



MINUTES

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**Minutes of the Ordinary Meeting of the City of South Perth Council
held in the Council Chamber, Sandgate Street, South Perth
Tuesday 28 August 2007 commencing at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed everyone in attendance.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 The Mayor read aloud a letter received from the Department of Local Government advising that as part of the Department's ongoing monitoring program that a Departmental Officer will visit the Ordinary Council Meeting on 28 August 2007.

3.2 The Mayor reported that Item 10.3.8 on the Agenda 'Carport/Patio Addition 1/112 Ruth Street, Como' had been withdrawn at the request of the applicant in order to revisit design elements of the proposal.

3.3 The Mayor reported a request received from Crs Best and Gleeson seeking to make public statements in relation to a Code of Conduct issue. The following statements were read aloud by Crs Best and Gleeson respectively:

Cr James Best

At the Council meeting on Tuesday 26 June 2007 Cr Gleeson was speaking against a motion when I uttered the words "slow learner". I withdraw those words and apologise to Cr Gleeson and the members of this Council. Cr Gleeson and I have agreed we must always conduct ourselves in the manner expected of members of this Council and we will do so in the future.

Cr Bill Gleeson

I acknowledge Cr Best's withdrawal and I accept his apology. Cr Best's withdrawal and apology were delivered to me prior to tonight's meeting and I immediately accepted his gesture as a demonstration of good will. I confirm that Cr Best and I have agreed we must always conduct ourselves in the manner expected of members of this Council and we will do so in the future.

The Mayor congratulated Crs Best and Gleeson for the way in which they have settled this issue.

4. ATTENDANCE

Present

Mayor J Collins, JP (Chairman)

Councillors:

J Best	Civic Ward
G W Gleeson	Civic Ward
B W Hearne	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

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services (until 10.08)
Mr M Kent	Director Financial and Information Services
Mr M Taylor	Acting Director Infrastructure Services (until 10.08pm)
Mr S Camillo	Manager Environmental Health & Regulatory Services (until 7.42pm)
Ms D Gray	Manager Financial Services (until 10.08pm)
Mr N Kegie	Manager Community, Culture and Recreation (until 7.42pm)
Mr C Buttle	Manager Development Assessment (until 9.32pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 9.00pm)
Mr R Kapur	Senior Planning Officer (until 9.12pm)
Mr S McLaughlin	Legal and Governance Officer
Ms R Mulcahy	City Communications Officer (until 10.08pm)
Mrs K Russell	Minute Secretary

Gallery

Approximately 15 members of the public and 1 member of the press

4.1 APOLOGIES

Mr R Burrows	Director Corporate & Community Services - ill health
Mr G Flood	Director Infrastructure Services - conference

4.2 APPROVED LEAVE OF ABSENCE

Cr K R Trent, RFD	Moresby Ward
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5. DECLARATION OF INTEREST

The Mayor reported on Declarations of Interest received from Cr Smith in relation to Items 10.6.7 and 15.1.1 and the Chief Executive Officer in relation to Items 12.1 and 15.1.2. He then read aloud the Declarations as detailed in the Minutes before Items 10.6.7, 12.1, 15.1.1 and 15.1.2 respectively.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council meeting held 24 July 2007 the following questions were taken on notice:

6.1.1. Ms Sally Cook, 5/8 York Street, South Perth

Summary of Question

1. Are you aware that the green rubbish bins in the car park near the Mends Street Arcade (“Millstream”) have all had their lids removed and they are often scattered around the car park which constitutes a danger to passing vehicles?
2. Are you aware that Mrs Barbara Davies Pearse has frequently complained to Council about this mess and the bins are still not tidied up?
3. Are you aware that seagulls and crows remove rubbish from the bins (because they have no lids) and scatter it about which makes a disgusting sight for visitors to the arcade, the alfresco café, lingerie shop and others.

What can Council do to prevent this mess?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 26 July 2007, a summary of which is as follows:

Lids Removed from Green Rubbish Bins

The City’s records indicate that we have not received a complaint concerning this matter. However, this has now been reported to the City’s contractor and lids will be replaced within 48 hours.

Scattered Bins Posing a Danger to Vehicles

It has not been brought to the City’s attention that the bins are often scattered throughout the car park. However, the City’s Officers have liaised with the Property Manager and a new lockable bin store has been constructed. Subsequently, all bins will be stored in the enclosure to alleviate danger to vehicles.

Millstream Car Park Rubbish

The City has received complaints regarding this matter. Follow up inspections have been conducted and the City’s Officers have liaised with the Property Manager, in particular as a result of a complaint received on 16 July 2007. The Property Manager advised that:

- Rubbish collections have been increased to five times a week.
- A new lockable bin store has been constructed and keys only issued to tenants.
- A cleaning contractor has been employed to conduct additional high pressure cleaning of the area.

Furthermore, it has been alleged that rubbish has illegally been deposited on the ground by other premises in the area. Where these premises could be identified they have been warned by the City that litter infringements may be issued should they continue this practice.

Rubbish Dispersal Caused by Birds

The City’s records indicate that no reports of missing lids or seagulls and crows scavenging from bins has been received. However, as this matter has now been reported, lids will be repaired and birds will be unable to gain access to rubbish.

6.1.2. Mr Robert Simper, 32 Sandgate Street, South Perth

Summary of Question

In relation to the Banksia Terrace development site, is Council aware that the builders have moved over the footpath and completely blocked it. It is now unsafe and there is no footpath on the other side of the street. Has Council given approval for closure of that footpath and if so has anything been done to put some warning signs up advising that the footpath is closed?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 14 August 2007, a summary of which is as follows:

The builder is required to erect hoardings or fences adjacent to a building site where there is a risk to pedestrians etc using the path or roadway. The development at the corner of Canning Highway/Banksia Terrace required the hoarding/fencing to be placed in the road reserve. In doing so the builder failed to take out the appropriate verge licence or to make provision for pedestrians in Banksia Terrace although it is very apparent to all that the path on the eastern side of Banksia Terrace (adjacent to the Metro Inn) was open and available.

The City is unable to inspect all developments on a regular basis to ensure paths and the like are neither blocked, damaged or hazardous to pedestrians and road users. Where an inspection is completed or a non compliance referred to the City a notice is served on the builder to effect improvements to clear the path or street of debris etc or make safe the path for all users.

Following your advice the builder was instructed to obtain a verge licence, relocate the fence closer to the building site, ensure at least a one metre path was retained adjacent to power poles or other public infrastructure and to take measures to temporarily repair the path for improved pedestrian use.

A follow up inspection revealed that not all of the notice had been complied with. A further assurance was obtained from the builder that he will attend to the matters referred to him. Currently the path is unencumbered and accessible with care by all users.

6.2 PUBLIC QUESTION TIME : 28.8.2007

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that questions, not statements must relate to the area of Council's responsibility. He advised that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.08pm.

6.2.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

I attended the Agenda Briefing session last week. The Director Strategic and Regulatory Services sought clarification by the Council on the use of the Australian Standards. I have now looked up that note in the column, it is Note 4 in the copy downloaded from the City's website and Note 3 in the Government Gazette.

1. Could the Council provide an understanding of what that Note actually means?
2. Where a car bay abuts a wall, pillar, or fence does the scheme specify the width is to be increased by 0.30 metres?
3. Will the Council be educating the staff on understanding the Town Planning Scheme?

Summary of Response

The Mayor responded that the questions were taken on notice.

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

Summary of Question

Mr Drake referred to page 18 of the July 2007 Ordinary Council Minutes and in particular to bullet point six, Cr Best speaking against the Motion, as follows:

- as recently as May 2007 the Legal and Governance Officer has written to the Minister stating... *“the City has reviewed correspondence and notwithstanding some incorrect and gratuitously offensive comments from Mr Drake, sees no merit in responding further other than to confirm that its position is correctly set out in its letter to the Minister of 22 August 2006”*

Can I have a copy of this letter, or will I be forced to make an FOI Claim to get a copy?

Summary of Response

The Chief Executive Officer said that he was happy to supply a copy of the letter referred to.

Summary of Question

What was the outcome on Council’s decision at Item 10.0.1 of the July 2007 Agenda?

That Council:

- advise the Minister of the ‘5 bullet points and final paragraph as contained on page 7 of the Kott Gunning Report of 26 June 2007 in relation to No. 11 Heppingstone Street, South Perth; and*
- respectfully seek advice from the Minister for Planning and Infrastructure as to when a decision will be forthcoming in relation to this matter.*

Summary of Response

The Mayor said that in response to the Council decision 10.0.1 of the July meeting the CEO had written a letter to the Minister. He then read aloud the letter dated 27 July. The Mayor further stated that he had followed this matter up with the Minister’s Chief of Staff on 8 August and he advised that he would look into the matter. Advice has now been received that a review of the file will be done and a report provided to the Minister within the next few weeks. It is anticipated a response will be received by Council in October.

Summary of Question

Could this Council provide the Minister with the full report from Ernie Samec of Kott Gunning on this matter?

Summary of Response

The Mayor responded by saying the suggestion was noted.

6.2.3. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

In June I asked a series of questions re the CEO and his role with the LGMA. One question was: *Does the CEO’s employment contract state that the CEO requires the permission of the Council to be on the board of any organisation?* The Summary of Response: *The Chief Executive Officer stated that he believed the contract does require permission to attend on a board but that this relates to ‘commercial type boards’ rather than professional boards. He said that Council was aware of his membership on the LGMA board.*

4. Does the CEO's contract says "board", "boards" or "commercial type boards"?
5. If the employment contract says "board" did the CEO have any difficulty in understanding the meaning of the term?
6. In the CEO's employment contract does it grant approval for him to be on the LGMA Board?
7. Has the CEO sought approval, at any time, to be a member of any board, commercial or otherwise?

Summary of Response

The Mayor advised that item 12.1 on the Agenda covered this matter and would be discussed later in the Agenda.

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

Summary of Question

This question relates to Agenda Item 10.0.1 on page 19 of the July 2007 Council Minutes under Comment on Deputation from the CEO which also refers to Cr Best's debate on this item and in particular the comment from the CEO: *He said he had no knowledge of the memo of 2000 referred to.....* Mr Drake stated that the CEO first saw the memo in question at a 'round table' meeting with the Minister and others and that the same memo was read aloud by the Mayor at Deputations two months ago. Can the CEO make a statement saying that he had no knowledge of the memo of 4 October 2000 and why did he make that comment?

Summary of Response

The Mayor stated that the question was taken on notice.

6.2.5 Mr Geoff Defrenne, 24 Kennard Street, Kensington

8. I ask again, did the CEO have the Council's permission to be on the Board of the LGMA?
9. If the Council did approve of the CEO's Membership of the LGMA, when was the approval given.
10. Did the Council give approval for the CEO to use the resources of the City for the CEO to fulfil his obligations to the LGMA?

Summary of Response

The Mayor responded that the same questions were part of 'Notice of Motion' Item 12.1 and as previously advised would be discussed later in the Agenda.

Summary of Question

In June I asked: *did the CEO have the Council's approval to be on the LGMA Board.* Response: *The Mayor responded yes.* But he failed to say when approval was given. This answer appears to be incorrect. Is it the role of the CEO, Mayor or Council to ensure the answers to questions are correct?

Summary of Response

The Mayor stated that the question was taken on notice.

Close of Public Question Time

The Mayor closed Public Question time at 7.25pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24.7.2007

COUNCIL DECISION ITEM 7.1.1

Moved Cr Maddaford, Sec Cr Wells

That the Minutes of the Ordinary Council Meeting held 24 July 2007 be taken as read and confirmed as a true and correct record.

CARRIED (10/1)

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

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy 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.

As per Council Resolution 10.5.6 of the Ordinary Council Meeting held 26 June 2007:

- the "*Work in Progress*" **draft** Agenda to be made available to members of the public at the same time the Agenda is made available to Members of the Council; and
- applicants and other persons affected who wish to make Deputations on planning matters be invited to make their Deputations to the Agenda Briefing.

7.2.1 Agenda Briefing - July Ordinary Council Meeting Held: 17.7.2007

Officers of the City presented background information and answered questions on items identified from the July Council Agenda following which four planning related Deputations were made. Notes from the Agenda Briefing are included as **Attachment 7.2.1.**

7.2.2 Workshop 'Fiesta 2008 Program' Meeting Held: 18.7.2007

Officers of the City presented a further update on the proposed 2008 Fiesta Program and responded to questions raised by Members. Notes from the Workshop are included as **Attachment 7.2.2.**

- 7.2.3 Concept Forum: Major Planning Proposals relating to relating to 30 York Street (St Columba's School), 31 Mill Point Road (Doepel Marsh / Sizer Developments) and 56 Ley Street (Oldfield Knott) Meeting Held: 31.7.2007**
Officers of the City and Applicants/Representatives presented background on the major development proposals. Questions raised by Members were responded to by officers/presenters. Notes from the Concept Briefing are included as **Attachment 7.2.3.**
- 7.2.4 Concept Forum: Parking Survey Presentation, Residential Design Policy Manual Update -Meeting Held: 7.8.2007**
Officers of the City presented an overview of the Parking Survey and an update of the Residential Design Policy Manual. Questions raised by Members were responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.4.**
- 7.2.5 Concept Forum: South Perth Inquiry Mediators Interviews Held: 8.8.2007**
In accordance with Recommendation 1 of the Inquiry Report Interviews were held with a 'short list' of candidates endorsed by the Department of Local Government. Notes from the Concept Forum are included as **Attachment 7.2.5.**
- 7.2.6 Workshop - Collier Park Village Strategic Plan -Meeting Held: 14.8.2007**
Consultant, Helen Hardcastle facilitated the first in a series of workshops to prepare a Strategic Plan for the Collier Park Village. Questions raised by Members were responded to by the consultant / officers. Notes from the Concept Briefing are included as **Attachment 7.2.6.**
- 7.2.7 Concept Forum - Collier Park Golf Course -Meeting Held: 15.8.2007**
Independent Consultant, Brad Carey gave a presentation on the Collier Park Golf Course Future Direction. Questions raised by Members were responded to by officers. Notes from the Concept Briefing are included as **Attachment 7.2.7**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.7 INCLUSIVE

Moved Cr Maddaford, Sec Cr Ozsdolay

That the comments and attached Notes under Items 7.2.1 to 7.2.7 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 24 July 2007 be noted.

CARRIED (11/0)

8. PRESENTATIONS

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

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

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

The Mayor opened Deputations at 7.26pm

8.3.8 Mr Greg Rowe of Greg Rowe & Assoc re “Waterford Plaza” - Agenda Item 10.0.4
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Mr Rowe outline the progress made in responding to issues raised at the Agenda Briefing and spoke on the following topics:

- amended plans submitted in relation to car parking / shade structures
- modified landscaping plan submitted
- SAT Appeal
- provisions available to Council under Section 31

8.3.9 Mr David Hargreaves of Clayton Utz representing owners of 152 Mill Pt Rd - Agenda Item 10.0.5
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Mr Hargreaves spoke for the officer recommendation on the following:

- independent survey undertaken in relation to development at 152 Mill Point Road
- subsequent review recommends accept officer recommendation - building demonstrates compliance with all requirements
- developers/owners will suffer financial damage if approval delayed
- allow officers to deal with final approval / certification in the normal way
- ask Council support Certificate of Occupancy

8.3.10 Mr Geoff Defrenne, 24 Kennard Street, Kensington - Agenda Item 12.1

Mr Defrenne spoke for the recommendation on the following points:

- CEO comments on this item... *this subject has already taken up more of Council's time and resources than is warranted or can be justified. Agree*
- CEO is responsible to City - if LGMA membership outside business hour - no problem
- how much time has CEO's obligations to LGMA taken up - is it detrimental to the City
- Council has failed to demonstrate approval of membership
- public has the right to know what expenditure the CEO has spent on his other activities
- perhaps if CEO was more diligent/spent more time at the City we would not have to wait for reports requested

The Mayor stated that the comments were inappropriate.

Close of Deputations

The Mayor closed Deputations at 7.35pm

8.4 DELEGATES' REPORTS

Delegate's written reports to be submitted to the Minute Secretary prior to **10 August 2007** for inclusion in the Council Agenda.

8.4.1 Delegates Report - Bentley Technology Precinct

Location: City of South Perth
Applicant: Council
File Ref: LP/502
Date: 3 August 2007
Author: Cliff Frewing, Chief Executive Officer

Summary

The Mayor John Collins, as Mayor of the City of South Perth, has been appointed by the Minister for Energy, Resources, Industry and Enterprise the Hon Francis Logan to represent the City on the Technology Precinct Steering Group. The Town of Victoria Park along with a number of other State Government Departments, Curtin University and other appropriate organisations are also represented on this Committee.

The first meeting of this revised Steering Group was held on Friday, 29 June 2007 and a copy of the Minutes of this meeting, **Attachment 8.4.1**, refers. The Steering Group is an information sharing opportunity rather than a decision-making mechanism.

Background

Over the past two years or so there has not been a lot of progress made in respect of considering the future direction of the Bentley Technology Precinct. Funds have now been secured in the State Budget to progress this matter and various consultants have been appointed to assist the Department of Industry and Resources which is the responsible State Government Department for progressing a review and development of land within the precinct.

Representatives of the Department of Industry and Resources made a presentation to Councillors at a Council Briefing session on 23 May 2007 at which the representatives brought Councillors up to date with current developments associated with the precinct.

Comment

The purpose of this report is to acquaint Council with the progress made by the Technology Precinct Steering Group and other initiatives occurring at officer level.

The review of the Bentley Technology Precinct is clearly of major interest to the City as the northern section of the precinct is within the City's boundaries and any major development or re-development of the southern part of the precinct as well as within the Curtin University precinct will have the capacity to effect the City of South Perth at least from a traffic management point of view.

Comment with respect to each of the items discussed at the most recent meeting of the Technology Precinct Steering Group follows:

2.1 Technology Precinct Development Framework

The Steering Group is supported by a Project Control Team which has officer representation. The Director Strategic & Regulatory Services, Mr Steve Cope is Council's lead representative on the Project Control Team referred to who will, together with the Director Infrastructure Services, be responsible for bringing to Council's attention all major new initiatives within the Technology Park Precinct that need consideration.

3.1 City of South Perth Presentation

Noted and referred to above.

3.2 Wiring Up the Park

The progress of installation of fibre optic cable for high speed broadband access within the Technology Park is noted.

3.3 Appointment of Consultants

The appointment of Consultants is also noted and in particular that the development framework published in 2005 will be the basis for review.

3.4 Department of Agriculture Land

State Cabinet has agreed that a surplus land from the Department of Agriculture will be transferred to the Technology Precinct when the Agriculture Department has relocated to Murdoch University.

4. Department of Environment and Conservation (DEC) Master Plan

It is noted that the DEC and CALM have merged their operations and new accommodation is likely to be provided on existing CALM land within the City of South Perth. The WA Planning Commission has approved a new facility for the WA Herbarium and new Bio-diversity Science Centre . A further building is planned to be constructed in or around 2013 which will house the residual administration, policy, planning and technical support functions to the facility.

5.1 Review of Concept Master Plan

NS Projects has been appointed as lead Consultants to review the Master Plan and discussions have been held with stakeholders including Officers of the City of South Perth. Information has been sought by the Consultants and information previously provided to earlier Consultants has been provided to NS Projects for review.

5.2 Key Project Milestones

The Steering Group is working on an ambitious time frame to have a revised draft Master Plan available by the end of 2007.

6. Marketing and Promotion of the Precinct

This aspect of the project is under review.

7. Communications Coordination

Creating Communities has been appointed to advise the Department of Industry and Resources and the Steering Group in relation to community consultation and coordination necessary to achieve the objectives of the project. The City will need to closely monitor this activity to ensure that the level of community involvement is to its satisfaction.

8. Other Business

Noted.

Consultation

The Minister for Energy, Resources, Industry and Enterprise, the Chair of the Technology Precinct Steering Group and members of this group have been made aware that the City regards a high level of meaningful consultation as essential. Presumably on that basis, Creating Communities has been appointed to advise the Department of Industry and Resources on the most suitable method of involving the community in meaningful consultation.

Policy and Legislative Implications

None at this time. A review of Town Planning Scheme provisions may be necessary at a later stage.

Financial Implications

None identified at this time.

Strategic Implications

Review of land uses and development within Bentley Technology Precinct regarded as significant to the City and will have long term strategic implications which may necessarily involve a review of the Town Planning Scheme and policy development.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 8.4.1

Moved Cr Maddaford, Sec Cr Best

That the report by the Council's delegate to the Bentley Technology Steering Group, Mayor John Collins be received.

CARRIED (11/0)

9. 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 21 August 2007.

The Chief Executive Officer confirmed that this was correct with the exception of Item 10.3.4. He said that several finance items were tabled late but on the night of the Agenda Briefing and were discussed, however Item 10.3.4 was also tabled late but was not discussed.

Cr Maddaford, Chair at the Agenda Briefing, stated that he had given Members time to ask questions on Item 10.3.4 but as they had not he had moved on.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Smith, Sec Cr Cala

That the officer recommendations in relation to Agenda Items 10.0.1, 10.0.3, 10.2.1, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.7, 10.5.1, 10.5.2, 10.5.4, 10.6.1, 10.6.2, 10.6.4, 10.6.5, 10.6.6 and 10.6.8. be carried en bloc.

CARRIED (11/0)

Note: The Managers of Environmental Health & Regulatory Services and Community, Culture and Recreation retired from the meeting at 7.42pm.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Planning Approval and Building Licence processes and Applicants' Responsibilities <i>(Items 9.0.3 & 9.0.4 referred February 2007 Council Meeting)</i>

Location: City of South Perth
Applicant: Council
File Ref: LP/801
Date: 13 August 2007
Author/Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

To provide an update on the progress towards improved assessment procedures relating to applications for planning approval and building licences. This report advises of action taken in response to Council's February 2007 resolutions when dealing with issues concerning buildings at Nos. 21 South Perth Esplanade and 12 Stone Street, South Perth.

Background

At its February 2007 meeting Council resolved that:

- (a) *Council notes the action taken and the outcomes with respect to a series of Council resolutions adopted in relation to No. 12-14 Stone Street at Council's October, November and December 2006 meetings;*
- (b) *Council notes that a Standard Footnote is to be incorporated on Planning Approvals issued by the City of South Perth to the effect that*

"where minor variations are sought at the Building Licence stage from an approved set of plans, a formal request for a variation to the planning approval is to be sought by the applicant. If supported the variation(s) should be granted subject to all the previous terms and conditions. If not supported either the Building Licence must be amended (for a Building Licence to be issued) or a new application for planning approval should be lodged for consideration by Council"; and

- (c) *Council notes that Guidelines are to be prepared and implemented to facilitate cross checking of building licence plans by the Planning Services Team and that a further report be submitted to Council as required regarding any delegations of authority.*
- (d) *that the following procedures are proposed to be implemented:*
 - (i) *As a condition of submission, all applicants where the assessment of plot ratio will be required, should include a set of scale plans (1:100) which clearly indicate bounded and cross-hatched the area considered to be included (as per Town Planning Scheme No. 6 and the R-Codes) for determination of the plot ratio.*
 - (A) *For each bound area there should also be a corresponding delineation of the area in square metres;*
 - (B) *The total of all these areas, the site area and the resulting plot ratio should also be delineated.*
 - (ii) *All applicants seeking planning approval for proposed development will be required to complete the Planning Services assessment sheet to demonstrate compliance with the City's Town Planning Scheme No. 6, the Residential Design Codes and relevant Planning Policies.*

- (iii) *the inclusion of a disclaimer on the Planning Services assessment sheet to the effect that the required information to be provided by the applicant is the minimum information and that the City will also consider all other relevant factors.*
- (e) *in conjunction with the proposals referred to in part (d) above, investigation into the feasibility of applicants submitting all documents pertaining to applications for planning approval including the completed assessment sheet in electronic format such as AutoCad, PDF or MS Word to be undertaken;*
- (f) *a report will be submitted to the earliest available Council meeting on the implementation of the actions described in part (d) above; and*
- (g) *the plot ratio figure to be included in the heading details of the officer report and Agenda paper.*

Comment

Progress to Date

The comments which follow describe the progress towards implementation of the improved procedures referred to in the February Council resolution.

In response to Part (b) of the resolution, since March 2007, the required Footnote has been placed on all Planning Approvals issued by the City.

In response to Part (c) the Manager, Development Assessment is preparing an assessment sheet for cross-checking of planning application documents against building licence plans.

In response to Part (d), a new draft policy has been prepared, titled “Planning Approval and Building Licence processes and Applicants’ Responsibilities”.

In response to Part (d)(ii), the Manager, Development Assessment is preparing a set of documents titled “Applicants’ Planning Assessment Check-Sheets”. A policy is in preparation for presentation to a Council meeting. The intent of the policy is to identify the applicants’ new obligations regarding their plot ratio assessment. The fundamental rationale in this regard will be explained in the policy as follows:

“In the interest of continuous improvement in service delivery, the City of South Perth endeavours to provide applicants for planning approval and building licences with the most effective, accurate and timely approval process. In pursuit of this objective, the Council’s procedures place certain responsibilities on applicants in terms of information provided”.

Consultation

In connection with the various improved practices referred to in this report, consultation has been undertaken with the City’s Strategic Urban and Planning Adviser, Manager, Development Assessment and the Legal and Governance Officer.

Policy and Legislative Implications

The improved practices described in this report and in the related February Council resolution will strengthen the City’s position in relation to enforcement of “Planning” and “Building” requirements.

Financial Implications

This issues has no impact on this particular area.

Strategic Implications

The report is aligned to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.1
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That the information contained in report Item 10.0.1 of the August 2007 Council Agenda relating to improved Planning and Building assessment procedures, be noted.

CARRIED EN BLOC RESOLUTION

10.0.2 Ecological Sustainable Development in Buildings (<i>Item 11.3 referred May 2007 Council meeting.</i>)

Location:	City of South Perth
Applicant:	Council
File Ref:	EM/111
Date:	6 August 2007
Authors:	Wendy Patterson, City Sustainability Coordinator Rod Bercov, Strategic Urban Planning Adviser
Reporting Officers:	Glen Flood, Director Infrastructure Services Steve Cope, Director Strategic and Regulatory Services

Summary

The purpose of this report is to provide a response to a Notice of Motion adopted at the May 2007 Council meeting, in regard to the status of Ecologically Sustainable Development (ESD) policies, strategies and practices in the City of South Perth.

Background

At the May 2007 meeting, Council adopted the following resolution:

That Council...

- (a) *identifies how ecological sustainable development (ESD) principles can be implemented in the City’s public building program, and residential design guidelines and policies under TPS6. The ESD principles to be addressed in line with the City of South Perth’s Sustainability Strategy under Settlements Vision - Goal 2 – Sustainable Urban Development and Goal 1 - Building Sustainability; and*
- (b) *receives a report at the August 2007 Council Meeting addressing:*
 - (i) *the City’s progress to date to meet this agenda for change;*
 - (ii) *how EDS principles will be embedded in the City; and*
 - (iii) *a timeline for future action.*

ESD Initiatives

In 1990, Australian Governments have endorsed the following definition of ESD:

‘Using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased’¹.

ESD principles in buildings relate to non-residential and residential buildings, and the scope encompasses new constructions to refurbishments and renovations. In Australia, the non-residential and residential building asset generates approximately 19% of total greenhouse gas emissions.

¹ ESD Design Guide for Australian Government Buildings - Australian Government - May 2007

For Australian Government buildings, Australian ESD legislation and policies provide a clear direction for:

- Planning buildings with a view to the long term while being feasible in the short term;
- Using the precautionary principle in all decision making;
- Taking a global approach to issues – for example approaching greenhouse gas reduction through energy efficiency;
- Input from users and communities on building projects;
- Avoiding the use of materials that have a negative effect on biodiversity;
- Ensuring healthy indoor environments;
- Reporting on performance.²

The following ESD Building Design Guideline encompasses a set of criteria, as expressed in a list of generic building opportunities:

Opportunities	Application (not exclusive)
Integrated design and process management	All stakeholder input and decision making Build environmental considerations into contracts, innovation in design and refit, life cycle assessment.
Social sustainability and occupant satisfaction	Social context, usability, building performance, healthy and pleasant work environment, holistic design, access, indigenous considerations, public space.
Optimising indoor environmental quality (IEQ)	Reduce/eliminate toxic substances - MDF, PVC, formaldehyde etc., ventilation, noise, visual, lighting, pollution, thermal comfort.
Minimising energy use	Orientation, passive solar, design of office floor plates, thermal mass, insulation, natural lighting, heating, ventilation and cooling (HVAC), materials use, energy efficient equipment, lighting control, renewable energy.
Minimising transport impact	Access to public transport and public amenities, provision of alternative transport facilities.
Minimising ozone layer depletion	Refrigerant management.
Choosing materials, including minimising toxicity	Materials with high reuse, recycle, low toxic, low embodied energy and water, renewable, upstream manufacture, downstream impacts.
Minimising waste	Reduction of demolition and construction streams, operational management, life cycle assessment.
Water conservation	Benchmark is 0.5kl/m ³ /year. Design in - recycle, wastewater and treatment, rain and storm water collection, reduce potable use, management and monitoring
Land use and ecology	Appropriate land use, preservation of biodiversity,

The Building Code of Australia (BCA) class 5 (office buildings) and 9b (libraries, art galleries etc) are covered by the Australian Government’s ESD design guideline. The BCA regulatory requirements as of May 2007 incorporate the following *minimal* energy efficiencies for this class of building:

- Building fabric, glazing and sealing;
- Air movement, air conditioning and ventilation systems;
- Artificial lighting and power;
- Access for maintenance.

In addition to the regulatory BCA requirements, there are several building ratings tools available to assess non-residential building sustainability criteria from the design stage to post construction. The three main rating tools are:

- Australian Building Greenhouse Rating (ABGR);
- Green Building Council of Australia (GreenStar);
- National Australian Built Environment Rating Scheme (NABERS).

These tools differ in application - some predict energy performance, others assess energy performance as usage. ABGR is applied to energy efficiency only; the other rating tools have a broader more holistic scope incorporating the assessment criteria as outlined in the table above.

These rating tools are voluntary in Western Australia, however, the new State Government requirement to only build / lease an ABGR 4.5 star as a minimum, is signalling to the building industry sector to incorporate these rating tools into building developments.

A summary of the ratings tools is as follows:

Tool	Accreditation	Building Phase	Sectors	Intent	Performance / Predictive
ABGR	1 - 5 stars	Operations & maintenance	Commercial	Bench marking	New - predictive Exist - performance
GreenStar	4 - 6 stars	Design Operations & maintenance	Base building Commercial interior As built base building	Best practice	Design - predictive As built - performance
NABERS	1 - 5 stars	Operations & maintenance	Commercial Residential	Bench marking	Performance

In regard to ESD in buildings, the relevant aims of the WA State Government's Greenhouse Strategy are to:

- Improve the energy efficiency of buildings;
- Improving the energy efficiency of appliances and equipment;
- Raise awareness and facilitate behaviour change by providing information on energy efficiency and the use of renewable energy.

The City participates in the International Council for Environmental Initiatives (ICLEI) Cities for Climate Protection™ (CCP) campaign. The City's target reduction in corporate and community greenhouse gases is 20% by 2010 based on 1998 output.

The CCP Milestone 5 report (2003 data), calculated the City's contribution to greenhouse gas generation for civic buildings to be 1,899 tonnes of carbon dioxide (equivalent) which is 34% of the City's total corporate emissions.

Comment

The first challenge for the City is to ensure that its civic buildings are 'future proofed', that is, the buildings are designed and managed to adapt to potential climate change impacts, waste processes, resource efficiency, meet community expectations, improved quality for occupants and users, and take into account the cost and value of sustainable action including the risk of failing to act.

The second challenge for the City is to ensure that it has progressive Town Planning Scheme provisions to promote and support the community, along with the Federal and State Governments, to make ESD choices when new buildings are being planned.

The City of South Perth Response to ESD

1. Sustainability Policy, Strategy and Implementation

City of South Perth Sustainability Strategy

The City's adopted Sustainability Strategy contains the following actions itemised below related to the introduction of ESD into buildings. These are progressively being implemented as noted in italics below each action:

Settlements Vision -

Goal 2 Sustainable Urban Design

- 2.2 Educate to enable greater ecological understanding to be integrated into planning and design knowledge, and practices - awareness package delivered to management. Further education and awareness to be developed and delivered to planning, building services and the community in 2007/08.

Goal 8 Sustainable Energy

- 8.1 Ensure urban land developments maximise the potential of all lots – allowing for passive solar dwelling design and construction.

The City is guided by the State Government's Residential Design Codes (October 2002) which forms part of the City's Town Planning Scheme No. 6. This document has a section titled 'Design for Climate' which provides guidance for solar dwelling design and construction.

- 8.2 Use the Sustainability Scorecard to demonstrate sustainable energy options in building.

The development of a building maintenance scorecard to be completed by November 2007.

- 8.3 Incorporate passive solar principles and the use of renewable energy products, such as solar lighting for City projects -

A draft Ecologically Sustainable Development (ESD) policy for building design is currently under development. It is planned for endorsement by Council in October 2007. This draft policy incorporates the principles of ESD building design, and therefore application to Civic buildings where possible. Where feasible and practical, the City utilises solar lighting.

Goal 10 Building Sustainably

- 10.1 Develop a sustainable home living package to educate homeowners on the benefits of sustainability in their dwellings

A 'sustainable home living' package is scheduled to be developed during 2007/08. The Household Energy Audit project will provide most of the requirements to develop a sustainable living package.

- 10.2 Review the current use of community buildings to ensure they are environmentally sound and well used.

As previously mentioned, regarding the ESD Building Design policy (8.3 above). The City has also undertaken three studies in regard to its buildings. These include an Asset Study; a community needs study of the halls and a similar study of the sporting pavilions. The aim is to combine the outcomes of the three studies and will guide the future building program.

In addition, building energy audits have been budgeted for the Civic Centre and the Operations Centre, in 2007/08.

- 10.3 Continue to promote the practicalities of energy-efficiency in housing, in conjunction with the Office of Energy eg. Nationwide Housing Energy Rating Scheme (NatHERS) and solar heating

As described in 10.1 above, the promoting of energy efficiency and ESD principles in housing will be delivered throughout the community Household Energy Audit project.

In regard to civic (non-residential) buildings the City is currently:

- Developing a draft sustainability policy (high level commitment to sustainability). This is planned for endorsement by Council in the second quarter of 2007/08;
- Developing a draft ESD building design policy for civic buildings. This is planned for Council endorsement in the second quarter of 2007/08;
- Developing a building maintenance scorecard to incorporate ESD principles. This is planned for completion in the second quarter of 2007/08;
- implementing an awareness campaign on ESD building design principles for Management and Officers - currently implementing;
- Organising building energy audits for the Civic and Operations Centres. These are planned for completion the second quarter of 2007/08.

In regard to residential housing, the City has acquired funding to assist the delivery of a community household energy audit project. This project will involve 200 households across the City and will incorporate a research study based on households' perceptions and attitudes toward energy efficiency practice. Complementary to this project, the City will communicate and promote the benefits of energy efficiency, utilising ESD principles. This project will be implemented during the 2007/08 year.

A part of the Sustainability Coordinator's role will be to support the City's planning and building development services in providing information to the community, builders and developers regarding sustainability and therefore ESD issues. Other Local Authorities have developed information packs for builders and developers, and it is envisaged that relevant City departments work towards developing a suitable and appropriate information pack during 2007/08.

The combination effect of these ESD strategies will result in a cost saving with respect to energy, water and other resources, including reducing greenhouse gas emissions over the lifetime of buildings. It is expected that the cost of energy and other resources will increase at a greater rate than previously experienced and the City may be required through legislation to offset all or part of its greenhouse gas emissions in the future. Incorporating ESD principles can be considered to be responsible risk management.

The implementation of the Sustainability Strategy and Action Plan is reported to Council via a regular update or 'Snapshot'. The last Snapshot was released in January and a further update will be made available in August.

2. City Planning

Town Planning Scheme No. 6 and Planning Policies

Council's May 2007 resolution requires the current report to identify how Ecologically Sustainable Development (ESD) principles can be incorporated into the City's residential design guidelines and policies under Town Planning Scheme No. 6, in line with the ESD principles underlying *Goal 1 - Building Sustainably* and *Goal 2 - Sustainable Urban Development* within the City's *Sustainability Strategy*. In the May 2007 Council Agenda, the Chief Executive Officer provided the following preliminary comments on the City's current and proposed measures contributing towards sustainable residential development

"Measures aimed at achieving sustainable development through energy efficient design are currently being implemented through the requirements of the Building Code of Australia and the Residential Design Codes. The BCA requires all buildings to meet specific targets relating to energy efficiency rating. The R-Codes contain provisions restricting the extent to which proposed development may overshadow adjoining properties and also relating to the retention of stormwater drainage on site. These existing measures are acknowledged in the City of South Perth Sustainability Strategy.

In addition to the measures currently in place, the Council has endorsed the draft Residential Design Policy Manual which includes a policy titled "Climate Control and Energy Efficiency". As previously reported, this Policy Manual is currently under review. When the review is completed, the revised Policy Manual will be presented to Council for endorsement prior to further public advertising. Any Policy in the Manual relating to climate control and energy efficiency will take into account the City of South Perth's Sustainability Strategy."

Additional information is provided below, regarding existing measures already implemented as part of the City's 'Planning' responsibilities and also proposed further measures:

(a) Tree Preservation

Clause 6.13 of Town Planning Scheme No. 6 (TPS6) contains provisions relating to the preservation of the most outstanding trees within the City. This clause describes the procedure for the registration of a Tree Preservation Order and the protection of trees which are the subject of such an order.

Other trees on development sites which will not interfere with any proposed development are protected by way of conditions of development approval. These conditions give effect to provisions contained in Council Policy P383 "Trees on Development Sites and Adjoining Verges". Policy P383 adds support to the TPS6 provisions relating to tree preservation.

(b) Heritage Preservation

The City's Municipal Heritage Inventory (MHI) identifies buildings and other places worthy of preservation due to their heritage significance. While the MHI does not have statutory force to the extent that it prevents listed building from being demolished, it is a significant document which is considered by the Council when considering development proposals involving the affected sites. Clause 6.11 of TPS6 provides some additional protection for the highest order places on the MHI (Categories A and B). Development applications must be submitted under TPS6 for any proposal to demolish a Category A or B building.

In addition to the existing measures contained in the MHI and the No. 6 Town Planning Scheme, it is intended that a “Heritage List” will be produced in accordance with Clause 6.11 (2) of TPS6. This list will have the status of a Planning Policy and will further strengthen the Council’s ability to preserve heritage-listed buildings and places.

Separately, Council has called for the preparation of a “Heritage Policy” to complement the MHI. The principal objective of that policy will be to clarify the manner in which existing places can be deleted from the MHI and new places can be added.

(c) Sewerage and Drainage

Clause 6.8 of TPS6 requires any proposed building containing a kitchen, bathroom, laundry or toilet to be connected to the main sewer of the Water Corporation. The objective is to prevent soil contamination through leaching from the septic tanks which would otherwise be required. This Clause also requires all stormwater from any building and its site to be disposed of into soak wells or sumps located on the development site unless arrangements are made for discharge into the City’s street drainage system.

Similar provisions to those in TPS6 concerning stormwater disposal are contained in Clause 3.9.2 of the Residential Design Codes (R-Codes). Where climatic and soil conditions facilitate the effective retention of stormwater on site, in addition to the options of discharging stormwater into garden areas or sumps, the R-Codes promote the disposal of water from roofs and other impermeable surfaces into rain water tanks.

(d) Minimum Floor and Ground Levels

Clause 6.9 of TPS6 prescribes minimum floor and ground levels for development sites. The prescribed minimum levels have been calculated to ensure that the lowest floor level is high enough to prevent flooding or sub-soil water seepage.

(e) TPS6 Performance Criteria

In certain parts of the City, dual density coding is assigned to land within the Residential zone. TPS6 prescribes performance criteria for dual coded areas. It is necessary for a developer to satisfy a minimum number of performance criteria in order to qualify for development based on the higher, rather than lower density coding. Among criteria, those performance criteria require the provision of “outstanding landscaping” in some areas, the preservation of existing mature trees, and the preservation of existing houses which contribute significantly to desired streetscape character. In particular instances, it may be necessary for the development site and the proposed development to demonstrate compliance with these criteria. In this way, TPS6 can contribute towards sustainability by offering “density” incentives to prospective developers who comply with prescribed performance criteria.

(f) Solar Access for Adjoining Sites

Clause 3.9.1 of the R-Codes prescribes limits on the extent to which a proposed development may overshadow adjoining properties. The objective is to optimise comfortable living and facilitate ecologically sustainable development with maximum solar access.

- (g) Noise Attenuation for Dwellings on Canning Highway
For the amenity benefit of future residents occupying dwellings on Canning Highway lots, Clause 4.9 of TPS6 requires the design of proposed dwellings on such lots to incorporate noise attenuation measures. These measures include minimising the number and size of habitable room windows facing Canning Highway and double glazing or insulation within roofs, ceilings or walls.
- (h) Proposed Planning Policy: Sustainable Residential Design
Within the forthcoming Residential Design Policy Manual, Draft Policy 1 is titled "Sustainable Residential Design". That policy contains:
- Provisions relating to solar access for adjoining sites which augment the R-Codes and explain Council's expectations where applicants seek approval via the Performance Criteria path offered by R-Codes regarding overshadowing of adjoining sites;
 - Provisions relating to sustainable design. The draft Policy states that applicants are strongly encouraged to achieve a sustainable design outcome by incorporating some or all of the following elements into the site planning and design of proposed residential development:
 - Outdoor living areas located so as to maximise solar access;
 - Appropriate solar access to habitable rooms through the strategic positioning of windows;
 - Strategically positioned external clothes-drying areas provided for ground level dwellings, to provide an alternative to internal mechanical driers;
 - Water-sensitive design techniques including, but not limited to:
 - (i) Installation of on-site water storage facilities using a sustainable water source harvested from stormwater and rainfall;
 - (ii) Landscaping designed for low water use; and
 - (iii) Minimal reliance on potable (high quality drinking) water for landscaping;
 - (iv) Windows and doors positioned so as to take advantage of cooling summer breezes;
 - (v) Strategic planting of shade trees.

In relation to the implementation procedure and timing regarding the proposed Policy 1 'Sustainable Residential Design' within the Residential Design Policy Manual, the following information is provided:

The Policy Manual will contain 15 City-wide Policies together with a number of Precinct Policies dealing with streetscape. It is intended that all of the City-wide Policies, including Policy 1 'Sustainable Residential Design', will be presented to a Council Members' Concept Forum during October 2007. If Council indicates general support for the Policies, as soon as any requested modifications have been incorporated, they will be presented to a Council meeting for endorsement prior to public advertising.

3. Residential and Commercial Building Compliance

Building Code of Australia and Energy Efficiency strategy

The Building Code of Australia (BCA) Energy Efficiency Project is being undertaken by the Australian Building Codes Board in association with the Australian Greenhouse Office. The objective of the project is to reduce greenhouse gas emissions from buildings through the development of nationally consistent, cost effective, energy efficiency provisions within the BCA. The provisions have been developed in consultation with State, Territory and Local governments, building practitioners, industry and the community.

The mandatory energy efficiency performance requirements of the BCA for Class 1 buildings and Class 10A buildings that are artificially heated or cooled are:

- That these buildings must be constructed in a manner that slows the efficient use of energy for artificial heating or cooling; and
- The buildings' domestic services must allow the efficient use of energy.

The following aspects of house construction are regulated to achieve the mandatory requirements of the BCA Energy Provisions:

- Insulation of roofs, walls and floor.
- Restrictions on area of glazing in windows and skylights.
- Attached Class 10A buildings so as not to compromise the thermal performance of the main building.
- Air movement control and building sealing for better thermal performance.
- Insulation of central heating pipe-work and heating and cooling duct-work.

All residential building licence applications submitted to the City are required to comply with the current BCA regulations (BCA '5 star') to achieve *minimal* requirements for energy efficiency.

The State Government has released new residential building standards to further the above 5 Star energy requirements in the building codes. **5 Star Plus** applies to building classifications 1 (single residential) and 10 (outbuildings), and is based on two new codes which will be mandatory from 1 September 2007 - Energy Use in Houses Code, and Water Use in Houses Code which help to improve the water and energy efficiency of new homes.

4. Civic Building Construction and Maintenance

The City's building program takes on three streams - maintenance, refurbishment and new projects. Current upgrade work to civic buildings has incorporated design specifications to include:

- Building Thermal and Energy Efficiency;
- Efficiency of hot water systems;
- Maximise Insulation including wall and ceiling;
- Minimize building air leakage;
- Windows glazed (consider high performance or double glazing);
- Effective external shading;
- Energy saving building lighting;
- Natural ventilation (enhanced while maintaining energy);
- Water saving devices including cisterns, showers and tap hardware; and
- All timber used on site is either recycled or from plantations.

Outside of these current inclusions opportunities exist to incorporate:

- Bicycle spaces;
- Water efficient features and Rainwater/Stormwater/Gray water collection for irrigation and toilets;
- Stormwater runoff quality;
- Design for effective waste/recycling streaming from the building during operation;
- Commitment to develop 'Waste Minimisation Plan' for the construction process;
- Commitment to recycle and/or re-use materials from the demolition of the existing buildings;
- Design for disassembly, deconstruction and high value re-use of materials;
- Adaptable design for future re-use and/or renovation;
- Pre-fabrication and pre-manufactured sizes;
- Specify non-toxic materials;

- Specify durable external materials;
- Environmentally preferable wall cladding;
- Black Water or Storm Water Harvesting and Reuse; and
- Efficient heating/cooling systems.

As part of the Planet Footprint program, the City will be progressively metering sites to effectively monitor water and electricity usage to compliment the energy (sustainable) audits for all buildings so that all buildings are managed.

The Civic Building Construction and Maintenance team will be working with the Sustainability Coordinator to develop a building maintenance scorecard to ensure that ESD is considered in all current and future projects.

It is proposed that an ESD building consultant be contracted to provide advice in regard to the City's building construction, refurbishment and maintenance projects. In addition, a cross-disciplinary team of City officers be developed for major building projects, to ensure a collaborative approach and optimum, sustainable outcomes.

Timeline for Future Action

A timeline for implementation of the City's EDS planned building initiatives appears below. The actions are directly related to the implementation of the City's adopted Sustainability Action Plan:

Action	Officer / Department	Timeframe
Roll out of the new residential building standards - 5 Star Plus	State Government	1 September 2007
Establish a cross-disciplinary project team to oversee major civic developments.	Chief Executive Officer	First quarter 2007/08
Policy 1 'Sustainable Residential Design'	Strategic Planning Advisor	Concept Forum - October 2007
Council and the Executive and Operational Management Teams be briefed on ESD principles.	Manager City Environment	Second quarter 2007/08
Ecologically Sustainable Development (ESD) policy	Sustainability Coordinator	Second quarter 2007/08
Develop and implement an ESD building maintenance scorecard.	Sustainability Coordinator / Buildings and Assets Coordinator	Second quarter 2007/08
Implement and report on Energy Audits - Civic and Operations Centre	Sustainability Coordinator	Second quarter 2007/08
Appoint an ESD building consultancy to comment on building design and operation	Manager City Environment	Second quarter 2007/08
Develop a sustainable home living package to educate homeowners on the benefits of sustainability in their dwellings.	Sustainability Coordinator	Fourth quarter 2007/08
Delivery of a community household energy audit project (200 households)	Sustainability Coordinator	Fourth quarter 2007/08
ESD education and awareness to be developed and delivered to staff and the community.	Sustainability Coordinator	Fourth quarter 2007/08

Consultation

The City's Sustainability Strategy was adopted by Council in December 2005 following extensive community consultation.

The following internal departments collaborated in the development of this report:

- Building Services;
- Planning Services;
- City Environment (Sustainability, Building Maintenance); and
- External Consultation was not required to prepare this report.

Policy and Legislative Implications

- P302 - Energy Conservation (in review)
- P301 - Environmentally Responsible Purchasing (in review)
- Sustainability Policy (in draft)
- ESD Building Design Policy (in draft)

Financial Implications

There are no direct financial implications of this report. All proposals discussed are already budgeted.

Strategic Implications

The City's Strategic Plan states the Environmental Management goals relevant to ESD as:

Goal 2 - Community Enrichment

- 2.4 Review the current use and suitability of our community buildings and develop a strategy to ensure that the buildings meet current and future requirements are environmentally sound and their use is maximised.

Goal 3 - Environmental Management:

- 3.1 Implement the Cities for Climate Protection program which encourages communities to measure, monitor and reduce greenhouse emissions, which will contribute positively to a sustainable community.
- 3.2 Develop and implement a Sustainability Strategy and Management System to coordinate initiatives contained in associated Management Plans and to ensure the City's environment is managed in a sustainable way.
- 3.5 Ensure the Town Planning Scheme and supporting Policies facilitate the orderly development of the City and provides lifestyle options for residents, opportunities for business and an attractive environment for all.

Goal 5 - Organisational Effectiveness

- 5.2 Develop and implement the Triple Bottom Line method as an approach to organisational decision making and reporting. This approach takes account of Social, Environmental and Economic factors.

OFFICER RECOMMENDATION ITEM 10.0.2

That....

- (a) the report on the status of Ecologically Sustainable Development (ESD) policies, strategies and practices, item 10.0.2 of the August 2007 Council Agenda, be received;
- (b) Council note the progress of the actions taken and proposed policy development under Town Planning Scheme No. 6, and
- (c) the implementation status of the timeline for action be included in the regular sustainability updates ('Snapshot').

MOTION

Cr Ozsdolay moved the officer recommendation, Sec Cr Smith

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- thank officer for comprehensive report
- commend officers for work done in this area
- support the Motion

Cr Smith for the Motion

- endorse Cr Ozsdolay's comments
- support the Motion

AMENDMENT

Moved Cr Doherty, Sec Cr Best

That the officer recommendation at part(c) be amended to read as follows:

- (c) this full report which includes the implementation status of the timeline for action and the 'Snapshot' is made available on the City's website under Sustainability.

Cr Doherty opening for the Motion

- providing a copy of the full report on the City's website will promote the work of the City in the area of Sustainability and enable the community to identify what is happening locally and Australia wide
- would like it on public record appreciation to officers in relation to time and thought in collating information
- Timeline for Future Action is an important document, with the information in the report supporting the Action Plan
- Timeline for Future Action clearly details activities relating to implementation of the Sustainability Action Plan
- Council are 'walking the talk' through sustainability in buildings
- lot of local schools have become involved in sustainability
- much happening in sustainability - important we let people know what Council is doing

Mayor Collins for the Amendment

- fully endorse Cr Doherty's comments
- proud of City Administration and where it is taking us
- support the Amendment

The Mayor put the Amendment.

CARRIED (11/0)

COUNCIL DECISION ITEM 10.0.2

The Mayor put the Amended Motion

That....

- (a) the report on the status of Ecologically Sustainable Development (ESD) policies, strategies and practices, item 10.0.2 of the August 2007 Council Agenda, be received;
- (b) Council note the progress of the actions taken and proposed policy development under Town Planning Scheme No. 6, and
- (c) this full report which includes the implementation status of the timeline for action and the 'Snapshot' is made available on the City's website under Sustainability.

CARRIED (11/0)

Reason for Change

Part (c) amended in order to provide a copy of the full report on the City's website together with a timeline for action thereby promoting the work of the City in the area of Sustainability.

10.0.3 Parking Review Project - Community Consultation Survey of Richardson Reserve Car Parking and South Perth Esplanade Parking Permits (*Item 9.3.9 referred from February Council Meeting*)

Location: City of South Perth
Applicant: Council
File Ref: LE/101
Date: 8 August 2007
Author: Sebastian Camillo
Manager, Environmental Health and Regulatory Services
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

To report on the findings of the community consultation surveys for the introduction of paid parking at the City's, Richardson Reserve Car Park, timed free parking at Richardson Street embayed car parking bays and the provision of parking permits on South Perth Esplanade.

Background

In February 2007, a progress report on the review of the City's Parking Strategy was provided to Council and it resolved as follows:

That...

- (a) the progress to date of the Parking Strategy for the Mill Point, Mends Street and Como Shopping Precinct be noted;*
- (b) a report on the survey findings and investigations be provided at a Council Concept Forum prior to reporting to the earliest available Council meeting;*
- (c) notional funding for the suggested proposals to manage parking be considered in the development of the 2007/2008 - 2011/2012 Strategic Financial Plan; and*
- (d) potential additional revenue resulting from the adoption of these parking management strategies be considered in the development of the 2007/2008 - 2011/2012 Strategic Financial Plan.*

The Parking Strategy specifically was intended to address the following points:

- timed parking problem areas.
- to identify car parking areas that could be better managed by time restrictions and / or scheduled parking fees.
- to review the City's fee paying car parks and time restricted roadside parking.
- to benchmark the City's parking fees against other local governments.
- Identify parking problem areas which could potentially become new paid parking locations, to control concerns.

In addition to the above, the review looked at the parking issues at the Preston Street Shopping precinct and possible options to increase parking facilities for that area. Initial discussions with a landowner of a vacant block on Preston Street has been positive to the concept of it being used as a temporary car park facility until the landowner is ready to develop it in the future. The design and technical details and legal agreement is being progressed by the City's Infrastructure Services and Strategic and Regulatory Services, respectively. Council recently agreed in principle to support this course of action.

In relation to the Angelo Street car park (West) the Infrastructure Services are consulting with a Structural Engineer to provide a design and indicative cost for the infill and surfacing of the drainage sump at the rear of an existing parking facility to increase the number of parking bays. Funding for this project has been included on the current capital works budget and expected to be completed by April 2008.

A Concept Forum was presented to Council on the 7 August 2007 to present the results of the Community Consultation Survey and also provide an update on the parking projects at Angelo Street car park and Preston Street private car park arrangements. A recommendation was also presented to the concept forum recommending that, the City appoint a suitably qualified consultant to investigate the anticipated local impacts of the car parking restrictions proposed and assist in the development of an overall car parking strategy for the City of South Perth.

Parking concerns are now confined to the South Perth Precinct. The current arrangements at the Richardson Reserve, Richardson Street Embayed car parking, South Perth Esplanade and Narrows Bridge, are as follows:

1. Richardson Reserve Car Park :

Richardson Reserve car park is a major City facility with 190 bays available, with no time restrictions or parking fees applicable.

It is principally used by Perth Zoo patrons, sports club patrons, Royal Perth Golf Course strategy clients and visitors to local residents and businesses. However, during most week days it is noted that this car park is increasingly being used as a park-and-ride facility by commuters travelling on public transport presumably to Perth and other destinations.

2. Richardson Reserve Embayed Street Parking:

Richardson Street has 60 embayed car parking bays with no time restrictions or parking fees applicable. It is principally used by Perth Zoo patrons, sports club patrons, and clients and visitors to local residents and businesses.

3. South Perth Esplanade Parking Permits:

There are up to 50 embayed car parking bays on the north side of South Perth Esplanade, west of the Mends Street jetty car park to Queen Street which are currently ticket parking areas and are under utilized by the public from Monday to Friday, on most weeks throughout the year. This area has been identified as a suitable location to use as a "Parking Permit Area" for employees and residents to the Mends Street precinct, to alleviate the parking demand. This City currently does not have any parking permit arrangements in place.

4. Narrows Bridge

No parking restrictions currently apply. It is evident that commuters frequently use this area.

Parking within the Windsor Hotel Precinct is being progressed separately.

Comment

The parking areas which were subject to community consultation surveys and identified in the Parking Strategy were Richardson Reserve car park, Richardson Street embayed parking bays and the Mends Street Precinct. The surveys were distributed to residents, businesses, employees and sporting groups including the Royal Perth Golf Club and the Perth Zoo, during the first week in May with the return date of the self addressed response form being 17 May 2007.

There were 550 surveys distributed to the target group in the Richardson Reserve and Richardson Street areas and 500 in the Mends Street Precinct area respectively. Additionally, the surveys were available on line on the City's web page for the general public to access and respond to.

The surveys informed people that the City is reviewing parking on Richardson Street and Richardson Reserve car park to ensure they are more effective and manageable and ensure they cope with current parking demands. It also advised that the City is proposing the

installation of ticket machines for paid parking at the Richardson Reserve car park and free timed-parking for Richardson Street and attached a diagram on reverse for locations. The survey also referred to the current fee structure of \$1 per hour or \$6 for all day (subject to annual review) which would apply to Richardson Reserve car park and the free timed parking of one, two and four hours proposed within the embayed car parks, Monday to Friday (no time limits to weekends and public holidays) on Richardson Street.

In relation to parking permits it informed people that the City is conducting this survey to determine if there is public interest for the introduction of a parking permit system in the Mends Street Precinct area, which may resolve issues relating to the limited parking facilities in and around the Mends Street Precinct, to ensure they are more effective and manageable. The survey also proposed that the parking permit is for employers, employees and residents of the Mends Street Precinct and attached a diagram on reverse for locations, which require frequent longer-term parking in addition to their existing parking.

At the conclusion of the survey period the City received a total of 6.55% and 5.6% of returned surveys for the Richardson Reserve/Street and Mends Street Precinct, respectively.

The results of the survey questions received by the City were as follows:

1. Richardson Reserve Car Park

36 % - support paid parking for the Richardson Reserve car park

64 % - do not support paid parking for the Richardson Reserve car park

Issues with the current parking in the Richardson Reserve car:

- 69 % Nil/No issues
- 15.4 % Only an issue on school/public holidays - for Zoo
- 15.4 % Used as park-n-ride / people park all day

2. Richardson Street Parking

39 % - support the timed Richardson Street parking changes

56 % - do not support the timed Richardson Street parking changes

- Issues I have had with the current car bays available on Richardson Street:

- 58.3% Nil/No issues
- 33.3 % Only on school/public holidays - for Zoo
- 8.3 % Used as park-n-ride and people park all day

- Do you currently experience parking difficulties between Charles and Judd Street?

- 73 % Nil / No issues
- 3.8 % Yes, park on our lawn
- 3.8 % (No supporting comments offered)
- 7.7 % Used for park-n-ride and people park all day
- 7.7 % Busy because of Zoo
- 3.8 % Only recent issues - used to be OK

3. Mends Street Precinct Parking Permit

92.3 % - support the Mends Street Precinct Parking Permit

7.7 % - do not support the Mends Street Precinct Parking Permit

Based on the results of the surveys received and assessed by the City it would appear that the comments from the respondents are generally in support of the installation of ticket machines to the Richardson Reserve car park and free timed parking in Richardson Street embayed car parks. It also appears incongruous that the City has paid parking in nearby Windsor Park and at the Angelo Street parking area but fees are not charged at the most central and convenient parking area for the Mends Street and Richardson Reserve area.

The fees for existing paid parking car parks were reviewed by Council in July 2005 and are still current (see table below).

Parking Locations	Current Adopted Fees
Windsor Park - Car park	\$1.00 per hour \$6.00 daily maximum
No. 11 Parking Station, East end of Esplanade.	\$1.00 per hour/ \$6.00 daily maximum
South Perth Esplanade, (north) from embayed area to Queen St.	\$1.00 per hour
South Perth Esplanade, (east) from embayed area to parking area.	\$1.00 per hour
Windsor Park Parking Station, (Zoo car park)	\$6.00 (7 hours)

There is also support for the introduction of Parking Permits to the Mends Street Precinct. An assessment of other local governments with similar permit arrangements has been conducted by the City's Community Rangers. An indicative cost for the introduction of a "Parking Permit" is as follows:

Residents or Employees	Residents / employees working in the Mends Street Precinct purchase a weekly or monthly pre-paid permit from the City. This permit will identify the expiry date, parking location, vehicle number plate.	Applicable Monday-Friday in designated areas, SPE 1 and SPE 2.	\$15 per week or \$50 per month
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The City's, Environmental Health & Regulatory Services have initiated the Parking Review Project and taken it to a point where it needs to progress to the next phase of its development. With the results of the recent community consultation survey and discussions with major sporting stakeholders still continuing, it has become evident that parking abuse occurs at Richardson Reserve and Richardson Street parking facilities as well as the street parking in the immediate area.

The City can control current abuse simply by installing ticket machines and introducing time restrictions in susceptible locations however there will be a strong possibility of parking abuse transference to local streets namely Amherst Street and other residential streets in the immediate area.

Any parking abuse by external users in Amherst Street will impact heavily on the parking demands of the various sporting and golf clubs. The City could address the foreseeable problem by investigating the possibility of additional verge parking facilities along Melville Parade and Amherst Street as a short term solution. This option will take the scope of the current parking review beyond the capabilities of the City resources. It would be beneficial for the City to appoint a suitable consultant to assess the work already undertaken by the Environmental Health & Regulatory Services to conduct a comprehensive parking survey within the South Perth Precinct. The assignment would include investigations relating to the anticipated transference of potential parking issues to other areas (namely Amherst Street and other residential streets throughout the City) and to develop an overall parking strategy for the City. The consultants brief would include assessing the current parking situation and impacts of potential future commercial/residential growth developments in the area including the proposed train station and providing recommendations accordingly.

It is therefore concluded that prior to the City taking any immediate action to implement any changes to its current parking practices, suitable professional advice be obtained.

Consultation

A Community Consultation Survey occurred during May 2007 with the residents, and businesses, including Perth Zoo, affected by the parking areas and parking permits. Further consultation is continuing with the sporting groups that use the Richardson Reserve.

The proposed parking fees will be tabled in the draft budget process under the Schedule of Fees and Charges for 2007/2008 and advertised in the local newspaper, City's web page. Signage at the entry points to the car parking facilities prior to the implementation of the timed and paid parking.

Policy and Legislative Implications

The City's Parking Local Law sets out the requirements for parking control in the City.

Clause 18 allows the City to establish Parking Stations as detailed below:

“Establishing Parking Stations

18. *the Council may by resolution establish, determine and vary from time to time and indicate by signs:*
- (a) parking stations;*
 - (b) permitted times and conditions of parking or standing in parking stations;*
 - (c) classes of vehicles permitted to park or stand in parking stations;*
 - (d) the manner of parking or standing in parking stations, but such authority shall not be exercised in a manner inconsistent with the provisions of this Local Law or any other written law.*

Financial Implications

Notional funding for the suggested proposals to manage parking be considered in the development of the 2007/2008 - 2011/2012 Strategic Financial Plan. No specific funds are contained in the 2007/2008 Budget however, funds are available in a specific Reserve Fund established for parking purposes. The funds would be drawn from the Parking Facility Reserve and included in the first quarter budget review. The anticipated cost of such a survey is in the region of \$20,000.00

Strategic Implications

In accordance with Goal 3 of the City's Strategic Financial Plan, Environmental Management. In particular, reference is made to Strategy 3.2 which involves *the development and implementation of a sustainability strategy and management system to co-ordinate initiatives contained in associated management plans and to ensure City's environment is managed in a sustainable way.*

Being separately addressed in the quarterly budget review

In relation to Goal 6 of the Strategic Financial Plan and Strategy 6.2:

“Maximise community benefit and value for money from City expenditures and use of our assets” and

Strategy 6.3:

“Identify opportunities to introduce a ‘user pays’ fee charging model and develop strategies to implement this philosophy where appropriate, whilst continuing to recognise community service obligations”

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3
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That....

- (a) the progress to date of the Parking Strategy for the Mill Point and Mends Street Precinct be noted; and
- (b) a suitably qualified consultant be appointed to investigate the anticipated local impacts of the car parking restrictions proposed and assist in the development of an overall car parking strategy for the City of South Perth.

CARRIED EN BLOC RESOLUTION

10.0.4 Proposed Major Additions / Alterations to Village Green Shopping Centre (Waterford Plaza), Karawara (Item 6.2 July 2007 Special Council Meeting)

Location:	Lots 102, 104, 105 and 180 (Nos. 33 - 39) Walanna Dve and Lot 802 (No. 230) Manning Road, Karawara
Applicant:	Greg Rowe & Associates on behalf of Midpoint Holdings P/L
Lodgement Date:	19 December 2006
File Ref:	WA1/37 & 11/1286 & 11.2006.613
Date:	12 August 2007
Author:	Rajiv Kapur, Acting Manager, Development Assessment
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

To consider amended drawings for a planning application for major additions and alterations to the Village Green Shopping Centre (which has recently been re-named the Waterford Plaza) in Karawara that was earlier refused by the Council at its July 2007 Special Council meeting. The application is currently before the State Administrative Tribunal (SAT) for determination. The report recommends that SAT be advised that Council does not support the application for various reasons, principally linked to deficient car parking and landscaping provision.

Background

An interim report was considered at the May 2007 Council meeting, at which time Council resolved in part that:

“a decision with respect to the application for planning approval for major additions and alterations to the Village Green Shopping Centre (Waterford Plaza) on Lots 102, 104, 105, and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara be deferred to allow City Officers to liaise further with the proponents in an attempt to satisfactorily address identified areas of concern.”

Subsequently, amended plans were considered at the July 2007 Special Council meeting. The application was refused for various reasons, principally linked to deficient car parking and landscaping provision. Also, the information provided on the drawings was insufficient to undertake an accurate assessment of the proposed development in terms of compliance with the building height limit. The Council resolved in part that:

“ ...

- (c) *having regard to the information accompanying the application and the provisions of the City of South Perth Town Planning Scheme No. 6 (TPS6), the development has been provided with an insufficient number of car parking bays. TPS6 prescribes a requirement for the provision of 1,232 car parking bays whereas the proposed development has been provided with only 732 car parking bays.*
- (d) *a significant number of parking bays on each of the roof decks do not comply with the minimum parking dimensions prescribed by the City of South Perth TPS6. Additionally, it is likely that a number of other bays throughout the development do not comply with the dimensions prescribed by TPS6, however, this can not be determined with certainty as the plans which have been submitted for assessment do not scale.*
- (e) *table 3 of the City of South Perth Town Planning Scheme No. 6 prescribes a requirement for 10% of the site to be developed as landscaped area. Council is of the opinion that:*
 - (i) *an insufficient level of ‘soft’ landscaping has been provided;*
 - (ii) *it is not appropriate to include the majority of hard paving on the site within the landscaping calculation;*

- (iii) *insufficient shade tree planting has been provided within various portions of the car parking areas throughout the site;*
- (iv) *landscaping should be provided in conjunction with each of the roof deck parking areas; and*
- (v) *a landscaping buffer of at least two metres in width, including trees, should be provided to the northern and eastern boundaries of the site and the northern roof deck..”*

The amended plan drawing submitted on 3 August 2007 and elevations drawing submitted on 10 August 2007 now form the basis of the Council’s current consideration. With a view to comply with the required number of car parking bays on site, the drawings incorporate a reduction in the proposed shop floor area, allocation of this portion of the site for the use of car parking, and an increase in the area of the roof deck car parking.

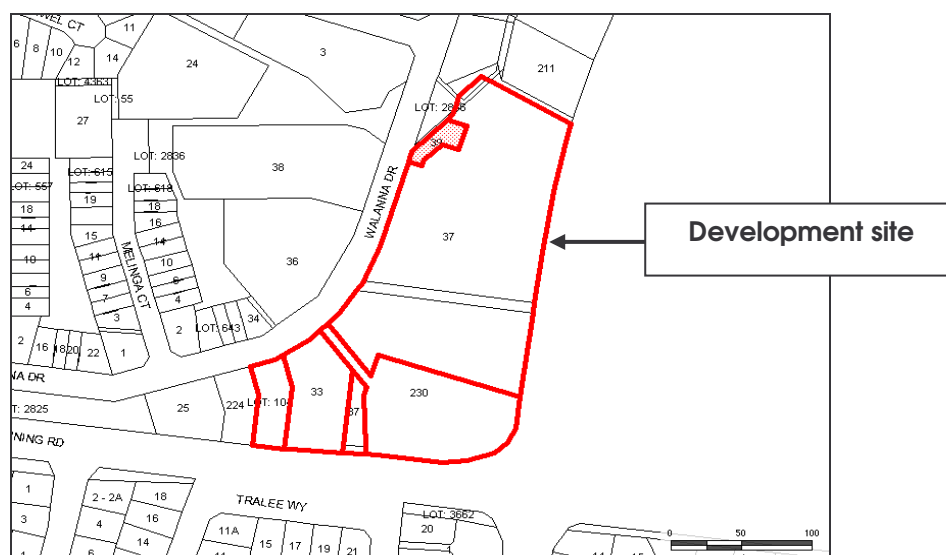
The development site details are as follows:

Zoning	District Centre Commercial
Density coding	R30
Lot area	36,937 sq. metres in total (Lot 102 = 600 sq.metres; Lot 104 = 1,537 sq.metres; Lot 105 = 3,437 sq.metres; Lot 180 = 24, 387 sq.metres and Lot 802 = 6967 sq.metres)
Building height limit	7 metres
Maximum Permissible Plot ratio	1.50

This report includes the following attachments:

- Confidential Attachment 10.0.4(a)** Plan and elevations of the proposal
- Attachment 10.0.4(b)** Notice of Mediation from State Administrative Tribunal dated 18 July 2007
- Attachment 10.0.4(c)** Letter from Greg Rowe & Associates dated 3 August 2007

The location of the development site is shown below:



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

1. **Large scale development proposals**
Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.

2. *Matters previously considered by the Council*

Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

Separate to the Council's consideration of this development application, the matter is also being considered by the State Administrative Tribunal (SAT), after the proponent lodged an application for review against a 'deemed' refusal of the development application (the application was 'deemed' to have been refused for the purposes of generating a right of review with SAT 90 days after the date of initial lodgement). City Officers attended a mediation session on 21 June 2007, at which time the SAT ordered that the application be considered further by Council at its meeting on 10 July 2007. Further mediation took place on 13 July 2007 at which the applicant was offered the opportunity to further amend the application for consideration by the City on or before 28 August 2007. Further mediation has now been scheduled for 31 August 2007. If Council resolves to refuse the application for planning approval in accordance with the Officer recommendation, the matter will be listed for a full hearing with the Tribunal. The SAT will then have responsibility for making the final determination with respect to the application.

Comment

Detailed comments with respect to the nature of the proposed development and compliance with the provisions of Town Planning Scheme No. 6 (TPS6) were included in the report which was presented to the May meeting. Detailed further comment has not been made in this report with respect to the components of the development proposal which are accepted (i.e. in relation to matters such as plot ratio floor area, overall amount of retail floor area etc). With respect to the other non-compliant components of the proposed development, the following further comments are made:

(a) Car Parking

As reported to the July 2007 Special Council meeting, on the basis of the information submitted with the earlier application, and having undertaken a calculation strictly in accordance with the provisions of Table 6 "Car and Bicycle Parking" of TPS6, the development required 1,232 car parking bays compared to the 732 car parking bays (500 car bay deficiency) plus 32 motor cycle bays which were provided. The report also identified that the City's calculation of the number of car parking bays differed from that of the applicant's, as well as mentioned the reasons for this difference.

The City's officers had expressed the view that the applicant has failed to present a satisfactory argument in support of Council approving the development application with the deficiency in the number of car parking bays which have been proposed for the development.

The earlier report also assessed the applicant's justification for proposing lesser number of car parking bays based upon the requirements of 5 other local authorities as well as recent shopping centre approvals which they have had involvement with. However, the City's officers were not satisfied with the justification as the developments have not yet been undertaken, hence they do not form a reliable basis upon which to grant similar concessions. The applicants hadn't provided comparative examples of existing shopping centres which are already trading without parking difficulties and which have a comparable ratio of parking numbers to which they propose.

Having regard to the above background information, the amended drawings now incorporate the deletion of 750 sq. metres of gross floor area which was earlier proposed for use as shops. This area of the site is now proposed to be allocated for the use as car parking. The area of the roof deck car parking has also been increased to allow for more car parking bays. As a result of the reduction in the proposed gross floor area, the car parking requirement has dropped from 1,232 bays to 1195 bays. The number of car parking bays provided on site, as shown on the drawing, has now gone up from 732 bays to 816 bays. The proposed motorcycle parking bays has gone down from 32 bays to 29 bays.

The following comments are also made with respect to the proposed car parking bays:

- As identified in the previous report to July 2007 Special Council meeting, the bays on the site of the adjoining Chinese restaurant and “stacked” bays (presumably within the drive-thru areas of Chicken Treat and KFC) do not form part of the development site, therefore have not been counted.
- As identified in the previous report to July 2007 Special Council meeting, the drawings show that shade sail structures are provided over all of the car parking bays on each of the roof decks. No provision has been made for increased bay widths adjacent to the car bays where they are situated adjacent to the support columns of these shade structures.
- In addition to the above, a number of car parking bays have been identified on the ground level plan that do not comply with the minimum car parking bay dimensions and required clearances from obstructions (such as columns) prescribed by Clause 6.3 of TPS6. There is also a concern in relation to car parking bays provided under the ramp leading to the roof deck car park. Insufficient information has been provided with respect to assessing compliance with the vertical or head-room clearance for these cars and the users.
- The previously submitted drawings were not to scale, so it was not possible to verify whether all other bays are compliant with the minimum dimensions prescribed by clause 7.1 of TPS6. This matter has now been adequately addressed by submitting a plan drawing to a scale of 1:500.

As discussed in the previous report, in considering whether or not to support the variation to the minimum number of car parking bays which is proposed by the applicant, it is relevant for the Council to note that:

- Differing uses on the site will have a different peak demands with respect to car parking generation. For example, there has traditionally been a relatively large proportion of cafe / restaurants at the centre, which would typically generate peak parking demand in the evening;
- With the exception of the Thursday evening peak, the Tavern is likely to generate its greatest demand for parking at times differing from those generated by the shops (i.e. evening and weekend);
- There is a relatively large resident catchment (including student housing) within close proximity of the development site;

Clause 7.8 of TPS6 does offer Council the ability to grant approval for a lesser number of bays than prescribed by the Scheme. Council can only exercise such discretion where:

- “(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 on 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.*”

The City accepts that it would be reasonable to accept some degree of variation from the 1,195 car bays prescribed by TPS6. As stated in the report to July 2007 Special Council meeting, the City has previously indicated that it would support the application if 850 car parking bays were provided. Noting that the proposed gross floor area has been reduced by 750 sq. metres, the 850 car parking bays supported by the City could also proportionately be reduced to 825 car bays. On the basis of the required 825 car parking bays, the development is short of 9 car parking bays. It is noted that 29 motorcycle bays have also been provided for the development. Furthermore, not all of the proposed 816 car parking bays are designed to comply with the minimum dimensions and clearances prescribed by TPS6.

(b) Landscaping

Table 3 of TPS6 specifies a requirement for 10% of the site to be developed as landscaped area. Based upon a lot area of 36,937 sq.metres, at least 3,694 sq.metres of the site is required to be developed as landscaped area.

As TPS6 does not define landscaping, it is necessary, pursuant to the provisions of clause 1.10(2) of TPS6 to use the definition contained within the Residential Design Codes. The R-Codes define Landscape, Landscaping or Landscaped as:

“Land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or children’s playgrounds and any other such area approved of by the Council as landscaped area.”

In the landscaping calculations submitted by the applicant along with the application referred to the July 2007 Special Council meeting, the applicants had included both ‘soft’ landscaped areas and all of the paving surrounding the centre (with the exception of vehicle accessways and parking areas), resulting in a claimed landscaped area of 4,845.2 sq.metres. The 4,845.2 sq.metre figure comprised of 1,621.4 sq.metres of ‘soft’ landscaping (planted areas) and 3,223.8 sq.metres of paving.

The applicant had also made reference to the fact that the property owner will be landscaping the verge area adjacent to the development site. Although this is a normal expectation of any property owner, it was acknowledged that there is a large amount of verge area adjacent to this development site.

Having regard to the definition of landscaping within the R-Codes, the City’s Officers had recommended that a larger portion of the site be developed as ‘soft’ landscaping, and that only very limited paved areas (such as the ‘piazza’ between the two malls) be accepted within the landscaping calculations.

The following additional comments were made in the July 2007 report with respect to landscaping of the site:

- Clause 6.3(12) of TPS6 requires that any continuous line of unroofed car parking be provided with reticulated planting areas, including shade trees approved by the Council, at the rate of 1 per 8 car parking bays. A number of locations within the site had not been designed to satisfy this scheme requirement.

- The northern car parking deck is situated with a zero setback to the northern property boundary. Officers were of the opinion that this deck should be set back from the northern property boundary by a landscaping strip (including trees) of at least 2 metres in width, to soften the impact of the parking deck.
- No landscaping areas were provided in conjunction with either of the roof deck parking areas. City Officers were of the opinion that landscaping, possibly in the form of planter boxes) should be provided. The provision of planters around the perimeter of the roof deck parking areas would allow vegetation to spill over the edges of the parking decks, softening their visual impact.

In relation to the proposed landscaped areas, no change has been incorporated in the revised set of drawings being considered at this meeting. Therefore the situation remains unchanged and all of the above concerns of the City's officers are still valid.

In accordance with the landscaping definition, it is ultimately at Council's discretion as to which areas are / are not be included within the landscaping calculation.

As with the matter of car parking provision, clause 7.8 of TPS6 does offer Council the ability to grant approval for a lesser percentage of landscaped area than prescribed by the Scheme if it is considered appropriate to do so. Once again, Council can only exercise such discretion where:

- “(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 on 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.”*

(c) Trolley Bays

Areas set aside for the collection of shopping trolleys have been provided at regular intervals around the perimeter of the site as well as within each of the roof deck parking areas. The City does not have any specific concerns with respect to the location and number of trolley collection points, although it is not apparent that the parking bays immediately adjacent to the trolley bays have been increased in width as required by TPS6.

(d) Building Height

As reported to the July 2007 Council meeting, since the previously submitted drawings were not to scale, it was not possible to determine compliance with the maximum permitted building height. The amended drawings submitted now are to a scale of 1:500. However, the following additional information is required to be shown on the drawings in order to assess compliance with Clause 6.2 “Building Height Limits” of TPS6:

- (i) Contour lines and natural ground levels are required to be shown on the plan drawing. This will assist in identifying the highest point of natural ground level under the building footprint at which the building height should be measured.

- (ii) These natural ground levels are also required to be incorporated on the elevation drawings along with the proposed wall heights as measured in number of brick courses above the finished floor levels. This will assist in measuring the proposed building height in relation to that highest point of natural ground level.

(e) **Correspondence from Greg Rowe & Associates**

As reported to the July 2007 Special Council meeting, a brief of the comments made by the City's Officers in relation to correspondence from Greg Rowe & Associates is as follows:

- (i) With respect to the car parking numbers, a number of comments contained within the correspondence in relation to the provision of car parking bays and compliance with Scheme requirements were factually incorrect. The proposed variation was actually much greater than this, having regard to the prescribed parking ratios of TPS6.
- (ii) With respect to a proposal for the provision of car parking bays adjacent to the development site within Walanna Drive road reserve, the owners of the shopping centre had made an offer of \$40,000. However, after careful consideration, the City Officers recommended that it not be supported for the following reasons:
- The verge area forms an important landscape buffer between the development site and the adjoining residential locality;
 - Walanna Drive is designated as a Local Distributor road within the City's functional road hierarchy and is also a bus route;
 - Car Parking for the centre should be contained within the development site.

The Council resolved at the meeting to oppose any street parking in Walanna Drive.

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

In considering the application for planning approval, it is necessary for the Council to have regard to the general objectives of the Scheme, listed within clause 1.6 of TPS6. Council should pay particular regard to the following matters listed within clause 1.6:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community; and*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
- (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*

(ii) *the preservation of the amenity of the locality;*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (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;*
- (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; and*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

Consultation

No consultation has been undertaken with respect to these amended drawings being referred to this August 2007 Council meeting. However, as identified in the report presented to the May 2007 Council meeting, the following consultation was undertaken with respect to the proposed development:

- (a) **Referral to the City's Design Advisory Consultants (DAC)**
No significant concerns were raised by DAC.
- (b) **Neighbour Consultation**
Extensive neighbour consultation resulted in two submissions, neither of which objected to the proposed development, but which made comment in relation to traffic management.
- (c) **Other City Departments (Engineering Infrastructure, City Environment, Environmental Health and Regulatory Services);**
 - Engineering Infrastructure: No specific concerns identified.
 - City Environment: Concern with respect to lack of planting within roof deck parking areas; Additional shade trees required; and Revised treatment to Kent Street and Manning Road verges.
 - Environmental Health: No specific concerns identified.
- (d) **Western Australian Planning Commission**
No specific concerns expressed. Suggest review of signal timing for lights at intersection of Manning Road / Kent Street / Waterford Avenue.

(e) **Independent Retail Consultant**

Consultant determined that amount of proposed floor area (although greater than that advocated within the City's draft Local Commercial Strategy) could be sustained.

(f) **Property owners consultant team (via Councillors briefings on 3 April 2007 and 4 July 2007).**

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.

Although the City is generally supportive of the property owners desire to expand the only designated 'District' level shopping centre within the City of South Perth, approval should not be granted in this instance having regard to the deficient car parking and landscaping provision. To do so would be contrary to the provisions of TPS6 and the Strategic Plan.

OFFICER RECOMMENDATION ITEM 10.0.4

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the State Administrative Tribunal be advised that:

- (a) Council does not support the revised drawings submitted for planning approval for major additions and alterations to the Waterford Plaza Shopping Centre on Lots 102, 104, 105 and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara for the following reasons.
- (i) approval of the development would be contrary to the orderly and proper planning of the locality and would generate conflict with a number of matters identified in clause 1.6 (Scheme Objectives) and clause 7.5 (Matters to be Considered by Council) of Town Planning Scheme No. 6.
 - (ii) having regard to the information accompanying the application and the provisions of the City of South Perth Town Planning Scheme No. 6 (TPS6), the development has been provided with an insufficient number of car parking bays. TPS6 prescribes a requirement for the provision of 1,195 car parking bays whereas the proposed development has been provided with only 816 car parking bays.
 - (iii) a significant number of parking bays throughout the development, on each of the roof decks as well at the ground level do not comply with the minimum parking dimensions prescribed by the City of South Perth TPS6. All of these bays can be clearly identified when the City is provided with larger scale detailed drawings.
 - (iv) table 3 of the City of South Perth Town Planning Scheme No. 6 prescribes a requirement for 10% of the site to be developed as landscaped area. Council is of the opinion that:

- (i) an insufficient level of 'soft' landscaping has been provided;
 - (ii) it is not appropriate to include the majority of hard paving on the site within the landscaping calculation;
 - (iii) insufficient shade tree planting has been provided within various portions of the car parking areas throughout the site;
 - (iv) landscaping should be provided in conjunction with each of the roof deck parking areas; and
 - (v) a landscaping buffer of at least two metres in width, including trees, should be provided to the northern and eastern boundaries of the site and the northern roof deck.
- (v) it is not possible to determine compliance with the building height limits in accordance with Clause 6.2 of TPS6 as additional information with respect to the existing natural ground levels, proposed finished floor levels and proposed wall heights measured in brick courses is required to be shown on the drawings.
- (b) Council would support an alternative design incorporating 825 car parking bays.

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

The Director Strategic and Regulatory Services requested the Legal and Governance Officer comment on the SAT issue.

The Legal and Governance Officer stated that he did not believe that the suggestion that Council was empowered to determine the application under section 31 of the SAT Act was correct. He said that he believed that the officers have correctly stated the position as detailed on page 31 of the Agenda paper. SAT has invited the City to consider any amended application before 31 August so that SAT can be advised of Council's position when the matter comes back before the Tribunal for mediation.

The Director Strategic and Regulatory Services stated, in relation to planning issues that the officers assessment of plans received in late July is the subject of this report to Council. He said that with those plans showing increased car parking provision and a reduction of gross floor area officers considered that 825 car bays would be acceptable, however the application lodged is deficient in this regard and in relation to landscaping. There have been ongoing discussions regarding those plans and further plans have been lodged as recently as today (28 August) however there is still further checking to be done in relation to car bay dimensions, access widths and engineering implications, but the applicant is moving towards meeting the requirements of 825 car bays. In relation to the landscaping there has been progress in the provision of plans showing shade trees etc, however there are still some areas which are deficient in landscaping.

MOTION

Cr Gleeson moved the officer recommendation. Sec Cr Ozsdolay

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Gleeson opening for the Motion

- if car parking / landscaping is deficient this needs to be resolved with applicant
- support officer recommendation

Cr Ozsdolay for the Motion

- would love to be supporting a Motion for approval
- aware applicants / officers have spent a lot of time on this
- believe we must continue process to get it right
- support officer recommendation

Cr Cala point of clarification- is it possible for Council to state its position on the number of car bays?

The Director Strategic and Regulatory Services said part (b) of the officer recommendation on page 38 of the Agenda paper supports 825 car bays.

Cr Smith point of clarification - as stated before, there is some doubt about the number of car bays at the present time. Do you accept that there are 825 bays required and that they can be provided?

The Director Strategic and Regulatory Services said that the plans that have been lodged today and as a result of ongoing discussions, do depict 825 bays, however there is still a deficiency in landscaping to be addressed which could have an impact on car bays and there is still some checking to be done in relation to bay widths etc

Cr Hearne point of clarification - in view of the plans received today and the dialogue is it prudent to amend the recommendation as it now stands - which may be helpful to the City and to SAT?

The Director Strategic and Regulatory Services said that the City has only had the plans, received today, for a few hours and that he did not believe we can unequivocally support at this stage.

Cr Hearne point of clarification - should we include this in the recommendation?

The Director Strategic and Regulatory Services stated that he did not believe there was any harm in adding to the recommendation that further plans have been received.

AMENDMENT

Moved Cr Hearne, Sec Cr Cala

That the Motion be amended by the addition of the following part (c):

- (c) Council received further revised drawings on 28 August 2007. Having regard to the available time, Council was not able to formulate a position with respect to these plans but would be willing to further consider these plans.

AMENDMENT

Moved Cr Jamieson - That the Motion be further amended by the deletion of part (b) as it is not prescriptive enough.

The Amendment Lapsed for Want of a Seconder.

LAPSED

Cr Hearne point of clarification - would officers think it prudent that perhaps we state in part (c) that revised drawings support Council's design concept?

The Director Strategic and Regulatory Services - said this was not necessary.

COUNCIL DECISION ITEM 10.0.4

The Mayor put the Amended Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the State Administrative Tribunal be advised that:

- (a) Council does not support the revised drawings submitted for planning approval for major additions and alterations to the Waterford Plaza Shopping Centre on Lots 102, 104, 105 and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara for the following reasons.
 - (i) approval of the development would be contrary to the orderly and proper planning of the locality and would generate conflict with a number of matters identified in clause 1.6 (Scheme Objectives) and clause 7.5 (Matters to be Considered by Council) of Town Planning Scheme No. 6.
 - (ii) having regard to the information accompanying the application and the provisions of the City of South Perth Town Planning Scheme No. 6 (TPS6), the development has been provided with an insufficient number of car parking bays. TPS6 prescribes a requirement for the provision of 1,195 car parking bays whereas the proposed development has been provided with only 816 car parking bays.
 - (iii) a significant number of parking bays throughout the development, on each of the roof decks as well at the ground level do not comply with the minimum parking dimensions prescribed by the City of South Perth TPS6. All of these bays can be clearly identified when the City is provided with larger scale detailed drawings.
 - (iv) table 3 of the City of South Perth Town Planning Scheme No. 6 prescribes a requirement for 10% of the site to be developed as landscaped area. Council is of the opinion that:
 - (i) an insufficient level of 'soft' landscaping has been provided;
 - (ii) it is not appropriate to include the majority of hard paving on the site within the landscaping calculation;
 - (iii) insufficient shade tree planting has been provided within various portions of the car parking areas throughout the site;
 - (iv) landscaping should be provided in conjunction with each of the roof deck parking areas; and
 - (v) a landscaping buffer of at least two metres in width, including trees, should be provided to the northern and eastern boundaries of the site and the northern roof deck.
 - (v) it is not possible to determine compliance with the building height limits in accordance with Clause 6.2 of TPS6 as additional information with respect to the existing natural ground levels, proposed finished floor levels and proposed wall heights measured in brick courses is required to be shown on the drawings.
- (b) Council would support an alternative design incorporating 825 car parking bays; and
- (c) Council received further revised drawings on 28 August 2007. Having regard to the available time, Council was not able to formulate a position with respect to these plans but would be willing to further consider these plans.

CARRIED (10/1)

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

Reason for Change

Part (c) added as Council believed it was important the Tribunal be advised that further revised drawings were received on 28 August 2007.

10.0.5 Council Inspections of Multi-Level Buildings (*Item 12.3 referred from July 2007 Council meeting*)

Location: Lot 120 (No. 23) South Perth Esplanade, South Perth
Lot 58 (No. 152) Mill Point Road, South Perth
Lot 108 (No. 180) Mill Point Road, South Perth

Applicant: Council

File Ref: SO1/203, MI3/152, MI3/180

Date: 25 September 2007

Author: John Devereux, Senior Planning Officer

Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

To provide Council with the outcomes of its request at its July 2007 meeting for inspection of height and setbacks compliance for a number of multiple-level buildings in South Perth.

An as constructed survey, for building heights and general setbacks, was undertaken by Stuart Wilcox, Licensed Surveyor, from JBA Surveys. The as constructed surveys were compared to the approved building licences and planning approvals issued by the City. The findings are summarised in relation to each building.

Background

At the July 2007 meeting Council resolved as follows:

That following recent legal advice, which was that the inspection of multi-level buildings should be undertaken as soon as it is practical, to ensure that the heights, setbacks and plot ratio, as constructed, complies with the approved plans, the Council directs Mr C Frewing, CEO to arrange for qualified officers to go onto the sites and measure the following three buildings:

- (a) *“Silk Apartments” No. 23 South Perth Esplanade, South Perth;*
- (b) *“Excelsior” No. 152 Mill Point Road, South Perth; and*
- (c) *No. 180 Mill Point Road*

initially in relation to height and setbacks to ensure that the external bulk of the buildings are in accordance with the approved plans; and if in any instance there are ‘significant variations’ a Stop Work Order is to be issued immediately.

Comment

- (a) **Lot 120 (No. 23) South Perth Esplanade, South Perth**
7 Units, 5 Storey

- (i) **Setback** The building as constructed has been built fully in compliance with the building licence. In relation to the planning approval the building has generally been constructed in accordance with the approved setbacks; however, the side setbacks are slightly greater than the setback required by the planning approval.
- (ii) **Height** The building has generally been constructed in accordance with the approved building and planning approval. There are minor variations, of around 10-20mm from the constructed building to what was approved by the planning and building approvals. Overall the constructed wall height and roof height is lower by around 10mm, than what was approved by the City.

**(b) Lot 58 (No. 152) Mill Point Road, South Perth
10 Units, 13 Storey**

- (i) Setback The building as constructed has been built fully in compliance with the approved building licence and other than some very minor variations, the building has generally been built in accordance with the approved setbacks of the planning approval.

Minor variations have been made to the design of the building from the planning approval to the building approval, but generally it has been built with slightly greater setbacks than what was required by the planning approval with the exception of three instances where the building has been built closer to the boundary:-

- On the south eastern side of the building, the setback from the boundary to a section of 'bedroom 3' wall is 40mm less than required, a 40mm setback reduction for this section of wall, that is 2.7m in length, is seen as being very minor in nature and will clearly have no effect on the amenity of the adjoining property.
- The extent of the wall for level 2, on the south eastern elevation has been built 20mm closer to the boundary of the adjoining property. This variation is also seen as being very minor in nature and will also clearly have no effect on the amenity of the adjoining property, as it adjoins a garage parapet wall constructed on the adjoining property.
- On the north western side of the building, the setback from the boundary to a section of wall 3.4m in length, is 410mm less than required. This set back distance was approved at the building licence approval stage. The reduced setback is again considered minor in nature and will have no effect on the amenity of the adjoining property, as the adjacent area on the adjoining property is used for car parking.

- (ii) Height The building has generally been built in accordance with the approved building and planning approval. The overall height of the building and wall height does not exceed what was approved by both the planning and building approval.

**(c) Lot 108 (No. 180) Mill Point Road, South Perth
4 Units, 5 Storey**

- (i) Setback The building as constructed has been built fully in compliance with the approved building licence. In relation to the planning approval the building has generally been constructed in accordance with the approved set backs.

There are two instances where the building has been built closer to the boundary than what was approved at the planning approval stage. The refuse chute has been built 40mm closer to the boundary and a corner of one section of wall has been built 200mm closer to the boundary adjoining Sir James Mitchell Park. A 40mm reduction to the setback at the refuse chute is seen as being minor in nature and having no impact on the adjoining property. The corner section of the wall being

constructed 200mm closer to the Sir James Mitchell Park is also seen as minor in nature and will have no affect of the amenity of the adjoining parks and recreation reserve.

- (ii) Height The building has generally been built in accordance with the approved building and planning approval. The overall height of the building and wall height does not exceed what was approved by both the planning and building approval.

Policy and Legislative Implications

Planning and Development Act and TPS6.

Financial Implications

The cost to City for obtaining these as constructed surveys has been approximately \$2,400 per property, resulting in an approximate total cost of \$7,200

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 10.0.5
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Moved Cr Cala, Sec Cr Ozsdolay

That Council notes that each of the developments at:

- Lot 120 (No. 23) South Perth Esplanade, South Perth;
- Lot 58 (No. 152) Mill Point Road, South Perth; and
- Lot 108 (No. 180) Mill Point Road, South Perth

for which surveys have been conducted, and apart from minor variations, have all been constructed in accordance with the approved plans.

CARRIED (11/0)

10.1 GOAL 1 : CUSTOMER FOCUS
Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

10.2.1 City of South Perth Fiesta 2008

Location:	City of South Perth
Applicant:	Council.
File Ref:	RC/101
Date:	27 July 2007
Author:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer Services	Roger Burrows, Director Corporate and Community

Summary

This report consolidates the consultation that has been undertaken regarding the City of South Perth Fiesta and recommends the broad planning elements of the City of South Perth Fiesta 2008.

Background

Since 1994 the City has coordinated and presented an annual community based festival known as the City of South Perth Fiesta. The aims of Fiesta, which are reviewed annually as part of the ongoing planning process are:

Primary Aim

To celebrate and showcase the unique features and attractions of the City of South Perth to its residents and maximise their involvement

Secondary Aim

To showcase the City of South Perth to the wider community

Each year the Fiesta program is developed in collaboration with stakeholders via a community survey, councillor surveys and concept forums, and through ongoing dialogue with community based groups. Comprising free or low cost events, the format, timing and scale of the Fiesta has varied since its inception, beginning in 1994 with a weekend of activities in December to the current structure which incorporates two large scale events and other localised events and activities over two weeks and three weekends later in the summer months. The City provides approximately \$150,000 in funding towards Fiesta. In addition, approximately \$100,000 is sourced from funding bodies and sponsors for a total expenditure budget of approximately \$250,000.

Fiesta is a significant part of the City's annual schedule of events and activities that includes seniors concerts at the Cygnet Cinema, Pioneer Lunch, Thank a Volunteer function, Australia Day Breakfast, community concerts at Windsor Park, ANZAC Day ceremony and various community activities in venues around the City. As with many other Local Government Authorities, the City has been increasing its involvement in community based activities and events, responding to a general trend in the demand for such activities. The City has also been developing a number of more interactive community based events and activities such as large scale community art projects involving local schools and events such as the 'Have a Go' sports participation day held at Morris Mundy reserve in December 2006 and the 'Kiddy Kapers' childrens activity day which has been included in the past two Fiesta programs. These types of activities encourage active community participation and complement traditional entertainment based events such as free outdoor concerts to make up the City's overall schedule of community based events and activities.

Fiesta comprises events that are wholly coordinated by the City such as the large scale free opening event held on Sir James Mitchell Park as well as events developed in partnership with local business, community based groups and sporting clubs. Fiesta also incorporates community based events and activities wholly organised by external groups. Consequently the City's role varies from that of an event coordinator to a facilitator of events involving external groups. As part of this coordination role, processes have been developed to ensure sound overall management of the Fiesta while working towards the primary aim of Fiesta which is to maximise the involvement of the City of South Perth Community.

This report brings together the consultation that has occurred following Fiesta 2007 including extensive consultation with elected members comprising an elected members survey distributed in April 2007 immediately following Fiesta 2007, two elected member concept forums, held on May 23, 2007 and July 1, 2007 and an elected member workshop held on July 18, 2007. The recommendation of this report, which refers to the overall structure and broader planning elements of Fiesta 2008, takes into consideration feedback obtained from this consultation as well as feedback obtained from the community through surveys and ongoing dialogue with past and potential Fiesta participants.

Comment

Community Survey

A community survey was conducted during, and immediately following Fiesta 2007. The aim of the survey was to ascertain the level of satisfaction with Fiesta events and activities, and to encourage community members to propose ideas to improve future Fiestas. Survey forms were incorporated in the Fiesta 2007 program (35,000 were produced) which were distributed throughout the City of South Perth. Survey forms were also distributed at Fiesta events with responses encouraged through the provision of a prize which for Fiesta 2007 was a Family Bike Pack. 380 responses to the survey were returned. Below is a summary of key results / comments:

Many people attended more than one event with the highest attendances to the Satterley Property Group Heron Park Mends Street Carnivalé (71%), Como IGA and Karalee on Preston Wendy Matthews Opening Concert and Fireworks (62%), the Millennium Kids Kiddy Kapers (25%) and the Shaun Tan Exhibition (24%).

“Such a wide variety of interesting and exciting events”

“I liked the Shaun Tan Exhibit”

“It brings people together from the local community. It was all good. Very good selection of events, one could attend most of the events without feeling overwhelmed or missing out”

“Thought the kid’s day was fantastic....”

“The Wendy Matthews’s concert and stuff for kids - Shaun tan stuff was good”

“Liked the family event - colourful. Mend Street. Good music. Inclusion of local business.”

People attended Fiesta almost equally as an individual or couple (32%), as a group of friends (28%) and as a family (35%) and mostly in smaller groups with those attending in groups of 2 to 4 making up 58%.

“I liked how the whole community came”

“Community feel, inclusion of all groups”

“Very good family spirit and community event”

Fiesta was most likely to be attended by people aged 26-50 (44%), followed by those aged 51-69 (19%) and 0-5 years (12%).

“Variety of events for all age groups”

“Suitable for all ages. Well organised”

Most people either drove (55%) or walked (30%) to their local Fiesta event.

“I liked the accessibility to South Perth residents”

“the venue was lovely, easy to get to”

“Convenient to get to”

Most people found out about Fiesta events via the program (24%), the Community Newspaper (18%) or through word of mouth (14%).

When asked what people liked about the Fiesta many indicated they liked the “atmosphere” (15%) that it was “family friendly and good for kids” (13%), that Fiesta had a “good variety and catered for everyone” (13%) and that they liked the “community feel” (10%) and the “concerts/music” (10%).

“Family atmosphere, beautiful setting, Aussies lifestyle at its best!”

“Friendly relaxed atmosphere. Great entertainment.”

When asked what people did not like about Fiesta, only 25% indicated there were elements of Fiesta that they were unhappy with. Of these responses, 18% indicated they would like to see more and better shops (Mends St event), 13% indicated they were unhappy with the cost or availability of parking and 13% indicated they would like to see more food/drink options and variety.

“No barista but lots of coffee addicted parents!” (Kiddy Kapers)

88% of respondents indicated Fiesta was an opportunity for people to interact and connect

“Brings people together. Unique range”

“I like the community spirit generated by the event”

79% indicated Fiesta was an opportunity to celebrate the City of South Perth

“The community out together”

“Relaxed community spirit”

“Brings community together”

78% indicated Fiesta was an opportunity to showcase the City of South Perth

55% of respondents indicated they had attended Fiesta in previous years (40% of those in 2006 and 38% in 2005). 40% indicated they had not attended Fiesta previously which indicates in 2007 the diversity of events attracted many new residents to the City of South Perth Fiesta. Another pleasing result is an overwhelming 93% of respondents indicated they would attend similar Fiesta events next year.

42% of respondents had suggestions for future Fiesta events. The main responses were (12%) had comments in relation to “keep it up”/“well done” and “keep trying”. 11% indicated they would like to see the return of the Food and Wine festival and 9% would like to see more/better music/concerts.

It is pleasing to note the City of South Perth Fiesta remains relevant for the local community and true to its primary aim ‘to celebrate and showcase the unique features and attractions of the City South Perth to its residents and maximise their involvement’, with 57% of attendees to the Fiesta residing in the City of South Perth.

The City is also successfully addressing the secondary aim of the City of South Perth Fiesta which is ‘to showcase the City of South Perth to the wider community’ by attracting 43% of attendees from outside the City of South Perth (from approximately 79 different suburbs).

With the greater proportion of attendees going to Fiesta with a group of friends or family, assumptions can be drawn that local residents invite family and friends to attend Fiesta with them to celebrate their community and showcase their City.

“I liked showcasing our community in a positive manner”

Elected Members Concept Forum -23 May 2007

The purpose of this forum was “To provide elected members with an evaluation of Fiesta 2007 including feedback from surveys conducted at events”. The content of the forum included:

- How the Fiesta program came together
- Fiesta outcomes
- Key initiatives in 2007
- Where to from here

The Notes from the Concept Forum of 23 May 2007 are included at **Attachment 10.2.1(a)** of the Agenda.

Elected Members Concept Forum - 3 July 2007

The purpose of this session was to workshop broad planning elements of Fiesta 2008. The content of the session included:

- Aims of Fiesta
- Structure and Timing
- Engaging with Key Stakeholders
- Major Program Components
- Planning Milestones
- Where to from here

The Notes from the Concept Forum of 3 July 2007 are included at **Attachment 10.2.1(b)** of the Agenda.

Elected Members Workshop - 18 July 18 2007

The purpose of this session was to workshop broad planning elements of Fiesta 2008. The content of the session included;

- Introduction
- Context
- Identifying Issues for discussion
- What to take forward for Fiesta 2008

The Notes from the Concept Forum of 18 July 2007 are included at **Attachment 10.2.1(c)** of the Agenda.

A number of factors including funding announcements, planning timelines of external stakeholders and ongoing negotiations with potential participants and sponsors will determine when the various elements of the Fiesta program will be finalised. It is envisaged that all of the elements will come together and be finalised by November or December 2007. Up until that time officers will be working with stakeholders including community groups, sporting and recreational clubs, local schools and colleges, funding bodies, sponsors and local businesses to jointly develop activities and events based on the aims and objectives of the Fiesta and the broad planning elements outlined in this report.

Summary

The recommendation of this report is based on a number of factors included in this report and also in the three related attachments (**10.2.1a, 10.2.1b and 10.2.1c**). These factors can be summarised as follows:

- The strong ongoing overall community support for Fiesta
- Ongoing relevance of the aims of Fiesta
- Positive response to recent schools focused Fiesta initiatives from local schools and colleges
- Ongoing positive response from funding bodies
- Strong ongoing support from locally based sponsors
- Positive response from participating community groups and sporting clubs
- Concern regarding lower attendances at the Youth event and the event at Clontarf
- Consideration of a more effective program distribution strategy
- Ensuring revenue targets from funding bodies and sponsors are achieved
- Ensuring expenditure remain within budget allocations
- Ensuring the planning processes for Fiesta are flexible enough to be responsive to community input but within set parameters
- Provision of regular updates to elected members

It is important to note that Fiesta is a multi-faceted project involving a number of discrete activities and initiatives all of which involve separate timelines and stakeholder groups. Consequently, completion, and the timing of the completion of the various components dependant to an extent upon external factors. This has been the case for previous Fiestas and is consistent with the development of similar community based festivals in the wider community. This approach provides the flexibility required to maximise community participation in the planning and development of Fiesta initiatives. The recommendation of this report builds on ongoing work to ensure Fiesta remains relevant in the community while providing a structure that as in previous years, will effectively deliver Fiesta objectives on time and within the allocated budget.

Based on the recommendation of this report it is envisaged that Fiesta program for 2008 would comprise events and activities coordinated by the City and by community groups including sporting and recreational clubs. In order to remain relevant and accessible to the entire community events and activities are designed to appeal to different demographic groups, will be located at venues throughout the City and will be held a varying times and days of the week.

The table below provides details of the proposed program framework:

EVENT		ELEMENTS	TARGET DEMOGRAPHIC	STAKEHOLDERS
Opening Event Sat 1 March SJMP (Anchor event)	Stage 1 (Afternoon) Youth Event	Dragon Boats & other water based activities Land based activities Music, Urban Art, Community Art, Circus skills	Young people	Youth focused groups eg. YAC, South Perth Church of Christ, SPARKYS, Millennium Kids, LDAG
	Stage 2 (Evening) Performance	Kids Zone School band Major performance Fireworks	General Community (Local & wider metro), Families	Local school, Service Clubs
Cygnnet Concert Thu 6 March (Local event)		Music Morning Tea Assistance with transport	Seniors, People with Disabilities	Cygnnet Cinema, Seniors Centres, Aged Care facilities, Retirement villages
Family Day Sun 9 March James Miller Reserve (Local event)		Rides, entertainment, Art, Face painting, 'have a go' sporting activities, music, dance, celebration of Aboriginal culture	Families with young children, General community Aboriginal people	Kindergartens, playgroups, sporting groups, Yorgas Dandjoo Wangkanini, Clontarf College, Primary schools
Mends St Carnivale Sun 16 March (Anchor event)		Markets, Food/Wine, Art, Music,, Kids Zone	General Community (Local & wider metro)	Traders Service Clubs

Additional indicative program components include:

- Heritage House Exhibition
- Community Art project for Primary Schools
- Circus Skills workshops and performances for Secondary Colleges
- Old Mill Theatre season
- Twilight Tennis
- Fiesta Bowls
- Golf promotion

Consultation

Consultation undertaken relevant to this report comprised:

- Community Survey undertaken during and immediately after Fiesta 2007 - 380 responses received
- Elected Members Survey distributed in April 2007
- Elected Members concept forum held 23 May 2007
- Elected Members concept forum held 1 July 2007
- Elected Members workshop held 18 July 2007
- Ongoing dialogue with other groups including:
 - Abmusic
 - City of South Perth Youth Advisory Council
 - Clontarf Aboriginal College
 - Collier Park Golf Course
 - Como Secondary College
 - Community Sustainability Advisory Group
 - Curtin University
 - Manning Eagles Bowling Club
 - Manning Senior Citizens Centre
 - Millennium Kids
 - Rotary Clubs of Como, Mill Point and South Perth
 - South Perth Lawn Tennis Club
 - South Perth Primary School
 - South Perth Yorgas Dandjoo Wangkanini Group
 - The Cygnet Cinema
 - Wesley College
 - Curtin Promary School
 - Aquinas College
 - St Pius X Primary School
 - Kensington Primary School
 - Lions Club of South Perth
 - South Perth Society of Arts and Crafts
 - Lotterywest
 - Healthway
 - WA Department of Culture and the Arts
 - Community Arts Newtork
 - PropelArts
 - Mends Street Traders

Policy Implications

This report refers to the Policy P204 Cultural Services and Activities

Financial Implications

\$155,858 is allocated from City funds in the 2007/08 budget towards Fiesta 2008 with an additional \$110,000 expected in external revenue for a total expenditure budget of \$265,858.

The recommendation of this report is within budgetary parameters.

Strategic Implications

This report is complimentary to Goal Two, Community Enrichment of the City's Strategic Plan - *"To foster a strong sense of community and a prosperous business environment"*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.1
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That...

- (a) Fiesta 2008 takes place in March 2008 spanning two weeks and three weekends;
- (b) Fiesta 2008 comprises two large scale 'anchor' events, one to open and one to close Fiesta with localised events over the Fiesta period;
- (c) consideration is given to consolidating events with a view to attracting more people to fewer events;
- (d) a more effective program distribution strategy is implemented to ensure as many residents as possible receive the Fiesta program;
- (e) a promotional strategy is implemented as soon as possible promoting the involvement of community groups in Fiesta 2008; and
- (f) regular updates on the development of the Fiesta program are provided to Elected Members.

CARRIED EN BLOC RESOLUTION

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Proposed 13 Multiple Dwellings Lot 5 (No. 31) Mill Point Road, South Perth.

Location:	Lot 5 (No. 31) Mill Point Road, South Perth
Applicant:	Sizer Developments
Lodgement Date:	1 June 2007
File Ref:	11.2007.257 MI3/31
Date:	3 August 2007
Author:	John Devereux, Senior Planning Officer
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

To consider an application for planning approval for a proposed 9 storey building on Lot 5 (No. 31) Mill Point Road, South Perth containing 13 Multiple Dwellings. It is recommended that planning approval be granted subject to conditions.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R80/100
Lot area	1328 sq. metres
Building height limit	28.0 metres
Development potential	13 Multiple Dwellings (at R100)
Plot ratio	1660 sq. metres (at R100)

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.1*.

The location of the development site is shown below:



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

Large scale development proposals

- (i) *Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term “height”. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height; and*
- (ii) *Proposals involving 10 or more dwellings.*

Comment

(a) Description of the proposal

The following information provides a brief summary of the proposed building:

- **Basement:** Storerooms for each of the 13 dwellings (note: in accordance with the definition contained within the Residential Design Codes 2002 (**R-Codes**), plot ratio does not include non-habitable space that is wholly below natural ground level);
- **Ground Floor:** Residents car park containing 27 car parking bays (1 bay for the single bedroom apartment, 2 bays each for 10 units and 3 bays each for two the penthouses) and 3 visitor parking bays forward of security gates;
- **First Floor:** A single bedroom apartment, communal open space and communal amenities (pool, spa, sauna, gym, function room)
- **Second to Sixth Floors:** Two dwellings per level.
- **Seventh and Eighth Floor:** One dwelling per level (Penthouse)
- **Ninth Floor:** Plant Room and Roof deck allocated to the penthouse on level eight.

(b) Dual density coding

Town Planning Scheme No. 6 (TPS6) assigns an R80/100 dual density coding to the subject property. In order to qualify for development at the higher density code (as proposed), it is necessary for the applicant to satisfy a minimum number of specified performance Criteria. As the site satisfies a minimum of the 4 out of 8 Criteria, it qualifies for development at the higher R100 density code.

(c) Plot ratio

Using the R100 density code and site area of 1328.3 sq.metres, a total of 1660.37 sq.metres of plot ratio floor area is allowed. Calculations show that the proposed plot ratio floor area is 1660 sq.metres.

(d) Boundary setbacks including boundary walls

The required setback from Mill Point Road is 9m, in accordance with Table 2 of TPS6. The building is set back 10.4m from the front boundary. The balcony is set back 7.5m from the boundary, which complies with Clause 4.3 (1)(c) of TPS6 which allows a balcony to extend 2.0 metres forward of the prescribed setback from the street alignment.

On both the northern and southern boundaries, at the eighth level, the building is required to be setback 9.0 metres from the side boundaries. In accordance with Clause 3.3.1 (v) of the R-Codes, the required setback distance can be reduced on either side by half the width of the adjoining battleaxe access leg. As both adjoining properties have 3 metre wide vehicular access legs running from the front to rear of the property, along the adjoining side boundaries, the stated set back can be reduced by 1.5m. In taking this into account the set back required is reduced to 7.5 metres. At the closest point, from level two upwards, the building is set back 3.1m to the side boundaries. On level seven and eight the building steps in at portions a larger distance.

The applicant has supplied the following justification in accordance with the performance Criteria of Clause 3.3.1 of the R-Codes. The Performance Criteria states that a new development should meet the following criteria:

Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building;*
 - *Ensure adequate direct sun and ventilation being available to adjoining properties;*
 - *Provide adequate direct sun to the building and appurtenant open spaces;*
 - *Assist in ameliorating the impacts of building bulk on adjoining properties;*
- and*
- *Assist in protecting privacy between adjoining properties.*

Each of the criteria is addressed in turn below:

(i) Provide adequate direct sun and ventilation to the building:

With regard to the above Performance Criteria, the proposed setback variations will not impact on the provision of sun and ventilation to the proposed building, due to the existing high-rise apartment building at 29 Mill Point Road, directly north of the subject site. Each dwelling is to be provided with an east or west facing balcony with a northern aspect, to provide outdoor living areas with access to sunlight.

- (ii) Ensure adequate direct sun and ventilation being available to adjoining properties;

The proposed variation to the northern boundary setback will not affect the provision of sunlight to the southern elevation of the building at 29 Mill Point Road.

Further, the proposed setback variation will have a minimal detrimental effect on the provision of sunlight and ventilation to the property to the south of the subject site, being 35 Mill Point Road, as it is anticipated any development of the type proposed will unavoidably result in some overshadowing of the abutting lot. The proposal complies with the amount of overshadowing allowed under Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes.

- (iii) Provide adequate direct sun to the building and appurtenant open spaces;

The communal outdoor living area enjoys access to sun from the north, and this will not be affected by the proposed side boundary setback variations.

- (iv) Assist in ameliorating the impacts of building bulk on adjoining properties;

With regard to the perception of building bulk, it is noted the building at 29 Mill Point Road is of a comparable height and scale, and provides a setback to the common boundary of approximately 3.0 metres, similar to that proposed. Openings on the southern elevation of the adjoining building appear to be provided more for purposes of ventilation, rather than light or amenity, and it is not anticipated that the proposed building will significantly detrimentally affect residential amenity.

- (v) Assist in protecting privacy between adjoining properties.

The development is seen to comply with assisting in the protection of privacy between adjoining properties and will be discussed in the next section.

The proposed setbacks from the adjoining boundaries are seen to satisfy the ‘Performance Criteria’ contained within the R-Codes, and does not detrimentally affect the amenity of the adjoining property. It is recommended that the proposed setback variation adjacent to the north and southern property boundary be accepted as proposed.

(e) **Visual privacy**

The proposed development complies with the requirements of the R-Codes, through the use of highlight windows and screening to balconies on the northern and southern elevations. Further, screening to a minimum height of 1.6 metres is to be provided to the first floor communal open space, to protect the privacy of neighbouring residents. A condition has been incorporated into the recommendation relating to screening required along the rear elevation for the raised pool deck located on the first floor.

Notwithstanding the above, the subject application proposes a variation to the Acceptable Development Criteria pertaining to the cone of vision setback requirements for balconies, being 7.5 metres to a lot boundary. Whilst screening has been provided to the northern and southern elevations, the eastern and western portions of the balconies are unscreened, as is the case with other developments in the vicinity, in order to retain access to views. This results in minor encroachments within the cone of vision from the following points:

Southern elevation (affecting 35 Mill Point Road)

- Balcony A – Second to Eighth Floors

Northern elevation (affecting 29 Mill Point Road)

- Balcony C – Second to Sixth Floors
- Balcony A – Seventh to Eighth Floors

The Performance Criteria of Clause 3.8.1 “Visual Privacy” of the R-Codes require the development to:

Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *The positioning of windows to habitable rooms on the development site and the adjoining property;*
- *The provision of effective screening; and*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.*

In both instances detailed above, the cone of vision encroachments affect only communal areas, and / or areas visible from the street. Therefore, the encroachments will affect only areas where there can be no expectation of privacy, and the overlooked areas therefore cannot be considered to be ‘sensitive’ areas. Further, it is noted the communal areas are currently overlooked by dwellings within and beyond the multiple dwelling complexes, and, conversely, that major openings and balconies to the dwellings within the existing complexes are clearly visible from the communal areas. Accordingly, the minor cone of vision encroachments proposed by the subject development are essentially unavoidable for a development of its type, and do not detrimentally impact on any areas on abutting sites where there is currently an expectation of privacy.

Given the above, it is submitted the proposed development achieves the Performance Criteria pertaining to visual privacy, and is appropriate and justified.

(f) Open space including communal open space

Using the R100 density code and site area of 1328 sq.metres, a total of 796.8 sq.metres of area must be considered as open space for the development to comply with the Acceptable Development Criteria of Clause 3.4.1 of the R-Codes. In taking into account the exemptions allowed under the R-Codes for the roof terrace and the communal open area on the first floor the development has an area of 931.1 sq.metres of open space. Therefore, the development complies with the Acceptable Development Criteria of the R-Codes.

(g) Car parking

27 car parking bays are provided for the occupiers of the 13 dwellings and 3 visitor car parking bays have been provided. All bays incorporate a minimum width of 2.5 metres, and where support columns are situated adjacent to a bay, the columns have been situated in accordance with Figure 5.2 “Design Envelope Around Parked Vehicle to be Kept Clear of Columns, Walls and Obstructions” of AS 2890.1:2004 Parking Facilities - Part 1 : Off-Street Car Parking. AS 2890.1:2004 only requires an additional 300mm width to be provided adjacent to the side of a car bay within a central door opening zone and at the rear of the bay, as opposed to the provisions of TPS6 which generically specifies a requirement for an additional 300mm width to be added to the side of a bay where situated adjacent to a column, wall or pier. Bays 26 and 27 have been increased by the additional 300mm on the sides that abut walls. It is recommended that the parking arrangement be approved, subject to bays 1 and 2 being redesigned to comply with the provisions of TPS6.

(h) Building height

The drawings show that the building complies with the maximum prescribed 28 metre wall height measured above a base reference point of 1.75 metres AHD. The highest point of original ground level beneath proposed building is 1.89 metres AHD, with an average height below the building of 1.75 metres AHD. Sections of the pergola / vergola roof, located on the roof top project through the notional 25 degree envelope measured above the maximum permissible building height, however, this can be accepted as TPS6 specifies a maximum wall height and not a maximum roof height. The projection of the roof through the 25 degree envelope affects neither the amenity of the adjoining property owners nor the surrounding locality generally. Further to this, a pergola / vergola is also exempt from the requirement to receive planning approval under TPS6, hence exempt from the building height control.

(i) Solar access for adjoining sites

In accordance with the Acceptable Development Criteria of Clause 3.9.1 of the R-Codes, a development can overshadow an adjoining property up to 50%. The development therefore complies as it only overshadows the adjoining property by 48%.

(k) Finished floor levels

Clause 6.9 of TPS6 specifies a minimum finished floor level of 1.75 metres AHD for the building. The storerooms for each of the dwellings have been proposed with a finished floor level of -0.70 metres AHD. The storerooms have been placed below ground as non-habitable space which is situated wholly below natural ground level does not attract plot ratio.

Clause 6.9(3) of TPS6 goes on to state that:

“The Council may permit land to be developed with lower levels than prescribed in sub-Clauses (1) and (2), if:

- (a) provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;*
- (b) the applicant provides the Council with certification from a consulting engineer that adequate water-proofing has been achieved; and*
- (c) the applicant satisfies the Council in such manner as the Council may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.”*

A standard condition has been included in the recommendation which will require this matter to be addressed prior to the issue of a building licence. The applicant has included a letter from their builder, briefly outlining how they intend on complying with this requirement. Further detail will be supplied at the time when a building licence is applied for.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

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

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of the Scheme 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;*
- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held 18 June 2007. Comments made by the advisory architects were satisfactorily addressed via the provision of revised drawings.

(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 owner of the adjoining properties at Nos. 29 and 35 Mill Point Road were invited to inspect the application and to submit comments during a 14-day period with respect to a proposed setback variation from the north and south boundaries of the development site. A general neighbour consultation was undertaken with Nos. 13, 15 and 34 Mill Point Road. During the advertising period no submissions were received in relation to the proposed development.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. The points raised can be summarised as follows:

- The crossover is to be constructed to Councils specifications.
- Stormwater drainage for the building must be designed and installed in accordance with the provisions of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings".

(d) Manager, City Environment

As a condition of approval the crossover to the north of the site is not to encroach any closer than 2.5m to the centre of the existing tree located to the south of the crossover and no closer than 3m to the existing tree to the north of the crossover.

(e) **Manager, Environmental Health and Regulatory Services**

The Manager, Environmental Health and Regulatory Services was invited to comment on a range of issues relating to matters such as bin storage and the location of the laundry and kitchen for Apartment 1. He has provided confirmation that the bin storage area as shown on the drawings is adequate in size and appropriately located and the laundry and kitchen of Apartment 1, need to comply with the City of South Perth Local Law 16 and Regulation 6 and 10 of the Health Act (Laundries and Bathroom) Regulations.

(f) **Councillors' Briefing**

Mr Kim Doepel of Doepel Marsh Architects gave an overview of the proposed development at a briefing session held on Tuesday 31 July 2007.

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.*

OFFICER RECOMMENDATION ITEM 10.3.1

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 13 Multiple Dwellings on Lot 5 (No. 31) Mill Point Road, South Perth **be approved**, subject to:

(a) **Standard Conditions**

340 (southern), 351, 352, 353, 376, 377, 390, 393 (Mill Point Road), 416, 417, 427, 445, 446 (building), 455 (rear and side boundaries), 457, 465, 470, 471, 509, 550, 625, 660.

(b) **Specific Conditions**

(i) Revised drawings shall be submitted, and such drawings shall incorporate the following:

(A) A 1.6 metre high screen on the western elevation adjoining the raised pool deck area, south of the pool equipment room.

(B) Car parking bays 1 and 2 are to be redesigned to comply with the dimension requirements of Town Planning Scheme No. 6.

(ii) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed Compliance Certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.

(c) **Standard Advice Notes**

645, 646, 646A, 647, 648, 649A, 651.

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

- (i) As advised by the City's Engineering Infrastructure Department:
 - (A) Stormwater drainage is to be designed in accordance with the requirements of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings" and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design, other than for temporary detention purposes.
- (ii) As advised by the City's Environmental Health Department:
 - (A) The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores;
 - (B) The swimming pool will need to comply with all requirements of the Health Act (Swimming Pool) Regulations 1964. The builders will have to apply to the Department of Health (Applied Environmental Health) for swimming pool approval, prior to the issue of a building licence by the City.
 - (C) The laundry and kitchen of Apartment 1, need to comply with the City of South Perth Local Law 16 and Regulation 6 and 10 of the Health Act (Laundries and Bathroom) Regulations.

MOTION

Cr Maddaford moved the officer recommendation, Sec Cr Gleeson

AMENDMENT

Moved Cr Best, Sec Cr Smith

That 'specific condition' (b)(i)(B) be amended to read:

- (B) All car parking bays to be redesigned to comply with the dimension requirements of Town Planning Scheme No. 6.

The Mayor put the Amendment.

LOST (5/6)

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

The Mayor put the Motion

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 13 Multiple Dwellings on Lot 5 (No. 31) Mill Point Road, South Perth **be approved**, subject to:

(a) Standard Conditions

340 (southern), 351, 352, 353, 376, 377, 390, 393 (Mill Point Road), 416, 417, 427, 445, 446 (building), 455 (rear and side boundaries), 457, 465, 470, 471, 509, 550, 625, 660.

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) A 1.6 metre high screen on the western elevation adjoining the raised pool deck area, south of the pool equipment room.
 - (B) Car parking bays 1 and 2 are to be redesigned to comply with the dimension requirements of Town Planning Scheme No. 6.

- (ii) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed Compliance Certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.

(c) **Standard Advice Notes**

645, 646, 646A, 647, 648, 649A, 651.

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

- (i) As advised by the City's Engineering Infrastructure Department:
 - (A) Stormwater drainage is to be designed in accordance with the requirements of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings" and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design, other than for temporary detention purposes.
- (ii) As advised by the City's Environmental Health Department:
 - (A) The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores;
 - (B) The swimming pool will need to comply with all requirements of the Health Act (Swimming Pool) Regulations 1964. The builders will have to apply to the Department of Health (Applied Environmental Health) for swimming pool approval, prior to the issue of a building licence by the City.
 - (C) The laundry and kitchen of Apartment 1, need to comply with the City of South Perth Local Law 16 and Regulation 6 and 10 of the Health Act (Laundries and Bathroom) Regulations.

CARRIED (10/1)

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

10.3.2 Proposed Two Storey Shop and Office. Lot 409 (No. 56) Ley Street, Como.

Location: Lot 409 (No. 56) Ley Street, Como
 Applicant: Oldfield Knott Architects Pty Ltd
 Lodgement Date: 28 May 2007
 File Ref: 11.2007.241 LE5/56
 Date: 3 August 2007
 Author: John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

The application is for a two storey commercial development with a shop located on the ground floor and a office located on the first floor.

The recommendation is for approval, subject to a number of conditions.

Background

The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	1017 sq. metres
Building height limit	7.0 metres
Maximum permissible plot ratio	0.5

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.2*.

The location of the development site is shown below. The site is adjoined by a petrol station, residential dwellings and across the road is a supermarket.



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

- 1. Large scale development proposals**
Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.

Comment

(a) Description of the proposal

The application is for a two storey commercial development with a shop located on the ground floor and an office located on the first floor.

The subject property fronts Ley Street with a supermarket located on the other side of the road, to the north is a petrol station / convenience store and to the east and south of the site are residential dwellings. A residential dwelling is currently located on the property and will need to be demolished to make way for the proposed development.

(b) Building height

The drawings show that the building complies with the maximum prescribed 7.0 metre wall height measured above a base reference point of 5.55 metres AHD. The highest point of original ground level beneath proposed building is 5.63 metres AHD, with an average height below the building of 5.55 metres AHD.

(c) Car parking

Table 6 of TPS6 prescribes the ratios for car parking as being 1 bay per 20 sq. metres of gross floor area for shops and offices. The development is required by TPS6 to provide 25 bays on site, the applicant has proposed 20 bays on site which is deficit of 5 parking bays.

The applicant has provided the following justification for the deficit in parking bays.

- (i) Street parking is available directly in front of the development and at the shopping centre across Ley Street.
- (ii) A public car park with a capacity of approx 40 cars is available on the corner of Ley Street and Downey Drive, approximately 50.0 metres from the development.
- (iii) The owner intends to operate the retail as a musical instrument shop which is her on going business. On past experience, this business average only 100 visitors / patrons per week with a need for parking, not exceeding 5 cars including staff requirements at any one time.

Across the front of the development site there are a number of bays provided in the road reserve, there are also around 40 bays provided in the public car park, which is about 50.0 metres from the subject site and there are a number of public transport services operating along Manning Road.

Staff have inspected the site on two occasions, at 11.00am on Thursday, 2 August 2007 and at 2.00pm on Friday, 3 August 2007. On both occasions there were a number of bays available along the street and in the public car park there were less than 10 cars parked.

The application should be supported, with the deficit in car parking bays, as there are a significant number of bays provided off site in a convenient and close location to the subject site which are not being used to their capacity.

(d) Bicycle parking

Table 6 of TPS6 prescribes the ratios for bicycle parking as being 1 bay per 200 sq.metres of gross floor area for shops and offices. The proposed development has included the provision for 6 bicycle parking bays, 4 in front and two behind the development, which exceeds the required number of bays by three. However, the proposed development does not fully comply with the end of trip facilities to be provided in accordance with Clause 6.4 (5) of TPS6. The applicant has proposed a

single unisex shower facility which is able to be accessed by either unit. This is as opposed to the prescribed 1 male and 1 female shower in separate change rooms for every 10 bays. The single unisex facility is seen as been sufficient to cater for the small number of required bicycle bays and it is located in a suitable location which is easily accessible by each unit. It is recommended that as a condition of approval, that secure locker are provided in the changing area for the 3 required bicycle bays.

(e) Landscaping

The proposed landscaping is in accordance with the prescribed requirement for 15% of the site to be maintained as landscaped area in accordance with Table 3 of TPS6.

(f) Setbacks

TPS6 prescribes a setback of 1.5 metres from Ley Street. The majority of the proposed building is set behind the required set back; however, there is a minor section of approximately 1.0 sq.metre which protrudes in to the setback area. It is felt that this is a minor relaxation and is consistent with the buildings existing across the road being constructed up to the front boundary.

In accordance with Table 3 of TPS6, a nil set back is allowable from the side boundary. Consideration should be given in this case to the residential land use on the adjoining property. As the proposal is setback 1.2 metres at the closest point, the set back proposed is seen to be appropriate for this situation.

(g) Plot ratio

The proposed development has a plot ratio of 0.49, which complies with the prescribes a maximum plot ratio under TPS6 of 0.5 for the site.

(h) Other relevant TPS6 clauses

Clause 5.4(4)(a) which relates to the joint development of this site along with the adjoining properties lot 408 Downey Drive to the south and lot 407 Downey Drive to the east, is not relevant in the assessment of this application as the development does not involve either of these two lots.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

(j) *In all commercial centres, promote an appropriate range of land uses consistent with:*

- (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
- (ii) *the preservation of the amenity of the locality.*

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

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

- (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;*

- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 18 June 2007. The Advisory Architects held no concern with respect to the design as presented, but recommended that close attention be paid to any impact that the proposed development may have on the adjoining property to the south.

The impact on the adjoining landowner should be minimal, due to the proposed commercial development having its focus away from the residential dwelling to the south, no resulting overlooking issues and the existing dwelling to the south is set back some distance from the adjoining boundary.

(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". Surrounding property owners were invited to inspect the application and to submit comments during the period from 31 May 2007 to 18 June 2007. During this period no submissions were received.

(c) Manager, Engineering Infrastructure and Manager, City Environment

The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. The Manager is generally happy with the proposal. It was noted that stormwater drainage for the building must be designed in accordance with the provisions of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings" and that the crossover is to be constructed to Council specifications.

(d) Manager, Environmental Health

The Manager, Environmental Health and Regulatory Services was invited to comment on bin storage areas and other facilities. He has provided confirmation that the bin storage area as shown on the drawings is adequate in size and appropriately located.

(e) Councillors' Briefing

The applicant, David Sutton from Oldfield Knott Architects, gave an overview of the proposed development highlighting the deficiency of parking bays at a briefing session held on Tuesday 31 July 2007.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.2
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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 Two Storey Shop and Office at Lot 409 (No. 56) Ley Street, Como **be approved**, subject to:

(a) **Standard Conditions**

354, 390, 393, 427, 455 (northern, southern and eastern boundaries), 470, 471, 508, 550, 660.

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

Revised drawings shall be submitted, and such drawings shall incorporate 3 secure clothes lockers to be provided in the change room.

(c) **Standard Advice Notes**

645, 646, 646A, 647, 648, 649A, 651.

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

(i) As advised by the City’s Engineering Infrastructure Department:

- Stormwater drainage is to be designed in accordance with the requirements of Policy P415 “Stormwater Drainage Requirements for Proposed Buildings” and associated Management Practice for the Manning Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design, other than for temporary detention purposes.

(ii) As advised by the City’s Environmental Health Department:

- The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores;

CARRIED EN BLOC RESOLUTION

10.3.3 Proposed Four Multiple Dwellings - Lot 7 (No. 63) South Perth Esplanade, South Perth

Location: Lot 7 (No 63) South Perth Esplanade, South Perth.
 Applicant: Palazzo Homes Pty Ltd
 File Ref: 11..2007.173.1 SO1/63
 Date: 3 August 2007
 Author: John Devereux, Senior Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application is for a four storey development comprising of four multiple dwelling units, constructed to the maximum allowable 13.0 metre height limit.

The recommendation is for approval, subject to a number of standard conditions.

Background

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.3*.

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1852 sq. metres
Building height limit	13.0 metres
Development potential	14 Multiple Dwelling Units
Maximum plot ratio	1.0

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

Large scale development proposals

- (ii) *Proposals involving buildings 9.0 metres high or higher based upon the No. 6 Scheme definition of the term 'height'. This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height. NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.*

The location of the development site is shown below. The development site fronts South Perth Esplanade, on either side of the development are established multiple dwellings and to the rear of the site is a vacant block in ownership by the owner of the subject site.



Comment

(a) Description of the proposal

The proposal comprises of four multiple dwelling units, undercover parking area, communal open space / pool and roof terrace.

The lot has a total area of 1852 sq.metres; however, the applicants have contained the building to the front section of the property to allow the rear portion to be developed or subdivided at a latter date. For this purpose the development has been assessed in accordance with the requirements of a lot with a size of 1386 sq.metres, being the area of the lot where the proposal is sited.

The proposal complies with the Town Planning Scheme No. 6 (**TPS6**), the Residential Design Codes (**R-Codes**) and relevant Council Policies with the exception of the variations discussed below. In respect of some of the variations, it is recommended that Council discretion be exercised.

(d) Boundary setbacks including boundary walls

The required setback from South Perth Esplanade is 12.0 metres, in accordance with Table 2 of TPS6. The building is set back 12.0 metres from the front boundary. The balcony is set back 10.0 metres from the boundary, which complies with Clause 4.3 (1)(c) of TPS6 which allows a balcony to extend 2.0 metres forward of the prescribed setback from the street alignment.

On the north western boundary, the building is required to be set back 4.5 metres from the side boundary. At the closest point the building is set back 2.6 metres, with the majority of the building being setback 4.4 metres. The proposed variation is seen to satisfy the 'performance criteria' contained within the R-Codes, and does not detrimentally affect the amenity of the adjoining property. It is recommended that the proposed setback variation adjacent to the north western property boundary be accepted as proposed.

On the south eastern boundary, towards the rear of the subject site, the proposal involves the construction of a wall on the boundary. As viewed from the adjoining property, the wall has a maximum height of 2.8 metres and an average of 2.65 metres. The proposed boundary wall complies with the requirement of the City's Town Planning Policy P376_T "Residential Boundary Walls" as the proposal will have a minimal impact on the amenity of the adjoining property. As a standard condition of approval the wall is to be finished to the satisfaction of the adjoining landowner or in the case of dispute to satisfaction of the City.

On the south eastern side the building is required to be set back 4.5 metres. In accordance with Clause 3.3.1 (v) of the R-Codes, the required setback distance can be reduced by half the width of the adjoining battleaxe access leg. As the adjoining property has a 3.0 metre wide vehicular access leg running from the rear to front of the property, along the adjoining side boundary, the stated set back can be reduced by 1.5m. In taking this into account the set back required is reduced to 3.0 metres. At the closest point the building is set back 2.67 metres, with the majority of the building being set back over 3.0 metres. The proposed variation is minor and is seen to satisfy the 'performance criteria' contained within the R-Codes, and does not detrimentally affect the amenity of the adjoining property. It is recommended that the proposed setback variation adjacent to the south eastern property boundary be accepted as proposed.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered to broadly meet the following objectives:

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

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in Clause 7.5 of the Scheme 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;*
 - (i) *the preservation of the amenity of the locality;*
 - (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*

- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 21 May 2007. The Advisory Architects considered that the design of the proposal will be compatible with surrounding development in the focus area.

The Architects noted that the building had not been designed to take advantage of northern light for the occupants of the dwelling. There are no mandatory 'Planning' requirements which link directly to this point and the assessing officer is of the view that the proposal does not warrant modification with respect to this matters.

(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". During the advertising period, the owners / occupiers of the properties were notified of the proposed development, and invited to lodge a submission during a 14 day period.

During the advertising period, 4 submissions were received, against the proposals. The comments of the submitters, together with Officer responses, are summarised as follows:

Submitter's Comment	Officer Response
Not aware of any set back averaging being permitted along South Perth Esplanade.	In accordance with Clause 4.3(1)(c) of TPS6, the council may allow a cantilevered balcony or a balcony supported by columns to extend not more than 2m forward of the setback from street alignment. As the setback along South Perth Esplanade is 12m a balcony is allowed to come down to a 10m setback; therefore the proposed balcony would comply with TPS6. NOT UPHELD
The balcony projections on the front of the development on the northern elevation is 1.7 metres from the adjoining boundary, this is undesirable, and would like it to be at least 2.4 metres from our boundary.	The development has been redesigned, with this balcony moving towards the front of the development and away from this side boundary. This has resulted in the balcony being set back 4.4m. UPHELD
Overlooking of habitable rooms from windows and balconies.	The development has been redesigned and windows have been made obscured to prevent overlooking of adjoining habitable space and outdoor living areas. UPHELD
The site is given a 2.3m AHD whereas properties in the City of Mandurah area have to have a minimum 2.1m AHD requirement. Is this discretionary to this site to build up, or do we have a higher potential flooding level than Mandurah.	In accordance with Clause 6.2(1)(b)(iii) of TPS6 all lots having frontage to South Perth Esplanade shall have their height measured from a level of 2.3 metres above Australian Height Datum (AHD). I am not aware of were the requirement for minimum 2.1 AHD level is prescribed by the City of Mandurah; however, it is not relevant when assessing an application in the City of South Perth. NOT UPHELD
The boundary walls are to be finished to the satisfaction of the adjoining landowners.	As a condition of approval, boundaries walls of the lot will be finished to the satisfaction of the adjoining neighbour or in the case of a dispute, to the satisfaction of the City. UPHELD

Submitter's Comment	Officer Response
The proposal is to be setback to minimize overshadowing of the adjoining buildings.	The development complies with the acceptable development criteria of Clause 3. 9.1 'Solar Access for Adjoining Sites' in accordance with the R-Codes. UPHELD
Screening should be provided to rear garden deck / pool area and communal open space to prevent overlooking of adjoining properties.	The development has been redesigned and screening to 1.65m has been included to prevent overlooking of adjoining habitable space and outdoor living areas. UPHELD

(c) **Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. The points raised can be summarised as follows:

- Pedestrian access from South Perth Esplanade is to comply with the Disability Standards for access ramps.
- Stormwater drainage for the building must be designed and installed in accordance with the provisions of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings".
- The crossover to Ferry street will require further details. The entrance will be clearly distinguishable from Ferry Street and at a level that ensures no entry of stormwater from Ferry Street.

(c) **Manager, Environmental Health and Regulatory Services**

The Manager, Environmental Health and Regulatory Services was invited to comment on bin storage areas. He has provided confirmation that the bin storage area as shown on the drawings is adequate in size and appropriately located.

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.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3
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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 four multiple dwelling on Lot 7 (No. 63) South Perth Esplanade, South Perth **be approved**, subject to:

(a) **Standard Conditions**

340 (south eastern), 352, 354, 376, 377, 390, 427, 445, 455 (north western, south eastern and western boundaries) 457, 465, 470, 471, 509, 550, 625, 660.

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

- (i) Prior to the issuing of a Certificate of Occupancy or Classification for the completed development, the City requires a signed Compliance Certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners certifying that the building has been constructed in accordance with the approved drawings with respect to plot ratio floor area, setbacks from all boundaries of the site and overall building height.

(c) Standard Advice Notes

645, 646, 646A, 648, 649A, 651.

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

- (i) As advised by the City's Engineering Infrastructure Department:
- (A) Stormwater drainage is to be designed in accordance with the requirements of Policy P415 "Stormwater Drainage Requirements for Proposed Buildings" and associated Management Practice for the Mill Point Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can not be included in the design, other than for temporary detention purposes.
- (ii) As advised by the City's Environmental Health Department:
- (A) The detailed design of the bin store will need to comply with all of the requirements contained within the City of South Perth Health Local Laws 2002 pertaining specifically to bin stores;
- (B) The swimming pool will need to comply with all requirements of the Health Act (Swimming Pool) Regulations 1964. The builders will have to apply to the Department of Health (Applied Environmental Health) for swimming pool approval, prior to the issue of a building licence by the City.

CARRIED EN BLOC RESOLUTION

10.3.4 Proposed Use Not Listed : Sales and Information Centre - Lot 950 (No. 1) Preston Street, Como

Location:	Lot 950 (No. 1) Preston Street, Como
Applicant:	Cardno BSD
Lodgement Date:	18 June 2007
File Ref:	11.2007.282 PR1/1
Date:	21 August 2007
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

The application for planning approval is for a change of use from Café / Restaurant to Sales, Information and Display Centre. The recommendation is for approval.

Background

The development site details are as follows:

Zoning	Neighbourhood Centre Commercial
Density coding	Not applicable
Lot area	205 sq. metres (part of the much larger building complex)
Building height limit	Not applicable
Development potential	Not applicable

This report includes the following attachments:

- Confidential Attachment 10.3.4(a)** Plans of the proposal.
Attachment 10.3.4(b) Submission from the applicant.

The location of the development site is shown below:



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

1. Specified uses

- (viii) *Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme.*

As explained in the comment section below, the proposed use is classified as a “*Uses not listed in Table 1 of the Scheme*”.

Comment

(a) Description of the proposal

The proposal is for a change of use from “Café / Restaurant” to “Sales, Information and Display Centre”. The attached letter from the applicant’s planning consultant (**Attachment 10.3.4 (b)**) provides a comprehensive description of the nature of the proposed use which does not fit within the definition of either “Office” or “Shop” under Town Planning Scheme No. 6 (TPS6) . The use is properly classified as a land use not listed in TPS6 which needs to be considered under clause 3.3(7) of the Scheme. That clause reads as follows:

“A use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the Uses defined in Schedule 1 may only be approved if notice of the development is first given in accordance with clause 7.3.”

(b) Car Parking

Table 6 of TPS6 does not prescribe a parking ratio for the proposed use of the premises. In this respect, clause 6.3(2) of TPS6 states that:

“In the case of uses not listed in Table 6, car parking bays shall be provided to the number determined by the Council in each case, having regard to the likely demand.”

The previous approval for the Cafe/Restaurant use did not require any on-site car bays on the basis that this use would predominantly operate for evening meals and at weekends when the office parking in the development would be available as well as public parking within Preston Street, Melville Parade and Mary Street.

At the 27 May 2003 Council meeting approval was granted for the entire mixed development on the subject site, including the Café/Restaurants. The proposal did not include any on-site parking bays for the exclusive use of the Café/Restaurants although those facilities had access to 10 shared visitor parking bays and also access to the office parking bays after normal business hours. In support of the application as submitted, the Officer report to the Council meeting provided the following information:

“It is expected that the bays assigned to the Offices will be occupied primarily between the hours of 8.00am and 5.30pm on weekdays only. On this basis, these bays would be available for Cafe’/Restaurant patrons for dinner trade on weekdays and all day on weekends and public holidays. A conflict would arise, however, if the Cafe’/Restaurants were open for lunch time trade. The previous application (approved at Council in January 2003) proposed a similar area of office and Cafe’/Restaurant development. The application was approved without provision of car parking for the Cafe’/Restaurants, with the applicant arguing that:

- 1. The Cafe’/Restaurants are not likely to open for lunch time trade;*
- 2. If the Cafe’/Restaurants were open for lunch time trade, a substantial proportion of the clientele would come from the local area. These patrons are not likely to visit the premises by vehicle;*
- 3. The main trade will be during the evenings when Office parking spaces will be available for Cafe’/Restaurant patrons;*
- 4. Existing street parking within Melville Parade, Preston Street and Mary Street could easily accommodate any additional parking that was generated by lunch time Cafe’/Restaurant patrons.*

As part of the assessment of the previous proposal and in order to quantify the availability of available street parking, a survey was undertaken on Thursday 10 and Friday 11 January 2002. Traffic counts were taken during the morning peak (9am) lunch time peak (1pm) and evening peak (4pm) in the following locations:

- Melville Parade between Eric Street and Ednah Street;*
- Preston Street between Melville Parade and Labouchere Road; and*
- Mary Street between Eric Street and Ednah Street.*

These portions of road were considered to represent the distance that Eating House patrons would reasonably walk.

This survey showed that:

- *A total of 153 street parking bays exist within the portions of street referred to above;*
- *At 9am, an average of 96 bays are vacant within the survey area. This represents a vacancy rate of approximately 63%;*
- *At 1pm (the most critical time), an average of 88 bays are vacant within the survey area. This represents a vacancy rate of approximately 58%;*
- *At 4pm, an average of 95 bays are vacant within the survey area. This represents a vacancy rate of approximately 62%.*

Anecdotal evidence provided in support of previous applications where a parking concession has been proposed for Cafe'/Restaurants has shown that:

- *Lunch time patronage levels generally fall below those of the evening peak trade, especially during the early part of the week (Monday to Wednesday);*
- *A percentage of patrons visiting Cafe'/Restaurants during the lunch time trading period will arrive on foot because they are visiting from other premises within the same precinct, or they have some other form of business within the same precinct.*

As previously mentioned, in the evenings when it is expected that peak demand for the Cafe'/Restaurants will occur, the Office parking spaces will be available for Cafe'/Restaurant patrons.

Based upon the abovementioned factors, it is again considered reasonable hat a parking concession should be granted for the Cafe'/Restaurant component of the proposed development."

The approval was subject to the following conditions, among others:

- (i) Bays 1-3 and 17-23 shall be marked and permanently retained for the use of any visitors to the site;
- (ii) The Office parking bays shall be made available for Cafe'/Restaurant patrons after 5.30 pm weekdays, and for the full day and during evening trading hours on weekends and public holidays;

Condition (ii) was subsequently amended under delegated authority to require that the Office parking bays are to be made available for Café/Restaurant patrons after 6.00pm weekdays, and for the full day and during evening trading hours on weekends and public holidays.

The applicant has lodged a submission in support of the proposed use and has requested that no additional car bays be provided refer **Attachment 10.3.4(b)**. The applicant has argued that the proposed use will attract the majority of its customers during the weekend, when the activities of the centre will be advertised in the metropolitan newspapers. It is also contended that the centre's customers at other times will be predominantly local pedestrian traffic, who will not give rise to any increase in vehicles visiting the premises.

The previous approval also required the provision of 10 visitor bays within the commercial component of the development. The applicant has noted that a further 5 bays are not leased to tenants of the Offices, and has offered that these bays be designated as visitor bays as a condition of this approval. It is considered that a total of 15 visitor bays would be sufficient to meet any additional parking demand arising from the proposed use outside of the hours that the Office parking bays are required to be made available.

Having regard to the likely peak demand of the approved use as against the proposed use, it is considered that the proposed use can be supported with the same reciprocal parking requirements as for the Café/Restaurant use, subject to a condition that Bays 6, 46 and 93-95 be marked and permanently retained for the use of visitors to the site.

(c) Appropriateness of land use

The proposal was advertised and there were no comments received. The area supports a mix of commercial land uses and as such the proposal is considered compatible.

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of Scheme No. 6, the proposal is considered to broadly meet the following objectives:

- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (1) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (2) *the preservation of the amenity of the locality.*

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of Scheme No. 6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (i) *the preservation of the amenity of the locality;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

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. 137 Melville Parade, 2-6 and 3 Preston Street, and 9 Mary Street, Como were invited to inspect the application and to submit comments during a 14-day period. A total of five neighbour consultation notices were mailed to individual property owners and occupiers. In addition, signs were placed on site inviting comment from any other interested person. During the advertising period, no submissions were received in either favour or against the proposal.

Policy and Legislative Implications

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

Financial Implications

The issue has some impact on this particular area, to the extent of:

- (a) payment of the required Planning Fee by the applicant.

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.*

Conclusion

The proposed use is considered appropriate for the area. It is recommended that the applicant be approved subject to conditions ensuring that visitor car bays are available for the Café/Restaurant during opening hours at any time and that office parking bays are available for Café/Restaurant use outside normal business hours.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4
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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 change of use from Café/Restaurant to Sales, Information and Display Centre on Lot 950 (No. 1) Preston Street, Como **be approved**, subject to:

- (a) Office/Restaurant Bays 6, 46 and 93-95 be marked and permanently retained for the use of visitors to the site;
- (b) the Office parking bays shall be made available for Cafe’/Restaurant patrons after 5.30 pm weekdays, and for the full day and during evening trading hours on weekends and public holidays; and
- (c) the validity of this approval shall cease if the proposed use of the premises does not commence within 24 months of the date of planning approval.

CARRIED EN BLOC RESOLUTION

10.3.5 Proposed Conversion of Grouped Dwellings to Single Bedroom Dwellings and Additions and Alterations. Lot 250 (No 6) Brookside Avenue, South Perth.

Location:	Lot 250 (No 6) Brookside Avenue, South Perth.
Applicant:	Greg Rowe and Associates
Lodgement Date:	18 May 2007
File Ref:	11.2007.234 BR6/6
Date:	3 August 2007
Author:	Andrew Carville, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The application proposes refurbishment of, and additions to the existing Grouped Dwellings, and converting them to Single Bedroom Dwellings. The Land Use table from Town Planning Scheme No. 6 identifies Single Bedroom Dwellings as a ‘Discretionary’ use in the Residential zone. The existing grouped dwellings are of an aged appearance, and would be suitable for refurbishment within the requirements of Town Planning Scheme No. 6 and the

Residential Design Codes 2002. **Attachment 10.3.5(c)** shows the existing dwellings at the subject site. Council’s discretion is sought in regard to the proposed variations sought by the applicant. The officer recommendation is for **refusal**.

Background

This report includes the following attachments:

- Confidential Attachment 10.3.5(a):** Plans of the proposal.
- Attachment 10.3.5(b):** Letter from Greg Rowe and Associates, dated 16 May 2007.
- Attachment 10.3.5(c):** Photos showing subject site.

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	607 sq. metres
Building height limit	7.0 metres
Development potential	A Single House
Plot ratio	Not Applicable

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

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 development.



Comment

(a) Description of the proposal

The proposal comprises the replacement of a low pitched roof with a steeper pitched roof, the addition of external storerooms along the rear boundary, relocation of the existing car bays, and the addition of bathrooms and courtyards to the side of the existing single bedroom grouped dwellings. The applicant's letter, **Attachment 10.3.5(b)**, describes the proposal in more detail.

The proposal is seeking a number of variations from the R-Codes and Town Planning Scheme No. 6. In respect of some of the variations, it is recommended that the Council use their discretion to refuse the application.

(b) Plot ratio floor area

Clause 4.1.3 "Single Bedroom Dwellings" of the R-Codes permits a maximum plot ratio floor area of 60 sq. metres for single bedroom dwellings. The existing dwellings already exceed this requirement with a plot ratio floor area of 79 sq. metres. The application proposes a further increase in the plot ratio floor area to 93.9 sq. metres for dwellings 1 and 4, and 91.6 sq. metres for units 2 and 3. The extra plot ratio area is due to the addition of bathrooms external to the existing building, and storerooms provided along the rear boundary of the lot. The proposal also does not comply with the Performance Criterion provisions of the R-Codes which requires the dwelling to provide limited accommodation suitable for one or two persons. The large space on the first floor labelled as Bedroom and Sitting room can very conveniently be converted back to two bedrooms at a later stage, providing accommodation for three or more persons, contrary to the R-Codes performance criteria for Single Bedroom Dwellings.

(c) Outdoor living areas

For the subject lot with an R20 density coding, the R-Codes require an outdoor living area of 30 sq. metres. It is also worth noting that under the present R-Codes, only one single house could be developed on the subject lot. With the existing arrangement where four single dwellings are built on the lot, it is not possible to achieve this 30 sq. metre outdoor living area requirement. Even though the lot has been assigned a density coding of R20 under the present TPS6, the lot has been developed to a higher density. Four single bedroom dwellings on a lot sized 607 sq. metres equates to an R40 density coded development. Outdoor living areas of 20 sq. metres for each dwelling are required for R40 density coded lots. Noting that the existing outdoor living areas for each dwelling, which are currently not segregated by internal dividing fences, actually measure to approximately 20 sq. metres, in the officers view, it will be appropriate to ensure that at least the existing size of outdoor living areas is maintained. However, the proposal intends to reduce the size of the proposed outdoor living areas for dwellings 2 and 3 from 20 sq. metres to 11 sq. metres. These two 11 sq. metre courtyards are along the south side of a two storey wall, and have eaves overhang along three of the four sides, covering an area of 4.85 sq. metres per courtyard, leading to very little direct light available to the outdoor living area. Furthermore, the outdoor living area for dwelling 1 is primarily situated in the front setback area which again does not comply with Clause 3.4.2 of the R-Codes that requires this area to be located behind the street setback area. Therefore, it is the City's officers view that such a proposal will be diminishing the amenity for the resident's of the dwellings in terms of the private outdoor space.

(d) Boundary walls

The proposed boundary wall along the rear of the property does not comply with the City's Policy P376_T "Residential Boundary Walls". At the proposed height of 2.3 metres, the Policy allows a maximum length of two-thirds of the common boundary i.e. 10.0 metres as against the proposed length of 11.5 metres. Out of the three boundary wall proposed on the south-western boundary along the side of the property, the one in the middle does not comply with the policy provisions as the proposed wall will be located directly opposite a major habitable room window of the adjoining property, thus adversely affecting the amenity in terms of the outlook from the window. Even though on the proposal, the applicant has marked that area on the adjoining property as a Laundry, the approved drawings show that internal modifications to the adjoining dwelling had lead to the shifting of the laundry to another location and extension of the existing living room along the side opposite the proposed boundary wall.

(e) Access and egress from car parking bays

The existing car parking bays along the south-western boundary are now proposed to be relocated along the north-western boundary. In order to enter the street in the forward gear in accordance with Clause 3.5.4 "Vehicular Access" of the R-Codes, the vehicles will require a 180 degree turn. Using the vehicle manoeuvring templates designed in accordance with specifications provided by AS 2890.1, it is not possible to comply with this requirement. The applicant was asked to provide drawings showing manoeuvring pathways for vehicles demonstrating compliance with this requirement. The drawing showing manoeuvring vehicle pathway for bay no. 4 provided by the applicant on 9 August 2007 clearly shows that the cars will have to carry out more numbers of turns than the required two point turn to enter or exit the car parking bays, hence seen not to comply with the City's requirements.

(f) Streetscape compatibility

Having regard to the City's Policy P370_T "General Design Guidelines for Residential Development", the proposed roof pitch of 36 degrees is considered to be excessive. The Design Advisory Consultants commented that a roof pitch of 36 degrees is too steep to be compatible with the existing streetscape. A roof pitch in the range of 25-30 degrees was seen to be more acceptable.

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

The proposal has 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 Objectives:

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 list 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;*
- (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;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*

(i) Conclusion

In view of the above listed areas of concern, identified during an assessment of the proposal, the officer recommends that the proposed development be refused.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 18 July 2005. The proposal was not favourably received by the Consultants, who recommended a number of broad modifications to be made to the proposal. Their more specific comments are summarised below:

- (i) With a view to improving the amenity of the existing dwellings (as the project is aiming to do), larger outdoor living areas to be provided for Dwellings 2 and 3 in accordance with of the R-Codes requirements.
- (ii) The Council has to be cautious of the proposed large open plan bedroom and sitting area on the first floor which has a potential to be converted to two bedrooms at a later date. This could have other implications including increase in the number of car parking spaces required for the development.
- (iii) Bathrooms to be located on the first floor along with the proposed Bedrooms.
- (iv) Laundry to be provided for each dwelling, attached to the Kitchen on the ground floor.
- (v) Even though the desired location of the outdoor living areas is towards north in order to gain solar access, however, noting that the existing dwellings were designed with outdoor living areas towards the south, and noting the constraints due to the existing layout of the infrastructure services for these dwellings, it will be better not to alter the location the existing driveway.
- (vi) Noting the width of the existing building, the proposed roof pitch to be reduced to between 25 and 30 degrees which will be in keeping with the streetscape character.

(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 No. 4 Brookside Avenue, and 50 Swanview Terrace were invited to inspect the application and to submit comments during a 14-day period. During the advertising period, 1 submission was received,

voicing concern about the location of the boundary wall near trees on his property, and the height of the boundary wall and pitched roof over the proposed car parking area. The concern has been addressed in the comments section above.

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.*

OFFICER RECOMMENDATION ITEM 10.3.5

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 Additions and Alterations to Grouped Dwellings on Lot 250 (No. 6) Street **be refused**, for the following reasons:

- (a) The proposed development exceeds the maximum permissible plot ratio floor area for single bedroom dwellings prescribed by Clause 4.1.3 of the Residential Design Codes 2002, and does not satisfy the alternative performance criteria for Single Bedroom Dwellings.
- (b) The proposal does not comply with Clause 3.4.2 and Table 1 of the R-Codes with respect to outdoor living area requirements.
- (c) The proposed boundary wall along the rear of the property does not comply with Council Policy P376_T “Residential Boundary Walls”.
- (d) The proposed boundary wall along the side of the property does not comply with Council Policy P376_T “Residential Boundary Walls”.
- (e) The proposal does not comply with Clause 3.5.4 of the R-Codes, with respect to access and egress from the car parking bays, and the ability for cars to enter the street in a forward gear.
- (f) The proposed roof pitch does not comply with Council policy P370_T “General Design Guidelines for Residential Development”, with respect to streetscape compatibility.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation. The officer recommendation Lapsed.

MOTION

Moved Cr Best, Sec Cr Ozsdolay

That....

- (a) the officer recommendation not be adopted; and
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the conversion of existing grouped dwellings into single bedroom dwellings, with additions and alterations on Lot 250 (No. 6) Brookside Avenue, South Perth **be approved** subject to the following conditions:

(i) **Standard Conditions**

340, 425, 455, 470, 471, 625, 660.

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

(ii) **Specific Conditions**

- (a) Four parking bays are to be provided, with the bay at the front of the property to be suitably landscaped.
- (b) The position for a washing machine and dryer is to be included on the floor plan for each dwelling.

(iii) **Standard Advice Notes**

647, 648, 649A, 650

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

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best opening for the Motion

- understand reasons for change
- rejuvenation of 1960's block of flats will improve the streetscape/amenity
- neighbours support proposal to retain and enhance the building.
- Council encourages refurbishment of old buildings in the interest of environmental sustainability
- important we provide incentives for developers seeking to retain buildings that comply with streetscape
- as this is an existing building current TPS6 standards cannot be retrospectively applied
- Council has the discretion to grant the following concessions:
 - plot ratio - the R-codes allow for a performance criteria outcome allowing for one bedroom units to be increased above the 60.0m² where the dwellings are only suitable for one bedroom.
 - the outdoor courtyards - the R-codes allow for a performance criteria outcome allowing for smaller outdoor living areas given the constrained area of the site and for consistency where the council has granted concessions to numerous grouped dwelling courtyards that intrude into the front setback area.
 - boundary wall - the council can exercise its discretion in approving the boundary wall from 10m to 11.5m given the neighbour supports the development as it does not adversely affect the window opening from his property. Following discussions with the neighbour the skillion roof for the new bathrooms has been set back 1.2 metres on the western side.
 - the roof pitch at 36 degrees will enhance the building as it will give it more architectural appeal and character in the street, especially compared with the three storey single dwelling next door to the east.
- commend Motion to Councillors

Cr Ozsdolay for the Motion

- support Cr Best's comments
- options available to planning were limited
- proposal as presented good initiative on what developer had to work with
- believe it will enhance Brookside Avenue

Mayor Collins requested a comment on Council discretion.

Director Strategic and Regulatory Services - said that Council has the discretion to determine the car parking and in particular access to car parking.

Cr Best stated that his alternative Motion as proposed will result in a 4 point turn in order to return to the street in forward gear. He said he acknowledged officers have concerns however Council does have the discretion to approve the proposal.

COUNCIL DECISION ITEM 10.3.5

The Mayor put the Motion

That....

- (a) the officer recommendation not be adopted; and
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the conversion of existing grouped dwellings into single bedroom dwellings, with additions and alterations on Lot 250 (No. 6) Brookside Avenue, South Perth **be approved** subject to the following conditions:

(i) Standard Conditions

340, 425, 455, 470, 471, 625, 660.

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

(ii) Specific Conditions

- (a) Four parking bays are to be provided, with the bay at the front of the property to be suitably landscaped.
- (b) The position for a washing machine and dryer is to be included on the floor plan for each dwelling.

(iii) Standard Advice Notes

647, 648, 649A, 650

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

CARRIED (11/0)

Reasons for Change

1. This rejuvenation of 1960's block of flats will improve the streetscape and amenity. All neighbours support the proposal to retain and enhance the building.
2. Council encourages refurbishment of old buildings in the interest of environmental sustainability (in accordance with policy P381_T -- units constructed prior to TPS5)
3. As this is an existing building -- the TPS6 standards cannot be retrospectively applied and council has the discretion to grant concessions in relation to plot ratio, outdoor courtyards, boundary wall and roof pitch.

10.3.6 Proposed Two Storey Single House with Undercroft Parking. Lot 187 (No. 69) Strickland Street, South Perth.

Location: Lot 187 (No. 69) Strickland Street, South Perth.
Applicant: Rosa McCartney
Lodgement Date: 20 March 2007
File Ref: 11.2007.125.1 ST4/69
Date: 3 August 2007
Author: Stephanie Radosevich, Trainee Planning Officer
Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

This application for planning approval proposes a two storey Single House with undercroft parking. The officer report recommends that the application be refused, as the proposed development is in conflict with the provisions of the Residential Design Codes 2002 as explained in this report.

Background

This report includes the following attachments:

Confidential Attachment 10.3.6(a): Plans of the proposal

Attachment 10.3.6(b): Letter dated 9 July 2007 from Carl Barbato, the applicant.

The development site details are as follows:

Zoning:	Residential
Density coding:	R15
Lot area:	506 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	1 Single House
Plot Ratio:	Not applicable

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

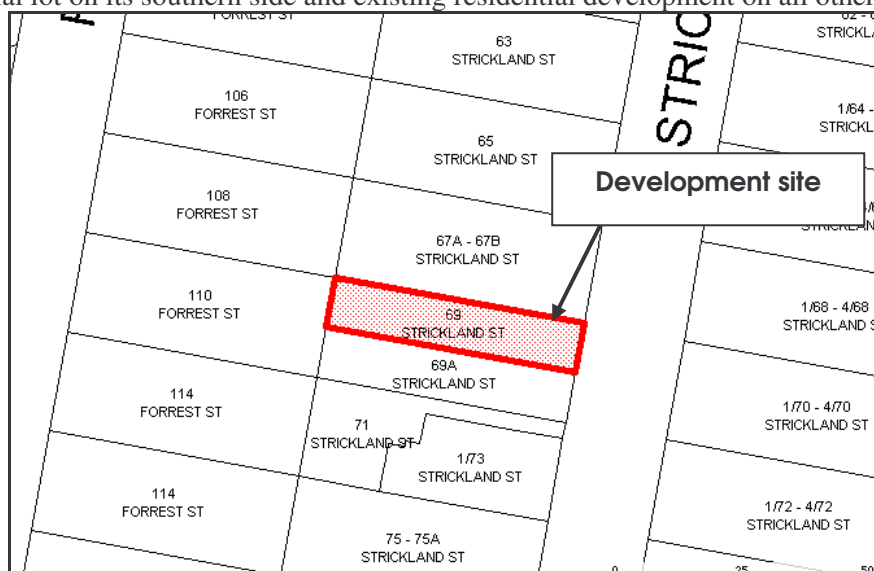
1. The Exercise of a Discretionary Power

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.

2. Matters Previously Considered by Council

Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

The location of the development site is shown below. The site is adjoined by a vacant residential lot on its southern side and existing residential development on all other sides.



Comment

(a) Description of the proposal

The proposal is for a two storey Single House with undercroft parking. An assessment of the proposal reveal a significant departure from the provisions of the No. 6 Town

Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies. The officer recommends that the application for the proposed development be refused.

(b) Building set back from the boundary

The setback of the proposed southern wall on the ground floor (balcony / dining / living) does not meet with the acceptable development provisions of Clause 3.3.1 “Buildings Set Back from the Boundary” and Table 2a “Boundary Setbacks” of the R-Codes. The setback required for the wall with no major opening, 3.5 metres in height and greater than 9.0 metres in length is 1.5 metres as against the proposed setback of 1.2 metres.

(c) Street walls and fences

The proposed 1.8 metre high feature stone wall in the primary street setback area is in conflict with Clause 3.2.5 “Street Walls and Fences” and Clause 3.2.6 “Sightlines at Vehicle Access Points and Street Corners” of the R-Codes. Clause 3.2.5 requires that front walls and fences within the primary street setback area are visually permeable above 1.2 metres above natural ground level. Clause 3.2.6 requires that walls and fences are truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicular access points where a driveway meets a public street.

(d) Open space

The proposal is in conflict with Clause 3.4.1 “Open Space Provision” and Table 1 “General Site Requirements” of the R-Codes, which requires the minimum amount of open space to be 50 per cent of the site. The site is required to have 253 sq. metres of open space, however the proposed open space is 247 sq. metres.

(e) Vehicular access

The proposed driveway does not meet with the requirements of Clause 3.5.4 “Vehicular Access” of the R-Codes, which requires that driveway to be no closer than 0.5 metres to a side boundary to allow for a landscaping strip. However, the proposed driveway tapers to a nil setback from the side retaining wall.

(f) Solar access for adjoining sites

The proposed development is in conflict with Clause 3.9.1 “Solar Access for Adjoining Sites” of the R-Codes 2002 with respect to the overshadowing of the adjoining southern vacant lot at No. 69A Strickland Street. The proposal overshadows 31.8% (160.8 sq. metres) of the adjoining property which exceeds the maximum permissible limit of 25% (126.5 sq. metres) of the adjoining site area.

In this respect, the applicant is requesting the Council to exercise discretion under the associated Performance Criteria provisions of the R-Codes, which are stated as follows:

“Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- *outdoor living areas;*
- *major openings to habitable rooms;*
- *solar heating devices; or*
- *balconies or verandahs.”*

Since the adjoining southern property is a vacant lot, it is not possible to determine whether the shadow will fall on the outdoor living areas, major openings, solar heating devices, balconies or verandahs. Therefore, the proposed development cannot be assessed against the Performance Criteria.

(g) Boundary walls

The length of the proposed boundary wall on the southern boundary is 24.7 metres. The wall has an average height of 2.3 metres with a maximum height of 3.3 metres. When assessed against the provisions of the City's Policy P376_T "Residential Boundary Walls", the proposed wall complies with the permitted average wall height of 2.5 metres with a maximum height of 3.5 metres for a length of the wall that is two thirds of the length of the boundary (33.5 metres long). The length of the boundary wall for the proposed garage has not been taken into this assessment due to its low height, and allowing for the total height of this boundary wall and that of any fencing above it to be no more than 1.8 metres.

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

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

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

The proposed development is considered to meet this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

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

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.*

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

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.*

(i) 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 list of 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; and*
- (x) *any other planning considerations which the Council considers relevant.*

(j) Conclusion

In conclusion, having regard to the City’s Town Planning Scheme and Policy objectives and provisions, the proposed two storey Single House with undercroft parking is considered to be in conflict with Objective (f) of Clause 1.6 of TPS6, Clause 3.2.5 “Street Walls and Fences” A5, Clause 3.2.6 “Sightlines at Vehicle Access Points and Street Corners” A6, Clause 3.3.1 “Buildings Set Back from the Boundary” A1, Clause 3.4.1 “Open Space Provision”, Clause 3.5.4 “Vehicular Access” A4.3, Clause 3.9.1 “Solar Access for Adjoining Sites” A1, Table 1 “General Site Requirements” and Table 2a “Boundary Setbacks” of the R-Codes.

Consultation

Neighbour consultation

Neighbour Consultation has been undertaken for the proposed boundary wall on the south side of the development site as well as the proposed boundary wall on the north side of the development site to the extent and in the manner required by Policy P104 “Neighbour and Community Consultation in Town Planning Processes”. The owners and occupiers of the properties at Nos. 69A, 67A and 67B Strickland Street were invited to inspect the application and to submit comments during a 14-day period. During the advertising period one submission was received in relation to the proposed development. The submission has been summarised below.

Submitter’s Comment	Officer Response
Having viewed the drawings, there was a concern in relation to the length and height of the proposed boundary wall on the north side boundary of the adjoining vacant lot as well as its overshadowing.	The comment is upheld.

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.

OFFICER RECOMMENDATION ITEM 10.3.6

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 a two storey Single House with undercroft parking on Lot 187 (No. 69) Strickland Street, South Perth **be refused** for the following reasons:

- (a) The proposal does not comply with the objective (f) listed within Clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6 (TPS6).
- (b) The proposal conflicts with matters (c), (j) and (x) listed within Clause 7.5 “Matters to be Considered by Council” of TPS6.
- (c) The proposal is in conflict with Clause 3.3.1 “Buildings Set Back from the Boundary” A1 and Table 2a “Boundary Setbacks” of the Residential Design Codes (R-Codes), which requires the southern wall of balcony / dining / living areas on the ground floor to be setback 1.5 metres.
- (d) The proposal is in conflict with Clause 3.2.5 “Street Walls and Fences” A5 and Clause 3.2.6 “Sightlines at Vehicle Access Points and Street Corners” A6 of the R-Codes, which requires front walls and fences to be no greater than 1.2 metres solid in height and any fencing within 1.5 metres of where walls and fences meet vehicular access points to be no greater than 0.75 metres solid in height.
- (e) The proposal is in conflict with Clause 3.4.1 “Open Space Provision” A1 and Table 1 “General Site Requirements” of the R-Codes, which requires 50 per cent of the site to be open space.
- (f) The proposal is in conflict with Clause 3.5.4 “Vehicular Access” A4.3 of the R-Codes, which requires driveways to be no closer than 0.5 metres to a side boundary.
- (g) The proposal is in conflict with Clause 3.9.1 “Solar Access for Adjoining Sites” A1 of the R-Codes, and exceeds the maximum permissible limit of shadow cast on the adjoining property.

Standard Important Footnote

- (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.
- (b) There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

OFFICER RECOMMENDATION

The Mayor referred Members to a Memorandum on Item 10.3.6 circulated prior to the commencement of the meeting. He then called for a mover of the officer recommendation. The officer recommendation Lapsed.

MOTION

Moved Cr Maddaford, Sec Cr Gleeson

That the application for planning approval for a two storey Single House with undercroft parking on Lot 187 (No. 69) Strickland Street, South Perth **be deferred** to the next meeting of Council and in the meantime, the applicant be requested to submit:

- (i) revised drawings which overcome the reasons for refusal listed in items (A) to (F) of the officer recommendation; and
- (ii) more detailed justification relating to the applicants’ contention that the current proposal meets the Performance Criteria relating to Solar Access for Adjoining Sites as prescribed in Clause 3.9.1 P1 of the R-Codes. Indicative drawings of a possible dwelling on the adjoining vacant lot should be submitted as part of this justification.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Maddaford opening for the Motion

- owner of adjoining lot complaining he is going to get overshadowed
- adjoining owner will not submit a plan / or meet requirements
- believe Lot 187 could grow 10 Ghost Gums and Council could do nothing
- adjoining lot owner argues against proposal but will not submit his plan
- ask Councillors support Motion

Cr Gleeson for the Motion

- support Cr Maddaford's comments
- similar situation in Roseberry Avenue - so-called 'neighbourhood agreement'
- so-called neighbourhood agreements do not hold water
- support the Motion

COUNCIL DECISION ITEM 10.3.6

The Mayor put the Motion

That the application for planning approval for a two storey Single House with undercroft parking on Lot 187 (No. 69) Strickland Street, South Perth **be deferred** to the next meeting of Council and in the meantime, the applicant be requested to submit:

- revised drawings which overcome the reasons for refusal listed in items (A) to (F) of the officer recommendation; and
- more detailed justification relating to the applicants' contention that the current proposal meets the Performance Criteria relating to Solar Access for Adjoining Sites as prescribed in Clause 3.9.1 P1 of the R-Codes. Indicative drawings of a possible dwelling on the adjoining vacant lot should be submitted as part of this justification.

CARRIED (11/0)

Reason for change

It is appropriate to defer a decision in order to provide an opportunity for the applicant to submit amended and additional documents in an endeavour to satisfy the Council that the current areas of non-compliance have been rectified.

10.3.7 Proposed Two Storey Single House. Lot 230 (No 37) Swanview Terrace, South Perth.

Location:	Lot 230 (No 37) Swanview Terrace, South Perth.
Applicant:	Vennon Pty Ltd
Lodgement Date:	16 March 2007
File Ref:	11.2007.121 SW3/37
Date:	3 August 2007
Author:	Andrew Carville, Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

The application is for a two storey single house adjoining the Swan River reserve at No. 37 Swanview Terrace. The proposed development exceeds the 7.0 metre height limit, as prescribed by Town Planning Scheme No. 6, and does not comply with Council policy P370_T "General Design Guidelines for Residential Development" with respect to the design compatibility of the proposed roof form with the streetscape. The officer recommendation is for refusal.

Background

This report includes the following attachments:

Confidential Attachment 10.3.7(a): Plans of the proposal.
Attachment 10.3.7(b): Letter from Nanda Day of Yael K Designs, dated 22 June 2007.

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	647 sq. metres
Building height limit	7.0 metres
Development potential	Single dwelling
Plot ratio	Not Applicable

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

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 development.



Comment

(a) Description of the proposal

The proposal comprises a two storey single dwelling. The applicant’s letter, **Attachment 10.3.7(b)**, states that the applicant is willing to make the changes necessary to comply with the R-Codes, however would like consideration due to the interpretation and objective of Clause 6.2 “Building Height Limits”. The design also needs to be considered against Council policy P370_T, regarding the design compatibility with the streetscape.

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 variations discussed below. Although the applicant has expressed their willingness to make some changes to comply with the necessary requirements, they would like Council to consider variation to some design elements.

(b) Building height limits

TPS6 prescribes a Building Height Limit of 7.0 metres to the subject site. The proposal incorporates a 7.2 metre high wall running through the centre of the dwelling, from front to rear. The majority of this wall complies with the building height limit as determined by Clause 6.2 "Building Height Limits" of the Scheme in that it fits within the notional 25 degree hip roof shape. A portion of the wall, however, at each end of the building stands forward of the rest of the building, creating a 7.2 metre vertical plane down the centre of the dwelling.

(c) Design

The proposed design includes half skillion roof, with the higher plane running through the centre of the building, and half flat roof. The flat roofed portion complies with the building height limits, although the skillion roof portion does not, as outlined above. The design is a very contemporary one, which may not be deemed suitable for the surrounding streetscape.

(d) Front fence

The proposed design does not comply with the front fence requirements of the R-Codes. The R-Codes require a fence which is solid up to 1.2 metres, and visually permeable above to a maximum height of 1.8 metres. Furthermore, the R-Codes require a 1.5 metre visual truncation where a fence meets a vehicle access point, which the proposed design does not incorporate. The applicant is willing to make the changes required to make the front fence comply with the R-Codes.

(e) Driveways and crossovers

The proposed design includes two crossovers and driveways on a lot with a 16.1 metre frontage. The R-Codes require driveways to be no narrower than 3.0 metres, whilst not occupying more than 40% of the lot frontage. In addition, driveways are not to exceed 9.0 metres width in aggregate. The proposed design exceeds these requirements, and results in excessive paving in the front setback area. The applicant is willing to make the changes required to comply with the R-Code requirements, although it is determined that both crossovers and both driveways are to be kept.

(f) Boundary setbacks

The middle section of the west facing wall of the proposed development does not comply with the boundary setbacks required by Clause 3.3.1 of the R-Codes. The applicant needs to either comply with the Acceptable Development provisions, or provide written justification demonstrating compliance with the Performance criteria provisions.

^s
(g) Scheme Objectives: Clause 1.6 of No. 6 Town Planning Scheme

The proposal has 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 Objectives:

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;*

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

- (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;*
- (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;*

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held on 16 April 2007. The proposal was favourably received by the Consultants. Their more specific comments are summarised below:

The Advisory Architects considered that the design was acceptable from a streetscape perspective, having regard to the character of existing dwellings in the focus area. However, they noted that changes were required to reduce the width of the crossovers, and the extent of paving within the front setback area.

(b) Neighbour consultation

No neighbour consultation has been undertaken for this proposal.

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.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.7**

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 Vennon Pty Ltd on Lot 230 (No 37) Swanview Terrace **be refused**, for the following reasons:

- (a) The proposed development exceeds the 7.0 metre building height limit prescribed by Clause 6.2 “Building Height Limit” of the Town Planning Scheme No. 6.
- (b) The proposed roof form does not demonstrate design compatibility with the existing streetscape character, hence conflicts with the City’s Policy P370_T “General Design Guidelines for Residential Development”.
- (c) The proposed front fence does not comply with Clauses 3.2.5 “Street Walls and Fences” and 3.2.6 “Sightlines at Vehicle Access Points and Street Corners” of the Residential Design Codes 2002.
- (d) The proposed boundary setbacks do not comply with Clause 3.3.1 and table 1 of the Residential Design Codes 2002.
- (e) The proposed driveways and crossovers do not comply with Clause 3.5.4 “Vehicular Access” of the Residential Design Codes 2002.

Standard Important Footnotes

- (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.
- (b) There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

CARRIED EN BLOC RESOLUTION

10.3.8 Proposed Carport and Patio Addition to Grouped Dwelling. Lot 6767 (No. 1/12) Ruth Street, Como.

Location:	Lot 6767 (No. 1/12) Ruth Street, Como.
Applicant:	Fiona Prosser
Lodgement Date:	7 June 2007
File Ref:	11.2007.269.1 RU1/12
Date:	3 August 2007
Author:	Stephanie Radosevich, Trainee Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

This application for planning approval proposes the addition of a Dutch gable Colorbond carport and patio to the front of a Grouped Dwelling with tile roof. The Officer report recommends that the application be refused, as the proposed addition of a Colorbond carport and patio does not promote the objectives contained within Policy P370_T “Residential Design Guidelines” which is to preserve or enhance desired streetscape character, and to promote strong design compatibility between existing and proposed residential buildings. The proposal is also in conflict with the requirements of Clause 3.5.3 “Design of Parking Spaces” A3.2 of the Residential Design Codes of Western Australia 2002 which requires the depth of the carport to be 10.0 metres in the case of tandem bays where no barrier separates the bays, whereas the proposed carport has been provided with the depth of 9.5 metres.

Background

This report includes plans of the proposed development referred to as *Confidential Attachment 10.3.8*.

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1005 sq. metres
Building height limit	7.0 metres
Development potential	2 Grouped Dwellings (currently 3 dwellings exist on the lot)
Plot ratio	Not applicable

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

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 development.



Comment

(a) Description of the proposal

The applicant’s proposal is for the addition of a Dutch gable Colorbond carport and patio at the front of an existing Grouped Dwelling which has a tile roof. The proposal represents a significant departure from the provisions of the Residential Design Codes 2002 (R-Codes) and relevant Council Policies. The officer recommends that the application for the proposed development be refused.

(b) Setbacks

The proposed carport side setback on the northern boundary does not meet the Acceptable Development provisions contained within Clause 3.3.1 “Buildings Setback from the Boundary” A1 of the R-Codes, which requires a setback of 1.5 metres from the side boundary.

The applicant is requesting the Council to exercise discretion under the Performance Criteria set out in Clause 3.3.1 “Buildings Setback from the Boundary” P1 of the Residential Design Codes with respect to the following setback variations:

The associated Performance Criteria requires:

“Buildings set back from boundaries other than street boundaries so as to:

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.”*

The proposed side setback of the carport satisfies the associated Performance Criteria as the carport has a minor impact on the existing streetscape character, the adjoining property and the property it is located on.

(c) Dimensions of car parking spaces

The depth of the proposed carport does not meet with the requirements of the Clause 3.5.3 “Design of Parking Spaces” A3.2 of the R-Codes, which requires that a carport with tandem bays is to be 10.0 metres deep where no barrier separates the bays. The proposed carport is in conflict with this as it shows the depth of the carport as 9.5 metres, whereas 10.0 metres is required.

(d) Policy P370_T “General Design Guidelines for Residential Development”

The Policy objective seeks to enhance residential amenity standards generally, with the Policy provisions offering specific guidance as to Council’s expectations in this respect. The specific relevant policy provision is expressed in the following manner:

“Additions and alterations to an existing building shall be designed in such a way that they match that existing building.”

The proposed Dutch gable Colorbond carport and patio addition is not considered to match the existing dwelling in any of the following respects; roof material, pitch or design. Additions, particularly those visible from the street should match that of the existing building, which in accordance with the existing dwelling should be a terracotta tile pitched roof. The proposed Dutch gable Colorbond carport and patio are not compatible with the existing dwelling.

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

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

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

The proposed development is considered to meet this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

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

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

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.*

(f) 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 list 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;*
- (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;*
- (x) *any other planning considerations which the Council considers relevant.*

(g) Conclusion

In conclusion, having regard to the City's Scheme and Policy objectives and provisions, the proposed Dutch gable Colorbond carport and patio addition is considered to be inconsistent within the established streetscape character and Clause 3.5.3 "Design of Parking Spaces" A3.2 of the Residential Design Codes 2002.

Consultation

Neighbour consultation

Neighbour consultation has been undertaken for these proposed additions in relation to the setback variation on the left side of the development to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners and occupiers of the property at No. 10 Ruth Street were invited to inspect the application and to submit comments during a 14-day period. During the advertising period no submissions were received in relation to the proposed development. However, the applicant provided written consent from Department of Housing and Works, the adjoining property owner.

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.*

OFFICER RECOMMENDATION ITEM 10.3.8

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the addition of a Dutch gable Colorbond carport and patio on Lot 6767 (No. 1/12) Ruth Street, Como **be refused** for the following reasons:

- (a) The proposal is in conflict with Clause 3.5.3 A3.2 “Design of Parking Spaces” of the Residential Design Codes of Western Australia 2002, which requires carports to be 10.0 metres deep when they are in tandem, and does not satisfy the associated Performance Criteria contained within Clause 3.5.3 (P3) of the Residential Design Codes.
- (b) The proposal is in conflict with Council Policy P370_T “ General Design Guidelines for Residential Development”, as the proposed Dutch gable Colorbond carport and patio are not compatible with the existing dwelling.

Standard Important Footnotes

- (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.
- (b) There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

COUNCIL DECISION ITEM 10.3.8

Note: At the request of the applicant this application was withdrawn from the Agenda.

10.3.9 Proposed Additions / Alterations to Single House. Lot 51 (No. 41) Hope Avenue, Salter Point.

Location:	Lot 51 (No. 41) Hope Avenue, Salter Point.
Applicant:	Rodney Titheradge
Lodgement Date:	1 February 2007
File Ref:	11.2007.53.1 HO2/41
Date:	3 August 2007
Author:	Stephanie Radosevich, Trainee Planning Officer
Reporting Officer:	Steve Cope, Director Strategic and Regulatory Services

Summary

This application for planning approval proposes the addition of a garage in the front setback area and additions to the rear of the existing Single House.

The Officer report recommends that the application be refused, as the boundary wall of the proposed Garage conflicts with the objectives and provisions of the City’s Policy P376_T “Residential Boundary Walls” and is observed to be incompatible to the streetscape character. The proposal is also in conflict with the requirements of Clause 6.10 “Maximum Ground and Floor Levels” of Town Planning Scheme No. 6 and Clause 3.8.1 “Visual Privacy” of the Residential Design Codes 2002.

Background

This report includes the following attachments:

- Confidential Attachment 10.3.9(a):** Plans of the proposal.
Attachment 10.3.9(b): Letters from Helen and Rod Titheradge, 41 Hope Avenue, dated 10 and 20 June 2007 respectively.
Attachment 10.3.9(c): Letter from Dr. F. McKnight, Murdoch Orthopaedic Clinic, dated 17 January 2000.

The development site details are as follows:

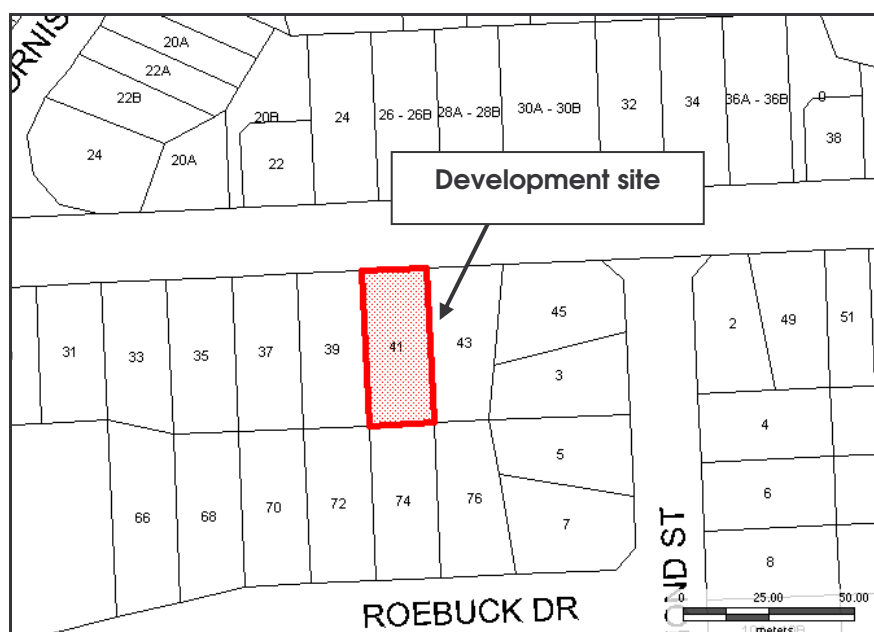
Zoning:	Residential
Density coding:	R15/R20
Lot area:	862 sq. metres
Building Height Limit:	7.0 metres
Development Potential:	Single House
Plot Ratio:	Not applicable

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

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 development.



Comment

(a) Description of the proposal

The applicant’s proposal is for the addition of a garage in the front setback area and other additions to the rear of the existing Single House. 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 variations discussed below. The officer recommends that the application for the proposed development be refused.

(b) Boundary wall

The “Boundary Walls” Policy P376_T objective seeks demonstration that the wall will not have an adverse impact on the streetscape character as well as on the amenity of the adjoining residential properties. The Policy provisions offer specific guidance as to Council’s expectations in this respect. The relevant provision under Clause 2 of the Policy is expressed in the following manner:

“Approval will not normally be granted if:

- *a proposed boundary wall is located forward of a 6.0 metre setback from the street alignment or the setback distance prescribed by Clause 62 and Table No 4 of the No 5 Scheme Text **unless** the Executive Manager, Technical Services Division, or the Manager, City Planning, is satisfied that the proposal would not have a detrimental effect in terms of the relevant amenity factors referred to in Clause 1.”*

The boundary wall of the proposed garage is setback 4.52 metres from the front boundary, thus located forward of the 6.0 metre setback line. Thus, the proposed setback is in conflict with Clause 2 of the Policy. The officer has advised the applicant that if the garage is located along the eastern side of the property, it will allow for a 1.0 metre setback from the eastern boundary, thus complying with the necessary statutory requirements.

(c) Finish floor levels

The finish floor level of the proposed additions to the rear of the existing Single House is in conflict with Clause 6.10 “Maximum Ground and Floor Levels” of TPS6. The proposed finish floor level is 7.75 metres AHD, to match with the existing finished floor level. The proposed laundry, ensuite, walk-in-robe and bedroom comply with the equal cutting below and filling above the existing ground level requirement of the clause, hence acceptable as proposed, with the finish floor level of 7.75 metres AHD. However, the proposed family, dining, kitchen and verandah are to be lowered to the finish floor level of 7.20 metres AHD.

However, the applicant is requesting the Council to exercise discretion in relation to this TPS6 provision on the basis of a health related condition (rheumatoid arthritis) of the owner / occupier of this property. The applicant has stated that providing steps within the house will result in movement difficulties for the individual. Having a constant floor level within the house will be beneficial from the health point of view.

Noting that the higher finished floor at the rear will not affect the streetscape; design measures can be taken to ensure that a higher finished floor level does not affect the amenity of the adjoining property owners in any manner; and in view of the amenity of the residents of the subject dwelling, it is recommended that the Council exercises discretion and approves the proposed finished floor level.

(d) Visual privacy

The finish floor level of 7.66 metres AHD of the rear alfresco results in an overlooking issue which does not meet with the Acceptable Development provisions contained within Clause 3.8.1 “Visual Privacy” A1 of the R-Codes. The clause requires an unenclosed outdoor active habitable spaces to be setback 7.5 metres from the property boundary.

The applicant is requesting Council to exercise discretion under the Performance Criteria set out in Clause 3.8.1 “Visual Privacy” P1 of the Residential Design Codes 2002 with respect to the overlooking from the proposed rear alfresco area.

The associated Performance Criteria states as follows:

“Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *the positioning of windows to habitable rooms on the development site and the adjoining property;*
- *the provision of effective screening; and*
- *the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.”*

The proposed alfresco at the rear of the existing Single House does not satisfy the associated Performance Criteria. In view of the recommendation to approve the proposed finished floor level which is higher than permitted by TPS6 considering the amenity of the residents of the dwelling, it is recommended that compliance with this requirement of the R-Codes be upheld and the applicant be advised to ensure visual privacy of the adjoining property. Please note that the owners of the adjoining property, who are not the occupiers, have provided a letter of consent with regards to overlooking.

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

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

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

The proposed development is considered to meet this overriding objective. The proposal has also been assessed under, and has been found to meet, the following relevant general objectives listed in Clause 1.6(2) of TPS6:

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.*

(f) 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 list of 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;*
- (x) *any other planning considerations which the Council considers relevant.*

(g) Conclusion

In conclusion, having regard to the City's Town Planning Scheme and Policy objectives and provisions, the proposed garage and additions to the rear of the existing Single House are considered to be inconsistent with Policy P376_T "Residential Boundary Walls", Clause 6.10 "Maximum Ground and Floor Levels" of Town Planning Scheme No. 6 and Clause 3.8.1 "Visual Privacy of the Residential Design Codes of Western Australia 2002. However, Council discretion is sought with respect to the proposed finished floor level.

Consultation

Neighbour Consultation

Neighbour consultation has been undertaken for this proposal for the proposed boundary wall on the right side of the development site to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners and occupiers of the property at No. 39 Hope Avenue were invited to inspect the application and to submit comments during a 14-day period. During the advertising period no submissions were received in relation to the proposed development. However, the adjoining property owner has submitted a letter of consent to the proposed boundary wall.

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.*

OFFICER RECOMMENDATION ITEM 10.3.9

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the addition of a garage in the front setback area and additions to the rear of the existing Single House on Lot 51 (No. 41) Hope Avenue, Salter Point **be refused** for the following reasons:

- (a) The proposal is in conflict with Policy P376_T "Residential Boundary Walls", which requires the proposed boundary wall of the Garage on the west side boundary to be setback 6.0 metres from the front boundary.
- (b) The proposal is in conflict with Clause 3.8.1 "Visual Privacy" A1 of the Residential Design Codes 2002, which requires an unenclosed outdoor active habitable areas to be setback 7.5 metres.

Standard Important Footnotes

- (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.
- (b) There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation. The officer recommendation Lapsed.

MOTION

Moved Cr Ozsdolay, Sec Cr Jamieson

That.....

- (a) the officer recommendation not be adopted.
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the addition of a garage in the front setback area and additions to the rear of the existing Single House on Lot 51 (No. 41) Hope Avenue, Salter Point **be approved** subject to the following conditions:

(i) **Standard Conditions**

340, 425, 455, 470, 471, 625, 660.

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

(ii) **Specific Conditions**

- (a) In relation to the rear alfresco area, revised drawings shall be submitted, showing details of permanent screening to prevent overlooking of the adjoining property within the cone of vision.

(iii) **Standard Advice Notes**

647, 648, 649A, 650

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

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- respect officers recommendation in line with policy
- precedent in the street for a 4.5m setback for the garage/boundary wall
- visual privacy issue can be adequately addressed by screening
- neighbours have provided their consent
- acknowledge levels of building because of medical condition
- support development proposed

Cr Jamieson for the Motion

- issues raised by officer correct
- now use judgement and approve proposal
- health-related condition in particular important consideration
- support the Motion

COUNCIL DECISION ITEM 10.3.9

The Mayor put the Motion

That.....

- (a) the officer recommendation not be adopted.
- (b) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for the addition of a garage in the front setback area and additions to the rear of the existing Single House on Lot 51 (No. 41) Hope Avenue, Salter Point **be approved** subject to the following conditions:

(i) **Standard Conditions**

340, 425, 455, 470, 471, 625, 660.

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

(ii) **Specific Conditions**

- (a) In relation to the rear alfresco area, revised drawings shall be submitted, showing details of permanent screening to prevent overlooking of the adjoining property within the cone of vision.

(iii) **Standard Advice Notes**

647, 648, 649A, 650

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

CARRIED (11/0)

Reasons for Change

1. There is precedent in the street and close proximity for a 4.5m setback for the garage/boundary wall and the alternative offered by the officers is not acceptable in that it would block windows to two bedrooms. Neighbours have indicated support.
2. The visual privacy issue can be adequately addressed by screening and the neighbours have provided their consent.

Note: Strategic Urban Planning Adviser retired from the meeting at 9.00pm.

10.4 GOAL 4: INFRASTRUCTURE

10.4.1 Tender 24/2007 - Provision of Cleaning Services for Community and Administration Facilities, Public Toilets and Barbecues

Location: City of South Perth
Applicant: Council
File Ref: Tender 24/2007
Date: 8 August 2007
Author: Gil Masters, Building Assets Coordinator
Reporting Officer: Glen Flood, Director Infrastructure Services

Summary

Tenders were invited and have been received for Tender 24/2007 - Provision of Cleaning Services for Community and Administration Facilities, Public Toilets and Barbecues. The tender is for the period 1 September 2007 to 31 August 2008, with an option to renew for a further 12 months.

This report outlines the assessment process and recommends the preferred tenderer.

Background

Following a review of the standard and delivery of the City’s cleaning service in September 2003; the decision was taken to no longer employ staff to carry out most cleaning duties. The work was contracted to organisations suitably qualified in the cleaning industry. The renewal of the City’s cleaning contract is now due.

The contract has been divided into four groups to reflect their different characteristics. The City also requested a price to separately service recycling bins under desks (Group 5). The groups are:

- Group 1 Community Facilities
- Group 2 Administration Facilities
- Group 3 Toilets
- Group 4 Barbecues
- Group 5 Special Cleans - Operation Centre

The tender was written to enable the City to choose the same contractor for all of the groups or utilise more than one contractor within any of the categories, if necessary to achieve a better outcome for the City.

Under each of these groups, prices were requested for the following:

- Normal cleans;
- Post function cleans;
- Special purpose cleans (floor stripping, carpet cleaning, etc, following Skyshow, and Red Bull air race)

Tenders were called in July 2007 and during the advertised period eleven sets of tender documents were distributed... At the closing date only one tender was received. This was from the existing contractor, Lists Cleaning Services.

Comment

Evaluation of tenders was based on the following criteria:

1.	Demonstrated ability to perform on time and in accordance with designated time schedules	20%
2.	Works record and experience	10%
3.	Satisfactory resources to complete works	10%
4.	Industrial relations and safety record	5%
5.	Demonstrated sustainability initiatives	5%
6.	Price	50%

The Tender submitted by Lists Cleaning Services complies with all of the Schedules detailed in Part 3 - Schedules of the tender documents. Each company’s price submission and response to the criteria was next incorporated into the Selection Criteria matrix. The total score appears below.

Lists Cleaning Services
8.65

The report of the tender review panel is available as **Attachment 10.4.1.**

Although Lists Cleaning Services was the only tenderer the criteria was applied to all values to ensure that the company has made a suitable submission. The tender achieved an adequate score based on the criteria assessment and is therefore recommended.

Lists Cleaning Services is the City's current Contractor for all of the cleaning works since 2005, although it has carried out works in selected areas over the past eleven years within the City. The company has carried out the work in an effective, serviceable and acceptable manner without providing exceptional service. There are areas which have been identified for improvement and the City will be working with the contractor (if approved) to ensure the City's standards are achieved.

As this is a schedule of rates tender an estimated price implication of the contract to the City can be made. The price (\$580,162) is a 38% increase over the previous contract. It should be noted however that during the period of the previous contract (since June 2005) the only increase charged was for cost of materials.

The cleaning industry over the past two years has experienced shortages of labour resulting in associated increases in labour costs of up to 40%. Other factors that have contributed include:

- Use of biodegradable and recycled products;
- Increase in the size and configuration of the Civic Centre Administration Office;
- Additions to the Manning Senior Citizens Centre;
- Extended cleaning area at the South Perth Leisure Centre (ex Fun Factory);
- Increase in configuration to the Operations Centre;
- Additions to the Moresby Street Hall;
- Significant increase in cleaning materials (paper, tissues etc); and
- A significant increase contractor labour costs.

To incorporate Group 5 *Special Cleans - Operation Centre* into the contract was priced as an additional \$52,000 to the contract. It was not considered to be financially viable and as a result will not be engaged and an alternative means to recycling will be considered.

In addition, it has been estimated that one fifth of the estimated tender value is for post function cleaning. The City will be reviewing its cleaning needs in this area to minimise the 'number of cleans' in certain City buildings.

Consultation

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

Internal consultation will be held to review the extent of some aspects of cleaning and in particular, post function cleaning.

Policy and Legislative Implications

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

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

Financial Implications

This is a schedule of rates tender however an estimated price for the work based on what is required is \$580,162.

Funding is based on allocations in the City's annual maintenance budgets across administrative, community, parks, buildings and special events.

Strategic Implications

Goal 4 - Infrastructure *“To sustainably manage, enhance and maintain the City’s infrastructure assets”*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1
--

Moved Cr Gleeson, Sec Cr Maddaford

That the tender of Tangata Pty Ltd trading as Lists Cleaning Services for Groups 1 to 4, having an estimated contract value of \$580,162 for an initial period of twelve months from 1 September 2007 to 31 August 2008, with an option to renew for a further 12 months be accepted.

CARRIED (11/0)

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

10.5.1 Applications for Planning Approval Determined Under Delegated Authority.
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Location:	City of South Perth
Applicant:	Council
File Ref:	Not applicable
Date:	7 August 2007
Author:	Rajiv Kapur, Acting Manager, Development Assessment
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of July 2007.

Background

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

“That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the.....”

(b) exercise of Delegated Authority from Development Services under Town Planning Scheme No. 6, as currently provided in the Councillor’s Bulletin.”

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

Comment

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

Consultation

During the month of July 2007, thirty eight (38) development applications were determined under delegated authority. **Attachment 10.5.1** refers.

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

The report is aligned to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1
--

That the report and **Attachment 10.5.1** relating to delegated determination of applications for planning approval during the month of July 2007, be received.

CARRIED EN BLOC RESOLUTION

10.5.2 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
Date:	3 August 2007
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

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

Background

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

Comment

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

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

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

Register

Extracts from the Register for the month of July appears below.

Nature of document	Parties	Date Seal Affixed
M o U (Exchange of Information & Tasking)	CoSP & Western Australia Police	2 July 2007
Deed of Agreement to Enter CPV Lease	CoSP & Nikkita Johnston	10 July 2007
Registration of CPV Lease	CoSP & Nikkita Johnston	10 July 2007
CPV Lease	CoSP & Nikkita Johnston	10 July 2007
Deed of Agreement to Enter CPV Lease	CoSP & Beryl Gregory	17 July 2007
Registration of CPV Lease	CoSP & Beryl Gregory	17 July 2007
CPV Lease	CoSP & Beryl Gregory	17 July 2007

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City's Standing Orders Local Law 2002 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

The report aligns to Goal 5 "Organisational Effectiveness" within the Council's Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2
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That the report on the use of the 'Common Seal' for the month of July 2007 be received.

CARRIED EN BLOC RESOLUTION

10.5.3	Mayoral Portraits Policy
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Location:	City of South Perth
Applicant:	Council
File Ref:	N/A
Date:	15 August 2007
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to consider adopting a Policy in relation to Mayoral Portraits.

Background

At the July 2007 Ordinary Council Meeting, at Item 12.2 the following resolution was adopted:

That....

- (a) *the Mayoral Portrait painting of Suzanne Pierce be modified as follows:*
 - (i) *Fix the year on the Local Government Act reference to be 1995; and*
 - (ii) *Remove the words that follow the wavy curve above the head of Ms Pierce;*
and
- (b) *the painting to be hung alongside other Mayoral Portraits between the door to the Councillors' Lounge and the Mayor's Office.*

Comment

During the debate on Item 12.2 of the July Council meeting minor modifications were approved to be carried out on the Mayoral Portrait of Suzanne Pierce in order that it better align with other existing Mayoral Portraits. As a result of the discussion on the item, it was generally agreed (although not formally resolved) that a policy in relation to future Mayoral Portraits would be beneficial. As a consequence a draft policy has been prepared which stipulates guidelines for future Mayoral Portraits commissioned addressing a criteria for the actual artwork and detailing the format for an appropriate unveiling ceremony. **Attachment 10.5.3** refers.

Consultation

This matter was discussed by Members at Item 12.2 of the July 2007 Council meeting.

Policy and Legislative Implications

Draft policy submitted for Council consideration.

Financial Implications

Costs for the portrait must not exceed \$5,000, excluding framing and installation of portrait.

Strategic Implications

The report aligns to Goal 5 “Organisational Effectiveness” within the Council’s Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION ITEM 10.5.3

That Policy P512 “Mayoral Portraits” be adopted.

MOTION

Cr Gleeson moved the officer recommendation, Sec Cr Ozsdolay

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Gleeson opening for the Motion

- not here when Council approved Mayor Pierce portrait
- concerns at time that it was on the Agenda - considered inappropriate
- endorse policy to set guidelines for future Mayoral portraits

Cr Ozsdolay for the Motion

- thank CEO for the haste in which he has moved on this
- support policy before us

Cr Jamieson point of clarification - why did this policy come to Council rather than going to the Audit and Governance Committee first.

Chief Executive Officer said that the Administration took the view that because this matter was the subject of a Notice of Motion at a previous Council meeting and given that the painting of former Mayor Pierce was hung at the time and the subject familiar to all Councillors, decided on this occasion to ‘fast track’ the policy process in order to proceed quickly towards the unveiling ceremony.

AMENDMENT

Moved Cr Jamieson, Sec Cr Best

That the draft Policy P512 be amended as follows:

- the commissioning of the portrait take place after the conclusion of the term of office
- hung at an unveiling ceremony befitting the status of the office of -Mayor once his or her term has ended.
- dimensions of portrait be reflected in centimetres
- background not to include any text messages etc
- cost reflect CPI index
- Invited guests to Unveiling Ceremony to also include previous Members of Council that served during the Mayor’s term of office

Cr Best for the Amendment

- seconded as believe it will be a consistent approach on how portraits are done
- policy makes us accountable to ratepayers
- support policy

Cr Maddaford against the Amendment

- offensive in relation to background not including ‘text’
- this is raking up old issues
- should be moving forward
- against Amendment

Mayor Collins for the Policy / Against Amendment

- do not support portrait being commissioned following conclusion of term of office
- see this as detrimental - Mayor deserves a portrait during term of office
- disadvantages to ‘image’ of Mayor to have to wait until term ends

Cr Smith for the Amendment

- do not agree having portrait done during term
- cannot pre-empt before term finishes - previous Council suspended
- support policy - sensible to have guidelines

Cr Ozsdolay against the Amendment

- out of the 6 points for amendment agree with 5
- see no purpose to not commission portrait during term

Cr Jamieson closing for the Motion

- text message statement previously made - needs to be included in policy
- set direction previously
- commissioning portrait - accept points raised but believe as matter of principle painting should not be done while Mayor in office

The Mayor put the Amendment.

CARRIED (8/3)

COUNCIL DECISION ITEM 10.5.3

The Mayor put the Amended Motion

That Policy P512 “Mayoral Portraits” amended to include:

- the commissioning of the portrait take place after the conclusion of the term of office
- hung at an unveiling ceremony befitting the status of the office of Mayor once his or her term has ended.
- dimensions of portrait be reflected in centimetres
- background not to include any text messages etc
- cost reflect CPI index
- Invited guests to Unveiling Ceremony to also include previous Members of Council that served during the Mayor’s term of office

be adopted.

CARRIED (11/0)

Reason for change

Policy amended to reflect:

- the commissioning of the portrait take place after the conclusion of the term of office
- hung at an unveiling ceremony befitting the status of the office of Mayor once his or her term has ended.
- dimensions of portrait be reflected in centimetres
- background not to include any text messages etc
- cost reflect CPI index
- Invited guests to Unveiling Ceremony to also include *previous Members of Council that served during the Mayor’s term of office*

10.5.4	Inquiry into City of South Perth 2007 - Appointment of Mediator
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Location: City of South Perth
Applicant: Council
File Ref: N/A
Date: 3 August 2007
Author: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to appoint a mediator in response to Recommendation 1 of the Inquiry into City of South Perth 2007 Report.

Background

On 20 June 2006, the Director-General of the Department of Local Government and Regional Development authorised an Inquiry into the City of South Perth pursuant to section 8.3(2) of the *Local Government Act* (the Act) to inquire into and report on matters concerning the City.

Following completion of the inquiry, the Authorised Person prepared a report on the outcome of the inquiry which upon being tabled in State Parliament was forwarded to the City and subsequently made publicly available. The Report made 15 Findings and 7 Recommendations.

Recommendation 1 of the report is as follows:

- RI. Council appoint a professional mediator to moderate the relationship conflicts between elected members and the Administration, and that:**
- (a) The mediator be appointed from a list of suitable persons approved of by the Department of Local Government and Regional Development;**
 - (b) The mediator report monthly to the Department of Local Government and Regional Development on an agreed basis; and**
 - (c) The cost of the mediation be borne by the City of South Perth.**

In relation to recommendation 1(a) above, Council resolved at its Ordinary Meeting held on 22 May 2007 to compile a list of mediators drawn from LEADR, Institute of Arbitrators and Mediators Australia, WA Chapter (IAMA), and WALGA for inclusion in a list to be presented to the Department for its approval.

The specific Council resolution is as follows:

That.....

- (a) Council notes the limited time period of 60 days from 10 May 2007 which is available to the Council to satisfy the Department for Local Government and Regional Development that it is addressing the recommendations of the South Perth Inquiry Report; and**
- (b) in order to facilitate the mediation process contemplated in the Inquiry Report:**
 - (i) the Council compiles a list of two (2) mediators/facilitators from each of the following (to total 6 in all) by inviting :**
 - LEADR**
 - Institute of Arbitrators and Mediators Australia WA Chapter; and**
 - WALGA****to nominate individuals and to include appropriate information as to fees;**
 - (ii) the list to be presented to the Department for Local Government and Regional Development for its endorsement and adoption; and**
 - (iii) final selection of the agreed mediator/facilitator from the list of nominees to be carried out by the Council as soon as practicable.**

The Department of Local Government and Regional Development has advised that the monitoring and need for mediation will continue past the October 2007 elections. On this basis, it is assumed that the mediator's services will be required for a period of at least 8 months to April 2008 .

At the Special Council Meeting held 6 June 2007 at Item 6.2 "Response to Report Inquiry" Council resolved as follows in relation to Recommendation 1 of the Inquiry Report:

- 1. Council agrees to adopt Recommendation R1 and resolves to appoint a professional mediator to moderate the relationship conflicts between elected members and each other and between elected members and the Administration, in accordance with the terms of Recommendation R1.***

Each of the three nominated organisations was subsequently invited to recommend the names of mediators each considered to be suitable for the assignment described in Recommendation 1.

LEADR provided seven names, IAMA provided four names and WALGA provided three names.

Each person recommended was then contacted and invited to respond with a profile of their qualifications and experience (including with local government) and an estimate of their fees. Responses were received from all but one of the prospective mediators and this information was made available for Councillors' perusal.

A number of prospective mediators were unavailable (and one declined due to a possible conflict of interest). From amongst the remaining eight, the Administration short-listed three mediators for Council's consideration. This short-list was compiled on the basis of an assessment of the following criteria:

- Suitability of qualifications and professional experience;
- Level of mediation accreditation (advanced or standard);
- Length of experience as a mediator;
- Knowledge of and experience in dealing with local government;
- Cost.

A further report was presented to the Special Council Meeting held 10 July 2007 on the progress of implementing the Recommendations of the Inquiry Report. At that meeting in relation to Recommendation 1, Council resolved as follows:

That Council request the Chief Executive Officer to invite (and arrange for) each person short-listed to give a presentation to Council on how that person would conduct the mediation.

Following the Council meeting on 10 July 2007, a formal response was provided to the Minister for Local Government. The letter was dated 13 July, but handed to the Minister on 16 July, the day that the 60 day time limit expired. The Minister, by letter dated 20 July 2007 agreed with Council's response to the Inquiry Report Recommendations, and in particular to Recommendation 1, approved the short-list of prospective mediators.

As a consequence the three short-listed mediators were contacted and interviews were arranged for Wednesday 8 August 2007.

Comment

Unfortunately one of the three short-listed mediators was unable to attend the presentation. However the other two prospective mediators presented a comprehensive outline of the manner in which each would go about conducting the mediation. Councillors and officers who attended were able to question each mediator at length and as a result were able to satisfy themselves about the relative merits of each mediator and the approach which each would adopt. At the conclusion of the presentations, the presiding member sought feedback from each participant and an indication of each participant's preferred candidate.

In the result, there was a significant degree of consensus amongst all participants concerning their responses to the presentations of each mediator and complete unanimity in the final selection of the preferred candidate.

Consultation

The Minister was advised and approved the short list of Mediators.

Policy and Legislative Implications

Nil.

Financial Implications

There will be significant financial implications for the City in implementing Recommendation 1. The recommendation does not have a 'sunset' date and will therefore apply until the Minister is satisfied that deficiencies described in the Report are rectified. Mediation will be required after the October 2007 elections. Provision of \$40,000 has been made available in the 2007/08 budget for this purpose.

Strategic Implications

The report aligns to Goal 5 "Organisational Effectiveness" within the Council's Strategic Plan. Goal 5 is expressed in the following terms: *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.4
--

That Council request the Chief Executive Officer to engage Mr Graham Castledine as the professional mediator to moderate the relationship conflicts between Elected Members and between Elected Members and the Administration in accordance with Recommendation 1 of the 2007 Department of Local Government Inquiry Report into the City of South Perth.

CARRIED EN BLOC RESOLUTION

10.5.5 Local Government Sustainable Development Conference - Melbourne, Victoria

Location:	Melbourne Victoria
Applicant:	City of South Perth
File Ref:	HR/ST/3
Author:	Mark Taylor, Manager City Environment
Reporting Officer	Glen Flood, Director Infrastructure Services

Summary

To give consideration to Councillor attendance at the Environs Australia Annual National Local Government Sustainable Development Conference to be held in Melbourne, Victoria from 11 to 12 September 2007.

Background

Environs Australia was formed in 1989 and has been at the forefront of sustainability in Australia since then. Environs are a network of members interested in promoting sustainable development through local action, primarily in the local government sector. The strength of the network lies in its members sharing their knowledge, learning and success to build sustainability at a local scale. Every year, Environs Australia holds a National Conference to provide a networking forum at which attendees can keep abreast of emerging trends and industry best practices. These conferences attract delegates and presenters from all around Australia.

Comment

This year's conference will be held at the Hilton on the Park Hotel, Melbourne and promises an excellent program of events with 32 presentations and papers from experienced practitioners from across Australia.

The conference has been divided into 7 sessions:

- Reducing the Carbon Footprint of Local Government;
- Working together to achieve World Best Practice in Emissions Reductions;
- Local action on Climate Change;
- Mobilising and engaging the Local Community;
- Water planning;
- Built environment initiatives;
- Waste initiatives.

The benefits of attending such a conference are as follows:

Networking with peers;

- Discuss the latest trends;
- Build professional bridges to the future;
- Get the latest word on emerging issues;
- Put professional challenges in perspective;
- Take home the best ideas and innovations;
- Pick and choose from a variety of practical tips;
- Learn about latest technological improvements;
- Talk shop with people who understand your problems;
- Visit the comprehensive exhibition of new products and services.

Further details of the conference program can be found in **Attachment 10.5.6** and is also accessible on the following website:

<http://www.halledit.com.au/conferences/sustainability/2007>

The Manager City Environment has been invited to co-present a paper at the conference on a project the City is currently working on with a consultancy firm (Planet Footprint) to develop an energy, water, fuel and waste performance reporting program. This information will soon reside on the City's sustainability website and be able to reported regularly to Council.

The attendance of the City's Manager City Environment at this Conference has been endorsed by the Chief Executive Officer and therefore the opportunity exists for Councillors to accompany him to this Conference to gain a greater understanding of current issues in local government sustainability. Given the myriad of papers and presentation streams, an accompanying Elected Member would enable greater coverage of the presentations and maximise the benefit of the City's attendance at this prominent local government industry event.

Councillor Bill Gleeson has already indicated his interest in attending this conference following circulation of conference information via the Councillor Bulletin.

Consultation

The Chief Executive Officer urges Councillor attendance because of the growing community interest in sustainability and the City's efforts to meet that interest. The City has adopted a Sustainability Strategy and Management System and it is important that Councillors are kept up to date with the current issues facing Local Government. The Environs Australia Annual National Local Government Sustainable Development Conference provides a very good forum for this.

Policy and Legislative Implications

This action is consistent with City Policy P513. Policy P513 requires that:

- where a member proposes to travel interstate in the course of their duties they must obtain the approval of the Council prior to travelling; and
- where an officer proposes to travel interstate in the course of their duties they must obtain the approval of the Chief Executive Officer in writing prior to travelling.

Financial Implications

The total estimated cost of Elected Member attendance including registration, awards dinner, airfares, accommodation and meals is approximately \$2,300 (Note: this cost is based on economy airfares).

Funding for Elected Member attendance can be accommodated within the current budget.

Strategic Implications

It is important that Elected Members be provided with the opportunity to participate in National Conferences to keep abreast of emerging trends and best practices.

This report is consistent with Goal 5 Organisational Effectiveness of the City's Strategic Plan: *'To be a professional , effective and efficient organisation'* and compliments the areas relating to Goal 2 Community Enrichment and Goal 3 Environmental Management of the Strategic Plan.

OFFICER RECOMMENDATION ITEM 10.5.5

That Council approve the attendance of the following Elected Member(s) at the "Environs Australia Annual National Local Government Sustainable Development Conference" to be held in Melbourne, Victoria from 11 to 12 September 2007 at an estimated cost of \$2,300 per person.

SUBMISSION

The Mayor referred Members to additional information from Cr Gleeson, tabled prior to the commencement of the meeting, supporting his attendance at the conference.

MOTION

Moved Cr Ozsdolay, Sec Cr Gleeson

That Council approve the attendance of Cr Gleeson at the "Environs Australia Annual National Local Government Sustainable Development Conference" to be held in Melbourne, Victoria from 11 to 12 September 2007 at an estimated cost of \$2,300 per person.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- attending conferences part of Councillor development
- read Cr Gleeson's supporting submission
- believe he is committed to environmental/sustainability issues
- support his attendance at the conference

Cr Gleeson for the Motion

- have a great interest in sustainability
- refer supporting memo - have grown trees for planting in bush
- support the City's sustainability program
- believe attendance will be beneficial

COUNCIL DECISION ITEM 10.5.5

The Mayor put the Motion

That Council approve the attendance of Cr Gleeson at the "Environs Australia Annual National Local Government Sustainable Development Conference" to be held in Melbourne, Victoria from 11 to 12 September 2007 at an estimated cost of \$2,300 per person.

LOST (3/8)

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - July 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 19 August 2007
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

Monthly management account summaries compiled according to the major functional classifications compare actual performance against budget expectations. These are presented to Council with comment 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 considered the most suitable format to monitor progress against the budget. The information provided to Council is a summary of the detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This also reflects the structure of the budget information provided to Council and published in the Annual Budget.

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

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 being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns. This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews. Other than for July, 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 2006/2007 Adopted Budget and the 2006/2007 Amended Budget including the introduction of the capital expenditure items carried forward from 2006/2007.

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

Comment

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - Not supplied for July as no changes have occurred.

Operating Revenue to 31 July 2007 is \$23.88M which represents 100% of the \$23.85M year to date budget. The main factors contributing to this favourable variance include a better than expected rates revenue performance (due to late notification of revised GRVs from the Valuer General's Office), higher RCS subsidies being earned at the Collier Park Hostel (although these come with an additional cost burden as well) and better than anticipated investment revenue due to higher volumes of cash being held for carry forward works.

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

Operating Expenditure to 31 July 2007 is \$1.98M which represents 89% of the year to date budget of \$2.21M. Operating Expenditure for July is around 9% favourable in the Administration area and about 15% under budget in the Infrastructure Services area.

Most of the favourable variance is regarded as only of a timing nature as only month of the year has expired. During this time, most of the programs for operational and maintenance activities are still being developed. As a consequence a number of apparent timing variances appear on the management accounts - but these are all expected to correct in the next few months as the various programs are rolled out.

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

Capital Revenue is disclosed as \$0.06M at 31 July against a budget of \$0.00M - with revenue from a newly occupied unit at the Collier Park Village and a contribution for parking bay works from the South Perth Church of Christ making up the total at this time.

Capital Expenditure at 31 July is \$0.29M against a year to date budget of \$0.00M. The capital expenditure program is not scheduled to commence until August and these simply represent start up costs at this time.

Details on the variances relating to Capital Revenue and Capital Expenditure items are provided in **Attachment 10.6.1(5)** of this Agenda.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

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 10.6.1
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That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 35.

CARRIED EN BLOC RESOLUTION

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 July 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	18 August 2007
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

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

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

Background

Effective cash management is an integral part of proper business management. Responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as 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 \$23.19M compare very favourably to \$21.06M at the equivalent stage of last year. This is primarily due to funds associated with carry forward works being held as investments until needed later in the year. The City has also had a solid start to the rates collections period with collections only slightly below last year's excellent result so far.

The net cash position is improved relative to July 2006 with monies brought into the year and our subsequent cash collections being invested in secure financial instruments to generate interest until those monies are required to fund operations or projects later in the year. Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$5.06M (compared to \$4.10M in 2006/2007). **Attachment 10.6.2(1).**

(b) Investments

Total investment in short term money market instruments at month end is \$22.59M compared to \$20.72M last year. As discussed above, the difference relates to improved cash collections and delayed outflows for capital projects.

Funds held are responsibly spread across various institutions to diversify risk as shown in **Attachment 10.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$0.13M, which is significantly up from \$0.11M at the same time last year. This is attributable to higher cash holdings, higher interest rates accessed and timely, effective treasury management.

The average rate of return for the year to date is 6.52% with the anticipated yield on investments yet to mature currently at 6.56% - reflecting astute selection of investments after carefully considering our cash flow management needs. 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 same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of July 2007 (before any due dates for regular rates instalments) represent 8.96% of total rates levied compared to 9.40% at the equivalent stage of the previous year. It is difficult to accurately compare collections until after the first rates due date on 27 August - however, it is believed that the rating strategy and communication strategy used for the 2007/2008 rates strike should establish a good foundation for successful rates collections.

The range of appropriate, convenient and user friendly payment methods offered by the City, combined with the early payment incentive scheme (generously sponsored by local businesses), should also have a very positive impact on initial rates collections.

General debtors stand at \$1.04M at 31 July 2007 compared to \$1.95M at the same time last year. Most debtor categories are lower than at this time last year - most notably Sundry Debtors and Balance Date Debtors that are favourably impacted this year by not including the large outstanding balances for vehicle trade-ins or grant funds that existed at this time last year.

Consultation

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

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. The provisions of Local Government (Financial Management) Regulation 19 are also relevant to the content of this report.

Financial Implications

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

Strategic Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.2**

That the 31 July 2007 Statement of Funds, Investment and Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Warrant of Payments Listing

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 17 August 2007
Authors: Michael J Kent and Deborah M Gray
Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid by the CEO under delegated authority (Delegation DC602) between 1 July 2007 and 31 July 2007 is presented for information to the August 2007 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 purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's Auditors each year during the conduct of the Annual Audit. 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 and the transaction recorded in the City's financial records.

Comment

A list of payments made since the last list was presented is prepared and is 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 financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

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'*.

Note: Cr Gleeson left the Chamber at 9.12pm
Senior Planning Officer, R Kapur retired at 9.12pm

Cr Gleeson returned to the Chamber at 9.16pm

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3
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Moved Cr Cala, Sec Cr Doherty

That the Warrant of Payments for the month of July 2007 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED (9/2)

NOTE: CRS BEST AND JAMIESON REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

Note: Manager Development Assessment retired from the meeting at 9.32pm

MEETING ADJOURNED

Moved Cr Hearne, Sec Cr Cala

That the meeting be adjourned at 9.33pm to allow for a 10 minute break.

CARRIED (11/0)

MEETING RESUMED

Moved Cr Doherty, Sec Cr Cala

That the meeting be resumed at 9.46pm

CARRIED (11/0)

Note: All those present before the adjournment returned to the Chamber.

10.6.4 End of Year Financial Management Accounts - June 2007.
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	18 August 2007
Author / Reporting Officer:	Michael J Kent Director Financial & Information Services

Summary

Management account summaries comparing actual performance against budget expectations for the 20065/2007 year are presented for Council review. Comments are provided on the significant financial variances disclosed therein.

Background

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

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

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 lesser variances where it believes this helps discharge accountability.

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

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 2006/2007 Adopted Budget and the 2006/2007 Amended Budget including the introduction of the capital expenditure items carried forward from 2005/2006.

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

Comment

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

- Balance Sheet - **Attachments 10.6.4(1)(A) and 10.6.4(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(6)**

Operating Items

Operating Revenue to 30 June 2007 is \$31.98M which represents 100% of the Annual Budget. Revenue for the Directorate of Corporate & Community Services is 1% (\$53,139) above the budget target - largely as a result of receipt of a government grant to support the employment of a recreation / sporting club development officer (a position shared with the Town of Victoria Park). The Directorate of Financial & Information Services exceeded their revenue budget by 1% (\$194,134) due to a better than expected performance on interim rates (extra \$51,018) and by achieving much better investment returns due to the higher cash holdings and higher interest rates (additional \$110,718). The Strategic & Regulatory Directorate finished the year 1% (\$36,667) behind budget. Despite the receipt of a \$50,000 grant for precinct studies and small over budget successes in planning and building. The overall result was negative because of a weaker than expected performance on parking infringements, transfer station entry fees and the state government ceasing to pay the rubbish recycling levy.

Infrastructure Services concluded the year 5% (\$42,767) below budget expectations - although this was due to certain plant items not having been traded at 30 June rather than any failure to achieve revenue targets. The directorate also benefited from a donation of funds to be used to support environmental maintenance initiatives in 2007/2008.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5)**.

Operating Expenditure to 30 June 2007 is \$29.77M which represents 99% of the Total Budget. The costs within the Chief Executive's Office were 7% (\$57,439) under budget overall - mostly due to the carrying amounts of vehicles awaiting trade in not having been recognised in the accounts at 30 June. These proceeds and carrying amounts will be recognised early in 2007/2008 after the vehicles are traded. Expenditure on training was also under budget at year end. The Directorate of Corporate & Community Services finished the year 1% (\$83,240) below budget for operating expenses. Again this was largely attributable to a vehicle carrying amount not yet being recognised in the accounts at year end - although an extended period of approved staff leave was also a significant contributor to the favourable variance. Most other costs in the directorate were close to budget expectations.

Operating Expenditure of the Financial and Information Services area (after allocations outwards) is reported as 5% (\$156,377) below budget. Almost 80% of this relates to a \$125,000 saving on interest costs due to borrowings associated with the UGP project not proceeding (due to Western Power's inability to deliver the program during 2006/2007). The remainder reflects savings from an extended staff vacancy in the area during the year and the cumulative impact of a number of small favourable variances. Information Services, Customer Services and Libraries were all very close to budget expectations at year end.

Operating Expenses in the Strategic & Regulatory Directorate were 4% (or \$283,497) favourable at year end. A major contributor to this outcome was Planning was 9% under the budget largely due to an inability to attract planners for substantial portions of the year - although these vacancies have since been filled. Building Services finished 2% over the year some 11% under budget due to similar difficulties in securing qualified building surveyors. Health Services concluded the year 4% under budget primarily due to unexpended funds on staff costs, ground maintenance and transport costs associated with the Transfer Station. Rangers were also some 6% under budget at year end with the biggest component of this favourable variance being the carrying amount of a vehicle awaiting trade in not having been recognised in the accounts at 30 June.

Infrastructure Services finished the year within 2% (\$260,948) over its Operating Expense budget. Within this overall result were a number of offsetting variances. The Engineering Infrastructure arm of the Infrastructure Services Directorate ended the year on budget with only a few small offsetting variances on maintenance activities and a slight under recovery of overheads.

The City Environment area finished the year 6% unfavourable overall - although all but two areas were close to budget at year end. The cost of maintaining parks and reserves was just 3% over budget - this was primarily due to additional restoration costs on Sir James Mitchell Park after events. Streetscape maintenance was 6 % over budget because the service level provided was beyond the allocated budget. The other major contributor was an under recovery of overheads as explained in the Schedule of Significant Variances.

Comment on specific variances contributing to these differences may be found in the Schedule of Significant Variances. **Attachment 10.6.4(5).**

Employee Costs

Salary and associated costs for the year include superannuation and amounts transferred to provisions for statutory employee entitlements such as annual and long service leave. These totalled \$11.43M against a budget of \$12.12M - a favourable variance of 5.6% reflecting the difficult challenge the City has faced in maintaining service levels in a labour market where it is very difficult to fill vacant positions. Employee entitlements mentioned above (annual & long service leave) are fully cash-backed as part of responsible financial management practice.

Staff costs within the Chief Executive's Office - which includes the Human Resources area were 3.2% under budget at year end. Staff costs for Corporate & Community Services were 4.2% under budget overall. Directorate support was favourable due to an approved but extended leave period for a senior officer. Community Culture & Recreation was 5.5% under budget due to vacancies and staff turnover during the year. Collier Park Golf Course experienced several vacancies during the year as workers were attracted to other 'boom industries' such as resources and construction - resulting in a 4.6% favourable variance on staff costs. Total staff costs the Collier Park Retirement Complex were right on budget at year end.

The Financial and Information Services area was 2.5% under-budget with most areas very close to budget. Customer Focus was slightly over budget due to its decision to resource some projects for other staff areas during the year. Information Technology was on budget at year end. Financial Services provided an offsetting favourable variance due to a vacant position for a significant portion of the year - although service delivery in the area was not compromised with all targets still being met. Libraries were also within 1% of budget target for staff costs.

Staff costs in the Strategic and Regulatory Services Directorate were 10.2% under-budget at year end. Directorate administration was on budget whilst Planning Services ended the year 14% under budget due to difficulties in attracting. Building Services was also more than 20% under budget due to similar circumstances. Health Services was close to budget expectations. The Rangers area reflected a lower cost than was budgeted (2.3% lower) due to staff movements during the year. Waste Management was also on budget at year end.

Infrastructure Services staff costs were 6.6% under budget overall. Directorate Support was 16% under budget at year end due an approved extended absence that was funded from cash backed entitlements rather than the salary cost centre. City Environment salaries finished 6% under budget due to the difficulties in obtaining field staff. The staff costs recorded in the accounts do include all temporary staff costs for the year as well as permanent staff. A portion of the savings relates to not using allocated sums to 'back fill' positions during short term leave. Engineering Infrastructure finished with its salaries expenditure 5.7% under budget for similar reasons to those noted above for the City Environment area.

Capital Items

Capital Revenue of \$1.35M represents 82% of the Total Budget. The most significant factor contributing to this variance is less than expected road grant revenue - some \$128,000 of which is carried forward into 2007/2008 as the related road projects must be completed before the grant funds can be accessed. Revenues from leasing units at the Collier Park Village ended the year within 9% of the full year budget - a better result than was expected in the last budget review.

Capital Expenditure of \$8.06M represents 73% of the Total Budget of \$11.06M. The 2007/2008 Annual Budget flagged potential gross carried forward expenditure of some \$2.48M but following adjustment to reflect actual rather than projected expenditure on the identified works, an amount of \$2.90M is now recommended. Combined with the completed works, this represents 100% of the Total Budget. A detailed report on the Capital Projects and the recommended list of Carried Forward Works is included in Item 10.6.5 of this Agenda. Further comment on variances relating to Capital Items may be found in **Attachment 10.6.4 (5)**.

Borrowings

After the UGP project was removed from the current year budget, no borrowings were planned for the 2006/2007 year. As previously noted, this resulted in a significant interest expense saving.

Balance Sheet

Current Assets at year end are \$25.52M compared to \$24.35M in 2005/2006 - with the major changes being the holding of an additional \$1.8M in cash investments but \$0.6M in receivables Most other current asset categories are very close to previous year comparatives.

Current Liabilities are less than their position at year end last year - being \$4.66M against \$5.35M in 2005/2006. Accounts Payable represent the largest change decreasing by approximately \$0.10M. Provisions for Employee Entitlements (under legislation) have decreased by \$0.02M.

Non Current Assets as at 30 June 2007 are \$185.22M after capitalising infrastructure assets created during the year - and revaluing roads, paths and drains to current replacement value at 30 June 2007. This compares to \$176.08M at this time last year. Even after allowing for the revaluation impact, the value of infrastructure assets was still increased in real terms by City expenditure.

Non Current Liabilities finished the year at \$24.54M - the same as at 30 June 2006. The combined CPV / CPH Leaseholder Liability increased from \$20.92M to \$21.21M in 2006/2007 despite 2 units being vacant at year end. The increase was a consequence of higher market values being paid for the residential units - with the attendant obligation to refund the larger values to departing residents. The resulting increase in leaseholder liability is offset by an increase in Investments associated with the Reserve Fund in which the refundable amounts are quarantined.

Non current loans decreased by approximately \$0.30M (approximately 11% of the loan liability) whilst Non Current Provisions increased.

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' 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 10.6.4
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That

- (a) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.4 (1-4)** be received; and
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.4(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 2006/2007 provided as **Attachments 10.6.4(6)(A) and 10.6.4(B)** be received.

CARRIED EN BLOC RESOLUTION

10.6.5 Capital Projects Review to 30 June 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	FS/FI/1
Date:	18 August 2007
Author / Reporting Officer:	Michael J Kent Director Financial & Information Services

Summary

A schedule of financial performance (supplemented by relevant comments) is provided for all approved Capital Projects at 30 June 2007. The Schedule compares actual financial performance on each project to the budgeted values for those items. Projects for which funding is recommended for carrying forward into the 2006/2007 year are identified and listed on the attached schedule.

Background

The 2006/2007 Budget included Capital Projects totaling \$11.06M of which \$8.06M was expended by 30 June 2007. A further \$2.90M worth of Capital Expenditure (net of \$0.12M of related grant funds) is identified for carry forward into the 2007/2008 year. After allowing for some minor over and under expenditures on specific projects, this represents 100% of the total proposed expenditure for the 2006/2007 year.

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

Comment

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be identified as a Carry Forward item.

During the budget process, a series of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council. Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

The underlying principle is that the final carry forward amount for any individual project can not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects may differ slightly from the amounts published in the adopted budget.

For 2007/2008, the identified Carry Forward Capital Projects total \$2,900,250.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

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 10.6.5
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That...

- (a) the Schedule of Capital Projects supported by officer comments on identified significant variances to 30 June 2007, be received. **Attachments 10.6.5(1) and 10.6.5(2)**; and
- (b) the Schedule of Final Carry Forward Capital items from 2006/2007 into the 2007/2008 Budget as disclosed on **Attachment 10.6.5(3)** is adopted .

CARRIED EN BLOC RESOLUTION

10.6.6 Reporting of Significant Financial Variances
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Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	4 August 2007
Author/Reporting Officer:	Michael J Kent , Director Financial and Information Services

Summary

To comply with the current legislation, every local government is required to annually adopt a 'threshold' (calculated in accordance with the Australian Accounting Standards - AAS5) to guide the reporting of material financial variances in statements of financial activity. The identification and reporting of relevant variances between actual performance and budget expectations is an integral part of effective financial management. This report presents an appropriate materiality threshold and places it in the context of the City's current financial reporting practices.

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format consistent with relevant accounting pronouncements and principles. 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. Clause 5 of this regulation provides that *'Each financial year, a local government is to adopt a percentage or value calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances'*.

Regretfully, because a small number of local governments have not acted in a prudent and financially responsible manner in the past, legislation has become necessary to force those few local governments to exercise responsible management. This then imposes an administrative burden each year on the many responsible Councils and administration teams who already take a responsible approach by requiring them to formally adopt a threshold for reporting variances when that action should simply occur as a matter of course.

Whilst AAS5 - Materiality is no longer an in-force accounting standard, the themes of the former standard are still instructive. Indeed its definition of 'materiality' is reproduced in the AUASB Glossary which notes that 'materiality' decisions necessarily reflect the exercise of professional judgement - but the general principle is that an item may be considered material if its omission, mis-statement or non disclosure has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by management or the governing body of the entity.

Comment

The standard recognises that determining thresholds for materiality is an arbitrary matter influenced by the characteristics of the entity and the users of the financial reports. It suggests that an amount which is greater than 10% of the 'appropriate base amount' can be considered material - and that any amount below 5% of the 'appropriate base amount' is considered immaterial. Professional judgement is required for amounts in between.

Based on a strict minimal compliance approach, this concept of materiality would only apply in the City's case to a few large variances – in some cases from \$20,000 to \$160,000 depending on the particular line item. This is clearly not conducive to an effective or responsible discharge of accountability. The standard provides guidance on whether or not a reporting entity is 'required' to disclose an item as being material – but this does not preclude the entity from voluntarily disclosing variances which, by themselves, may not be determined as being material.

As an organisation which aspires to best practice in financial management, the City should apply a 'relative' materiality concept. That is, relating the variance to the particular line item on the report. Clearly there is no worthwhile purpose in reporting a 15% variance on a \$500 line item but conversely a 10% variance on a \$100,000 item is worth identifying and providing comment on.

The suggested approach would be therefore, to suggest that for line items under \$100,000 any variance on the financial summary schedules of greater than \$5,000 is significant - and should be commented upon. For line items greater than \$100,000 a variance of greater than 5% of the line item value should be identified and reported.

To illustrate the benefits of this dual approach - it would, for example, pick up a \$108,000 expenditure on a \$100,000 line total as well as a \$13,000 expenditure on an \$8,000 line total - but not a \$5,000 variance on a \$400,000 line. Importantly, it would not require reporting of larger percentage, but immaterial dollar amounts, such as a \$2,500 expenditure on a \$2,000 line total - which avoids cluttering the report with many minor items.

It is also very important to recognise that adopting such a threshold sets only a 'minimum compliance standard'. The City can, of its own volition, report on smaller variances where the item is considered, in the professional judgement of the City's accounting staff, to be of interest to the community and Council Members. That is, the City can build on the basic variance reporting requirements to provide information in excess of the statutory requirements.

Indeed, this is consistent with the City's current approach to its monthly reporting of variances. The existing approach is well in excess of the new statutory requirements - and has been recognised as being a very effective and informative approach.

The City also does, and continues to, produce additional schedules on capital works etc noting the relevant variances and providing comment on those variances. This adds value to the information required to meet our statutory reporting obligations and provides a higher level of accountability to the community.

Consultation

This report is prepared in response to a statutory obligation. It represents the view of the City's qualified accounting professionals who are required to exercise their professional judgement in preparing the City's financial reports and variance schedules. These reports provide evidence of the soundness of financial management being employed by the administration. They also provide information and discharge 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

In accordance with the requirements of the Section 6.4 of the *Local Government Act* and *Local Government Financial Management Regulations 34 & 35*. Adopting this recommendation would not result in any lessening of the current level of financial accountability currently provided by the City's financial reporting regime.

Financial Implications

The report establishes the minimum standards for identifying and reporting variances between actual and budgeted financial performance.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.6
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That

- (a) the City adopts the following materiality thresholds for the purposes of identifying and reporting significant financial variances:
 - (i) \$5,000 on line items having a total value of up to \$100,000; and
 - (ii) 5% of the line item total value for items having a total value in excess of \$100,000;
- (b) it is recognised that this threshold sets only the minimum disclosure requirements and City officers are encouraged to provide information on lesser variances where the information is considered to add value - but still yields a positive cost to benefit ratio for providing the disclosure.

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : ITEM 10.6.7 : CR SMITH

"I wish to declare a Conflict of Interest in Agenda Item 10.6.7 - "Ingoing Lease Premium Collier Park Village Leaseholders" on the Council Agenda for the meeting to be held 28 August 2007. As a leaseholder of the Collier Park Village I will leave the Council Chamber at the Council Meeting on 28 August while Item 10.6.7 is discussed."

Note: Cr Smith left the Council Chamber at 9.46pm

10.6.7 Review of the Ingoing Lease Premium for Collier Park Village Leaseholders

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 4 August 2007
Author/Reporting Officer: Michael J Kent , Director Financial and Information Services

Summary

The entry costs to the Collier Park Village for new residents are guided by Council Policy P610 - Collier Park Village Financial Arrangements. Responsible business management practices suggest that periodic reviews should be conducted of Council Policies - and any financial thresholds attaching to them. This report reflects the outcome of an administrative review into the amount of the Lease Premium (Ingoing Contribution) that is paid by new residents taking up leasehold entitlements to independent living units at the Collier Park Village.

Background

New residents entering the Collier Park Village pay an amount equal to the market value of their independent living unit upon entry to the village. The transaction gives them leasehold entitlement to the unit in accordance with the terms of the lease document between the City and the resident.

The capital contribution (market price) paid by each incoming resident comprises of 3 distinct components:

- **Incoming Contribution / Lease Premium.**
The amount of the Lease Premium varies depending on the time at which the resident enters the village. It is paid **once only** upon entry to the village - and the amount is specified in the lease. The funds are retained by the City for future enhancements at the village and to subsidise operating losses at the facility.
- **Initial Refurbishment Levy.**
This represents 5% of the market price of the unit - and applies only to residents entering the village after July 1998. The money is retained to cover the cost of future refurbishment of the unit upon the resident's departure)
- **Refundable Portion.**
This reflects the remaining amount after deduction of the Lease Premium and the Initial refurbishment Levy - less any further refurbishment levies, deductions for the Alternative Maintenance Fee Payment Plan or unpaid maintenance fees etc.

The market price is determined by the current real estate market and demand for places at the village. The initial refurbishment levy is a function of the unit's market price - and hence it is automatically indexed to movements in the unit price. The refundable portion is simply a calculated figure determined by the other components.

Only the Lease Premium (Ingoing Contribution) is separately determined by the City - and therefore should be periodically reviewed to reflect changes in the purchasing power of that sum over time. The amount of the Lease Premium has been adjusted several times since the village was first created to recognise changes in the value of the units and the purchasing power of the money .

Comment

The Lease Premium is an important source of funding for the Collier Park Village in terms of accumulating funds for future capital enhancements. Monies collected from the Lease Premium are quarantined in the Collier Park Village Reserve which is maintained exclusively for the purposes of the village - monies in the reserve can not be applied for any other purpose. The long term financial sustainability of the village is dependent upon such funding initiatives - so the importance of periodic reviews of the amount of the Lease Premium should not be underestimated.

An analysis has been conducted of the relationship between the market value of the independent living unit and the Lease Premium paid over time. The results of that analysis are shown in the table below.

Effective Date	Lease Premium	Average Unit Price	Premium as % Mkt Price
Oct 1986 - Jun 1988	10,500	57,200	18% of Market Price
Jul 1988 - Jun 1989	11,000	78,750	14% of Market Price
Jul 1989 - Aug 1990	12,000	107,100	12% of Market Price
Sep 1990 - Jun 1992	13,000	106,000	12% of Market Price
Jul 1992 - Dec 1997	15,000	121,250	12% of Market Value
Jan 1998 - Jun 2001	20,000	130,250	15% of Market Value
Jul 2001 - Jun 2003	25,000	141,350	17% of Market Value
Jul 2003 - Jun 2005	25,000	208,625	11% of Market Value
Jul 2005 - Jun 2007	25,000	259,600	10% of Market Value

The preceding analysis demonstrates that the Lease Premium has declined significantly in recent times as a proportion of the market price of the units - and it can be argued that this change in relativities has adversely impacted upon the purchasing power of the funds retained as a Lease Premium. Over the life of the village, the long term average of the Lease Premium has been in the vicinity of 13% of the Market Price of the Units. This suggests that a Lease Premium in the order of 13% of the Market Price would be appropriate to maintain the purchasing power of the funds. The suggested premium would equate to approximately 12.5% of the average market price of a unit at the village at present.

It is therefore recommended that the Lease Premium be increased from \$25,000 to an amount of around \$32,500 for all new incoming residents effective from 1 September 2007. This would not apply to any leasehold sale transactions that are currently underway prior to the date of this resolution - nor would it apply to any existing residents of the village.

This would be the first increase in the Lease Premium amount since July 2001. The movement in the CPI for Perth (All Groups) in that time has been of the order of 23% whilst the Housing CPI (not house prices) increased by 26% over the same time. The proposed increase of \$7,500 as recommended by the administration to the Lease Premium is approximately 30%.

All monies obtained through the Lease Premium from all future residents would continue to be quarantined in the cash backed Collier Park Village Reserve.

Consultation

The process of reviewing the Lease Premium is essentially an administrative one that affects only new incoming residents - not existing residents of the village who will not be impacted in any way by the proposed change in the amount of the Lease Premium. However, the Collier Park Village Residents committee was consulted on proposal before this report was brought to Council.

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

This report is consistent with the requirements of Policy P610 - Collier Park Village Financial Arrangements. It does not require any change to that policy as the quantum of the Lease Premium is not specified in the policy (good drafting practice) but rather is separately determined by resolution of Council.

Financial Implications

The adoption of the officer recommendation in relation to increasing the Lease Premium amount for all future leasehold transactions at the Collier Park Village will strengthen the financial sustainability of the village as all monies retained as lease premiums are quarantined in the relevant cash backed reserve associated with the facility.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.7
--

Moved Cr Cala, Sec Cr Gleeson

That effective from 1 September 2007, the amount of the Lease Premium paid by all new residents entering independent living units in the Collier Park Village be set at \$32,500.

CARRIED (10/0)

Note: Cr Smith returned to the Council Chamber at 9.48pm

10.6.8 Request for Land Purchase. Lot 184 - Parcel of Land situated between 213 and 215 Mill Point Road, South Perth.
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Location:	Lot 184 on Plan 2417 under Certificate of Title Vol 809 Fol 121 known as 215F Mill Point Road, South Perth
Applicant:	Kerry and Nick Bertucci Owners 213 Mill Point Road, South Perth
File Ref:	CP/502
Date:	1 August 2007
Author:	Erin Burns, Property and Insurance Officer
Reporting Officer:	Michael Kent, Director, Financial and Information Services

Summary

The Owners of 213 Mill Point Road, South Perth, Mrs Bertucci and her husband have made a request to the City to purchase a parcel of land that is situated between the properties at 213 and 215 Mill Point Road, South Perth. The Bertucci's are preparing to commence building on their property at 213 Mill Point Road.

The parcel of land is owned freehold by the City. Its location and size does not allow the City to use the land for any genuine purpose and is likely to only have value to the owners of 213 or 215 Mill Point Road, South Perth as these are the properties situated either side of the parcel of land. The Owners of 213 Mill Point Road have agreed to purchase the land for the price of \$6,000 being the independently assessed value of the land and to pay all costs associated with the sale and transfer of title for the land.

The recommendation is that Council agrees ‘in principle’ to the sale of the land conditional upon the Owners of 213 Mill Point Road, South Perth meeting all costs associated with the land and the outcome of public advertising as per *Section 3.58* of the *Local Government Act 1995*.

Background

(a) Request to purchase the subject land

On 2 October 2006, the City received a letter from the Owners of 213 Mill Point Road, South Perth requesting the City’s consideration to the sale of a parcel of land situated between 213 and 215 Mill Point Road, South Perth.

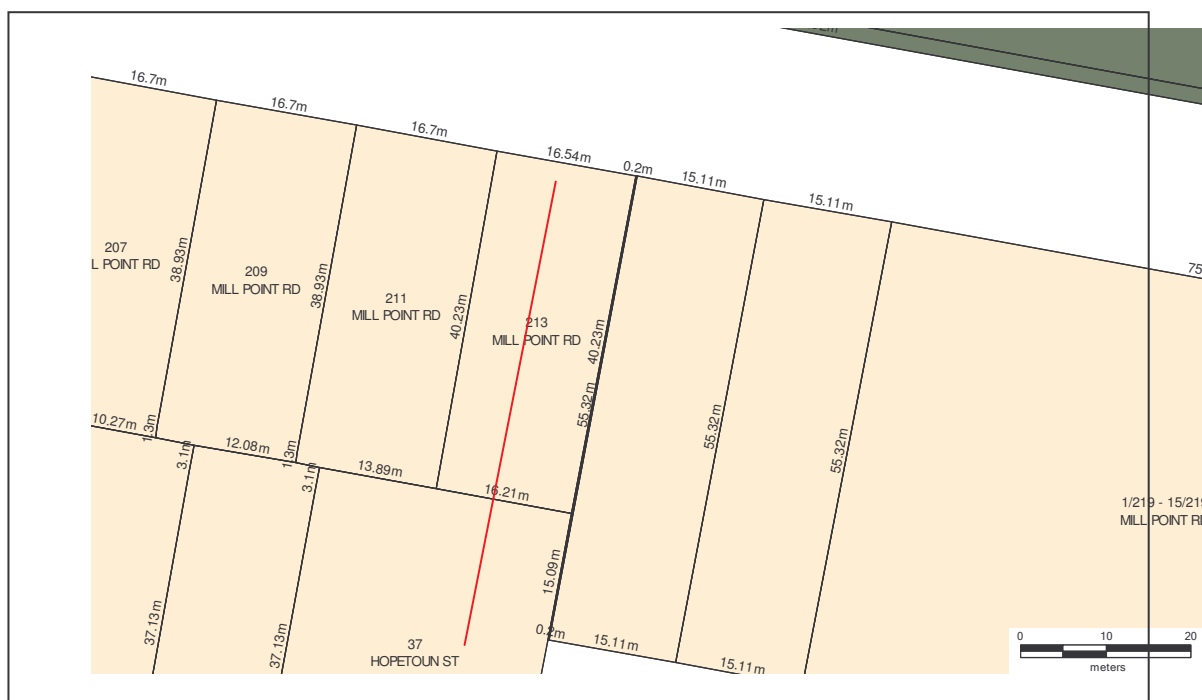
The Owners were granted a building licence for the property on 11 August 2006 and building is scheduled to commence in the next month. The licence permits the Owners of 213 Mill Point Road to build up to the boundary of the subject land and this will not alter with the purchase of this parcel of land.

(b) Description of the subject land

The details of the land which is the subject of the purchase request are as follows:

Title particulars	Lot 184 of Plan 2417 on Certificate of Title Vol. 809 Fol. 121.
Ownership	City of South Perth under freehold title.
Zoning	R15 Residential
Density coding	Not applicable.
Lot area	Approximately 11m ² . (55.32m x 0.2m)
Building height limit	7.0 metres.
Permitted land use	Residential
Existing land use	Slight incline

The location of the subject land is shown below in red:



The subject land is bounded by residential properties 213 and 215 Mill Point Road, South Perth. The land extends from Garden Street through to Mill Point Road in a north to south direction, is rectangular in shape, with a slight incline from Garden Street towards Mill Point Road. The subject land extends the full length of the boundary of 215 Mill Point Road.

(c) Issues to be considered in relation to purchase request

In arriving at a decision as to whether to sell the subject land to the Owner of 213 Mill Point Road for the intended use, the Council would need to consider the following issues:

(i) Land valuation

Having regard to the provisions of section 3.58 of the *Local Government Act 1995* discussed in detail below, before presenting the Bertucci's request to the Council, it was necessary to obtain a valuation of the subject land. The City originally obtained a valuation in November 2006 from a land licensed valuer with experience in the locality, John Garmony and Associates.

The valuer considered a recent sale in the area where the approximate market value of the land was \$3,054 per square metre, for a land area of 835 sq. metres. Based on this data, the subject land, which is only 11 sq. meters, would have a value of \$24,554. John Garmony and Associates concluded that a much lower value be considered based on the minimal difference in overall land value of 213 Mill Point Road, South Perth 'before and after the addition of this small parcel of land and believe a notional value should apply rather than a rate per square meter based on a full single residential site value'. On this basis the valuation of \$6,000 was deemed appropriate.

As this valuation is now more than 6 months old, it would be appropriate to request a re-valuation from John Garmony & Associates to ensure the City meets its requirements under the *Local Government Act 1995*. This is estimated to cost a further \$800. Such cost would be required to be borne by the purchaser.

(ii) Section 3.58 of Local Government Act 1995

In order for the Council to implement the required procedure for disposal of Council property as prescribed in section 3.58 of the *Local Government Act 1995*, the Council should proceed in the following manner:

- The City must be in possession of a valuation undertaken by a licensed valuer not more than six months before the proposed sale.
- The sale price to be set in the context of the valuation.
- Council's intended sale of the land is to be advertised by local public notice. The notice must describe the subject land and provide information relating to: the purchaser; the current valuation; and the intended sale price. The notice is to invite submissions during a period of not less than two weeks.
- Any submissions received following publication of the notice must be considered at a Council meeting before a final decision is made as to whether the sale is to proceed. If no submissions are received, the matter must still be referred to a Council meeting for a final decision.

(iii) Impact on Neighbouring Property

A site inspection of the subject land does not clearly identify the boundaries in relation to the existing residential properties of 213 and 215 Mill Point Road. This is due to growth of vegetation and a lack of fencing. It is recommended that the Owners of 213 Mill Point Road have the subject land surveyed, at their own expense, prior to the sale.

(iv) Costs payable by the Owner 213 Mill Point Road

If Council agrees in principle to the sale of the land and decides to initiate the prerequisite processes, the Owners of 213 Mill Point Road would be responsible for meeting all related costs, fees and charges. These would include the following:

- Purchase of the land: Purchase price (current valuation \$6,000 to be updated after further valuation, together with any fees charged by the valuer required to effect the sale. The Owners of 213 Mill Point Road would also be required to meet any costs associated with the statutory process for disposal of Council property, including advertising costs.
- Fencing: Costs relating to any removal of the existing fencing between 213 Mill Point Road and subject land.
- Land survey, transfer and conveyancing: Costs associated with the land survey, the disposal of the land and transfer of the title.
- Any other State agency fees and charges.

(v) Services and Encumbrances

- Infrastructure Services :The Manager, Engineering Infrastructure, has been consulted on the sale and asked whether any infrastructure or services are located on the subject land that may be affected by the sale. Based upon his comments, the following information is provided:

(A) There is no necessity for the City to retain this parcel of land; and

(B) There is no drain that runs from Garden Street through to Mill Point Rd at this location that would affect the sale.

- Encumbrances: The Certificate of Title (Volume 809 Folio 121) shows that there are no encumbrances or interests on the subject land from service providers or other. The Owners of 213 Mill Point Road have also indicated in their initial request to purchase that they too are of the opinion that there are no services located on the land.

(vi) Consultation

At this stage, no community consultation has been undertaken. If Council agrees to the requested purchase of the subject land, the intended sale of the land is to be advertised by local public notice. The notice must describe the subject land and provide information relating to: the purchaser; the current valuation; and the intended sale price. The notice is to invite submissions during a period of not less than two weeks.

Comment

In a preliminary review of the City's land portfolio, this parcel of land has already been identified as a possible site for disposal. It is considered at this time that the land had no value to the City due to its size and location and consideration was given as to whether the land should be offered to the owners of 213 and 215 Mill Point Road for possible sale. This was never formalised as an option due to other organisational priorities until the approach from the Owners of 213 Mill Point Road about the portion of land and the possibility of purchasing it.

It is considered that as there is no value to the City in retaining this parcel of land, that the Council agree in principle to the sale, conditional upon the Owners of 213 Mill Point Road, South Perth meeting all costs associated with the purchase and the outcome of public advertising as per *Section 3.58 of the Local Government Act 1995*.

The Owners of 213 Mill Point Road have agreed in writing to the initial indicative valuation of \$6000 and the conditions of sale which are subject to Council's endorsement of the sale, meeting all costs associated with the purchase and transfer of the land and the outcome of public advertising as per *Section 3.58 of the Local Government Act 1995*.

Policy and Legislative Implications

The legislative requirements are described in the Report.

Financial Implications for the City

If the sale eventuates, this issue will have financial implications for the City, in relation to:

- (a) the need for the Owners of 213 Mill Point Road to reimburse all costs incurred by the City; and
- (b) City revenue from the sale of Council property.

Strategic Implications

This matter relates to Goal 6 “Financial Viability” identified in the Strategic Plan. Goal 6 is:

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.8
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That...

- (a) Council supports, in principle, the sale of land situated between 213 and 215 Mill Point Road, area of approximately 11 sq. metres being Lot 184 of Plan 2417 on Certificate of Title Vol. 809 Fol. 121;
- (b) the Owners of 213 Mill Point Road be advised that:
 - (i) in accordance with the requirements of section 3.58 of the *Local Government Act 1995*, a further professional valuation of the land referred to in part (c) needs to be obtained prior to local public notice being given;
 - (ii) a survey of the subject land boundary be undertaken; and
 - (iii) the subject land will need to be amalgamated with 213 Mill Point Road.
- (c) Council’s ‘in principle’ support for the sale of the land referred to in part (a) is conditional upon the Owner of 213 Mill Point Road agreeing in writing to:
 - (i) the purchase of the land being offered by Council at a price to be set in the context of the future valuation referred to in part (b);
 - (ii) meet all other costs, fees and charges associated with their proposal, including the reimbursement of all costs incurred by the City. Such costs, fees and charges would include, but are not limited to, those associated with the following:
 - (A) Future land valuation fee.
 - (B) Statutory process for disposal of Council property, including advertising costs.
 - (C) Any costs associated with surveying the subject land for purposes of sale.
 - (D) Any other State agency costs, fees and charges.
- (d) upon a further valuation of the subject land having been obtained, that local public notice pursuant to section 3.58 of the *Local Government Act 1995* be undertaken.

CARRIED EN BLOC RESOLUTION

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

DECLARATION OF INTEREST : CEO : ITEM 12.1

I wish to declare an Interest in Item: 12.1 Notice of Motion "CEO Membership on LGMA" on the Agenda for the Ordinary Council Meeting to be held 28 August 2007. As I am the subject of the item in question I will leave the Council Chamber while this matter is being debated.

Note: Chief Executive Officer left the Chamber at 9.48pm

12.1 CEO's Membership on LGMA Board : Cr Jamieson 13.8.2007
--

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 28 August 2007.

MOTION

That

- (a) Council obtain legal advice on whether or not the CEO had permission from Council from his time of employment until October 2006 to:
 - (i) continue his membership on the LGMA board and attend LGMA board meetings including attending LGMA Board Meetings during core business hours; and
 - (ii) use City of South Perth resources as part of his commitment to the LGMA Board Membership.
- (b) if the CEO did not have permission then Council also obtain legal advice on the range of possible actions and a recommended action.

MEMBER COMMENT:

Over the last couple of Council meetings this matter has been raised and inconclusive responses to questions have been provided. The CEO has advised he thought the position on the LGMA board was not relevant to the contract, and then that he believes he had implicit approval. I advised I was not aware of any approval but would be happy to be shown otherwise, but none has been provided.

I was on approved leave of absence when the CEO was appointed by Council. I have not been able to find any documentation that Council approved the CEO to continue on the LGMA board. No one seems to be able to provide me with a definitive and auditable response.

Council is entitled to know if he had approval. I am entitled to know if he had approval. The residents and ratepayers of the COSP are entitled to know if he had approval. The person that asked questions in public question time on this matter during a Council meeting is entitled to know. The person who initially raised the matter with me and continues to request a definitive response is entitled to know.

I also refer Council Members to the *confidential* Agenda Item 13.1.1 from October 2005 (**Confidential Attachment 12.1** refers) when Council voted against the confidential matter raised. The CEO continued in his LGMA board position for another year beyond that matter.

There are many unanswered questions, such as:

1. Was Council made aware that the CEO divesting himself of other commitments would take one and a half years?
2. Was Council made aware that the LGMA board meetings would be held in core business hours?

3. How much time has been consumed by the CEO on LGMA board meeting business - meeting preparation, actions, etc?
4. How much of that time was during core business hours?
5. Did the CEO use any COSP resources as part of that commitment (staff, phone, photocopier, fax, email, car, etc)? If yes then what resources were used?
6. Who was running the City while the CEO was attending the LGMA board meetings?
7. What LGMA annual general meetings has the CEO attended while employed by the City and did he have approval from Council to attend?

COMMENT CEO

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

The CEO believes this subject has already taken up more of Council's time and resources than is warranted or can be justified.

This particular subject has previously been raised by either Mr Defrenne or Cr Jamieson at the following Council meetings:

- 22 May 2007 - Item 5.2.3
- 26 June 2007 - Item 6.2.2
- 10 July 2007 - Item 5.1.1
- 24 July 2007 - Item 7.1.1

MOTION

Cr Jamieson moved his Motion at Item 12.1, Sec Cr Best

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Jamieson opening for the Motion

- simple question / simple answer
- refer recent training session - if not in the Minutes - did not happen
- Over the last couple of Council meetings matter raised / inconclusive responses provided. CEO advised he thought position on LGMA board was not relevant to the contract, and then that he believes he had implicit approval.
- I was not aware of any approval but would be happy to be shown otherwise
- I was on approved leave when CEO appointed by Council - have not been able to find any documentation that Council approved the CEO to continue on the LGMA board
- Council is entitled to know if he had approval - I am entitled to know if he had approval. residents and ratepayers of the COSP are entitled to know if he had approval
- raised during public question time - that person is entitled to know
- person who initially raised the matter continues to request a definitive response is entitled to know.
- refer to *confidential* Agenda Item 13.1.1 from October 2005 (***Confidential Attachment 12.1***) when Council voted against the confidential matter raised. The CEO continued in his LGMA board position for another year beyond that matter
- refer transcript from Public Accounts Committee 28.6.06

Cr Best for the Motion

- support Cr Jamieson's Motion - legitimate questions
- concerns about CEO's response
- how hard is it to give an answer
- where are CEO's priorities
- we want to know of his involvement with LGMA
- simple - did he have authority to be on LGMA Board

Cr Maddaford against the Motion

- believe this question addressed / answered at the Briefing
- I was here when Mr Frewing was appointed - there were no secrets about him being on the LGMA Board - his term and when it expires
- cannot believe you are putting a person through this - we all attend breakfast meetings
- CEO states clearly that his number one priority is the City
- take into consideration the time he spends after hours at meetings etc
- this is out of hand - against the Motion

Mayor Collins against the Motion

- in his application for CEO Cliff Frewing clearly stated he was a member of LGMA
- this Council never dictated to Cliff Frewing that he was not to remain a member
- when Cliff Frewing appointed, Cr Jamieson may not have been here for the actual appointment but was certainly part of the process leading up to appointment
- agree with the Deputy Mayor - has anyone asked - does the man work Saturdays/Sundays preparing reports
- believe as past President of LGMA we should be proud of our CEO
- Cliff Frewing advised of his involvement and when it would be ending
- just do not know where this is going
- no instruction from this Council that he was not to be a member of LGMA
- against the Motion

Cr Wells for the Motion

- during the final selection process, with the Mayor and Crs Macpherson, Cala, Maddaford, Doherty, Trent and myself in attendance, I asked how many committees was Cliff Frewing a member of and stated I believed we would have a defacto CEO spending more time out of City than here
- was given a guarantee from Cliff Frewing he was 'winding down' memberships and that currently there were only two - he was definitely asked would he consider phasing everything out and he said yes.

Cr Ozsdolay against the Motion

- disturbs me we are discussing this - it's a step backwards
- Motion calls for legal advice on something we have already received an answer on
- this is not good use of ratepayers' money
- CEO has met his commitments
- believe being a member of LGMA Board is something to be proud of
- against the Motion

Cr Jamieson closing for the Motion

- October 2005 - not aware he was on LGMA Board
- different hearing about to giving approval
- cannot believe he is still going to AGM's and is still on Board
- refer Public Accounts Committee transcripts 28.6.06
- better for CEO to say - I did not tidy things up
- want this matter dealt with
- no paper trail - if not in the Minutes it did not happen

COUNCIL DECISION ITEM 12.1

The Mayor put the Motion

That

- (a) Council obtain legal advice on whether or not the CEO had permission from Council from his time of employment until October 2006 to:
 - (i) continue his membership on the LGMA board and attend LGMA board meetings including attending LGMA Board Meetings during core business hours; and
 - (ii) use City of South Perth resources as part of his commitment to the LGMA Board Membership.
- (b) if the CEO did not have permission then Council also obtain legal advice on the range of possible actions and a recommended action.

LOST (3/8)

NOTE: CRS BEST, JAMIESON AND WELLS REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

Note: Chief Executive Officer returned to the Chamber at 10.08pm

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE

At the Council meeting held 24 July 2007 the following questions were taken on notice:

13.1.1 Metropolitan Traffic Hot Spots : RAC Press Release : Cr Jamieson

Summary of Question

Refer RAC Press Release of 13 June 2007.

- 1. Is the City aware that the RAC rates Centenary Avenue (between Leach Highway and Manning Road) Waterford, at number 13 in a list of its top 24 'hot spots' in the metropolitan area?
- 2. Will the City discuss Centenary Avenue in relation to the Proposed Subdivision: Clontarf Estate Cnr Manning Road and Centenary with the RAC?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 7 August 2007, a summary of which is as follows:

In the May report to Council advising of the updated survey and traffic impact study undertaken by Riley & Associates Consulting Traffic Engineers for the East Clontarf (Cygnia Cove) subdivision reference was made to the RAC Red Spot campaign that had Centenary Avenue (Leach Highway to Manning Road) listed as a "location subject to congestion that frustrates drivers."

The Updated Traffic Impact Study by the consultant was based on current traffic counts supplied by Main Roads and collected during times when Curtin University was fully operational recorded little variance in the traffic counts or in the queue lengths identified and used in the earlier traffic analysis. The SIDRA analysis clearly indicated the intersection to be operating at an acceptable service level and the impact of the subdivision on Centenary

Avenue was negligible. The Red Spot Campaign undertaken by the RAC enabled members to identify those sites “that caused the most frustration and annoyance to you (the member) as a road user.” The campaign resulted in nearly 2500 responses being received from which a list of the top 24 RedSpots was prepared and circulated as a Media Release. Centenary

Avenue between Leach Highway and Manning Road was rated 13 in the list of 24 from only 18 responses. Of the 18 responses 12 specifically referred to the southbound on ramp to Leach Highway while the remaining six referred to the northbound lane to Manning Road. The Traffic Consultant retained by the RAC to assess the responses advised that Main Roads/City of Canning are currently widening the southbound on-ramp to ease congestion at this location. With regard to the northbound movement, the Consultant was made aware that the existing left turn slip lane from Centenary Avenue to Manning Road would be extended as a condition of development imposed by the Western Australian Town Planning Commission (WAPC).

The BlackSpot programs funded by the Commonwealth or State Government are based on empirical data relating to either injury or property only crashes. Only two sites from the RedSpot list are included on the top 25 worst BlackSpot locations. Centenary Avenue/Manning Road is not listed on the top 25 BlackSpot lists and being within the City of Canning is listed at 31 on their list of BlackSpots. Of the 24 RedSpot locations 22 sites are intersections with Centenary Avenue and Joondalup Drive listed as sections of street. Well over half the listed intersections are signal controlled. To improve the safety at signal controlled intersections, additional phases (such as dedicated pedestrian and/or cycle crossing, pedestrian activated parallel walk and separate right turns) have been incorporated into many signals with the resultant overall improvement in safety but reduction in intersection capacity. The consultant retained for the RAC is aware of the intersection and acknowledges the extension of the left turn lane in Centenary Avenue as appropriate. There is no intention to discuss further the intersection with the RAC as the intersection has been rigorously assessed by officers of the WAPC prior to issuing conditional approval.

13.1.2 Cleanaway Pick ups - Time/Noise Issue : Cr Jamieson

Summary of Question

1. Is it acceptable for a Cleanaway truck to collect bins in Henley Street, 50m east of Canning Highway at 6.32am on a Wednesday?
2. Is it acceptable for a Cleanaway truck to collect bins adjacent to Meathcare on Henley Street at 6.24am in the morning?
3. Is it acceptable for Cleanaway to collect a mini-skip type container from the Shell Service Station in Manning Road, 100m from residential premises at 6.30am?
4. Where in the City are there commercial centres more than 100m from residential properties where they start collections prior to 7.00am?
5. Could a lawn mowing contractor operate at these times and in these location?

Summary of Response

A response was provided by the Chief Executive Officer, by Memorandum dated 15 August 2007, a summary of which is as follows:

Questions 1 - 4

The Environmental Protection (Noise) Regulations 1997 do not prescribe set time limits when rubbish can and cannot be collected. The act of collecting rubbish itself does not breach the Regulations. The collection of rubbish and recycling can commence prior to 7.00 am as long as the assigned noise levels prescribed in the regulations are not exceeded when performing the function. Therefore, the act of collecting refuse prior to 7.00am is acceptable as long as it is not creating unreasonable noise for residents.

Questions 5

The Environmental Protection (Noise) Regulations 1997 do not prescribe set time limits when lawn mowing operators can commence their activities. The act of lawn mowing itself does not breach the Regulations. Therefore this activity is acceptable as long as it is not creating unreasonable noise for residents.

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 28.8.2007

13.2.1 Cleanaway Pick ups - Time/Noise Issue : Cr Jamieson

Summary of Questions

1. Previously advised that Cleanaway have an agreement not to collect in residential areas before 7.00am. Is this a contract agreement ie what is nature of agreement?
2. Previously asked, and did not get an answer to: *Where in the City are there commercial centres more than 100m from residential properties where they start collections prior to 7.00am?*
3. Did Cleanaway empty bins along Melville Parade / Mary Street before 6.30am?

Summary of Response

The Mayor advised that the questions were taken on notice.

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

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC

Moved Cr Doherty, Sec Cr Cala

That the meeting be closed to the public at 10.08pm in accordance with the *Local Government Act Section 5.23(2)(a), 5.23(2)(b) and 5.23(2)(d)* while Items 15.1.1 and 15.1.2 are discussed as they relate to matters affecting an employee, the personal affairs of a person and legal advice obtained.

CARRIED (11/0)

Note: The following staff and the remaining members of the public gallery left the Chamber at 10.08pm.

Mr S Cope	Director Strategic and Regulatory Services
Mr M Taylor	Acting Director Infrastructure Services
Ms D Gray	Manager Financial Services
Ms R Mulcahy	City Communications Officer

Note: The Officer from the Department of Local Government remained in the Chamber. The Chamber doors were closed at 10.10pm

DECLARATION OF INTEREST : ITEM 15.1.1 : CR SMITH

"I wish to declare a Financial Interest in Confidential Item 15.1.1 "Application for Legal Representation" on the Agenda for the Ordinary Council Meeting on 28 August 2007. I have sought legal advice and representation in relation to my response to the Inquiry conducted by the Department of Local Government and Regional Development and in view of this I will leave the Council Chamber and not participate in the discussion on this item."

Note: Cr Smith left the Council Chamber at 10.11pm

15.1.1 Application for Legal Representation - CONFIDENTIAL REPORT

Location: City of South Perth
File Ref: GO/300
Date: 9 August 2007
Author: Sean McLaughlin, Legal and Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

The CEO has designated this report as ***Confidential*** under the *Local Government Act Section 5.23(b)* as it relates to the personal affairs of a person.

Note: ***Confidential*** Report circulated separately

MOTION

Moved Cr Gleeson, Sec Cr Ozsdolay

That Council, having considered the application at ***Confidential Attachment 15.1.1(a)*** in accordance with Policy P519 "Legal Representation", has decided to refuse the application.

FORESHADOWED MOTION

Cr Cala foreshadowed that he would be moving that independent legal advice be sought prior to Council making a determination on the application if the current Motion is Lost.

The Mayor put the Motion. LOST (3/7)

NOTE: CR GLEESON REQUESTED THAT HE BE RECORDED AS HAVING VOTED FOR THE MOTION

COUNCIL DECISION ITEM 15.1.1

Moved Cr Cala, Sec Cr Doherty

That Council, having considered the application at ***Confidential Attachment 15.1.1(a)*** in accordance with Policy P519 "Legal Representation", has decided to seek independent legal advice prior to making a determination on the application.

CARRIED (9/1)

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

Note: Cr Smith returned to the Council Chamber at 10.56pm

DECLARATION OF INTEREST : CEO : 15.1.2

I wish to declare an Interest in Item 15.1.2 'Payment of Legal Costs' on the Agenda for the Ordinary Council Meeting to be held 28 August 2007. As I am indirectly the subject of the item in question I will leave the Council Chamber while this matter is being debated.

Note: Chief Executive Officer left the Chamber at 10.56pm

15.1.2 Payment of Legal Costs (Item 13.1.2 referred from Council meeting 27.3.2007 and Item 8.1.1 referred from Special Council Meeting 10.4.2007)
CONFIDENTIAL REPORT

Location: City of South Perth
Applicant: Council
File Ref: GO/300
Date: 10 August 2007
Author: Sean McLaughlin, Legal & Governance Officer
Reporting Officer: Cliff Frewing, Chief Executive Officer

Confidential

The CEO has designated this report as ***Confidential*** under the *Local Government Act Section 5.23(b) and 5.23(d)* as it relates to the personal affairs of a person and to legal advice obtained.

Note: ***Confidential*** Report circulated separately

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 15.1.2**

Moved Cr Cala, Sec Cr Doherty

That Council authorise and approve payment of legal costs in the amount of \$11,229.76 incurred by Council in the implementation of its resolution of 10 April 2007.

CARRIED (11/0)

COUNCIL DECISION : MEETING OPEN TO THE PUBLIC

Moved Cr Ozsdolay, Sec Cr Hearne

That the meeting be again open to the public at 10.57pm

CARRIED (11/0)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the members of the public that returned to the Council Chamber the Council Resolutions for Items 15.1.1 and 15.1.2 were read aloud by the Minute Secretary.

16. CLOSURE

The Mayor closed the meeting at 11.00pm 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 25 September 2007

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