:

Zoning:	Residential
Density coding:	R20
Lot area:	746 sq. metres
Building Height Limit:	7 metres

In accordance with Council Delegation DC342, the proposal has been referred to a Council meeting because it falls within the following category described in the Delegation:

The Exercise of a Discretionary Power

Proposals representing a significant departure from the No. 6 Town Planning Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.

Clause 4.3(e)(ii) of TPS6 states that:

“A Single House, a Grouped Dwelling and any associated outbuilding shall be set back an average of 6.0 metres from the boundary of an open space reserve provided that the minimum setback shall be not less than 3.0 metres.”

The proposal represents a significant departure from the abovementioned Scheme requirements.

The location of the development site is shown on the aerial photograph below. The site is bounded by Jackson Road to the north, Chica Court to the east and residential zoned land to the south. The western boundary of the subject lot is adjacent to a four (4) metre wide section of open space reserve.



Comment

(a) Description of the Proposal

The proposed development comprises a single storey Single House.

The proposal complies with all of the requirements of TPS6, the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the setback variation discussed below. In respect to the variation, it is recommended that Council discretion be exercised, in order to approve the proposal as submitted.

(b) Setbacks

The applicant is seeking Council’s discretion for approval of a lesser setback distance between the Single House and the open space reserve than that prescribed by clause 4.3(e)(ii) of TPS6. The portion of open space reserve in question comprises a pedestrian access leg which provides a link between Jackson Road and the wider portion of open space to the south of Chica Court. This wider portion functions as a recreation reserve. The following table provides a comparison between the setback requirements of TPS6 and those that have been proposed.

Boundary	Setbacks Prescribed by Clause 4.3(e)(ii) of TPS6	Proposed Setbacks
Side (western) boundary	3 metre minimum 6 metre average	1.0 metre minimum setback 6 metre average not achieved.

The setbacks prescribed by TPS6 were introduced with the objective of ensuring that an appropriate interface between the residential zoned land and the open space reserve was maintained.

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

Scheme Objectives are listed in clause 1.6 of TPS 6. The proposal has been assessed according to the listed Scheme Objectives, as follows:

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

The proposal is considered to *meet* this overriding objective having regard to the following relevant general objectives listed in clause 1.6(2) of TPS 6.

Objective (a) *Maintain the City's predominantly residential character and amenity;*

Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

Objective (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*

The proposed Single House complies with the abovementioned objectives (a), (f) and (h) of TPS 6. In accordance with the Scheme objectives, the portion of the open space reserve adjacent to the western boundary of the subject property should be promoted as a link to an important community facility, being a recreation reserve.

At the closest point, the proposed Single House, is set back 1.0 metre from the open space reserve (pedestrian access leg). This siting does not detract from the residential character and amenity of the surrounding locality. The 1.0 metre setback provides adequate separation between the open space reserve and the proposed dwelling. This arrangement creates a usable and inviting access into the open space reserve and encourages and promotes utilisation of an existing community facility.

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

In addition to the issues relating to technical compliance of the project under TPS 6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to the matters listed in clause 7.5 of TPS 6 which are, in the opinion of the Council, relevant to the proposed development. Of 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;*
 (g) *In the case of land reserved under the Scheme, the purpose of the reserve; and*
 (i) *The preservation of the amenity of the locality.*

The proposal is considered to comply with the abovementioned listed matters for the following reasons:

- The proposal does not adversely impact on the immediate locality and will improve the residential amenity of the site with the development of a new replacement dwelling;
- The proposed development is not considered to adversely impact on the open space reserve (pedestrian access leg).

(e) Conclusion

It is considered that the proposed Single House, incorporating a reduced setback to the portion of the open space reserve that has the character of a pedestrian access way, complies with the abovementioned provisions contained within clauses 1.6 and 7.5 of TPS6.

The amenity of the open space reserves in Karawara should be preserved and improved through appropriate development control. The application of a 6 metre average and 3 metre minimum setback requirement should be applied to those properties adjacent to the open, areas of open space reserve which are usable for communal recreation purposes. For those properties that are unable to comply with the setback requirements, it is considered acceptable for lesser setbacks to be approved in return for a housing and fencing design (as part of any development application) that appropriately addresses the open space reserve. Finally, the setback requirements prescribed under clause 4.3(e)(ii) should not be applied to those properties that are adjacent to the 4 metre wide portions of the open space reserves that have the character of a pedestrian access way leading into the main body of the open space reserves, as in the case of the subject proposal. However, an appropriate separation should, be maintained between proposed development and the access ways so as not to create dark, unsafe, and unwelcoming access links. A minimum setback of 1.0 metre is considered appropriate in these instances.

At the December 2005 Council meeting, an application of a similar nature was presented, seeking a variation from the setback requirements prescribed under clause 4.3(a)(ii) of TPS6. That development site also adjoined an open space reserve, however, in that instance the open space reserve did not have the character of a pedestrian access way, but rather the character of a wider recreation reserve. That application was approved, and the Council called for a further report on a possible amendment to TPS6 to address this issue. The objective of the Scheme Amendment is to allow a reduction in the prescribed setback from an open space reserve for a development application which incorporates house and fence designs that actively address the open space reserve.

The report on this Scheme Amendment is scheduled for presentation to the June 2006 Council Meeting. Council's December resolution should now be expanded to reflect any determination on the current proposal.

Consultation

(a) Design Advisory Consultants' Comments

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 20 March 2006. The following comments were provided at the meeting:

The Advisory Architects noted the relationship of the proposed dwelling to the narrow portion of the open space reserve adjoining the western boundary. In this instance, they considered that it would not be reasonable to require a 6.0 metre average setback from the western boundary. However, they considered a 1.0 metre setback

should be provided and accordingly, they did not support the proposed wall of the garage abutting the lot boundary. To achieve the 1.0 metre setback, it was noted that the building could be moved eastwards. If necessary, a setback variation for street setback (from Chica Court) could be supported.

These comments were provided to the applicant and the plans were amended accordingly.

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.2

That ...

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a Single House at Lot 114 (No. 49) Jackson Road, Karawara **be approved**, subject to:
- (i) **Standard Conditions**
377, 390, 427, 455(side boundaries), 417 (3 metres) 456, 470, 471, 550, 625, 660
 - (ii) **Standard Important Advice Notes**
646, 647, 648, 650, 651

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

- (b) a report be submitted to the June 2006 Council meeting in support of a proposed amendment to Clause 4.3(e)(ii) of Town Planning Scheme 6. The objective of the Scheme Amendment is to allow a reduction in the prescribed setback from an Open Space Reserve for a development application which incorporates house and fence designs that actively address the Open Space Reserve, or where a proposed development abuts a narrow portion of an Open Space Reserve which has the character of a pedestrian access way.

CARRIED EN BLOC RESOLUTION

9.3.3 Proposed Two Storey Single House. Lot 16 (No. 15) Thomas Street, South Perth.
--

Location:	Lot 16 (No. 15) Thomas Street, South Perth
Applicant:	Amano Homes (A Bisignano) for J L Masiello
File Ref:	11/6764 11.2006.66 TH4.15
Date:	3 April 2006
Author:	Eleni Demetriades, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed two storey Single House on Lot 16 (No. 15) Thomas Street, South Perth. Council’s determination is sought in relation to streetscape compatibility and compliance with the provisions of Council Policy P370_T “General Design Guidelines for Residential Development”. Council also needs to determine issues relating to the requirements of the Residential Design Codes 2002 (R-Codes). The recommendation is for refusal due to non-compliance with Council Policy and the Residential Design Codes 2002.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.3(a):** Plans of the proposal
- **Confidential Attachment 9.3.3(b):** Computer generated elevations of the proposed dwelling
- **Confidential Attachment 9.3.3(c):** Letter from Amano Homes

The development site details are as follows:

Zoning:	Residential
Density coding:	R15
Lot area:	727 sq. metres
Building Height Limit:	7 metres
Development Potential:	One (1) Single House

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

The Exercise of a Discretionary Power

- (i) *Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the No. 6 Town Planning Scheme, relevant Planning Policies or Local Laws.*

In relation to this provision within Delegation DC 342, it is pertinent to note that the extent of adverse amenity impact arising from the proposal will be significant as a result of the incompatible design as measured against the predominant streetscape character of the relevant focus area.

The location of the development site is shown on the aerial photograph below. The site is adjoined on all boundaries by residential zoned land and has street frontage to Thomas Street.



(The above image may be viewed in colour electronically.)

Comment

(a) Description of the Proposal

The proposed development is a two storey Single House. The applicant's letter, **Confidential Attachment 9.3.3(c)**, describes the proposal in more detail.

Although the proposed development complies with many of the requirements of the City's Town Planning Scheme No.6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies, there are a number of exceptions, and these are discussed below.

(b) Design - Council Policy P370_T General Design Guidelines for Residential Development (P370_T)

The main objective of Council Policy P370_T is as follows:

"To preserve or enhance desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings."

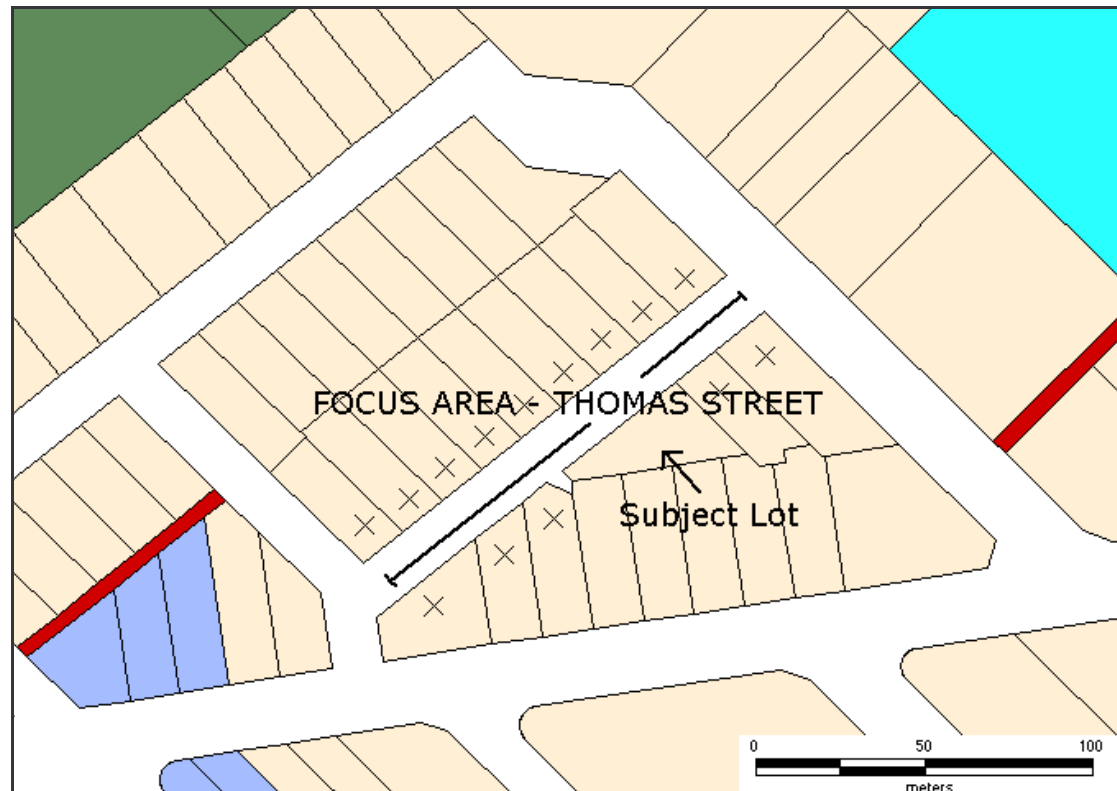
The proposal does not comply with the overriding objective of P370_T.

Policy P370_T provides, under clause 3 "Streetscape Character" that:

"All residential development shall be designed in such a manner that will preserve or enhance the desired streetscape character...In assessing the design compatibility of a proposed development, the Council will have regard to the primary and secondary contributing elements as identified in the preceding definition of the 'design compatibility'."

Design compatibility means the extent to which a proposed residential building is visually in harmony with neighbouring existing buildings within the focus area. Primary elements contributing to design compatibility area generally scale, colour form and shape; and rhythm. Secondary elements include construction materials; setbacks from the street and side boundaries; the extent and nature of site landscaping visible from the street; and architectural details.”

The “focus area” means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting on to that section of the street. The focus area, in regard to the subject proposal, is shown below:

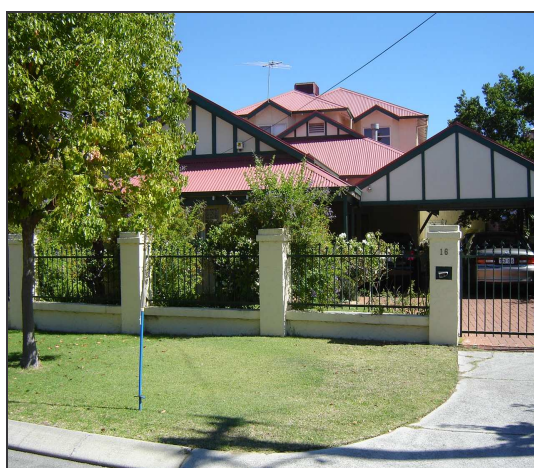


Characteristics of the focus area as follows:

- Single houses;
- The older housing is predominantly single storey;
- Newer housing and recent additions to older housing is predominantly two storey;
- Roof form - pitched;
- Roof materials - approximately 50% tiled and 50% metal (colourbond/zincalume);
- Fencing style - open, visually permeable above 1.2 metres.

The photographs below are examples of the residential development within the focus area.





The proposal is not in keeping with the dominant characteristics of the focus area in terms of its flat roof design, front solid wall and use of large sections of glass across the front elevation of the house. The form and shape of the proposed single house differs markedly from existing houses within the focus area, as it displays predominantly square and flat elements within its design. Existing dwellings have quite different characteristics due to the incorporation of verandahs, angled awnings and pitched roofs within their design. As a result of the wall height, flat roof design and square elements of the proposed single house, the perceived magnitude of the building is significantly greater than that of other existing dwellings within the focus area.

A large portion of the proposed front fencing is solid, to a height of 1.8 metres and this is also not compatible with the dominant fencing and front elevations of housing with the focus area.

It is therefore concluded that the proposal does not meet the objectives of Council Policy P370_T.

(c) Residential Design Codes 2002 (R-Codes)

(i) Setbacks

In accordance with the Acceptable Development provisions under Element 3.3.1 (Boundary Setback Requirements) of the R-Codes, the following is prescribed:

Development which complies with the following is deemed to meet the relevant Performance Criteria:

A1. Buildings which are set back in accordance with the following provisions, subject to any additional measures in other Elements of the Codes:

- i. Buildings set back in accordance with Table 1, Table 2 (for all heights 10m or less) and Figure 2 and Figure 3 (for wall heights in excess of 10m).*

Table 1 (General Site Requirements) prescribes a 6 metre rear setback requirement for all R15 density coded properties.

The proposed setback of the dwelling from the rear boundary is 1.0 metre at its closest point and therefore, does not comply with the Acceptable Development provisions of the R-Codes.

(ii) Fencing

In accordance with the Acceptable Development provisions under Element 3.2.5 (Street Walls and Fences) of the R-Codes, the following is prescribed:

“Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.”

A portion of the proposed front brick wall is solid at a height of 1.8 metres from natural ground level and therefore, does not comply with the acceptable development provisions of the R-Codes.

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

Scheme Objectives are listed in clause 1.6 of TPS6. The proposal has also been assessed under, and has been found *not to meet*, the following relevant general objectives listed in clause 1.6(2) of TPS 6:

Objective (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*

Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

In accordance with objectives (c) and (f) of TPS6, the City will facilitate a diversity of dwelling styles where proposed dwellings retain the desired streetscape character, and in the older areas of the district (such as Thomas Street) demonstrate compatibility with the existing built form character. Although new dwellings do not need to be an exact match or replica of existing dwellings within the streetscape, they should

incorporate characteristics and features (i.e. architectural details, roof designs, building materials) of existing residential development to ensure compatibility with the existing streetscape. The proposed dwelling has few features or characteristics in keeping and in harmony with the character and scale of existing residential development.

It is therefore, determined that the proposal does not comply with clause 1.6 of TPS 6.

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to the matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

The listed matters above are relevant to the subject application. In relation to listed matter (c), the proposal fails to comply with a number of the Residential Design Code requirements. In relation to listed matters (j) and (n) the proposal is not in keeping with the dominant streetscape character and is therefore, inconsistent with the abovementioned listed matters.

It is therefore, determined that the proposal does not comply with clause 7.5 of TPS 6.

Consultation

(a) Design Advisory Consultants' Comments

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 20 March 2006. The proposal was not favourably received by the Consultants. Their more specific comments are summarised below:

The Advisory Architects considered that the design of the proposed house does not demonstrate compatibility with the dominant streetscape character.

The Advisory Architects noted that the standard of drawings was not satisfactory. In particular, the elevation drawings lack sufficient detail to enable them to be properly assessed. Furthermore, various inconsistencies were observed between the plan and the elevations.

In light of the circumstances referred to above, the Advisory Architects did not support the proposal.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The proposal was referred to the adjoining neighbour in respect to a proposed boundary wall. The owner of the property at No. 17 Thomas Street was invited to inspect the application and to submit comments during a 14-day period. During the advertising period no submissions were received.

Policy and Legislative Implications

Comments in relation to various relevant provisions of TPS6, the R-Codes and Council policies have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.3
--

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two-storey Single House on Lot 16 (No. 15) Thomas Street, South Perth **be refused** for the following reasons:

- (a) Owing to its incompatible design, the proposed development does not comply with the provisions of Council Policy P370_T - "General Design Guidelines for Residential Development".
- (b) The proposal does not comply with Elements 3.2.5 "Street Walls a Fences" and 3.3.1 "Buildings Set Back from the Boundary" of the Residential Design Codes 2002.
- (c) Owing to its incompatible design, the proposed development does not comply with a number of the objectives listed within clause 1.6 "Scheme Objectives" of the City of South Perth Town Planning Scheme No. 6.
- (d) Owing to its incompatible design, the proposed development does not comply with a number of the matters listed within clause 7.5 "Matters to be Considered by Council" of the City of South Perth Town Planning Scheme No. 6.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Trent, Sec Cr Gleeson

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two-storey Single House on Lot 16 (No. 15) Thomas Street, South Perth be deferred for consideration at the next meeting of Council.

CARRIED (12/0)

Reason for Change

The applicant requested in writing that the matter be considered at the next meeting of Council.

9.3.4 Reconsideration of condition of Planning Approval for Proposed Additions and Alterations to Single House. Lot 24 (No. 59) Hovia Terrace, Kensington.

Location: Lot 24 (No. 59) Hovia Terrace, Kensington
 Applicant: Mr G Galvin for the owner Ms M C Visona
 File Ref: 11/6505 11.2006.43.1 HO4.59
 Date: 3 April 2006
 Author: Rajiv Kapur, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

This matter relates to a request for reconsideration of a condition of planning approval for proposed ground level additions and alterations to a single storey Single House at No. 59 Hovia Terrace in Kensington. On 28 February 2006 planning approval was granted under delegated authority for the additions and alterations subject to the following condition requiring an increased side setback:

- “(7) *Revised drawings shall be submitted, to the satisfaction of the City, and such drawings shall incorporate the following:*
- (i) *The southeast facing wall of proposed Timber Deck / Lounge / Laundry shall be set back from the side boundary in accordance with Clause 3.3.1 “Building Set Back from the Boundary”, Tables 2a and 2b of the Residential Design Codes 2002. Alternatively, varying setbacks as prescribed by Figure 2D of the R-Codes shall be utilized.”*

The applicant is seeking a review of the condition and requesting approval for the proposed lesser side setback. Council’s discretion is sought in regard to the proposed lesser side setback from the south east boundary. The Council also needs to determine issues relating to ensuring adequate access to direct sunlight for the adjoining south-east property. It is recommended that the applicant’s request for deletion of the condition of Planning Approval be **refused**, as the lesser setback has a direct impact on the outdoor living area of the adjoining property.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.4(a):** Plans of the proposal
- **Confidential Attachment 9.3.4(b):** Letter from Mr G Galvin received by the City on 16 March 2006

The development site details are as follows:

Zoning:	Residential
Density coding:	R15
Lot area:	483 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	One Single House

In accordance with normal practice, the planning approval offered the applicant a right of review at a Council meeting in relation to the conditions imposed as part of the delegated decision. It is on this basis that the application has now been referred to a Council meeting for consideration.

The location of the development site is shown below. The site is adjoined by other Single Houses to each side and the rear (with separation via a right-of-way).



Comment

Description of the Proposal

The proposal comprises single storey additions and alterations to an existing single storey Single House. The south-east facing wall of the proposed Timber Deck / Lounge / Laundry has been provided with a lesser setback than that prescribed by the R-Codes, and it is this wall to which the condition of approval related. Assessment of the wall against the relevant R-Code Performance Criteria reveals that the lesser setback will have an adverse impact on the adjoining property with respect to building bulk and reduction of solar access to its Outdoor Living Area. The applicant’s letter of justification under the Performance Criteria provisions, **Attachment 9.3.4(b)**, describes the issue in more detail.

The proposal complies with all of the requirements of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variation discussed below. In respect of the variation, it is recommended that the applicant’s drawings be amended to achieve compliance with normal setback requirements.

Setbacks

The applicant is requesting that the Council exercise discretion under *the Performance Criteria set out in clause 3.3.1(P1) of the R-Codes* with respect to the following setback variations:

Boundary	Prescribed Setback	Proposed Setback
South east side	1.5 metres	1.17 metres

Applicant's Justification	Assessing Officer's Response
The extra area in shadow is approximately 2.84 sq. metres and would be deemed to be minor.	The extra shadow cast by the lesser setback of proposed wall of Laundry / Lounge and face of Timber Decking has been calculated as 4.85 sq. metres. The extra shadow is 11.0 metres long and approximately 440 millimetres wide.
The area affected by the setback is an existing swimming pool that would never be occupied during the winter sun and therefore would not affect the amenity of the Outdoor Living Area.	The drawing provided by the applicant along with the letter of justification incorrectly depicts the built form as well as the swimming pool on the adjoining property. The swimming pool is shown much larger than the one existing. The house has been shown much smaller to create more open space than actually exists. The Assessing Officer has superimposed the approximate size of the swimming pool as measured from the City's aerial photograph (shown in closely hatched lines). Based upon this observation, the Assessing officer has concluded that the overshadowing is not confined to the swimming pool, with a large portion of the overshadowing being on the pavement surrounding it. Moreover, the owners of the adjoining property will decide when they want to use their Outdoor Living Area and their swimming pool. It is not appropriate for the applicant to make assumptions in this respect.
The variation to the required setback will not compromise the objectives of the Residential Design Codes pertaining to side boundary.	<p>The proposed lesser setback adds to the building bulk as perceived from the adjoining property and obstructs access to direct sunlight to the Outdoor Living Area. Even though these may seem minor as claimed by the applicant, there is no valid reason why the adjoining property owners should face any additional adverse impact due to the granting of a setback concession to the applicant.</p> <p>The side setback of the proposed house on the opposite side of the block, adjacent to the north-west boundary, is 1.64 metres which is more than the required setback of 1.5 metres. The proposed design can be modified to reduce this side setback to 1.5 metres coupled with minor adjustments to the room sizes. This would result in increasing the setback along the south-east boundary to the required minimum of 1.5 metres.</p>
No objection was raised by the affected property to the proposed variation to the boundary setback.	The adjoining property owners did not object in writing to the proposed setback variation. However, during the neighbour consultation period, they advised the Assessing Officer that they would rely on the decision taken by the Council based upon an assessment of the wall with a lesser setback against the provisions of the relevant statutory documents. It should also be noted that the affected adjoining property owners have not provided a letter or other documentation in support of the proposed setback variation.

Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

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

Objective (a) *Maintain the City's predominantly residential character and amenity;*

However, the proposal is considered **not** to meet the following relevant general Scheme Objective:

Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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; and*

Conclusion

Based upon the Planning Officer's assessment taking into account all of the abovementioned issues, it is concluded that the proposed setback variation will have an adverse impact on the amenity of the adjoining south-eastern property. This matter can be addressed via the provision of suitably modified drawings as specified within the original conditions of planning approval.

Consultation

Design Advisory Consultants' Comments

The proposal was not referred to the City's Design Advisory Consultants for consideration.

Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of the property at No. 61 Hovia Terrace were invited to inspect the application and to submit comments during a 14-day period. During the advertising period, no written submission was received. However, the adjoining owners did inspect the plans and discuss them with the Assessing Officer.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.4
--

That the request for the deletion of Condition 7 of planning approval for proposed single storey additions and alterations to a single storey Single House on Lot 24 (No. 59) Hovia Terrace, Kensington **be refused**, as the proposed lesser side setback of the south-east facing wall is considered to have an adverse impact on the adjoining property at No. 61 Hovia Terrace, contrary to the provisions of the City of South Perth Town Planning Scheme No. 6 incorporating the Residential Design Codes.

COMMENT ON DEPUTATION ITEM 9.3.4

The Mayor requested an officer comment on the Deputation for Item 9.3.4.

The Director Strategic and Regulatory Services stated that he noted the points raised in the Deputation but suggested there be no change to the officer recommendation.

MOTION

Moved Cr Doherty, Sec Cr Trent

That....

- (a) the officer recommendation not be adopted.
- (b) Condition 7 of planning approval for proposed additions and alterations to Single House on Lot 24 (No. 59) Hovia Terrace, Kensington **be deleted**.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty opening for the Motion

- requested setback concession of the south-east facing wall is considered not to have an adverse impact on the adjoining property
- fundamental to the performance based assessment, with the inclusion of the 4.95 sq. metres of extra shadow, the total shadow is still well within the 25% maximum allowed under the provisions of the R-Codes;
- impact on the neighbour's outdoor amenity around the swimming pool in the heart of winter is not a major issue, while during autumn, spring and summer this area will be in full sun for most of the day; and
- currently the setback of the existing house from the south-eastern boundary is 1.30 metres. There is a strong argument for the proposed extensions to the existing house to logically follow a similar setback line, and the minimal variation being sought will not have any adverse impact on the neighbouring property.

COUNCIL DECISION ITEM 9.3.4

The Mayor put the Motion

That....

- (a) the officer recommendation not be adopted; and
- (b) Condition 7 of planning approval for proposed additions and alterations to Single House on Lot 24 (No. 59) Hovia Terrace, Kensington **be deleted**.

CARRIED (12/0)

Reasons for Change

The requested setback concession was considered to be justified in this instance as the proposed reduced setback of the south-east facing wall is considered not to have an adverse impact on the adjoining property at No. 61 Hovia Terrace.

9.3.5 Proposed two storey Single House with undercroft. Lot 71 (No. 54) Lansdowne Road, Kensington

Location: Lot 71 (No. 54) Lansdowne Road, Kensington
Applicant: Mr Benjamin Vance, Slab Design & Drafting, Architects for Mr M Pomery and Ms L Pizzolante
File Ref: 11/ 6766 11.2006.84.1 LA5.54
Date: 3 April 2006
Author: Rajiv Kapur, Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed two storey Single House with an undercroft Alfresco area towards the rear on Lot 71 (No. 54) Lansdowne Road, Kensington. The proposed Single House is designed with a skillion roof (single pitched roof) over the main dwelling and a flat roof over the garage projecting forward of the main dwelling on a street which is characterised by older houses with conventional pitched roofs. The recommendation is for refusal based upon the incompatible design and a range of other areas of non-compliance with requirements identified within the Residential Design Codes 2002 (R-Codes) and Council Policies.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.5(a):** Drawings of the proposal
- **Confidential Attachment 9.3.5(b):** Letter from the architects, dated 22 February 2006

The development site details are as follows:

Zoning:	Residential
Density coding:	R15
Lot area:	544 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	One Single House

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

The Exercise of a Discretionary Power

- (i) *Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the No. 6 Town Planning Scheme, relevant Planning Policies or Local Laws.*

The location of the development site is shown below. The site is adjoined by residential developments.



Comments

Description of the Proposal

The proposed development comprises a two storey Single House with an undercroft alfresco area towards the rear of the lot. The lot slopes down considerably, approximately 4.0 metres, from the front property boundary to the rear. The applicant’s letter, **Attachment 9.3.5(b)**, describes the proposal in more detail.

The proposal complies with the requirements of the City’s Town Planning Scheme No. 6 (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below.

Design

The design of the proposed two storey Single House in terms of the proposed skillion roof over the main dwelling and a flat roof over the garage projecting forward of the main dwelling are inconsistent with the dominant streetscape character, contrary to the provisions of Policy P370_T “General Design Guidelines for Residential Development” and TPS6.

Setbacks

The setbacks of the following walls do not comply with relevant provisions of the R-Codes:

Boundary	Prescribed Setbacks	Proposed Setback
North west side wall with major openings of Bedroom 1 / face of Balcony (on the ground floor)	2.5 metres	1.8 metres
North west side wall with major openings of Living Room / face of Balcony (on the first floor)	4.3 metres	1.8 metres
South east facing wall without major openings of Living / Kitchen / face of Balcony on the first floor	2.2 metres	1.8 metres

Boundary Wall

Having regard to Council Policy P376_T “Residential Boundary Walls” and the amenity of the adjoining property to the south-east, the proposed boundary wall on the south-east boundary is not supported, noting its proximity to a major habitable room window of the adjoining property.

Finished Floor Level

Having regard to the normal expectation of equal cutting below and filling above the natural ground level as prescribed by Clause 6.10 “Maximum Ground and Floor Levels” of TPS No. 6, the finished floor level of the ground floor of the building exceeds that which would ordinarily be approved, by approximately 1.35 metres.

Crossover and Driveway

In accordance with Clause 3.5.4 “Vehicular Access” of the R-Codes, the proposed driveway is required to be 0.5 metres away from the side boundary and no wider than 4.8 metres. The existing water meter is required to be relocated to keep clear of the driveway.

The proposed crossover is required to be no wider than 4.8 metres. As advised by the City’s Parks and Environment Department, the crossover is also required to be modified in order to provide a clear distance of 2.5 metres from the existing street tree. In addition, adequate arrangements are to be made with the relevant authority to ensure clearance from the existing Telstra pit located in the street verge.

Visual Privacy

The major openings to Bedroom 1, the Living Room, and the north-west and north-east faces of the rear Balcony do not comply with the visual privacy provisions identified within Clause 3.8.1 of the R-Codes.

Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

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

Objective (a) *Maintain the City's predominantly residential character and amenity.*

However, due to its incompatible design, the proposal is considered **not** to meet the following relevant general Scheme Objective:

Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (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;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance; and*
- (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.*

Having regard to the areas of non-compliance discussed in this report, it is considered that the proposal is unsatisfactory in relation to each of the matters listed above.

Conclusion

Based on the planning assessment and the issues that have been identified, it has been concluded that the proposed development will have an adverse impact on adjoining properties and the locality generally.

Consultation

Design Advisory Consultants' Comments

The proposed development was considered by the City's Design Advisory Consultants (Advisory Architects) at their meeting held on 20 March 2006. The Advisory Architects did not support the proposed development and made the following comments:

- (i) The Advisory Architects considered that the design of the proposed dwelling does not demonstrate compatibility with the dominant streetscape character of the focus area.
- (ii) The Advisory Architects noted that there are a number of habitable room windows overlooking the adjoining properties with regard to visual privacy. While noting the applicant’s comments relating to compliance with the Performance Criteria of the R-Codes in this respect, this was not demonstrated on the drawings. The point was made that either the applicant needs to effectively demonstrate that there will be no overlooking of sensitive areas on the adjoining lots, or the design will need to be modified to prevent overlooking.
- (iii) The Advisory Architects did not make any comments on the proposed setback variations as the officer assessment had not been completed at the time of this meeting.

Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 ‘Neighbour and Community Consultation in Town Planning Processes’. The owners of the south-eastern property at No. 56 Lansdowne Road were invited to inspect the application and to submit comments during a 14-day period in relation to the proposed boundary wall on the south-east property boundary. During the advertising period, the adjoining property owners lodged a submission against the proposal. The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter’s Comment	Officer Response
The proposed height of the wall will potentially obstruct the views of the City from my property. The proposed wall will be visually overbearing and un-aesthetical.	The proposed boundary wall has an average height of 3.5 metres and a maximum height of 4.0 metres, thus exceeds the permissible height of 3.0 metres average. The wall could potentially be an overbearing structure standing at 2.0 metres from a habitable room window on the adjoining property and would obstruct the existing views and outlook from this window. The submitter’s comments are UPHELD .

The applicant has also provided written comments in favour of the proposal from the adjoining property owners on the north-western side. These “no objection” comments generally refer to no objections to the following issues:

- The proposed lesser setbacks;
- Possible overlooking from habitable room windows

Consultation with the Applicant

The Assessing Officer has discussed with the applicant the concerns regarding the incompatible roof form and design. It was explained that the proposed roof form was the key reason for the application being referred to a Council meeting. Being aware of the reason for referral to a Council meeting, the applicants have stated that they still wish to pursue approval based upon the current design. They were not prepared to discuss any alternative roof forms which could be seen as compatible with the streetscape character.

Policy and Legislative Implications

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

Financial Implications

The proposal has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City’s unique natural and built environment.

OFFICER RECOMMENDATION ITEM 9.3.5

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 proposed two storey Single House with under croft on Lot 71 (No. 54) Lansdowne Road, Kensington **be refused**, for the following reasons:

- (a) The design of the proposed dwelling is incompatible with the dominant streetscape character of the focus area and is not consistent with the provisions of Clauses 1.6(f), 7.5 (j) and 7.5 (n) of the City of South Perth Town Planning Scheme No. 6.
- (b) Owing to the incompatible design, the proposed dwelling does not satisfy the provisions of Policy P370_T “General Design Guidelines for Residential Development” which requires all new development to be designed in such a way so as to preserve or enhance the desired streetscape character.
- (c) The following setbacks conflict with the provisions of the Residential Design Codes:
 - (i) North-west side wall with major openings of Bedroom 1 / face of Balcony (on the ground floor)
 - (ii) North-west side wall with major openings of Living Room / face of Balcony (on the first floor)
 - (iii) South-east facing wall without major openings of Living / Kitchen / face of Balcony on the first floor
- (d) The proposed boundary wall conflicts with the provisions of Council Policy P376_T “Residential Boundary Walls” having regard to the adverse amenity impact that this wall has on the adjoining property.
- (e) Ground Floor Finished Floor Levels exceed the acceptable levels, having regard to the provisions of Clause 6.10 of the City of South Perth Town Planning Scheme No. 6.
- (f) The crossover and driveway design and siting conflict with provisions identified in clause 3.5.4 of the Residential Design Codes 2002.
- (g) The major openings to Bedroom 1, the Living Room, and the north-west and north-east faces of the rear Balcony do not comply with the visual privacy provisions identified within Clause 3.8.1 of the Residential Design Codes 2002.

Important Note:

- (a) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

COMMENT ON DEPUTATION ITEM 9.3.5

The Mayor requested an officer comment on the Deputation for Item 9.3.5.

The Director Strategic and Regulatory Services said he noted the request for deferral however the overriding concern is that the proposed design is incompatible with the streetscape and as such the officer recommendation is not recommended to be changed.

MOTION

Cr Smith moved the officer recommendation. Sec Cr Maddaford.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne point of clarification - the person who made the Deputation indicated he had met with officers who conceded on a few point on the subject of the officer recommendation - can you advise which points are now not relevant?

Director Strategic and Regulatory Services said that having not had the opportunity to speak to the particular Planning Officer he could not verify the points raised. He further stated that he believed that the boundary wall issue, part (d) of the recommendation, had been resolved but there remained other unresolved matters of which the roof form is of primary concern in terms of streetscape compatibility. Accordingly he did not support change to the recommendation. He further noted that the applicant does have the opportunity to submit a revised application in this regard.

FORESHADOWED MOTION

Cr Hearne foreshadowed that the would be moving for deferral of the application if the current Motion is lost.

Cr Ozsdolay against the Motion

- on the grounds of officers dialogue with applicant - against Motion
- believe deferral a better option
- against the Motion

Cr Smith for the Motion

- cannot make assumptions based on the Deputation
- points raised with officers may be correct
- if we refuse then it is open to applicant to come back with revisions
- refusal and deferral will achieve same thing

The Mayor put the Motion.

LOST 3/9

MOTION

Moved Cr Hearne, Sec Cr Wells

That the application for planning approval for proposed two storey Single House with undercroft on Lot 71 (No. 54) Lansdowne Road, Kensington be deferred for consideration at the earliest available meeting.

Cr Trent point of clarification - the difference between refusal and deferral? Does a refusal allow the applicant to go to the Tribunal whereas a deferral allows discussion to continue?

Director Strategic and Regulatory Services confirmed this was correct.

COUNCIL DECISION ITEM 9.3.5

The Mayor put the Motion

That the application for planning approval for proposed two storey Single House with undercroft on Lot 71 (No. 54) Lansdowne Road, Kensington be deferred for consideration at the earliest available meeting.

CARRIED (12/0)

9.3.6 Proposed Public Utility (Electricity Substation). Lots 3 and 5 (Nos. 2 and 4 - 6) Clarence Street, South Perth.

Location:	Lots 3 and 5 (Nos. 2 and 4-6) Clarence Street, South Perth
Applicant:	Western Power Corporation
File Ref:	11.2006.201 and CL1/2 and 4-6
Date:	3 April 2006
Author:	Gabriela Poezyn, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to the proposed installation of a new electricity substation on Lot 5 (Nos. 4-6) Clarence Street, South Perth and some associated landscaping works on adjoining Lot 3 (No. 2) Clarence Street. The new facility will augment the existing substation situated on Lot 3. More specifically, the application proposes the construction of a new brick switch room. The recommendation is for approval, subject to a number of standard and special conditions.

Background

Drawings related to this proposal are provided as **Confidential Attachment 9.3.6(a)** to this report. Western Power has provided additional information in support of the application which is provided as **Attachment 9.3.6(b)**. Neighbour consultation has been undertaken by Western Power as described in **Attachment 9.3.6(c)**.

The purpose of the proposal is to expand the capacity of the existing Clarence Street substation which is currently situated wholly on Lot 3 (No. 2) Clarence Street. In anticipation of the need to expand the capacity of the existing substation, Western Power purchased the adjoining Lot 5 in 2002 and has subsequently demolished the two Grouped Dwellings that were situated on this lot.

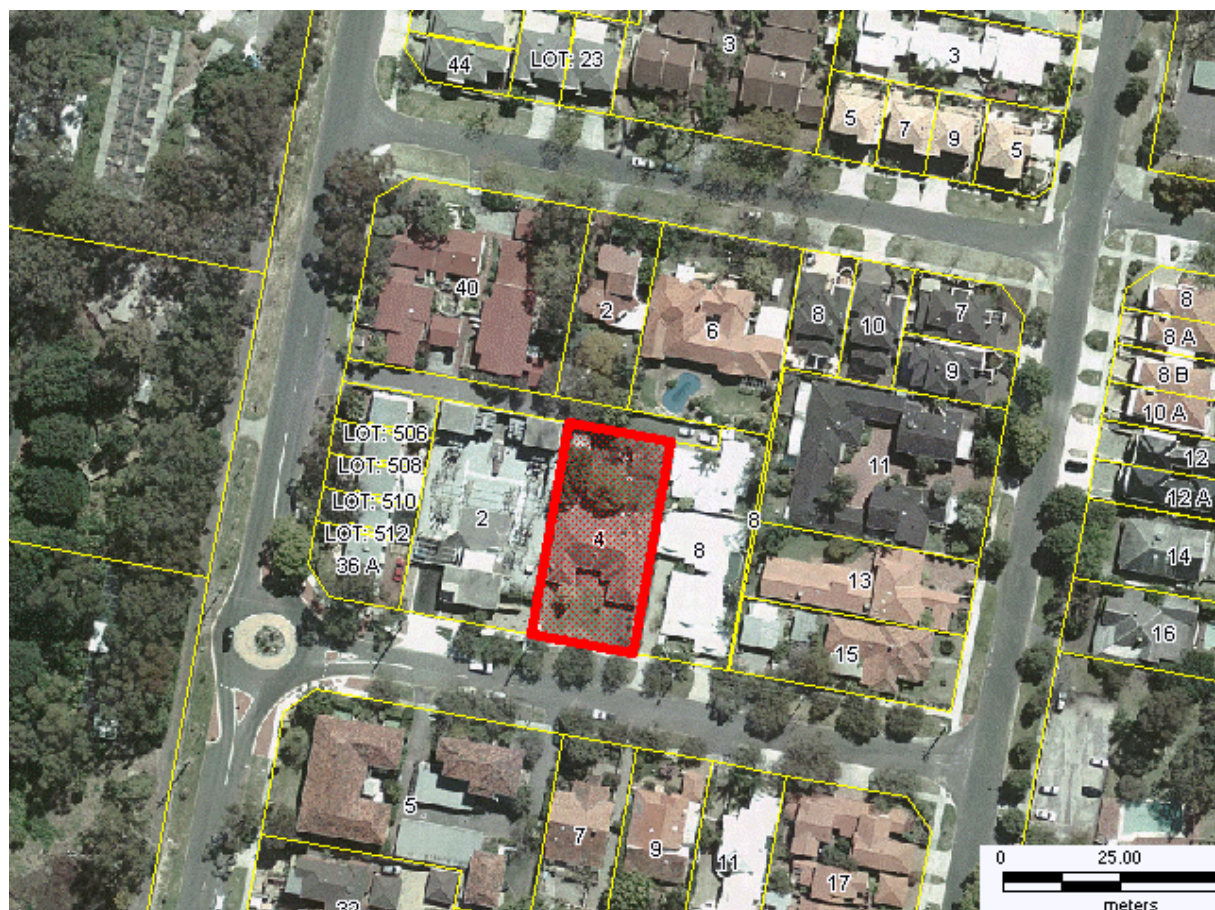
Zoning:	Residential
Density coding:	R60
Lot area:	1003 sq. metres
Height limit:	10.5 metres

Under Town Planning Scheme No. 6, an electricity substation falls into the use class of "Public Utility" which is a discretionary ("D") use. Clause 3.3(3) of TPS6 states that 'D' "*indicates a Discretionary Use and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval*".

The proposal has been referred to the Council meeting in accordance with clause 6 of Council Delegation DC342 "Amenity Impact". This component of the delegation states that:

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

The location of the development site is shown on the aerial photograph below. The existing Clarence Street substation is adjoined by residential development on both sides and is separated from residential development to the rear by a right-of-way.



Comment

(a) Description of the Proposal

The proposed development incorporates a new single storey building that is 16.790 metres long and 6.470 metres wide and is located in line with the existing switch room on the adjoining lot with a 4 metre setback from the street boundary.

The rear half of the lot will remain undeveloped at this stage, leaving the existing mature trees and vegetation undisturbed. Currently there are two trees although one appears to be in decline and may have to be removed.

Access to the property is provided via a proposed crossover and driveway along the eastern side of Lot 5. The crossover is in a similar location to that which served the former residential development. To ensure that all work in regard to the crossover is neat, a condition requiring the removal of portions of the existing crossover that are not part of the new crossover is recommended.

New landscaping is proposed along the eastern property boundary and within the 4 metre setback area between the street boundary and the building. It is proposed that the landscaping within the street setback area will be coordinated with the landscaping forward of the existing substation, which will also be upgraded.

A hardstand area is proposed to the rear of the proposed building. A vehicle gate will restrict access to the hard stand area from the street. A new palisade fence will separate the undeveloped portion of the lot from the hard stand area, although a gate is provided within this palisade fencing to allow maintenance of the rear portion of the lot.

A new 1.8 metre capped corrugated fibre cement fence is proposed along the rear boundary while the existing fencing along the eastern boundary between the adjoining three grouped dwellings and the subject site will remain.

(b) Relevant Legislation

Town Planning Scheme No 6

The City of South Perth Town Planning Scheme No. 6 (TPS6) does not contain specific development standards for development of this kind. Many of the technical requirements that would otherwise apply to residential or non-residential development are not applicable in this instance.

The proposal meets the Scheme Objectives and “Matters to be Considered” as follows:

Scheme Objectives (Clause 1.6 of TPS6)

The Scheme objectives relevant to this proposal are objectives (f) and (h). The following table provides comment with respect to each of these matters:

Objective	Comment
<i>(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;</i>	Under the R60 density coding and building height limit of 10.5 metres, Lot 5 has the potential to accommodate five, three storey Grouped or Multiple Dwellings. The proposed development is quite small by comparison with the potential development of the land. The design of the proposed structure is basic and the scale of the new building blends with the numerous single storey dwellings within the focus area. On this basis the new development is considered to be in harmony with the character and scale of the existing residential area and quality landscaping will help to further that objective.
<i>(h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities</i>	Western Power advises that the proposed expansion will improve the efficiency and effective use of the existing Clarence Street substation, thereby meeting this objective.

Matters to be considered by Council (Clause 7.5 of TPS6)

Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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.*

Officer Comment

While it is not ideal to have electricity substation located in a residential area, this proposal is the product of a historical situation. The proposal in itself is relatively inconspicuous and will be neat and well maintained, while increasing the effectiveness of an existing service facility. The proposed expansion of the existing facility is considered to be consistent with orderly and proper planning.

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

Officer Comment

An electricity substation by its very nature will do little to contribute to the amenity of a predominantly residential locality. However, it is a necessary element of an urban area. In this instance the design of the proposal aims to preserve the amenity of the locality largely by way of proposed landscaping.

- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*

Officer Comment

The proposal is compatible with the residential area in terms of height, bulk, orientation, construction materials and landscaping.

- (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.*

Officer Comment

The proposal includes the installation of new boundary fences along two boundaries (eastern and northern boundary) abutting other residential properties.

- (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.*

Officer Comment

The proposal generally satisfies the matters identified above. A condition has been included within the recommendation to ensure that the external finish of the existing building matches the finish of the proposed building.

- (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.*

Officer Comment

With a 3.8 metre driveway, access and egress to the site is adequate, while the hardstand area behind the building provides adequate space for parking of vehicles and associated manoeuvring.

- (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.*

Officer Comment

The amount of traffic generated from this proposal will be minimal and will not have any negative impact on the capacity of the road system.

Council Policy P311 - Electricity Substations

The proposal relates to the City's Policy P311 as follows:

Policy Provision	Comment
(a) The City will support the expansion of existing facilities over the development of new facilities.	The proposal involves the expansion of an existing facility in line with the policy provision.
(b) Where there is a demonstrated need for existing facilities to be expanded, the City will require that the electricity authorities minimise the adverse impact of these facilities on neighbouring properties.	Potential adverse impact on neighbouring properties is minimised by limiting the scale of the development, proposed landscaping and neat fencing, thereby minimising any negative visual impact associated with the development.
(c) The City will request that the infrastructure is suitably surrounded by appropriate landscaping or screening installed and maintained by the electricity supply authority. This is intended to minimise the visual impact on neighbouring properties.	It is Western Powers' intention to provide landscaping. It is recommended that a condition to this effect also be imposed on any approval.
(d) Where there is a demonstrated need to develop new facilities, the City will support the development of new facilities only in non-residential areas.	As the proposal is an expansion of an existing facility, this policy provision is not applicable.
(e) The City will request electricity authorities to undertake consultation with the community in regard to proposals and plans relating to electricity substations. The City's expectation is that consultation will be undertaken at least two years prior to the planned installation or construction of new facilities.	Attachment 9.3.6(c) outlines Western Powers community consultation processes which have been implemented.

(c) **Conclusion**

The expansion of the existing Clarence Street Substation is necessary due to increased power consumption demands within the locality, and it appears from the information provided by Western Power, that a more sympathetic layout of the development incorporating more landscaped area which is visible from the street is not achievable. However the existing and proposed buildings, coupled with the amount of landscaping currently proposed, will provide adequate screening.

The design of the proposed building is unobtrusive. It matches the existing substation structure in scale, and in an attempt to ensure a co-ordinated development over both properties it is recommended that the proposal be subject to a condition requiring that:

- Landscaping over Lots 3 and 5 to be co-ordinated;
- The existing vehicle gate on Lot 3 to be replaced with a vehicle gate that matches the vehicle gate on the proposed development;
- The existing structure on Lot 3 to be upgraded so that its external finishes match that of the new proposal.

Consultation

(a) **Design Advisory Consultants' Comments**

The design of the proposal was considered by the City's Design Advisory Consultants at their meetings held on 20 February 2006 and 20 March 2006. At the meeting on 20 February 2006 the following recommendation was made:

"The Advisory Architects expressed the view that the use of the land proposed by Western Power is not compatible with the medium density residential zoning and use of neighbouring land. Therefore, they recommended that a decision on this application be deferred and in the meantime:

- (a) *The City engage a suitably qualified consultant to assess the proposal with the object of determining whether or not it represents the optimum use of the site already developed coupled with the current development site; and*
- (b) *Western Power be requested to submit definitive information regarding the intended long term use of the rear portion of the site designated on the plans as landscaped area".*

Following that recommendation and further consultation, Western Power provided the additional information as attached in **Attachment 9.3.6(b)**. Based on this information the Design Advisory Architects made the following recommendation at their March meeting:

"Having noted the further details provided by Western Power regarding their long term requirements for the site, the Advisory Architects considered that the application should be approved subject to the submission of a detailed landscaping plan for approval."

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos. 5, 7, 8 and 9 Clarence Street and 6 Hopetoun Street were invited to inspect the application and to submit comments during a 14-day period. A total of 8 neighbour consultation notices were mailed. \

Three (3) enquiries were dealt with during the course of advertising and one (1) written submission was received. It is summarised as follows:

Submitters Comment	Officer Comment
The screen wall on the eastern boundary be extended and increased in height to prevent a view from the adjoining 3 grouped dwelling development to the east of the subject site.	Details regarding the proposed wall alongside the edge of the access driveway next to the landscaped area abutting the eastern boundary have not been provided. Accordingly, it is recommended that a condition be imposed requiring this wall to be 1.8 metres high in order to provide the adjoining dwellings screening of the electricity site.
Entrance gate to be constructed in opaque material so substation grounds cannot be viewed.	The proposed gates match the fencing proposed for the remainder of the development and are considered to be acceptable.
A verge tree is planted between the existing crossover of the lot and crossover to the grouped dwellings to replace the tree that was lost.	It is supported that a new street tree be required as part of the landscaping program of this development if its proposed location is considered to be practical by the City's Parks Department.

Policy and Legislative Implications

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

Financial Implications

This proposal has no financial implications for the City.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City’s unique natural and built environment.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.6

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 additions to of the existing substation in Clarence Street on Lots 3 and 5 (Nos. 2 and 4-6) Clarence Street, South Perth **be approved**, subject to:

(a) **Standard Conditions**

390, 427, 507, 577 (Lots 3 and 5), 660, 664.

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

(b) **Specific Conditions:**

(i) in accordance with the requirements of clauses 6.14 (2) and (5) of Town Planning Scheme No. 6, a landscaping plan that shows proposed landscaping over all areas designated for landscaping on Lots 3 and 5 shall be submitted for approval by the City. This landscaping plan shall include additional street trees on the verge where it is deemed to be practical by the City.

No person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until:

(A) the City has approved a landscaping plan; and

(B) the landscaping has been installed in accordance with the approved plans.

(ii) the existing vehicle gate on Lot 3 shall match that proposed for Lot 5;

(iii) the existing building structure on Lot 3 shall be upgraded so that its external finishes match that of the new proposal; and

(iv) the existing crossover or portions thereof that are not used as part of the new crossover shall be removed and the verge and kerbing shall being reinstated.

(c) **Standard Important Advice Notes**

645, 648, 651.

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

CARRIED EN BLOC RESOLUTION

9.3.7 Proposed Enclosed Patio (Sunroom) Addition to Grouped Dwelling. Lot 340 (Unit 6, No. 82) Edgecumbe Street, Como.

Location:	Lot 340 (Unit 6, No. 82) Edgecumbe Street, Como
Applicant:	Outdoor World for Ms C A Kike
File Ref:	11/955A 11.2006.82.1 ED1.82
Date:	7 April 2006
Author:	Gavin Davey, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

On 8 December 2005, an application for an enclosed patio addition on Lot 340 (Unit 6, No. 82) Edgecumbe Street was refused under delegated authority for the following reasons:

- (1) Table 1 of the Residential Design Codes prescribes requirements in relation to the provision of an Outdoor Living Area for a Grouped Dwelling. In this instance, the Residential Design Codes prescribe requirements for the provision of a 16 sq. metre Outdoor Living Area. The proposed additions are intended to be constructed over the approved Outdoor Living Area and would result in an insufficient Outdoor Living Area remaining.
- (2) Tables 2a and 2b of the Residential Design Codes prescribe setbacks for walls from lot boundaries. The proposed 600mm setback to the southern lot boundary is deficient with respect to that prescribed by the Residential Design Codes.
- (3) Planning Policy P370_T "General Design Guidelines for Residential Development" states that additions and alterations to an existing dwelling shall be designed in such a way that they match that existing building. The design and materials of the proposed addition do not match those of the existing dwelling, contrary to the Council's policy requirements.
- (4) Clause 7.2 (2) of the City of South Perth Town Planning Scheme No. 6 identifies the information which must be submitted in conjunction with an application for planning approval. Much of the specified information has not been provided in conjunction with the application for planning approval.
- (5) Having regard to the abovementioned reasons, in conjunction with the provisions contained within Clauses 1.6 (Scheme Objectives) and 7.5 (Matters to be Considered by Council) of Town Planning Scheme No. 6, it is not considered to be appropriate to grant approval to the proposed development.

These reasons for refusal remain valid. On 24 February 2006, another application for planning approval was lodged for consideration at a Council meeting. The applicant has clarified that the proposal is now a glass enclosed patio and not a "facility room" as originally proposed. However this does not overcome the previous reasons for refusal. Therefore the recommendation is for refusal for essentially the same reasons.

Background

Drawings related to this proposal are provided as *Confidential Attachment 9.3.7(a)* to this report.

Zoning:	Residential
Density coding:	R50
Lot area:	2041 sq. metres (Unit 6 site area is 197 sq. metres including a proportional allocation of common area)
Height limit:	7.0 metres

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

The Exercise of a Discretionary Power

Proposals representing a significant departure from the No. 6 Town Planning Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.

The matter is being referred to the Council meeting, as the current application does not differ in any significant way from the previous application refused by the City under delegated authority.



(The above image may be viewed in colour electronically.)

Comment

Description of the Proposal

The proposal comprises of polycarbonate roofing and a glass wall enclosure.

Reasons for Refusal

In relation to Reason (1) of the previous refusal, Table 1 of the Residential Design Codes prescribes an “Outdoor Living Area” requirements of 16 sq. metres for residential development coded R50, which will not be available if the current proposal is approved.

In relation to Reason (2) of the previous refusal, Tables 2a and 2b of the Residential Design Codes prescribe minimum setbacks for walls from lot boundaries. In this instance, the required minimum setback is 1.0 metre, while the proposed setback is only 0.6 metres.

In relation to Reason (3) of the previous refusal, clause 5 of Planning Policy P370_T “General Design Guidelines for Residential Development” states:

that additions and alterations to an existing dwelling shall be designed in such a way that they match that existing building.

The enclosed patio addition comprises of a flat polycarbonate roof with glass walls forming an enclosed habitable room. The expectation of the City under the Council’s Policy is that an enclosed addition to an existing dwelling will be constructed in the same materials as the existing dwelling. As the proposed additions will be constructed from very different materials, the proposal is in conflict with Policy P370_T.

Reason (4) of the previous refusal was essentially of an administration nature. With the submission of further details in conjunction with the new application, this reason does not need to be pursued. Reason (5) relates to matters discussed below.

Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

Relevant Scheme Objectives listed in Clause 1.6 of TPS6 include the following:

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

The proposed development is considered to *not meet* this overriding objective having regard to the conflict with the following general objective:

- Objective (f): *safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*

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

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, other matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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;*
(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.*

Conclusion

Based upon the abovementioned planning issues, it is recommended that the Officer recommendation for Refusal be supported by Council.

Consultation

Design Advisory Consultants' Comments

The proposal was considered by the City's Design Advisory Consultants at their meeting held on 20 March 2006, and was not favourably received. Their more specific comments are summarised below:

- (i) The Advisory Architects noted that the proposed enclosed patio would be in conflict with Residential Design Codes provisions relating to the Outdoor Living Area.
(ii) The Advisory Architects noted that the design and materials of the construction do not match those of the existing dwelling and the proposal is therefore in conflict with Council Policy P370_T "General Design Guidelines for Residential Development".
(iii) The Advisory Architects recommended that the application be refused.

Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of the property at No. 6 Paterson Street were invited to inspect the application and to submit comments during a 14-day period advertising period. No submissions were received.

Policy and Legislative Implications

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

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City’s unique natural and built environment.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.7</p>
--

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for an enclosed patio (Sunroom) on Lot 340 (Unit 6, No. 82) Edgumbe Street **be refused** for the following reasons:

- (a) Table 1 of the Residential Design Codes prescribes requirements in relation to the provision of an Outdoor Living Area for a Grouped Dwelling. In this instance, the Residential Design Codes prescribe a requirement for the provision of a 16 sq. metre Outdoor Living Area. The proposed additions are intended to be constructed over the approved Outdoor Living Area and would result in an insufficient Outdoor Living Area remaining.
- (b) Tables 2a and 2b of the Residential Design Codes prescribe setbacks for walls from lot boundaries. The proposed 600mm setback from the southern lot boundary does not comply with the minimum setback prescribed by the Residential Design Codes.
- (c) Planning Policy P370_T "General Design Guidelines for Residential Development" states that additions and alterations to an existing dwelling shall be designed in such a way that they match that existing building. The design and materials of the proposed addition do not match those of the existing dwelling, contrary to the Council's policy requirements.
- (d) Having regard to the abovementioned reasons, in conjunction with the provisions contained within Clauses 1.6 (Scheme Objectives) and 7.5 (Matters to be Considered by Council) of Town Planning Scheme No. 6, it is not considered to be appropriate to grant approval to the proposed development.

Important Note

If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

CARRIED EN BLOC RESOLUTION

9.3.8 Proposed Telecommunications Infrastructure. Lot 5 (No. 6) Melville Parade, South Perth.

Location: Lot 5 (No. 6) Melville Parade, South Perth
 Applicant: Planning Solutions for Total Communications Infrastructure (Vodafone)
 File Ref: 11/6523 11.2006.49.1 ME6.6
 Date: 3 April 2006
 Author: Eleni Demetriades, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

This application for planning approval relates to the proposed installation of a Telecommunications Infrastructure facility on Lot 5 (No. 6) Melville Parade, South Perth. The installation will facilitate the operational effectiveness of Vodafone’s mobile telephone network within the locality.

The proposal does not comply with the City of South Perth Town Planning Scheme No. 6 (TPS6) and Planning Policy P394 - Telecommunications Infrastructure (Policy P394). Accordingly, this report recommends that the application for planning approval be refused.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.8(a):** Plans of the proposal
- **Confidential Attachment 9.3.8(b):** Development Application including supporting report and other documents from Planning Solutions, dated February 2006
- **Attachment 9.3.8(c):** Research findings relating to the health impacts of telecommunications infrastructure.
- **Confidential Attachment 9.3.8(d):** Applicant’s response to submissions.

The development site details are as follows:

Zoning:	Residential
Density coding:	R60/80
Lot area:	842 sq. metres
Building Height Limit:	14 metres

In accordance with Council Delegation DC342 “Town Planning Scheme No. 6”, the proposal is referred to a Council meeting for determination. DC342 requires any Telecommunications Infrastructure that is not classified as a low impact facility under the *Telecommunications Act 1997* to be referred to a Council meeting for determination.

The proposed Telecommunications Infrastructure can not be classified as low impact in accordance with the Telecommunications (Low-impact Facilities) Determination 1997 having regard to its size. The determination states that a tower attached to a building and more than 5 metres high is not classified as a low impact facility. The proposed tower exceeds this dimension.

The location of the development site is shown on the aerial photograph below. The site is adjoined by a pedestrian access way to the west which separates the subject lot from the Kwinana Freeway. The subject lot is bounded by residential zoned land to the south, Melville Place to the east and a public open space reserve to the north.



Comment

(a) Description of the Proposal

The proposal comprises three (3) new panel antennas on the rooftop of an existing two-storey building. The antenna with attached panels is proposed to measure 12.5 metres above ground level. The height of the structure from the top of the building is approximately 6.5 metres. Two (2) outdoor unit equipment shelters are to be located on ground level, behind the main building. The plans of the proposal, **Confidential Attachment 9.3.8(a)**, and the applicant's letter, **Confidential Attachment 9.3.8(b)**, describe the proposal in more detail.

In assessing the proposal, the City has had regard to the *Telecommunications Act 1997*, Council Policies P394 "Telecommunications Infrastructure", P104 "Neighbour and Community Consultation in Town Planning Processes", and the City's Town Planning Scheme No. 6 (TPS6).

(b) City of South Perth Town Planning Scheme No. 6 (TPS6)

(i) Clause 6.15 Telecommunications Infrastructure

Clause 6.15 Telecommunications Infrastructure of TPS6 provides that:

- (a) Mobile telephone towers and associated equipment buildings shall be sited not less than 300 metres from the nearest residential buildings.*
- (b) Mobile telephone towers and associated equipment buildings shall not be sited in undeveloped areas in their natural state unless the applicant is able to satisfy the Council, by way of a management plan, that procedures to be implemented during construction, maintenance and operation of the proposed facility will result in minimal environmental impact.*

- (c) *Any Telecommunications Infrastructure which does not constitute a low impact facility for the purposes of the Telecommunications Act, 1997 (Commonwealth) (as amended) shall be installed on or within other existing Telecommunications Infrastructure that is currently used, or intended to be used, for connection to a telecommunications network unless the Council is satisfied that such installation would result in inadequate radio frequency coverage having regard to the carrier's existing network.*
- (d) *Above ground telecommunication cabling shall not be permitted due to its adverse visual impact. Any telecommunications cabling shall be located underground.*

The proposal does not comply with clause 6.15(a) of TPS6 as it is attached to an existing residential building rather than being separated by a distance of not less than 300 metres. A variation from this Scheme provision could only be approved under clause 7.8 of TPS6 "Discretion to Permit Variations from Scheme Provisions, if the Council was satisfied that:

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

Having regard to the adverse impact on the amenity of the locality, the proximity of the site to a heritage precinct, and the inability for the proposed structure to achieve any separation from any residential buildings, it is considered that the Council should not exercise its discretion in this instance in order to approve a variation from the prescribed 300 metre minimum separation distance.

(ii) Clause 1.6 Scheme Objectives

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

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

The proposed development is considered **not to meet** this overriding objective having regard to the following precinct objective/s:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- Objective (e)** *Ensure community aspirations and concerns are addressed through Scheme controls;*
- Objective (f)** *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

- Objective (g) Protect residential areas from the encroachment of inappropriate uses;*
- Objective (k) Recognise and preserve areas, buildings and sites of heritage value.*

Objectives (a) (f) (g)

The proposed Telecommunications Infrastructure is not characteristic of a development that would usually occur within a residential area. It is considered that the proposal has an adverse impact on the residential character and amenity of its surrounds due to its height and prominence above an existing building.

Objective (e)

During the statutory advertising period undertaken for the proposal, twenty two (22) submissions of objection were received. In summary, community concerns were predominantly based around the visual intrusiveness of the proposed development. The visual impact of a proposed development within the context of its surrounds is a relevant planning consideration. It is agreed that the proposal will adversely impact on the surrounding residential character of the locality and will be out of context in its surrounds.

Objective (k)

The development site is located in close proximity to a site of considerable heritage significance. Built in 1833, the Old Mill is recognised by the National Trust, listed in the Register of Heritage Places by the Heritage Council of Western Australia, and is also listed in the Register of the National Estate by the Australian Heritage Commission. Furthermore, it is classified within the highest category of heritage significance under the City of the South Perth Municipal Heritage Inventory.

Proposed developments within close proximity to a significant heritage site should ensure that the heritage significance of the site will not be adversely impacted. A structure such as that proposed is not in keeping with the surrounding residential area, and could have an adverse impact on the heritage value of the Old Mill site and should therefore, not be approved.

(iii) Clause 7.5 Matters to be Considered by Council

In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, the matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (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;*

- (o) *the cultural significance of any place or area affected by the development;*
- (r) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;*

Listed Matter (c)

The Western Australian Planning Commission's 'Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure' is a relevant consideration in the assessment of the proposed Telecommunications Infrastructure. It is considered that the proposal **does not** comply with a number of criteria listed under Section 5 - Policy Provisions, subclause 5.1 - Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure. The criteria include:

- Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.
- Telecommunications facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.
- Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

Listed Matters (f) (i) (j) (o) and (w)

All other listed matters have been discussed elsewhere in this report.

It is considered that the proposed facility should not be approved, having regard to the abovementioned listed matters.

(c) **Planning Policy P394 - Telecommunications Infrastructure**

Planning Policy P394 Telecommunications Infrastructure (P394) provides that:

In considering an application for planning approval, the City will have regard to the provisions of Town Planning Scheme No. 6 and the visual impact of the proposed Telecommunications Infrastructure. Planning approval will be refused where the City is of the opinion that the proposed facility would have a significant adverse visual impact.

It is considered that the proposed facility **does not** comply with P394 for the following reasons:

- The proposal is located within a predominantly residential area and is not characteristic of its surrounds.
- The proposal is located in close proximity to a significant heritage site and would potentially have an adverse impact on its heritage significance in the context of the surrounding area.
- The proposal has no capacity to be separated from residential properties (as it is located above an existing residential building) and this exacerbates its adverse visual impact.
- The proposal does not comply with clause 6.15 (a) of TPS6.

Consultation

The application was referred to the Department of Indigenous Affairs and was also advertised in accordance with Policy P104 'Neighbour and Community Consultation in Town Planning Processes'.

(a) **Department of Indigenous Affairs (DIA)**

The application was referred to the Department of Indigenous Affairs (DIA) as the proposal falls within Aboriginal Site No. 3705 (Foreshore Camping Ground), an area identified on the Department of Indigenous Affairs Sites Register.

The DIA response is as follows:

The application document makes reference to Aboriginal site DIA 3705 ... In both those references the authors acknowledge that the consent of the Minister for Indigenous Affairs will be required before the works commence. This would require a notice pursuant to section 18 of the Aboriginal Heritage Act 1972.

In order to reinforce the need to seek such consent I recommend that any approval by the Council is conditional upon the lodgement of a notice under section 18 to the Aboriginal Cultural Material Committee.

(b) **Neighbour Consultation**

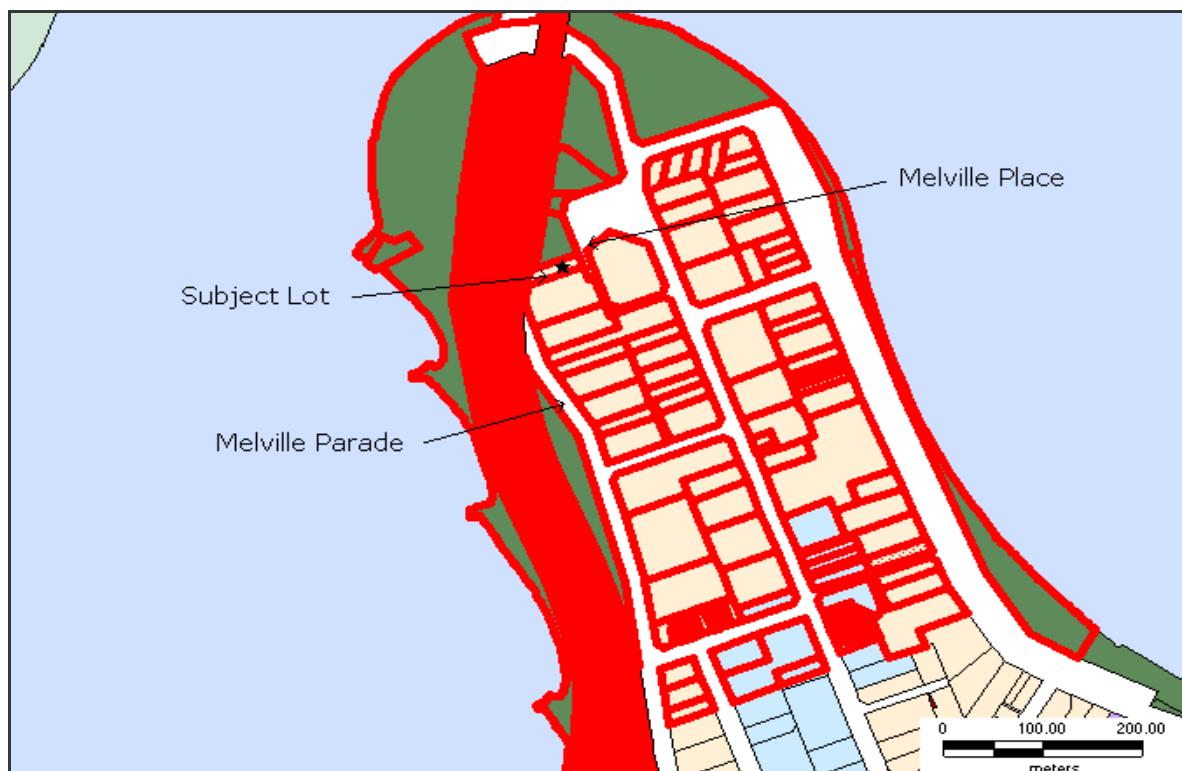
Neighbour Consultation has been undertaken for the proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'(P104).

P104 states that where an application for planning approval involves telecommunication infrastructure which is not 'low impact' as defined in P394, all community consultation shall be undertaken by the applicant at the applicant's cost. Advertising of the proposal took place as follows:

(i) Written Notices

Written notices were mailed to all properties within a 500 metre radius of the development site. A list of the relevant names and addresses for each property was provided by the City to the applicant. All mail notices were sent by registered post and the registered post receipts were provided to the City as proof that the advertising was been undertaken in accordance with P104 requirements. All persons notified of the proposal by written notice had 21 days to make a submission to the City. A total of 185 neighbour consultation notices were mailed to individual property owners and occupiers. (In accordance with P104, where there is a requirement to invite comments from the owners and occupiers of a property containing more than twelve (12) dwellings, notices were forwarded to the Strata Company only. It is the responsibility of the Strata Company to advise its members and their tenants of the contents of the notice in these instances).

The map below indicates the extent of the properties (highlighted) that fall within a 500 metre radius of the development site.



(ii) Signs (Site Notices)

A site notice was placed on the development site on Melville Place, to which the site has street frontage. Details of the required wording on the signs, together with the minimum dimensions and underside clearance were provided to the applicant by the City. The applicant complied with the site notice requirements and the site notice remained in place for a period of 21 days.

(iii) Newspaper Notice

In addition to written notices and the site notice, the proposal was also advertised by way of two newspaper advertisements in the Southern Gazette, appearing in that local newspaper on Tuesday, 28 February 2006 and Tuesday, 7 March 2006.

During the advertising period, 23 submissions were received, 22 objecting to the proposal. The comments of the submitters, together with Applicant and Officer Responses to each of the matters raised, are summarised in the following table. In addition to the summary of the Applicant's response, the full version of the Applicant's responses is appended to this report as **Confidential Attachment 9.3.8(d)**.

Submitter's Comment	Applicant's Response	Officer Response
<p>1. <i>Objection</i></p> <p>a) Potential health risk, including radiation either now or at a later stage.</p>	<p>a) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid 'Planning' consideration, and should not be considered in the determination of the proposal.</p>	<p>a) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted.</p>

Submitter's Comment	Applicant's Response	Officer Response
2.. <i>Objection</i> (No reason given)	n/a	The objection is noted .
3. <i>Objection</i> (No reason given)	n/a	The objection is noted .
<p>4. <i>Objection</i></p> <p>a) The telecommunications tower is not conducive to the aesthetics of the area, the peninsula area is unique in having the Swan River either side of the region, the proposed tower will spoil the beauty of the area;</p> <p>b) Telecommunications Infrastructure can be added to and modified over time, further spoiling the unique vista adjacent to the Swan River.</p> <p>c) Approving the tower will set a precedent, leading to other similar structures being approved within the area;</p> <p>d) The area adjacent to the proposed tower is undergoing a planning proposal as a Special Heritage Precinct for the Old Mill in South Perth.</p> <p>e) The Council is spending money sinking overhead power lines throughout the area, it does not make sense to erect a large telecommunications tower right on the rivers edge.</p>	<p>a) d) e) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal will not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>b) c) As the subject site is listed on the Department of Indigenous Affairs Register of Aboriginal Sites, additional infrastructure on the site cannot be considered as 'low impact' and would therefore, require a formal planning application to be lodged with Council.</p>	<p>a) d) and e) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>b) c) Due to the location of the site (listed on the Department of Indigenous Affairs Register of Aboriginal Site), additions and alterations to existing structure can not be classified as low impact and therefore, would require formal planning application to Council. The submitter's comment is not upheld.</p>

Submitter's Comment	Applicant's Response	Officer Response
<p>5. <i>Objection</i></p> <p>a) The proposal is an intrusion to the natural beauty of the area.</p> <p>b) The proposal, whilst initially only having 3 antennas, will in all probability end up in the near future, with various other antennas from other telco companies being attached and making it even more of an eyesore and more unsightly.</p> <p>c) In spite of all the 'expert' assurances that we will not be exposed to dangerous levels of electromagnetic energy, this has not yet been fully proven. In the event of additional antennas being installed, the EME levels will rise and make health issues more potentially dangerous.</p>	<p>a) Between the subject site and the river are several lanes of freeway and associated infrastructure, and the future railway line and when viewed from the river and Kings Park, the background to the site consists of high-rise apartment buildings. The impact of the proposed facility when viewed from the public open space area is therefore negligible.</p> <p>- In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>b) As the subject site is listed on the Department of Indigenous Affairs Register of Aboriginal Sites, additional infrastructure on the site cannot be considered as 'low impact' and would therefore, require a formal planning application to be lodged with Council.</p> <p>c) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid planning matter, and should not be considered in the determination of the proposal.</p>	<p>a) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>b) Due to the location of the site (listed on the Department of Indigenous Affairs Register of Aboriginal Site), additions and alterations to existing structure can not be classified as low impact and therefore, would require formal planning application to Council. The submitter's comment is not upheld.</p> <p>c) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted.</p>
<p>6. <i>Objection</i></p> <p>a) As per Planning Policy P394, the proposed tower is greater than 5 m high (and hence is not low impact).</p> <p>b) The proposed facility will disrupt the environment of the neighbourhood in its current form.</p> <p>c) The proposed tower is within 300 metres of the nearest residential building.</p>	<p>b) Between the subject site and the river are several lanes of freeway and associated infrastructure, and the future railway line and when viewed from the river and Kings Park, the background to the site consists of high-rise apartment buildings. The impact of the proposed facility when viewed from the public open space area is therefore negligible.</p> <p>- In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>c) Clause 6.15 (a) does not apply to the proposal as this clause relates only to monopole structures.</p>	<p>a) In accordance with the <i>Telecommunications (Low-impact Facilities) Determination 1997</i> the proposal is not considered low impact. In accordance with Planning Policy P394 it requires an application for planning approval. The submitter's comment is noted.</p> <p>b) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>c) The proposal does not comply with clause 6.15 (a) of TPS6. The submitter's comment is upheld.</p>

Submitter's Comment	Applicant's Response	Officer Response
<p><i>7. Objection</i></p> <p>a) There is unknown health risks from such antennas. It is acknowledged that the level is low measured against today's standards but what of the future? How many times has this happened in the past that medicines or radiation have been thought safe for humans only to find out years later that they were not safe. We regularly have our grandchildren stay with us and are very concerned at the prospect of having them exposed to additional radiation for extended periods of time.</p> <p>b) The proposal will be an eyesore. It would not improve the look of South Perth to anyone coming across the Narrows Bridge whether they be residents, visitors or tourists.</p> <p>c) There are thoughts of a tourist redevelopment adjacent to the Old Mill area. We can not see three antennas being part of such a redevelopment. It would turn tourists away rather than attract them.</p>	<p>a) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid planning matter, and should not be considered in the determination of the proposal.</p> <p>b) Between the subject site and the river are several lanes of freeway and associated infrastructure, and the future railway line and when viewed from the river and Kings Park, the background to the site consists of high-rise apartment buildings. The impact of the proposed facility when viewed from the public open space area is therefore negligible.</p> <p>- In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>c) The proposal does not impact on the Old Mill Heritage Site as it is approximately 70 metres north of the subject site and the topography of the area and existing mature vegetation provide adequate screening.</p>	<p>a) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted.</p> <p>b) & c) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p>
<p><i>8. Objection</i></p> <p>a) It is my understanding that a heritage centre was being built around the Old Mill area, and I don't think Vodafone towers would be quite fitting what the Council of South Perth are trying to achieve.</p> <p>b) If we let this go ahead we will be seeing towers in Kings Park next.</p>	<p>a) The proposal does not impact on the Old Mill Heritage Site as it is approximately 70 metres north of the subject site and the topography of the area and existing mature vegetation provide adequate screening.</p>	<p>a) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>b) All applications are assessed separately on their planning merits. The possible approval of an application outside of the City of South Perth is not a relevant consideration in the assessment of the current application. The submitter's comment is not upheld.</p>
<p><i>9. Objection</i></p> <p>a) It will spoil the aesthetics and beauty of the peninsula. Certainly, it will detract from the historic appeal of the area, and is much too close to the Old Mill.</p>	<p>a) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p>	<p>a) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p>

Submitter's Comment	Applicant's Response	Officer Response
<p><i>10. Objection</i></p> <p>a) Non-compliance with clause 6.15 (a) of TPS6. My unit is within 300 metres of the proposed installation site.</p> <p>b) It does not comply with Low-Impact Facility.</p> <p>c) Considering the adjacent Old Mill Precinct, the proposed redevelopment and the possibility of the area developing into a major tourist attraction, the presence of an unsightly phone tower would not be attractive to tourists.</p> <p>d) I consider that the unsightly phone tower would be detrimental to property values in the area.</p>	<p>a) Clause 6.15 (a) does not apply to the proposal as this clause relates only to monopole structures.</p> <p>c) The proposal does not impact on the Old Mill Heritage Site as it is approximately 70 metres north of the subject site and the topography of the area and existing mature vegetation provide adequate screening.</p>	<p>a) The proposal does not comply with clause 6.15 (a) of TPS6. The submitter's comment is upheld.</p> <p>b) In accordance with the <i>Telecommunications (Low-impact Facilities) Determination 1997</i> the proposal is not considered low impact. In accordance with Planning Policy P394 it requires an application for planning approval. The submitter's comment is noted.</p> <p>c) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>d) The issue of decreasing property values, as a consequence of a proposed development, is not a relevant planning consideration. The submitter's comment is not upheld.</p>
<p><i>11. Objection</i></p> <p>a) The high infrastructure is going to spoil the view for the many residents overlooking the building;</p> <p>b)The infrastructure is for commercial usage not residential usage - apartments are our residential homes;</p> <p>c) This commercial infrastructure will contravene building height restrictions;</p> <p>d) This commercial infrastructure is not taking into consideration the health implications on infants and young children - we are extremely concerned of the close proximity to the constant exposure to the electromagnetic energy because the data given does not correlate to current findings on the dangers of electromagnetic energy levels on infants and young children.</p>	<p>a) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>b) Under the provisions of TPS No. 6, the use of 'Telecommunications Infrastructure' is a 'D' (i.e. discretionary) use within a 'Residential' zone. Accordingly, the proposed use may be approved on the subject site, in accordance with the Scheme.</p> <p>c) The proposed development is in full compliance with the building height limits prescribed by TPS 6.</p> <p>d) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid planning matter, and should not be considered in the determination of the proposal.</p>	<p>a) The impact of the proposal on the aesthetics of the residential area is an important 'Planning' consideration. The submitter's comment is upheld.</p> <p>b) This type of infrastructure may be more suited to a location in commercial or industrial zoned areas. The submitter's comment is upheld.</p> <p>c) The Telecommunications Infrastructure is approximately 13 metres from ground level. The height limit for the surrounding residential area, for all buildings, is 14 metres. Notwithstanding, the maximum height limit would not be applied to a structure of this nature. The submitter's comment is not upheld.</p> <p>d) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted.</p>

Submitter's Comment	Applicant's Response	Officer Response
<p><i>12.. Objection</i></p> <p>a) The proposal does not comply with clause 6.15 (a) of TPS6.</p> <p>b) The proposal does not comply with clause 7.8 of TPS6.</p> <p>c) The proposal does not comply with clause 8.1 of TPS6.</p> <p>d) The proposal does not comply with Planning Policy P394 'Telecommunications Infrastructure' as the proposal will have a significant adverse visual impact on the locality.</p> <p>e) We have paid substantial levies to assist Council Policy of improving 'streetscapes' and the visual impact of the locality by establishing underground power. It would now be a backward step for Council to approve a proposal which would clearly enhance the 'visual pollution' that the installation of underground power has so obviously corrected.</p>	<p>a) Clause 6.15 (a) does not apply to the proposal as this clause relates only to monopole structures.</p> <p>b) - There are no development standards applicable to telecommunications infrastructure.</p> <p>c) Use of 'Telecommunications Infrastructure is a 'D' (discretionary) use within a 'Residential' zone.</p> <p>d) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p>	<p>a) The proposal does not comply with clause 6.15 (a) of TPS6. The submitter's comment is upheld.</p> <p>b) The proposal does not comply with clause 7.8 of TPS6. The submitter's comment is upheld.</p> <p>c) Clause 8.1 of TPS6 relates to Non-Conforming Use rights. This is not relevant to the proposal. The submitter's comment is not upheld.</p> <p>d) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>e) The submitter's comment is noted.</p>
<p><i>13. Objection</i></p> <p>a) Visually, the proposal is a pollution to the environment, even more so when you take into account that the area around the Wind Mill is currently under planning review for improvement as a tourist precinct, reflecting an important part of our early Swan river settlement and Heritage.</p> <p>b) Health risks for both residents and the general public visiting the area.</p> <p>c) Possible interference with electronic reception of television receiver.</p> <p>d) The only reason for this proposal is for financial gain by the owners of the property in question from the telecommunications giant.</p>	<p>a) The proposal does not impact on the Old Mill Heritage Site as it is approximately 70 metres north of the subject site and the topography of the area and existing mature vegetation provide adequate screening.</p> <p>b) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid planning matter, and should not be considered in the determination of the proposal.</p>	<p>a) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>b) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted.</p> <p>c) The federal Australian Communications Authority controls all communications equipment and there are stringent engineering requirements that ensure that no interference with public services is possible. The submitter's comment is not upheld.</p> <p>d) This is not a relevant 'Planning' consideration. The submitter's comment is not upheld.</p>

Submitter's Comment	Applicant's Response	Officer Response
<p><i>14. Objection</i></p> <p>a) General Amenity - disruption of extensive river views for adjoining property owners, adverse impact on significant recreation areas and sensitivity of area which can be viewed from Kings Park.</p> <p>b) Inconsistent Use - Industrial use is inconsistent with current town planning principles adopted by the City of South Perth TPS6.</p> <p>c) Inconsistent use of Lot 5 - height exceeds that which is permitted on similar buildings within the locality. The proposal would become a visual landmark due to its height, and as an industrial use would be inconsistent with other visual landmarks such as the Old Mill Precinct, the recreational areas and the entry statement for the City of South Perth.</p> <p>d) Lack of need for proposed tower.</p> <p>e) Health issues;</p> <p>f) Safety issues - high winds may cause collapse, no evidence of structural integrity of antenna;</p> <p>g) Inadequate maintenance - exposure to the elements means that it may deteriorate over time. (Adverse visual impact).</p> <p>h) Useful life - No proposal for removal of tower when its useful life has expired due to advances in technology.</p> <p>i) Inconsistent User - The proposal could set an undesirable precedent and the area could subsequently become a hub for telecommunications towers.</p> <p>j) Visual Amenity - Loss of visual amenity for surrounding users.</p>	<p>a) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>b) Under the provisions of TPS No. 6, the use of 'Telecommunications Infrastructure' is a 'D' (i.e. discretionary) use within a 'Residential' zone. Accordingly, the proposed use may be approved on the subject site, in accordance with the Scheme.</p> <p>c) The proposed development is in full compliance with the building height limits prescribed by TPS6.</p> <p>e) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid planning matter, and should not be considered in the determination of the proposal.</p> <p>f) The infrastructure is to be constructed in accordance with the relevant Australian Standards.</p> <p>g) Maintenance is not a planning consideration.</p> <p>i) As the subject site is listed on the Department of Indigenous Affairs Register of Aboriginal Sites, additional infrastructure on the site cannot be considered as 'low impact' and would therefore, require a formal planning application to be lodged with Council.</p>	<p>a) The impact of the proposal on the aesthetics of the residential area is an important 'Planning' consideration. The submitter's comment is upheld.</p> <p>b) The proposal can be considered for approval on land zoned 'Residential' subject to compliance with the provisions of TPS6. The proposal does not comply with a TPS6 provision. The submitter's comment is upheld.</p> <p>c) The proposed Telecommunications Infrastructure rises to a height of approximately 13 metres from ground level. The height limit for the surrounding residential area, for all buildings, is 14 metres. Notwithstanding, the maximum height limit would not be applied to a structure of this nature. The submitter's comment is not upheld.</p> <p>d) The applicant has stated that due to emerging mobile telephone technology there is a need for additional telecommunication facilities. The submitter's comment is noted.</p> <p>e) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted.</p> <p>f) Any approval would require the structural integrity of the facility to be demonstrated. The submitter's comment is not upheld.</p> <p>g) The maintenance of the structure would be the responsibility of the server and is not usually controlled through conditions of approval. The submitter's comment is not upheld.</p> <p>h) This concern is based on a presumption that mobile telephone towers will become redundant. A condition could not be applied to any planning approval based upon any such potential redundancy. The submitter's comment is not upheld.</p>

		<p>l) All applications are assessed separately on their individual planning merits. The submitter's comment is not upheld.</p> <p>j) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p>
<p>15., 16., 17., 18., 19., 20, 21 <i>Objections</i></p> <p>a) The telecommunications infrastructure once approved can, without further application, be added to over time and lead to an entirely different infrastructure to that for which application is currently made.</p> <p>b) The effect on the aesthetics of the immediate residential area and the impingement on the vista to Melville Waters and Kings Park that is currently enjoyed by the peninsula residents.</p> <p>c) Once approved, a precedent be set and lead to numerous other telecommunications infrastructure that not only could be a blight on the aesthetics of the area but lead to interference with existing services.</p>	<p>a) and c) As the subject site is listed on the Department of Indigenous Affairs Register of Aboriginal Sites, additional infrastructure on the site cannot be considered as 'low impact' and would therefore, require a formal planning application to be lodged with Council.</p> <p>b) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p>	<p>a) Due to the location of the site (listed on the Department of Indigenous Affairs Register of Aboriginal Sites), additions and alterations to an existing structure can not be classified as low impact and therefore, would require lodgement of a formal planning application to Council. The submitter's comment is not upheld.</p> <p>b) The impact of the proposal on the aesthetics of the residential area is an important 'Planning' consideration. The submitter's comment is upheld.</p> <p>c) All applications are assessed separately on their planning merits. The federal Australian Communications Authority controls all communications equipment and there are stringent engineering requirements that ensure that no interference with public services is possible. The submitter's comment is not upheld.</p>
<p>22.. <i>Objection</i></p> <p>a) The proposal will spoil the aesthetics and beauty of the Peninsula area;</p> <p>b) Potential health risk.</p>	<p>a) In the context of the surrounding existing and future infrastructure, topography and scale of nearby development, the proposal shall not detrimentally impact upon the amenity of the residential uses in the surrounding area.</p> <p>b) The proposal will operate in compliance with the Australian Communication Authority EME regulatory arrangements with regard to EME. Notwithstanding, the alleged health impacts of EME are not a valid planning matter, and should not be considered in the determination of the proposal.</p>	<p>a) The impact of the proposal on the aesthetics of the surrounding area is a relevant consideration. The submitter's comment is upheld.</p> <p>b) Health risk is not a 'Planning' consideration as the City is not authorised to consider the alleged health impacts of telecommunications infrastructure when determining an application for planning approval. The submitter's comment is noted</p>
<p>23.. <i>No objection</i> (No reason given).</p>	n/a	The comment is noted.

The submissions objecting to the proposal can be categorised into the following topics:

- a) Non-compliance with clause 6.15(a) of TPS6;
- b) Health impact;
- c) Scale, design and height and the overall impact of the proposal on the aesthetics of the surrounding residential area and possible reduction of residential amenity if the proposal is approved;
- d) Proximity to a heritage site listed in the State Heritage Register.

Further Officer Response:

Health impact of proposed infrastructure

The consideration of health impacts from the proposed infrastructure is not a 'Planning' consideration. Council Policy P394 Telecommunications Infrastructure (P394) states that:

The City is not authorised to consider the alleged health impacts of Telecommunications Infrastructure when determining an application for planning approval. National and International health authorities have determined that these facilities do not have major health impacts.

Attachment 9.3.8(c) refers to research findings relating to the health impact of such facilities.

In summary, it states that independent scientific research has been conducted by Federal Government bodies and based on a review of such findings, the Health Department of Western Australia has advised that there is currently no health basis for restricting telecommunications infrastructure, in or near residential areas.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms: *To effectively manage, enhance and maintain the City's unique natural and built environment.*

COMMENT ON DEPUTATION ITEM 9.3.8

The Mayor requested an officer comment in response to the Deputation on Item 9.3.8.

The Director Strategic and Regulatory Services stated that essentially the officer's position is unchanged because there are remaining concerns of non-compliance with Town Planning Scheme No. 6 in particular it does not comply with clause 6.15 and 'Scheme Objective 'k' and even if the antenna height were reduced, it would still be classified as a high impact facility and would therefore not comply with TPS6.

OFFICER RECOMMENDATION ITEM 9.3.8

Moved Cr Smith, Sec Cr Wells

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 Telecommunications Infrastructure on Lot 5 (No. 6) Melville Parade, South Perth **be refused** for the following reasons:

- (a) the proposal does not comply with clause 6.15 (a) of the City of South Perth Town Planning Scheme No. 6;
- (b) the proposal does not comply with the objectives listed within clause 1.6 of the City of South Perth Town Planning Scheme No. 6;
- (c) the proposal conflicts with matters listed within clause 7.5 of the City of South Perth Town Planning Scheme No. 6; and
- (d) the proposal does not comply with the provisions of Council Policy P394 - Telecommunications Infrastructure.

CARRIED (8/4)

9.4 GOAL 4: INFRASTRUCTURE
Nil

9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

9.5.1 2006 Future of Local Government Summit

Location:	City of South Perth
Applicant:	Council
File Ref:	PE/501
Date:	10 April 2006
Author/Reporting Officer	Cliff Frewing, Chief Executive Officer

Summary

The Second 'Future of Local Government Summit' will be held at the Sofitel Hotel, Melbourne on 1 and 2 June 2006. The 2005 Summit, which was described by many who attended as 'the best Local Government event they had attended', concluded that the future of local government would revolve around the following vision:

'Local Government is valued by all Australians for building strong and successful communities'

Last year the Mayor and the Director Infrastructure Services represented the City of South Perth. This year it is proposed that the Mayor and the CEO represent Council at this conference. A copy of the program is included with the Agenda as **Attachment 9.5.1**.

Background

Some of the key themes to come out of the 2005 Summit were:

- There is a significant degree of convergence occurring in local government directions internationally;
- The world is changing in a number of fundamental ways, and the purpose of the sector needs to be reviewed: what is the value proposition for local government?
- As a pre-condition for a better future, local government needs to engage with, and win trust and respect from the community;
- Local government often pursues regulation at the expense of community building, which can be viewed as the ultimate public good and needs to be at the heart of local government's future;

- Local government needs to collaborate with other stakeholders and find new, flexible ways of achieving outcomes: What 'deal' can local government put on the table to negotiate an improved position with other levels of government? The gap between rural and urban areas is probably going to increase and local government needs to adopt a sector-wide position to pursue a more sustainable strategy;
- Local government needs to steer, but not row; and
- Imaginative leadership is essential for the future

In addition, since the 2005 Summit, Victorian Councils have established a Future of Local Government Group (of Councillors and CEOs) who have had a number of meetings and produced the following summary principles:

- Things can be better
- Local government needs to embrace reform and lead the charge for change (self-regulation, tough love): when local government acts, others follow; when local government does not act, others act for us (impose)
- Local government needs to re-think what we do/how we do it - our mindset and practice
- Local government needs to deliver on local priorities
- Local government needs to work with the community
- Local government needs to address the 'image' issue. (what does your Council do for you?)
- Local government needs to build better relationships (including with external stakeholders)
- We need to achieve outcomes in resource sharing/economies of scale
- Local government needs to deliver on local government promises and commitments
- Focus should be on building community leadership/local democracy advocacy

As the CEO of the Municipal Association of Victoria (MAV) is addressing the Summit, it is likely that the experiences in these areas will be passed on to delegates in attendance.

Comment

The program for the 2006 "The Future of Local Government Summit 2" includes the following topics with an array of international speakers, refer **Attachment 9.5.1**.

- A snapshot of Summit 1
- Vision for UK Local Government in 2014
- Continuous improvement in local government
- Listening to the Public/Adding the Voices of the People to Government Performance Measurement and Reporting
- Key directions in Australian Local Government
- Life in Local Government change game
- Modernisation strategies for Local Government in the UK
- Why we need to embrace and love reform
- Future of Australian Local Government

The program is considered to be very relevant to Local Government in WA and the City of South Perth and the City should benefit by attendance. It is particularly relevant given that the WA State Government has commissioned the WALG Advisory Board to investigate and report on Structural Reform into Local Government.

Consultation

Nil

Policy and Legislative Implications

This item is submitted in accordance with Policy P513.

Policy P513 stipulates that travel is to be economy class unless otherwise approved by Council.

Subject to Council approving the attendance of the Mayor at the conference, the Mayor has approved the attendance of the CEO.

Financial Implications

Total estimated costs of the Mayors attendance at the Summit is approximately \$1 720 travelling economy class, plus expenses. Similar costs apply to attendance by officers.

A breakdown of the cost is as follows:

	Cost \$	
Registration	\$550.00	\$490 for subsequent registrations
Accommodation (3 nights)	\$420.00	
Meals and Incidentals	\$200.00	
Airfares (Economy)	\$550.00	
TOTAL	\$1720.00	

Funding is available in the 2005/06 budget.

Strategic Implications

In line with Goal 5 - Organisational Effectiveness. *“To be a professional, effective and efficient organisation.”*

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.1</p>
--

Moved Cr Ozsdolay, Sec Cr Macpherson

That Council approves the attendance of Mayor John Collins at the 2006 Future of Local Government Summit in Melbourne from 1 to 2 June 2006.

CARRIED (11/1)

NOTE: CR JAMIESON REQUESTED HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION

9.6 GOAL 6: FINANCIAL VIABILITY

<p>9.6.1 Monthly Financial Management Accounts – March 2006</p>
--

Location: City of South Perth
 Applicant: Council
 File Ref: FM/301
 Date: 9 April 2006
 Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries compiled according to the major functional (departmental) classifications are presented to Council to permit comparison of actual performance against budget expectations. Comment is provided on the significant financial variances disclosed in those reports.

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 believed to be the most suitable format to monitor progress against the Budget. Information provided to Council is a

summary of the detailed line-by-line information provided to the City's managers to enable them to monitor the financial performance of the areas of the City's operations under their control. It is consistent with the structure of the budget information provided to Council and published in the 2005/2006 Annual Budget.

The Summary of Operating Revenues and Expenditures combined with the Summary of Capital Items provides a consolidated view of all operations under Council's control - and measures actual financial performance against budget expectations.

Regulation 35 of the Local Government (Financial Management) Regulations requires significant variances between budgeted and actual results to be identified and comment provided on those identified variances. The City has adopted a definition of 'significant variances' of \$5,000 or 5% of the project or line item value - whichever is the greater. Whilst this is the statutory requirement, the City provides comment on a number of 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 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 cash resources which 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 - 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.

For comparative purposes, a summary of budgeted revenues and expenditures (grouped by department and directorate) is provided throughout the year. This schedule reflects a reconciliation of movements between the 2005/2006 Adopted Budget and the 2005/2006 Amended Budget - including the introduction of the capital expenditure items carried forward from 2004/2005.

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. Presentation of the Statement of Financial Position on a monthly, rather than annual, basis provides greater financial accountability to the community and gives 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 9.6.1(1)(A) and 9.6.1(1)(B)**
- Summary of Operating Revenue and Expenditure (all departments except Infrastructure Services) – **Attachment 9.6.1(2)**
- Summary of Operating Revenue and Expenditure for Infrastructure Services - **Attachment 9.6.1(3)**
- Summary of Capital Items – **Attachment 9.6.1(4)**
- Schedule of Significant Variances – **Attachment 9.6.1 (5)**
- Reconciliation of Budget Movements - **Attachment 9.6.1 (6)**

Operating Revenue to 31 March 2006 is \$27.70M which represents 101% of the Year to Date Budget. Major factors influencing this result include increased Rates Revenue due to positive growth from interim rates - and a lessening likelihood of possible downward valuation adjustments from commercial properties that have objected to the Valuer General's Office about property valuations. Revenue from settlement agents for property enquiries is also well ahead of budget due to the strong interest in real estate within the City.

Interest revenue remains ahead of budget expectations due to the higher cash holdings and the excellent result from rates collections to date - providing an opportunity for a small increase in the Q3 Budget Review. It is planned to use the windfall rates and interest gains in the Q3 Budget Review to cover the unbudgeted, but necessary, cost of removing hazardous materials from City buildings. Further comment on this item can be found at Agenda Item 9.6.2.

Revenue at the Collier Park Village and Golf Course revenue is within 1% of overall budget. Revenue from Planning Services remains below budget – arguably due to a lower level of activity on residential projects. Building Services revenue is now comfortably ahead of budget after receipt of the building license fee for the Gracewood Development. This will be recognised in the Q3 Budget Review.

Animal Control Revenue is ahead of target due to a higher number of three year dog licenses and an increase in the volume of dog infringement notices being issued. Parking Management continues to show a very positive result and is well ahead of budget expectations – this will be recognised in the Q3 Budget Review. Revenues within Infrastructure Services are very close to budget in most areas – other than the favourable variance in the (non cash) gain in the value of nursery greenstock issued to various projects.

Comment on the specific items contributing to the variance situation on revenues may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Operating Expenditure to 31 March 2006 is \$21.01M - which represents 98% of the Year to Date Budget of \$21.45M. Operating expenditures are 3% favourable in the Administration area - and on budget in the Infrastructure Services area.

The favourable variance in the Administration area is significantly influenced by savings on salaries due to several extended vacancies for staff positions in Libraries, Finance, Parks, Health and Building Services. Staff in several areas have also been on extended leave – when costs are charged against cash backed provisions accumulated in prior years rather than to the normal cost centres. Several favourable timing variances exist in the administration areas – in relation to items such as the Fiesta, Community Events and Collier Park Village - but these are expected to largely reverse over the next few months.

Rubbish Site Charges are 5% higher than budgeted – this is under investigation at present. Kerbside rubbish collections appear favourable but this is a timing difference only. Ranger Services costs are comfortably under budget in all areas. The final costs in relation to the Skyworks event suggest that the City has been forced to expend 13% more than it hoped to manage the impact of this event on our community – this may have impacts on budgets in future years.

The earlier favourable timing differences on maintenance programs for Parks and Streetscapes have reversed and these programs are now close to budget. The Street Tree Maintenance program has now been brought back much closer to budget expectations. Environmental Management costs reflect the premium that has had to be paid for a consultant to cover an extended vacancy in this area. Infrastructure maintenance programs

such as Path Maintenance and Drainage show the results of a concerted effort to catch up on earlier timing differences. Street Sweeping currently shows a favourable variance but is expected to reverse in future months. Fleet costs have now returned much closer to expectations with all cash costs very close to budget other than fuel – which has been impacted by higher costs rather than higher usage. Recovery of plant costs is still slightly under budget - but is being closely monitored. Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5).**

Capital Revenue of \$0.87M compares unfavourably to the year to date budget of \$1.04M due to the City’s inability to claim certain road grant monies until the works are completed and an acquittal can be prepared.

Capital Expenditure at 31 March is \$6.68M against a year to date budget of \$8.55M representing 78% of the year to date budget. This equates to approximately 55% of the total capital works program for the year. A further \$1.36M or 11% of the capital budget is proposed to be expended in the April – May period. Progress payments on the building refurbishment to date are slightly unfavourable - but this is known to be a timing difference only. Information Technology Acquisitions are progressing in line with budget. Replacement of some of the mechanical plant & equipment at the Collier Park Golf Course has now occurred. Orders have been placed for the remainder and delivery is awaited. Some maintenance activities at the Golf Course that had not occurred are now being initiated by responsible staff.

Comment on status of specific infrastructure projects will be presented as Item 9.6.4 of the May Council agenda.

A summary of the progress of the capital program by directorate is provided below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO / Financial & Info Services	2.58M	2.59M	100%	4.41M
Corp & Community Services	0.62M	0.38M	61%	0.77M
Strategic & Reg Services	0.24M	0.07M	29%	0.45M
Infrastructure Services	5.11M	3.63M	71%	6.44M
Total	\$8.55M	\$6.68M	78%	\$12.07M

Further comment on the variances relating to Capital Revenue & Capital Expenditure items may be found in **Attachment 9.6.1(5).**

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 and discharges financial accountability to the City’s ratepayers.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City’s Strategic Plan –

‘To provide responsible and sustainable management of the City’ financial resources’.

Policy and Legislative Implications

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and *Local Government Financial Management Regulations 34 & 35.*

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.1

That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 9.6.1(1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 9.6.1(5)** be accepted as discharging Councils' statutory obligations under Local Government (Financial Management) Regulation 35.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2005/2006 provided as **Attachment 9.6.1(6)(A)** and **9.6.1(6)(B)** be received.

CARRIED EN BLOC RESOLUTION

9.6.2 Monthly Statement of Funds, Investments & Debtors at 31 Mar 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 April 2006
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 monies pertaining to Rates and General Debtors.

Background

Effective cash management is an integral part of proper business management. Responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial and Information Services and the Manager Financial Services. These officers 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 the funds held in "cash backed" Reserves. Significant holdings of money market instruments are involved so an analysis of cash holdings showing the relative levels of investment with each financial institution is 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 the delegations are being exercised. Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the equivalent stage of the previous year is provided to monitor the effectiveness of cash collections.

Comment

(a) Cash Holdings

Total funds at month end of \$27.30M compare very favourably to \$24.81M at the equivalent stage of last year. Whilst some of the difference relates to funds quarantined for capital works, and some to increased cash reserves, a significant amount relates to the excellent results achieved to date from rates collections. This result builds on the very sound platform of effective treasury management established last year.

Monies taken into the year, or collected subsequently, are invested in secure financial instruments to generate interest income until those monies are required to fund operations or projects later during the year as major construction initiatives progress. 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 \$10.82M (compared to \$9.91M in 2004/2005). **Attachment 9.6.2(1).**

(b) Investments

Total investment in short term money market instruments as at month end is \$26.94M compared to \$24.70M last year. The funds are responsibly spread across various institutions to diversify risk as shown in **Attachment 9.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$1.19M, well up from \$1.02M at the same time last year. Higher balances in Reserve Funds have contributed around 65% of the difference. Municipal cash holdings, resulting from effective treasury management, have also enabled the City to better the investment return on municipal funds at the equivalent stage of the previous year.

The average rate of return for the year to date is 5.69%. Anticipated yield on investments yet to mature is 5.68% reflecting the relatively flat yield curve at present. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate interest revenue to supplement its rates income.

(c) Major Debtor Classifications

The level of outstanding rates relative to the equivalent time last year is shown in **Attachment 9.6.2(3)**. Rates collections to the end of March 2006 represent 92.8% of total rates levied compared to 92.3% at the equivalent stage of the previous year - after the final rates instalment. The outstanding amounts now reflect pensioner rates, those on payment arrangements or those who are currently the subject of debt collection activity.

Collections of rates levied in July compared to last year are still ahead of the prior year despite the distorting effect of the much higher level of interim rates in the current year. Timely debt collection initiatives, convenient user friendly payment methods and the early payment incentive scheme have all had an extremely positive impact on rates collections again this year.

General debtors stand at \$0.41M at 31 March 2006 compared to \$0.83M at the same time last year. This represents a large reduction in outstanding sundry debtors including GST receivable from the ATO, recoupable works and pensioner entitlements collectible from the Office of State Revenue relative to the same time last year. A further reduction is expected when Fiesta Sponsors honour their pledges and pay their promised sponsorship amounts – all are currently outstanding at 31 March 2006.

Consultation

This financial report is prepared for Council and the City's management to evidence the soundness of financial management being employed by the administration. It also provides information that discharges accountability to our ratepayers. Community consultation is not a required part of these responsibilities.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan – *'To provide responsible and sustainable management of the City's financial resources'*.

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DM603. The provisions of Local Government Financial Management Regulation 19 are also relevant to the content of this report.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.2

That the 31 March 2006 Statement of Funds, Investment and Debtors comprising:

- Summary of All Council Funds as per **Attachment 9.6.2(1)**
 - Summary of Cash Investments as per **Attachment 9.6.2(2)**
 - Statement of Major Debtor Categories as per **Attachment 9.6.2(3)**
- be received.

CARRIED EN BLOC RESOLUTION

9.6.3 Warrant of Payments Listing
--

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	5 April 2006
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent ,Director Financial & Information Services

Summary

A list of accounts paid by the CEO under delegated authority between 1 March 2006 and 31 March 2006 is presented to the 25 April 2006 Council meeting.

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 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. Once an invoice has been approved for payment by an authorised officer, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund.

Comment

A list of payments made since the last list was presented 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 (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

Consultation

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan – *'To provide responsible and sustainable management of the City's financial resources'*.

Policy and Legislative Implications

Consistent with the requirements of Policy P605 - Purchasing and Invoice Approval & supported by Delegation DM605.

Financial Implications

Payment of authorised amounts within existing budget provisions.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.3

That the accounts for payment as detailed in the Report of the Director Financial and Information Services, **Attachment 9.6.3**, be received.

CARRIED EN BLOC RESOLUTION

9.6.4 Statutory Financial Statements for Quarter ended 31 March 2006

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 April 2006
Author/Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

In accordance with statutory requirements, an Operating Statement is provided for the period ended 31 March 2006. Revenues and expenditures are classified by program and also presented by nature and type classification. Statutory schedules relating to Rating Information & General Purpose Revenue that compare actual performance to budget for the period are also provided.

Background

The Local Government (Financial Management) Regulations 1996 require the City's Administration to produce quarterly financial statements in the specified statutory format and to submit those statements to Council for adoption.

The statutory Operating Statement emphasises Council's operations classified by the programs specified in the Appendix to the Local Government Financial Management Regulations - rather than on Capital Expenditures.

Although the monthly management accounts presented in departmental format are believed to be the most effective mechanism for both the City's Administration and Council in monitoring financial progress against the budget; the highly summarised, program classified statutory Operating Statement is mandated by the legislation because it provides comparability across Councils. The Department of Local Government, Australian Bureau of Statistics and Grants Commission regard local government comparability as being very important.

The statutory (AAS 27) format Operating Statement is required to be accompanied by a Schedule of General Purpose Revenue and supported by a supplementary Schedule of Rating Information for the corresponding period. Although not mandated by the legislation, a Statement of Financial Position as at the end of the period is included to provide a more complete and accountable set of financial reports.

Comment

The total AAS 27 Operating Revenue for the period of \$28.57M compares favourably with the year to date Budget of \$28.43M. This represents 101% of the year to date Budget. The principal variances disclosed are the favourable variances in the General Purpose Funding, Law & Order, Housing and Economic Services programs and the unfavourable one in the Transport program. General Purpose Funding is favourably impacted by additional revenue generated from excellent investment performance plus extra Rates Revenue from interim rates as discussed at Item 9.6.2. The favourable variance in the Law & Order program relates to excellent performance in parking management and successful prosecutions under the Dog Act. Housing is ahead of budget due to the higher level of lease premiums and refurbishment levies from turnover of units at the Collier Park Village. The Transport program lags year to date budget because the City is unable to claim budgeted road grants until the construction works are completed and funding acquittals finalised.

The remainder of the programs are close to budget expectations for the year to date with significant variances being separately identified and addressed by appropriate management action or by the items being included in the Q3 Budget Review.

Operating Expenditure (classified according to AAS 27 principles) to 31 March 2006, totals \$21.63M and compares favourably to a year to date Budget of \$22.54M. Several programs have small variances with the most significant being in the Recreation & Culture and Transport programs. Favourable variances in the General Purpose Funding and Governance programs relate mainly to salary savings due to vacancies. The Law and Order program reflects the cumulative effect of a number of timing differences in the Rangers and Community Safety areas. The favourable variance in the Welfare program relates to the delayed commencement of the budgeted upgrade to the Manning Senior Citizens Centre.

Expenditure on rubbish site charges in the Community Amenities program is slightly above expectations – but is still covered by the Rubbish Service Levies raised in 2005/2006. Timing differences on Parks Maintenance, Golf Course Maintenance activities (which are expected to correct later in the year) and Fiesta events have all impacted favourably on the Recreation & Culture program – as have significant salary savings (from vacant positions) and delayed expenditures in the Library and at the George Burnett Leisure Centre. Delayed expenditure on Park and Street Lighting due to contractor issues and a reduced requirement for CSRFF matching funding (due to unsuccessful applications by clubs in the City) have also contributed to the favourable variance in the Recreation & Culture program. The Transport program is favourably impacted by earlier delays in Path and Drainage Maintenance activities and Street Sweeping – all of which are now showing signs of coming back closer to budget expectations in the last month.

The Schedule of Rating Information shows that as at 31 March 2006, the City had levied some \$17.46M in residential and commercial rates compared to a year to date budget of \$17.40M. Interim rates growth has been stronger than anticipated and it is proposed to recognise this in the Q3 Budget Review.

Salaries are around 4% below budget expectations to date – but this is distorted by some extended vacancies in Libraries, Finance, Community Development and the Golf Course. Other areas such as Health Services and the Collier Park Village have been distorted by senior staff taking long service leave which is paid from cash backed provisions accumulated in prior years rather than from the normal cost centres. Most other areas are relatively close to budget expectations.

The Statement of Financial Position provides a comparison of asset and liability categories at 31 March 2006 and at an equivalent time in the 2004/2005 financial year. Current Assets stand at \$29.36M as at 31 March 2006 compared to \$27.58M in March 2005. The major aspects of this change are the much higher level of investment funds resulting from (quarantined) cash backed reserves and funds held for significant construction projects later in the year. Receivables are much lower in 2005/2006 due to excellent rates collections and the very timely processing and recovery (from state government) of pensioner rebate entitlements and other debtors. This is partially offset by slightly higher levels of prepayments - and the much higher levels of accrued investment interest.

Current Liabilities are disclosed at \$3.56M compared to a balance of \$3.91M at 31 March 2005. The major reason for this decrease is the significantly lower level of creditor invoices outstanding from suppliers at balance date.

Non Current Assets of \$169.78M compare with \$149.01M at March 2005. This increase reflects the revaluation of buildings by a licensed independent valuer at the end of last financial year. Non current receivables relating to self supporting loans have reduced slightly relative to last year. Non-Current Liabilities stand at \$24.61M at 31 March compared with \$22.16M last year. This is attributable to a higher holding of refundable monies for the leaseholder liability at the Collier Park Complex this year (an additional \$1.3M) - and the approved City borrowings undertaken as part of the overall funding package late last financial year (an additional \$1.2M).

Consultation

As this is a comparative financial information report primarily intended to provide management information to Council in addition to discharging statutory obligations, community consultation is not a relevant consideration in this matter.

Policy and Legislative Implications

Actions to be taken are in accordance with Section 6.4 of the Local Government Act and the Local Government Financial Management Regulations.

Financial Implications

The attachments to this Report compare actual financial activity to the year to date budget for those revenue and expenditure items.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 –

'To provide responsible and sustainable management of the City' financial resources'.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.4**

That Council receive the statutory Quarterly Financial Statements for the period ending 31 March 2006 comprising:

- Operating Statement **Attachment 9.6.4(1)**
- Schedule of General Purpose Funding **Attachment 9.6.4(2)**
- Schedule of Rating Information **Attachment 9.6.4(3)**
- Statement of Financial Position **Attachment 9.6.4(4)(A)**
- Statement of Change in Equity **Attachment 9.6.4(4)(B)**

CARRIED EN BLOC RESOLUTION

9.6.5 Budget Review for the Quarter ended 31 March 2006

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 10 April 2006
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A review the 2005/2006 Adopted Budget for the period to 31 March 2006 has been undertaken within the context of the approved budget programs. Comment on identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves or where these may have been identified since the budget was adopted, they have also been included – providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

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

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

Background

Under the Local Government Act 1995 and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year – after December. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds – to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year.

The City chooses to conduct a Budget Review at the end of the September, December and March quarters each year – believing that this approach provides more dynamic and effective treasury management than one half yearly review.

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

Comment

The Budget Review is presented in three parts :

- Amendments resulting from normal operations in the quarter under review **Attachment 9.6.5(1)**

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

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 9.6.5(2).**

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

- Cost Neutral Budget Re-allocation **Attachment 9.6.5(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 11 July 2005 .

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

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

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

Consultation

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

Policy and Legislative Implications

Nil

Financial Implications

The amendments contained in the attachment to this Report will result in a change to the projected 2005/2006 Budget Closing Position of \$53,500. Changes recommended in the Q3 Budget Review will result in the revised (estimated) 2005/2006 Closing Position becoming \$79,472.

The impact of the proposed amendments in this report on the financial arrangements of each directorate is disclosed in the table below. The figures shown in Table 1 below apply only to amendments contained in the attachments to this report. The table includes only items directly impacting on the Closing Position and excludes the transfers to and from Reserves.

TABLE 1 :

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	(2,000)	(2,000)
Corporate & Community	15,500	(13,000)	2,500
Financial & Information	90,000	(110,000)	(20,000)
Strategic & Regulatory	112,000	(25,000)	87,000
Infrastructure	146,174	(160,174)	(14,000)
Accrual & Opening Position	0	0	0
Total	363,674	(310,174)	53,500

Table 2 represents the cumulative impact of the changes made in the first quarter (Q1) Budget Review, the Q2 Budget Review and the Q3 Budget Review to indicate the respective contributions of each directorate.

Wherever possible, directorates are encouraged to contribute to their own budget adjustments by sourcing new revenues or adjusting proposed expenditures.

TABLE 2 :

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	0	(39,500)	(39,500)
Corporate & Community	55,500	(62,600)	(7,100)
Financial & Information	376,500	(148,000)	228,500
Strategic & Regulatory	161,000	(158,500)	2,500
Infrastructure	229,674	(305,174)	(75,500)
Accrual & Opening Position	0	(70,000)	(70,000)
Total	822,674	(783,774)	38,900

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 –

'To provide responsible and sustainable management of the City's financial resources'.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.5**

Moved Cr Trent, Sec Cr Macpherson

That following the detailed review of financial performance for the period ending 31 March 2006, the budget estimates for Revenue and Expenditure for the 2005/2006 Financial Year, (as adopted by Council on 11 July 2005 - and as subsequently amended by resolutions of Council to date), be amended as per the following attachments, appended hereto and forming part of these Minutes.

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 9.6.5(1)**;
- Items funded by transfers to or from Reserves; **Attachment 9.6.5(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment (3)**.

CARRIED BY REQUIRED ABSOLUTE MAJORITY (12/0)

9.6.6 Strategic Financial Plan Process

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 April 2006
Author/Reporting Officer:	Michael J Kent, Director Financial & Information Services

Summary

Recent changes to the Local Government Act require all local governments to prepare a 'Plan for the Future of the District' at least every two years. For a number of years, the City has had in place, a rigorously developed Strategic Plan that is aligned to our financial and organisational capacity. It also has developed a best practice approach towards the preparation of its Strategic Financial Plan (SFP).

This report recommends a further refinement to that process – one that is consistent with the new legislative regime. It also will ensure that the City's process continues to reflect best practice and is consistent with the Principles of Business Excellence whilst providing opportunities for the community to participate in, or be informed about, the City's strategic direction.

The proposed change to the Strategic Financial Plan / Budget Process will impact on the manner in which the development of these key financial documents proceeds from the 2006/2007 year onwards.

Background

The development of the Strategic Financial Plan and Annual Budget is a complex and challenging process that assimilates inputs from a variety of sources into an integrated and financially sustainable model. The objective of the process is to align the City's available financial, technological and human resources with the approved strategic direction in a manner that delivers the best and most cost effective outcome for our community. This process takes place between December and July each year. It includes the annual review, updating and publication of a revised Strategic Financial Plan (SFP) prepared in accordance with Policy P601 & Management Practice M601 - which reflect industry best practice.

The City is recognised within (and outside) our organisation as having a sophisticated and rigorous process for the development and review of its Strategic Financial Plan and Annual Budget. Important aspects of the City's financial modelling approach are the critical appraisal of the business case for suggested projects, the emphasis on responsible and

sustainable blends of funding sources and the critical assessment of proposals to validate their alignment with financial capacity, risk management parameters and agreed strategic direction.

The effectiveness of this process has previously been recognised by the Department of Local Government with selection of the City as a finalist in the Minister's Financial Management Awards and through the continuing improvement in the City's financial position and the level of its available cash resources. Benchmarking our rates increases shows that they are being maintained at a lesser level than those of many of our industry peers. Responsible and accountable management of the City's finances combined with regular budget reviews identifying changed circumstances and emerging opportunities have also assisted in enhancing our financial sustainability.

Comment

A key element of the City's sustainable financial management approach is the development of a very sophisticated SFP financial model that is revised every year to reflect accurately projected values for the current year's financial performance, prevailing economic circumstances, anticipated growth or contraction in revenue and expenditure items and other known factors that could impact on the City's capacity to deliver its proposed services and initiatives. Annual updating of these financial projections and parameters is an essential process in ensuring that the SFP remains relevant, realistic and useful.

The City also recognises that excellence in financial management and good governance requires an open exchange of information between the administration, Council and the community. For this reason, the City has typically issued its revised Five Year Strategic Financial Plan each year as a draft for public comment in early April and has then considered public feedback before preparing the final published version of the SFP for that year.

It is critical that all major identified proposals for funding or expenditure that may be realistically considered by Council over the five year period are included in the SFP. However, whilst this reflects prudent and responsible financial management, there is also some concern that the repeated inclusion of a particular funding item or project expenditure may create a perception that the project will automatically proceed in the year that it is listed. This is contrary to the qualification noted in the SFP that states that projects will only proceed if the project investigation, demographics, design, business and social models suggest that they will add value to our community.

It is also acknowledged that it sometimes can take more than one year to effectively investigate, consider and make informed decisions on major strategic initiatives (for example the future direction of the Collier Park Hostel or the decision on the Civic Triangle Site).

These challenges have been carefully considered in the light of the new legislative requirement to produce a Plan for the Future of the District every **two** years - and it is proposed that the City produce a five year SFP featuring updated financial projections and other relevant changes in every alternate year as an **Internal Working Document** (beginning with 2006/2007) and then issue the revised and updated SFP for public comment every **second** year (beginning with 2007/2008). The Internal Working Document format SFP would involve the deletion of the completed year, updating of the financial projections for the next four years and the addition of indicative funding and expenditure for the fifth year. It would also pick up the financial impact of any strategic decisions by Council in the previous year. This Internal SFP Model would be presented to Council at a Briefing Session and circulated to all Council Members as an indicative funding model. The full SFP - including updating to reflect Council decisions on major strategic matters in the interim period (every second year) would pass through the current public consultation process before being formally adopted by Council at a Council Meeting.

This approach reflects prudent and responsible financial management as well as acknowledging the concerns noted above in relation to decision timeliness and public perception about the likelihood of projects proceeding. Importantly, it addresses the issues in a manner that is open, transparent and consistent with legislative obligations.

Consultation

The proposal that is the subject of this report is a change to an internally applied process. It will not have any adverse affect on the community's opportunity to comment on these matters. Typically, the City has received between one and ten responses from an invitation to comment on the draft documents to the approximately 19,000 households in the community.

Policy and Legislative Implications

This proposal is consistent with the requirements of Section 5.56 of the Local Government Act and Regulation 19 (c) of the Local Government (Administrative) Regulations. The SFP would continue to be produced in accordance with Policy P601 with the only change being the issuing of the document for public comment every second year rather than the current practice of every year. Annual publication of the SFP is no longer required under the amended Local Government Act.

Financial Implications

This proposal is consistent with responsible and prudent financial management practices. It is designed to ensure that initiatives proposed by the City - and the communities' expectations of the City, are responsibly and sustainably funded.

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan *'To provide responsible and sustainable management of the City' financial resources'*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.6

That

- (a) a five year Strategic Financial Plan (SFP) reflecting the updated financial projections and other relevant changes arising from Council decisions on major strategic matters be prepared as an **Internal Working Document** in every alternate year (beginning with the 2006/2007 – 2010/2011 SFP);and
- (b) a five year Strategic Financial Plan (SFP) reflecting the updated financial projections and all other relevant changes arising from Council decisions on major strategic matters be prepared for issue as a **Draft for Public Consultation** in every second year (beginning with the 2007/2008 – 2011/2012 SFP).

CARRIED EN BLOC RESOLUTION

10. APPLICATIONS FOR LEAVE OF ABSENCE

10.1 Request for Leave of Absence - Cr Gleeson 19.5.2006 - 31.5.2006

Moved Cr Trent, Sec Cr Hearne

That Cr Gleeson be granted leave of absence from any meetings held between 19 and 31 May 2006 inclusive.

CARRIED (12/0)

11. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion Councillor Maddaford 18.4.2006 Submission re Revision of the Residential Design Codes (R-Codes)

MOTION

That information debated at the Meeting of the South East District Planning Committee in relation to the Revision of the Residential Design Codes be tabled and distributed to all Councillors, to enable them to be aware of the submission made by the City of Armadale, which will assist them in the upcoming deliberations on the Residential Design Codes.

COMMENT:

Information provided to assist in preparation of the City's submission on the R-Codes.

CEO COMMENT

In accordance with Clause 3.6(d)(iii) of Standing Orders Local Law the Acting Chief Executive Officer comments as follows:

Any additional information that will support or enhance understanding of the revision of the Residential Design Codes is considered to be of value and is welcomed. Tabled and distribution of the information shared at the South East District Planning Committee is therefore supported.

COUNCIL DECISION ITEM 11.1

Moved Cr Maddaford, Sec Cr Smith

That information debated at the Meeting of the South East District Planning Committee in relation to the Revision of the Residential Design Codes be tabled and distributed to all Councillors, to enable them to be aware of the submission made by the City of Armadale, which will assist them in the upcoming deliberations on the Residential Design Codes.

CARRIED (12/0)

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

The Mayor reported to Members that in accordance with Clause 3.8 of the City's Standing Orders as follows:

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

that an item of 'New Business of an Urgent Nature' had been received.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 12

Moved Cr Ozsdolay, Sec Cr Smith

That the item of new business introduced be discussed.

CARRIED (12/0)

13. MEETING CLOSED TO PUBLIC

13.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Cala, Sec Cr Trent

That the meeting be closed to the public at 10.15pm in accordance with the *Local Government Act Sections 5.23(c)* while the item of 'New Business of an Urgent Nature' is discussed as it relates to a contract entered into by the local government which is the matter to be discussed.

Note: The following staff and the remaining members of the public gallery left the Chamber at 10.15pm

Mr S Cope	Director Strategic & Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr R Bercov	Manager Development Services
Ms D Gray	Manager Financial Services

The Chamber doors were closed at 10.15pm.

Note: Cr Gleeson left the Chamber at 10.16pm

COUNCIL DECISION: MEETING CLOSED TO LEGAL & GOVERNANCE OFFICER

Moved Cr Smith, Sec Cr Wells

That the Legal and Governance Officer be excluded from the meeting.

CARRIED (7/4)

Note: Cr Gleeson returned to the Chamber at 10.19pm

The Legal and Governance Officer left the Chamber at 10.19pm

COUNCIL DECISION ITEM 13.1.1

Moved Cr Wells, Sec Cr Cala

That....

- (a) the Motion submitted by Cr Wells in his 'Notice of Motion' dated 21 April 2006, appended to the Memo from the Acting Chief Executive Officer to Members dated 20 April 2006, be adopted and the matter referred to the next Audit and Governance Committee meeting scheduled for 8 May 2006 in preparation for Terms of Reference for the audit assignment; and
- (b) the Chief Executive Officer be authorised to call for quotations for the audit to be carried out and that the quotations be presented to the Audit and Governance Committee for approval.

CARRIED (12/0)

13.2 Public Reading of Resolutions that may be made Public.

COUNCIL DECISION - MEETING OPENED TO PUBLIC

Moved Cr Ozsdolay, Sec Cr Wells

That the meeting be again open to the public at 10.40pm

CARRIED (12/0)

Note: At the request of the Mayor, and for the benefit of the members of the public that returned to the Chamber, the Minute Secretary read aloud the Council decisions for Item 13.1.1.

14. CLOSURE

The Mayor closed the meeting at 10.45pm and thanked everyone for their attendance.

DISCLAIMER

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

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate.

Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 23 May 2006

Signed _____

Chairperson at the meeting at which the Minutes were confirmed