

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 27 February 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. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

Present

Mayor J Collins, JP (Chairman)

Councillors:

| | |
|----------------|----------------------------|
| J Best | Civic Ward |
| G W Gleeson | Civic Ward (until 12.20am) |
| B W Hearne | Como Beach Ward |
| L M Macpherson | Como Beach Ward |
| L J Jamieson | Manning Ward |
| L P Ozsdolay | Manning Ward |
| C A Cala | McDougall Ward |
| R Wells, JP | McDougall Ward |
| R B Maddaford | Mill Point Ward |
| D S Smith | Mill Point Ward |
| S Doherty | Moresby Ward |
| K R Trent, RFD | Moresby Ward |

Officers:

| | |
|-----------------|---|
| Mr C Frewing | Chief Executive Officer |
| Mr R Burrows | Director Corporate and Community Services |
| Mr S Cope | Director Strategic and Regulatory Services |
| Mr L Croxford | Acting Director Infrastructure Services |
| Mr M Kent | Director Financial and Information Services |
| Mr C Buttle | Manager Development Services (until 11.38pm) |
| Mr S Camillo | Manager Environmental Health & Regulatory Services (until 8.30pm) |
| Ms D Gray | Manager Financial Services |
| Mr N Kegie | Manager Community, Culture and Recreation |
| Mr R Bercov | Strategic Urban Planning Adviser |
| Mr S McLaughlin | Legal and Governance Officer |
| Ms R Mulcahy | City Communications Officer |
| Mrs K Russell | Minute Secretary |

Gallery

Approximately 28 members of the public and 1 member of the press were present in the gallery

4. DECLARATION OF INTEREST

The Mayor reported to the meeting a Declaration of Interest from Cr Macpherson in relation to Agenda Item 9.3.1. He then read aloud the Declaration as detailed in the Minutes before Item 9.3.1.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Note: Nil questions Taken on Notice at the December 2006 Council meeting.

5.2 PUBLIC QUESTION TIME : 27.2.2007

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes, that 2 minutes would be allowed to formulate questions, not statements, and that questions must relate to the area of Council's responsibility. He said that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. Following questions from the public gallery he stated that he would deal with a number of written questions tabled by Cr Jamieson prior to the commencement of the meeting. He then opened Public Question Time at 7.05pm.

PROCEDURAL MOTION

Cr Jamieson moved that his written questions, tabled at the commencement of the meeting, should be dealt with first as per normal practice.

The Mayor ruled that as stated in his 'opening address' Cr Jamieson's questions would be dealt with after questions from the public gallery. He said that for Cr Jamieson's questions to be dealt with first he was denying the public gallery their opportunity to raise questions during the time allotted and was in fact objecting to going last.

5.2.1. Mr Greg Williamson, 76 Coode Street, South Perth

Summary of Question

The removal of graffiti over the last few years seems to take longer and longer. Could some type of incentive scheme be implemented to encourage Council employees to report graffiti?

Summary of Response

The Mayor advised that the issue of graffiti was an item on the Agenda. He said that the suggestion would be taken on board during discussion of that item.

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

Summary of Question

Is it permitted to park a car on the street with a 'for sale' sign on it?

Summary of Response

Manager Environmental Health and Regulatory Services advised that it is an offence under the City's Local Law to advertise a vehicle for sale in a public place.

Summary of Question

I have written to Council three letters on this matter but the vehicles are still there. What action has been taken?

Summary of Response

The Mayor stated that this would be followed up. The question was taken on notice.

5.2.3. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Re 180 Mill Point Road, South Perth. In response to previous questions in regard to this building I received a response from Council to say that the Council approved a “Grouped Dwelling” in June 2002. To the casual observer this building is a “Multiple Dwelling” ie part of one dwelling is above part of the other. There is no mention in the Council report in June 2002 of any ‘special characteristics’ or reason that would make this a “Grouped Dwelling”. What are the ‘special characteristics’ that make what appears to be a “Multiple Dwelling” a “Grouped Dwelling”?

Summary of Response

The Strategic Urban Planning Adviser stated that the special characteristics relate to the topography of the site. He said that 180 Mill Point Road has special topography ie steeply sloping land and the Residential Design Codes state that Grouped Dwellings can be placed above one another in such circumstances.

Summary of Question

What are the ‘special characteristics’?

Summary of Response

Director Strategic and Regulatory Services stated that there was nothing further to add.

Summary of Question

Re ‘Excelsior’ 152 Mill Point Road. In November 2005 I gave a letter to the Mayor listing several buildings, both built and not built, expressing my concern to what I believed to be excess plot ratios of the buildings. This resulted in the commissioning of the “Belmont Report”. The City issued a ‘stop work’ notice on a domestic shed in Lansdowne Road, Kensington that it believed did not comply with planning approval. Given that there is strong grounds to believe that this building does not comply with planning approval, will the City be issues a ‘stop work notice’? Will the City be writing to the developer reminding them of the condition of planning consent in respect to plot ratio?

Summary of Response

The Mayor stated that the question was taken on notice.

5.2.4. Ms Diane Cheong, 18 Murray Street, Como (representing Neighbourhood Watch)

Summary of Question

In relation to a development site in McDonald Street I have received a complaint about the amount of rubbish on and around this site. Does Council provide rubbish bins for workers on development sites?

Summary of Response

The Mayor responded that the question was taken on notice.

Note: The following three written questions were tabled by Cr Jamieson at the commencement of the meeting. The Mayor read aloud Question 1.

5.2.5. Cr Lindsay Jamieson, 14 Tralee Way, Waterford

Summary of Question

Question 1. This question is based on non-confidential public information.

On 24 October 2006 Council passed a motion in Agenda Item 9.5.2 that expressed dissatisfaction of the State Government's handling of the changes to Local Government voting legislation. The motion specifically had the words of "no confidence" removed between the motion in the meeting agenda and the motion presented to, and subsequently adopted by, Council. On 27 October 2006 (three days later) there was a press release from Mayor Collins that states in part that "the City has adopted a motion of no confidence in the State Government". This was not true.

The reporting in the Southern Gazette on this matter stated that "The City of South Perth has hit out at planned changes to local government voting methods - but stopped short of declaring a vote of no confidence". It is interesting that the Southern Gazette was correct and the Media Statement from Mayor Collins is not correct. On 28 Nov 2006 Council passed a motion, agenda item 12.2, of "no confidence in the Mayor of the City of South Perth, Mr John Collins, for his failure to comply with all aspects of s.2.8 of the Local Government Act". There was no associated press release. A media statement was released on 18 December 2006 attributed to Mayor Collins. In response to the question "Why do you believe a motion of no confidence was passed against you?" the media statement stated "The motion of no confidence is related to the fact that the Department of Local Government is conducting an authorised enquiry into an aspect of the City's affairs." This response is not consistent with the motion of no confidence that was carried, nor the debate that preceded the passing of the motion of no confidence.

- (a) Do you believe that media releases, media statements and any other form of communication with the media from you and by the city should represent the truth, the whole truth and nothing but the truth?
- (b) Why do you put out a media release that states that council adopted a motion of no confidence in the state government when this did not occur?
- (c) Why did you NOT put out a media release about council adopting a motion of no confidence in you that did occur?
- (d) Why did your media statement on 18 December 2006 refer to a single issue of an inquiry when that is not supported by the motion that was carried, nor the debate that occurred in the chamber?
- (e) Do you believe that the media releases and media statements on these matters have represented the truth, the whole truth and nothing but the truth?
- (f) Are you going to provide additional media releases or media statements to rectify any anomalies from previous media releases or media statements?

Summary of Response

The Mayor stated that the questions were taken on notice.

5.2.6. Cr Lindsay Jamieson, 14 Tralee Way, Waterford

Question 2. This question is based on non-confidential public information.

On 19 December 2006 Agenda Item 13.1.2 Council adopted a Motion that states:
“(d) - Council notes with concern the lack of co-operation received from the CEO with regard to the implementation of Council's resolution of 28 November 2006.”

On 20 December 2006 there was a media statement with the following attributed to the CEO: "The CEO accepts resolutions (a) (b) and (c) but does not agree with (d). The CEO has fully complied with the November resolution. There is no factual basis on which this decision was made and it is not justified. The COSP Code of Conduct section 1.4 (e) (vi) states that the role of the CEO includes to: "speak on behalf of the City on operational matters." The City of South Perth Code of Conduct section 3.4 (b)(iii) states that employees: "will follow the policies, management practices and decisions of the City and council, whether or not they approve, and will support City and council decisions".

- (a) In your opinion, in the Media Statement on 20 December 2006 was the CEO outside his role of speaking on operational matters as defined code of Conduct section 1.4 (e) (vi) by speaking about a council decision he did not agree with?
- (b) In your opinion, in the Media Statement on 20 December 2006 was the CEO outside his duties as defined in Code of Conduct section 3.4 (b) (iii) by publicly disagreeing with the council decision?
- (c) Do you agree that the appropriate action if the CEO disagreed with a Council decision would be a memorandum to council members instead of a Media Statement?
- (d) What action have you taken with respect to the Code of Conduct and the CEO's media statement of 20 December 2006?
- (e) What action will you be taking with respect to the Code of Conduct and the CEO's media statement of 20 December 2006?
- (f) Do you acknowledge there may be a breach of the Code of Conduct in the CEO's media statement of 20 December 2006?

Summary of Response

The Mayor stated that the questions were taken on notice.

5.2.7. Cr Lindsay Jamieson, 14 Tralee Way, Waterford

Question 3. This question is based on non-confidential public information.

I viewed a document in the Councillors' lounge titled Memorandum of Understanding between Rotary clubs of Como, Mill Point and South Perth and the City of South Perth 1 January 2007. The last page has the signatories dated 20 December 2006: Signed on behalf of the City of South Perth - John Collins; Signed on behalf of the Rotary Club of Como; Signed on behalf of Rotary Club of Mill Point; Signed on behalf of the Rotary Club of South Perth. My questions relate to the process leading up to the signing of this Memorandum of Understanding, not the content of the memorandum.

- (a) Was there a Council briefing session held on this matter? If Yes then please advise the date.
- (b) Was there a Council meeting that considered and accepted the Memorandum of Understanding? If yes then please advise the meeting date and Agenda Item Number.
- (c) Does the City possess any documentation to establish that the Rotary Club of Como as a body accepted the memorandum (e.g. minutes of a committee meeting)? If Yes then please provide a copy.
- (d) Does the City possess any documentation to establish that the Rotary Club of Mill Point as a body accepted the memorandum (e.g. minutes of a committee meeting)? If Yes then please provide a copy.
- (e) Does the City possess any documentation to establish that the Rotary Club of South Perth as a body accepted the memorandum (e.g. minutes of a committee meeting)? If Yes then please provide a copy.
- (f) What agreement or understanding documents has the Mayor signed on behalf of the City without first establishing agreement with Council? If there are any then please provide a copy.

- (g) In signing the MOU with the Rotary Clubs, did this follow a City and Council process for similar agreements such as the "Millennium Kids"? If not then what were the differences and why did you do it differently?

Summary of Response

The Mayor stated that the questions were taken on notice.

STATEMENT BY MAYOR COLLINS

Having read aloud Question 1 from Cr Jamieson, the Mayor said that he believed that he needed to respond. He made the following statement:

The behaviour of Cr Jamieson in objecting to my presence in this Chair on Tuesday 20 February, has prompted me to make a statement in relation to the 28 November 2006 Council meeting Motion of 'No Confidence' which was passed (7/6) by Councillors.

I wish to make it quite clear that I consider the action very serious. I do not believe the motion is sustainable as I was elected by the people of South Perth. This is the community that I serve and pledged to serve with honesty, integrity and to provide good governance to the City. Apart from my statutory responsibilities which I observe to the letter - It is the people that I am accountable to. It is quite clear to me from the reaction of the community that I have encountered since the notice of No Confidence was taken; the community continue to affirm their support for me as Mayor and the work that has been achieved. A barometer of how the Council is running regarding the community is:

- (1) surveys - 84% satisfaction rate last survey;
- (2) complaints from the community, (2 over the last 4 ^{1/4} years);
- (3) Letters to the Editor of the Southern Gazette - there were none that showed dissatisfaction or lack of confidence in the Mayor;
- (4) no dissatisfaction at any of the annual Electors' meetings; and
- (5) a sound financial position and a highly competent and professional city administration.

I believe you Cr Jamieson have attacked the community by attacking my role as Mayor. The reality is that I will continue to serve our community with the same professional and honest application as I have over the past 4 ^{1/4} years. I will make the decision in October, whether or not to offer my services to the community and the community will decide. It has been a privilege to serve the whole community of this wonderful City.

Councillors, this without a doubt is a personal and vicious attack on me in an attempt to discredit my role as Mayor, and I suggest that you follow my lead and get on governing this City for which you have been elected to do. I wish to make it very clear that I consider that the grounds as stated by the mover of the Motion of 'No Confidence' are completely unfounded and will be proven to be so.

You are aware that there is an authorised enquiry which has now reached the natural justice stage where each of you will have received extracts of the draft report which canvass matters going to the heart of how this Council makes decisions and how it governs itself.

One point I think that eludes some Councillors is that, yes, you do have a right to make decisions, but you also have an obligation to make sure that the decisions are right, are made upon advice and information and are made in good faith.

I have stated in two previous memorandums, which you have copies of, that I would ask this Council to participate in a Workshop to discuss all issues which will undoubtedly arise out of the Department's report. I have said and I continue to say that to try and produce a Workshop now in advance of receiving the final report, would be merely veneering over what is the real situation. The proper time for such a Workshop will be **after** the Department reports not before.

Close of Public Question Time

The Mayor closed public Question time at 7.20pm

Cr Smith raised at point of order and contested the ruling to close Public Question Time. He stated that he wished to respond to the Mayor's statement. The Mayor asked Cr Smith to sit down and stated that Public Question Time was closed.

Cr Smith moved that a 'vote' be taken on the ruling. Seconded Cr Jamieson.

The Mayor reiterated that Public Question Time was closed.

6. CONFIRMATION OF MINUTES / BRIEFINGS

6.1 MINUTES

6.1.1 Ordinary Council Meeting Held: 19.12.2006

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| COUNCIL DECISION ITEM 6.1.1 |
|------------------------------------|

Moved Cr Trent, Sec Cr Ozsdolay

That the Minutes of the Ordinary Council Meeting held 19 December 2006 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

6.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P516 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, not open to the public, is recommended by the Department of Local Government and Regional Development's "*Council Forums Paper*" as a way of advising the public and being on public record.

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

6.2.1 Agenda Briefing - December 2006 Ordinary Council Meeting Held: 12.12.2006

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

6.2.2 Confidential Workshop CEO's KPI's Held: 18.12.2006

Consultants Kellahan Saunders facilitated the Workshop and responded to questions in relation to the CEO's KPI's for 2006/07. Notes from the *Confidential Workshop* are included as **Attachment 6.2.2.**

6.2.3 Confidential Workshop CEO's KPI's Held: 6.2.2007

Consultants Kellahan Saunders facilitated the Workshop and responded to questions in relation to the CEO's KPI's for 2007/08. Notes from the *Confidential Workshop* are included as **Attachment 6.2.3.**

6.2.4 Concept Forums Re. Parks Maintenance Costs, Collier Park Golf Course Future Direction and Strategic Financial Plan Process Held: 13.2.2007

Officers of the City gave presentations and answered questions in relation to Parks Maintenance Costs, Collier Park Golf Course Review / Future Direction and Strategic Financial Plan/ Budget Process. Notes from the Concept Forums are included as **Attachment 6.2.4.**

6.2.5 Confidential Workshop CEO's KPI's Held: 14.2.2007

Consultants Kellahan Saunders facilitated the Workshop and responded to questions in relation to the CEO's KPI's for 2007/08. Notes from the *Confidential Workshop* are included as **Attachment 6.2.5.**

COUNCIL DECISION ITEMS 6.2.1 TO 6.2.5 INCLUSIVE

Moved Cr Trent, Sec Cr Macpherson

That the comments and attached Notes under Items 6.2.1 to 6.2.5 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 19 December 2006 be noted.

CARRIED (13/0)

7. PRESENTATIONS

7.1 PETITIONS -

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

7.1.1 Petition dated 16.2.2007 received from Geoff Hurst and Ming Lee of 95A Edgumbe Street, Como together with 19 signatures Re Request for part Closure of Right-of-Way No.133.

The 'summary' text of the petition reads:

"We are the owners/occupiers who would like ROW 133 closed. Most importantly the lane is perceived to be a security risk to adjacent properties and the lane is very near to Mt Henry Tavern. The lane is no longer in regular use and has become a place to dump rubbish and has the potential to become a fire hazard. As owners we understand that there will be a purchase price and other costs involved in the closure."

RECOMMENDATION

That the Petition dated 16.2.2007 received from Geoff Hurst and Ming Lee of 95A Edgumbe Street, Como together with 19 signatures requesting part closure of Right-of-Way No.133 be forwarded to the Strategic and Regulatory Services Directorate for a report to the earliest available Council meeting.

COUNCIL DECISION ITEM 7.1.1

Moved Cr Cala, Sec Cr Trent

That the Petition dated 16 February 2007 received from Geoff Hurst and Ming Lee of 95A Edgumbe Street, Como together with 19 signatures requesting part closure of Right-of-Way No.133 be forwarded to the Strategic and Regulatory Services Directorate for a report to the earliest available Council meeting.

CARRIED (13/0)

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

Nil

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

Opening of Deputations

The Mayor opened Deputations at 7.25pm and advised that speakers would be permitted 10 minutes each to address the Members.

7.3.1. Mr Barrie Drake, 2 Scenic Crescent, South Perth Agenda Item 9.0.2

Mr Drake circulated a folder of documentation in support of his Deputation on No. 11 Heppingstone Street. He spoke against the officer recommendation and raised the following points in relation to the building at No. 11 Heppingstone Street:

- does not comply with 'grant for Planning Consent'
- it is too high by over 3 metres

EXTENSION OF TIME

Moved Cr Smith, Sec Cr Best - That Mr Drake be granted an extension of time of 3 minutes to complete his Deputation.

CARRIED (13/0)

- its is too big by almost 100 sq.metres; and
- it is too close to all boundaries and specifically Lamb and Heppinstone Streets
- seek Council support that the building comply with Planning Consent issued.

Note: Following a request from Mr Drake and for the benefit of the public gallery, the Mayor read aloud correspondence from a Planning Officer at the City (at the time the application was submitted), in relation to a site meeting that he attended with the architect/applicant at No. 11 Heppingstone Street.

7.3.2. Mr Peter Webb representing Erica Carey, 137B Lansdowne Road, Kensington Agenda Item 9.3.5

Mr Webb spoke against the officer recommendation and raised the following points in support of the proposal:

- setbacks
- roof design
- roof material
- streetscape
- finished on walls; and
- roof protection

7.3.3 Mr John Stewart, 7 Keaney Place, Waterford.... Agenda Item 9.3.6

Mr Stewart, also representing other residents and stakeholders in the Waterford area spoke on Agenda Item 9.3.6 and raised the following points:

- Waterford Triangle equals ‘an area of neglect’ - not part of ‘big Waterford’
- increasing student population / density
- concerns of key stakeholders (residents/ratepayers) as applies to recommendation
- against recommendation parts (d), (e) and (f)
- issues related to South Perth Council / other agencies role
- vision of sustainable development to be shared
- policy implications / strategic approaches
- need a timeframe - opportunity to avoid mismanagement of process - area has a vast voice
- through community engagement can meet all needs.

7.3.4 Ms Sue Philpott, 7 Keaney Place, Waterford.... Agenda Item 9.3.6

Ms Philpott spoke on Agenda Item 9.3.6 and raised the following points:

- stakeholder interest
- objectives - vested interest in a visionary outcome for the area
- participation in planning process by key stakeholders
- issues affecting revitalisation in the area
- policy implications from officer report
- opportunities

Note: A copy of the Deputation was circulated Members.

7.3.5. Mr Ray Fewster, 195 Collier Road, Embleton Agenda Item 9.3.7

Mr Fewster spoke on Item 9.3.7 and raised the following points in particular regarding a condition of planning approval relating to the roof plumbing.

- solar orientation
- purpose of the building
- design of the roof
- against condition of eaves gutters - seek support for deletion of this condition.

7.3.6 Dongun Lee representing Swan Duck Pty Ltd Agenda Item 9.3.8

Mr Lee spoke for the officer recommendation on the following points:

- benefits of Swan Duck in operation
- a trial period of 12 months
- ramp usage
- Swan Duck’s vision
- seek Council support to reverse previous decision
- “paper company” approved preventing a ‘real’ company operating.

Note: A copy of the Deputation was circulated Members.

7.3.7 Diane Cheong, 18 Murray Street, Como and representing Neighbourhood Watch Como area Agenda Item 11.4

Ms Cheong spoke on Item 11.4 and raised the following points:

- Graffiti is still a very big problem in the City
- to discourage graffiti, areas need to be cleaned thoroughly
- Government Departments take far too long to remove their graffiti
- City now has an efficient plan - extend it to government property
- many residents have given up reporting graffiti as it is perceived as fruitless - why bother you receive no acknowledgement or thanks

Close of Deputations

The Mayor closed Deputations at 8.28pm and thanked everyone for their comments.

7.4 DELEGATE'S REPORTS Delegate's written reports to be submitted to the Minute Secretary prior to **9 February 2007** for inclusion in the Council Agenda.

Nil

8. ANNOUNCEMENTS FROM THE CHAIRPERSON

8.1 Method of Dealing with Agenda Business

The Mayor advised the meeting of the en bloc method of dealing with the items on the Agenda. He then sought confirmation from the Chief Executive Officer that all the en bloc items had been discussed at the Agenda Briefing held on 20 February 2007.

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 8.1- EN BLOC RESOLUTION

Moved Cr Maddaford, Sec Cr Trent

That the officer recommendations in relation to Agenda Items 9.3.3, 9.3.4, 9.3.9, 9.4.1, 9.4.2, 9.5.1, 9.5.2, 9.6.1, 9.6.2, 9.6.4, 9.6.6 and 9.6.7 be carried en bloc.

CARRIED (13/0)

8.2 Withdrawal of Confidential Report Item 13.1.1

The Mayor reported to the meeting that Item 13.1.1 on the Agenda had been withdrawn at the request of the applicant and will therefore not be discussed.

Note: Manager Environmental Health and Regulatory Services left the meeting at 8.30pm

9. REPORTS

9.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

9.0.1 Standing Orders Local Law 2007 (Item 9.7.1 referred from Council Meeting 24.10.06)

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| Date: | 8 February 2007 |
| Author: | Sean McLaughlin, Legal and Governance Officer |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

The current Standing Orders Local Law 2002 has been extensively reviewed over the past 18 months resulting in a new draft local law which was adopted by Council in October 2006 for the purpose of initiating the local law making procedure set out in the *Local Government Act* (the Act).

The first part of that procedure, which consists of giving State-wide public notice of the proposed law, has now been completed and it is now time for Council to consider any submissions received and then decide whether to make the local law as proposed or make a local law which is not significantly different from that proposed.

Background

In October 2005 Council adopted the recommendation of the Audit & Governance Committee that all the proposed changes be consolidated into a draft document for consideration by the City's legal advisers (Minter Ellison) prior to it being presented to Council for adoption.

The revised draft, which incorporated significant changes to the format so as to include reference to the relevant sections of the Act and the *Local Government (Administration) Regulations*, was considered by the Audit & Governance Committee in February 2006, and again in May 2006 whereupon the Committee, with the incorporation of some further minor drafting changes, recommended that the revised draft be presented to Council for adoption.

This revised draft was presented to Council for adoption in June 2006 but was referred back to the Committee for further consideration. The Committee subsequently met on 16 August and 9 October 2006 and recommended a further revised draft to Council which was adopted at the October 2006 meeting.

The proposed local law was given State-wide and local public notice in November 2006 and two submissions were received.

Comment

The laws affecting the City's meeting procedures are governed by three different laws which are not presently consolidated in one place. These are:

- (i) the *Local Government Act 1995*;
- (ii) the *Local Government (Administration) Regulations 1996*; and
- (iii) the City of South Perth Standing Orders Local Law 2002.

Incorporating the relevant provisions of the Act and the Administration Regulations in the proposed law should:

- (a) ensure consistency between the Standing Orders and the legislation;
- (b) eliminate clauses which deal with similar or overlapping matters and which were internally inconsistent; and,
- (c) provide for clearer layout and organisation of clauses to make it easier to read and find the relevant provision.

It is intended that the proposed law will result in:

- (i) better decision-making by Council and committees;
- (ii) the orderly conduct of the business of meetings;
- (iii) better understanding of the process of conducting meetings; and
- (iv) the more efficient and effective use of time at meetings.

Purpose and effect

The purpose of the proposed Standing Orders Local Law is to provide rules and guidelines for the orderly conduct of meetings of Council, committees and other meetings as prescribed.

The effect of the proposed Standing Orders Local Law is that all council meetings, committee meetings and other meetings as prescribed, shall be governed by these standing orders, unless otherwise provided by the Act, regulations or other written law.

Public consultation

State-wide and local public notice was given as prescribed and two submissions were received - one from the Department of Local Government and one from a resident. The Department made a number of suggestions concerning some minor textual revision and format with no substantive content change. These suggestions are recommended for adoption and incorporation in the proposed draft.

The resident's submission, **Attachment 9.0.1(a)**, provided extensive commentary on the operation and content of a number of clauses. The officer's response is set out in the following Table.

| Clause | Subject | Response |
|-------------|---|---|
| 2.1 | Establishment of committees | Term of office and dissolution are dealt with in the Act |
| 3.4 | Calling committee meetings | Unnecessary - a power to convene a meeting implies a power to postpone or cancel |
| 3.5 | Public notice of meetings | Confuses council and committee meetings - the regulations are not amenable to being changed by a local law |
| 4.4 | Election of presiding members of committees | The method of election of a mayor may be changed; in which case the clause remains relevant |
| 4.8 | Quorum for meetings | Number of councillors may change = quorum number would change |
| 5.2 | Order of business | Clause 5.2 conforms with the Departmental Guide which provides a practical approach to meeting legislative requirements and best practice. |
| 5.2 (1) 4.3 | Applications for leave | Agree - recommend inserting this item after item 10 |
| 5.2 (1) 6.2 | Public Question Time | The Act provides for Public Question Time, not Public Statement Time - and see clause 6.7(7)(b) |
| 5.2 (1) 8.3 | Deputations | Deputations provide an opportunity for members of the community to address Council on Agenda items (which are also incidentally the subject of an officer's report) - hence the statutory requirement that they precede the exercise of Council's decision-making power - the content of minutes, regulated by the Administration Regulations, would not be an appropriate subject for a deputation |
| 5.3 | Motions of which previous notice has been given | The suggested changes would render the clause inoperative - a motion seeking a similar result was debated and defeated at Council's June 2006 meeting |
| 5.4 (1) | New business of an urgent nature | Unnecessary - suggested revision makes no difference to the operation of the clause |
| 5.4 (2) | In cases of extreme urgency ... | Not appropriate for the member wishing to raise new business to also decide whether it is in fact urgent |
| 6.1 | Meetings generally open to the public | 'Words' in the Act not able to be changed in Local Law |
| 6.2 | Meetings not open to the public | The phrase, 'the meeting or part of a meeting', is consistent with the requirements of the Act. |
| 6.5 | Minimum question time for public | The clause conforms with the statutory minimum - if Council wishes to extend the time, it may do so |
| 6.6 | Procedures for question time for the public | The procedure is set out in the regulations - a local law may not enact a provision inconsistent with regulations |
| 6.7 (2) | Other procedures for question time for the public | Impractical - who would decide what is 'meaningful' and by what criteria? |
| 6.7 (5) | No of questions | Two questions considered workable and appropriate - increasing number to five may deny opportunity to others to ask questions |

| Clause | Subject | Response |
|-----------|-------------------------------------|---|
| 6.7 (6) | Written questions | Appropriate for presiding member to elect that written questions be responded to as business correspondence if the circumstances require |
| 6.9 | Deputations | It is necessary and appropriate for the CEO to be able to properly coordinate and arrange the agenda to ensure the orderly and efficient conduct of Council meetings |
| 6.11 | Presentations | Inappropriate and impractical - Refer response to 6.9 above. |
| 6.12 | Participation at committee meetings | Redundant - members may currently attend and ask questions at committee meetings |
| 6.15 | Confidentiality of information | Suggestion would render the clause meaningless - see also section 5.93 LGA - Improper use of information |
| 7 (4) (i) | Questions by members | Suggestion is unnecessary and inconsistent/in conflict with sub-clause (5) |
| 8.13 | Personal explanations | Clause relates to council members not members of the public |
| 10.6 | Limit of debate | Suggestion is unnecessary |
| 14.4 | Confirmation of minutes | Given that unconfirmed Minutes are available on the Friday after the Tuesday council meeting, it would seem reasonable to expect that a councillor would have sufficient time in which to provide the City with alternative wording within the period that follows (average of 16 working days) |
| 18.3 | Electors' special meetings | The provisions are set out in the Act - a local law may not enact a provision inconsistent with primary legislation |
| 21.1 (1) | Affixing of common seal | Suggestion is unnecessary and impractical if made dependent on the availability of the mayor |

As a result of consideration of the submissions received a revised draft of the proposed local law has been prepared for Council's consideration and is at **Attachment 9.0.1(b)**

Following Council's consideration of submissions it may make the local law as proposed or make a local law that is not significantly different from what was proposed. The proposed local law as revised is not significantly different from what was proposed.

Policy and Legislative Implications

The policy and legislative implications are described above.

Financial Implications

Nil

Strategic Implications

Consistent with the Strategic Plan: **Goal 5 - Organisational Effectiveness: To be a professional, effective and efficient organisation.**

OFFICER RECOMMENDATION ITEM 9.0.1

That....

- (a) the Standing Orders Local Law 2007, **Attachment 9.0.1(b)**, be adopted as a local law of the City of South Perth pursuant to the powers conferred on it under section 3.12(4) of the *Local Government Act 1995*;* and
 - (b) Council acknowledge the resident's submission received.
- *Absolute majority required.

MOTION

Cr Trent moved the officer recommendation. Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- been through an extensive review
- adopted Local Law for advertising
- received comments - addressed comments
- support Motion to adopt Standing Orders

Cr Maddaford for the Motion

- matter needs no further discussion
- October 2006 approved to advertise Local Law
- submissions received
- support adopting Standing Orders Local Law

Cr Jamieson against the Motion

- refer Attachment 9.0.1(b) page 19 Section 6.16
- proposal to record proceedings means this section may have to be reworked
- refer Page 25 section 10.16(2) 'Right of Reply' - amend to remove the word *not* and include that *a time limit of 2 minutes be allowed.*

AMENDMENT

Moved Cr Jamieson, Sec Cr Smith

That page 25 of the draft Standing Orders Local Law be amended under Section 10.16 part (2) 'Right of Reply' to remove the word 'not'. This section will now read:

- (2) *The mover of any amendment to a substantive motion does have a right of reply for a maximum time of 2 minutes.*

Cr Ozsdolay - requested a comment on the proposed Amendment. The Chief Executive Officer stated that the Amendment is in order. He said the way it reads at the present time retains the status quo, however the proposed amendment would be permissible.

The Mayor put the Amendment.

CARRIED (11/2)

COUNCIL DECISION ITEM 9.0.1

The Mayor put the Amended Motion

That....

- (a) the Standing Orders Local Law 2007, **Attachment 9.0.1(b)** as amended by replacing clause 10.16(2) to read:
- (2) *The mover of any amendment to a substantive motion does have a right of reply for a maximum time of 2 minutes.*

and the Local Law incorporating this amendment be adopted as a local law of the City of South Perth pursuant to the powers conferred on it under section 3.12(4) of the *Local Government Act 1995*; and

- (b) Council acknowledge the resident's submission received.

CARRIED (12/1)

By Required Absolute Majority

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

9.0.2 Assessment of Building No. 11 Heppingstone Street, South Perth (Item 9.0.2 referred from December 2006 Council meeting)

| | |
|---------------------------|--|
| Location: | Lot 38 (No. 11) Heppingstone Street, South Perth |
| Applicant: | Council |
| File Ref: | HE5.11 : 11/5163 |
| Date: | 14 February 2007 |
| Author/Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

To assess the building at No. 11 Heppingstone Street, South Perth (as built) under Town Planning Scheme No. 6 as if it were a new application.

Background

At the November 2006 meeting, Council resolved as follows:

“That the Chief Executive Officer provide a report, in the form of the attached table, (Attachment II.1 refers) assessing 11 Heppingstone Street, South Perth (as built) under the Town Planning Scheme No. 6 as if it was a new application, to the December 2006 meeting of Council.”

At the December 2006 meeting, Council resolved as follows:

That officers be requested to complete and present to the next Ordinary Council Meeting the columns showing “N/A” in the table as presented in report Item 9.0.2 of the December 2006 Agenda relating to the assessment of the building comprising two (2) Multiple Dwellings on Lot 38 (No. 11) Heppingstone Street.

Comment

The administration have been unable to provide any additional information in relation to the December 2006 Council resolution, other than that previously conveyed in the report to the December Council meeting which reflects the situation as determined by the officers. As a consequence the matter was referred to Kott Gunning for an independent review. A response has not yet been received from Kott Gunning in relation to the December Council resolution. It is possible this may be a ‘late report’ and if that is the case, it will be circulated separately prior to the Council meeting.

Consultation

Matter referred to Kott Gunning for review.

Policy and Legislative Implications

Relevant provisions of the former City of South Perth Town Planning Scheme No. 5, current Town Planning Scheme No. 6, former Residential Planning Codes 1991 and current Residential Design Codes 2002 were taken into consideration as part of the review.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

COMMENT ON DEPUTATION ITEM 9.0.2

The Mayor requested an officer comment on the Deputation. Director Strategic and Regulatory Services said there was nothing to add only that the matter remains with the Minister and on that basis it is premature to comment further.

OFFICER RECOMMENDATION ITEM 9.0.2

That it be noted that the independent report being carried out by Kott Gunning on the assessment of the building comprising two (2) Multiple Dwellings on Lot 38 (No. 11) Heppingstone Street is yet to be received.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best against the Motion

- November 2006 Motion asked for a table to be completed
- Motion passed on that basis at December 2006 meeting
- table still has not been completed
- believe staff have 'stone-walled' procedure
- believe it is a simple task

AMENDMENT

Moved Cr Best, Sec Cr Smith

That Council notes its disappointment in the Chief Executive Officer for failing to have the assessment table relating to No. 11 Heppingstone Street, completed in accordance with the December 2006 Council resolution.

Cr Smith for the Amendment

- no question that this matter has run on
- happy the CEO has brought Kott Gunning into equation
- any additional information we can provide to Kott Gunning the better
- very contentious issue - will not go away until we as a Council come to a decision
- No.11 Heppingstone Street does not comply
- the faster we provide information to Kott Gunning the faster we can make a decision.

CEO COMMENT

The Chief Executive Officer stated that he was disappointed that reference has been made to the administration 'stone-walling' the report. As a result of a Council decision in December 2006 to have another look at the 'table' the administration did that on a number of occasions. The administration could not add any further information to complete the table consequently there is nothing further to add to previous information provided. The CeO advised that that he therefore took the initiative to appoint Kott Gunning to complete this task. Unfortunately their report has not yet been received, although promised on a number of occasions over the last couple of weeks. The task is probably taking more time because of its complexity and the legal issues involved. The CEO further advised that the property was also one of the properties assessed by the City of Belmont and formed part of the City of Belmont Report and the results of the assessment had previously been conveyed to Council.

He said that as previously mentioned by the Director Strategic and Regulatory Services the subject of No. 11 Heppingston Street is currently with the Minister for Planning and she will make a decision on what will happen on this matter. Perhaps the Minister is also having difficulty making a decision. This is not a simple issue and for it to adversely reflect on the administration is neither fair or reasonable. At previous meetings the Legal and Governance Officer has advised of the 5 principles set out by the SAT that are relevant to this issue which I am sure he will be happy to reiterate.

Mayor against the Amendment

- task has gone to Kott Gunning
- amendment proposed is premature
- going into detailed debate without Kott Gunning's report
- officer recommendation before us is to note - report not yet received

Cr Ozsdolay against the Amendment

- agree with providing as much information as we can
- need to deal with matter properly
- disagree with unfounded allegation of 'stone-walling'
- amendment a cheap shot at CEO
- amendment does not deal with problem
- nothing to be gained but dissent
- deal with the problem and get on with it

Cr Hearne point of clarification

Cr Best asked why our planners could not fill in the table referred to - Why do we not know setback, height of building etc?

Director Strategic and Regulatory Services stated that the problem for officers is that the instruction was to assess the development under TPS6. The operative Town Planning Scheme at the time the application was lodged was TPS5 and in between schemes 5 and 6 Multiple Dwellings became a use which could not be considered in the TPS6 zoning which makes it impossible to apply any meaningful assessment to the development.

Cr Jamieson for the Amendment

- look at the big picture
- three months since Council resolution - assessment not done
- I would be disappointed assessment not done
- happy with it - No. Disappointed - Yes

Cr Gleeson against the Amendment

- against what is proposed by Cr Best
- planning department have other application to assess
- to make one a priority to satisfy one Councillor - not fair to other applicants
- time consuming task to assess a development approved years ago
- driving a big wedge between Council and its officers for work I believe not warranted
- do not support Amendment

Cr Cala against Amendment

- for reasons provided by Director Strategic and Regulatory Services against amendment
- assessment done under scheme current at the time of application
- cannot complete 'table' under TPS6 - not permissible - cannot complete boxes
- cannot support Amendment

The Mayor put the Amendment.

LOST (5/8)

NOTE: CR GLEESON REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE AMENDMENT.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.0.2**

The Mayor put the Motion

That it be noted that the independent report being carried out by Kott Gunning on the assessment of the building comprising two (2) Multiple Dwellings on Lot 38 (No. 11) Heppingstone Street is yet to be received.

CARRIED (11/3)

NOTE: CRS JAMIESON AND SMITH REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

COUNCIL DECISION CHANGE TO ORDER OF BUSINESS

Moved Cr Trent, Sec Cr Smith

That the order of business in the Agenda be changed to allow Items the subject of Deputations to be brought forward and dealt with at this time for the benefit of the public present.

CARRIED (13/0)

COMMENT ON DEPUTATION ITEM 9.3.5

The Mayor requested an officer comment on the Deputation.

The Director Strategic and Regulatory Services stated that in relation to the officer recommendation for refusal and points raised in the Deputation he confirmed that revised plans were received a week ago but after the close of the February Council Agenda paper and that it was not common practice to alter reports at that stage.

9.3.5 Proposed Additions and Alterations to Grouped Dwelling. Lot 54 (No. 137B) Lansdowne Road, Kensington.

| | |
|--------------------|---|
| Location: | Lot 54 (No. 137B) Lansdowne Road, Kensington |
| Applicant: | Infinite Developments Pty Ltd for owner Ms E Carey |
| Lodgement Date: | 20 November 2006 |
| File Ref: | 11.2006.554 LA5/137 11/3484 |
| Date: | 1 February 2007 |
| Author: | Ms Lisette Turkington, Planning Officer |
| Reporting Officer: | Steve Cope, Director, Strategic and Regulatory Services |

Summary

To consider an application for planning approval for upper floor additions and alterations to an existing Grouped Dwelling at Lot 54 (No. 137B) Lansdowne Road, Kensington.

The officer report recommends that the application be refused for various reasons, including the incompatible design between the proposed additions and the existing dwelling.

Background

The building licence for the existing Two Single Storey Grouped Dwellings were approved on 15 January 1959, and it should be noted at that time there was not an operative Town Planning Scheme in place. The dwellings were then strata titled on 27 June 1972.

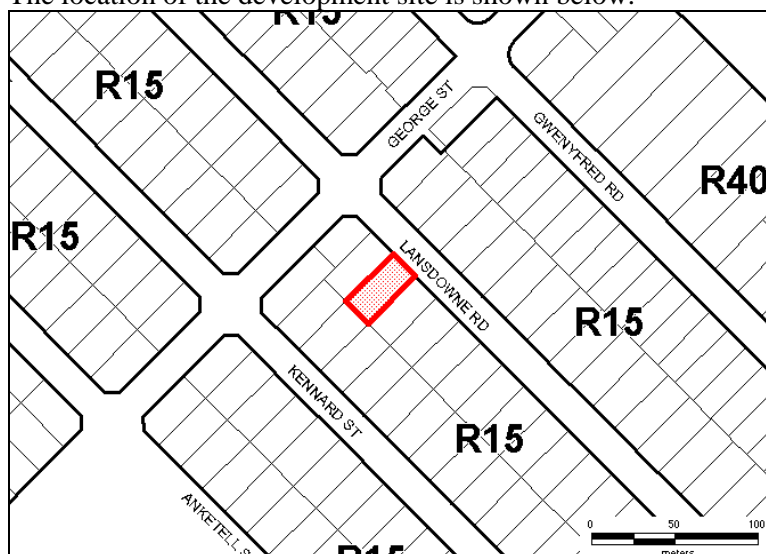
The development site details are as follows:

| | |
|-----------------------|---|
| Zoning | Residential |
| Density coding | R15 |
| Lot area | 739 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | Two Grouped Dwellings (i.e. the existing development) |

This report includes the following attachments:

- Confidential Attachment 9.3.5(a)** Plans of the proposal.
Attachment 9.3.5 (b) Letters of justification from Peter Webb & Associates.

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. 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 Scheme, relevant Planning Policies or Local Laws.*

Comment

(a) Description of the proposal

The subject property is currently developed with two single storey Grouped Dwellings arranged in a side by side configuration.

The proposed additions to the left hand side dwelling at No. 137B incorporate minor ground floor works to accommodate a stairwell as well as an upper floor comprising an additional bedroom, ensuite and large activity room.

Whereas the existing dwelling has a predominantly tiled roof (with the exception of a small portion of metal roofing to the rear), the proposed additions incorporate metal roof sheeting.

(b) Building design

Given the incompatible roofing material, the proposed additions and alterations do not satisfy the provisions of Council Policy P370_T General Design Guidelines for Residential Development which require additions and alterations to an existing building to be designed in such a way that they match that existing building.

Additionally, concern is held with respect to the compatibility of the design of the proposed upper floor roof in relation to the roof design of the existing building. The existing building incorporates a hipped roof while the proposed upper floor incorporates a gable roof design. Additionally, this gable is not symmetrical in its form.

Further comment with respect to the design of the additions is made within the consultation section of this report.

(c) Setbacks

The proposed upper floor additions do not meet the Acceptable Development provisions of the R-Codes in relation to side setbacks as identified below:

- Upper floor left side of development:
1.4 metre setback provided in lieu of prescribed 1.9 metre setback.
- Upper floor right side of development:
Zero and 2.2 metre setback provided in lieu of prescribed 2.5 metre setback.

In addition to not meeting the Acceptable Development provisions of the R-Codes, the proposed setbacks are not seen to meet the associated Performance Criteria as the reduced setbacks do not assist in the protection of privacy between adjoining properties, do not assist with the protection of access to direct sun for adjoining properties and do not assist in ameliorating the impacts of building bulk on adjoining properties.

Having regard to the comments referred to above, the proposed setback variations are not supported.

(d) Visual privacy

Windows for the proposed upper floor Bedroom 4 are in conflict with the Residential Design Codes requirements for visual privacy. The openings will overlook the back garden of the adjoining grouped dwelling.

The upper floor Activity Room windows satisfy the provisions of the R-Codes with respect to visual privacy as the view from these windows will be over the roof and car parking area of the adjoining grouped dwelling and not over any 'sensitive' area.

(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.*

Having regard to the comments referred to above, the proposed development is not seen to meet this overriding objective and other objectives of the Scheme.

In terms of the general objectives listed within Clause 1.6 of TPS6, the proposed development does not meet the following 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 the 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;*
(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.*

For reasons explained elsewhere in this report, it is considered that the proposal is not satisfactory in relation to these considerations.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants at their meeting held during December 2006 and January 2007. The Advisory

Architects did not support the proposal due to the incompatibility with both the existing dwelling and the streetscape. Their more specific comments are summarised below:

December 2006 DAC meeting

It was recommended that the design should be modified to achieve the following:

- The roof should be redesigned to achieve compatibility with the existing roof of the dwelling in relation to form, pitch, and material.
- The drawings need to show that the material of the proposed walls will be compatible with the existing walls. Further details of existing materials are required. It is noted that there are discrepancies on the submitted drawings between the elevation drawings and the perspective views.

Following this meeting the applicant attempted to make the requested changes. The changes were not considered to adequately resolve the concerns noted so the application was subsequently reconsidered at the following meeting.

January 2007 DAC meeting

Having noted the revisions to the drawings previously considered, the Advisory Architects were of the view the revisions did not adequately address their previous concerns. They considered the following further modifications should be made:

- Over the full extent of the existing and proposed roofing of the applicant's dwelling and also the adjoining Grouped Dwelling, a consistent roofing material should be used, being either all tiles or all Colorbond metal.
- The setback of Elevation 3 (south-east) needs to be increased to comply with the R-Codes. Furthermore, to provide visual relief to this long elevation, greater articulation should be introduced.
- On Elevation 3 the minimal tiled roof projection is considered unsatisfactory.
- The roof of the proposed additions as viewed on Elevation 4 should be changed to a hip to achieve compatibility with the existing roof over the ground storey.

Planning officers support the concerns expressed by the Advisory Architects.

(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 property at No 137A Lansdowne Road was invited to inspect the application and to submit comments during a 14-day period. During the advertising period, one submission was received which objected to the proposal. This submission has been summarised and responses provided to all comments below.

| Submitter's Comment | Officer Response |
|--|--|
| Concern regarding incorrectly labelled strata boundaries and the possibility additions are located on common property. | The strata plan was requested from the applicant which identified that the additions are not located on common property or on the neighbour's property. The comment is NOTED . |

The comments do not relate to the boundary wall which was advertised, however the neighbour did verbally confirm she has no objection to the two storey additions on the strata boundary.

Policy and Legislative Implications

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

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 9.3.5

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for additions and alterations to grouped dwellings on Lot 54 (No. 137B) Lansdowne Road **be refused**, for the following reasons.

- (a) the proposed additions / alterations are contrary to the provisions of Council Policy P370_T General Guidelines for Residential Development, owing to their incompatible design and construction materials;
- (b) the proposed building setbacks do not comply with those prescribed within Clause 3.3.1 "Buildings Set Back from the Boundary" of the Residential Design Codes 2002; and
- (c) the proposed additions / alterations do not comply with the requirements contained within Clause 3.8.1 "Visual Privacy" of the Residential Design Codes 2002.

Important Advice Note

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

MOTION

Moved Cr Doherty, Sec Cr Maddaford

That the application for planning approval for second storey additions / alterations to a Grouped Dwelling on Lot 54 (No. 137B) Lansdowne Road, Kensington, be deferred to allow time for officers to assess the revised plans submitted by the proponent and that a further report be presented to the next Ordinary Meeting of Council for consideration.

Cr Ozsdolay point of clarification - in relation to the 'wording' can the matter now be dealt with under Delegated Authority?

AMENDED MOTION

With the concurrence of the Mover and the Seconder the Motion be modified to include the following additional words, after the word *consideration*.

unless the revised plans satisfactorily address the concerns which have been raised, in which case officers be authorised to grant planning approval under delegated authority.

COUNCIL DECISION ITEM 9.3.5

The Mayor put the Amended Motion

That the application for planning approval for second storey additions / alterations to a Grouped Dwelling on Lot 54 (No. 137B) Lansdowne Road, Kensington, be deferred to allow time for officers to assess the revised plans submitted by the proponent and that a further report be presented to the next Ordinary Meeting of Council for consideration, unless the revised plans satisfactorily address the concerns which have been raised, in which case officers be authorised to grant planning approval under delegated authority.

CARRIED (13/0)

Reason for Change

To allow officers the opportunity to assess revised plans submitted after the close of the Agenda.

COMMENT ON DEPUTATION : ITEM 9.3.6

The Mayor requested an officer comment on the Deputation.

Director Strategic and Regulatory Services provided further background stating that the City was concerned that adequate resources needed to be secured before the proposed community advisory committee was convened otherwise progress would be slow. He advised that the City wished to bring other key government stakeholders into the project to provide information and expertise in view of infrastructure programs. The City has also received advice from the Western Australian Planning Commission that funding guidelines for Stage 2 of the Network City Communities Program had not yet been released

9.3.6 Waterford Triangle Community Engagement Project

| | |
|---------------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | LP/201 |
| Date: | 6 February 2007 |
| Author/Reporting Officer: | Steve Cope, Director Strategic and Regulatory Services |

Summary

The City applied for and was awarded a Network City - Communities Program grant to conduct an Urban Design Review for Waterford Triangle. The objective of the project was to engage with residents of the area and other stakeholders and use this information in the preparation of a local area planning strategy.

The Alcoa Research Centre for Stronger Communities won the contract by tender in early 2006. The research is now complete and the final report is now submitted to Council.

Background

This study arose in response to the changes taking place around the Waterford area, mainly the continuing development of the Curtin Technology Precinct coupled with high numbers of university students and housing development taking place in the adjoining area of Clontarf.

The study aimed to engage the residents and stakeholder groups associated with the area to develop a vision for a small residential area in the midst of a rapidly evolving neighbourhood. Apart from Curtin University, within relatively close proximity to Waterford are four high schools or TAFE colleges, two aged care facilities, several government offices and around 90 small businesses.

The study was designed to assess:

- Current and future needs of residents and property owners
- General levels of community satisfaction with the existing amenity of the area
- Attitudes towards future land use and mixed density residential development

The timing of this study pre-empts the Water Corporation's plans to provide a sewerage system for Waterford, which is due for construction when work begins on the East Clontarf subdivision in 2007/2008.

This study is considered to be the first stage of a two stage programme to provide Waterford with a strategy for future development which meets the needs of residents in keeping with the principles of Network City. The first stage concentrates on engaging all sectors of the community who have an interest in the core study area. The second stage would build on these findings and would aim to produce a conceptual area strategy.

Comment

(a) Study Outcomes

The methodology employed on the Waterford Triangle Urban Design Review Strategy Community Engagement Project was in summary:

- (i) Review of study area characteristics including history, topographical features and previous studies
- (ii) Context assessment including the impact of development by Curtin University, the CSIRO, and the international student population
- (iii) Review of community demographics
- (iv) Consultation with key stakeholders including organisations/agencies and ratepayers/residents
- (v) Conduct of questionnaire survey
- (vi) Stakeholder workshops

The key findings highlighted by the study consultant in the final report are in summary:

1. Locational issues

City of South Perth in general. This may have contributed to a belief by some that the Triangle has been passed over when it comes to infrastructure upgrades or general maintenance. In this current climate for instance, a minor delay in maintenance of any sort becomes a significant indicator of neglect, when it might go unnoticed in other areas.

Delays in the delivery of key infrastructure such as sewerage and internet broadband have understandably caused frustration among residents. Some of this frustration is aimed at the City, despite the fact that the City has no control over the provision of these services. The study therefore was welcomed by Waterford residents and participation rates were good.

2. Demographics

The Triangle was found to be the home of a mixed group of residents, with 75% of respondents being under 65 and of working age. A high proportion of these live alone.

3. Attitude to the area

Residents in general found the Triangle a good place to live in terms of being close to work and shops. Many are long term residents who intend to remain. Overwhelmingly people believed that more could be done to make the area appealing, with the main areas of dissatisfaction being general maintenance, safety concerns, street lighting and unwelcoming parks and open spaces.

4. Attitude to Development

Residents are aware of the pressures on their suburb, particularly in terms of student numbers. In general the students are seen as adding a vibrant element to the community and many are sympathetic to the need for more suitable housing. Of particular concern was the neglect of gardens in rental properties, contributing to a run-down streetscape.

In terms of commercial developments, residents are keen to retain the residential character of the neighbourhood.

The key Recommendations contained in the final report are:

- That City of South Perth consider developing a precinct plan for the Waterford Triangle
- For the purposes of developing the recommended precinct plan for the Waterford Triangle, a working party be formed. The membership of the working party might

include Waterford Triangle ratepayers both resident and non-resident representatives from City of South Perth, the City of Canning, Technology Precinct project managers, Department of Planning and Infrastructure and other relevant stakeholders.

- That City of South Perth engage the study participants who indicated their desire to be involved in a further focus / discussion group with a view to forming a Community Advisory Group
- That the mandate of the Community Advisory Group be to work with City of South Perth in developing responsive local strategies that integrate the Waterford Triangle with its neighbouring region, the river and with Waterford suburb south of Manning Road possibly including an entry statement on Manning Road at the Centenary Avenue intersection and streetscape beautification.
- That, in collaboration with the Community Advisory Group, CoSP establish a local public awareness strategy and promote other activities including hosting a community activity/celebration in the local park.
- That City of South Perth, subject to the concurrence of the Community Advisory Group:
 - consider supporting the adoption of innovative medium density housing proposals to accommodate students;
 - that CoSP consider an amendment to the City's current Town Planning Scheme No 6 to achieve this, and
 - that CoSP consider partnership with the Department of Housing and Works or a Student or Community Housing Provider with clear guidelines.

(b) Future Planning

The conditions of the Network City Communities Program grant have required the City to work collaboratively with the Department of Planning and Infrastructure to achieve Network City aims and objectives.

The current study was envisaged as Stage 1 of the development of a planning strategy for the Waterford Triangle. It is considered appropriate that the City continue to collaborate with DPI, in progressing the planning of the area in accordance with Network City principles. It would be of particular assistance to the City for DPI staff with expertise in urban design, place making and transport planning to be involved in future planning initiatives.

It is proposed that liaison occur with DPI to this end. Further in the spirit of a collaborative planning approach it is proposed that funding be sought from the WAPC to progress the project.

It is considered that convening a Community Advisory Committee (CAC) before adequate resources are secured would be premature. Accordingly it is proposed that the CAC not be convened until advice is received of a successful funding application.

Consultation

In line with the City of South Perth's commitment to community consultation, the research involved local residents and a number of stakeholder groups. A summary of the report has been placed on the City's website pending Council's consideration of the report.

Policy and Legislative Implications

Nil.

Financial Implications

The study was jointly funded by the City of South Perth and the WA Planning Commission; the total study budget was \$15,000.

Strategic Implications

This matter relates to Goal 2, “Community Enrichment”, and Goal 3 “Environmental Management” identified within the Council’s Strategic Plan. These are expressed as follows:

Goal 2: *To foster a strong sense of community and a prosperous business environment*

Goal 3: *To sustainably manage, enhance and maintain the City’s unique, natural and built environment.*

OFFICER RECOMMENDATION ITEM 9.3.6

That....

- (a) the Waterford Triangle Urban Design Review Strategy Community Engagement Project report prepared by Alcoa Research Centre for Stronger Communities for the City of South Perth be received and the final report made publicly available on the City website and at City libraries;
- (b) participating stakeholders in the study process be thanked for their participation;
- (c) the final report be forwarded to the WA Planning Commission and the Network City Communities Program grant acquitted;
- (d) the Director Strategic and Regulatory Services liaise with the Department for Planning and Infrastructure and other key stakeholders to seek their participation in Stage 2 of the preparation of a conceptual planning strategy for the Waterford Triangle area;
- (e) a submission for funding for Stage 2 of the Waterford Triangle Urban Design Review be lodged with the WA Planning Commission; and
- (f) upon receipt of advice from the WAPC that Stage 2 funding has been granted, the proposed Community Advisory Committee be convened to facilitate the next stage in the planning process.

MOTION

Cr Gleeson moved the officer recommendation, Sec Cr Doherty

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

AMENDMENT

Moved Cr Ozsdolay, Sec Cr Maddaford

That the officer recommendation be amended to include the following additional part (g):

- (g) *the City develop a timeline for progressing the report with a view to progressing the Urban Design Plan and developing a Precinct Plan for the Waterford Triangle.*

Cr Ozsdolay opening for the Amendment

- need to put some timeframes in place
- residents frustrated with timing
- need to progress this to Precinct Plans

Cr Hearne point of clarification - if community groups not included ie key stakeholders left out - could this be included in the Amendment?

Director Strategic and Regulatory Services stated that the key stakeholders refers to the DPI, Water Corp and other such government agencies that would have a bearing on the development of the area.

Cr Hearne stated that he would also like the Amendment to include key stakeholders and the community.

AMENDMENT TO THE AMENDMENT

With the concurrence of the mover and seconder the Amendment to also include:

That the officer recommendation be amended:

- at part (d) in the second line to include after the words “*other stakeholders*” the words “*and the existing residential community*”

Cr Jamieson for the Amendment

- include in stakeholders list - community groups, government departments, technology park, educational groups, sporting groups, Council Members etc
- join stakeholders and City
- strategic initiatives with long term policy implications
- suggest joint sitting

Cr Smith for the Amendment

- when first put forward to much orientated towards Curtin
- too many arguments for student housing
- exercise influenced / slanted towards student housing
- concerns about residential component
- create climate where people loose heart - start moving out
- if we can assure residents they will not be overtaken/pressured will protect existing residents from over-development of student housing
- support Amendment

Cr Doherty point of clarification - need to continue the momentum - when can this process start - what are the practicalities - is there a way we can put a time on it?

Director Strategic and Regulatory Services advised that he would have to consider a time line and report back. The Mayor stated that a briefing would be arranged to consider timelines for future planning

The Mayor put the Amendment.

CARRIED (13/0)

| |
|------------------------------------|
| COUNCIL DECISION ITEM 9.3.6 |
|------------------------------------|

The Mayor put the Amended Motion

That....

- (a) the Waterford Triangle Urban Design Review Strategy Community Engagement Project report prepared by Alcoa Research Centre for Stronger Communities for the City of South Perth be received and the final report made publicly available on the City website and at City libraries;
- (b) participating stakeholders in the study process be thanked for their participation;
- (c) the final report be forwarded to the WA Planning Commission and the Network City Communities Program grant acquitted;
- (d) the Director Strategic and Regulatory Services liaise with the Department for Planning and Infrastructure and other key stakeholders and the existing residential community to seek their participation in Stage 2 of the preparation of a conceptual planning strategy for the Waterford Triangle area;
- (e) a submission for funding for Stage 2 of the Waterford Triangle Urban Design Review be lodged with the WA Planning Commission;

- (f) upon receipt of advice from the WAPC that Stage 2 funding has been granted, the proposed Community Advisory Committee be convened to facilitate the next stage in the planning process; and
- (g) the City develop a timeline for progressing the report with a view to progressing the Urban Design Plan and developing a Precinct Plan for the Waterford Triangle.

CARRIED (13/0)

Reason for Change

Council believed it was important to include the residential community with key stakeholders and that a time frame be developed to progress this matter.

9.3.7 Proposed Additions and Alterations to Religious Activities (South Perth Church of Christ - Community Radio Station '98.5 Sonshine FM') and Sign.

Location: Reserve 40241 Loc 3298 Murray Street cnr McNabb Loop, Como
 Applicant: Fewster and Stone for '98.5 Sonshine FM'
 Lodgement Date: 20 December 2006
 File Ref: 11.2006.618 MU2/L3298 11/2384
 Date: 1 February 2007
 Author: Gina Fraser, Planning Officer
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

The application is for a 'Community Radio Station' (98.5 Sonshine FM) and identification sign, which is proposed to be situated in the south-eastern corner of the South Perth Church of Christ site in Como. The use does not fall within any Town Planning Scheme No. 6 definition and hence has been assessed as a 'Use Not Listed'. Council's discretionary approval is sought for the use on this basis, and for other site requirements. The recommendation is for **approval**, subject to a number of standard and special conditions.

Background

A proposal similar to the current application was considered and approved by the Council in September 2006. On 5 December, the applicant submitted an application for a building licence. During the City's detailed comparison of these drawings against the planning approval drawings, it was found that the proposal had been modified to the extent that a new application for planning approval was required to be submitted and approved before the proposal could proceed. In response to the Planning Officer's request, a new application for planning approval was lodged and is the subject of this report. The changes relate to building siting and design, relocation of the station antenna, and car park siting and design. The applicant has explained that these changes were made to better accommodate the client's needs.

The development site details are as follows:

| | |
|-----------------------|---|
| Zoning | Private Institution |
| Density coding | R30 |
| Lot area | 35,047 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | 'Community Radio Station' is not a listed use within Town Planning Scheme No. 6. However, as a 'Use Not Listed', the proposal may be approved by the Council under Clause 3.3(7) of Town Planning Scheme No. 6. |

The application is for a discrete proposal for a Community Radio Station which will operate independently of the main use on the site, which is the South Perth Church of Christ activities. The South Perth Church of Christ Inc is listed as the owner of the land. The

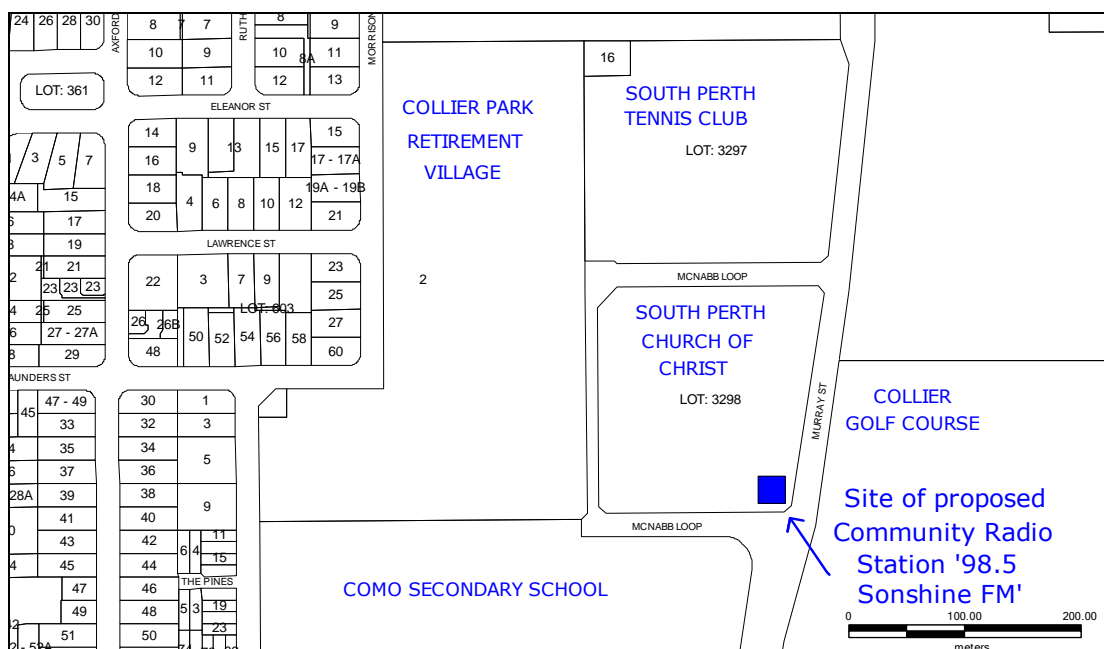
proposal comprises a single-storey building with associated car parking. The antenna for the radio station will be situated on the existing Church building. This matter is discussed under the “Comments” section of this report.

This report includes the following attachments:

- Confidential Attachment 9.3.7(a)** Plans of the proposal.
- Attachment 9.3.7(b)** Comments by Manager, Engineering Infrastructure.
- Attachment 9.3.7(c)** Comments by Manager, Environmental Health.

The site was acquired by the South Perth Church of Christ under a Crown Grant in 1992. The Crown Grant states that the land is to "be used and held solely in trust for the purpose of 'Church Purposes' ". The South Perth Church of Christ have advised City Officers that they received Ministerial approval for use of portion of the land for this Christian-based community radio station about two years ago and that more recently, Ministerial approval has also been obtained by the Church for a lease to '98.5 Sonshine FM'.

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.*

Comment

(a) Proposed use

The proposal is a Community Radio Station. This precise use is not listed in Table 1 of Town Planning Scheme No. 6 (TPS6) which sets out the permissibility of listed uses. TPS6 contains provisions for a commercial radio station, but not for a community station.

The proposed community-based radio station is therefore a 'Use Not Listed'. Clause 3.3(7) enables the Council to approve the proposal, provided that it is advertised for community comment under Clause 7.3 of the Scheme. This process has been undertaken, and is discussed further under the “Consultation” section of this report.

(b) **Description of the proposal**

Land and building: A land area of approximately 3,043 sq. metres of the 'parent' South Perth Church of Christ site has been identified for the proposed use. The radio station land will remain part of the main site and will not be fenced. The proposed building will contain meeting rooms, studios, recording booths, and numerous other areas associated with the activities of the community radio station.

The rectangular building was previously proposed to be located in the south-eastern corner of the site with its long side parallel to Murray Street. The building is now more elongated with its long side facing west, as previously, and is proposed to be located further west but in the same general location. Many details of the design of the building are different from the building that was approved in September 2006. One new feature is that a central courtyard is now incorporated within the building.

The building is proposed to be constructed of red brick facework to a height of 1.0 metre, with cream brick facework above that height, other than in the veranda entry where the walls will be red brick for their full height. The roof will be Zinalume.

Car parking and access: The proposal includes car parking for 27 cars, two of which are identified for use by people with a disability. TPS6 does not specify a minimum car parking provision for the use. However, based on advice from the General Manager of the Station, this sized car park will be adequate for the proposed 20 full time staff, with seven bays to be marked for visitors' use.

Vehicular access to the site is proposed to be from Murray Street, the carriageway of which will need to be extended at least as far as the proposed car park entrance which is to the north of the building. The Manager, Engineering Infrastructure has provided advice in this respect, recommending that the road pavement be extended to the southern corner of the southern leg of McNabb Loop to provide greater options for future use. His comments are contained in the "Consultation" section of this report.

In June 2004, the Council considered the matter of extending Murray Street southwards. The same matter was reconsidered by Council in September 2006, when the Council most recently resolved as follows in relation to the road extension:

- *The applicant shall pay to the City 50% towards the cost (estimated to be \$75,000) of construction of the extended portion of Murray Street southwards to McNabb Loop (south), prior to a building licence being issued.*
- *The applicant be advised that the City is committed to the principle of equally sharing the cost of design and construction of the Murray Street extension southwards to McNabb Loop (south). It is estimated that the half share of the road works is likely to be less than \$75,000 however the applicant will be responsible for payment of half of the actual final cost of the road extension. The applicant is invited to liaise with the City with a view to the applicant commissioning the road design and construction to 'Industry Standard Specifications for Residential Streets', under the management of the City, if desired.*
- *Council agreement to part construct Murray Street southwards to McNabb Loop (south) does not affect or reduce the impact of the earlier resolutions to not provide a vehicle link of Murray Street from Thelma Street through to Jackson Road and/or Henley Street.*
- *The City provide for the 50% share of the design and construction costs associated with the extension of Murray Street. Depending on the timing of the works an appropriate budget allocation (estimated at \$75,000) is to be provided by way of a budget review if the works fall within the current financial year or alternatively accommodated in future financial year budgets.*

The current proposal will rely on Murray Street for its only vehicular access. In June 2004, the cost to construct a 7.0 metre wide carriageway and install local drainage (soak wells or similar) was calculated as \$108,820 plus GST. Costs have increased somewhat since then. Based on current design and construction costs, it is now estimated that total overall costs could be as high as \$150,000 but should be no higher.

The precise design and construction cost cannot be ascertained until a specific road design has been prepared and valued. The 2004 resolution set the principle for the Council and the applicant to share the cost equally, and this was reiterated by the Council in September 2006. The Manager, Engineering Infrastructure suggests that the applicant be invited to commission the design and construction of the road extension to 'Industry Standard Specifications for Residential Streets', under the management of the City, so as to be aware at all times of the actual costs of the project.

Transmission requirements: In the previous application, it was intended that the antenna which is required as part of the operation of the station would be fixed to the roof of the proposed building. However, in order to achieve the required lines of sight to the transmitting antenna in Bickley, it is now proposed that the antenna be fixed to the roof of the church building on the same site.

The applicant advises that the antenna is proposed to be no more than 3.0 metres high measured above the roof. The antenna is classified as being a No. F13. The studio transmitter link output is in the order of 10 watts, and the signal output is 'one-way' carrying the *Sonshine FM* signal from Como to the transmission site at Bickley. There is a 'red area' hazard boundary (no access area) of 0.1 metre around the antenna, which the applicant is aware of. The Australian Communications Authority (ACA) confirms that the proposal is required to comply with the requirements of the Telecommunications Act and related regulations. Under the *Telecommunications Act*, an antenna extending no more than 3.0 metres above the roof is deemed to be a 'Low Impact Facility'. The proposal has been processed as such by the City.

Sign: The previous proposal included a simple sign containing the station's logo, the station's frequency of "98.5", within an oval shape measuring approximately 3.0 metres wide and 1.8 metres from top to bottom to be fixed to the gable end of the building, facing north.

With the change of building design, there is no longer a roof gable, and a pylon sign is now proposed to be located at the driveway entrance to the site at Murray Street. This will be the main entry to the car park in front of and to the east of the building.

The sign will comprise the station's logo - "*98.5 Sonshine fm - no greed, no ridicule, no hurt*", in low key colouring, comprising white numerals within a navy blue oval shape with a green border. The sign face will be oval in shape, supported on three posts, and will be 1800mm high and 3600 wide. The proposed logo sign complies with the provisions of both Clause 6.12 of TPS6 and Council Policy P382 relating to signs. An image of the sign is contained in ***Confidential Attachment 9.3.7(a)***.

(c) **Trees**

No existing street trees are affected by the proposal. However, the plans indicate that several pine trees will be removed from the site in order to accommodate the proposed building and car park. The trees on this site are not heritage listed by the City.

The *Pinus pinaster* trees are a remnant of the former Collier Pine Plantation. Named after State Labour Premier, Phillip Collier, the Collier Pine Plantation of some 900 acres (365 hectares) was established in 1926. It was destined for cutting out from the 1960s onwards, and few pine trees now remain, with most of the land having been allocated for various government and institutional uses.

Today, the pine trees are important ecologically. With little remnant bushland remaining in the City, the remnant mature pine trees are a popular and essential food source for the endangered Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) and other birds. The location of the trees contributes to a valuable habitat corridor which extends down to the Canning River. For this reason they should be replaced on the site with appropriate trees of a different species. The City is not keen to plant further pines as they have a negative impact on the water table and soil acidity. Officers of the Department of Environment and Conservation (DEC) have indicated that for each mature pine tree removed, one hectare of natural vegetation would need to be provided to enable the birds to have enough replacement seed. While the City recognises that this is not a realistic situation, it highlights the importance of urgent replacement of the mature trees as a food source.

The City's Environment Coordinator recommends that wherever there is an opportunity, pine trees be replaced with a suitable native species, provided that the heritage significance of the pine trees is preserved elsewhere. Pine trees are known to be high water users, depleting ground water sources in the area. It is therefore important to replace them with low water users. In this case, the preferred replacement is a range of local indigenous plants, including the following:

- Candlestick Banksia - *Banksia attenuata*
- Holly Banksia - *Banksia ilicifolia*
- Firewood Banksia - *Banksia menziesi*
- Coastal Heath Banksia - *Banksia ericifoli*
- Tree Banksia - *Banksia longifolia*
- Pincushion Hakea - *Hakea laurina*
- Parrot Bush - *Dryandra sessilis*
- Marri - *Corymbia calophylla*
- Red Flowering Gum - *Corymbia ficifolia*
- Jarrah - *Eucalyptus marginata*
- Tuart - *Eucalyptus gomphocephall*
- Peppermint Tree - *Agonis flexuosa*
- Grass Tree - *Xanthorrhoea preissii*
- Callistemon spp.
- Grevillea spp.

A recommended condition of planning approval requires that the applicant shall submit a landscaping plan covering that portion of the development site delineated on the site plan for the proposed works. In addition to this, the landscaping plan should cover the verges on the western side of Murray Street and the northern side of McNabb Loop (South) adjacent to the portion of the development site delineated for the proposed works. In relation to the land within the street reserves, this landscaping plan should indicate a dry, water-controlled native garden, containing the recommended planting referred to above, where it will not be affected by the watering and fertilizing of the cultivated gardens on the main site. In the case of the street planting, this should be designed in consultation with the City's Environment Coordinator once the road design for the extension of Murray Street has been finalised. The extent and composition of the planting should be to the satisfaction of

the Manager, Parks and Environment. Further requirements to this effect are contained in the Officer Recommendation.

(d) 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:

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

The use of the Church of Christ site for this related activity enables existing services in the area to be used more efficiently.

(l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.

The proposed community radio station enhances the existing regional facility of the Church of Christ with a related function.

(e) 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:

The proposal meets all of the relevant objectives.

(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:

The proposal has been assessed and all aspects of the design and layout meet the principles of orderly and proper planning. Some design issues of concern to the City's Design Advisory Consultants with respect to solar orientation have been addressed elsewhere in this report.

(i) The preservation of the amenity of the locality:

The proposal is remote from other development and is not detrimental to 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:

The proposal has been assessed by the City's Design Advisory Consultants and has been found to be generally acceptable, subject to various design considerations.

(n) The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details:

The proposal has been assessed by the City's Design Advisory Consultants and has been found to be generally acceptable, subject to various design considerations.

- (o) *The cultural significance of any place or area affected by the development:*
The proposed use is compatible with the predominant use of the site, which is for religious activities. The community radio station provides a mix of mainstream and Christian music.
 - (r) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment:*
There is an issue in relation to removal of pine trees from the site. This issue is addressed elsewhere in this report, and a satisfactory solution is recommended.
 - (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:*
The matter of access and egress to the site has been addressed by the Manager, Engineering Infrastructure in notes provided on this matter. Details on this issue are contained elsewhere in this report.
 - (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:*
The matter of access and egress to the site has been addressed by the Manager, Engineering Infrastructure in notes provided on this matter. Details on this issue are contained elsewhere in this report. The future extension of the Murray Street pavement will be designed to accommodate future traffic using the site.
 - (u) *Whether adequate provision has been made for access by disabled persons:*
Two disabled car parking bays are provided. TPS6 does not require any other provisions to be made.
 - (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:*
It is recommended that a landscaping plan be required, such plan to show the replacement of the pine trees with appropriate native planting to replace the lost ecology when the pine trees are removed.
- (f) **Discretionary matters requiring Council consideration**
In addition to amenity considerations, other areas specifically requiring Council discretionary consideration are listed below:
- (i) The 'Use Not Listed', being 'Community Radio Station': Under Clause 3.3 (7) of TPS6, the Council has discretion to approve a use which is not listed in Table 1 of the Scheme. Owing to the isolation of the site, the inoffensive nature of the use, the relatively low visitation to the site, and the close connection to the predominant use of the site, it is recommended that this use be approved.
 - (ii) Street setback variation for the proposed building from the unmade southern leg of McNabb Loop: Under Clause 7.8 of TPS6, the Council has discretion to approve a development which does not comply with certain prescribed site requirements. The building is proposed to be set back 6.0 metres from the street alignment, instead of 7.5 metres as prescribed in Table 3 of TPS6. In the particular circumstances of there being no close neighbours, no streetscape to respect, and the low impact nature of the single-storey building, it is recommended that this setback variation be approved.

- (iii) Setback variations for the car park from both Murray Street and McNabb Loop: Under Clause 7.8 of TPS6, the Council has discretion to approve a development which does not comply with certain prescribed site requirements. Table 3 of TPS6 prescribes a street setback of 7.5 metres for any development in the Private Institution zone. The car park is proposed to be located 2.0 metres from Murray Street and 1.0 metre from McNabb Loop. In the particular circumstances of there being no close neighbours, no streetscape to respect, and the low impact nature of the use, it is recommended that these setback variations be approved.
- (iv) Design Advisory Consultants' comments: As discussed below, the City's Advisory Architects have commented on a range of design issues, and the applicant has responded, defending their design. The Council has discretion to require modifications to the design if warranted. In this instance, the applicant has carefully considered the needs of the users of the building and has adequately explained the particular design features in question. It is recommended that the applicant's preferred building design be accepted.
- (v) Replacement of trees on development site: Having regard to discussion elsewhere in this report, it is recommended that planting of appropriate native species on the Murray Street and McNabb Loop road verges be implemented as a means of replacing the food source for endangered birds provided by the pine trees on the site which will be lost as a result of this development.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held on 22 January 2007. Their comments are summarised below, together with responses from the applicant. Comments from the City's Senior Planning Officer are also provided.

DAC Comments

"The Advisory Architects found the new design less satisfactory than the previous design. To address their concerns, they recommended the following modifications:

- (a) *To improve solar orientation, the design should be 'mirror reversed' and turned through 90° so that the long elevations face north and south rather than east and west.*
- (b) *The corner detailing shown on Elevation 2 is not properly coordinated. The roof needs to be redesigned to achieve better coordination with the roof pitches being aligned with one another.*
- (c) *The layout of the car park should be modified in order to minimise the loss of existing pine trees.*
- (d) *Noting the heritage listing of the pine trees, for every pine tree that is to be removed, two Banksia trees should be planted.*
- (e) *If security mesh is intended to be fixed over the windows, the material used should be stainless steel in order to achieve a satisfactory appearance."*

Applicant's Response

- (a) *In regard to the solar orientation, we understand that the first reaction is to turn the building to have the long axis of it facing north, however the buildings primary rooms are the studios, which are to be manned 24 hours a day, 7 days a week. Therefore to provide a pleasant atmosphere to these*

studios they have been positioned to face north. The studios have also been positioned at the narrow end of the building to isolate them in a practical way, to be away from the general use areas for "noise control" to minimise sound transfer into the studios.

*The other main rooms that will benefit greatly from facing north are the meeting room and courtyard which will be used by the majority of the occupants. There is a long shallow roof facing north (see Section A - refer to **Confidential Attachment 9.3.7(a)**) that will allow the winter sun to beam into these areas but then there are the high walls on the sides to have protection from the west through the other times of year. Please note that there is the skillion verandah roof over the doors to the east entrance in the courtyard to protect them from the western elements. This verandah does need to be lowered than what I currently shown in section to give better protection.*

The shape of the roof has been designed without valleys, eave gutters, boxed gutters or flat roofs to avoid the ever present accumulation of pine needles from the surrounding trees (only eaves gutters to the entry verandah). We have even dropped the ground level to the courtyard with a wide step, which can be used as a seat, preventing any flooding problems and then making it easy to collect any pine needles discharged off the roof at ground level in lieu of cleaning gutters or boxed gutters on the roof. The courtyard also provides an excellent secure outdoor use area (weather permitting) for the occupants who are on night shifts and on over the weekends. The minimal use rooms have been placed to the western side.

We certainly agree with the advisors regarding the solar orientation and believe it has been specifically applied to give the best advantages to who will use it most.

- (b) In regard to the corner detail on elevation 2 [refer to **Confidential Attachment 9.3.7(a)**], the two roof pitches were initially created to give the mainly south facing entry some ambience with having the highlight glazing. To keep this feature the verandah needs to retain a minimum head clearance and the pitch is controlled by the window's height. In general the majority of verandahs on buildings are constructed at a lower pitch to the main roof so we are not concerned by the spilt pitches.*
- (c),(d) The reason our site plan did not show as many trees is that it was copied from the original plan prepared approx 12 years ago, hence the regrowth from the trees was not included. However this has been rectified on the revised site plan to be received by 30th January. Please see the same site plan showing the revised car park layout.*
- (e) In regard to the security screens your comments have been noted.*

Officer Comment

It is apparent from the applicant's response that careful consideration has been given to the design based upon the users' needs.

In relation to solar orientation, the applicant has explained the rationale for affording a northerly orientation to the studios and the meeting room ('Room 1' on submitted plans). The east-facing and west-facing rooms are used less frequently and that is the reason for siting those rooms in the proposed locations. While the east and west

elevations are now longer than originally intended, this has come about as a direct response to the functional requirements of the client. It is important to note that the City has no regulatory provisions relating to solar orientation in respect of non-residential buildings. The only reference to designing for optimum solar orientation is contained in Council Policy P370_T which relates exclusively to residential development. Therefore, while applicants should normally be encouraged to minimise habitable room windows on the western elevation, the Council is not in a strong position to insist upon reorientation of the building under the present circumstances. Furthermore, if the present design were to be supported while turning the building through 90 degrees, this would offer a less favourable orientation to the studios which the applicant says will be in constant use.

Notwithstanding the above comments, it is recognised that the long western elevation of the building could benefit from some additional shading. Consequently, it is recommended that additional native shade trees be provided where appropriate to the west of the building. Relevant conditions and advice notes to this effect are contained in the Officer recommendation.

Having regard to the preceding comments, it is recommended that on this occasion, the suggested design modifications contained in (a) and (b) of the DAC comments, not be imposed, and the applicant's preferred design be accepted. Items (c), (d) and (e) have been addressed by the applicant.

(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", to the same extent as previously. Notices were forwarded to the President of the South Perth Lawn Tennis Club, the Principal of Como Secondary School, the City's Manager of Collier Park Village, and the City's Acting Director of Corporate and Community Services in relation to the Collier Golf Course. Those neighbours were invited to inspect the application and to submit comments during a 14-day period. During the advertising period, no submissions were received.

(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. His comments relate to:

- Vehicle movements and construction of Murray Street.
- On-site car parking.
- Crossovers.
- Ground levels.
- Storm water.

Detailed comments are contained in **Attachment 9.3.7(b)** to this report. Relevant conditions and advice notes are contained in the recommended approval.

(d) Other City Departments

Comments have also been invited from the Environmental Health area of the City's administration. The Manager, Environmental Health Services provided comments with respect to:

- Environmental Protection (Noise Regulations) 1997.
- Bin enclosure.
- Roof plumbing.
- Mechanical ventilation.

The Environmental Health requirements have been incorporated into relevant planning conditions and advice notes.

Policy and Legislative Implications

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

Financial Implications

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

- (a) payment of the required Planning Fee by the applicant; and
- (b) the City's payment of half the cost of extending Murray Street road pavement southwards from the northern leg of McNabb Loop to the southern leg of McNabb Loop, estimated at \$75,000 maximum cost to the City.

Strategic Implications

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

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

Conclusion

The development site has no directly adjoining residential neighbours who would be affected by the new building, and the proposal meets all of the relevant Scheme objectives. Provided that the pine trees are replaced in the manner recommended in this report, it is considered that the application should be conditionally approved.

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| OFFICER RECOMMENDATION ITEM 9.3.7 |
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That.....

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed additions and alterations to Religious Activities (South Perth Church of Christ - Community Radio Station '98.5 *Sonshine FM*') and sign on Reserve 40241 Loc 3298 Murray Street cnr McNabb Loop, Como, **be approved**, subject to:

- (i) **Standard Conditions**
352, 354, 390, 445, 660, 663 (building).

| | |
|-----------------|--|
| 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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- (ii) **Specific Conditions**
 - (A) A rubbish storage area shall be provided, located and screened from view, and such area shall be provided with a gate.
 - (B) Any security mesh to be affixed to the windows shall be of stainless steel material in order to achieve a satisfactory appearance.
 - (C) At blind aisles, the width of end car bays shall be increased to 3.5 metres.
 - (D) The applicant shall pay to the City 50% towards the cost (estimated to be \$75,000) of construction of the extended portion of Murray Street southwards to McNabb Loop (south), prior to a building licence being issued.
 - (E) As required by the *Telecommunications (Low Impact Facilities) Determination 1997* as amended, the antenna is to be colour-matched to its background and extend no higher than 3.0 metres above the top of the roof of the building to which it is to be affixed.
 - (F) In accordance with Clauses 6.14 (2), 6.14(5) and 7.5(r) of Town Planning Scheme No. 6, the following landscaping requirements shall apply:

- (1) A landscaping plan shall be submitted for approval by the City. That plan shall depict landscaping proposals for:
 - (aa) the portion of the development site delineated for use by '98.5 *Sonshine FM*' on the plan identified as "Insert A Site Plan revised 30/01/2007"; and for
 - (bb) the portions of street verges adjacent to the land referred to in (a)(ii)(F)(1)(aa) above, on the western side of Murray Street and the northern side of McNabb Loop (South).
- (2) In respect of the landscaping proposals for the development site, the landscaping plan shall include additional native shade trees to the west of the building, in addition to other landscaping.
- (3) In respect of the Murray Street and McNabb Loop street verges referred to in Condition (a)(ii)(F)(1) above, the landscaping plan shall indicate a dry, water-controlled native garden, including a combination of the recommended species referred to in Specific Advice Note (a)(iv)(A), such planting being designed in consultation with the City's Environment Coordinator once the road design for the extension of Murray Street has been finalised.
- (4) Unless marked in red on the approved "Insert A Site Plan revised 30/01/2007" for removal, all existing trees on the portion of the development site delineated for the proposed works shall be identified for retention on the working drawings and on the required landscaping plan and shall be protected prior to and during construction, and shall not be removed without the prior approval of the City.
- (5) No person shall occupy or use the land or building the subject of this approval for the purpose for which this approval is given unless and until:
 - (aa) the City has approved the required landscaping plan; and
 - (bb) the landscaping has been completed in accordance with the plan approved by the City.

(iii) Standard Advice Notes

640, 645, 646, 648, 649, 651.

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

(iv) Specific Advice Notes

(A) With respect to the replacement of the pine trees with the City's preferred species, the applicant should consult with the City's Manager, Parks and Environment to ascertain the preferred extent, location and composition of the required dry native garden. As pine trees are known to be high water users, depleting ground water sources in the area, it is important to replace them with low water users. In this case, the preferred replacement is a range of local indigenous plants, including a combination of the following:

- Candlestick Banksia - *Banksia attenuata*
- Holly Banksia - *Banksia ilicifolia*
- Firewood Banksia - *Banksia menziesi*
- Coastal Heath Banksia - *Banksia ericifolia*
- Tree Banksia - *Banksia longifolia*
- Pincushion Hakea - *Hakea laurina*
- Parrot Bush - *Dryandra sessilis*
- Marri - *Corymbia calophylla*
- Red Flowering Gum - *Corymbia ficifolia*
- Jarrah - *Eucalyptus marginata*
- Tuart - *Eucalyptus gomphocephall*

- Peppermint Tree - *Agonis flexuosa*
- Grass Tree - *Xanthorrhoea preissii*
- Callistemon spp.
- Grevillea spp.

- (B) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements.
- (C) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure Department to ensure satisfaction of all of the relevant requirements.
- (D) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to designing a landscaping plan for the street verge areas as required, and to determine the most appropriate species and location of shade trees which are required to be provided to the west of the building.
- (E) It is the applicant's responsibility to liaise with the Australian Communications Authority with respect to their requirements for the facility.
- (F) The current application has been approved on the basis of the antenna details provided as part of this application. The proposed antenna constitutes a 'Low Impact Facility'. Should the need for a different antenna arise in the future, a new application for planning approval will be required at that time.
- (G) The applicant be advised that the City is committed to the principle of equally sharing the cost of design and construction of the Murray Street extension southwards to McNabb Loop (south). It is estimated that the half share of the road works is likely to be less than \$75,000 however the applicant will be responsible for payment of half of the actual final cost of the road extension. The applicant is invited to liaise with the City with a view to the applicant commissioning the road design and construction to 'Industry Standard Specifications for Residential Streets', under the management of the City, if desired.
- (b) Council agreement to part-construct Murray Street southwards to McNabb Loop (south) does not affect or reduce the impact of the earlier resolutions to not provide a vehicle link of Murray Street from Thelma Street through to Jackson Road and/or Henley Street; and
- (c) the City provide for the 50% share of the design and construction costs associated with the extension of Murray Street. Depending on the timing of the works an appropriate budget allocation (estimated at \$75,000) is to be provided by way of a budget review if the works fall within the current financial year or alternatively accommodated in future financial year budgets.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Hearne

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- heard Deputation
- applicants support officer recommendation-with one exception - gutters
- support officer recommendation

Cr Trent point of clarification - cannot find where recommendation refers to guttering - if officer recommendation is adopted - will they still be required to fit guttering?

Director Strategic and Regulatory Services stated that from an officer point of view there would be no difficulty in removing such a condition which could be accommodated by an additional part (d) to the recommendation.

AMENDMENT

Moved Cr Smith, Sec Cr Trent

That an additional part (d) be added to the officer recommendation as follows:

- (d) it be noted that Council does not require the provision of roof gutters provided that storm water is adequately disposed of.

Cr Smith for the Amendment

- logically this is an exception
- gutters not required
- support deleting gutter requirement
- support amendment

Cr Gleeson for the Amendment

- have set a precedent - Kent Street student accommodation has no gutters
- support removal of gutters
- support Amendment

Cr Jamieson point of clarification Page 83 of the Agenda paper and in particular Items (a)(iv) (B), (C), (D) and (E) state: "*it is the applicant's responsibility...*" is "soft wording" and needs to be more fully deterministic.

Director Strategic and Regulatory Services stated that the items referred to were not conditions of approval but merely Footnotes advising of the applicant's responsibilities.

Cr Ozsdolay closing for the Amendment

- support the Amendment
- support the proposal
- urge members to support proposal

The Mayor put the Amendment

CARRIED (13/0)

COUNCIL DECISION ITEM 9.3.7

The Mayor put the Amended Motion

That.....

- (a) pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed additions and alterations to Religious Activities (South Perth Church of Christ - Community Radio Station '98.5 *Sonshine FM*') and sign on Reserve 40241 Loc 3298 Murray Street cnr McNabb Loop, Como, **be approved**, subject to:

- (i) **Standard Conditions**
352, 354, 390, 445, 660, 663 (building).

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

(ii) **Specific Conditions**

- (A) A rubbish storage area shall be provided, located and screened from view, and such area shall be provided with a gate.
- (B) Any security mesh to be affixed to the windows shall be of stainless steel material in order to achieve a satisfactory appearance.
- (C) At blind aisles, the width of end car bays shall be increased to 3.5 metres.
- (D) The applicant shall pay to the City 50% towards the cost (estimated to be \$75,000) of construction of the extended portion of Murray Street southwards to McNabb Loop (south), prior to a building licence being issued.
- (E) As required by the *Telecommunications (Low Impact Facilities) Determination 1997* as amended, the antenna is to be colour-matched to its background and extend no higher than 3.0 metres above the top of the roof of the building to which it is to be affixed.
- (F) In accordance with Clauses 6.14 (2), 6.14(5) and 7.5(r) of Town Planning Scheme No. 6, the following landscaping requirements shall apply:
 - (1) A landscaping plan shall be submitted for approval by the City. That plan shall depict landscaping proposals for:
 - (aa) the portion of the development site delineated for use by '98.5 Sonshine FM' on the plan identified as "Insert A Site Plan revised 30/01/2007"; and for
 - (bb) the portions of street verges adjacent to the land referred to in (a)(ii)(F)(1)(aa) above, on the western side of Murray Street and the northern side of McNabb Loop (South).
 - (2) In respect of the landscaping proposals for the development site, the landscaping plan shall include additional native shade trees to the west of the building, in addition to other landscaping.
 - (3) In respect of the Murray Street and McNabb Loop street verges referred to in Condition (a)(ii)(F)(1) above, the landscaping plan shall indicate a dry, water-controlled native garden, including a combination of the recommended species referred to in Specific Advice Note (a)(iv)(A), such planting being designed in consultation with the City's Environment Coordinator once the road design for the extension of Murray Street has been finalised.
 - (4) Unless marked in red on the approved "Insert A Site Plan revised 30/01/2007" for removal, all existing trees on the portion of the development site delineated for the proposed works shall be identified for retention on the working drawings and on the required landscaping plan and shall be protected prior to and during construction, and shall not be removed without the prior approval of the City.
 - (5) No person shall occupy or use the land or building the subject of this approval for the purpose for which this approval is given unless and until:
 - (aa) the City has approved the required landscaping plan; and
 - (bb) the landscaping has been completed in accordance with the plan approved by the City.

(iii) **Standard Advice Notes**

640, 645, 646, 648, 649, 651.

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(iv) **Specific Advice Notes**

- (A) With respect to the replacement of the pine trees with the City's preferred species, the applicant should consult with the City's Manager, Parks and Environment to ascertain the preferred extent, location and composition of the required dry native garden. As pine trees are known to be high water users, depleting ground water sources in the area, it is important to replace them with low water users. In this case, the preferred replacement is a range of local indigenous plants, including a combination of the following:
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 - Peppermint Tree - *Agonis flexuosa*
 - Grass Tree - *Xanthorrhoea preissii*
 - Callistemon spp.
 - Grevillea spp.
- (B) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements.
- (C) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure Department to ensure satisfaction of all of the relevant requirements.
- (D) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to designing a landscaping plan for the street verge areas as required, and to determine the most appropriate species and location of shade trees which are required to be provided to the west of the building.
- (E) It is the applicant's responsibility to liaise with the Australian Communications Authority with respect to their requirements for the facility.
- (F) The current application has been approved on the basis of the antenna details provided as part of this application. The proposed antenna constitutes a 'Low Impact Facility'. Should the need for a different antenna arise in the future, a new application for planning approval will be required at that time.
- (G) The applicant be advised that the City is committed to the principle of equally sharing the cost of design and construction of the Murray Street extension southwards to McNabb Loop (south). It is estimated that the half share of the road works is likely to be less than \$75,000 however the applicant will be responsible for payment of half of the actual final cost of the road extension. The applicant is invited to liaise with the City with a view to the applicant commissioning the road design and construction to 'Industry Standard Specifications for Residential Streets', under the management of the City, if desired.

- (b) Council agreement to part-construct Murray Street southwards to McNabb Loop (south) does not affect or reduce the impact of the earlier resolutions to not provide a vehicle link of Murray Street from Thelma Street through to Jackson Road and/or Henley Street;
- (c) the City provide for the 50% share of the design and construction costs associated with the extension of Murray Street. Depending on the timing of the works an appropriate budget allocation (estimated at \$75,000) is to be provided by way of a budget review if the works fall within the current financial year or alternatively accommodated in future financial year budgets; and
- (d) it be noted that Council does not require the provision of roof gutters provided that storm water is adequately disposed of.

CARRIED (13/0)

Reason for Change

Council believed it was reasonable, following the Deputation request, to include an additional part (d) in the Motion to address the building design proposed which does not require the provision of gutters.

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| 9.3.8 Request for Review of Council Decision - Application for Amphibious Tours Coode Street Boat Ramp |
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|------------------------------|--|
| Location: | City of South Perth |
| Applicant: | Swan Duck Pty Ltd |
| File Ref: | GC/PR/9 |
| Date: | 7 February 2007 |
| Author and Reporting Officer | Mark Taylor, Acting Director Infrastructure Services |

Summary

A request has been received from an applicant (*Swan Duck Pty Ltd*) to review the decision by Council in September 2006 to reject their application to commence an amphibious tours operation out of the Coode Street boat ramp. The reason given by Council for the rejection was because another application (*WA Duck Tours*) had already been approved by Council and the Swan River Trust expiring in June 2008. Council had approved a 12 month trial period for *WA Duck Tours* and want to assess the effectiveness of that operation before considering any more applications.

WA Duck Tours has not commenced operation and there is no indication yet that they will do so.

This report recommends conditional approval of the *Swan Duck Pty Ltd* application subject to written advice from *WA Duck Tours* that they will not be commencing their operation.

Background

At the September 2006 meeting, Council considered an application referred by the Swan River Trust for *Swan Duck Pty Ltd* to conduct an amphibious tour business on the river. The tour proposed to utilise the boat ramp at Coode Street within Sir James Mitchell Park as the entry and exit point. Council resolved the following in response to the application.

That the Swan River Trust and the applicant Swan Duck Pty Ltd be advised that as the City of South Perth granted approval in March 2006 for the use of the Coode Street boat ramp to WA Duck Tours to operate an amphibious tour vehicle for a trial period of 12 months and as that approval is still current Council will not consider another application until the effectiveness of that trial can be assessed.

Swan Duck Pty Ltd and the Swan River Trust were advised of Council's decision. A copy of the officer's report and Council decision is attached (**Attachment 9.3.8(a)** refers).

Subsequent to the advice, the applicant contacted the City to discuss the reasons why the application was refused by Council. A letter was then received from the applicant **Attachment 9.3.8(b)** refers, summarising his position. A supporting letter was also received from Tourism Western Australia **Attachment 9.3.8(c)** refers.

Comment

The applicant was disappointed at not being present at the Council meeting to support his case to Council when another operator (*WA Duck Tours*), who had already been granted approval, took that opportunity to effectively promote his case instead.

Council's resolution on the *WA Duck Tours* application was for a trial period of 12 months. The subsequent Swan River Trust approval for the *WA Duck Tours* application is for a period of two years expiring on 2 June 2008. If the operation has not commenced by that time then *WA Duck Tours* will have to re-submit their application to the Swan River Trust and the City.

Neither the Swan River Trust nor the City has received confirmation from *WA Duck Tours* that they are about to commence business.

The Swan River Trust currently have the application by *Swan Duck Pty Ltd* on hold.

Consultation

This request for Council to review the application was referred to the Sir James Mitchell Park Community Advisory Group and discussed at the December 2006 meeting. The advisory group's consensus advice was as follows:

The Sir James Mitchell Park Community Advisory Group supports Council's original resolution on this matter at the September 2006 meeting.

The major reason for the group providing this advice is because there was already an approved application for amphibious tours on the Swan River.

Policy and Legislative Implications

The principal policy guiding the City over use of the Coode Street boat ramp is the Sir James Mitchell Park Foreshore Management Plan (April 2001). The following Actions contained within the plan provide guidance when considering this application:

Action 2: Commercial developments and special events should only be permitted in suitable locations which are chosen after careful consideration of social, environmental and physical planning criteria, in the context of the City of South Perth Policy for Commercial Activity on Sir James Mitchell Park.

Action 5: Ensure any new water based activity likely to increase crowding on the foreshore be consistent with the infrastructure required to support the activity.

Appendix 1 "Commercial Activity on Sir James Mitchell Park" of the Sir James Mitchell Park Management Plan has been utilised in assessing this proposal.

In Section 1. - **Policy Statement**, the following points are made:

It is recognised that the area known as Sir James Mitchell Park has been created primarily as a regional passive recreation area, which contains significant environmental, conservation and public amenity areas. It is important that these values together with the integrity and amenity of the area are not compromised.

The City of South Perth recognises that limited commercial activity is necessary for the benefit of users however any such activity should be in harmony with the realised values of the parkland.

In Section 3. - **Commercial Activities** it states:

To ensure that a development is appropriate to the area preference will be given to developments which demonstrate a clear integration of water based and land-based activities and where the water based activity forms a significant part of the development.

Under Section 3.3.9 - **Impacts**, development proposals should be considered under the following criteria:

1. Impact on adjoining and adjacent residents

The applicant has not submitted details about noise output of the vehicle. These have been requested from the applicant and his response is set out below. Approval should be conditional on the vehicle meeting noise regulations as set under the *Environmental Protection Act (1986)*.

The manufacturer in the USA has never had to produce such figures as the machines are built on an existing truck chassis which would normally comply anyway. The engine is completely enclosed within the hull. Sound proofing materials built around the engine bay also enhance the noise reduction.

2. Environmental Impacts

The major impact of this operation would be during its water-based activities. Assessment of this is therefore the provenance of the Swan River Trust and DPI.

3. Social and Physical Environment

The site is compatible with the proposed use except for size and weight concerns as detailed with the boat ramp concerns.

4. Likely changes to foreshore

Negligible, if utilising the provided ramp however there could be some erosion concern in the immediate vicinity of the ramp.

5. Pollution and erosion

The major pollution concerns are during the vehicle's water based activities. Erosion, both in the vicinity of the ramp and the adjacent foreshore, is an issue of concern for the City and one that will require ongoing monitoring should the application be approved.

6. Public usage and likely impact on access

The applicant's vehicle is large and will adversely impact access when it is in the vicinity of ramp, however due to the transient nature of the use; this is not considered to be a significant issue.

- 7. Protection of amenity values and without interruption to quiet enjoyment of the parkland by existing passive users**
The boat ramp is currently open for this type of use. Whilst this vehicle will be the largest accessing the ramp, there should not be any additional adverse impacts.
- 8. Public amenities**
Will have little or no impact on the public amenities along the foreshore.
- 9. Traffic and parking impact**
This may present an issue as this application has the amphibious vehicle entering and exiting the river at Coode Street. Consequently, the vehicle may be parked at the adjacent car park in between tours. No advice about this appears in the application.
- 10. Visual amenities**
The applicant's vehicle is large and could have an impact as it will be staying in the area during the day.
- 11. Complementary Activities**
This proposal does not figure strongly in this aspect and has very limited benefits for South Perth. There may be an opportunity to provide added value to South Perth by proposing that one location (eg Old Mill) is included in their cruise back to the City with added incentives offered to consider such aspects.

The Legislative implication of this application is that it is within the Swan River Trust's Management Area and as such is subject to the requirements of the Swan River Trust Act (1988). Council's resolution on this issue will be the subject of consideration by the Swan River Trust Board and then approval or otherwise, with conditions, by the Minister for Environment.

Financial Implications

The direct financial implications are difficult to determine at this stage. However conditions of any approval would need to address the financial risks associated with:

- Any resultant soil erosion costs will need to be met by the applicant.
- Initial ramp maintenance and/or redevelopment costs to be met by applicant.

Strategic Implications

The assessment of this application relates to the City's Strategic Plan Goal 3, Environmental Management. Strategy 3.3 is of particular relevance:

Ensure all future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community.

Conclusion

The following points should be noted by Council in reviewing its September 2006 resolution on this matter.

- In March 2006, Council approved an application from *WA Duck Tours* for a similar operation for a twelve month trial period.
- The Swan River Trust subsequently approved the *WA Duck Tours* application. The approval expires in June 2008.
- On refusing the *Swan Duck Tours* application, Council resolved that it would not consider another application until the effectiveness of the *WA Duck Tours* 12 month trial could be assessed.

- Neither the City nor the Swan River Trust has received notification of intent by *WA Duck Tours* to commence operation.

OFFICER RECOMMENDATION ITEM 9.3.8

That the Swan River Trust and the applicant be advised that the City of South Perth will grant approval for the use of the Coode Street boat ramp for *Swan Duck Pty Ltd* to operate an amphibious tour vehicle for a period of 12 months subject to the following conditions:

- (a) the existing approved operation (*WA Duck Tours*) advising in writing that they are not able to commence their operation by 2 June 2008, which is the approval deadline set by the Swan River Trust;
- (b) a detailed assessment be carried out by a suitably qualified Structural Marine Engineer, appointed by the City of South Perth, on the suitability of the boat ramp for this type of operation taking into account the load factors experienced on the ramp whilst the vehicle is exiting the water;
- (c) the applicant entering into a legal agreement with the City to bear all costs associated with the assessment and any necessary upgrading and future remedial works associated with the use of ramp and erosion around the ramp are to be carried out at the applicant's expense; and
- (d) the applicant being required to:
 - (i) observe, conform and perform in accordance with all State and Federal legislation including the Environmental Protection, Workers Compensation and Occupational Health, Safety and Welfare Acts; and
 - (ii) hold a current public risk insurance policy covering both the applicant and the City against any claim against death or injury to persons or property.

MOTION

Cr Gleeson moved the officer recommendation. Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne point of clarification - does it mean they have until 2 June 2008 to respond?

Acting Director Infrastructure Services stated that this was the approval deadline set by Swan River Trust.

Cr Hearne against the Motion

- Deputation has support from regulatory authorities and Swan River Trust
- would like more investigation on points raised in Deputation

FORESHADOWED MOTION

Cr Hearne Foreshadowed that he would be moving a Motion for deferral if the current Motion is Lost.

Cr Gleeson closing for the Motion

- needs to be tightened up to shorter length of time
- Swan River Trust approval impedes other operator
- support Motion

The Mayor put the Motion.

LOST (3/10)

MOTION

Moved Cr Hearne, Sec Cr Gleeson

That....

- (a) consideration of a request received from *Swan Duck Pty Ltd* to review the decision by Council in September 2006 to reject their application to commence an amphibious tours operation out of the Coode Street boat ramp be **deferred**; and
- (b) a further report be presented to Council no later than April 2007 addressing issues raised by Council and the Deputation at the February 2007 Council meeting.

Cr Jamieson against the Motion

- against the timing of report
- report needs to come back to March Council
- against the Motion

Cr Smith for the Motion

- cannot progress this until officers look at legality of situation
- March meeting too short a turn around time
- support report coming back to April meeting.

| |
|------------------------------------|
| COUNCIL DECISION ITEM 9.3.8 |
|------------------------------------|

The Mayor put the Motion

That....

- (a) consideration of a request received from *Swan Duck Pty Ltd* to review the decision by Council in September 2006 to reject their application to commence an amphibious tours operation out of the Coode Street boat ramp be **deferred**; and
- (b) a further report be presented to Council no later than April 2007 addressing issues raised by Council and the Deputation at the February 2007 Council meeting.

CARRIED (12/1)

Reason for Change

Deferred in order to consider issues raised by Members and the Deputation.

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| 11.4 Graffiti Removal and Prevention : Cr Doherty 14.2.2007 |
|--|

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 27 February 2007:

MOTION:

That further to the work being undertaken by the City in relation to graffiti removal and prevention that a report be presented to Council by April 2007 in respect to:

- (a) Council identifying more effective means of removing graffiti within a shorter timeframe than that which is currently in place;
- (b) collaborative engagement with government and non-government agencies such as Main Roads Western Australia, Telstra, the Education Department and Adshell be initiated for the purpose of putting in place agreements so Council can be authorised to remove graffiti from these agency's properties and recompensed for it;
- (c) the Council "Eyes on the Street" vehicles extending their present function to include the reporting of graffiti with an incentive developed to encourage the implementation of this reporting system;

- (d) identifying ways whereby positive feedback and acknowledgement is provided to both individuals and groups in the community recognising their contribution(s) in reporting graffiti;
- (e) working with community groups and schools to investigate how graffiti can be turned into 'public art' and identifying sources of funding to enable this process to be implemented; and
- (f) examining the City of Belmont's Graffiti Local Law 2007 and identifying the relevance of introducing a similar Local Law within the City of South Perth. and other areas that are addressing the removal and prevention of graffiti in the City.

MEMBER COMMENTS:

Removal of graffiti is taking a long time in the City and as the basic principle of CPTED and CPTM is that graffiti is removed promptly Council needs to look at how we can expedite this process. While other agencies are responsible for the removal of graffiti on their property, the process whereby residents phone the Graffiti Line and then the graffiti is reported to that agency is taking too long. The Graffiti Line is more appropriate for reporting occasional occurrences of graffiti once the city is cleaned up. The option of the Council invoicing the agencies to remove graffiti on their property warrants exploring at a local level.

The current Policy P309 – Graffiti Management needs to be changed to include the removal of ALL visible graffiti in any areas as this is more likely to discourage repeat occurrences. Similarly, the removal of all graffiti from **private property** should be actively offered by the City for a nominal cost so that this aim is achieved.

While the Eyes on the Street vehicles primarily report on vandalism, they are a valuable resource because they are visible in the community. Putting in place a system to encourage the drivers of these vehicles to report graffiti, with an incentive in place for those who do so is yet another way of working towards a "team approach" in responding to graffiti removal. Many areas have graffiti incorporated into public art. Working with local schools who in many cases know who the graffiti artists are, and looking at ways of where this form of 'art' can be showcased in the City is worth exploring. The City of Belmont's Graffiti Local Law 2007 specifically relates to preventing possession of graffiti items on private property without the consent of the owner/occupier; and to restrict storage to be away from public access and to restrict supply to persons over 18 years of age. The City's current Public Property Local Law No.2 of 1998 relates only to "public property."

CEO COMMENT

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

Part (a) of the Motion

Currently the City refers incidents of Graffiti to relevant agencies on the same day or within 2 working days from reports. These agencies include, Telstra, Australia Post, Alinta, Western Power, Education Department, Main Roads, Adshell. The state government has directed that these agencies ensure graffiti is removed from assets owned by these agencies within 48 hours of reporting, however this timeframe is not always achieved.

If on City owned property or private property where the owner has given permission, the City commits to removing/painting over graffiti within 5 days. This is a maximum with response times shorter on many occasions. Generally there is no charge for property owners, however on occasions where a specific colour mix of paint is required the owner may be requested to supply it.

Officers are looking at additional ways to promote the City's role in removing graffiti and providing more access to relevant information for the community.

Part (b) of the Motion

Developing an overarching service agreement along the lines mentioned above is a major focus for the State Local Government Graffiti Working Group which is being convened by the Office of Crime Prevention (refer attachment to Bulletin dated 9 February 2007). All agencies mentioned above are represented on this group as are LGAs through WALGA . Currently, Stirling is piloting a program using this approach and has entered into a bilateral agreement with Main Roads. Stirling's Manager Community Safety advises that this is working well. Results of the trial will be presented back to the group in March and it is anticipated that a broad agreement will be developed that can be used by LGAs incorporating most or all of the government agencies.

Part (c) of the Motion

Currently, all field staff are participate in the eyes on the street program. This involves completing a 'tick and flick' checklist on a pro forma document to report acts of suspicious behaviour. Documentation and reporting procedures are quite specific to this task and prescribed by the Police and the Office of Crime Prevention. The City also operates a system for all field staff whereby maintenance issues, eg. fallen vegetation and incidents of graffiti are reported by filling in maintenance forms. Reports of graffiti are regularly reported through this mechanism. The City currently runs an incentive program for staff who provide maintenance forms.

Part (d) of the Motion

The City has annual 'community safety' awards to recognise the contribution individuals make to making the community safer. Winners of these awards are recognised in the Peninsula newsletter and the local newspaper further promoting community safety initiatives.

Officers are looking at sustainable and efficient ways of maintaining contact with people who report graffiti.

Part (e) of the Motion

This year's Fiesta Youth event 'YACJAM' will feature an urban art competition which will be promoted through the YAC to local schools and youth based organisations.

Part (f) of the Motion

Officers are monitoring the progress of this.

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

Director Corporate and Community Services stated that the removal of graffiti was taken very seriously and as a consequence any new ideas and initiatives are worthwhile pursuing.

Manager Community, Culture and Recreation commented on the various items of the Motion and advised of some new initiatives that he was pursuing with government bodies and other agencies.

MOTION

Cr Doherty moved her Motion at Item 11.4 in the Agenda paper. Sec Cr Trent

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Doherty Opening for the Motion

- motion in response to concerns raised by ratepayers
- Removal of graffiti is taking a long time
- basic principle of CPTED and CPTEM is that graffiti is removed promptly
- Council needs to look at how we can expedite this process
- other agencies are responsible for the removal of graffiti on their property
- residents phone Graffiti Line - graffiti is reported - taking too long
- Graffiti Line more appropriate occasional occurrences of graffiti once City is cleaned up.
- Policy P309 – Graffiti Management needs modifying to include ALL visible graffiti
- graffiti removal from **private property** should be actively offered at a nominal cost by City
- acknowledge Eyes on the Street vehicles primarily report vandalism
- a valuable resource - visible in the community
- suggest a system be implemented to encourage drivers of these vehicles to report graffiti with an incentive in place for those who do so - another way of working towards a “team approach” in responding to graffiti removal.
- many areas have graffiti incorporated into public art
- look at ways where this form of ‘art’ can be showcased in the City - worth exploring.
- City of Belmont’s Graffiti Local Law 2007 relates to preventing possession of graffiti items on private property - worth exploring

Cr Hearne for the Motion

- support Cr Doherty’s comments
- refer to page 131 of Agenda paper and CEO comments - and wonder - does the ‘list’ we compile include when graffiti problem ‘fixed’
- trust procedures we have in place
- support Deputation and Motion proposed

MOTION

Cr Smith moved that the Motion be Put. Sec Cr Maddaford.

CARRIED (13/0)

COUNCIL DECISION ITEM 11.4

The Mayor put the Motion

That further to the work being undertaken by the City in relation to graffiti removal and prevention that a report be presented to Council by April 2007 in respect to:

- (a) Council identifying more effective means of removing graffiti within a shorter timeframe than that which is currently in place;
 - (b) collaborative engagement with government and non-government agencies such as Main Roads Western Australia, Telstra, the Education Department and Adshell be initiated for the purpose of putting in place agreements so Council can be authorised to remove graffiti from these agency’s properties and recompensed for it;
 - (c) the Council “Eyes on the Street” vehicles extending their present function to include the reporting of graffiti with an incentive developed to encourage the implementation of this reporting system;
 - (d) identifying ways whereby positive feedback and acknowledgement is provided to both individuals and groups in the community recognising their contribution(s) in reporting graffiti;
 - (e) working with community groups and schools to investigate how graffiti can be turned into ‘public art’ and identifying sources of funding to enable this process to be implemented; and
 - (f) examining the City of Belmont’s Graffiti Local Law 2007 and identifying the relevance of introducing a similar Local Law within the City of South Perth.
- and other areas that are addressing the removal and prevention of graffiti in the City.

CARRIED (13/0)

MEETING ADJOURNED

Moved Cr Trent, Sec Cr Hearne

That the meeting be adjourned at 10.00pm for a 10 minutes break.

CARRIED (13/0)

MEETING RESUMED

Moved Cr Trent, Sec Cr Hearne

That the meeting be resumed at 10.10pm.

CARRIED (13/0)

ORDER OF BUSINESS RESUMED

At this point in the meeting the order of business was resumed in the sequence of the Agenda.

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|--------------|--|
| 9.0.3 | Assessment No. 21 South Perth Esplanade <i>(Item 12.1 referred from Council Meeting 19.12.06)</i> |
|--------------|--|

| | |
|------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | SO1/21 |
| Date: | 11 January 2007 |
| Authors: | Cliff Frewing, Chief Executive Officer and Steve Cope, Director , Strategic and Regulatory Services |

Summary

The purpose of this report is to document the action taken with respect to a series of Council resolutions adopted in relation to 21 South Perth Esplanade over three months, ie October, November and December 2006.

Background

Resolutions from 'Notices of Motion' or 'Business of an Urgent Nature' have been adopted by Council in the last three months of 2006 in relation to this property. This report details the progress made in addressing the specific actions contained in the resolutions and the outcomes.

The series of Council resolutions are as follows:

At the October 2006 meeting, Council resolved at item 11.3:

"That....

- (a) subject to independent legal advice being sought from Kott Gunning Lawyers in relation to the local government powers to enter private land;*
- (b) the Chief Executive Officer, City of South Perth, Mr C Frewing, be directed to ASAP, arrange for suitably qualified surveyors to go on site and measure:
 - (i) the height;*
 - (ii) the setbacks; and*
 - (iii) the plot ratio*at No. 21 South Perth Esplanade, South Perth and the other building which is under construction is 'Millstream' located at Nos. 12 - 14 Stone Street, South Perth; and*
- (c) an independent witness will be required to oversee these measurements and I will move that Mr Graham Partridge, ex Chief Executive Officer of the Town of Cambridge be employed in that role as his knowledge and experience is ideally suited for the situation."*

At the November 2006 meeting, Council resolved at item 11.5:

“That the Chief Executive Officer, City of South Perth, Mr C Frewing, be directed to ASAP, send additional information to Kott Gunning, Lawyers re the property at No. 21 South Perth Esplanade, South Perth to enable them to provide a wider evaluation of the matter. The Information would be a copy of the documented submission that came from KCA showing calculations of the plot ratio which allege that the building has been ‘over-built’ and not in accordance with the approved plans or possibly the Town Planning Scheme No.6 and the R Codes.”

At the December 2006 meeting, Council resolved at item 12.1:

“That the Council of the City of South Perth wishes to follow the advice provided by Mr Laurie James, Chairman of Partners, Kott Gunning Lawyers re his Memo of 13 December 2006 to commission Kott Gunning’s Mr Ernie Samec to adjudicate between Council’s Planning Officers’ plot ratio evaluation and that of the KCA (Kensington Community Association) plot ratio submission to determine which elements would apply and they be calculated in relation to a property at No. 21 South Perth Esplanade, South Perth.”

Action taken in relation to the abovementioned resolutions is as follows:

October Resolution (a)

The legal advice sought was presented in full to Council at its meeting in November 2006. The advice by Kott Gunning stated, in part that:

“(b) If, however, further information is provided to the City which would give a proper basis for concluding the existence of reasonable grounds of non-compliance, then different considerations to those outlined above would apply. If further information of non-compliance is provided to the City we should be briefed so that we may give a definitive opinion to the City.”

October Resolution (b)

A surveyor, JBA Surveys who has a history of performing surveying work for the City was engaged to perform this work.

The findings of the **survey measurements** are as follows:

(i) Height and (ii) Setbacks

Apart from marginal variations, the building height and setbacks have remained as shown on the approved Building Plans, other than the rear setback variation referred to- below.

(iii) Plot Ratio

The plot ratio is in accordance with the approved Building Plans.(However see later analysis under ‘Comments’ December 2006 resolution)

In summary therefore, the above-mentioned survey measurements all revealed (with minor variations) that the building is constructed in accordance with the approved Building Plans.

October Resolution (c)

As per the Council resolution, Mr Graham Partridge has been appointed as a ‘probity auditor’ to independently witness the surveying activities of JBA Surveyors. The report of Mr Partridge on his involvement in this assignment is contained at **Confidential Attachment 9.0.3**. In summary, his report concludes: “The result of the survey revealed that the height and setbacks of the building were (apart from some minor insignificant variations) in accordance with the plans provided to the JBA surveys by the City of South Perth”.

In addition, the report indicates that:

“All measurements were taken from the outside of the boundary of the building and the appointed surveyor did not calculate the plot ratio of the building.”

In regard to the calculation of the plot Ratio I advise that I attended a meeting held at the City of South Perth on Friday 19 January 2007 at which the compliance of the building as constructed was the focus of discussion.

The meeting came to the conclusion that the plot ratio for the completed building was not in accordance with the approved (planning) plans. It is my understanding that Mr Samec, Partner Kott Gunning Lawyers will be reporting to the City in regard to the outcome of the meeting”.

November Resolution

The additional information referred to in the resolution identified as ‘Watermark’ which was identified as originating from the KCA was provided to Kott Gunning. The response provided by Kott Gunning was tabled at the Council Meeting in December. In part, the advice stated:

”The information provided by the KCA is taken entirely from the strata plan and therefore there is no indication that the physical dimensions on site might be otherwise as shown on the strata plan.”

“The position therefore remains exactly the same as set out in our letter of 10 November 2006, namely that there is no evidence at this stage of any discrepancy between the physical dimensions of the building and the dimensions shown on the approved plans. Consequently, there is no legal basis for entry on to the premises, unless the owner consents.”

As a result of this advice and the fact that the Surveyor could obtain the necessary measurements without entering the property, the measurements were conducted from public land and investigations conducted from Council plans and records.

December Resolution

As per the Council resolution Mr Ernie Samec of Kott Gunning lawyers was appointed to adjudicate between Council’s Planning Officer’s plot ratio evaluation and the KCA plot ratio submission. The report of Mr Samec which is dated 14 February 2007 is contained as **Confidential Attachment 9.0.3(a)**.

A meeting between the parties named in the Council resolution took place on 19 January 2007 and it was during the course of this meeting that a discrepancy between the approved Planning Plans and the approved Building Plans was noticed. This discrepancy resulted in the plot ratio being greater than that allowed and previously approved.

A Planning Officer checked the building licence plans against the original sketch plans and then gave a clearance for the building licence to be issued. Documents on file do not explain the increased floor area and it has not been possible to obtain an explanation from the officer in this regard, as he is currently on leave overseas.

It is important to note that correspondence has also been received from Clayton Utz on behalf of the developer of 21 South Perth Esplanade and is attached as **Confidential Attachment. 9.0.3(b)**.

Comment

Planning approval was granted by Council on 23 March 2004 and a building licence was issued on 16 August 2004. The calculated plot ratio at the time of planning approval was 869 sq.metres and the plot ratio on the Building plans was 950 sq.metres. The maximum allowable plot ratio for the site was 911 sq metres.

Following the granting of planning approval based on Planning plans, building licence plans were submitted incorporating increased floor area. The increase came about by extending the building some 3 metres further towards the rear of the site, while the rear setback remains well in excess of the required minimum. The primary purpose of the increase was to accommodate an additional bedroom in three dwellings. The effect of the increase was to extend the plot ratio floor area to just under 40 sq. metres beyond the prescribed maximum. This represents around 13 sq. metres per dwelling for three of the dwellings. This conclusion is based upon the universally applied method of assessing plot ratio at the time, while noting that the method of assessment has subsequently become more stringent as a result of later State Administrative Tribunal interpretations.

It is acknowledged that an inadvertent error occurred by the Planning Team at the time the Building Plans were approved and this resulted in the plot ratio being increased by 39m² (4 %) above the allowable plot ratio. The changes to the plans should have been readily identified even though the basic shape of the development remained unchanged.

It is noted that the Building Plans for this property were assessed approximately three years ago and prior to a number of important changes made to the assessment process following a review of procedures by the City of Belmont.

The City of Belmont audit relating to six buildings in the City of South Perth was conducted last year and the findings were reported to Council Members at a Concept Forum briefing on 10 July 2006 and Council Members were provided with a summary of those findings.

The Belmont officers presented a list of 17 recommendations. The general conclusions were as follows:

- The Belmont Officers did not identify any significant areas of concern with the manner of assessment of the six buildings that were the subject of the audit. However they recommended a number of ways in which practices could be improved.
- Greater focus should be placed on ensuring that drawings are compliant before planning approval is issued i.e. less reliance should be placed on conditions of planning approval requiring significant design changes.
- At the stage of checking working drawings prior to building licences being issued, apart from the most minor and inconsequential variations from the approved "Planning" plans, design changes at the building licence stage should not be tolerated.

Since the Belmont audit the following improved practices have been implemented:

- A more stringent interpretation of plot ratio is now applied. (*Note: The new interpretation has been applied since October 2005 following two key SAT determinations*).
- At the stage of assessment of applications for planning approval, where statutory conflicts are identified or significant design changes are required for other reasons, the Planning Officers require the submission of revised drawings before approval is granted, rather than imposing conditions resulting in design changes.
- Subsequently, when building licence plans are checked against the approved sketch plans, variations are not supported other than inconsequential changes to internal layout which do not materially affect the exterior appearance of the building.
- The Planning Assessment Sheets have been expanded to more comprehensively document the planning assessment undertaken.

Intended further improvements to current practices

Investigations into further improvements to current practices are ongoing, in pursuit of the “continuous improvement” approach. The following further improvements will be implemented, among others:

- It is proposed to ‘reserve’ one night per month for Council Briefings on “Major Developments” where Planning applications have been received. It is also acknowledged that this may delay Council approval being given, but would result in a more acceptable outcome.
- While a comprehensive and effective assessment sheet is used at the planning approval stage, the subsequent review of building licence plans is not currently supported by another assessment sheet. To record details of the cross-checking between the approved sketch plans and the subsequent working drawings, a building licence assessment sheet is being prepared. This will record compliance with conditions of planning approval. Further, any minor variations will be documented and if approved, the rationale for supporting the variations will be recorded.
- For major developments, including all applications referred to Council meetings for determination, in addition to the assigned Planning Officer’s cross-check of the building licence plans against the approved sketch plans, an “audit check” will be undertaken by the Team Leader, Planning Services, or the Manager, Development Services.
- Guidelines will be produced to facilitate the cross-checking of building licence plans to establish a consistent basis for endorsement of any minor and inconsequential variations from approved “Planning” plans. These guidelines will include but may not be limited to the following:
 - Where variation(s) to a planning approval is sought at the Building License stage, it must be very clear on what basis the modification has been supported and under what authority it has been approved.
 - Where minor variations are sought at the Building License stage from an approved set of plans, a formal request for a variation to the planning approval should be sought by the applicant. If supported, the variation(s) should be granted subject to all previous terms and conditions. If not supported, either the Building Licence must be amended or a new application for planning approval lodged for consideration by Council.
 - Where major variations are sought from an approved set of plans a new application should be lodged for determination.
 - Significant changes to the exterior of the building are not permitted.
 - Internal changes to the layout of rooms are permitted, noting that under TPS6, such changes do not require planning approval.
 - Where at a Council meeting, the Council exercised discretion in relation to the approval of setbacks, no further variation is permitted.
 - Where the approved setback complies with the Acceptable Development provisions, variation to the approved setback would only be permitted within the Acceptable Development limit.
 - Where the approved setback complies with the Acceptable Development provisions and a proposed variation would involve the exercise of discretion, such variation will not be approved.

The Administration believes that whilst the error is regrettable, sufficient measures have been recently identified and implemented as a result of recent reviews and procedural changes to prevent such an occurrence from happening again.

Consultation

Advice taken from Kott Gunning, JBA Surveys and probity auditor Mr Graham Partridge. Consultation occurred with KCA.

Policy and Legislative Implications

Legal advice received from Kott Gunning.

Financial Implications

Costs incurred to date on this project (excluding officer time) are as follows:

| | |
|---------------------------------------|---------------------|
| Legal Advice | \$3,145 (ex GST)* |
| Surveyors (including search fees etc) | \$2,500 (excl. GST) |
| Probity Auditor (independent witness) | \$1,227 (excl. GST) |

The resource implications of the revised procedures and guidelines have not been assessed and as a consequence will not be able to be verified until implemented. It is possible that the increased level of assessment will require additional resources to administer. A further report will be submitted should this prove to be the case.

Strategic Implications

Planning and Building processes reviewed following SAT decisions, Receipt of City of Belmont report and ongoing continuous improvement practices.

OFFICER RECOMMENDATION ITEM 9.0.3

That

- (a) Council notes the actions taken and the outcomes with respect to a series of Council resolutions adopted in relation to 21 South Perth Esplanade 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 Plans 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.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Gleeson

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best point of clarification - following the review of the 'Watermark documents and a meeting attended by KCA, Ernie Samec of Kott Gunning and Council Officers it appeared that the plot ratio was just numbers copied by the officers - Why were the enclosed balconies omitted in the KCA table? Why did the City's Planning Department not advise what the correct plot ratio was - ie present 'fresh' plot ratio calculations?

Director Strategic and Regulatory Services stated that what was actually submitted to Council was a response to a one-page circular. Officers responded to that document in providing an Officer Comment. He said that the report prepared in November and subsequent December 2006 Council resolution was to commission Kott Gunning and that consideration of the plot ratio issue took place at a later time.

MOTION

Moved Cr Best, Sec Cr Doherty

That the officer recommendation be amended by the inclusion of the following additional parts (d), (e), (f), (g) and (h):

- (d) that Council notes 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.
- (g) the plot ratio figure to be included in the heading details of the officer report and Agenda paper; and
- (h) the matter be referred back to Ernie Samec of Kott Gunning for a complete review of other matters of non-compliance such as the lift motor room and roof shape and size.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best opening for the Motion

- have to recognise developers will go to any length to achieve desired outcome
- should not be entertaining any gambit claims
- developers out there trying to 'cut corners'
- Motion is proposed to send a message that Council takes its statutory responsibilities seriously
- we want to make sure City of South Perth protected for future
- 'bunker mentality' permeated Council

Cr Macpherson objected to the reference to 'bunker mentality'

Cr Ozsdolay wanted it recorded that Cr Best speaks for himself and not Cr Ozsdolay

Cr Best opening for the Motion (cont'd)

- if we acknowledge we have a problem - need to do something about it
- data in Ernie Samec's report show that there are errors in planning assessments
- Council must provide good guidelines for development
- ratepayers need to have confidence in Council assessments
- to take public office seriously we need to accept public scrutiny - work for the betterment of the community
- need to be open and transparent

EXTENSION OF TIME

Moved Cr Hearne, Sec Cr Smith - That Cr Best be granted an extension of time of 5 minutes to finish his debate.

CARRIED (13/0)

- 3m to each floor equals a large area / millions of dollars
- bonuses have negative impact on neighbours views
- compliance with TPS protects views
- need to pursue this matter

Cr Doherty for the Motion

- believe amended Motion will tighten process
- ensure there is an onus on applicants to comply with provisions
- officers report referred to an assessment error at time building plans were approved
- good to read these words as once you have acknowledged a mistake we can then move on
- report reflects all officers working through the process
- procedures taking place will add value in future
- commend officers on proposed 'Footer'
- community consultation - more detailed in where applications comply and do not comply.

Cr Ozsdolay point of clarification in relation to the 'Reason for Change' identified on the yellow paper circulated - is the reason for change supported by the officers.

Director Strategic and Regulatory Services stated yes, that it was proposed to prepare guidelines and to then test them.

Cr Ozsdolay against part (h) of the Motion

- have acknowledged mistake implementing guidelines
- why are we sending back to Kott Gunning
- looking for compensation?
- to important an issue to ignore - is already being addressed

Cr Cala for the Motion but against part (h)

- thought what was being presented tonight was for future 'guidelines'
- now we have part (h) that the matter goes back to Kott Gunning
- out of context - would support Motion without part (h) proposed
- in general terms report outcome needs to vindicate Council
- developers have commercial drive
- acknowledge the problem - officer recommendation is good
- would like part (h) of the Motion reconsidered

AMENDMENT

Moved Cr Smith, Sec Cr Hearne

That the Council censures the CEO of the City of South Perth, Mr C Frewing for his failure to provide accurate information on this matter.

Cr Smith opening for the Amendment

- believe CEO did not want to acknowledge there was a problem
- asked was penthouse included - no reaction
- tragedy is we are dealing with a developer
- developer has added to plot ratio of this building
- 80 sq.metres extrapolates to \$1.4M
- KCA included this building on its list investigated by Belmont- advised CEO there was a problem
- the tragedy is it depicts us against staff
- no getting away from it - building over plot ratio
- now have KCA, City officers and Ernie Samec working through this
- Mr Frewing did not want this matter raised - he wanted it to go away
- we now have a problem of 80 sq.metres
- we should be in unification with Council and staff against developer
- big portion of honest developers who build as is are being disadvantaged

Mayor Collins reminded Councillors that during debate they were not to criticise other Members' votes. He stated that every Councillor is entitled to his/her vote. He also raised the point that Members should not criticise developers as a 'whole' as without developers we would not have the City we have.

Cr Hearne for the Amendment

- have a lot of experience around the Council table
- do not believe issue taken seriously by CEO
- believe he stone-walled process
- disappointed that the CEO did not take the matter seriously
- if censure Motion adopted it will be a lesson for CEO to take things seriously

Mayor requested the CEO to respond to the censure Motion.

CEO Response to Amendment

The CEO stated that he would be very disturbed if Council considered, let alone adopted the censure Motion. If a Councillor is going to make an allegation it should be supported by facts and evidence. If a Councillor has a complaint of this nature there are mechanisms to deal with this through the Code of Conduct manual. To make an allegation without proof is out of order and should not be supported for obvious reasons. As an example - Cr Smith stated that these two properties (12/14 Stone Street and 21 South Perth Esplanade) had been included in the list provided by KCA which were investigated by the planning team and then referred to the City of Belmont for an independent review. This is incorrect, these two properties were not part of that original list of six properties but came up only recently.

The CEO said he had concerns about the way Council has gone about obtaining this information by the use of Notices of Motion. However once these Motions were moved and passed the administration addressed all of the issues and provided the information requested in a timely manner. The Council resolutions were acted upon quickly. The report on tonight's agenda is an open and accountable report. Officers have gone through the process and have identified where improvements can be made and guidelines set for future assessments.

He further stated that he was surprised by the accusations made as the matter has been taken very seriously, not stone walled, but acted upon properly and that he was happy with the outcome as we are now in a position to put our 'shop in order'. He said he was happy with the proposed modifications to the officer recommendation but that he did not believe part (h) proposed will take the matter any further. He would now like to get on with the job and provide sound advice and put this matter behind us. To use Cr Jamieson's words, 'lessons learned' have been made now we need to move on.

Cr Ozsdolay against the Amendment

- do not want a division between Council and CEO
- censure motion does not enhance problem
- am I disappointed - No
- censure motion - No - would like to see facts in a more formal way
- this is not natural justice
- if individual Councillors have an opinion - go through correct procedure
- Amendment proposed will take us backwards not forwards

Mayor against the Amendment

- making accusations without information
- this is not bringing forward natural justice
- natural justice gives notice to person the subject of complaint
- give person opportunity to rectify/respond to complaint
- to add that you have no confidence shows poor governance

Cr Smith closing for the Amendment

- when this first surfaced - I asked CEO did this building comply - he responded Yes
- issues is that it did not
- happy we are addressing it now
- happy staff and Kott Gunning are addressing it now - but we had to really force the issue
- there is the proof - I asked CEO did the building comply, he responded, Yes
- when I asked was the building measured for height, set backs and plot ratio I found - it was not
- do not have written evidence - matter raised by KCA
- the fact is Mr Frewing misled me when I asked if building complied
- now we know it does not

The Mayor put the Amendment.

CARRIED (7/6)

NOTE: MAYOR COLLINS AND CRS GLEESON, MACPHERSON, OZSDOLAY AND TRENT REQUESTED THAT THEY BE RECORDED AS HAVING VOTED AGAINST THE AMENDMENT.

Cr Best closing for the Motion

- believe part (h) should stay
- have concerns about lift motor room and roof space
- what are 'lessons learned' from this in relation to roof space, lift wells etc
- we want no more surprises

COUNCIL DECISION ITEM 9.0.3

The Mayor put the Amended Motion

That

- (a) Council notes the actions taken and the outcomes with respect to a series of Council resolutions adopted in relation to 21 South Perth Esplanade 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 Plans 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) Council notes 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;
- (g) the plot ratio figure to be included in the heading details of the officer report and Agenda paper;
- (h) the matter be referred back to Ernie Samec of Kott Gunning for a complete review of other matters of non-compliance such as the lift motor room and roof shape and size; and
- (i) the Council censures the CEO of the City of South Perth, Mr C Frewing for his failure to provide accurate information on this matter.

CARRIED (8/5)

NOTE: CRS GLEESON, MACPHERSON AND OZSDOLAY REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

Reason for Change (9.0.3)

Due to the work demands experienced by the Planning staff in the City, this action will require the applicant to complete the planning assessment sheet and for officers to simply check the veracity of the information. Planning staff will need to consider the discretionary and subjective issues, such as amenity and streetscape impacts. This initiative will significantly reduce this workload and should be encouraged. This requirement will also improve open and transparent governance, as applicants and the community alike will understand the planning requirements of the City.

| | | |
|--------------|--|---|
| 9.0.4 | Assessment No. 12-14 Stone Street Perth | <i>(Item 12.2 referred from Council Meeting 19.12.06)</i> |
|--------------|--|---|

| | |
|------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | 11/765 and ST3/12 |
| Date: | 11 February 2007 |
| Authors: | Cliff Frewing, Chief Executive Officer Steve Cope, Director, Strategic and Regulatory Services |

Summary

The purpose of this report is to document the action taken with respect to a series of Council resolutions adopted in relation to 12-14 Stone Street over three months, i.e. October, November and December 2006.

Background

Resolutions from 'Notices of Motion' or 'Business of an Urgent Nature' have been adopted by Council in the last three months of 2006 in relation to this property. This report details the progress made in addressing the specific actions contained in the resolutions and the outcomes.

The series of Council resolutions are as follows:

At the October 2006 meeting Council resolved at item 11.3:

"That....

- (a) subject to independent legal advice being sought from Kott Gunning Lawyers in relation to the local government powers to enter private land;*
- (b) the Chief Executive Officer, City of South Perth, Mr C Frewing, be directed to ASAP, arrange for suitably qualified surveyors to go on site and measure:
 - (i) the height;*
 - (ii) the setbacks; and*
 - (iii) the plot ratio*at No. 21 South Perth Esplanade, South Perth and the other building which is under construction is 'Millstream' located at Nos. 12 - 14 Stone Street, South Perth; and*
- (c) an independent witness will be required to oversee these measurements and I will move that Mr Graham Partridge, ex Chief Executive Officer of the Town of Cambridge be employed in that role as his knowledge and experience is ideally suited for the situation."*

At the November 2006 meeting, Council resolved at item 11.6:

“That the Chief Executive Officer of the City of South Perth, Mr C Frewing, be directed to immediately commence arranging for the qualified surveyors, plus the independent witness Mr Graham Partridge, to carry out the necessary evaluation of the building at Nos. 12 - 14 Stone Street, South Perth to ascertain whether the building as constructed complies with the approved plan and the provisions of the Town Planning Scheme No. 6 and the R Codes in relation to height, plot ratio and setbacks.”

At the December 2006 meeting, Council resolved at item 12.2:

“That....

- (a) the Chief Executive Officer, City of South Perth, Mr C Frewing, be instructed to arrange for the surveyor (he has chosen) and the independent witness Mr G Partridge, accompanied by a City of South Perth Council Building Surveyor, to go on site at No. 12/14 Stone Street and advise the builder that they wish to measure and calculate the plot ratio of the building “as constructed”; and*
- (b) if there is any refusal by the builder and / or the owner to allow this to be done or if they are impeded or obstructed in any way, they are to leave the site immediately and report the matter straight away to the CEO, Mr Frewing and then the Council’s direction would be for Mr Frewing to immediately inform Mr Laurie James of Kott Gunning Lawyers so that he can apply to the Court for the ‘Enabling-Order’ to ensure Council’s wishes are carried out.”*

Action taken in relation to the abovementioned resolutions is as follows:

October Resolution (a)

The legal advice sought was presented in full to Council at its meeting in November 2006. The advice by Kott Gunning stated, in part that:

‘At present there appears to be no evidence upon which Council could form a view that it has a reasonable basis for suspecting that the building is presently or will be (during the course of construction) not in compliance with the approved plans’.

October Resolution (b)

A surveyor, JBA Surveys who has a history of performing surveying work for the City was engaged to perform this work.

The findings of the survey measurements are as follows:

(i) Height

The building height shown on the building licence plans complies with the prescribed maximum in Town Planning Scheme No. 6. The height of three screen walls at roof level has increased, while noting that there is no conflict with height requirements. Whilst this is a minor variation, it is an unauthorised departure from the approved building licence plans.

(ii) Setbacks

Compared with the Planning plans, the building licence plans (as approved) show that the entire building has been relocated approximately one metre further south and one metre further from the northern boundary. There has been no increase in the width of the building as a result of the relocation. The combined overall dimension of the north and south setbacks remains consistent with the approved Planning plans. The setbacks remain consistent with the Town Planning Scheme requirements.

The rear setback shown on the building plans is consistent with the dimensions shown on the planning plans. The front setback has been reduced by approximately 400mm while still complying with the prescribed minimum.

Subject to these comments, the measurements provided by the surveyor indicate the 'as built' setbacks of the building are in accordance with the approved Building Plans.

(iii) **Plot Ratio**

Plot ratio is in accordance with the approved Building Plans.

In summary therefore, the above-mentioned survey measurements all revealed (with minor variations) that the building is constructed in accordance with the approved Building Plans.

October Resolution (c) As per the Council resolution, Mr Graham Partridge has been appointed as a 'probity auditor' to independently witness the surveying activities of JBA Surveyors. The report of Mr Partridge on his involvement in this assignment is contained at **Confidential Attachment 9.0.3**. In summary, his report concludes:

"The survey revealed that the height and side setback of the building under construction were, apart from some minor variations, in accordance with the approved plans provided to JBA Surveys by the City of South Perth.

The Surveyor.....did not undertake a calculation of the plot ration and it is recommended that this be measured when the first Strata Plan is lodged with the City."

November Resolution and December Resolution (a)

Further legal advice provided by Kott Gunning was tabled at the November meeting of Council which concluded as follows:

"(d) If there is a preference to proceed with the Council decision at the present time, a delegated officer should inform the owner of the City's intention to enter and inspect the building at a reasonable time. The delegated officer's entry would be lawful under clause 9.1(2) of Town Planning Scheme No 6, even if the owner declined to consent to entry. If entry is refused, the City should not force entry and must observe the provisions of the Local Government Act in order to gain lawful entry. If non-compliance is determined, Council may issue a stop Work Order."

After a series of communications between the City, Kott Gunning and Stone Street Developments Ltd, access to the property was granted by the developer to the City staff, the Surveyor and Mr Partridge on Tuesday, 23 January 2007 when internal measurements were taken.

December 2006 resolution part (b)

As entry was gained to the property with the permission of the owners, it was not necessary to take any further action.

Comment

As a result of discovering the variation in The South Perth Esplanade property, a similar check was conducted by comparing the approved Planning plans with the approved Building plans and this confirmed a similar inconsistency.

A Planning Officer checked the building licence plans against the original planning plans and then gave a clearance for the building licence to be issued. Documents on file do not explain the increased floor area and it has not been possible to obtain an explanation from the officer in this regard, as he is currently on leave overseas.

Planning approval was given on July 2004 and a building licence was issued on 28 June 2005.

Following the granting of planning approval based on sketch plans, building licence plans were submitted incorporating increased floor area. The increase came about primarily as a result of increasing the floor area of the two penthouse units and by slightly increasing the floor area of one secondary bedroom within each of the units in the whole building. The effect of the design changes was to increase the plot ratio floor area from the maximum permissible 3380 sq. metres to 3498 sq. metres (around 98 sq. metres or 3.5% beyond the prescribed maximum), once again, based upon the prevailing method of plot ratio calculation.

Part of the variation relates to a minor extension to one bedroom in each of 24 units. The increase is approximately 1.75 sq. metres for each unit which has a total area of 132 sq metres. Because of the small variation this would not have been easy to identify without very detailed checking of the Planning Plans to the Building Plans. The balance of the floor area exceeding the prescribed maximum appears to be attributable to an incorrect calculation at the planning approval stage.

It is acknowledged that an inadvertent error occurred by the Planning Team at the time the Building Plans were approved and this resulted in the plot ratio increase.

It is noted that the Building Plans for this property were assessed approximately 18 months ago and prior to a number of important changes being made to the assessment process following a review of procedures by the City of Belmont.

The following comments are identical to those contained in report 9.0.3 as the background to procedural changes and proposed remedy is the same

The City of Belmont audit relating to six buildings in the City of South Perth was conducted last year and the findings were reported to Council Members at a Concept Forum briefing on 10 July 2006. Council Members were provided with a summary of those findings.

The Belmont officers presented a list of 17 recommendations:- The general conclusions were as follows:

- The Belmont Officers did not identify any significant areas of concern with the manner of assessment of the six buildings that were the subject of the audit. However they recommended a number of ways in which practices could be improved.
- Greater focus should be placed on ensuring that drawings are compliant before planning approval is issued i.e. less reliance should be placed on conditions of planning approval requiring significant design changes.
- At the stage of checking working drawings prior to building licences being issued, apart from the most minor and inconsequential variations from the approved "Planning" plans, design changes at the building licence stage should not be tolerated.

Since the Belmont audit the following improved practices have been implemented:

- A more stringent interpretation of plot ratio is now applied. (*Note: The new interpretation has been applied since October 2005 following two key SAT determinations*).
- At the stage of assessment of applications for planning approval, where statutory conflicts are identified or significant design changes are required for other reasons, the Planning Officers require the submission of revised drawings before approval is granted, rather than imposing conditions resulting in design changes.
- Subsequently, when building licence plans are checked against the approved sketch plans, variations are not supported other than inconsequential changes to internal layout which do not materially affect the exterior appearance of the building.
- The Planning Assessment Sheets have been expanded to more comprehensively document the planning assessment undertaken.

Intended further improvements to current practices

Investigations into further improvements to current practices are ongoing, in pursuit of the “continuous improvement” approach. The following further improvements will be implemented, among others:

- It is proposed to ‘reserve’ one night per month for Council Briefings on “Major Developments” where Planning applications have been received. It is also acknowledged that this may delay Council approval being given, but would result in a more acceptable outcome.
- While a comprehensive and effective assessment sheet is used at the planning approval stage, the subsequent review of building licence plans is not currently supported by another assessment sheet. To record details of the cross-checking between the approved sketch plans and the subsequent working drawings, a building licence assessment sheet is being prepared. This will record compliance with conditions of planning approval. Further, any minor variations will be documented and if approved, the rationale for supporting the variations will be recorded.
- For major developments, including all applications referred to Council meetings for determination, in addition to the assigned Planning Officer’s cross-check of the building licence plans against the approved sketch plans, an “audit check” will be undertaken by the Team Leader, Planning Services, or the Manager, Development Services.
- Guidelines will be produced to facilitate the cross-checking of building licence plans. These guidelines will include but will not be limited to the following:
 - Where variation(s) to a planning approval is sought at the Building License stage, it must be very clear on what basis the modification has been supported and under what authority it has been approved.
 - Where minor variations are sought at the Building License stage from an approved set of plans, a formal request for a variation to the planning approval should be sought by the applicant. If supported, the variation(s) should be granted subject to all previous terms and conditions. If not supported, either the Building Licence must be amended or a new application for planning approval lodged for consideration by Council.
 - Where major variations are sought from an approved set of plans a new application should be lodged for determination.

- Significant changes to the exterior of the building are not permitted.
- Internal changes to the layout of rooms are permitted, noting that under TPS6, such changes do not require planning approval.
- Where at a Council meeting, the Council exercised discretion in relation to the approval of setbacks, no further variation is permitted.
- Where the approved setback complies with the Acceptable Development provisions, variation to the approved setback would only be permitted within the Acceptable Development limit.
- Where the approved setback complies with the Acceptable Development provisions and a proposed variation would involve the exercise of discretion, such variation will not be approved.
- Where major variations are sought at the building licence stage, these will not be approved and a new application for planning approval must be lodged for consideration by Council.

The Administration believes that whilst the error is regrettable, sufficient measures have been recently identified and implemented as a result of recent reviews and procedural changes to prevent such an occurrence from happening again.

Consultation

Advice taken from Kott Gunning, JBA Surveys and probity auditor Mr Graham Partridge and liaison with the property owners.

Policy and Legislative Implications

Legal advice received from Kott Gunning.

Financial Implications

Costs incurred to date on this project (excluding officer time) are as follows:

| | | |
|---------------------------------------|---------|------------|
| Legal Advice | \$3,145 | (exc. GST) |
| Surveyors (including search fees etc) | \$2,310 | (exc. GST) |
| Probity Auditor (independent witness) | \$818 | (exc. GST) |

The resource implications of the revised procedures and guidelines have not been assessed and as a consequence will not be able to be verified until implemented. It is possible that the increased level of assessment will require additional resources to administer. A further report will be submitted should this prove to be the case.

Strategic Implications

Planning and Building processes reviewed following SAT decisions, Receipt of City of Belmont report and ongoing continuous improvement practices.

| |
|--|
| OFFICER RECOMMENDATION ITEM 9.0.4 |
|--|

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.

MOTION

Cr Trent moved the officer recommendation, Sec Cr Ozsdolay

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

AMENDMENT

Moved Cr Best, Sec Cr Cala

That the officer recommendation be amended by the inclusion of the following additional parts (d), (e), (f) and (g):

- (d) Council notes 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;

Cr Jamieson point of clarification will ‘deemed refusal’ have an impact on timing of briefings? Director Strategic and Regulatory Services stated yes, that it could take the application over the refusal period but that it was not uncommon for them to go over.

COUNCIL DECISION ITEM 9.0.4

The Mayor put the Amended Motion

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.
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- (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.

CARRIED (13/0)

Reason for Change

Due to the work demands experienced by the Planning staff in the City, this action will require the applicant to complete the planning assessment sheet and for officers to simply check the veracity of the information. Planning staff will need to consider the discretionary and subjective issues, such as amenity and streetscape impacts. This initiative will significantly reduce this workload and should be encouraged. This requirement will also improve open and transparent governance, as applicants and the community alike will understand the planning requirements of the City.

9.0.5 South Perth Civic Triangle Site/Proposed South Perth Station and Peninsula Area Strategy *(Item 9.0.2 referred from Council meeting 22 February 2005)*

Location: Precinct 1 Mill Point, South Perth
Applicant: Council
File Ref: PS/8A/6
Date: 5/2/07
Author/Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

The purpose of this report is to determine the City's intention in relation to the Civic Triangle site. This decision is essential to facilitate preparation of the 2007/2008 Strategic Financial Plan. This report builds upon a series of Council briefings which were held during 2006 (March, September, October and December) as well as earlier briefings to enable further consideration of a strategy for the Civic Triangle land.

Council's Principal Activity Plans/Strategic Financial Plans from 2003 to 2006 have indicated the tentative disposal of the site. Proceeds from the disposal have been included in each Strategic Financial Plan albeit with qualification about the sale since 2005.

In May 2003 Council requested that a detailed analysis be undertaken of future options for the site. Council received a report on the future for the Civic Triangle site in November 2004 and resolved to endorse the report for the purpose of consultation. In February 2005, Council resolved to defer community consultation on the Civic Triangle proposals pending final adoption of the South Perth Station and Peninsula Area Strategy. Council resolved in October 2006 to initiate Stage 2 of precinct planning strategies for the South Perth and the Canning Bridge train station precincts.

The focus of investigations for presentation to recent Council briefings in late 2006 has been consideration of the options of disposal of the Civic Triangle land by sale or lease. Syme Marmion & Co. presented an analysis of the returns anticipated under a freehold sale versus long term lease scenarios to a December 2006 Council briefing. The analysis presented to that recent briefing is incorporated in this report. A decision at the February 2007 Council meeting will form an input to the 2007/2008 Strategic Financial Plan and will set future direction for the 'disposal' of the site.

Background

The South Perth Civic Triangle is bounded by Mends Street, Labouchere Road and Mill Point Road. The Civic Triangle comprises 10 separate lots. The City owns all the lots, with the exception of the Post Office land which has been withdrawn from sale by Australia Post. The Post Office and Police Station buildings have heritage significance.

The City has progressively acquired land at the Civic Triangle since 1986. Initially there were no strategies or Business Plans in place for the site, with acquisitions continuing without documented consideration of long-term objectives. Anecdotally, there was a suggestion that the land would be used for civic purposes - hence the title of the site. In 1996, the Strategy for Economic Development of Land Based Freehold Assets was adopted by the then Council and the 'Civic Triangle' was identified as a significant option for converting non-performing land holdings within the Municipality. The City decided to seek ownership of the adjoining lots to facilitate a significant development site. The Council completed the acquisitions in October 1997 (with the exception of the Post Office and Police Station). The Police Station was subsequently acquired in May 2004.

In May 2002 the Council adopted a Principal Activity Plan which indicated that the site might be disposed of and the proceeds applied to civic projects. In May 2003 Council reviewed this approach and requested that a detailed analysis be undertaken with respect to future options for the site.

In 2004 a program was initiated involving external expertise working collaboratively with the City's Elected Members and senior staff to identify and evaluate options for the future of the Civic Triangle site. A Multi Criteria Analysis method was used to assess options. The analysis used a Triple Bottom Line approach in its assessment whereby each of the social, environmental and economic factors was considered when identifying the preferred option.

The range of criteria used to inform decisions about the future of the site reflected the Brief developed by the City in 2003 and included:

(a) Economic Factors

- Quantifiable economic costs and benefits of various options (both short term and long term);
- Quantified evaluations of the impact of various options on the financial viability and commercial performance of the City of South Perth;
- A non-quantified appraisal of the impact of the various options on the dynamic business environment of City of South Perth and the Mends Street commercial centre in particular.

(b) Social Factors

- Heritage, cultural, architectural and urban design value;
- The opportunities for the community to interact with the precinct in social, commercial and cultural activities.

(c) Environmental Factors

The impact of the various options on:

- Water, air and noise pollution
- Greenhouse gas emissions
- Sustainable waste management
- Energy efficiency
- Bio-diversity
- General air and environmental quality
- Traffic generation and parking requirements

The process involved a series of papers and workshops, which considered:

- The social, demographic, economic and policy context for development of the site;
- The range of options for development on the site, given the development context;
- The relative importance, or weighting, of criteria to be applied to the assessment of options on the site; and
- Investigation of the consequence of varying the weighting of various criteria, particularly the risk to the Council of various options.

The context study undertaken in association with the 2004 Multi Criteria Analysis indicated:

- Approximately 2,500 people living in the peninsula area, with a high proportion of single households and of people over 60;
- Approximately 2,000 people employed in the precinct with the majority in the office / business sector; and
- Some opportunity for retail expansion and significant opportunity for increased business employment activity, provided that the rail station were constructed.

As a result of the first Workshop with Council, the initial analysis for the scenario development and assessment focused on the two possibilities of a train station either being built or not at the end of Lyall Street and the development of two variations of a 'built form' for the Civic Triangle site including a 16-storey scenario and a 10-storey scenario. The 16-storey option was discounted as being less viable for this site.

The detailed analysis focused on a 10-storey development with 5 scenario variations based on compliance or non-compliance with the existing TPS6 (with density variations), train station and no train station scenarios, and the level of commercial development. A sixth option of "do nothing" was also included in the assessment.

The assessment methodology employed a Multi-Criteria Analysis technique. This method ranks a given set of alternatives based on how well they satisfy a set group of criteria. The chosen criteria were based on the triple bottom line categories of economic, social and environmental standards. In the second Workshop, Members of the City of South Perth Council provided weightings to each of the criteria according to importance.

The main outcomes were:

- The results of the Multi Criteria Analysis suggested that for the Council, largely due to risk factors, the most favourable choice at that time was to sell the site, with some development conditions attaching to the sale contract.
- Whether the rail station is built or not, the analysis suggested that selling the site is still the optimum choice.
- The Multi-Criteria Analysis indicated site densities should be increased. Note that the modelled scenario for increased density did not anticipate an increase in the overall bulk or height of the 'built form' currently allowed under TPS6.
- Consequences of this are that a revision of the TPS6 would be required.

It is also acknowledged that the land is currently 'unproductive' in that its ownership by Council provides little or no benefit to the City or its ratepayers. Given that the City is in the business of providing facilities and services for the benefit of its ratepayers and residents and the release of funds 'tied up' in this asset will enable the City to more ably provide and satisfy this requirement, it is proposed that disposal arrangements commence as soon as possible. This will also enable the provision of new capital facilities at minimum cost given construction costs continue to rise at an extravagant rate.

Comment

(i) Civic Triangle Site

Since Council's consideration of the 2004 Civic Triangle Site Study, changes in the following key factors has occurred:

- The rail station is more certain, with a publicly stated commitment for construction by 2010. The Government has already committed funds to the station by re-aligning the road and rail line as a variation to the main rail construction contract to allow for the future construction of a station platform and station building.
- The property market has continued to strengthen and this allows a re-assessment of the likely returns and a re-consideration of the data informing the lease versus sell option.

The results of the previous process have recently been reviewed by Elected Members at Concept Forum briefings held on 12/9/06, 3/10/06 and 5/12/06.

At the September 2006 Concept Forum it was acknowledged that the disposal options of the City entering into a joint venture or being principal developer was not appropriate due to the increased risk factor, and as a consequence the City would focus on lease and sale options.

The October 2006 Concept Forum addressed the objectives and timetable for review of a strategy for the Civic Triangle site including funding and partnership options. The following consensus emerged on key issues:

- Further information was to be obtained including specialist external expertise with regard to a range of development scenarios for the Civic Triangle in a sale or lease situation.
- The focus of further planning investigations should be on the impact of the Southern Suburbs Railway on the City of South Perth.
- That a mini Town Planning Scheme review should be undertaken for the South Perth Train Station Precinct (including Mends Street Commercial Precinct) and the Canning Bridge Train Station Precinct.
- There was a theme expressed by Council that it would be more comfortable if the ultimate ownership of the site remained with the City.

Syme Marmion & Co presented an analysis of options for lease versus sale of the Civic Triangle land to a December 2006 Concept Forum and this analysis is presented below.

The options to lease rather than sell the site remain open. Best information available at the time of the 2004 multi-criteria analysis indicated that the returns available from leasing the site were likely to be substantially lower than sale of freehold land and that this outweighed the consideration given to the strategic advantages of retaining long-term ownership of the site by the City. The latter was a specific criterion in the earlier multi-criteria analysis. At that time, the lease being considered was a short term lease.

Given the continued strengthening of the property market, and the likelihood that it will remain strong within the timeframe for dealing with the site, it is appropriate to check the assumptions underlying the earlier result.

Under a lease option the site would be made available to a private developer for a specified period. It is likely that this would be a very long period (ideally 75 - 99 years) and the longer the period, the closer to appearing as if it were freehold title the transfer becomes. While some ground leases for industrial and commercial uses are structured on the basis of periodic (monthly or annual) payments, a single payment at the commencement of the lease is common and more appropriate for residential uses. A precedent for this type of transaction may be seen in the Swan Brewery site. In the analysis a single lump sum upfront payment is assumed. This payment captures the totality of the value in current terms of the anticipated cashflow if it were to be spread across the lease period.

The main effect of a lease option is that the formal title to the land remains with the City and use of the land would revert to the City at the end of the lease period. This was seen as an important consideration in the earlier Council workshops.

Note that under each option, conditions of sale or lease would include development conditions that may go beyond the prevailing Town Planning Scheme including design guidelines, heritage conditions and specifications on land use and development timing. Under each option the site would be offered to the market in an open competitive process. Council would have a significant capacity to influence what ultimately is developed on the site under the lease (with conditions) option.

The specialist external advice received is that a review of the likely return to the City of a sale of the site as a freehold title is between \$11.9 and \$14.5 million. The upfront payment from a ground lease of the site, with similar development conditions to the freehold offering, could be approximately the same, provided a very long (75 - 99 years plus) lease term were offered. The advice received is that a reduction in the lease term would substantially reduce

the expected lease payment, to the extent that if it were less than 50 years the site would have no leasehold value as a development site. The offering of a residential development site to the market as a ground lease is unusual in Perth and the expected return to the city with this option is subject to much greater variation or in other words risk than a freehold sale.

Whether the market will find a residential lease opportunity in South Perth attractive or not, only time will tell as there is no comparable evidence available to provide definitive advice. If this course of action is preferred Council will need to review its position if offers received ultimately prove unattractive.

(ii) Train Station Precinct Planning

At its October 2006 meeting, Council resolved :

“That Council...

- (a) endorse preparation of a brief for the development of further detailed planning strategies for the South Perth and Canning Bridge train station precincts;*
- (b) authorise the initiation of a tender process to select a suitable consultant(s) to conduct stage 2 of the Precinct studies; and*
- (c) endorse investigation of a collaborative approach and/or partnership with the WA Planning Commission on the preparation of precinct planning strategies.”*

Discussions have occurred with the Chairman of the WAPC and senior staff of DPI with regard to the possible shared funding of further planning studies addressing the impact of the Southern Suburbs Railway on the South Perth and Canning Bridge Railway Stations; these discussions have been positive and the City is preparing to lodge a detailed funding submission.

The WAPC response to the City’s funding submission will determine the study budget and allow the City to proceed with the process of selecting a study consultant.

Anticipated Timetable

The following indicative timetable for review is subject to confirmation and requires consideration in conjunction with the indicative timetable for the proposed South Perth Train Station Precinct review.

| | | |
|----|--------------------------------------|--------------|
| 1. | Decision on sale or lease | February 07 |
| 2. | Finalise Site Development Guidelines | June 07 |
| 3. | Sale / EOI documentation | August 07 |
| 4. | EOI submitted | September 07 |
| 5. | EOI shortlisting | December 07 |
| 6. | Detailed submissions | April 08 |
| 7. | Evaluation of submissions | June 08 |
| 8. | Final approval | July 08 |
| 9. | Funds received | October 08 |

Summary

In summary, considerable research, investigation advice and analysis has occurred in the last few years in respect to the Civic Triangle site.

The prospect of disposing of the land and applying the proceeds towards civic projects has been included in the Strategic Financial Plan for the past 5 years.

At this point in time due to the need for decision making in respect of those other civic projects, it is necessary for the strategy for the Civic Triangle land to be determined.

Earlier specialist advice provided to Council was that sale of the land would be most beneficial. At recent Council briefings, for the first time specialist external advice was conveyed that the leasing option may generate comparable returns to freehold sale.

The Civic vision for the land remains to be finalised including preparation of development guidelines for the land and specification of any other conditions of disposal.

Finalisation of the Civic Triangle strategy at this time will be beneficial in terms of market conditions and is complementary to other current initiatives, such as the proposed South Perth train station proposed precinct plan and Town Planning Scheme review.

Consultation

Section 3.58 of the *Local Government Act* requires public advertising of any proposal to 'dispose' of land under Council ownership or control. Disposal in this context includes lease of land under Council control.

Policy and Legislative Implications

The Local Government Act details requirements with respect to the disposal of property.

The following Council policies are relevant to this matter and have been taken into account in the formulation of this report:

- Policy P103 - Communication and Consultation
- Policy P306 - Development of Council owned land

Financial Implications

Financial implications outlined in this report are conceptual and are subject to further reporting. However, the inclusion of indicative proceeds from the site in the Strategic Financial Plan for 2006/2007 to 2010/2011 is integral to the sustainable funding of the City's proposed capital program over this time. Several significant community facilities (which have the potential to deliver enormous social benefit to the community) are reliant upon the indicative funding from this site.

Leveraging that funding through a long term lease, whilst retaining the long term ownership of the site by the City, demonstrates a responsible stewardship of the City's major strategic financial assets by Councils.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" and Goal 6 "Financial Viability" 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. To provide responsible and sustainable management of the City's financial resources*.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.0.5**

Moved Cr Trent, Sec Cr Maddaford

That with respect to land owned by the City known as the Civic Triangle within the street block bounded by Mends Street, Labouchere Road and Mill Point Road:

- (a) on the basis of specialist advice that an upfront lease payment for the Civic Triangle land will approximate the likely freehold sale prices the City plan to dispose of the land on the basis of a 99 year lease, not freehold sale;
- (b) a further Council report be submitted addressing:
 - (i) proposed development guidelines (i.e. height, density residential vs. commercial land use), and other relevant conditions of disposal (i.e. continued access to South Perth Learning Centre);
 - (ii) public consultation on the proposed development guidelines, and
 - (iii) an indicative study timetable be prepared for the proposed Town Planning Scheme review associated with the South Perth train station precinct to demonstrate compatibility with the indicative timetable for disposal of the Civic Triangle land;
- (c) a figure of \$11m be incorporated in the Strategic Financial Plan for the 2008/2009 year in respect to income from disposal of the land.
- (d) a professional land valuation be obtained prior to any action being taken to dispose of the land.

CARRIED (13/0)

9.1 GOAL 1 : CUSTOMER FOCUS
Nil

9.2 GOAL 2: COMMUNITY ENRICHMENT
Nil

9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

DECLARATION OF INTEREST : ITEM 9.3.1 : CR MACPHERSON

"I wish to declare a conflict of interest in Agenda Item 9.3.1 Proposed Four × Two Storey Grouped Dwellings 110 Mary Street, Como on the February 2007 Council Agenda. I disclose that I live in Leonora Street in close proximity to the development site the subject of the report, and in view of this I will leave the Council Chamber and not seek to discuss or vote on this matter."

Note: Cr Macpherson left the Council Chamber at 11.12pm

9.3.1 Proposed Four × Two Storey Grouped Dwellings to Replace Four Former Multiple Dwellings. Lot 166 (No. 110) Mary Street, Como.

| | |
|--------------------|--|
| Location: | Lot 166 (No. 110) Mary Street, Como |
| Applicant: | Lauderan Pty Ltd |
| Lodgement Date: | 6 October 2006 |
| File Ref: | 11.2006.480 MA9/110 11/362 |
| Date: | 1 February 2007 |
| Author: | Jordan Ennis, Planning Officer |
| Reporting Officer: | Steve Cope, Director Strategic and Regulatory Services |

Summary

To consider an application for planning approval for the replacement of four Multiple Dwellings with four Grouped Dwellings using the provisions of Clause 6.1 “Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits” of Town Planning Scheme No. 6. The site was previously occupied with four Multiple Dwellings which were approved prior to the TPS6 dual density coding of R30/R40. Without invoking the special provisions of Clause 6.1 of TPS6, the site only qualifies for development at the lower density coding of R30. Council discretion is sought pursuant to the provisions of Clause 6.1 of TPS6 to allow four Grouped Dwellings. Further information is provided within the comment section of this report. The recommendation is for approval subject to standard and special conditions.

Background

This report includes the following attachments:

- Confidential Attachment 9.3.1(a)** Plans of the proposal.
- Attachment 9.3.1(b)** Objections from adjoining land owners.
- Attachment 9.3.1(c)** Letter of support from adjoining land owners.
- Attachment 9.3.1(d)** Letter from applicant.

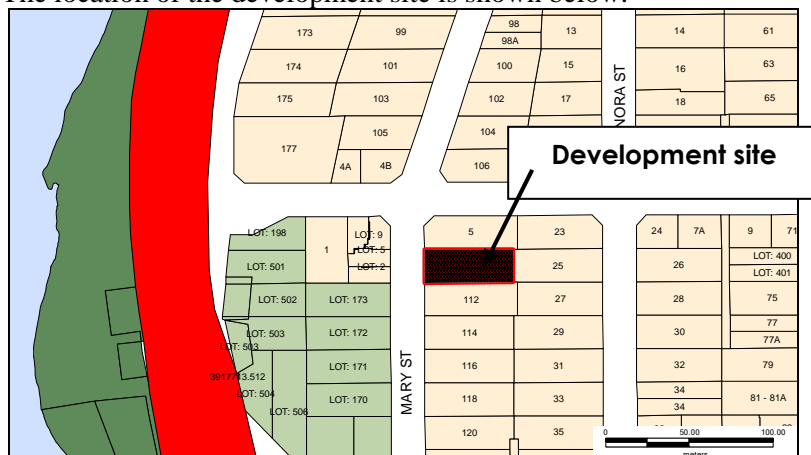
The development site details are as follows:

| | |
|-----------------------|---|
| Zoning | Residential |
| Density coding | R30 / R40 |
| Lot area | 1063 sq. metres |
| Building height limit | 7.0 metres |
| Plot ratio | Not applicable |
| Development potential | Three Grouped Dwellings (in accordance with Table 1 of the Residential Design Codes); or Four Grouped Dwellings (in accordance with Clause 6.1 of Town Planning Scheme No. 6). |

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:

- 3. **The Exercise of a Discretionary Power**
 - (iv) *Proposals involving the exercise of discretion under Clauses 6.1 or 6.11 of the No. 6 Town Planning Scheme.*

The location of the development site is shown below:



Comment

(a) Description of the proposal

The proposal incorporates four, two storey Grouped Dwellings.

(b) Town Planning Scheme No. 6 provisions: Clause 6.1

The proposed development involves the exercise of discretion in relation to the proposed number of dwellings and also in relation to boundary walls. Comments on boundary walls are provided in part (f) below.

Council is not being asked to exercise discretion in relation to any other aspect of the proposed development, as it complies with the Acceptable Development provisions of the R-Codes. As explained in part (e) below, a greater extent of building bulk would have been possible, while still complying with the Acceptable Development provisions of the Codes.

The proposal involves the replacement of four Multiple Dwellings with four Grouped Dwellings in accordance with the provisions of Clause 6.1 "Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits" of Town Planning Scheme No. 6 (TPS6). Sub-clause (1) states that:

- "(1) Notwithstanding the provisions of the Codes but subject to the provisions of sub-clause (3), if, on the date of gazettal of the Scheme a site contained a residential development that exceeded:*
- (a) the density coding indicated on the Scheme Maps; or*
 - (b) the Building Height Limit; or*
 - (c) both the density coding and the Building Height Limit;*
- the Council may approve redevelopment of that site:*
- (i) to the same density or height or both, and with the same use as those of the development which existed on the site on the date of gazettal of the Scheme; and*
 - (ii) with a plot ratio exceeding the maximum prescribed by the Residential Design Codes."*

Sub-clause (2) applies to sites containing a non-residential development, and therefore is not applicable to the current proposal. Sub-clause (3) states:

- "(3) The power conferred by Sub-clauses (1) and (2) may only be exercised if:*
- (a) in the opinion of the Council, the proposed development will contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct than the building which existed on the site on the date of gazettal of the Scheme; and*
 - (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the Council, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of Clause 7.3."*

(c) Vehicular manoeuvrability

The application was referred to the City's Engineering Infrastructure Department to ascertain whether adequate provision had been made for vehicle egress from the garage of Unit 4. The Manager, Engineering Infrastructure acknowledged that the garage to Unit 4 could not be exited in a single turn movement based on the

Engineering Department's software. However, their software is based on a high standard where the dimensions of the vehicle are considerably greater than the typical mid-size sedan. The Manager, Engineering Infrastructure was satisfied that if the garage was occupied by both a larger size vehicle and standard size vehicle, the reversing movement could be effected in several movements without detriment to the surrounding units.

(d) Outdoor living areas

Clause 3.4.2 "Outdoor Living Areas" of the Residential Design Codes requires each Grouped Dwelling to feature an Outdoor Living Area with a minimum area of 24 sq. metres. In addition, the Outdoor Living Areas are required to be located behind the street setback line, directly accessible from a habitable room of the dwelling, have a minimum length and width dimension of 4.0 metres and have at least $\frac{2}{3}$ of the required area without permanent cover. In this instance, at least 16 sq. metres of each Outdoor Living Area must be unroofed.

In this instance, the dwellings have been provided with Outdoor Living Areas of a size required at the applicable R30 density coding (24 sq. metres), but the unroofed portion is only equivalent to that required at R40 density coding ($\frac{2}{3}$ of a 20 sq. metre courtyard or 13.33 sq. metres).

Officers are of the opinion that this arrangement is satisfactory in the circumstances, noting that the 'as built' density is equivalent to R40.

(e) Streetscape - Design, scale and character of the dwellings

The existing streetscape within the relevant focus area predominantly comprises two storey Grouped Dwellings of a medium density nature.

The general form and design of the proposed dwellings is compatible with the existing streetscape. Other existing dwellings within Mary Street comprise Grouped Dwellings and Single Houses with front setbacks varying from 4.5 metres to 9.0 metres. To ensure that the proposed development contributes more positively to the streetscape than the former Multiple Dwellings which were previously on the site, measures have been taken to reduce the perceived building bulk of the two storey dwellings. This has been achieved by providing front setbacks which range from 5.5 to 6.0 metres, compared with the required minimum setback of 4.0 metres.

The perceived visual magnitude of the building is considered to be comparable to neighbouring buildings within the focus area. It is relevant to note that the proposed development fits within the prescribed 7.0 metre building height limit, provides more open space than the minimum open space requirement and complies with all boundary setback requirements.

Furthermore it should be noted buildings within the immediate surrounds of the proposed development are that of a comparable scale, form and design. The lot immediately north (No. 5 Cale Street) contains five two storey Grouped Dwellings. The north-eastern and direct eastern rear lot (Nos. 23 Leonora, 7 Cale Street and 25 Leonora Street) both contain four Grouped Dwellings. The only lot within the immediate area which does not contain four or more Grouped Dwellings is the southern adjoining property (No. 112 Mary Street). The owner of this property has supported the proposed development. The two rear dwellings on this site each have two storeys. The front dwelling is currently single storey, although the addition of an upper storey is permissible, noting that no plot ratio control applies to R30 coded areas.

The design and character of the proposed development is considered to be compatible with the immediate surrounding properties as each residence features a pitched roof as well as all buildings being comparable in height, shape, and layout.

It is important to note that, if a development application was lodged and assessed based on the R30 density coding, the overall building bulk could potentially increase having regard to the following:

- Only a 4.0 metre front setback would be required compared with proposed setback ranging between 5.5 metres and 6.0 metres;
- The 'three dwelling' alternative development could occupy 55 percent of the total lot area compared with the 50.2 percent which is currently proposed;
- The building height currently stands at 5.5 metres compared with the permissible 7.0 metre height;
- The extent of boundary walls could potentially increase. While the approval of all boundary walls involves the exercise of discretion, it is common for Council to approve a greater length of boundary wall than currently proposed.

(f) Boundary walls

Two boundary walls are proposed. One is a short wall (3.1 metres) to a store room of the front dwelling. This wall abuts the northern boundary. No objection has been raised by the adjoining neighbour and it is recommended that this wall be approved.

The other boundary wall is situated at the rear extremity of the southern side boundary. This is a wall to the garage of the rear dwelling. The length of the garage boundary is 5.9 metres. The adjoining neighbour has provided written support. It is recommended that this wall also be approved.

(g) 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 objective listed in Clause 1.6(2) of TPS6:

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- 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 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;*
- (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;*
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their January 2007 meeting in relation to the form and design of the proposed development and compatibility with the Mary Street focus area. The Advisory Architects made the following comments:

- (i) The Advisory Architects commented that the pairs of horizontal windows to living rooms and bedrooms situated above one another are unsatisfactory, particularly noting that the solid panels between the windows obstruct views. It was considered that each pair of windows should be consolidated into a single larger window.*
- (ii) The Advisory Architects considered in respect to the front dwelling, a balcony should be added in front of the lounge room in order to take advantage of views and also to provide sun protection to the lounge room window.*
- (iii) The Advisory Architects commented that the two windows to each lounge room of unit two should be consolidated into a single larger and taller window with a small "Juliette" balcony. It is considered by the Advisory Architects that this would improve the outlook from those lounge rooms and also the appearance of the elevation.*
- (iv) The Advisory Architects considered that, due to the restricted outlook from the lounge room of the rear-most dwelling, a balcony should be provided to improve the amenity of that room.*
- (v) The Advisory Architects also considered the gable roof to the master bedroom on the front (west) elevation is not in keeping with the roof form elsewhere. Therefore, the gable should be deleted and a compatible hip roof form should be substituted.*

In response to the comments of the Advisory Architects, the applicant has submitted revised drawings to address points (i), (iii) and (v). There are no mandatory 'Planning' requirements which link directly to points (ii) and (iv) and Planning Officers are of the view that the proposal does not warrant modification with respect to these 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". The owners of properties within 'Area 2' (as defined by the Policy) were invited to inspect the application and to submit comments during a 14-day period. A total of 17 neighbour consultation notices were mailed to individual property owners. During the advertising period, two submissions were received which both objected to the proposed development. The comments of the submitters, together with Officer responses, are summarised as follows:

| Submitter's Comment | Officer Response |
|--|--|
| The proposal, a 4 × 2 storey development maximises the entire block with a minimum rear setback. | The proposed development complies with the 45% open space requirement prescribed by Table 1 of the Residential Design Codes. As the lot has an R30/R40 density coding, three larger dwellings could be proposed which occupied the same footprint as four smaller dwellings. The proposed rear setback complies with the Acceptable Development provisions contained within the R-Codes. |
| To what extent will landscaping be required and will the existing trees be retained. | Existing street trees will be retained in accordance with Policy P383_T "Trees on Development Sites and Adjoining Verges". Areas within the development site to be landscaped are marked on the plans. A recommended condition requires the submission of a landscaping plan |
| The land has a density coding of R30, consideration should be given to the R30 density coding. | The application has been assessed in accordance with the provisions of Clause 6.1 of TPS6 which gives Council the ability to approve redevelopment of a site to a density equivalent to that which existed on the site when TPS6 was gazetted. With the exception of density (which can only be approved in accordance with the provisions of Clause 6.1 of TPS6), other development standards for the development have been assessed as they apply to R30 density development. |
| The proposed development bears no resemblance to the previous multiple dwelling constructed on the lot. | There is no mandatory requirement within Clause 6.1 of TPS6 for the new development to mirror that which it is proposed to replace. The Council must be satisfied that the proposed development will contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct than the building which existed on the site on the date of the gazettal of the Scheme. Planning Officers consider that the proposed development satisfies these requirements. |
| The scale of the proposed dwellings is excessive and reduces the availability of ventilation and increases building bulk along the northern boundary,. | Only a minor boundary wall is proposed along the northern boundary (3.0 metres in length). All four dwellings propose outdoor living areas on the northern side of the lot and the upper floors step in by approximately 4.0 metres reducing the impacts of building bulk. Overshadowing will fall on the southern side of the lot, predominantly on the driveway of the development site. |

Policy and Legislative Implications

Comments in relation to various relevant provisions of the No. 6 Town Planning Scheme, and the R-Codes 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.*

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.1 |
|---|

Moved Cr Trent, Sec Cr Maddaford

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, two storey Grouped Dwellings on Lot 166 (No. 110) Mary Street **be approved**, subject to:

(a) **Standard Conditions**

340 (northern and southern), 375, 377, 390, 427, 455 (side and rear), 456, 470, 471, 508, 510(4), 550, 565, 660, 663 (new units).

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

(b) **Standard Important Footnotes**

646, 648, 651.

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

CARRIED (11/1)

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

Note: Cr Macpherson returned to the Council Chamber at 11.15pm

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| 9.3.2 Proposed Illuminated Direction Sign within Canning Highway Road Reserve (Opposite Junction of Preston Street and Canning Highway, Como). |
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| | |
|--------------------|--|
| Location: | Canning Highway Road Reserve (Opposite junction of Preston Street and Canning Highway) Como. |
| Applicant: | Churchill Consultancy |
| Lodgement Date: | 30 October 2006 |
| File Ref: | 11.2006.525 RO/103 |
| Date: | 1 February 2007 |
| Author: | Jordan Ennis, Planning Officer |
| Reporting Officer: | Steve Cope, Director, Strategic and Regulatory Services |

Summary

To consider an application for planning approval for an illuminated direction sign within the Canning Highway road reserve opposite the junction of Canning Highway and Preston Street in Como. The sign serves to promote various services and businesses within the Preston Street Shopping Precinct. The recommendation is for approval, subject to a number of standard and special conditions.

Background

This report includes the following attachments:

| | |
|----------------------------|----------------------------------|
| Attachment 9.3.2(a) | Plans of the proposal. |
| Attachment 9.3.2(b) | Letter from applicant |
| Attachment 9.3.2(c) | Letters from adjoining neighbour |

The development site details are as follows:

| | |
|-----------------------|-------------------------------|
| Zoning | Primary Regional Road Reserve |
| Density coding | Not applicable |
| Lot area | Not applicable |
| Building height limit | Not applicable |
| Development potential | 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

(iii) *Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.*

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



Comment

(a) Description of the proposal

The proposed pylon sign is similar to others within the City of South Perth (i.e. adjacent to Mends Street and Welwyn Avenue shopping precincts).

The key features of the proposed sign are identified below:

- Sign is illuminated;
- Overall height of 5.4 metres;
- Face of sign has an area of 2.0 metres × 1.55 metres;
- Sign promotes the “Preston Street precinct” on each side and is anchored on one side by the Como IGA and on the other by the Karalee on Preston (Karalee Tavern); and
- Illuminated “Preston Street” finger sign is attached to the central support.

(b) Clause 6.12 of Town Planning Scheme No. 6

Clause 6.12(6) of TPS6 states that:

When determining an application for planning approval for a sign, the Council shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.

The proposed sign has been examined in the light of the matters listed in Clause 6.12(6) and it is considered that the proposed sign is satisfactory in these respects. Comments elsewhere in this report provide further explanation.

(c) **Policy P382 “Signs”**

The proposed street sign has been assessed in accordance with Policy P382 “Signs”. Clause 4 of this policy states that:

The City will not approve illuminated direction signs in a street.

This provision was incorporated into the Signs policy some years ago following the City’s receipt of a number of applications for illuminated direction signs which were refused for various reasons.

In considering an application for any such proposal the Council must be mindful of this policy provision, although it is not bound by the policy in making a decision. If Council were to depart from the policy provision, it should be apparent that there was a particular merit associated with the application or reason for doing so. In such circumstances, the Council would have to be satisfied that the proposal would not affect the amenity of neighbouring properties.

With respect to the application that is the subject of current consideration, the applicant has attempted to justify the proposal by way of the following comments:

“The proposed sign has been designed to assist and promote this public and private investment and elicit a positive response to the many and various businesses and facilities available within the Preston Street Precinct. It will feature the City of South Perth municipal identity along with an effective Illuminated Street Name Sign to identify Preston Street, a street which for many motorists is easy to miss from either approach on Canning Highway.

Smaller district shopping precincts such as Preston Street compete for customers with large centres in adjacent municipalities (such as Garden City) which, because of size and scale, are able to attract many large multi-national retailers. The presence of these retailers has the effect of attracting customers away from smaller local centres to the detriment of their viability. The use of street signage provides these smaller business centre with an extremely cost effective means of promotion, helping to underpin the viability and indeed, continued presence of Local Centre to benefit and convenience of their respective Local Communities.”

Planning Officers support the argument that has been put forward by the proponent, and make the following observations:

- Taking into consideration that the Preston Street Shopping Precinct does not front any primary roads, is bounded by predominantly low to medium density residential lots and currently features advertising only within the immediate area, this shopping precinct is inconspicuous from more remote areas, and notably from motorists travelling along Canning Highway. In order to promote this ‘Neighbourhood Centre’ and encourage growth, the location of the shopping

centre should be drawn to the attention of patrons from further afield. Canning Highway is the most practical location for a sign of this nature, without adversely affecting neighbouring properties.

- The approval of an Illuminated Direction Sign for this application has been considered on the merits of the site, while being mindful of the conflict with Policy P382 “Signs”.
- There are other localities within the City where such signs exist.
- The illuminated direction sign provides a benefit to both the general public (by virtue of a more distinctive direction to the Preston Street precinct) and business owners within the Preston Street precinct.
- The dwellings on the adjoining property at No. 342 Canning Highway have no major openings looking toward the proposed illuminated sign. The dwellings are predominantly orientated to the north and the illuminated sign is to the west of the dwellings.
- While Illuminated Direction Signs have previously been permitted within the City, the signs have only promoted shopping precincts as a whole and have not promoted individual tenants. It is considered inappropriate to confer some commercial advantage on some businesses while the same benefit is not afforded to others. At no time in the past has the Council been prepared to allow individual shops or taverns to have advertising signs in a street reserve, as is currently proposed. This position is reflected in Council’s “Signs” Policy in relation to non-illuminated signs in street reserves. Therefore, the proposed Preston Street Precinct sign should be modified to display only the ‘Visit Preston Street Precinct’ symbol, and the advertising panels for the two key anchor tenants should be removed. A condition to this effect is included in the recommendation.

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

Scheme Objectives are listed in Clause 1.6 of TPS No. 6. The proposal has been assessed under, and has been found to meet, the following relevant general objective listed in Clause 1.6(2) of TPS6:

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

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

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

- (i) *the preservation of the amenity of the locality;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

The proposal is considered acceptable in relation to the abovementioned matters.

(f) Lease agreement

Other Illuminated Direction Signs in street reserves elsewhere in the City are situated in roads controlled by the City. Those signs are the subject of lease agreements setting out the terms and conditions of Council’s agreement to the erection of the signs. The lease agreements refer to an annual rental charge. However, the currently proposed sign will be situated within the Canning Highway street reserve, which is under the control of Main Roads Western Australia. Therefore, in this instance there is no ability for the Council to enter into a lease agreement.

Consultation

(a) Department for Planning and Infrastructure

As Canning Highway is reserved under the provisions of the Metropolitan Region Scheme, the application was referred to the Department for Planning and Infrastructure (DPI) for comment. The Urban Transport Systems department of DPI have advised the City that they have “no objection to the proposed development on regional transport grounds”.

(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”. As a number of properties face the Canning Highway road reserve, extensive consultation was undertaken to ensure that all potentially affected landowners had an opportunity to submit comments in relation to the proposed development during a 14-day consultation period. A total of 15 neighbour consultation notices were mailed to individual property owners. During the advertising period, two written submissions which both objected to the proposed development were received. The comments of the submitters, together with Officer responses, are summarised in the table below:

| Submitter's Comment | Officer Response |
|---|---|
| The illuminated direction sign will have an adverse impact on amenity as the sign is a non-residential use in a residential zone. | The proposed illuminated direction sign is situated on land reserved under the Metropolitan Region Scheme for Primary Regional Roads. Signs are common along Canning Highway and based upon the siting of the sign (aligned with the boundaries of No. 342 Canning Highway and No. 4 Ryrie Avenue, cnr Canning Hwy) it is considered to have minimal impact on the visual amenity of adjacent residential properties. The submitter's comments are NOT UPHELD . |
| The Illuminated Sign will cause disturbance from illumination and potential light spill and the hours of operation are unknown. | The illuminated direction sign will not cause light spillage as the internal lights serve only to allow the plastic panels to become visible during the night. The sign is controlled by a photoelectric switch allowing the sign to be illuminated throughout the night and switched off during the day. The submitter's comments are NOTED |
| Extra traffic will result along Preston Street. | Given that the purpose of the sign is to direct motorists on Canning Highway to the Preston Street shopping precinct, it is quite possible that there may be an increase in traffic volumes along Preston Street. The numbers associated with any such increase are particularly hard to quantify, although the City's Engineering Infrastructure Department has advised that any anticipated increase could be accommodated without concern or impact on property owners within the street. The submitter's comments are NOT UPHELD . |
| The approval of an Illuminated Street Sign contradicts Section 6.12 “Signs” of the TPS No. 6 and Policy P382. | The appropriateness of an illuminated direction sign in this instance has been discussed within this report. It is acknowledged that the approval of an illuminated direction sign is contrary to the provisions of Council Policy P382. The submitter's comments are NOTED . |

The comments objecting to the proposal can be categorised into the following general areas:

- The proposed Illuminated Direction Sign fails to comply with Council’s Policy P382 “Signs” and the Scheme Objectives listed under Clause 6.12;
- The sign will adversely impact upon the amenity of neighbouring property owners by virtue of matters such as light spillage; and
- Approval will result in increased traffic along Preston Street.

The "Comment" section of this report explains why the City's Planning Officers support a modified version of the proposed sign. Comments on six aspects of the proposed sign have been provided and those comments respond to the reasons for the submitters' objections.

Policy and Legislative Implications

Comments in relation to the relevant provisions of Council's "Signs" Policy and Town Planning Scheme No. 6 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.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.2 |
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Moved Cr Smith, Sec Cr Trent

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 erection of an Illuminated Direction Sign within the Canning Highway road reserve (opposite the junction of Preston Street and Canning Highway) Como **be approved**, subject to the following conditions:

- (a) the sign shall be relocated or removed at no cost to Main Roads Western Australia, when the land is required for future road use;
- (b) the sign shall not flash, pulsate or chase;
- (c) a low level of illumination shall be used;
- (d) the sign shall not be modified without the prior approval of the City of South Perth;
- (e) the sign shall only advertise the 'Preston Street Precinct' and shall not display advertising for any individual businesses or any tenants on any portion of the Illuminated Direct Sign; and
- (f) the validity of this approval shall cease if the proposed sign is not erected within 24 months of the date of planning approval; and

CARRIED (10/3)

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

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| 9.3.3 Proposed Additions and Alterations to Educational Establishment (Penrhos College - 'Menai' Boarding House), Como. |
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| | |
|--------------------|--|
| Location: | Reserve 29866 Loc 2199 (No. 101) Thelma Street cnr Morrison Street, Como |
| Applicant: | Overman and Zuideveld Pty Ltd |
| Lodgement Date: | 10 January 2007 |
| File Ref: | 11.2007.11 TH1.101 11/332 |
| Date: | 1 February 2007 |
| Author: | Gina Fraser, Planning Officer |
| Reporting Officer: | Steve Cope, Director, Strategic and Regulatory Services |

Summary

An application for planning approval has been submitted for additions and alterations to 'Menai' Boarding House at Penrhos College, Como. The recommendation is for conditional approval.

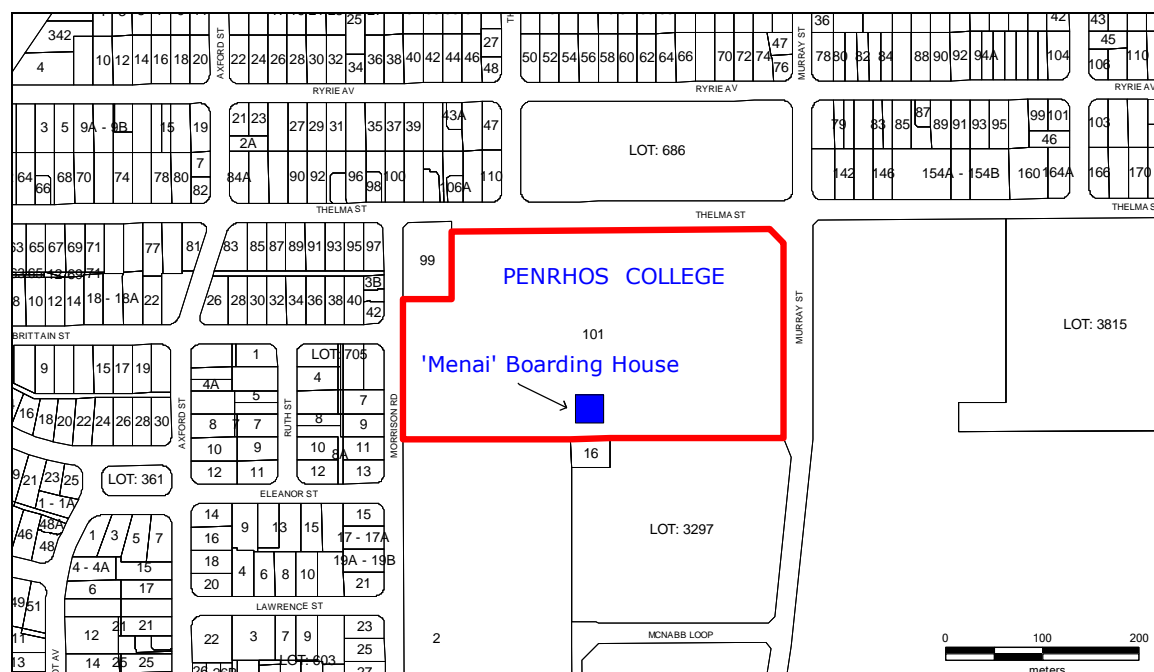
Background

The development site details are as follows:

| | |
|-----------------------|--|
| Zoning | Private Institution |
| Density coding | R30 |
| Lot area | 81,468 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | Educational Establishment is a 'P' (permitted) Use within the Private Institution zone |

The plans of the proposal are included as *Confidential Attachment 9.3.3* to this report.

The location of the development site is shown below:



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

2. **Large Scale Development proposals**
 - (i) *Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.*
 - (ii) *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.*
NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.
 - (iii) *Proposals involving 10 or more dwellings.*

While the proposed building does not exactly match any of the above criteria, it is considered that it will have a significant visual impact, being four-storeys high as viewed from its southern side, and forming part of a major district facility which is well known throughout the City.

Comment

(a) Description of the proposal

The proposal involves the expansion of the 'Menai' Boarding House on the Penrhos College campus in Como. 'Menai' is situated towards the centre of the southern boundary of the campus. It is separated from the boundary by an 8-metre wide driveway with car parking along both sides of it.

All of the land immediately to the south of the campus boundary is owned by the City. Directly opposite the proposed additions to 'Menai' is the City's maintenance workshop for Collier Park Village. To the east of this is Crown land vested in the City and partly occupied by the South Perth Tennis Club. The Collier Park Village adjoins the college campus to the south. The nearest village building is approximately 25 metres from the proposed additions.

The existing 'Menai' Boarding House is situated approximately 34 metres from the southern boundary of the campus. The proposed additions will bring the building to within approximately 12 metres of that boundary.

It is proposed to add a four-storey addition immediately to the south of the existing 'Menai' Boarding House, incorporating and modifying the existing building within it.

The applicant describes the proposal as follows:

"The college currently has accommodation space for 110 boarders in two houses - 'Colwyn', to the north of the boarding administration and reception area and 'Menai' located south of the admin/reception area. It is proposed that the boarding facilities in 'Colwyn' will be closed upon the completion of the proposed renovation and additions to 'Menai'. The total number of boarders will be reduced to 103 as a result of the current proposal.

The use of the vacated 'Colwyn' boarding house has not been determined at this stage and any re-use of that structure would be the subject of a future planning application.

The proposal seeks to retain the existing boarding administration and reception area. The link though to 'Colwyn' to be closed at the end of the current project.

'Menai' is mainly a single storey structure with 59 cubicles together with a part lower storey incorporating common rooms and laundry facilities. It is proposed to renovate the existing cubicles by increasing the size and providing individual rooms, reducing to 31 rooms within the existing structure, together with common rooms and TV rooms. The existing ablution area will be renovated to increase the sizes of shower cubicles and reduce the number of pans to correspond with the reduction in population of the existing building.

A disabled bathroom is proposed to be included in the renovations, although we note that in its 40 year history as a boarding school there has been no demand for disabled boarding accommodation.

Additions are proposed at the south end of the existing 'Menai' building which will incorporate three levels of bedroom, common room and ablution facilities, plus a lower level general storage facility. This facility replaces existing storage currently housed in metal sheds in the location of the proposed extension.

A lift is to be incorporated in the north-eastern corner of the proposed extension to allow laundry, suitcases, etc to be moved up and down the building.

The proposed development does not add to the school population or staffing requirements and hence there will be no requirement to provide any additional parking within the campus.

The development fits within the 7 metre height limit when calculated from the higher ground level of the upper ground floor of the existing building.

The materials proposed for the development will generally match the existing buildings

i.e. Swiss pattern tiled roofs and cream face brickwork, however it is proposed to add some rendered and painted surfaces to provide a richer palette of colours and textures to the exterior appearance of the building."

(b) Building height

In terms of the City's Town Planning Scheme No 6 (TPS6) the Building Height Limit for this site is 7.0 metres. The proposal is within this limit when measured according to TPS6 provisions. However, due to the topography of the site, the building will have four storeys at its southern side.

(c) Compliance with other site requirements

The proposal complies with the requirements of Table 3 of TPS6 with respect to maximum plot ratio, minimum setbacks from boundaries, and minimum landscaping.

(d) Heritage listing of "Penrhos College and Pine Trees"

The site is currently listed within the City's Municipal Heritage Inventory (MHI) with a Category 'C' classification. This is described as follows in the MHI:

"Category C

Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme. A more detailed Heritage Assessment/Impact Statement may be required before approval is given for any major redevelopment or demolition. Photographically record the place prior to demolition."

In this instance, the college is not being demolished. Local heritage recognises that places need to change in order to meet the real needs of the user, and hence the proposal is acceptable and will, in turn, become part of the history of the campus. However, it would be of interest to the City's archives for a photographic record of the 'Menai' Boarding House to be obtained prior to it being substantially modified and extended. This should be the applicant's responsibility. The Officer Recommendation contains a condition to this effect.

It should be noted that the MHI entry is for the "Penrhos College and Pine Trees". The proposal will result in the removal of several pine trees. The pine trees on the site are a remnant of the Collier Pine Plantation. Named after State Labour Premier, Phillip Collier, the Collier Pine Plantation of some 900 acres (365 hectares) of *Pinus*

pinaster, was established in 1926. It was destined for cutting out from the 1960s onwards, and few pine trees now remain, with most of the land having been allocated for various government and institutional uses.

Today, in addition to their cultural heritage significance as part of a former plantation, the pine trees are also important ecologically. With little remnant bushland remaining in the City, the remnant mature pine trees are a popular and essential food source for the endangered Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) and other birds. The location of the trees contributes to a valuable habitat corridor which extends down to the Canning River. For this reason they should be replaced on the site with appropriate trees of a different species. The City is not keen to plant further pines as they have a negative impact on the water table and soil acidity. Officers of the Department of Environment and Conservation (DEC) have indicated that for each mature pine tree removed, one hectare of natural vegetation would need to be provided to enable the birds to have enough replacement seed. While the City recognises that this is not a realistic situation, it highlights the importance of urgent replacement of the mature trees as a food source.

The City's Environment Coordinator recommends that wherever there is an opportunity, pine trees be replaced with a suitable native species, provided that the heritage significance of the pine trees is preserved elsewhere. Pine trees are known to be high water users, depleting ground water sources in the area. It is therefore important to replace them with low water users. In this case, the preferred replacement is a range of local indigenous plants, including the following:

- Candlestick Banksia - *Banksia attenuata*
- Holly Banksia - *Banksia ilicifolia*
- Firewood Banksia - *Banksia menziesi*
- Coastal Heath Banksia - *Banksia ericifoli*
- Tree Banksia - *Banksia longifolia*
- Pincushion Hakea - *Hakea laurina*
- Parrot Bush - *Dryandra sessilis*
- Marri - *Corymbia calophylla*
- Red Flowering Gum - *Corymbia ficifolia*
- Jarrah - *Eucalyptus marginata*
- Tuart - *Eucalyptus gomphocephall*
- Peppermint Tree - *Agonis flexuosa*
- Grass Tree - *Xanthorrhoea preissii*
- Callistemon spp.
- Grevillea spp.

A recommended condition of planning approval requires that the applicant shall submit a landscaping plan covering that portion of the development site delineated on the site plan for the proposed works. In addition to this, the landscape plan should cover the verge on the western side of Murray Street adjacent to the College site. In relation to the land within the street reserve, this landscaping plan should indicate a dry, water-controlled native garden, containing the recommended planting referred to above, where it will not be affected by the watering and fertilizing of the cultivated gardens on the main site. In the case of the street planting, this should be designed in consultation with the City's Environment Coordinator. The extent and composition of the planting should be to the satisfaction of the Manager, Parks and Environment. Further requirements to this effect are contained in the Officer Recommendation.

(e) **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 meet the following relevant objectives:

(g) *Protect residential areas from the encroachment of inappropriate uses:*

The proposal comprises an addition to an existing facility and is enhancing the residential function of Penrhos College. This is compatible with the particular Scheme Objective.

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

The proposed additions and modification are using an existing facility and rendering it more efficient and effective.

(k) *Recognise and preserve areas, buildings and sites of heritage value:*

The building will be recorded prior to major modifications and additions. Some heritage trees will need to be removed from the site of the proposed works, but it is recommended that they be replaced with more ecologically suitable species elsewhere.

(l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning:*

The proposal is enhancing this regional facility which will have little impact on surrounding residential areas.

(f) **Other Matters to be Considered by Council: Clause 7.5 of TPS6**

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:*

The proposal is considered to meet all relevant Planning objectives.

(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:*

The proposal is considered to represent orderly and proper planning.

(h) *The preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under Clause 6.11, and the effect of the proposal on the character or appearance of that object or place:*

The proposal is contained on the City's Municipal Heritage List. This has been taken into account in the assessment of the proposal.

(i) *The preservation of the amenity of the locality:*

The proposal is considered to preserve and enhance the locality and not to be detrimental to the amenity of the neighbours.

- (j) *All aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance:*
The City officers consider the design to be satisfactory in every respect.
- (k) *The potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building:*
This matter will be covered through imposition of a standard condition in the recommended approval.
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details:*
The City officers consider the design to be satisfactory in every respect.
- (o) *The cultural significance of any place or area affected by the development:*
The significance of the school as a college of secondary education will be enhanced by the proposed works.
- (q) *The topographic nature or geographic location of the land:*
The site of the proposed works has a difference in ground level of approximately 8.0 metres. This has been incorporated into the site planning and plays a major part in the design of the building without being used to unduly increase the height of buildings on the site.
- (r) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment:*
The issue of the loss of trees from the site has been addressed elsewhere in this report.
- (u) *Whether adequate provision has been made for access by disabled persons:*
The applicant has included the required facilities for future students with disabilities, while noting that the school has not had the need of such facilities in its 40-year history.
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved:*
The campus currently has cultivated gardens of high quality. However, a landscaping plan will be required as part of the recommended approval, to enable the Council to approve the location, size and content of the recommended dry native garden which is required to replace the pine trees. Previous discussion in this report highlights the need to replace the few pine trees that are to be removed with a native garden on the Murray Street verge adjacent to the site. The Officer Recommendation contains a condition to this effect.

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 22 January 2007. The proposal was generally favourably received by the Consultants. Their comments are summarised below:

“The Advisory Architects noted that the proposed boarding house additions will necessitate the loss of pine trees. At the same time, they noted that the proposed design is entirely satisfactory. In particular, they observed that the additions will significantly improve the standard of accommodation for boarding students and that, in terms of efficient function, the additions are appropriately located in relation to the existing boarding house. Further, they supported the design in terms of solar access, noting the screening on the east and west elevations. The proposed materials were also considered to be compatible with the existing building, including a combination of cream brickwork and contrasting coloured and rendered panels together with orange roof tiles.

The Advisory Architects recommended that the application be approved subject to the replacement of any lost pine trees by new pine trees elsewhere on the campus in locations visible from streets and neighbouring sites.”

Officer Comment

The City officers support the Advisory Architects’ view that the building design is satisfactory.

The matter of replacement of the pine trees is dealt with in detail elsewhere in this report. Instead of simply replacing the pine trees, the City’s approach has been refined to the extent that a range of local native species is considered to be a better ecological solution. Although the pine trees no longer serve their original function as part of a pine plantation, they now serve a more important role, providing a major food source for endangered birds in the area. The Officer Recommendation contains a relevant condition of approval in this respect.

(b) Neighbour consultation

Neighbour consultation was not undertaken under Policy P104 because the adjoining land is owned by the City. The proposed use is a ‘P’ (permitted) use, and the site is surrounded on three sides by roads. The fourth (southern) side adjoins vacant land part of which is occupied by the South Perth Tennis Club, and the Collier Park Village. The Manager of the Village was notified of the proposal.

(c) Manager, Parks and Environment

The Manager, Parks and Environment was invited to comment on a range of issues particularly in relation to the loss of trees on the site. His comments are as follows:

*“The proposed Menai Boarding House alterations and additions will necessitate the removal of nine mature pine trees (*Pinus radiata*), one semi-mature Red-capped Gum (*Eucalyptus erythrocorys*), one mature Kurrajong (*Brachychiton populneus*), three mature Callistemon species, and two mature Rottnest Island Pines (*Callitris preissii*).*

*The pine trees are a major food source for the local Carnaby’s Black-Cockatoo (*Calyptorhynchus latirostris*) which is on the endangered species list. For this reason the removal of these trees is of particular concern to the City.”*

The issue is explored in detail under the heading ‘Heritage listing of “Penrhos College and Pine Trees”, above. In that discussion it is concluded that a range of local native species should replace the pine trees to be removed, and a list of preferred species is listed.

The advice received from the Manager, Parks and Environment differs from the comments of the Design Advisory Consultants (DAC) with respect to the replacement of the pine trees on site. While the DAC architects recommend replacement of the trees with other pine trees elsewhere on site, the Manager, Parks and Environment recommends replacement of the trees with a large area of local native species. Having regard to the ecological concerns of the Manager, Parks and Environment, it is considered that these environmental issues outweigh the heritage value of the pine trees in this instance, particularly as there are other pine trees on the site to represent the former Collier Pine Plantation. The Officer's Recommendation contains a condition to this effect.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

Conclusion

The proposal has no directly adjoining residential neighbours who would be affected by the new building, and meets all of the relevant Scheme objectives. Provided that the pine trees are replaced as recommended, it is considered that the application should be conditionally approved.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.3 |
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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 proposed additions and alterations to Educational Establishment (Penrhos College - 'Menai' Boarding House), Como on Reserve 29866 (No 101) Thelma Street cnr Morrison Street, Como, **be approved**, subject to:

- (a) **Standard Conditions**
445, 470, 550, 660, 664.

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| 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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- (b) **Specific Conditions:**

- (i) A rubbish storage area shall be provided, located and screened from view to the satisfaction of the City, and such area shall be provided with a gate.
- (ii) Due to the listing of "*Penrhos College and Pine Trees*" with a Category 'C' classification on the City's Municipal Heritage Inventory, all façades of the existing 'Menai' Boarding House and the pine trees to the south of the existing building shall be photographically recorded, such record being provided to the City for its archives prior to any of the proposed works being undertaken.
- (iii) In accordance with Clauses 6.14 (2), 6.14(5) and 7.5(r) of Town Planning Scheme No. 6, the following landscaping requirements shall apply:

- (A) A landscaping plan shall be submitted for approval by the City. That plan shall depict landscaping proposals for:
- (1) the portion of the development site in the vicinity of the proposed works; and
 - (2) the portion of the Murray Street verge adjacent to the College site on the western side of Murray Street.
- (B) In respect of the Murray Street verge referred to in Condition (a)(iii)(A)(2) above, the landscaping plan shall indicate a dry, water-controlled native garden, including a combination of the recommended species referred to in Specific Advice Note (d)(i), such planting being designed in consultation with the City's Environment Coordinator once the road design for the extension of Murray Street has been finalised.
- (C) No person shall occupy or use the land or building the subject of this approval for the purpose for which this approval is given unless and until:
- (1) the City has approved the required landscaping plan; and
 - (2) the landscaping has been completed in accordance with the plan approved by the City.

(c) **Standard Advice Notes**
645, 646, 648, 651.

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

(d) **Specific Advice Notes**

- (i) With respect to the replacement of the pine trees with the City's preferred species, the applicant should consult with the City's Manager, Parks and Environment to ascertain the preferred extent, location and composition of the required dry native garden on the Murray Street verge. As pine trees are known to be high water users, depleting ground water sources in the area, it is important to replace them with low water users. In this case, the preferred replacement is a range of local indigenous plants, including a combination of the following:
- Candlestick Banksia - *Banksia attenuata*
 - Holly Banksia - *Banksia ilicifolia*
 - Firewood Banksia - *Banksia menziesi*
 - Coastal Heath Banksia - *Banksia ericifoli*
 - Tree Banksia - *Banksia longifolia*
 - Pincushion Hakea - *Hakea laurina*
 - Parrot Bush - *Dryandra sessilis*
 - Marri - *Corymbia calophylla*
 - Red Flowering Gum - *Corymbia ficifolia*
 - Jarrah - *Eucalyptus marginata*
 - Tuart - *Eucalyptus gomphocephall*
 - Peppermint Tree - *Agonis flexuosa*
 - Grass Tree - *Xanthorrhoea preissii*
 - Callistemon spp.
 - Grevillea spp.
- (ii) It is the applicant's responsibility to liaise with the City's Parks and Environment Department prior to designing a landscaping plan for the street verge areas as required.
- (iii) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of the relevant requirements.

CARRIED EN BLOC RESOLUTION

9.3.4 Proposed Single House on Lot 291 (No. 3) Yallambee Place, Karawara.

Location: Lot 291 (No. 3) Yallambee Place, Karawara
 Applicant: Gerrad and Narelle Meiers
 File Ref: 11.2006.545 YA1/3 11/898
 Date: 1 February 2007
 Author: Jordan Ennis, Planning Officer
 Reporting Officer: Steve Cope, Director Strategic and Regulatory Services

Summary

The application for planning approval relates to a proposed Single House on Lot 291 (No. 3) Yallambee Place, Karawara. Council’s discretion is sought to approve a reduced setback adjacent to an open space reserve. Setback requirements in this respect are prescribed by Clause 4.3(e)(ii) of the City of South Perth Town Planning Scheme No. 6 (TPS6).

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

Background

This report includes the following attachments:

- Confidential Attachment 9.3.4(a)** Plans of the proposal.
- Attachment 9.3.4(b)** Applicant’s letter of justification.

The development site details are as follows:

| | |
|-----------------------|----------------|
| Zoning | Residential |
| Density coding | R 20 |
| Lot area | 725 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | Single House |

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

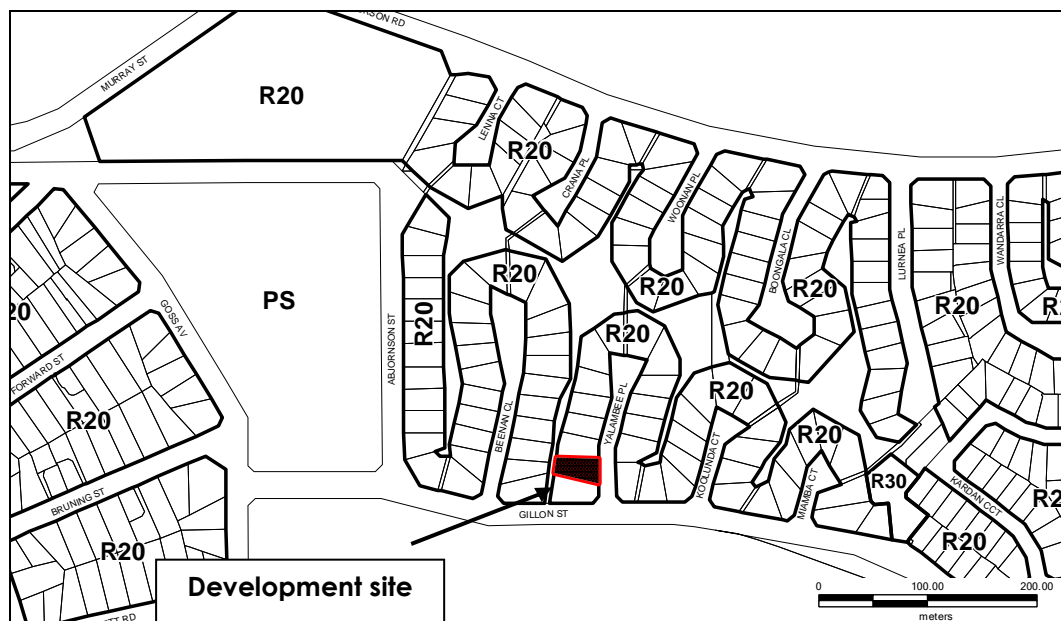
Proposals representing a significant departure from the No. 6 Town Planning Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.

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

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

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

The location of the development site is shown below. The site is adjoined by residential lots to each side and a five (5) metre wide section of open space reserve to the rear.



Comment

(a) Description of the proposal

The proposed development comprises a single storey Single House.

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

(b) Rear setback

The applicant is seeking Council’s discretion for approval of a lesser setback distance between the Single House and the open space reserve than that prescribed by Clause 4.3(e)(ii) of TPS6. The portion of open space reserve in question comprises a ‘pedestrian link’ between Gillon Street and the wider portion of open space to the north of Yallambee Place. The following table provides a comparison between the setback requirements of TPS6 and those that have been proposed.

| Boundary | Setbacks Prescribed by Clause 4.3(e)(ii) of TPS6 | Proposed Setback |
|------------------|--|---|
| Western boundary | 3 metre minimum 6 metre average | 1.5 metre minimum setback 6 metre average not achieved |

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

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

Scheme Objectives are listed in Clause 1.6 of 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 proposal is considered to *meet* this overriding objective having regard to the following relevant general objectives listed in Clause 1.6(2) of TPS6.

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
Objective (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
Objective (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

The proposed Single House complies with the abovementioned objectives (a), (f) and (h) of TPS6. In accordance with the Scheme objectives, the portion of the open space reserve adjacent to the western boundary of the subject property should be promoted as a link to an important community facility, being a recreation reserve.

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

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

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
(g) *In the case of land reserved under the Scheme, the purpose of the reserve;*
(i) *The preservation of the amenity of the locality.*

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

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

(e) Proposed Amendment No. 8 to Town Planning Scheme No. 6

At the December 2006 meeting, the Council endorsed the objectives of a proposed Amendment No. 8 to Town Planning Scheme No. 6 (TPS6) and resolved to initiate the Scheme Amendment process. The broad objective of Amendment No. 8 is to permit normal R-Code setbacks from an open space reserve, in return for creating a visual link with the wider portions of the reserve through the use of sections of visually permeable boundary fencing.

The siting of a dwelling 1.5 metres from a narrow portion of open space reserve (as is proposed in this instance) is consistent with the provisions of the proposed Amendment No. 8. A further detailed report in relation to Amendment No. 8 will be presented to a future Council meeting.

(f) Applicant's justification

The applicant has presented the following justification in relation to rear setback variation:

- *The owners of this residence have opted for a solar passive design. Given the orientation of the lot with the right side of the development facing north and the rear of the lot facing west.*
- *We have created an internal northern courtyard taking full advantage of the northern winter sun while screening the main living areas from the eastern and western sun. Given the orientation of the lot and the desire for sustainability, the design becomes elongated and thus reduces the rear setback. If a 6.0 metre rear setback was utilised the outdoor living area would be located to the rear of lot and subject to the western sun.*

(g) Planning Officer's response

City officers support the applicants' justification for the reduced rear setback of the proposed development and provide the following response:

The design is in accordance with Council's Policy P370_T "General Design Guidelines for Residential Development", Part 7(a) which states:

"Wherever possible, buildings shall be designed to take advantage of solar access principles with provision for north-facing private open space and solar access to living areas".

The amenity of the open space reserves in Karawara should be preserved and improved through appropriate development control. The existing provision for a 6 metre average and 3 metre minimum setback should be applied to those properties adjacent to the areas of open space reserve which are usable for communal recreation purposes. For those properties that are unable to comply with the setback requirements, it is considered acceptable for lesser setbacks to be approved in return for a housing and fencing design (as part of any development application) that appropriately addresses the open space reserve. The setback requirements prescribed under Clause 4.3(e)(ii) should not be applied to those properties that are adjacent to the 5 metre wide (or less) portions of the open space reserves that have the character of a pedestrian link leading into the main body of the open space reserves, as in the case of the subject proposal. However, an appropriate separation should, be maintained between proposed development and the access ways so as not to create dark, unsafe, and unwelcoming access links. A minimum setback of 1.5 metre is considered appropriate in these instances.

At the December 2005 and April 2006 Council meetings, applications of a similar nature were presented seeking a variation from the setback requirements prescribed under Clause 4.3(a)(ii) of TPS6. With regards to the December 2005 application, the development site adjoined an open space reserve, however, in that instance the open space reserve did not have the character of a pedestrian access way, but rather the character of a wider recreation reserve. That application was approved, and the Council called for a further report on a possible amendment to TPS6 to address this issue. With regard to the April 2006 application a similar situation to the current application was presented with a development proposing a 1.0 metre rear setback from a 4.0 metre wide pedestrian access way and was subsequently approved.

Consultation

In accordance with the provisions of Policy P104, "Neighbour and Community Consultation in Town Planning Processes", it was not necessary to undertake neighbour consultation in relation to this application.

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.*

Conclusion

It is considered that the proposed Single House, incorporating a reduced setback to the narrow portion of open space reserve, complies with the abovementioned provisions contained within Clauses 1.6 and 7.5 of TPS6.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.4 |
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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 Single House on Lot 291 (No. 3) Yallambee Place, Karawara **be approved**, subject to:

(a) **Standard Conditions**

377, 390, 415(\$588.50), 427, 455 (side and rear), 456, 470, 471, 550, 660.

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| 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) **Standard Important Footnotes**

640, 646, 648, 651.

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| 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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CARRIED EN BLOC RESOLUTION

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| 9.3.9 Progress Report - Parking Review Project |
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Location: City of South Perth
Applicant: Council
File Ref: LE/101
Date: 9 February 2007
Author: Sebastian Camillo
Manager, Environmental Health and Regulatory Services
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

The purpose of the report is to provide Council with an update on the progress of the City Parking Strategy project.

Background

The Strategic and Regulatory Services Business Plan identified that a Parking Strategy for the review of the City's parking facilities, principally within the Mill Point area was required. Progress on the review of the Parking Strategy was presented to Council at a concept forum on the 6 December 2006.

The parking strategy initially focused on the Angelo Street car parks, Richardson Reserve car park, Richardson Street embayed parking, Windsor Park car park, and the development of a parking permit area along South Perth Esplanade.

The strategy specifically was intended to address the issues such as:

- 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.

The focus of the initial parking strategy project more recently was upgraded to include looking at parking issues in Preston Street Shopping precinct, Narrows Bridge car park and Windsor Hotel /Council car park Number 1.

Comment

Progress to date is as follows:

1. Angelo Street Car Parks:

A review of the Angelo Street car parks has since been completed. The demand on the parking facilities was considered particularly heavy following the opening of the Coles Supermarket and other commercial premises. In accordance with the strategy the introduction of a combined free parking for the first two hours and a ticket machine for paid parking for any time thereafter was introduced in September of 2005. Accordingly, signage and articles in the local newspaper promoted the change of parking arrangements at the car parks. Additionally, the Community Rangers issued cautions to motorists as an educative process until they were conversant with the new arrangements. The transition was successful as reported by the Community Rangers.

The popularity of parking in this area is increasing. Given this, there is a need to provide additional public parking facilities in the commercial precinct in order to minimise the need for additional street parking. One opportunity that does exist to relieve the shortage of parking spaces available within the precinct is to consider installing ground level decking to the Council sump in this car park. The cost of performing the necessary work is estimated at \$400,000 excluding ticket issuing machine equipment. This will create a further 34 parking bays. Parking fees charged would be similar to those that apply in the existing car park.

It is proposed that an amount of \$400,000 be considered for inclusion in the Strategic Financial Plan for funding in the 2007/08 budget to accommodate this project.

2. Richardson Reserve Car Park :

Richardson Reserve is a major City car park with 190 bays available. It is principally used by Perth Zoo patrons and Royal Perth Golf Course clients. Nearby car parks operated by the City in Windsor Park and the shared car Park also in Windsor park owned by the Zoo are both paid car parks. This car park is also used

by commuters travelling on public transport presumably to Perth and other destinations. It seems incongruous that some form of fee payment is not in place for the use of this car park.

A residential/customer survey is being scheduled to occur in February 2007 in the immediate area of the Richardson Reserve. The survey will determine the usage of the car park by local residents and the impact should it become a paid ticket parking car park. The survey will also be extended to include the streets bounded by Labouchere Road, Melville Parade, Richardson and Judd Streets. The survey will be delivered to residents, sporting clubs and business's including the Zoological Gardens, seeking comment and input into the project.

It seems inevitable that some form of additional paid parking will be necessary and it would be prudent to allow a sum in the Strategic Financial Plan for installation of ticket issuing machines and associated equipment. An amount of \$58k Is proposed for this purpose..

3. **Richardson Reserve Embayed Street Parking:**

Additional overflow parking is provided in Richardson Street and its use will also be the subject of the residential/customer survey about to commence in the area. This area is also the subject of the South Perth Railway Precinct studies that are needed to be finalised in the near future so that parking and related infrastructure is in place by the time the Station opens in 2010. It is not anticipated that additional funding will be required to implement any changes in 2007/08 but it is likely that funding will be required in 2008/09.

Whilst the nature of the works are unknown at this time, provision of notional funds of \$200k for works in this precinct should be included in the Strategic Financial Plan for 2008/09 for the commencement of works.

4. **Parking Permits - South Perth Esplanade:**

A residential/customer survey is being scheduled to occur in February 2007 in the immediate area of the Esplanade/Mends Street Precinct. The purpose of the survey will be to measure the demand for a permit arrangement should it be introduced which could alleviate the parking demand in the area. The permits would be designed for employees working in the area who would normally park at their place of employment and occupy spaces which could be freed up for the public.

This investigation is still ongoing and any solution or development will be reported to Council accordingly. It is not anticipated that significant capital costs would be required for the implementation of any changes to parking practices in this area.

5. **City Car Park No.1 and Windsor Hotel Car Parks:**

The City has been approached by the owner of the Windsor Hotel and informed of the parking abuse that regularly occurs on the privately owned car park by people other than Windsor Hotel clients. The owner has requested that the City assist him in researching and providing an amicable solution to the parking problem which affects his business and the Mends Street Precinct, generally. It was confirmed that the problem is affecting his business and there were obvious signs of parking abuse. A number of meetings have since occurred between the owner and City Staff with a view of discussing the matters and offering solutions to the parking problem. The City is very much involved because the City operated car park is located within the same area that the privately owned car park is located and the two are barely distinguishable from each other.

It would seem clear that an ideal solution is for common parking arrangements to exist on both parking areas. If common resolution is not found it is possible that the Windsor Hotel will implement its own arrangements that may include paid parking. This would likely result in additional parking pressures within the precinct. 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 commercial precinct.

This investigation is still ongoing and any solution or development will be reported to Council accordingly. It may also be prudent to provide some funding of \$70k in the Strategic Financial Plan for ticket issuing machines and equipment in this car park.

5. Preston Street Precinct:

The Preston Street Precinct has always had a heavy parking demand and more recently become a problem parking area, particularly since the redevelopment of the Como Centre.

An owner of land in Preston Street has some vacant land which could be used as a temporary parking facility to alleviate the parking demand On a short term basis as a temporary solution. City officers will commence discussions with the land owner with a view of looking at the use of the land on a this basis as a “Public/Private Agreement”.

Any long term solution to the parking problems in this precinct will also have financial ramifications. Investigations are still ongoing and any solution or development will be reported to Council accordingly.

6. Narrows Bridge Car Park

This car park will be monitored over several months to measure the car park usage and any signs of car park abuse. It is possible that the car park has become a park and walk area for people who work in the City . Correspondence has been sent to the water sporting club that use the car park area and boat ramp advising of the City’s intention to monitor the car park. Pending the result of the monitoring period it is likely that measures will be put in place to prevent the car park abuse, without compromising the sporting club. Parking restrictions are a likely tool to control parking in this area.

This investigation is still ongoing and any solution or development will be reported to Council accordingly.

It is proposed that the results of the surveys and any other developments into “Public/Private Agreements” which are being investigated for the project tasks as mentioned within this report will be presented at a Council concept forum prior to reporting to the earliest available Council meeting.

In relation to the Royal Perth Golf Club car park, it forms part of the Reserve which is currently leased to the Royal Perth Golf Club. This car park was not included in the parking review Project Brief.

Consultation

Consultation will occur with the residents, sporting groups and business’s, including Perth Zoo, affected by the parking areas.

Policy and Legislative Implications

N/A

Financial Implications

N/A

Strategic Implications

In accordance with Goal 3 of the City's Strategic 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.*

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.9 |
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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; and
- (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..

CARRIED EN BLOC RESOLUTION

9.4 GOAL 4: INFRASTRUCTURE

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| 9.4.1 Manning Road/Challenger Avenue - Partial Median Closure |
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| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | MA3/EL1 |
| Date: | 6 February 2007 |
| Author: | Trevor Quinn, Traffic and Design Engineer |
| Reporting Officer: | Mark Taylor, Acting Director Infrastructure Services |

Summary

This report details the proposed partial median closure at the Manning Road/Challenger Avenue intersection previously identified in the Local Area 14/15 Traffic Study and a development condition by Main Roads for the installation of signals at Manning Road and Elderfield Road.

Background

Council at its meeting on 23 March 2004 recommended that the Local Area 14/15 Traffic Management Study be received and treatments be listed for consideration in the preparation of future Capital Works programs.

An extract from the 2004 Council report states:

“It should be noted that the majority of concerns exist on the north south links to Manning Road and all require similar attention to calm traffic and deter speeders. The Plan also identifies a number of known black spot sites on Manning Road i.e. Manning Road/Challenger Avenue and Manning Road/Elderfield Road. The preferred long term strategy would be some transference of traffic from the two local streets Marsh Avenue and Challenger Avenue to the local distributor Elderfield Road. To achieve this a number of actions need to occur.

Firstly Main Roads Western Australia will need to be convinced that signal installation at Elderfield Road/Manning Road is warranted. This intersection did receive funding several years ago from the National Black Spot Program for signal installation but through the delays with Main Roads the project lapsed. It is the considered view of engineering officers that the signal installation is essential to the effective management of the eastern half of Area 14/15 and the safe and effective servicing of George Burnett Park and Community Centre.

Secondly the median opening in Manning Road needs to be reconfigured to permit right turn only entry from Manning Road and to prevent any right turn entry onto Manning Road from Challenger Avenue.”

Manning Road/Elderfield Road intersection was identified and included in the State BlackSpot submission and received conditional funding for 2006/07 as a State BlackSpot Project. As part of the submission MRWA were requested by the City on 21 June 2005 to provide an “Agreement in Principle” to the installation of traffic signals at this location which was granted on 15 July 2005 subject to the closure of the median at Manning Road/Challenger Avenue. This partly corresponds with the Area 14/15 Traffic Study recommendation.

The median opening on Manning Road at Challenger Avenue had previously been included as a BlackSpot Program with the installation of a “Seagull Treatment”. Because of the relatively narrow median in Manning Road this treatment has not been as effective in providing safe access to Manning Road as expected and would impact on the approaches to the proposed signal installation.

Comment

In addition to the one third project contribution to the installation of signals the City has also included funding to complete the civil works associated with the intersection. The City has commissioned GHD Pty Ltd Consulting Engineers to prepare the civil and electrical designs for the proposed works and to liaise with Main Roads on installation. Main Roads now require an approved plan detailing the proposed partial median closure at Challenger Avenue rather than the full closure previously sought for their consideration as part of the signal approval.

The City continues to support the conclusion from the local Traffic Area Study that partial closure is desirable primarily because the Manning Road/Challenger Avenue intersection is presently used by Transperth to service the Manning area. The route is eastbound on Manning Road right turn into Challenger Avenue and upon return northbound on Challenger Avenue and left turn westbound on Manning Road ie right in and left out.

This would be catered for as part of the City's proposed partial closure for the intersection. Should full closure be implemented, the alternative route for Transperth would be eastbound on Manning Road right turn into Elderfield Road, right into Henning Crescent and upon return left from Henning Crescent into Elderfield Road and left turn westbound into Manning Road.

The City requested Transperth to comment on these alternatives with the following received:

"I understand that under the above traffic study it has been proposed to install traffic signals at the intersection of Manning Road and Elderfield Road and to block the right turn movement from Challenger Avenue into Manning Road. It is my understanding that it has subsequently been muted to completely close the median in Manning Road at Challenger Avenue, to block right turns from Manning into Challenger. However, due to the carriageway widths along Henning Crescent between Challenger Avenue and Elderfield Road and the fact that modifying the bus route to travel via Elderfield would be more circuitous and unattractive for passengers, Transperth seeks to retain the use of the intersection at Manning and Challenger."

The proposal as detailed on **Attachment 9.4.1** has been discussed with Main Roads however endorsement from Council and correspondence from Transperth confirming their requirement for the existing route and vehicle movements to be retained at this intersection would ensure that the traffic signal installation at Manning Road/Elderfield Road proceed.

Consultation

Consultation was previously undertaken in 2003/4 as part of Area 14/15 Traffic Study.

Policy and Legislative Implications

There are no policy or legislative implications.

Financial Implications

The proposal as outlined on **Attachment 9.4.1** will be accommodated within the current budget allocation.

Strategic Implications

The proposed partial median closure is consistent with Goal 4 Infrastructure - Strategy 4.4

"Integrate Local Area Traffic Management Plans with broader precinct plans to ensure that all infrastructure needs are considered at the same time as planning traffic management works."

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.4.1 |
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That....

- (a) the proposal for the partial closure of the median in Manning Road, to prevent the right turn movement from Challenger Avenue, as outlined on **Attachment 9.4.1** and included in the Local Area 14/15 Traffic Management Study be endorsed as the complimentary works to the signal installation at Manning Road and Elderfield Road; and
- (b) Main Roads be advised that the City will effect the works at Challenger Avenue, referred to in part (a) above, immediately following the commissioning of the signals at Elderfield Road.

CARRIED EN BLOC RESOLUTION

9.4.2 Slab Replacement Program

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | RO/602 |
| Date: | 5 February 2007 |
| Author: | Les Croxford, Manager Engineering Infrastructure |
| Reporting Officer: | Mark Taylor, Acting Director Infrastructure Services |

Summary

To consider a proposal to provide for the replacement of all slab footpaths within the City.

Background

The City has 240.8 kilometres of footpaths including shared use paths. In 1995 the footpath network comprised about 200 kilometres of concrete slab paths with the balance in poured concrete. Over the past decade the Council has invested heavily in the replacement of the path network with a budgeted amount of between \$200,000 to over \$600,000 per annum. Today there is some 80.1 kilometres of slab path still to be replaced.

In 2006/07 \$640,000 has been allocated in the Budget for the replacement of paths. Path replacement is about 95% outsourced using

- one contractor to pick up and dispose of existing slabs, excavate, supply and place concrete for path works, access ramps, crossings as appropriate and reinstate reticulation and regrade verges affected by the works; and
- another contractor to supply and lay brick paving at all intersection truncations and where required to the frontage of commercial properties.

City staff are only involved in the patching associated with the occasional bitumen surfaced crossing. In 2005/06 the City expended \$624,947 on replacing notionally 12,000 linear metres of path for a rate/m² of \$34.72.

At the present rate of expenditure therefore, it will take approximately 8 years to complete the slab replacement program.

Comment

The current combined rate for path replacement including administration and overheads is \$38.80/m². In 2006/07 some 11,000 metres of path were intended to be replaced with about one third of the program completed to the end of December. With some 80.1 kilometres of path still outstanding at December 31 the replacement value at current contract rates is \$4,661,820. Logically the outstanding work can only be completed on a phased basis over a number of years from a programming and cost point of view.

In the Strategic Financial Plan \$900,000 per year for the years 2007/08-2009/10 has been set aside for footpaths. In the 2005/06 annual budget \$749,808 was allocated for footpath related Capital Works. In 2005/06 the budget for new path construction was \$83,500 with \$30,000 allocated to access ramps and the balance to slab replacement.

In 2006/07 the budget for new path construction was \$230,000 plus \$30,000 for access ramps with \$640,000 on path replacement. An allocation of \$100,000 within the new path program was to part fund the Waterford Shared Use Path. The expectation was that additional funding to complete the path would be obtained from the Developer and the Department for Planning and Infrastructure (as part of the Bike Network). A total of \$900,000 has therefore been allocated in the 2006/2007 Budget on footpath related Capital Works.

If new path construction was deferred until all existing slab paths were replaced then the allocation within the Strategic Financial Plan would provide for some 15.5 kilometres of path each year to 2012 (at today's rates). Unless indexed the replacement length would decrease by approximately 0.6 kilometres each year of the program.

To complete the replacement of the whole network in five years would require an allocation of \$910,000 each year (non indexed).

Priorities are established having regard for the results of a condition rating survey. Projects identified for funding in the 2007/08 Budget from the survey data are contained in **Attachment 9.4.2.**

The following table provides a number of alternative scenarios.

| Allocation each year | No. of years | Kilometres of Path Outstanding at Start of Year | | | | | |
|----------------------|--------------|---|-------|-------|-------|-------|-------|
| | | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 |
| \$900,000 | 5+ | 72.95 | 57.45 | 42.55 | 28.25 | 14.55 | 1.45 |
| \$910,000 | 5 | 72.95 | 57.30 | 42.20 | 37.63 | 13.57 | 0 |
| \$1,120,000 | 4 | 72.95 | 53.72 | 35.17 | 17.27 | 0 | |
| \$1,460,000 | 3 | 72.95 | 47.76 | 23.46 | 0 | | |
| \$1,800,000 | 2+ | 72.95 | 41.95 | 12.05 | 0 | | |

Considering the impact that the footpath replacement program has on residents there is a reluctance to allow more than the minimum length of path to be "under construction" at any one time. As a result it is our contention that a team working continuously could prepare, supply and place concrete and provide adequate security to about 400 linear metres of path each week. Excluding the industry shutdown at Christmas and the two winter months of June/July a full team without compromising quality or unduly inconveniencing the public could supply and lay up to 16 kilometres/annum - a total of approximately 5 years work.

However it is highly unlikely that any one contractor would dedicate the resources to the City to meet or more importantly exceed the above to the detriment of their many other clients. No concrete team to this time has consistently been able to maintain the above metres.

Late pours and security issues coupled with open paths and delays to reticulation and verge repairs are the consequences of striving to maximise on metres poured.

The above is based on retaining all existing paths. It is acknowledged that currently many minor residential streets had paths both sides of the street and there may be a strong justification to remove certain sections where paths already exist opposite. The affect would be to marginally reduce the overall kilometres of paths to be replaced.

Consultation

No public consultation has been undertaken.

Policy and Legislative Implications

There are no policy or legislative implications.

Financial Implications

An amount of \$900,000 has been included in the Strategic Financial Plan for paths. This allocation includes both slab path replacement plus new path construction. An amendment to the Strategic Financial Plan would be required for any program to advance the completion of the path network. Any significant increase in funding allocation would require adjustment to other budget provisions or an increase in revenue to compensate.

Strategic Implications

The proposal to amend the Budget to facilitate additional works or variations to existing projects as a result of external circumstances is consistent with Goal 4 Infrastructure - Strategy 4.1

“Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level.”

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| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.4.2</p> |
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That....

- (a) a path replacement schedule be developed to complete all existing slab paths by June 2012;
- (b) a review be undertaken of streets having slab paths both sides of the street to determine the viability of removing and not replacing the path on one side of the street; and
- (c) the Strategic Financial Plan be amended to include an indicative amount of \$1M allocated for slab replacement and some infill construction of new paths each year until the slab replacement program has been completed

CARRIED EN BLOC RESOLUTION

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| 9.4.3 Capital Works Program 2006/2007 |
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| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/502 |
| Date: | 6 November 2006 |
| Author: | Les Croxford, Manager Engineering Infrastructure |
| Reporting Officer: | Mark Taylor, Acting Director, Infrastructure Services |

Summary

Since adopting the Budget for 2006/07 the scope and extent of a number of projects have changed as a result of external factors. This report identifies a number of projects where additional funding is required to complete the works and nominates a number of projects as the source for the required funds.

Background

The Budget for 2006/07 was adopted in July 2006. Several projects with funding from the commonwealth government under the Metropolitan Regional Road Group program were based on a scope of works and unit rates submitted and approved by Main Roads some twelve months earlier while another pavement rehabilitation project has been affected by an increase in unit rates in excess of the anticipated index increases.

The increase in unit rates from 2005/06 to the current can be shown in the following table.

| Description | 2005/06 Rate | 2006/07 Rate |
|------------------------------------|-----------------------|------------------------|
| Barrier Kerb 110 x 200 x 125 | \$12.55/lm | \$15.50/lm |
| Barrier Kerb 110 x 200 x 150 | \$12.85/lm | \$16.00/lm |
| Semi Mountable 230 x 180 | \$14.15/lm | \$22.75/lm |
| Semi Mountable 250 x 150 | \$14.45/lm | \$22.75/lm |
| Asphalt - SMA | \$122.00/tonne | \$134.50/tonne |
| Asphalt - Dense Grade 7 or 10mm | \$94.00/tonne | \$102.00/tonne |
| Asphalt - Dense Grade Red Laterite | \$102.00/tonne | \$135.10/tonne |
| Insitu Stabilisation | \$4.38/m ² | \$11.71/m ² |
| Bitumen Emulsion Supply | \$0.58/m ² | \$0.69/m ² |

Three projects have been identified as having insufficient funds to complete all of the essential works and particularly where peripheral works such as the replacement of stormwater structures and roadside kerbing are involved. The peripheral works acknowledge the standard being set within the community and the expectation that public infrastructure reflect the changes being seen in the community and most simply retain the status quo i.e. preservation without peripheral improvement.

The projects are:

- Labouchere Road, Angelo Street to Hensman Street
- Labouchere Road, Thelma Street to Saunders Street
- Hampden Street, Lawler Street to Sandgate Street

Comment

Labouchere Road, Angelo Street to Hensman Street

The increase in unit rates over the past twelve months for asphalt products (significant increases in bitumen, diesel fuel and operator wages) account for over half the requested budget amendment. Additional works provided for as a contingency allowance but not detailed involve the replacement of stormwater drainage structures (side entry pits and

roadside gullies). An additional \$26,000 is required to restore all stormwater structures to current standard and to rehabilitate and resurface the road pavement. The works will not include full replacement of kerbing but only short sections adjacent to the stormwater structures or at crossings.

In line with current metropolitan practice the shoulder lanes and the central median will be surfaced in the contrasting “red” laterite gravel asphalt mix.

Labouchere Road, Thelma Street to Saunders Street

This project has been undertaken in two stages recognising the increase in unit rate plus the additional complexity of traffic management at and around the Como Primary School. Stage 1 has been completed and involved kerb replacement, drainage improvements and pavement rehabilitation and resurfacing. The “shoulders” have been paved in red “laterite” asphalt and this treatment is proposed to be extended through to Saunders Street as Stage 2. Kerbing will only be replaced on the west side between Greenock Avenue and Saunders Street.

A further \$21,500 is required to complete Stage 2 to an equivalent standard provided in the section Thelma Street to Greenock Avenue.

Hampden Street, Lawler Street to Sandgate Street

The works proposed for Hampden Street include rekerbing both sides of the street, insitu stabilisation of the existing pavement and resurfacing. The project outcome will be comparable to that achieved in Elizabeth Street. The project will not include any works through the intersection of Addison Street which is listed as a Roads to Recovery Project in 2007/08.

An additional \$26,500 reflecting the increase in current rates is required to complete the works.

The required funds can be obtained by:

- deferring ROW 106 and distributing the funds to the above projects; and
- transferring the balance of Canning Highway verge paving to one of the projects.

ROW 106

This project forms part of the Right of Way upgrade program and was listed for construction in 2005/06. The ROW was accorded a high priority because of the number of properties having access to or potential access to the ROW. Part of the ROW had been paved and drained by a developer.

Following a request from a number of residents to close or partially close the ROW Council resolved to commence the process of closure. The request was received in late 2005. Currently the “closure request” is with the Department for Planning and Infrastructure who have yet to determine the request. In principle however closure of ROW’s are not considered favourably by the DPI if the land use would support infill development. There is little likelihood of a decision being obtained from DPI in the next quarter.

Unless there was a decision made in respect to progressing the construction of the ROW this quarter it would be most unlikely that we could schedule construction in the months of May/June. While there remains some uncertainty over the “closure decision” the transference of the allocated funds to another project scheduled to be completed in the current quarter but lacking funds is very appropriate.

Canning Highway Verge Paving

The project was first commenced in 2005/06 with a third and final stage projected for 2007/08. The intention of the three year project was to replace unsightly/unkept street verges with brick paving. As a main road traffic management along the Highway is heavily regulated by Main Roads and has impacted on the amount of works that can be completed with the available funds. In 2006/07 the budget inclusive of a carry forward from 2005/06 is \$52,000. With most of Stage 2 now complete the remaining funds is insufficient to complete the balance with the extent of traffic management required. Some \$14,000 remains unspent/not committed and is available for reallocation.

Consultation

No public consultation is required to amend the Budget.

Policy and Legislative Implications

There are no policy or legislative implications.

Financial Implications

The suggested amendments are intended to be cost neutral. The suggested amendment involves deferring a project listed in 2006/07 to another year and transferring unspent funds from one project to enable the shortfall on three listed projects to be completed.

Strategic Implications

The proposal to amend the Budget to facilitate additional works or variations to existing projects as a result of external circumstances is consistent with Goal 4 Infrastructure - Strategy 4.1

“Develop appropriate plans, strategies and management systems to ensure public infrastructure assets (roads, drains, footpaths etc) are maintained to a responsible level.”

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.4.3 |
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Moved Cr Trent, Sec Cr Ozsdolay

That....

- (a) the works as detailed in report Item 9.4.3 of the February 2007 Council Agenda proceed as soon as practicable; and
- (b) to facilitate the above works the Budget be amended as follows.*

| Account Number | Account Description | Account Type | Current Budget | Budget Amount | Revised Budget |
|----------------|---|--------------|----------------|---------------|----------------|
| 5314 | Labouchere Rd, Angelo St to Hensman Str | Capital Exp | \$166,208 | \$26,000 | \$192,208 |
| 5315 | Labouchere Rd, Thelma St to Saunders St | Capital Exp | \$160,272 | \$21,500 | \$181,772 |
| 5319 | Hampden St, Lawler St to Sandgate St | Capital Exp | \$165,000 | \$26,500 | \$191,500 |
| 5289 | ROW 106 | Capital Exp | \$61,000 | -\$60,000 | \$1,000 |
| 6166 | Canning Highway verge paving | Capital Exp | \$52,000 | -\$14,000 | \$38,000 |

CARRIED (13/0)
By Required Absolute Majority

9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

9.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location: City of South Perth
Applicant: Council
Date: 5 February 2007
Author: Rod Bercov, Manager, Development Services
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 months of December 2006 and January 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 December 2006, fifty (50) development applications were determined under delegated authority **Attachment 9.5.1(a)** refers. During the month of January 2007, thirty (30) development applications were determined under delegated authority **Attachment 9.5.1(b)** 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.*

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.1 |
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That the report and **Attachment 9.5.1(a)** and **Attachment 9.5.1(b)** relating to delegated determination of applications for planning approval during the months of December 2006 and January 2007, be received.

CARRIED EN BLOC RESOLUTION

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| 9.5.2 Use of the Common Seal |
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|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | N/A |
| Date: | 7 February 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 19.1 of the City's Standing Orders Local Law 2002 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 19.1 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 to any agreement to which the common seal was affixed.

Register

Extracts from the Register for the months of December 2006 and January 2007 appear below.

December 2006

| Nature of document | Parties | Date Seal Affixed |
|-----------------------------|-------------------|-------------------|
| CPV Lease | CoSP & Verna Moir | 21 December 2006 |
| Deed of Variation CPV Lease | CoSP & Ian McNabb | 22 December 2006 |

January 2007

| Nature of document | Parties | Date Seal Affixed |
|--|--|-------------------|
| Lease of Kensington Kindergarten | CoSP & Dept of Education | 4 January 2007 |
| Lease of Rotary Community Hall | CoSP & Rotary Club South Perth | 10 January 2007 |
| CPV Hostel Residency Agreement | CoSP & Eleanor Burns | 15 January 2007 |
| Consent under section 129C (1a) TLA [Restrictive Covenant] | CP & JG Duckworth, 17 Howard Pde. Salter Point | 15 January 2007 |
| CPV Hostel Residency Agreement | CoSP & Lily Ireland | 16 January 2007 |
| Deed for the provision of Australia Day fly past | CoSP & Commonwealth of Australia (RAAF) | 18 January 2007 |
| Deed of Agreement to Enter CPV Lease | CoSP & David Smith | 24 January 2007 |
| CPV Lease | CoSP & David Smith | 24 January 2007 |
| Deed for Registering CPV Lease | CoSP & David Smith | 24 January 2007 |
| Young Citizen of the Year Award | CoSP & Jessica Sherman | 26 January 2007 |

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 19 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.*

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| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.2</p> |
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That the report on the use of the 'Common Seal' for the months of December 2006 and January 2007 be received.

CARRIED EN BLOC RESOLUTION

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| <p>9.5.3 Local Government Amendment Bill (No 2) 2006 - Local Government Elections</p> |
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Location: City of South Perth
 Applicant: Council
 File Ref: G0/406
 Date: 14 February 2007
 Author and Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to obtain Council's endorsement to a submission to the Environment and Public Affairs Standing Committee in relation to the Local Government Amendment Bill (No 2) 2006, Local Government Elections.

Background

On 23 November 2006 the Legislative Council referred the Local Government Amendment Bill (No 2) 2006 to the Standing Committee on Environment and Public Affairs for inquiry and report. The referral allows the Committee to consider the policy of the Bill.

This submission is in response to the invitation received from the Standing Committee on Environment and Public Affairs dated 15 December 2006 for comment in relation to the proposal to introduce Proportional Voting to Local Government as contained in the Local Government Amendment Bill (No 2) 2006.

A draft submission was prepared and circulated to Councillors for comment on 9 February 2007.

The closing date for submissions is 23 February 2007 and the attached submission will be lodged by the due date. The letter accompanying the City's submission will indicate that a representative of the City wishes to also make a verbal presentation on the matter at a date to be advised to the City by the Standing Committee on Environment and Public Affairs.

Comment

The State Government has proposed an amendment to the Local Government Act to change the system of voting from 'First Past the Post' to a form of preferential proportional voting to be consistent with the way in which the Legislative Council is elected.

In previous submissions on this subject, Council has supported the retention of the 'First Past the Post' system and this submission has been framed consistent with this position.

Consultation

Elected members were invited to provide input to the submission which is in line with previous submissions on this subject.

Policy and Legislative Implications

Nil at this time. Proposal may result in legislative changes.

Financial Implications

Possible additional costs may be incurred in conducting future elections if a change to the voting system is made.

Strategic Implications

The report aligns to Goal 5 "Organisational Effectiveness" *To be a professional, effective and efficient organisation.*

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| OFFICER RECOMMENDATION ITEM 9.5.3 |
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That the City of South Perth officer submission on the Local Government Amendment Bill (No 2) 2006 - Local Government Elections provided as **Attachment 9.5.3**, be endorsed.

MOTION

Moved Cr Smith, Sec Cr Macpherson - That the Motion be Put.

The Mayor put the Motion.

CARRIED (10/3)

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.5.3**

Moved Cr Trent, Sec Cr Maddaford

That the City of South Perth officer submission on the Local Government Amendment Bill (No 2) 2006 - Local Government Elections provided as **Attachment 9.5.3**, be endorsed.

CARRIED (12/1)

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

Note: Mayor Collins vacated the Chair and left the Chamber at 11.38pm. Deputy Mayor Maddaford took the position as Chair.

Note Manager Planning Services retired from the meeting at 11.38pm.

9.6 GOAL 6: FINANCIAL VIABILITY

9.6.1 Monthly Financial Management Accounts – January 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 8 February 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 and it 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.

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 9.6.1(1)(A) and 9.6.1(1)(B)**
- Summary of Operating Revenue and Expenditure (for all departments except for Infrastructure Services) – **Attachment 9.6.1(2)**
- Summary of Operating Revenue and Expenditure for Infrastructure Services - **Attachment 9.6.1(3)**
- Summary of Capital Items – **Attachment 9.6.1(4)**
- Schedule of Significant Variances – **Attachment 9.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 9.6.1(6)**

Operating Revenue to 31 January 2007 is \$27.61M which represents 101% of the Year to Date Budget of \$27.25M. Significant contributors to the favourable variance include better than anticipated investment revenue performance, unbudgeted advertising rebate and a premium rebate for the 'adjusted' workers compensation premium in a prior year, the unbudgeted ground hire fee from Red Bull for the use of Sir James Mitchell Park for the Red Bull Air Race and a better than expected performance on parking management - including the Australia Day parking strategy. Revenue from the Collier Park Hostel remains ahead of budget due to higher Commonwealth Subsidies from the increased RCS levels at present. Building and Planning Services revenues are also in advance of budget due to several large development applications. In the Infrastructure Services area, deferred trade in proceeds from several plant items budgeted for but not traded prior to 30 June 2006 have now created favourable variances in 2006/2007. A review of a number of 'aged' trust deposits by the Finance team has also yielded a significant unbudgeted revenue.

Comment on the specific items contributing to the variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5)**. A number of these items have been addressed in the Q2 Budget Review that will be considered by Council in this agenda as Item 9.6.5

Operating Expenditure to 31 January 2007 is \$17.03M - which represents 97% of the Year to Date Budget of \$17.48M Operating Expenditure is around 4% favourable in the Administration area - and 1% favourable in the Infrastructure Services area.

As previously noted, several staff positions that remain vacant due to either resignation or leave entitlements have contributed to the favourable variances in the Administration area - particularly in Community Services, Planning, Building Services, Finance, Engineering Admin and Recreation. The City is endeavouring to try new strategies to attract staff and in the interim is making use of temporary staff to ensure that we continue to deliver responsive and timely customer service in all facets of our activities. Overall, the salaries budget (including temporary staff where they are being used to cover vacancies) is now 6.4% under the budget allocation for the 210 FTE positions approved by Council in the budget process – although staff agencies are less timely in submitting their costs for payment than our own internal staff (so there may be some timing lag).

Reduced staffing levels have had some impact on maintenance programs for some activities such as parks and environmental maintenance. The previously noted favourable variances on some infrastructure activities such as drainage, roads and path maintenance are beginning to reverse. Allocations of overheads and charge out for plant items, which are affected by the reduced number of permanent staff direct labour hours and the increased use of temporary staff (that do not automatically attract oncosts and plant charge out to the particular jobs on which the staff are deployed), are requiring further corrective action. This issue is continuing to be closely monitored for the remainder of the year.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 9.6.1(5)**. A number of the expenditure item variances have been addressed in the Q2 Budget Review that will be considered by Council in this agenda as Item 9.6.5.

Capital Revenue is disclosed as \$0.91M at 31 January against a budget of \$0.61M. Road grant revenue appears to be well in advance of budget. However, this is distorted by DoTARS having forwarded an amount of almost \$320,000 (in advance) to the City for road works that have yet to be identified, designed or constructed - on the proviso that the road works are undertaken in the next 3 years. This is an unusual transaction and presents a challenge in responsibly and accountably managing the City's finances. The monies received have now been transferred to the Future Municipal Works Reserve, where they will remain quarantined exclusively for deployment on road projects that meet the grant funding criteria in future years.

The unfavourable variance in capital revenues relating to the lower than anticipated turnover of units in the Collier Park Village continues and it is unlikely that the full year budget will be attained. However, the offsetting benefit from this is that capital expenditure on refurbishment of vacated units is also somewhat lower than budgeted.

Capital Expenditure at 31 January is \$3.77M against a year to date budget of \$5.21M. This represents 72% of the year to date budget and represents 23% of the full year capital program including the Underground Power Project (UGP). Excluding the UGP project, which is to be separately delivered by Western Power rather than through City resources, we have currently completed around 33% of the full year's program - which was increased in December to include the additional funding for Como Beach. The executive management

team recognises the importance of monitoring the progress of the City’s various departments in delivering the capital program throughout the year and a monthly strategic review of the delivery of the program now occurs with activities including identifying obstacles to delivering the program and identifying what, if any, corrective actions can be implemented.

A summary of the progress of the capital program (including approved carry forward works) by directorate is provided below:

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|---------------------------------|------------------|------------------|--------------|-------------------|
| CEO / Financial & Info Services | 1,007,500 | 1,164,338 | 114% | 1,852,000 |
| Corp & Community Services | 318,650 | 167,089 | 52% | 1,326,454 |
| Strategic & Reg Services | 51,000 | 20,976 | 41% | 126,500 |
| Infrastructure Services | 3,817,808 | 2,410,837 | 63% | 7,741,549 |
| Underground Power | 20,000 | 11,061 | 55% | 4,820,000 |
| Total | 5,214,958 | 3,774,300 | 72% | 16,147,503 |

Further comment on the variances relating to Capital Revenue and Capital Expenditure items may be found in **Attachment 9.6.1(5)** and in **Attachment 9.6.6**.

Consultation

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

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’*.

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| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.1</p> |
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That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 9.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 9.6.1(5)** be accepted as having discharged Council’s statutory obligations under Local Government (Financial Management) Regulation 35; and
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2006/2007 provided as **Attachment 9.6.1(6)(A)** and **9.6.1(6)(B)** be received.

CARRIED EN BLOC RESOLUTION

9.6.2 Monthly Statement of Funds, Investments and Debtors at 31 January 2007

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 8 February 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 \$31.88M compare very favourably to \$28.79M at the equivalent stage of last year. This is due to a number of factors including the very good cash collections from rates levied in July (over 1.6% ahead of last year after the third instalment), timely claims for pension / seniors rebates from the Office of State Revenue and the delayed outflow of capital expenditure (approximately \$1.4M). The other very significant factor is the positive cash flow implications of the City changing the way in which it remits its ESL collections to FESA (now pre-determined quarterly remittances rather than the 'actual' monthly collections remittance approach used in previous years). Our cash position is currently very positively impacted by this change as we have collected around the same amount of ESL - but have remitted around \$1.0M less at this stage. The situation will of course be somewhat less favourably impacted in the later months of the year when payments to FESA are greater than the incoming collections.

Even after adjusting for the revised ESL cash flow impact compared to last year, the net position is still better relative to January 2006. Monies taken into the new year and our subsequent cash collections are 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 \$14.69M (compared to \$12.63M in 2005/2006). **Attachment 9.6.2(1)**.

(b) Investments

Total investment in short term money market instruments at month end is \$31.66M compared to \$28.51M last year. As discussed above, the difference relates to improved cash collections, delayed outflows for capital projects and the timing implications of the changed ESL remittance arrangements.

Funds held are responsibly spread across various institutions to diversify risk as shown in **Attachment 9.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$1.10M, which is up from \$0.95M at the same time last year. This is primarily attributable to higher cash holdings and the slightly higher interest rates available at this time.

The average rate of return for the year to date is 6.20% with anticipated yield on investments yet to mature currently at 6.42% - 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 equivalent time last year is shown in **Attachment 9.6.2(3)**. Rates collections to the end of January 2007 (after the due date for the third rates instalment) represent 89.0% of total rates levied compared to 87.4% at the equivalent stage of the previous year - with only 1 instalment remaining. This continues to be the City's best ever rates collection result to this stage of the year - and supports the rating strategy and the communication strategy used for the 2006/2007 rates issue. The final rates instalment is due in March 2007. It is important to recognise that the impressive collection of rates outstanding to date have had a notable offsetting impact on the level of penalty interest on overdue rates (\$20,000 less than budget) - but this is not considered a bad outcome.

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), have had a very positive impact on initial rates collections. Reminder notices and other appropriate debt collection actions, including timely follow up by rates staff, are currently underway. These actions have complimented the rates strategy to ensure that we build upon our existing very solid treasury management foundations.

General debtors stand at \$0.85M at 31 January 2007 compared to \$0.84M at the same time last year. The debtors category with a larger outstanding balance than at the same time last year is Infringements - a large portion of which relates to unpaid fines from Australia Day and the Red Bull Event. These outstanding items are in the main regarded as collectible - although a prudent allocation for doubtful debts is made if rigorous collection efforts are unsuccessful.

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 DM603. 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 City's Strategic Plan – *'To provide responsible and sustainable management of the City's financial resources'*

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.2 |
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That the 31 January 2007 Statement of Funds, Investment and Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

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| 9.6.3 Warrant of Payments Listing |
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| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 7 February 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 between 1 December 2006 and 31 January 2007 is presented for information to the February 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 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.

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' financial resources'*.

Note: Cr Hearne left the Chamber at 11.40pm and returned at 11.42pm
Cr Gleeson left the Chamber at 11.43pm

Note: Mayor Collins returned to the Chamber at 11.43pm and resumed his position as Chairman.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.3**

Moved Cr Trent, Sec Cr Smith

That the Warrant of Payments for the months of December 2006 and January 2007 as detailed in the Report of the Director Financial and Information Services, **Attachment 9.6.3**, be received.

CARRIED (11/1)

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

9.6.4 Statutory Financial Statements for Quarter ended 31 December 2006

| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 9 January 2007 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

In accordance with statutory requirements, an Operating Statement is provided for the period ended 31 December 2006. The revenues and expenditures classified by program and also

presented by nature and type classification. Statutory schedules relating to Rating and General Purpose Revenue that compare actual performance to budget for the period are also provided.

Background

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

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

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

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

Comment

The total AAS 27 Operating Revenue for the period of \$27.42M compares favourably with the year to date Budget of \$27.10M. This represents 101% of the year to date Budget. Analysing the Operating Revenues by nature and type, the most significant favourable variances are in Fees *and* Charges (planning and building licenses and Red Bull event), Grants and Subsidies (higher RCS subsidies at the CPH and several small unbudgeted grants), Interest Revenue (as discussed in Agenda Item 9.6.2), Asset Sale Proceeds (unbudgeted plant trade-ins deferred from June 2006) and Other Revenue (advertising rebate and insurance premium rebate).

The principal variances disclosed by program are the favourable variances in the General Purpose Funding, Governance, Community Amenities, Recreation and Culture and Transport programs. General Purpose Funding is favourably impacted by the extra interest revenue generated from excellent investment performance (Refer Agenda Item 9.6.2). The favourable variance in the Governance program relates to the receipt of the advertising rebate and the insurance premium rebate after the re-assessment of the prior year's insurance performance. The Community Amenities program benefits from additional planning fees for three unexpected larger commercial developments.

Recreation and Culture is favourable due to the unbudgeted fee associated with the Red Bull Air Race, unbudgeted grant for digitising the Gibbs collection and the timing difference on Fiesta revenue. The remainder of programs are close to budget expectations for the year to date with significant variances being separately identified and addressed by either appropriate management action or by the items being included in the Q2 Budget Review.

Operating Expenditure (classified according to AAS 27 principles) to 31 December 2006, totals \$14.87M and compares favourably to a year to date Budget of \$15.80M. Analysing the Operating Expenditure items by nature and type, employee cost are significantly under budget (as expected due to the vacant positions and timing delay on training expenditures) and materials and contracts are also under budget for the year to date - although this is expected to correct in later months.

Most programs have small variances with the more significant being in the Governance, Housing, Community Amenities, Recreation and Culture and Transport programs. Favourable variances in the Governance program relate mainly to salary savings due to vacant staff positions or staff on extended leave as discussed below. The favourable variance in the Housing program relates mostly to a significant saving on refurbishment costs due to the lower turnover of units and some effective cost management on some other operational items including CPV garden maintenance.

Staff vacancies and a lesser requirement for legal fees in the planning area have contributed to the small favourable variance in the Community Amenities program – as have timing difference in the delivery of a number of community focussed sustainability initiatives. Timing differences on parks maintenance activities and golf course maintenance (which are expected to correct later in the year) have all impacted favourably on the Recreation and Culture program. Hall operating costs are higher than budgeted – primarily due to cleaning costs. The Transport program is favourably impacted by timing differences in path and traffic device maintenance expenditures. These should correct later in the year. The favourable variance on street sweeping is under investigation.

The Schedule of Rating Information shows that as at 31 December 2006, the City had levied some \$18.29M in residential and commercial rates compared to a year to date budget of \$18.28M. Interim rates growth has been very close to budget to date.

Salaries were around 7.4% below budget expectations to December 2006 but this is distorted by some extended vacancies in the Engineering, Planning, Finance, Recreation, Golf Course and Building Services areas. Other areas such as Community Services, Health Services and the Collier Park Village have been affected by senior staff taking leave entitlements which are paid from cash backed provisions accumulated in prior years rather than from the normal cost centres. Most other areas are relatively close to budget expectations.

The Statement of Financial Position provides a comparison of asset and liability categories at 31 December 2006 and at an equivalent time in the 2005/2006 financial year. Current Assets stand at \$37.67M as at 31 December 2006 compared to \$34.51M in December 2005. The major aspects of this change are the much higher level of investment funds resulting from the changed ESL payment regime and quarantined cash backed reserves plus funds held for significant construction projects later in the year. Receivables are similar to 2005/2006 – although higher general debtors at this time offsets the results of excellent rates collections and timely processing and recovery (from state government) of pensioner rebate entitlements.

Non Current Assets of \$173.37M compare with \$171.20M at December 2005. This increase reflects the higher valuation of buildings and infrastructure assets. Non current receivables relating to self supporting loans have reduced relative to last year.

Current Liabilities are disclosed as \$5.54M compared to a balance of \$3.51M at 31 December 2005. Part of the reason for this increase is the higher level of creditor invoices outstanding from suppliers at balance date – particularly one invoice relating to the civic building project of around \$0.2M and another \$0.3M wrongly sent to the City as an 'in advance' road grant payment.

The other very significant item is the recognition that the City has collected some \$1.1M more of ESL levies than have been forwarded to FESA at this date. However, it is considered prudent to recognise the liability to forward this money at this time as these are not City monies. Employee entitlements accrued and cash backed in accordance with statutory requirements are some \$0.15M higher than at the equivalent time last year.

Non-Current Liabilities stand at \$24.93M at 31 December 2006 compared with \$24.44M last year. This is attributable to a higher holding of refundable monies for the leaseholder liability at the Collier Park Complex this year (an additional \$0.9M). City borrowings undertaken as part of the overall funding package are \$0.3M lower than at the same time last financial year. Non current Trust Funds have also been reduced during the December quarter.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 – *'To provide responsible and sustainable management of the City' financial resources'*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.4

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

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

CARRIED EN BLOC RESOLUTION

9.6.5 Budget Review for the Quarter ended 31 December 2006

| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 9 January 2007 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

A review the 2006/2007 Adopted Budget for the period to 31 December 2006 has been undertaken within the context of the approved budget programs. Comment on identified

variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves or where these may have been identified since the budget was adopted, they have also been included – providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

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

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

Background

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

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds – to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year.

Although not required to perform budget reviews at this frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year – believing that this approach provides more dynamic and effective treasury management than simply conducting one statutory half yearly review. The results of the Half Yearly (Q2) Budget Review are now required to be forwarded to the Department of Local Government for their review after they have been endorsed by Council. This requirement is to allow the Department to provide a value-adding service in assessing the ongoing financial sustainability of each of the local governments in the state – based on the information contained in the Budget Review.

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

Comment

The Budget Review is presented in three parts :

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

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

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

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

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

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 11 July 2006.

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

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

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

Consultation

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

Policy and Legislative Implications

Compliance with the statutory requirement to conduct a half yearly budget review and to forward the results of that review to the Department of Local Government is achieved through the presentation of this report to Council.

Financial Implications

The amendments contained in the attachment to this report will result in a change of \$7,336 to the projected 2006/2007 Budget Closing Position. The changes recommended in the Q2 Budget Review will result in the revised (estimated) 2006/2007 Closing Position becoming \$59,658.

The impact of the proposed amendments in this report on the financial arrangements of each of the City’s directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments).

Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Adjustments to the Opening Balance shown in Table 1 refer to the difference between the Estimated Opening Position used at the budget adoption date and the final Actual Opening Position as determined after the close off and audit of the 2005/2006 year end accounts. This difference is explained at Note 22 of the 2005/2006 Annual Financial Statements.

TABLE 1 : (Q2 BUDGET REVIEW ITEMS)

| Directorate | Increase Surplus | Decrease Surplus | Net Impact |
|------------------------------------|------------------|------------------|--------------|
| Office of CEO | 2,500 | (265,000) | (262,500) |
| Corporate and Community Services | 39,530 | (55,500) | (15,970) |
| Financial and Information Services | 85,500 | (36,000) | 49,500 |
| Strategic and Regulatory Services | 40,000 | 0 | 40,000 |
| Infrastructure Services | 113,450 | (18,450) | 95,000 |
| Accrual and Opening Position | 101,306 | 0 | 101,306 |
| Total | 382,286 | (374,950) | 7,336 |

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

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

TABLE 2 : (CUMULATIVE IMPACT OF ALL 2006/2007 BUDGET ADJUSTMENTS)

| Directorate | Increase Surplus | Decrease Surplus | Net Impact |
|------------------------------------|------------------|------------------|-----------------|
| Office of CEO | 2,500 | (275,000) | (272,500) |
| Corporate and Community Services | 49,530 | (82,500) | (32,970) |
| Financial and Information Services | 165,500 | (51,000) | 114,500 |
| Strategic and Regulatory Services | 100,000 | (87,500) | 12,500 |
| Infrastructure Services | 193,450 | (143,450) | 50,000 |
| Accrual and Opening Position | 101,306 | 0 | 101,306 |
| Total | 612,286 | (639,450) | (27,164) |

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 ITEM 9.6.5

Moved Cr Hearne, Sec Cr Maddaford

That following the detailed review of financial performance for the period ending 31 December 2006, the budget estimates for Revenue and Expenditure for the 2006/2007 Financial Year, (adopted by Council on 11 July 2006 - and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the February 2007 Council Agenda *:

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

CARRIED (12/0)

By Required Absolute Majority

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| 9.6.6 Capital Projects Review to 31 December 2006 |
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| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 20 January 2007 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved Capital Projects to 31 December 2006. Comment is made only on significant identified variances as at the reporting date.

Background

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

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

Comment

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

Overall, expenditure on the Capital Program represents 75% of the year to date target (31% of the full year's budget – excluding the UGP program which is not delivered by the City).

The Executive Management Team is closely monitoring and reviewing the Capital Program with operational managers on an ongoing basis. This includes seeking strategies and updates from each of them in relation to the responsible and timely expenditure of the capital funds within their individual areas of responsibility.

Comments on the broad capital expenditure categories are provided in **Attachment 9.6.1(5)** and details on specific projects impacting on this situation are provided in **Attachment 9.6.6(1)** and **Attachment 9.6.6(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines and their responses have been summarised in the attached Schedule of Comments.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 – *'To provide responsible and sustainable management of the City's financial resources'*.

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| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.6 |
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That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 December 2006, as per **Attachments 9.6.6(1)** and **9.6.6(2)** be received.

CARRIED EN BLOC RESOLUTION

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| 9.6.7 Submission on Local Government Financial Sustainability |
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|-----------------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 12 February 2007 |
| Author / Reporting Officer: | Michael J Kent , Director Financial and Information Services |

Summary

To present, for the information of Council, the submission prepared by City officers in relation to the recent invitation to comment on a proposal for the development of a national framework for assessing local government financial sustainability.

Background

The issue of the financial sustainability of local governments has been highly topical in the last 12 months with a significant number of studies being conducted at both state and national level. In Western Australia alone we have had reports produced from the WALGA Systematic Study into Local Government Financial Sustainability (conducted by Access Economics) and the Local Government Advisory Board Report into Local Government Financial Sustainability (prepared by Ron Back) - as well as the Australian Local Government Association report into this topic.

More recently, the Local Government and Planning Ministers Council (LGPMC) comprising the Local Government and Planning Ministers from each state and territory - plus the Commonwealth Minister for Transport and Regional Services and the President of ALGA, was formed to consider a national approach to the issue of local government financial sustainability.

The LGPMC has endorsed in principle the development of a nationally consistent framework for assessing local government financial sustainability. The framework embraces three broad components:

- Criteria for assessing the financial sustainability of local governments.
- Asset planning and management by local councils.
- Financial planning and reporting by local councils.

The LGPMC argues that the proposed framework supports and builds upon the current practices of each state and territory. It offers the view that the development of a national framework will:

- Assist states and territories to achieve a consistent approach to assessing the financial sustainability of councils, including the ability to assess where councils may require additional assistance.
- Provide a basis for states and territories to assist councils to fulfil their commitment to sound public governance under Clause 11 of the Intergovernmental Agreement on Local Government Matters.

Comment

Following the most recent LGPMC meeting, the Minister for Local Government and Regional Development issued an invitation to local governments to provide feedback or comments on the proposal to develop a national framework for assessing local government financial sustainability - and how it might fit within a Western Australian context.. It is recognised of course, that at this stage, the proposal is only a concept and will be subject to much more detailed development - and, one would reasonably expect, further opportunities for consultation with local government.

Unfortunately, this invitation to comment was not received until too late to allow a response to be prepared and presented to Council before the Christmas / New Year recess. Furthermore, given that the closing date for submissions was 14 February 2007 (before the return of Council before the recess), City officers have provided a technical response and have necessarily submitted it on behalf of the City to ensure that the submission deadline was met.

The officer submission is broadly supportive of the proposal which appears to reflect many of the existing financial management practices currently employed at the City - and endorsed by Council. Indeed it may be argued that this is the reason that the City fared so favourably in the recent WALGA Systematic Study into Local Government Financial Sustainability (conducted by Access Economics).

The submission is presented as **Attachment 9.6.7** for the information of Council Members.

Consultation

This report is prepared to provide a copy, for the information of Council Members of the officer submission prepared in response to this invitation to comment on the proposal to develop a national framework for assessing local government financial sustainability. The timing of the request for submissions has not permitted any wider consultation on the issue but it is hoped that more refined proposals in relation to the framework will be forwarded to the City in a more timely manner so that we have the opportunity to provide greater opportunities for Council feedback on the proposals.

Policy and Legislative Implications

There are no specific legislative requirements to address at present in relation to this issue. However, as the framework is further developed, the City may well be required to comply with additional or modified legislative and reporting obligations in the future.

Financial Implications

No financial impact other than officers time expended in preparing the submission.

Strategic Implications

This report deals with matters of financial management which may 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'*.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.7**

That the City of South Perth officer submission on the development of a national framework for assessing the financial sustainability of local government provided as **Attachment 9.6.7**, be endorsed.

CARRIED EN BLOC RESOLUTION

10. APPLICATIONS FOR LEAVE OF ABSENCE

10.1 Request for Leave of Absence - Cr Trent 17.8.2007 - 5.9.2007 inclusive

Moved Cr Hearne, Sec Cr Maddaford

That Cr Trent be granted leave of absence from any meetings held between 17 August and 5 September 2007 inclusive.

CARRIED (12/0)

Note: Cr Gleeson returned to the Chamber at 11.44pm.

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

11.1 Proposed Central Pedestrian Island Mends Street at Labouchere Road Intersection...Cr Maddaford...6.2.2007

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 27 February 2007:

MOTION

That the Chief Executive Officer assess and implement as appropriate, a treatment such as a central pedestrian island in Mends Street at the intersection of Labouchere Road that provides safety for pedestrians crossing over the street as well as discouraging excessive vehicle speeds.

MEMBER COMMENT

The purpose of this Motion is to address a safety issue highlighted recently by the hit and run injury incident to a female pedestrian crossing Mends Street. Mends Street at Labouchere Road is very wide and by intersecting Labouchere Road at an angle less than 90° allows drivers turning left to exit Mends Street at speeds possibly much greater than that associated with a normal intersection. Similarly right turning traffic from Labouchere Road northbound in Mends Street can effect the turn at greater than normal speed.

As a result:

- pedestrians often are confronted by fast moving traffic entering or leaving Mends Street making crossing unsafe;
- pedestrians having commenced the crossing have no central refuge to wait until all traffic has passed; and
- motorists are not confined to a prescribed path through the intersection thus encouraging higher than average speeds and reducing overall the potential safety of the intersection.

CEO COMMENT

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

Over a number of years different options have been investigated for Mends Street between Labouchere Road and Mill Point Road. All have involved variations on the theme of improved safety for pedestrians. The schemes have varied from a duplication of the northern section of Mends Street maintaining the avenue affect of London Planes, through to full width brick paving as a shared pedestrian/vehicle space. While a pedestrian mall for Mends Street has often been suggested it has not received widespread support within Council or the traders of Mends Street and the wider community.

All of the proposals have addressed in some form the very wide entrance at Labouchere Road. Basically to provide for better pedestrian and vehicle movements at “wide” intersections two treatments are common place:

- firstly kerb extensions to narrow the pavement to only that required for the passage of vehicles. An example of this treatment is Preston Street at Melville Parade where the kerbing extensions create embayed parking along the street but provides for the movement of all traffic. By narrowing the road pavement pedestrians can cross in safety without having to stop in the middle; or
- a central traffic island appropriately designed to provide for the movement of vehicles but also to provide refuge and a “half way” safety zone for pedestrians.

Although the Mends Street pavement between Mill Point Road and Labouchere Road requires extensive rehabilitation it would be premature to undertake any works other than of an interim or temporary form until the development of the Civic Triangle has been finalised as there is every likelihood that Mends Street will be the major point of access.

Kerbing extensions are invariably more costly than other works as they affect road and verge levels and require additional structures for stormwater disposal. The central median island, of a modified form to that already in Mends Street, at Mill Point Road would meet all the requirements for pedestrian safety, would discourage vehicle speeds and could be implemented with minimal cost. At approximately \$3,000 the works could be effected from the Minor Works Budget within Infrastructure Services.

MOTION

Cr Maddaford moved his Motion showing at Item 11.1 in the Agenda paper. Sec Cr Smith

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Maddaford opening for the Motion

- purpose of Motion to address a safety issue highlighted by recent the hit and run injury
- Mends Street at Labouchere Road is very wide
- allows drivers turning left to exit Mends Street at speeds - greater than normal
- similarly right turning traffic from Labouchere Road northbound in Mends Street
- safety issue for benefit of residents/ratepayers

Cr Smith for the Motion

- concur with Cr Maddaford’s comments

Cr Macpherson against the Motion

- have just approved major development of Civic Triangle
- will have to make a lot of decisions with Civic Triangle proposal
- not the time to implement this proposal

Cr Trent point of clarification - are the City’s engineer’s comments included under the CEO comment to this Motion. The CEO said yes.

Cr Cala for the Motion

- development of the Civic Triangle could be years away
- need to put something in place now for safety of residents/ratepayers

Cr Maddaford closing for the Motion

- will not affect Civic Triangle
- safety issue for benefit of residents/ratepayers

COUNCIL DECISION ITEM 11.1

The Mayor put the Motion

That the Chief Executive Officer assess and implement as appropriate, a treatment such as a central pedestrian island in Mends Street at the intersection of Labouchere Road that provides safety for pedestrians crossing over the street as well as discouraging excessive vehicle speeds.

CARRIED (12/1)

11.2 Proposed Pedestrian Crossing Mends Street to link with Millstream Shopping Mall.....Cr Maddaford...s...6.2.2007

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 27 February 2007:

MOTION

That the Chief Executive Officer write to the Commissioner for Main Roads WA to request that a marked pedestrian crossing be installed in Mends Street to link with the Mill Stream Shopping Mall.

MEMBER COMMENT

The purpose of this Motion is to provide a pedestrian facility in this generally acknowledged pedestrian area that ensures a safe passage for pedestrians and removes all uncertainty with the existing pavement and any ambiguity between motorists and pedestrians.

The uncertainty of the existing brick paving as a crossing point results in:

- some motorists giving way to pedestrians and encouraging their crossing, only to be confronted by other motorists travelling in the opposite direction not giving way; and
- the placement of signs either side of the street advising pedestrians that vehicles have right of way. In an acknowledged pedestrian precinct vehicle movement should be discouraged and limited only to essential traffic.

Vehicle speeds will be further reduced by the installation of a marked crossing as drivers will be required to STOP and GIVE WAY to pedestrians on the crossing.

CEO COMMENT

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

It is acknowledged that there is a conflict between traffic and pedestrians where the type of installation referred to at this location exists. This crossing treatment has been installed to assist pedestrians crossing Mends Street and at the same time providing a warning to motorists that pedestrians cross the road at this point. It is not a substitute for a pedestrian crossing but an alternative as, up until this time the location does not justify a zebra crossing.

The Commissioner for Main Roads is the Statutory Authority for the installation and maintenance of regulatory signage. A marked pedestrian crossing, generally referred to as a Zebra crossing, is one of only two measures available to reassign right-of-way on a street or road from the vehicle driver to the pedestrian other than the general regulations available to pedestrians at signal controlled intersections.

No other markings or contrasting pavements irrespective of their construction, general appearance or ease of use reassigns this right-of-way and absolves pedestrians to give way to motorists.

It is acknowledged that in high pedestrian areas or areas of high traffic concentration formalised crossing points are required. National standards exist in the number of pedestrian and vehicle movements required for the various forms of formalised crossings. A marked crossing (Zebra crossing) requires a warrant score of 90,000. The warrant is determined by the product of pedestrian and vehicle movements for the peak hour plus one other hour on a typical day.

Traffic and pedestrian counts taken in Mends Street in 2005 returned a traffic warrant of only 33,000 at the "defined crossing point". However the major issue with "strip" shopping precincts with parking both sides of the street is that the pedestrian movements are not confined to a single "crossing" but can occur anywhere where convenient. Within 50 metres each side of the "defined crossing point" pedestrian counts have been recorded at over four times the volume at the "defined crossing point". If 20% of those crossing other than at the "defined crossing point" ie within say 20 metres of the crossing, then the warrant would be approximately 66,000. The above may be insufficient for Main Roads to effect the installation, although it is our understanding that some earlier research undertaken within Main Roads had indicated the warrant (largely based on eastern states experience where traffic and pedestrian volumes are typically much greater) may be too high for WA.

MOTION

Cr Maddaford moved his Motion showing at Item 11.2 in the Agenda paper. Sec Cr Smith

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Maddaford opening for the Motion

- there have been two deaths in this area
- this Motion provides a pedestrian facility that ensures a safe passage for pedestrians
- proposed crossing removes all uncertainty with the existing pavement
- proposed crossing removes any ambiguity between motorists and pedestrians.
- an acknowledged pedestrian precinct - vehicle movement should be discouraged
- vehicle movement should be limited only to essential traffic
- vehicle speeds will reduced by installation of zebra crossing

Cr Smith for the Motion

- concur with previous comments
- it is only one zebra crossing
- best solution we can come up
- addresses the false sense of security that the brick delineation is a crossing
- provides elderly the opportunity of crossing at zebra crossing

Cr Trent against the Motion

- Main Roads is against putting in zebra crossings

Cr Trent point of clarification - would removing the 'bricks' improve the situation?

Acting Director Infrastructure Services stated that the whole design of Mends Street is those 'brick crossings' to remove one would not achieve anything.

Cr Maddaford closing for the Motion

- believe Main Roads will give approval
- the zebra crossing will reduce speed
- speed a factor in the street
- commend Motion to Members

COUNCIL DECISION ITEM 11.2

The Mayor put the Motion

That the Chief Executive Officer write to the Commissioner for Main Roads WA to request that a marked pedestrian crossing be installed in Mends Street to link with the Mill Stream Shopping Mall.

CARRIED (12/1)

11.3 Fiesta 2008 Briefing to Finalise Fiesta Program Cr Maddaford...12.2.2007

I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 27 February 2007:

MOTION

That the Chief Executive Officer to ensure that Elected Members are fully consulted and briefed accordingly before any arrangements or program for the '2008 Fiesta' is finalised.

MEMBER COMMENT.

At a Briefing Workshop on 1 August 2006 entitled "Workshop Evaluation of Fiesta 2006 and Draft Action Plan for Fiesta 2007" I requested that the Elected Members be further briefed before finalisation of the 2007 Fiesta was made. I was assured a further Briefing would take place.

CEO COMMENT

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

A briefing can certainly be arranged if considered a priority by Council.

MOTION

Cr Maddaford moved his Motion showing at Item 11.3 in the Agenda paper. Sec Cr Smith

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Maddaford opening for the Motion

- Workshop held August 2006 "Evaluation of Fiesta 2006/Plan Fiesta 2007" requested a further briefing
- requested Elected Members be further briefed before finalisation of the 2007 Fiesta
- was assured a further Briefing would take place.

Cr Macpherson for the Motion

- support the Motion as briefing could be arranged

AMENDMENT

Moved Cr Hearne, Sec Cr Smith - That the Motion be numbered part (a) and the following part (b) be included:

- (b) Council expresses its concern and disappointment that the CEO did not comply with the Elected Members request to be fully briefed on the 2007 Fiesta Program.

Cr Hearne opening for the Amendment

- August 2006 had a good briefing - good ideas - commend officers
- now received a program- it is not **our** program - not our brand - needs to be consistent
- 'brands' not determined by staff but by boards
- we spend hours at briefings for no benefit
- ask the CEO why this happened - he will blame someone else
- we are told we cannot get involved in staff issues
- so CEO you can wear it

CEO COMMENT

The CEO stated that when Cr Maddaford lodged his Notice of Motion officers went back to the August 2006 Briefing Notes referred to and found that there was no mention of a further briefing being held. The salient notes of the meeting did not refer to another briefing and as a consequence a further briefing was not arranged. The Notes were part of the August Council Agenda Attachments and were received as presented. Calling a further briefing was not acted upon as it was not in the Notes.

Cr Smith for the Amendment

- endorse Cr Hearne's comments
- the more we discuss the Fiesta the better it will be
- support the Amendment

Cr Ozsdolay against the Amendment

- briefing notes discussed
- have a problem with criticising our CEO unnecessarily
- were discussing a motion for a further briefing
- now an amendment to publicly criticise our CEO
- why are we publicly criticising our CEO yet again

Cr Hearne closing for the Amendment

- do not want to embarrass CEO
- want CEO to do what we want

The Mayor put the Amendment

CARRIED (8/5)

NOTE: MAYOR COLLINS AND CRS CALA, GLEESON, MACPHERSON AND OZSDOLAY REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

Cr Ozsdolay against Amended Motion

- commend officers on fantastic program - makes me happy
- happy we had opportunity to provide input on Fiesta
- do not see need for us to be consulted at both ends
- do not support Motion

Mayor Collins against the Amended Motion

- this is about being briefed prior to finalisation of 2008 Fiesta program
- efforts of all concerned in putting 2007 Fiesta together was fantastic
- this is in no way decrying efforts of staff - its about a briefing that never occurred
- going to rectify this prior to the 2008 Fiesta
- do not want staff to feel we do not approve of their efforts

Cr Cala against the Amended Motion

- not trying to take away from the staff's efforts
- point being made is that as a Board of Directors we need to be involved
- support having a briefing to finalise 2008 Fiesta Program

Cr Maddaford closing for the Motion

- at August 2006 Fiesta briefing asked for further briefing - was told yes
- at a subsequent social event was told about opening concert - asked again - were we going to get a briefing - again told yes
- Members need to be part of the Fiesta program

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| COUNCIL DECISION ITEM 11.3 |
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The Mayor put the Amended Motion

That....

- (a) the Chief Executive Officer to ensure that Elected Members are fully consulted and briefed accordingly before any arrangements or program for the '2008 Fiesta' is finalised; and
- (b) Council expresses its concern and disappointment that the CEO did not comply with the Elected Members request to be fully briefed on the 2007 Fiesta Program.

CARRIED (9/4)

NOTE: MAYOR COLLINS AND CRS GLEESON, MACPHERSON AND OZSDOLAY REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

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| 11.5 Council's Strategic DirectionCr Best. 14.2.2007 |
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I hereby give notice that I intend to move the following Motion at the Council Meeting to be held on 27 February 2007:

MOTION

That

- (a) Council engage the services of the Human Resources firm CXC Consulting to meet with Council Members to develop a framework that encompasses Council's strategic direction and business management;
- (b) the framework would align with the processes of operational planning, budgetary cycles, information systems plans, human resource plans and business performance reporting;
- (c) CXC Consulting would then facilitate the development of governance process/procedures in consultation with Council Members to streamline the information being submitted to Council; and
- (d) this work would commence as soon as possible, and be concluded by the end of April 2007.

MEMBER COMMENT

All Councillors want a well functioning council that makes decisions efficiently and for the good of the residents, ratepayers, stakeholders and businesses.

There is a view amongst some Councillors at the City of South Perth that the Council's strategic direction and the way it is developed and then applied in the organisation on a day to day basis could be improved.

A strategic direction framework for the Council can guide the decision making process, focus our efforts on the vitally important and bring Councillors together to achieve outcomes consistent with the expectations of the ratepayers and residents of the city.

In particular, there is a need for the Councillors to identify and discuss the strategic issues (the big picture) for the long term sustainability of the city – in terms of community, participation of residents, the environment and the money needed to continue to make South Perth the best place to live in the State.

The opportunity to improve the functioning of the Council indicates that the following may be issues:

- The need for a strategic plan including clear values and procedures for the Council as a Board of Management to identify the key strategic issues and a framework to discuss and prioritise them.
- The need for increased collaboration (the ways of working together) and social cohesion amongst the councillors while at the same time enabling Councillors to fully represent the wishes and views of their electorate.
- The need for regular reviews of the functioning of the business of Council. These reviews should be conducted every six months firstly by the Councillors themselves using an assessment questionnaire and secondly by an expert third party.
- A need for a review of the Council's Governance Framework and especially a consideration of the way it is being applied by Councillors and staff on a day to day basis. In particular roles and responsibilities of Councillors in Council and staff as well as the alignment around strategic and operational plans and strategies – these may need to be reviewed and clarified.

To help Councillors improve the process of the business of Council, it is recommended that some small steps be taken because we want to be able to manage the process and ensure that the best interests of the Council are achieved.

To do this it is recommended that Council do the following:

1. Engage a Consultant to support and guide the process.
2. Appoint a Council Review steering group to be comprised of 3 Councillors - the Mayor and 2 Councillors – the CEO and the Consultant.
3. Ask the CEO to prepare a Council Business Evaluation questionnaire for Councillors to complete. The consultant would help finalise and administer the questionnaire, analyse the data and draft a report together with conclusions (but not recommendations) for Council consideration. This report should be presented to the full Council as a working group for consideration and the development of recommendations. The Consultant should facilitate this session.
4. The recommendations to be presented for acceptance at a meeting of the full Council.

Basically what the consultants will be doing is establishing a framework which will determine what the Council does to provide a quality service to its customers that matches the expectation/wishes of our community.

Just like a Board of Management, the Council will provide the vision, strategic direction and high level policy. The Council strategic direction would then align with the strategic/operational plan which interprets the high level vision into work programs and which deliver services to our customers – the residents and ratepayers.

If this process is successful, the Council can focus more on strategic matters and be freed up from routine matters that tend to clog up meetings, and the CEO and Directors can concentrate on service delivery.

CXC Consulting has been selected as they are on the State Government Common Use panel for Human Resources and have extensive corporate and local government experience in facilitating issues such as the opportunity before Council.

Refer **Attachment 11.5** “Councillors’ Strategic Objectives and Business”

ACTING CEO COMMENT

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

The City administration has developed, and endeavours to work within, a comprehensive integrated framework that effectively aligns the organisation’s business planning, financial planning and reporting, information systems direction, human resource plans and business performance reporting. This framework encourages the alignment of organisational resources to provide best value outcomes and is based upon the principles of business excellence.

It is understood that the Motion proposed by Cr Best recognises the effective manner in which this framework is guiding the City’s activities at an operational level and seeks to complement it with a model that encourages focussed effort, shared vision and harmonious working relationships.

As the theme of the Notice of Motion relates primarily to the operation of the Council, it is not considered appropriate for the Administration to provide further comment on the Motion.

CEO COMMENT

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

(**Note:** the following CEO Comment was distributed to Members in Memorandum form prior to the commencement of the Council meeting)

It is appropriate that I provide further information to the comments already provided by the Acting CEO in relation to the Notice of Motion contained at item 11.5 on the February 2007 Council Agenda.

My understanding of the Motion is that it is directed towards reviewing the Councils governance processes with a view to improving cohesion within Council and aligning Councils vision to administrative actions.

In normal circumstances, I would have no hesitation in supporting the general thrust of the Motion submitted by Cr Best. I do however have concerns should Council embark on such a course of action at this particular time. I say this for a number of reasons which are detailed below:-

1. The Department of Local Government is in the process of finalising an Inquiry into the City which principally deals with governance and roles and responsibilities issues. It would be normal to expect the Department to require some response to the findings from the City. As the findings of the Inquiry are as yet unknown and given the imminent release of the Report, it is not considered appropriate to commence any consultancy until the findings are known. Once the findings contained in the Report are known and Council then feels it is necessary to appoint consultants to assist in the review of governance and roles and responsibilities issues, the terms of reference for the appointment can be prepared to ensure that it covers the areas addressed in the Report (and any additional areas).
2. Notwithstanding the above, the present Council faces change in October 2007 when elections are held. This means that after the February meeting there are only 7 Council meetings before potential change. Given that motion proposes to complete the review in two months (which I believe is an optimistic time frame for such an assignment), there would only be 5 months left before a new Council is elected. Under the circumstances it would be prudent to defer such a review until the new Council is elected - and make such a review a priority following the elections in October 2007.
3. The City currently has a comprehensive Governance Framework which is documented in the City's "Governance Manual" which has been in place for over 4 years. Two of the primary documents in the Manual are the Code of Conduct and the Standing Orders. Council would be aware that although the Code of Conduct was reviewed in 2006 a more comprehensive review is intended once the *Official Conduct Bill* has passed into law with a requirement that a model code be adopted. In addition, Council has spent the last 18 months reviewing its Standing Orders and is currently considering whether to bring that process to finality by the adoption of the proposed 2007 Standing Orders local law.

In addition, the City has in place a robust Business Planning Cycle framework that guides administrative action in achieving Council's goals and objectives.

As an interim measure, there is no reason why other parts of the Governance Manual and Business Planning framework could not be reviewed by Council should this be considered appropriate and a priority.

4. Preliminary enquiries have revealed that CXC Consulting is a firm that seems to specialise in Human Resources issues and in particular specialised salary packaging arrangements for government employees. I am not aware of any experience or qualifications that this firm has in respect of provision of governance reviews for local government. No cost has been mentioned.
5. Further, I do not believe that it would be appropriate to commence such a consultancy without Council first agreeing on a terms of reference and then seeking expressions of interest from suitable firms. Only then would Council be able to satisfy itself that it has selected the most appropriate firm for the assignment and knowing the financial implications of its decision.

In summary whilst a review of the governance framework is supported, it is considered premature at this time. It is suggested that any action be deferred until the Report into the City of South Perth is released and considered by Council.

MOTION

Cr Best moved his Motion showing at Item 11.5 in the Agenda paper. Sec Cr Maddaford

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Best opening for the Motion

- all Councillors want a well functioning council
- a Council that makes decisions efficiently - for the good of the residents, ratepayers, stakeholders and businesses
- a view amongst some that the Council's strategic direction could be improved
- strategic direction framework for the Council can guide the decision making process
- strategic direction can focus our efforts on the vitally important
- bring Councillors together to achieve outcomes consistent with the expectations of the ratepayers and residents of the City
- there is a need for the Councillors to identify and discuss the strategic issues (the big picture) ensure long term sustainability of the city – in terms of community, participation of residents
- discuss environment -money needed to continue to make South Perth the best place to live

Cr Maddaford for the Motion

- important that we as a City reach a high level of business
- carry out our duties at a high level for the benefit of the ratepayers
- commend Motion

Cr Gleeson against the Motion

- have already had a censure motion against the CEO
- this is a 'no confidence' motion against the staff
- years ago local government was run by the Managers - the past 15 years has seen many changes to local government which have been better rather than worse
- cannot support introducing management consultants to run this City when we have qualified staff who provide briefings, agendas and all the corporate documents and information we want
- our staff are very professional - it is an insult to suggest CXC be brought in
- why pay another thirty of forty thousand dollars for consultants when we have excellent directorates running this City
- to vote for this it just another vote of no confidence in our professional staff

Cr Trent for the Motion

- believe if this Motion is passed we should all commit to attending

Note: Cr Gleeson retired from the meeting at 12.20am *exclaiming 'you're all idiots' as he rose and left the Chamber.* (*italics = Amendment March 2007 Council meeting*)

- commit to attend and make some input and then the input work on output
- support Motion

Cr Ozsdolay against the Motion

- agree with outcome Cr Best alluded to
- we have framework which expires in 2008 - proposal premature
- look at framework we are working under then decide where to
- regrettably we are awaiting a Department of Local Government report
- until report received difficult to work towards best results from workshop
- appreciate Cr Best did not have opportunity to be part of forming the strategic framework we are working under
- perhaps best time is if we get new Members in October 2007.
- no idea who CXC are - have not had adequate information why they are the best firm
- support where Cr Best is going
- do not agree it is the best way to go

Cr Hearne for the Motion

- Council has issues which have been festering
- Cr Best reaffirms problems - presents a new approach
- may get new Councillors in 5 months
- do not want to fester for another 5 months waiting for something to happen
- need to start respecting and helping each other
- hate to leave the legacy that we have to any new Councillors
- happy to support the Motion in current form
- if we need 'terms of reference' happy to support being included in motion
- the problems are within this Chamber

Cr Macpherson against the Motion

- re points raised in relation to CXC - refer Department of Treasury document listing the profile of CXC Consulting
- does not mean that you do not go to tender / have three quotes etc
- caution Council in selecting one consultant - remind Council of issues last year relating to calling tenders
- Strategic Plan developed by Councillors - find it offensive to suggest we do not understand it
- Strategic Plan to be reviewed in 2008
- proposal premature prior to review of Strategic Plan
- against the Motion

Cr Jamieson for the Motion

- heard - we have a Strategic Plan - had input
- two years ago presented to CEO Strategic Plan - heard nothing
- presented my 'vision' - there was no where to put this 'stuff'
- frustrated with ideas going nowhere
- a Strategic Plan cannot just sit on a shelf - has to live/breathe
- do not believe I have the forum to present ideas

MINUTES : ORDINARY COUNCIL MEETING: 27 FEBRUARY 2007

- would look forward to input into Strategic Plan and feel some ownership

Cr Doherty for the Motion

- CEO comments to Motion refers to Governance Manual
- have had experience in developing a governance manual - have included staff in the process - provides an opportunity for strategic direction
- we need to look at how we are functioning - have we got problems
- look at evaluating ourselves as an effective board
- acknowledge the LG report is pending
- acknowledge there are only 7 meetings until the elections in October 2007
- there is no good time but the right time is now
- support the Motion

Cr Smith against the Motion

- I am not lost and do not need anyone to tell me where I am going
- emphasis on LG Inquiry is a joke - will take due process - should not influence decisions on other matters
- against the Motion

Mayor Collins for the Motion 'in principle'

- compliment Cr Best on work he has put in
- jumping at new ideas - suggesting we get motivated
- against general tone that we are **not** motivated
- a lot of good decisions made over the last 4 years
- do not confuse this proposal with personal issues
- believe if you have a commitment to a structure you have a way forward
- CXC could be best thing in the work - but tenders need to be called
- to employ this consultant is against all our 'rules' of tendering and proper governance
- believe idea is sound - should be thought through properly and deferred with a number of organisations brought forward
- we have tried 'team building' and could never get everyone together
- support idea and spirit
- need to be consistent with tendering process / good governance

Cr Best closing for Motion

- need to put our house in order and quickly
- seven more meetings to go - need process in place
- do not want to leave a legacy for next Council
- residents and ratepayers do not want to see Councillors sitting on their hands
- do not see residents and ratepayers sitting on their hands
- consultants will be establishing a framework which will determine what the Council does to provide a quality service to its customers
- a service that matches the expectation/wishes of our community
- just like a Board of Management, the Council will provide the vision, strategic direction and high level policy
- Council strategic direction would then align with the strategic/operational plan which interprets the high level vision into work programs - deliver services to our customers
- if process successful Council can focus more on strategic matters
- CXC Consulting selected as they are on the State Government Common Use panel used for Human Resources and have extensive corporate and local government experience in facilitating issues such as the opportunity before Council.
- Councillors need to ask - why are we here?
- encourage Members to support Motion

COUNCIL DECISION ITEM 11.5

The Mayor Put the Motion

That

- (a) Council engage the services of the Human Resources firm CXC Consulting to meet with Council Members to develop a framework that encompasses Council's strategic direction and business management;
- (b) the framework would align with the processes of operational planning, budgetary cycles, information systems plans, human resource plans and business performance reporting;
- (c) CXC Consulting would then facilitate the development of governance process/procedures in consultation with Council Members to streamline the information being submitted to Council; and
- (d) this work would commence as soon as possible, and be concluded by the end of April 2007.

LOST (6/7)

ON THE CASTING VOTE OF THE MAYOR

VOTES RECORDED

Cr Best requested that the votes be recorded for Agenda Item 11.5.

FOR

Cr Best
Cr Hearne
Cr Jamieson
Cr Wells
Cr Maddaford
Cr Doherty

AGAINST

Cr Macpherson
Cr Ozsdolay
Cr Smith
Cr Cala
Cr Trent
Mayor Collins

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

Note: The Mayor reported that he had received a request from Cr Wells that an item of urgent business be considered for discussion in accordance with Clause 3.8 of Standing Orders:

COUNCIL DECISION - ITEM 12 ITEM OF NEW BUSINESS

Moved Mayor Collins, Sec Cr Cala

That the item of 'urgent business' introduced by Councillor Wells be accepted.

CARRIED (12/0)

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| 12.1 Legal ServicesCr Wells |
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MOTION

Moved Cr Wells, Sec Cr Cala

That....

- (a) until such time as the outcome of the tender process for the City's legal services has been endorsed by Council no Council officer is to either seek written legal advice, or engage in any discussions with outside legal advisors on any legal matter without the approval of Council; the exception being in respect to finalising current or outstanding legal business of the Council commenced prior to 27 February 2007;
- (b) this directive to take effect as of 28 February 2007; and
- (c) should the above prove to be problematic, with advice required from outside legal advisors, then the CEO is required to consult with both the Mayor and Chair of the Audit and Governance Committee on the matter.

Cr Wells opening for the Motion

There would have been ample and sufficient time to proceed with matters pertaining to Council's resolution on legal services as outlined in a Notice of Motion at the October 2006 Council meeting if wheels had been set in motion immediately. Any shortcoming this Motion poses tonight, certainly have not been created by Elected Members.

Cr Cala for the Motion

- support the issue raised
- came about through frustration
- comedy of procedure
- support Motion - well founded

CEO Comment

CEO stated that unfortunately Cr Wells has presented this information without the administration having the benefit of any written details in order to respond. His information is selective and goes back 3/4 months. I do not see any inconsistency in the process as Cr Wells read out as tenders were called and have now closed and are being assessed. The CEO will respond in more detail when factual evidence is provided.

Cr Ozsdolay against the Motion

- here we go again - playing the man not the ball
- if issues with process - I have a different view
- fully support CEO in that if issues are presented in writing CEO will address
- motion proposed will tie officer's hands behind their backs
- this is not a workable solution

Cr Smith for the Motion

- CEO goes off without any say so and engages who he likes
- engaged Minters and Neil Douglas
- refer meeting at which Cr Wells was excluded
- no Councillors should be treated like Cr Wells was treated at that meeting
- CEO runs off to Ministers to bolster his arguments
- we as a Council are going to decide when to get legal advise and from whom
- before long a legal committee will be set up - we will decide
- support the Motion

Cr Best for the Motion

- CEO has had five months to get his house in order
- process taken too long
- disagree Motion unworkable
- opportunity to discuss with Mayor, Deputy Mayor to choose legal adviser

Cr Hearne for the Motion

- expected a report on this after November 2006 meeting
- CEO made a promise - did not keep it - did not tell us why
- support the Motion

CEO Comment

The CEO stated that he believed the Motion was ultra vires at least in two areas and that the validity of the Motion would have to be checked:

- the Motion prevented the administration taking legal advice when it was considered necessary to do so; and
- the 'delegation' to Elected Members proposed in part (c) was contrary to the Act.

Cr Wells closing for the Motion

- problem - CEO cannot understand urgency
- Motion passed at October 2006 Council meeting for City's legal services
- prior to 27 January legal tender should have been advertised

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| COUNCIL DECISION ITEM 12.1 |
|-----------------------------------|

The Mayor put the Motion

That....

- until such time as the outcome of the tender process for the City's legal services has been endorsed by Council no Council officer is to either seek written legal advice, or engage in any discussions with outside legal advisors on any legal matter without the approval of Council; the exception being in respect to finalising current or outstanding legal business of the Council commenced prior to 27 February 2007;
- this directive to take effect as of 28 February 2007; and
- should the above prove to be problematic, with advice required from outside legal advisors, then the CEO is required to consult with both the Mayor and Chair of the Audit and Governance Committee on the matter.

CARRIED (8/4)

NOTE: MAYOR COLLINS AND CRS MACPHERSON AND OZSDOLAY REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

13. MEETING CLOSED TO PUBLIC

13.1 Matters for which the Meeting May be Closed.

13.1.1 Application for Legal Representation *CONFIDENTIAL REPORT*

Location: City of South Perth
File Ref: GO/300
Date: 14 February 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)* as it relates to the personal affairs of a person.

Note: *Confidential* Report circulated separately

COUNCIL DECISION ITEM 13.1.1

Note: Consideration of this matter withdrawn at the request of the applicant. Refer Item 8.2 "Announcements by the Mayor".

14. CLOSURE

The Mayor closed the meeting at 1.20am and thanked everyone for their attendance.

DISCLAIMER

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

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

Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 23 March 2007

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