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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 22 May 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. He stated that it was a long Agenda and requested Members be mindful of this when in debate so as not to be repetitive. He then advised of the receipt of a letter from the Department of Local Government advising that they would be monitoring tonight's meeting.

Note: Cr Gleeson arrived at 7.02pm

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 (from 7.02pm)
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall 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 G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr C Buttle	Manager Development Assessment
Mr R Bercov	Strategic Urban Planning Adviser (until 10.50pm)
Mrs M Clarke	Manager Collier Park Village
Ms D Gray	Manager Financial Services
Mr N Kegie	Manager Community, Culture and Recreation (until 8.20pm)
Mr S McLaughlin	Legal and Governance Officer
Ms R Mulcahy	City Communications Officer
Mrs K Russell	Minute Secretary

Gallery

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

Apologies

Cr R B Maddaford	Mill Point Ward - leave of absence
Cr L J Jamieson	Manning Ward

4. DECLARATION OF INTEREST

The Mayor reported that he had not received any Declarations of Interest.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

Summary of Question

5.1.1. Ms Sam Ryan, 3/69 Birdwood Avenue, Como

Summary of Question

Blamey Street Reserve has been untidy and a place for the dumping of rubbish for many years with only spasmodic work getting done to rectify the problem. When will this area be cleaned up?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 7 May 2007, a summary of which is as follows:

The reserve between Blamey Place and Hayman Road has been inspected and the following work will be completed:

- rubbish removal, including the shopping trolley;
- some dead wood removal; and
- three broken post and rail fences repaired.

5.1.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

The strata survey shows the parking bays as 2.5 metres all abutting a pier or column. This is not the width between the piers or columns. As the required width of the bays is 2.8 metres, and they are only a maximum of 2.5 metres: Under delegated authority, in respect to the car bay dimensions, has the Council given the staff authority to approve any car bays that are not in accordance with the Scheme?

Summary of Response

A response was provided by the Acting Chief Executive Officer, by letter dated 3 May 2007, a summary of which is as follows:

Delegation DC342 "Town Planning Scheme No. 6" delegates the exercise of any of the City's powers or the discharge of any of the City's duties under the Scheme other than the power of delegation. The delegation is subject to various conditions listed in Schedule 1 which limits the matters to which the delegation applies. Car bay dimensions are not one of the matters referred to in Schedule 1.

Summary of Question

If 'planning' or 'building' approval has been given that is contrary to the Scheme, did the staff make an 'inadvertent error' or similar in granting that approval? Does the report in tonight's Agenda state an error had or may have been made?

Summary of Response

A response was provided by the Acting Chief Executive Officer, by letter dated 3 May 2007, a summary of which is as follows:

The report at Item 9.0.4 to the February 2007 Council meeting noted that staff had made an error in approving building plans which incorporated floor area above the maximum permissible plot ratio floor area. The report to the April 2007 Council meeting referred to the February report and noted that the February 2007 report advised that the plot ratio floor area shown on the building licence drawings exceeded the R-Code prescribed maximum.

5.2 PUBLIC QUESTION TIME : 22.5.2006

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that questions, not statements must relate to the area of Council's responsibility. He advised that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. He reported having received 25 written questions from one person in the gallery and advised that any of the written questions (a copy of which was tabled) not asked would be handled administratively. The Mayor then opened Public Question Time at 7.05pm.

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

Summary of Question

In relation to the development at No. 11 Heppingstone Street now with the State Administrative Tribunal: Why hasn't the City of South Perth enforced compliance with the 'Grant of Planning Consent' issued to the owners of 11 Heppingstone Street, South Perth on 8 January 2001 and specifically Items 6, 9 and 13 which relates to plot ratio, finish floor levels, high and setbacks?

Summary of Response

The Chief Executive Officer stated that there was no further information to add to that which has previously been conveyed to Mr Drake.

Summary of Question

In relation to No. 11 Heppingstone Street, I have been asking questions about this development since the Commissioners' time. Will this Council resolve this matter and when, or do I need to refer it to the Corruption and Crime Commission for further investigation?

Summary of Response

The Chief Executive Officer stated that he believed that the administration has gone to an extensive amount of trouble in relation to its research, investigations and responses on this matter and suggested that if Mr Drake believed he needed to refer the issue to the triple 'C' that he should do so.

5.2.2. Mr Greg Rowe, Swanview Terrace, South Perth

Summary of Question

In relation to Item 9.3.9 on the Agenda regarding the Waterford Plaza shopping centre, will Council consider and resolve the two parts of the officer recommendation separately and accordingly?

Summary of Response

The Mayor stated that it was up to Council to determine when the matter was considered later in the Agenda.

5.2.3. Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

Re "Excelsior" 152 Mill Point Road - It is interesting to note the response to my March questions on this site... *that utilising the method of calculation that was operative at the time when planning was originally granted.* Will the City clarify with examples or a table, of how the method of calculation that was operative at the time differs to the current method of calculation?

Summary of Response

The Chief Executive Officer confirmed that further explanation in this respect can certainly be provided. The question was taken on notice.

Summary of Question

In reading the 2006 Local Government Managers' Association (LGMA) annual report, it is noted that the CEO attended six out of the possible seven board meetings of the LGMA. Did the CEO do any of his preparation work for the board meetings during normal business hours? Did the CEO attend any or all of the LGMA annual conference sessions between 25 - 27 October 2006?

Summary of Response

The Chief Executive Officer stated that he did not believe the matter was of any concern to Mr Defrenne.

Summary of Question

Did the CEO have permission of the Council to attend the board meeting or AGM conference?

Summary of Response

Mayor Collins said that the CEO received Council approval to attend interstate meetings and that the 'local' LGMA meetings were attended in the course of normal CEO development.

Summary of Question

I note at last week's briefing session that the CEO said the Council has not provided him with the resources to answer all questions posed to him by Councillors. Has the CEO's attendance on LGMA matters taken away resources that he should have been applying to answering Councillors' questions or other matters of the City?

Summary of Response

The Chief Executive Officer said he had no further comment.

Summary of Question

If the CEO had time to attend these board meetings, when he appears to be short of time to apply his resources to City matters, is that relevant and should he spend his time here?

Summary of Response

The Chief Executive Officer said that he was not referring to his own personal time to answer questions but to the administration in general. He further stated that he believed that he spent more than sufficient time on City of South Perth business.

5.2.4 Ms Dianne Courtney, 5 Max Forman Court, Como

Summary of Question

In relation to Ryrrie Reserve, refer to two incidences where cars have come through fences and to correspondence from the City in this regard which stated...*it is unreasonable for the City to counter the impact of irresponsible motorists.....* Is there a policy in relation to unsafe verges, will Council take some action?

Summary of Response

Mayor Collins stated the matter will be investigated and a response provided. The Director Infrastructure Services acknowledged that the question was taken on notice.

5.2.5 Mr Geoff Defrenne, 24 Kennard Street, Kensington

Summary of Question

In relation to Temporary Staff. Last year I asked a series of questions on temporary staffing which resulted in making public that the amount spent by the City on temporary staff exceeded over one million dollars. What has the City spent on temporary staff for the year-to-date? The year-to-date figure can be in a convenient period ie March, April or May. I request the information similar to that presented last year. This should include the areas of temporary staff employment and the three largest recipients of the payments of temporary staff for each area.

Summary of Response

The Chief Executive Officer responded that the question was taken on notice.

Summary of Question

In relation to 'Millstream' 12 Stone Street, South Perth. Last month I asked a series of questions on car parking in respect to 12 Stone Street, South Perth but they generally applied to all developments. The responses to my questions in respect to car parking at this address said all the resident car bays did not comply with the Scheme. In response to my question: *Under delegated authority in respect to the car bay dimensions, has the Council given the staff authority to approve any car bays that are not in accordance with the Scheme?* The response was no. Who is responsible for the granting of planning and building approval for car bays that do not comply with the Scheme?

Summary of Response

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

Summary of Question

As the CEO is responsible for the administration of the City, is the CEO responsible for granting this planning and building approval that does not comply with the Scheme?

Summary of Response

The Chief Executive Officer stated that it would depend on particular circumstances.

Summary of Question

Will the Council investigate if this non-compliance has been a one-off approval or has the practice been more wide spread?

Summary of Response

Mayor Collins stated that if Councillors believed that was what they wished to do it would be brought to Council for determination.

Summary of Question

If the practice has been more widespread, what confidence can the Council have in the CEO to correctly administer the City?

Summary of Response

The Mayor stated that the question was hypothetical.

Summary of Question

During the debate on 12 Stone Street last month a Councillor mentioned that he had been given a report on Stone Street 15 minutes before the commencement of the meeting. Who was the author of that report.

Summary of Response

The Director Strategic and Regulatory Services confirmed that he was the author of a memo relating to Graham Partridge's work on Stone Street, circulated prior to the commencement of the April Council meeting.

The Mayor stated that the balance of Mr Defrenne's written questions would be handled administratively.

5.2.6 Ms Betty Skinner, Mill Point Road, South Perth.

Summary of Question

Who is the officer at this Council vested with the responsibility of the administration?

Summary of Response

The Mayor replied that it was the Chief Executive Officer.

Ms Skinner stated: *we have just heard 15 minutes of 'pinging off' the CEO - not good enough.*

The Mayor said that he agreed that there were certainly more important issues to be administered.

Close of Public Question Time

The Mayor closed Public Question time at 7.20pm

6. CONFIRMATION OF MINUTES / BRIEFINGS

6.1 MINUTES

6.1.1 Ordinary Council Meeting Held: 24.4.2007

COUNCIL DECISION ITEM 6.1.1

Moved Cr Trent, Sec Cr Ozsdolay

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

CARRIED (9/2)

NOTE: CRS BEST AND DOHERTY REQUESTED THEY BE RECORDED AS HAVING VOTED AGAINST THE MOTION

6.1.2 Audit and Governance Committee Meeting Held: 8.5.2007

COUNCIL DECISION ITEMS 6.1.2

Moved Cr Wells, Sec Cr Gleeson

That the Minutes of the Audit and Governance Committee Meeting Held 8 May 2007 be received.

CARRIED (11/0)

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 - April Ordinary Council Meeting Held: 17.4.2007

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

6.2.2 Plot Ratio Workshop Held: 18.4.2007

Legal representatives from McLeods provided a workshop in relation to Section 23 of the Strata Titles Act in particular relating to plot ratio. Questions were raised by Members and responded to by officers and the legal representatives. Notes from the Workshop are included as **Attachment 6.2.2**.

6.2.3 Concept Forum Waterford Triangle Stage 2 Project, Transfer Station Review and Future Waste Management Options: Meeting Held: 23.4.2007

Officers of the City presented an update and background information of the Waterford Triangle Stage 2 Project, Review of the Transfer Station and Future Waste Management Options. Questions were raised by Members and responded to by officers. Notes from the Concept Forum are included as **Attachment 6.2.3**.

6.2.4 Concept Forum - Presentation by Lessee Collier Park Golf Course and Future Options : Meeting Held: 1.5.2007

Consultant for the Lessee of Collier Park Golf Course gave a presentation on their vision for the future of the course. Officers presented background on future options available. Questions were raised by Members and responded to by officers. Notes from the Concept Forum are included as **Attachment 6.2.4**.

6.2.5 Concept Forum - Revised Policy P104 "Neighbour and Community Consultation in Planning Processes" : Meeting Held: 8.5.2007

The Strategic Urban Planning Adviser gave a presentation on the revised Policy P104 "Neighbour and Community Consultation in Planning Processes". Questions were raised by Members and responded to by officers. Notes from the Concept Forum are included as **Attachment 6.2.5**.

COUNCIL DECISION ITEMS 6.2.1 TO 6.2.5 INCLUSIVE

Moved Cr Doherty, Sec Cr Ozsdolay

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 24 April 2007 be noted.

CARRIED (11/0)

7. PRESENTATIONS

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

7.1.1 Petition from Dianne Courtney, 5 Max Forman Court, Como together with 7 signatures (tabled at the Council meeting) relating to the Council verge along Ryrie Avenue.

Text of petition reads:

“Collectively, we request that the City of South Perth take action to reduce the danger to property and lives inherent in an open and inadequately fenced ‘cliff’ verge with a six to eight foot drop, such as the Council verge in question along Ryrie Avenue which backs onto our properties.”

COUNCIL DECISION ITEM 7.1.1

Moved Cr Hearne, Sec Cr Doherty

That the petition from Dianne Courtney, 5 Max Forman Court, Como together with 7 signatures be received and forwarded to the Infrastructure Services Directorate for investigation.

CARRIED (11/0)

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 7.26pm and advised that speakers would be permitted 10 minutes each to address the Members.

7.3.1. Debra Jenner, 30 Manning Road, Como and Town Planner Karen Abercrombie..... Agenda Item 9.3.1

Debra Jenner spoke against the officer recommendation on the following topics. Overhead photographs of the development were provided for the benefit of Members.

- the garage looks good - enhances the streetscape
- entrance is not obscured by garage
- Performance Criteria satisfied
- errors in report
- ask Council support development as is

Karen Abercrombie spoke against the officer recommendation on the following topics:

- aesthetic appearance
- streetscape - opposite bottle shop
- landscaped front garden enhances development
- reduced garage will detract from 'balance' of development and streetscape

7.3.2. Mia Basrewan, 76 Todd Avenue, Como	Agenda Item 9.3.2
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Note: Due to ill health Ms Basrewan's written Deputation was tabled. It covered the following points supporting a request for an extension of time in relation to the required renovation at 76 Todd Avenue.

- renovation has already commenced on the following:
 - Remove fence / excavate for driveway
 - Move all reticulation and wiring for bore water
 - Move fence backward for store room
 - Demolition half front patio for the roof carport
 - Trees removal and stump to be ground
 - Demolition brick and sand to be removed
 - Front joining lawn also to be excavated
- anticipated completion dated 2 July
- ask Council support application

7.3.3. Mr Peter Jodrell, 2/27 Clydesdale Street, Como	Agenda Item 9.3.3
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Mr Jodrell spoke against the officer recommendation on the following points:

- streetscape flat roofed house at No. 20 Greenock Avenue - worked through issues - resubmitted application
- application advertised for 2 weeks - no objections received
- adjustment to floor levels have been addressed
- elevations - adjustments carried out
- extensive amendments have been addressed ie Scheme objectives
- primary issues requiring discretion streetscape and boundary walls
- worked through eleven items of refusal in officer recommendation
- proposal for passive solar houses
- seek Council approval, with conditions.

7.3.4. Mr Greg Rowe representing Parking Asset Management Agenda Item 9.3.5

Mr Rowe stated he was withdrawing his request for a Deputation in relation to Item 9.3.5 and asked Council to support the officer recommendation that dialogue with the officers continue until the July Council meeting.

7.3.5. Liz Sandon and Ross Bell, 34 Swanview Tce, Maylands and 27A Comer Street, Como Agenda Item 9.3.6

Ms Liz Sandon spoke against the officer recommendation on the following topics:

- united application - desire to achieve preferences of design/colour
- variation to Policy P370_T
- Street elevation
- previous examples of variation (photographs of examples circulated to Members)
- impressed with professionalism of planning department - commend Christian Buttle

Mr Ross Bell spoke against the officer recommendation on the following:

- variation of materials / colour
- development on Labouchere Road
- development reduced from 5 to 3 units
- three dwellings will be free standing homes
- similar developments with different roofing/materials/finish
- ask Council support request for reconsideration of conditions imposed

7.3.6. Mr Greg Rowe of Greg Rowe & Assoc representing Midpoint Holdings Agenda Item 9.3.9

Mr Greg Rowe spoke for and against the officer recommendation as follows:

- request Council adopt part (b) of the officer recommendation
- in relation to part (a) cannot finalise negotiations, building costs, timelines etc without Council approval
- believe there are three major areas to be modified:
 - landscaping provisions
 - undersize car bays (amended plans submitted addressing minimum bay requirements)
 - car parking provisions ie number of bays provided

7.3.7. Ms June Davis, 123/43 McNabb Loop, Como Agenda Item 11.2

Mr Davis spoke in favour of the proposed Motion in particular in relation to parts (b) and (d) as follows:

- Feasibility Study be undertaken to explore the future options for the Collier Park Village Community Centre
- look at utilising the whole Centre for the operational use of the Independent Living Units and the Hostel
- creation of a possible Adult Day Therapy Centre
- future expansion opportunities for additional Independent Living Units
- upgrade of the existing units
- future amenities that reflect the changing life style of retirees

Close of Deputations

The Mayor closed Deputations at 8.20pm and thanked everyone for their comments.

7.4 DELEGATE'S REPORTS

Delegate's written reports to be submitted to the Minute Secretary prior to **4 May 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 15 May 2007.

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 8.1- EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Hearne

That the officer recommendations in relation to Agenda Items 9.0.1, 9.0.2, 9.2.1, 9.2.2, 9.3.7, 9.3.8, 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.6.1, 9.6.2 and 9.6.4 be carried en bloc.

CARRIED (11/0)

9. REPORTS

9.0 MATTERS REFERRED PREVIOUS COUNCIL MEETINGS

9.0.1 Customer Feedback Survey (Item 13.1.1 part (e) referred Council Meeting 24.4.2007)

Location: City of South Perth
Applicant: Council
File Ref: CS/502
Date: 7 May 2007
Author: Nicole Jameson, Grants and Consultation Coordinator
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

A Customer Feedback Survey was developed to secure feedback from individuals and organisations that have had direct contact with the City. The survey, which forms part of the Chief Executive Officer's Key Performance Indicators is designed to capture responses from community members that have had cause to interact with the City. The Customer Feedback Survey will compliment the existing Council Performance Monitor which seeks feedback randomly from the broader community on all Council services biennially.

Background

Following discussion at the CEO Evaluation Committee of 28 March 2007, it was agreed that the draft Customer Feedback Survey be circulated to Members seeking their feedback by 11 April 2007.

Feedback was received from three Members (Councillors Trent, Ozsdolay and Smith) and the following suggested changes were integrated:

- Survey converted to A4 and increased font to 12pt (Cr Trent)
- Reworded elements of first paragraph (Cr Trent)
- Indicated on Q2 that more than one box may be selected (Cr Ozsdolay)

A revised Customer Feedback Survey was presented to a subsequent CEO Evaluation Committee meeting on 18 April 2007 and as a consequence at the Council meeting on 24 April 2007. At the April meeting Council resolved as follows:

COUNCIL DECISION ITEM 13.1.1 Part (e):

That the Customer Survey form be withdrawn for further consultation and presented to the May meeting of Council for consideration.

Additional feedback on the survey was received from one Member (Councillor Jamieson) and the following suggested changes were integrated:

- Change questions to relate to singular and/or plural reference
- Refer to the 'City'
- Clarify the communication method for 'In Person'

Comment

The revised Customer Feedback Survey form **Attachment 9.0.1** refers, is proposed to be used to gain feedback from individuals and organisations that have *direct* contact with the City.

Consultation

The survey has been designed specifically for individuals and/or organisations that have had direct contact with the City (i.e. *customers*). The City's Grants and Consultations Coordinator will facilitate the distribution of the survey via relevant departments dealing directly with the community and ensure the survey is made available for completion by the community at City customer service points. As such, surveys will be available for completion (and actively encouraged to be completed) at customer service points such as the Civic Administration, Manning and Civic Libraries, Seniors Centres and George Burnett Leisure Centre. The City will also conduct random mail-outs to customers that have had direct contact with the City for activities and/or services such as building/planning applications, dog licenses, events and activities.

This Customer feedback Survey will compliment the existing general and random city-wide survey conducted biennially through the Council Performance Monitor.

Policy and Legislative Implications

Council is required to conduct an annual CEO performance review in accordance with the *Local Government Act* and contract of employment.

Financial Implications

Costs associated with printing, distribution and analysis of the survey will be met within existing budgetary parameters.

Strategic Implications

The content of this report relate directly to:

- Strategy 1.3 of the Strategic Plan 2004-2008:
Undertake research in order to assess performance and gauge opinions and priorities for future service delivery.
- Strategy 1.4 of the Strategic Plan 2004-2008:
Implement the Communication and Consultation Policy to ensure consistent and high quality communication with our residents, ratepayers and other stakeholders.
- Strategy 5.1 of the Strategic Plan 2004-2008:
Continue to implement the Business Excellence Framework as the means of improving the quality of services, products and processes.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.0.1**

That the Customer Feedback Survey developed by the CEO in consultation with Elected Members be endorsed and implemented.

CARRIED EN BLOC RESOLUTION

9.0.2 Collier Park Hostel Progress Report (*Item 7.1 Special Council Meeting
31.10.2006*)

Location: Collier Park Hostel
Applicant: City of South Perth
File Ref: CS/501/4
Date: 4 May 2007
Author: Margaret Clarke
Reporting Officer: Roger Burrows, Director Corporate & Community Services

Summary

The purpose of this report is to update the Council on the progress made since it resolved to appoint a consultant to assist the City to implement operational initiatives at Collier Park Hostel.

Background

Susan Clarke and Associates were engaged in January 2007 to review and identify options to improve administration and financial operations within the Collier Park Hostel. The terms of reference were:

- (a) *Review the training and staffing structure of the Hostel.*
- (b) *Review current Resident Classification Scale (RCS) levels.*
- (c) *Compare different skills mix required to meet relevant (RCS) levels.*
- (d) *Make recommendations as appropriate.*

Comment

Methodology

The report was received and the consultant then met for numerous discussions with the Village Manager, Accreditation Assistant, Acting Care Assistant in Charge and Care staff at the Hostel. These discussions ranged through all aspects of the terms of reference, in particular the RCS levels and the documentation requirements. Details of the current RCS levels, staffing rosters and staffing registrations were provided to the consultant for their information.

Staff Structure

To accommodate the extra frailness and cognitive issues being experienced it was agreed that the activity programme should run five times per week instead of three. This would provide additional diversionary activities in an attempt to reduce the incidence of resident attention seeking behaviours. It was acknowledged that if this was implemented the care hours provided during the day could be decreased because carers were now no longer required to supervise those residents with behaviour problems so closely since they were now occupied within the activity programme. All residents would benefit additionally from the extra variety and options provided to them with the increased activity program.

By decreasing the hours during the day shift, eighteen hours per week were saved. Seven of these hours were then used for the activity program. The weekend shifts were then reviewed and discussion took place with staff and residents.

The busiest times at the weekend are as follows:

- Weekend days between 7.00am and 1.00pm when staff were waking residents, showering residents and serving lunches.
- Evenings between 5.00pm and 7.00pm when staff were serving dinner and settling residents for the evening.

It was decided that the remaining eleven hours should be allocated for the split shift at the weekend.

A split shift was implemented to cover these times and as a result, the budget was increased by four additional hours to accommodate these shifts. This equates to an additional \$5,576.00 per year since it incurs penalty rates for the weekends.

It needs to be emphasised that the higher the level of residents the City retains, the higher the demands for care the higher the staff hours will become, also higher income.

The position of Registered Nurse in Charge has been reviewed. Since Susan Evans left in June 2006 the position has been filled with either a Registered Nurse from an Agency or a senior supervisor.

A choice of 3 models was suggested by the consultant. The approximate costs of these positions within the industry are:-

- (a) *recruiting a Registered Nurse Manager (approximately \$60,000 to \$72,000).*
- (b) *recruiting an Enrolled Nurse with a part time Registered Nurse for clinical support - (approximately \$65,000 to \$70,500).*
- (c) *recruiting a Senior Carer Certificate IV manager with a part time Registered Nurse for clinical support - (approximately \$53,000 to \$68,780).*

Currently a Certificate IV Senior Carer is in the Acting Position @ \$46,259 p/a and a Registered Nurse Level 2.3 for 15 hours per week @ \$21,177 p/a - Total \$67,436 per annum. Option (c) has been working well and was implemented on 1 April 2007. It is still within the current budget parameters.

RCS Review

Reviews have been completed for all current residents in the Hostel and as their review dates become due most are being raised by 1 level. Residents are assessed when they are admitted to the Hostel and given a care level. This remains in place for 12 months unless that person goes into hospital for 30 days. Then the level drops two categories until reassessed when they return from hospital. That (RCS) level then remains in place for 6 months. This has started to increase income with April figures showing \$3,000 higher than January, 2007. The Hostel still has to admit two residents to meet the 41% concession to reach the higher income provided. This will have to be achieved by not taking residents from within the Village.

Based on recommendations in the consultants report our action plan for R.C.S and how it will affect income in the Hostel is as follows:-

MINUTES : ORDINARY COUNCIL MEETING : 22 MAY 2007

Recommendation	Action	Anticipated Result	Date to Complete
1. That a policy is developed to increase RCS levels to generate more income.	Policy and Procedure in process of being developed. Increase RCS levels to:- 20 - Level 6 10 - Level 5 5 - Level 4 5 - Level 3	Raise Income. Anticipated increase of \$111,040.75 Refer to table below	Over 12 months From January 2007
2. Staff Training. (on assessment techniques)	21 March 2007 10 April, 2007 Follow up May 2007. Producing new KPI's for all staff.	Raise awareness of documentation.	12 month period - Ends May 2007.
3. Review Hostel RCS documentation and assessment tools.	5 March, 2007 met with Susan Clarke & Associates has been received in April 2007.	Anticipated increase in income over 12 months \$111,040.75 Refer to table below	5 March 2007 Results seen within 12 month period.
4. Review and evaluate staff rosters to meet resident's needs.	Meetings with staff.	To meet residents care needs.	Completed April 2007.
5. Increase current concession of residents from 34% to 41% ASAP.	Next 2 residents admitted to be concessional.	Result per year - Anticipated additional income of \$38,595. Refer to table below	12 months. From January 2007
6. Increase Hostel bond to \$200,000	Council decision to increase bond to \$132,000 as of March 2007 and accept part bonds. 1 January, 2007.	Increase in Bond	Implemented

Previous Income from current RCS Levels			\$588,208.00
New suggested levels by the Consultant			
Calculations of Suggested New Levels of (RCS). Referring to Recommendations 1.3.5 anticipated. Level 8 Level 7 Level 6 Level 5 Level 4 Level 3	Nil Nil (within 12 months) 20 @ \$34.22 x 365 days 10 @ \$41.29 x 365 days 5 @ \$67.79 x 365 days 5 @ \$95.90 x 365 days	Nil Nil \$249,806.00 \$150,708.50 \$123,716.75 \$175,017.50	
		Total for (RCS) - Previous Income	\$699,248.75 <u>\$588,208.00</u>
		Total	\$111,040.75 (Increase)
Proposed Increase in income from new (RCS) levels and anticipated increase of concessional income.	Concessional Income	\$38,595.00	+ <u>\$38,595.00</u>
		TOTAL INCOME (Increase)	<u>\$ 149,635.75</u>

Other Recommendations

Training

Review of R.C.S documentation and extra training of all staff were recommended and an action plan was put into place in accordance with recommendations.

Action

- (a) *Review of documentation and training of two senior staff (Accreditation Assistant and Carer in Charge) took place on 6 March, 2007 with a follow-up training session on 21 March, 2007. This is now complete.*
- (b) *Another training session took place for all Hostel staff on 10 April 2007 and a follow up is scheduled in May 2007.*

With the constant changes in this area it is recommended that a one-off training session takes place 12 monthly. The cost of this training will be \$2,500 ex current budget and this provides training for 14 staff members.

Bonds

The Southern Cross report recommended an increase in the hostel Bond to \$250,000. The City felt this was too high and made a decision to increase the Bond to \$128,500 at which the pension grant can still be claimed. This allowable rate was increased to \$132,000 on 20 March, 2007 and the Bond has been adjusted accordingly.

Conclusion

The City can be confident that there will be an increase in income as the (RCS) levels are raised over the next 9 months; however implementation of recommendations it will involve an increase in expenditure. This will be reflected within staffing levels across all shifts over 7 days with the increased ratio of low to high care residents to make sure adequate support and services are provided to all residents according to their needs. There would also be a need for some capital expenditure to provide adequate equipment to service a higher level of care, e.g. special beds @ a cost of \$2,400 per bed. It is very important to avoid any workers compensation claims such as shoulder, back or neck injuries. It still needs to be appreciated that because Collier Park Hostel is a component of a local government and the Hostel is not a stand alone identity it has been difficult to attract the Government CAP and Training funding. This continues to be a problem because of the reporting requirements which in turn has a detrimental effect on the Hostel financially through no fault of either the Hostel or the City.

Consultation

Consultation has taken place with staff regarding the (RCS) levels, change of rosters and training required to implement the required improvements regarding documentation. Residents were consulted regarding the changes to the multi-skilling of staff, changes to rosters for staff and the improvements that this could achieve for individual care of residents.

Evaluation is taking place of the changes implemented through the continuous improvement meetings and adjustments made as required.

Policy and Legislative Implications

Review of financial issues associated with the Collier Park Hostel consistent with Council resolution.

Financial Implications

The anticipated Budget loss and actual projected loss is identified hereunder:

	2006/07 Budget	2006/07 Actual (Projection)
Cash Operating Loss	(100k)	(120k)
Capital Expenditure	(67k)	(60k)
Overall Loss	(167k)	(180k)

Strategic Implications

This matter is in line with Goal 2 of the Strategic Plan: *To foster a sense of Community and a prosperous business environment.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.0.2

That....

- (a) report Item 9.0.2 of the May 2007 Council Agenda noting the progress made since Council resolved to appoint a consultant to assist the City to implement operational initiatives at the Collier Park Village Hostel be received; and
- (b) a further progress report be submitted to the October 2007 meeting of Council.

CARRIED EN BLOC RESOLUTION

9.1 GOAL 1 : CUSTOMER FOCUS

Nil

9.2 GOAL 2: COMMUNITY ENRICHMENT

9.2.1 Proposal to Rename a Reserve after the late Andrew Thomson

Location: City of South Perth
 Applicant: Council
 File Ref: LP/206
 Date: 2 May 2007
 Author: Kim Dravnieks, City Environment Coordinator
 Reporting Officer: Glen Flood, Director Infrastructure Services

Summary

The proposal to re-name the Waterford Conservation Reserve to the *Andrew Thomson Conservation Reserve* after the late Andrew Thomson, was brought before Council at the September 2004 meeting. The Motion to change the name was endorsed and carried unanimously.

The proposed name change has been advertised for community comment and has received considerable support from members of the wider community.

The Western Australian Planning Commission has agreed to support a transfer of the tenure of Lot 389 within the Waterford Conservation Reserve, in favour of the City of South Perth.

It is recommended that the name change be forwarded to the Geographical Names Committee for endorsement and that the City accept a transfer of land tenure and amalgamation with an adjacent reserve for the purposes of conservation and passive recreation.

Background

Andrew Thomson died on 8 August 2004 following a long battle with cancer.

Mr Thomson was a strong and passionate advocate for the environment and did much to promote environmental awareness and biodiversity management within the City of South Perth and beyond. He was involved in many community based groups and organisations. Some are listed below.

- Urban Bushland Council (past President)
- Conservation Council of Western Australia
- Environmental Weeds Action Network
- City of South Perth Environmental Association (COSPEA)
- Environmental Advisory Group for the Town of Victoria Park

Mr Thomson worked tirelessly with his colleagues from COSPEA to lobby the City to employ an Environmental Officer. When the City took this step it was one of the first local authorities in Western Australia to do so.

His most valuable service to the City however was the many hundreds of hours spent working in bushland reserves. Mr Thomson's work in conjunction with the City's bushland maintenance team was a key factor in ensuring the reduction of weed infestation in these reserves.

Mr Thomson's contribution to the City of South Perth was recognised during the Centenary of Federation celebrations 'Peoplescape' project as the City's nominated community 'hero'. His most recent commitment to the City was his input to the Community Environmental Advisory Group.

Due to Andrew Thomson's selfless community service it was deemed appropriate to recognise his outstanding contributions. Therefore the proposal to rename the Waterford Conservation Reserve to the Andrew Thomson Conservation Reserve was formulated and brought before Council at the September, 2004 meeting. At the meeting, Council resolved:

- (a) *the City of South Perth acknowledge the outstanding contribution to the South Perth community made by the late Andrew Thomson; and*
- (b) *the Chief Executive Officer be authorised commence the process to rename the Waterford Foreshore Reserve to Andrew Thomson Conservation Reserve.*

Consultation

Consultation with Mr Thomson's family regarding this initiative has been positive.

In accordance with the Department of Land Administration guidelines the City has advertised the proposal to rename the Waterford Conservation Reserve to the Andrew Thomson Conservation Reserve.

The advertisement appeared in the Community Southern Gazette from the 27 February to the 16 March, 2007. Seven submissions were received, from individuals and from organisations such as the Urban Bushland Council. All feedback has been supportive of the proposal.

Comment

In view of the support received for the proposal it is recommended that Council approve taking this process to the next stage. If approved, officers will write to the Geographical Names Committee (GNC) requesting to change the name of the Waterford Foreshore Reserve to the Andrew Thomson Conservation Reserve.

Officers are anticipating a successful outcome of this request. On receipt of approval from the GNC, it is proposed to organise a ceremony dedicating the new name, hopefully on the third anniversary of Andrew's death on 8 August 2007.

It is proposed to include a plaque with the new reserve signs containing some words about Andrew. Suggested wording is as follows:

Andrew Thomson was a strong and passionate advocate for the environment who did much to promote environmental awareness and biodiversity management within the City of South Perth and beyond.

The tenure of the Waterford Reserve is currently held by the Western Australian Planning Commission. They have written to the City suggesting a possible amalgamation of Lot 389, currently vested with them, with Reserve 37712 which is vested with the City, free of charge. **Attachments 9.2.1(a)** and **9.2.1(b)** refer. This is consistent with recommendations of the adopted Salter Point and Waterford Foreshore Management Plan. The purpose of the vesting should be conservation and passive recreation. This will assist in protecting its significant conservation values.

Policy and Legislative Implications

Policy P241 Commemoration sets out the following framework applicable to this report.

The City may recognise the contribution of deceased residents who have made an outstanding contribution to the community by naming a park, street, facility or other location after that person.

The Council may decide to name a facility or location after a deceased person where the person was a long standing resident of the City and:

1. *made an outstanding contribution to civic life within the City;*
2. *made an outstanding contribution to the South Perth community;*
3. *was a widely recognised leader; or*
4. *made significant achievements in the arts, government, sports or another appropriate discipline.*

The requirements of the Geographical Names Committee will govern the naming of these facilities and locations. They are guided by the following legislation:

Land Administration Act 1997 – Part 2 Clause 26 (2) (a), (b) and (c)

This deals with the naming, of townsites, districts, features and roads, and reads as follows:

“(2) *The Minister may by order-*

- a) *constitute land districts and townsites;*
- b) *define and redefine the boundaries of, name, rename and cancel the names of, and subject to this section, abolish land districts and townsites; and*
- c) *name, rename and cancel the name of any topographical feature, road or reserve.”*

The above means that the Minister for Lands approves the NAMING, RENAMING or CANCELLATION of any townsite, district, feature, street, road, etc.

The approval is effected by the publication of a Ministerial Order in the Government Gazette.

Following the publication of such a notice, the alterations, amendments and additions as indicated, are made to all relevant maps and plans.

Financial Implications

Officer time spent researching, consulting and implementing this proposal and park signage will have to be replaced. Total cost is estimated to be around \$2,500 which is being met under current budgets.

No additional cost will be incurred to the City by taking on vesting of Lot 389 as the City has been actively managing the site for at least 20 years.

Strategic Implications

This item is consistent with Goal 2 Community Enrichment of the City's Strategic Plan 2004-2008 - *"To foster a strong sense of community and a prosperous business environment."*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.2.1

That....

- (a) the City of South Perth forward the proposal to rename the Waterford Conservation Reserve as the "Andrew Thomson Conservation Reserve" to the Geographical Names Committee; and
- (b) the City accept the offer from Western Australian Planning Commission to transfer the tenure of the Waterford Conservation Reserve to the City of South Perth free of charge via a possible amalgamation with the adjoining Crown Reserve 37712, for the purposes of conservation and passive recreation.

CARRIED EN BLOC RESOLUTION

9.2.2 Community Safety Resource Centre Review
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Location:	Corner Mends Street and Labouchere Road
Applicant:	Council
File Ref:	CS/502
Date:	4 May 2007
Author:	Nicole Jameson, Grants and Consultation Coordinator
Reporting Officer:	Roger Burrows, Director Corporate & Community Services

Summary

To review the collaborative License Agreement between the City and WA Police relating to the Community Safety Resource Centre located at the corner of Mends Street and Labouchere Road South Perth.

Background

A Council resolution dated 3 February 2004, detailed that the Old South Perth Police Station situated on the corner of Mends Street and Labouchere Road be redeveloped for the purpose of accommodating City's functions such as Ranger Services, Environmental Health and the Safer City Officer for a period of up to two years, subject to an annual review.

Subsequent to that Council resolution, the City received a request from the South East Metropolitan Crime Prevention and Diversity Services Unit to establish a Community Policing Unit within the City. The unit would consist of a Community Policing Officer, a Crime Prevention and Diversity Officer - Youth, along with volunteers to support the centre.

The Old South Perth Police Station was identified as the most suitable location for the Resource Centre. Preliminary discussion between City and WA Police identified a number of community benefits from the co-location of a Community Policing Unit along with the City's Rangers Services and Safer City Officer. These anticipated benefits were:

- Increased efficiency in identifying and dealing with community safety and crime prevention issues through day to day contact between City officers and the Police Service;
- A reduction in the community's fear of crime as a result of a greater policing presence in the area;
- Closer links with and greater responsiveness to requests from City residents relating to community safety issues;
- The creation of a highly visible community safety focal point for children and adults concerned about their safety;
- The creation of a resource centre that will provide information about home security and community safety issues;
- A closer relationship between the Police Service and the City, key service providers and other stakeholders to more effectively identify and plan community safety and crime prevention strategies;
- A 'home' and focal point for the City's Safer City program including Neighbourhood Watch;
- Close links with the heritage of the area by utilising the site once again for Police services.

A subsequent resolution of Council made on 24 August 2004 revoked the resolution of 3 February 2004 and furthermore resolved, as detailed in Item 9.2.2 (Part 3)(b) of the Minutes, that:

- (b) the City negotiate with the Crime Prevention & Diversity Services Unit of the Police Service to establish a Community Policing Resource Centre at the old South Perth Police Station as outlined in this report for a period of up to three years, but subject to annual review*

The City conducted a review of the collaborative License Agreement April 2006 and a subsequent resolution of Council made on 23 May 2006, as detailed in Item 9.2.2 of the Minutes, that:

The first review of the Community Safety Resource Centre (Old Perth Police Station located on the corner of Mends Street and Labouchere Road) be received.

Comment

Throughout April and May 2007 the City's Grants and Consultation Coordinator undertook the review via a series of interviews with key stakeholders involved in the everyday service delivery and/or management of the Old Police Station (see 'Consultation'). Evaluation of the interviews highlighted common themes and assessment of the License Agreement and the collocation from most of the key stakeholders. These common themes have formed the basis of the recommendation relating to the continuation of the licence agreement.

The review found that a number of significant initiatives were implemented as a result of the co-location of Police and City resources that provided an enhanced level of service delivery to the community in the area of community safety. Most significantly, the Community Safety Resource Centre was an Australian Crime and Violence Prevention Award Winner 2006. The initiatives that have helped the Community Safety Resource Centre achieve a National Award include:

- Email Crime Alerts: Instant information from the Police Operations Centre is a valuable asset and integral to the mutual relationship that exists at the Community Policing Resource Centre. It also is essential for the Email Crime Alerts program (Australian Crime and Violence Prevention Award Winner 2002), which has an active impact on reducing crime and increasing awareness within South Perth. As a direct result of the success of the Email Crime Alerts program, other districts (Gosnells), programs (Neighbourhood Watch) and countries (Ottawa Police, Canada) have initiated the program. This program demonstrates best practice in collaborative community policing and has been further enhanced since the Community Policing Unit has been working closely with the City's Safer City Officer.
- Car Safe Project: Project Car Safe was a collaborative pilot project initiated in December 2005 between the Western Australian Police (Kensington District), City of South Perth Rangers and the City of South Perth Safer City program targeting the reduction of theft from cars through community awareness and education. The City of South Perth Rangers worked with the Police to remind the community about securing and removing valuables from vehicles. During standard patrols in designated 'Hot Spot' areas (Perth Zoo car park and nine South Perth Foreshore car parks), the Rangers noted vehicles that were unsecured or had visible valuables, they noted:
 - Time;
 - Date;
 - Location of vehicle; and
 - Vehicle registration number.

The Ranger forwarded this information to the Police who sent a friendly letter to the vehicle owner that the vehicle was noticed unsecured and/or with visible valuables in a high-risk theft-from-motor vehicle area. Rangers checked more than 400 vehicles per month, with more than 15 friendly letters sent per month to unsecured vehicles or those with exposed valuables.

Due to the success of this pilot, it is now being investigated for State-Wide rollout and continuation in South Perth 'Hot Spot' areas.

- Safer Roads Project: This project, as part of the Community Safety Initiative, is collaboration between the Rangers, Police, Safer City Project and TravelSmart Officer to improve road safety around schools. This project is serving as the pilot project for a State-wide initiative.
 - Held at Aquinas College, Manning Primary School and St Pius Primary School
 - Week long traffic and parking safety program 15 May to 19 May 2006 was conducted around schools to educate drivers about school zone speed limits, alternative transport options, parking and stopping issues, plus an electronic speed indicator to advise drivers of their current speed.
 - Due to the success of this project, it will now be rolled-out annually with the next program to start week beginning 2 July 2007.
- Armed Hold-Up Lectures delivered by Community Policing officers and the City's Safer City Officer: week series held in 2005 included more than 350 staff from 45 businesses as part of this education program. They include South Perth businesses such as delicatessens, golf clubs, hotels (Pagoda), supermarkets (Supa Valu), pharmacies, liquor outlets, video stores.

- Outcomes also included a partnership with a local business, the Karalee Tavern, who provided the location and refreshments for the series.
- Small groups formed the lectures for one-to-one contact and a more tailored approach for specific businesses.
- Some community also attended the lectures so they would be aware of how to respond in an armed hold-up (should they be a customer in a business).
- Curtin University Student Safety Program: Held at the beginning of the school year as part of Curtin University's orientation day, the Community Policing Officers and the Safer City Officer conduct an induction for international students to educate them on personal and home security.
 - This program informs new Curtin University students on steps to take to avoid becoming victims of crime.
 - Informs students on cultural differences in Australian everyday life such as the need to lock doors, the importance of reporting crime.
 - The Safer City Officer and Community Policing Officers are also represented on Curtin University's 'International Student Safety Committee'.
 - The inductions are held at the beginning of each school year (held 2004 to 2007). As a result of the success of the program, consideration is now being given to a mid-year induction that will capture students that missed the first session, came to Australia mid-year and can also act as a refresher course for students who wish to attend a second time.
- Bike Engraving Days: Three days held with over 1000 people having contact with the displays at Sir James Mitchell and McCallum Park's.
 - Community Safety Month (October 2005): An event held on Sir James Mitchell Park during Community Safety month with approximately 400 people participating and involving the . Fire Brigade, Police, Safer City Officer, Rangers, TravelSmart Officer, Wesley College, Bicycle User Group and bike mechanics.
 - Special bike engraving events similar to that mentioned above above was held as part Bike Week (March 2006 and 2007).
- Eyes on the Street: Has been a highly successful program whereby Council vehicles and staff act as direct conduits of information to the Police.
- Kindergarten and Pre-Primary School Tours of the Centre: Initial positive feedback about the tours which commenced in mid April 2006 indicates a strong interest in interaction between young children and Community Policing Officers. The tours continue and provide information about:
 - Safety and security (Police and Safer City Officer)
 - History of Old Police Station (Police and Safer City Officer)
 - Responsible pet ownership (Rangers)
- Seniors Safety Presentations: Held at the seniors centres, with seniors groups and at retirement villages. Presentations by Community Policing Officers and the City's Safer City Officer inform seniors about projects including Neighbourhood Watch, personal safety, home security and banking scams.
- Gopher Awareness Education Program: Programmed to start in May 2006. Educating seniors and people requiring gophers for mobility about the road/use rules associated with these vehicles.
- Shopping Centre Displays: Approximately 60 held throughout 2004 and 2005. Police and Council information and presence.
- Neighbourhood Watch Barbecues: Eighteen barbecues held with approximately 25 attendees each were held in 2006 (funded by Office of Crime Prevention).
 - These are highly successful in getting the community out of the street and activating Neighbourhood Watch in the community. They are the foundation for connecting the local community.
 - The Safer City program, through the receipt of external funds will be purchasing a community barbecue trailer to ensure the sustainable delivery of the community barbecues in 2007.

- Multi-Agency Approach to Local Crime and Safety Issues: Anti-social issues such as those at Karawara Shopping Centre are addressed more easily and with greater immediacy with the Community Police and Rangers based from the same location. This specific example has also included collaboration from State agencies such as Homeswest and private businesses.

As a result of the development and success of these initiatives and the achievement of national recognition in the 2006 Australian Crime and Violence Prevention Awards, the Western Australian Police, City Rangers and the Safer City Program are fully supportive of continuing the collaboration beyond the expiry in December 2007 of the current agreement. This report recommends therefore that the City enters into negotiation with WA Police to develop a new agreement for 2008 containing similar terms and conditions to those of the current agreement and that in 2008 council considers the merits of continuing the arrangement beyond then.

A number of operational issues were also raised during the review that will be considered with a view to further enhancing the service delivery at the Centre through a series of collaborative workshops with the Kensington Police Station, District Community Policing (Cannington Police Station) and the City of South Perth. The workshops will examine the impact of the District Superintendent's 'front-line first' approach and examine contemporary and best practice methods of community policing to ensure the City continues to be a leader in community safety and crime prevention through the Community Safety Resource Centre and its programs.

Consultation

Consultation was conducted with key parties involved in the License Agreement and collocation at the Old Police Station. They included:

- Officers involved in Community Safety initiatives (City of South Perth)
- Manager Environmental Health and Regulatory Services (City of South Perth)
- Senior Ranger (City of South Perth) - including feedback from the Rangers team
- Director Financial Services (City of South Perth)
- Officer In Charge Kensington Police Station

Policy and Legislative Implications

Nil.

Financial Implications

On the continuation of this License Agreement, the City will receive an annual License Fee of \$1,000. This concessional fee recognises the ongoing significant benefit to the City of South Perth community resulting from the collaborative partnership between the City and WA Police, and the efficiencies and initiatives delivered as a direct result of the collocation of services.

Strategic Implications

The content of this report relate directly to:

- Strategy 2.3 of the Strategic Plan 2004-2008:
Enhance the Safer City Program to support, develop and deliver residential and business initiatives that reduce crime and promote safety.
- Strategy 1 of the Community Safety and Crime Prevention Plan 2005-2008:
Develop cooperative partnerships with stakeholders to strengthen and sustain communities and neighbourhoods.

- Strategy 2 of the Community Safety and Crime Prevention Plan 2005-2008:
Provide information, education and other services to the community, in order to reduce the risks of becoming a victim of crime.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.2.2

That.....

- (a) the City negotiate with WA Police to develop an agreement to continue the collaboration arrangements relating to the Community Safety Resource Centre until December 2008; and
- (b) a further report be presented to Council in 2008 regarding the continued use of the building beyond 2008 as the Community Safety Resource Centre.

CARRIED EN BLOC RESOLUTION

Note: Manager Community, Culture and Recreation retired at 8.20pm

9.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

9.3.1 Application for Retrospective Approval of Unauthorised Garage. Lot 287 (No. 30) Manning Road, Como.
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Location: Lot 287 (No. 30) Manning Road, Como
Applicant: Deborah Jenner
Lodgement Date: 11 July 2006
File Ref: MA3/30 - 11/270
Date: 1 May 2007
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

To consider an application for retrospective approval of a large unauthorised garage containing parking space for four vehicles. The applicant proposes to enhance the front of the garage and also undertake landscaping of the extensive portion of the site forward of the garage. However, having regard to the dominance of this structure which extends across the full width of the lot, and non-compliance with R-Code requirements, the recommendation is that the application be refused.

Background

The applicant is proposing to improve the appearance of the front elevation of the existing garage by means of constructing an enclosing wall incorporating windows as well as improving the landscaping of the portion of the site forward of the garage. In support of the application, the applicant has submitted a letter dated 4 April 2007, together with drawings showing the proposed upgrading. These documents collectively comprise **Attachment 9.3.1(a)**. Three photographs of the existing structure in the context of the dwelling behind it have been submitted by the applicant **Attachment 9.3.1(b)** refers. A City officer has obtained further photographs from the southern street verge of Manning Road opposite the subject property and from the right-of-way adjacent to the subject property **Attachment 9.3.1(c)** refers. The City's letter to the applicant dated 15 January 2007 itemises modifications to the submitted drawings which are considered necessary to enable some portion of the existing garage to be retained **Attachment 9.3.1(d)** refers.

The applicant, being the current owner, purchased the property in April 2006. The previous owner constructed the unauthorised garage.

Erection of Unauthorised Garage by Previous Owner

The circumstances surrounding actions of the previous owner are briefly described as follows:

In May 2002, the previous owner lodged an application for planning approval for the garage which is now situated on the site. That application was refused under delegated authority on 31 May 2002, for the following reason:

“The proposed garage will be a dominant and overpowering feature that will detract from the appearance of the development and streetscape contrary to the requirements of the City of South Perth Planning Policy No. P33 (General Design Guidelines for Residential Development).”

Policy P33 is now identified as Policy P370_T.

The May 2002 notice of refusal also contained advice to the applicant to the effect that a modified proposal may be supported provided that the garage was rotated through 90 degrees to reduce the dominance of the front elevation. A feature window in the front wall based on this alternative design was also seen to be appropriate in order to improve the general appearance of the structure and relationship to the street.

Following refusal of the May 2002 application, the previous owner proceeded with construction. He then lodged another development application and sought approval at a Council meeting. That request was considered at the July 2002 meeting. The Council resolution advised that there was no power under the previous No. 5 Town Planning Scheme to issue retrospective approval. The resolution instructed the owner to demolish the unauthorised garage, failing which the Manager, City Planning was instructed to pursue legal action. Finally, the July 2002 Council resolution advised of Council’s support for the reason for refusal of the original application under delegated authority and support for the advice regarding a revised design which may have been supported.

The City subsequently pursued legal action against the previous owner for erecting the garage without a building licence. The previous owner was fined in the order of \$14,000 in the Magistrate’s Court. However, this action did not achieve the demolition of the unauthorised garage. The City later endeavoured to serve a notice upon the previous owner under the Town Planning and Development Act requiring removal of the garage. This action was complicated by the previous owner’s relocation to Melbourne.

City Communication with Current Owner Before and After Purchase of the Property

Having been notified of the intended change of ownership, the City’s lawyers wrote to the lawyers handling the current owner’s purchase of the property advising that any future owner would be required to demolish the garage.

Immediately following the current owner’s purchase of the property, the City wrote to her on 2 May 2006 referring to the earlier advice to her regarding the need for demolition of the garage. The letter instructed the new owner to remove the garage by not later than 3 July 2006 and to confirm in writing that she intended to comply.

On 20 May 2006, the current owner wrote to the City confirming her intention to demolish the garage but seeking an extension of time to accommodate the preparation of plans for a new garage to be attached to the house. That letter referred to the owner’s estimated time frame for completion of an alternative garage, being December 2006. She sought an extension of time for demolition of the existing garage, to provide weather protection for vehicles over the winter period.

The City responded by letter dated 12 June 2006, partly accommodating the request for an extension of time. That letter required Planning and Building applications for the new garage to be lodged by 14 July 2006, as well as an application for a demolition licence 14 days after the issuing of a building licence. The existing garage was required to be demolished within 30 days of issue of the demolition licence.

The application for planning approval which is now under consideration was lodged on 11 July 2006. The drawings accompanying this application do not relate to a new garage of a different design. Rather, the applicant sought retrospective approval of the existing garage with only minor modifications. Against the background of this matter, the application drawings were not satisfactory and the applicant was advised accordingly. At this time, she queried whether the Council would approve modifications to the existing structure as an alternative to total demolition. The Manager, Development Services advised that this was unlikely and that any possible approval would be dependant upon the extent of the proposed modifications. He suggested that at least half of the existing structure would need to be removed in line with normal expectations relating to streetscape and identification of the front entry of the dwelling.

Extensive further written and verbal communication between the applicant and City officers occurred between July 2006 and the receipt of the most recent revised drawings attached to the applicant's letter dated 4 April 2007. The current drawings still propose the retention of the entire garage, but with improvements to the appearance of the front elevation.

Comment

The previous refusal was based upon provisions of the City's Policy P370 relating to residential design and streetscape. Subsequent to that refusal, the 2002 Residential Design Codes came into operation. The R-Codes contain more definitive requirements relating to garages in front of existing dwellings. These requirements are designed to preserve streetscape and the visual quality of the dwelling as well as ensuring visibility of the entrance of a dwelling from the primary street. The relevant "Acceptable Development" provision is Clause 3.2.8 A8 of the R-Codes which reads as follows:

"Where a garage is located in front or within 1 metre of the building, a garage door (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50% of the frontage of the setback line as viewed from the street. This may be increased to 60% where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street."

The existing structure occupies the entire width of the lot and is therefore in conflict with Clause 3.2.8 A8 of the R-Codes. As well as being visually dominant, the garage obscures the entrance to the dwelling from the primary street.

The R-Codes offer an alternative "Performance Criteria" path. If the Council is satisfied that the performance criteria have been fulfilled, then compliance with the "Acceptable Development" provisions of the Codes would not be required. The performance criterion in Clause 3.2.8 P8 of the R-Codes is expressed in the following terms:

"The proportion of frontage and building façade occupied by garages limited so as to not to detract from the streetscape."

The applicant acknowledges that the "Acceptable Development" requirement of the R-Codes is not met since the garage extends across the full width of the lot. However she contends that the "Performance Criteria" requirement will be met by the provision of an infill wall between the piers on the front of the garage facing Manning Road with windows and French

doors in this wall. It is contended that this will cause the appearance of the garage to be in sympathy with the character of the existing dwelling. To further improve the appearance, landscaping of the large open section of the site in front of the garage is proposed.

Apart from the treatment described above, no modifications to the garage are proposed. The entire structure will remain in place across the full width of the lot. This being the case, the City is of the opinion that the proposed improvements are not sufficient to achieve compliance with the "Performance Criteria" of the R-Codes. Therefore, as neither the "Acceptable Development" nor the "Performance Criteria" of the R-Codes are met, the application should be refused.

The applicant appears to be of the understanding that the City officers expect the garage roof to be converted to an unsympathetic gable form, coupled with the removal of a significant proportion of the entire structure. While the applicant has been advised that significant reduction of the size of the existing structure would be a minimum expectation, she was not advised that the roof should be converted to an unsympathetic gable form. It would be necessary to maintain a sympathetic roof form as part of any significant modifications that might be considered.

The existing structure is also in conflict with another provision of the R-Codes relating to the setback from the side boundary of the lot adjacent to the right-of-way. The relevant provision is contained in "Acceptable Development" Clause 3.3.1 A1 (iv) of the R-Codes. This requires an eaves overhang to be set back not less than 0.75 metres from a side or rear boundary. The existing structure abuts this side boundary.

Consultation

No neighbour consultation was required in this instance. The matter has been the subject of extensive dealings by City officers over a number of years, however no external consultation was required in connection with the current application.

Policy and Legislative Implications

The implications of the proposal in relation to the Residential Design Codes have been explained elsewhere in this report.

Financial Implications

This issue could have implications for the City if it should prove necessary to proceed with enforcement action.

Strategic Implications

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

OFFICER RECOMMENDATION 9.3.1

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 retrospective planning approval for the existing unauthorised garage on Lot 287 (No. 30) Manning Road, Como **be refused** for the following reasons:
- (i) Due to the existing garage extending across the full width of the lot, the structure is in conflict with the “Acceptable Development” provisions set out in Clause 3.2.8 A8 of the Residential Design Codes. Furthermore, Council is not satisfied that the alternative “Performance Criteria” in Clause 3.2.8 P8 have been satisfied since the extent of the garage across the lot has not been limited and the structure obscures the entrance to the dwelling. The dominance of the garage is also considered to be detrimental to the appearance of the existing dwelling and the streetscape.
 - (ii) The eaves of the garage abut the western side boundary of the lot, contrary to the “Acceptable Development” provisions of Clause 3.3.1 P1 (iv) of the Residential Design Codes.
- (b) the applicant be instructed to lodge revised drawings demonstrating that all of the City’s requirements itemised in a letter dated 15 January 2007 have been met. This involves the total demolition of the existing structure back to the second pillar from the right-of-way. In conjunction with these revisions, the roof will need to be redesigned to maintain an appearance sympathetic to the balance of the garage roof. Such drawings are to be lodged by not later than Monday 25 June 2007. Alternatively, an application for a demolition licence shall be lodged by that date and the entire structure shall be demolished within 14 days of the issuing of the demolition licence; and
- (c) should the applicant fail to comply with the instructions in part (b) above, the City’s lawyers be instructed to issue a notice under section 214 of the *Planning and Development Act*, requiring demolition of the entire garage structure.

COMMENT ON DEPUTATION ITEM 9.3.1

The Mayor requested an officer comment on the Deputation.

The Director Strategic and Regulatory Services said that as stated in the report the unauthorised work had been carried out by the previous owner who was instructed to remove the unauthorised work which is in conflict with the R-Codes. He said that the R-Codes offer an alternative “Performance Criteria” path. If the Council is satisfied that the performance criteria have been fulfilled, then compliance with the “Acceptable Development” provisions of the Codes would not be required. The performance criterion in Clause 3.2.8 P8 of the R-Codes states that: *“The proportion of frontage and building façade occupied by garages limited so as to not detract from the streetscape.”*

Cr Wells point of clarification - Can we legally approve this structure?

Director Strategic and Regulatory Services said that there was the ability to issue retrospective approval within the Scheme.

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Smith, Sec Cr Wells

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for retrospective planning approval for the existing unauthorised garage on Lot 287 (No. 30) Manning Road, Como **be approved**.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Smith opening for the Motion

- good arguments in Deputation to support request - certainly persuaded by them
- to look out across to a 'bottle shop' hardly edifying
- support request that garage stay

Cr Gleeson against the Motion

- heard / like arguments presented
- over last 18 months been bombarded by people saying we should not approve something that is not legal

Cr Smith point of order - we have just been advised on the legal issue by Director Strategic and Regulatory Services. Mayor Collins agreed.

- trust no community come back that we have approved an item deemed to be illegal
- past actions in this regard have cost Council a lot of money
- against the Motion

Cr Ozsdolay point of clarification - given the City has previously successfully prosecuted when no building licence approval, if we approve this does it expose us in a legal sense?

Legal and Governance Officer said he could not see how as any action would be from the former owner.

Cr Ozsdolay for the Motion

- heard the Deputation / photographs presented
- looked at their view / made a good job of the frontage
- unique set of circumstances
- believe it has enhanced streetscape rather than being detrimental to it
- support the Motion

COUNCIL DECISION ITEM 9.3.1

The Mayor put the Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for retrospective planning approval for the existing unauthorised garage on Lot 287 (No. 30) Manning Road, Como **be approved**.

CARRIED (10/1)

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

Reason for Change

Council was of the opinion that due to the unique circumstances in relation to outlook that the garage 'as built' 'balanced' the front of the property and together with the extensive landscaping complimented the streetscape.

9.3.2 Request for Reconsideration of Council Decision. Increase in Child Numbers at Family Day Care Facility at Lot 492 (No. 76) Todd Avenue, Como.

Location: Lot 492 (No. 76) Todd Avenue, Como
 Applicant: Ms M Basrewan
 Lodgement Date: 24 April 2007
 File Ref: 11.1998.2319.1 - 11/4644 - TO1/76
 Date: 1 May 2007
 Author: Sandy Trosic, Development Services Administration / Compliance Officer
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

At the 19 December 2006 meeting of Council, a request for reconsideration of a condition of planning approval regarding the number of Children in care at the Family Day Care at No. 76 Todd Avenue, was considered.

The Council resolved to allow the proposed increase in the permissible number of children in care at any one time from four (4) to seven (7), subject to the construction of a double garage and crossover by not later than 2 July 2007, which was approved by the City's Planning Service Department under delegated authority on 20 September 2006. Council also resolved that subject to the completion of the garage and crossover before 2 July 2007, the City would not pursue enforcement action regarding the ongoing breach of the planning approval dated 26 August 1998, regarding the number of children in care.

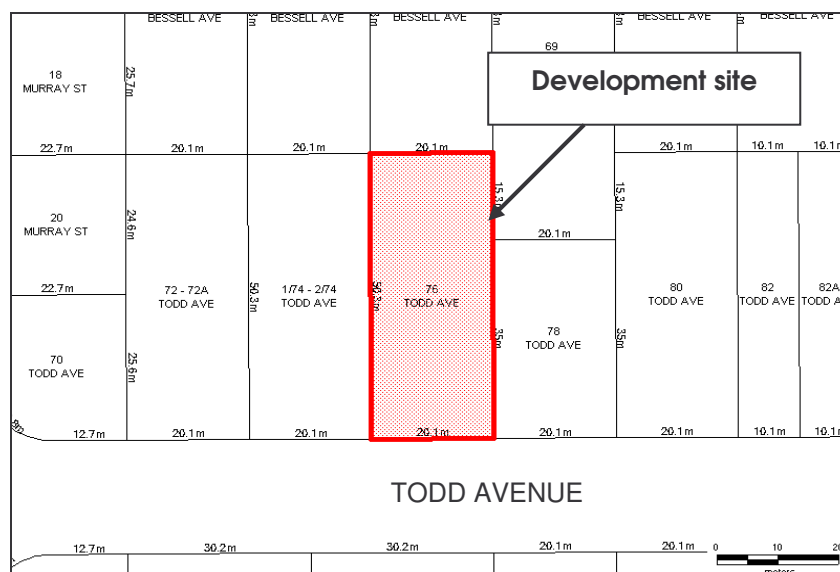
The property owner, who operates the Family Day Care facility has now requested that Council consider an extension in time for the construction of the garage and crossover until at least 31 August 2007. It is recommended that this request not be approved by Council.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1012 sq. metres
Building height limit	7 Metres
Maximum plot ratio	Not applicable
Development potential	Two Single Houses

The location of the development site is shown below:



On 26 August 1998, Council approved an application for planning approval for a Family Day Care to be operated from No. 76 Todd Avenue, Como. This approval was granted subject to the following condition:

“The number of children receiving care shall not exceed four (4) at any one time.”

Council reconsidered this condition at its December 2006 meeting and resolved as follows:

“That in respect of the request for reconsideration of Condition (1) of planning approval for the Family Day Care on Lot 492 (No. 76) Todd Avenue, Como that:

- (a) *by not later than 31 January 2007, the applicant be requested to submit an application for a building licence for the double carport, driveway and crossover depicted on the drawings which were the subject of planning approval dated 20 September 2006;*
- (b) *construction of the double carport, driveway and crossover is to commence immediately following the issuing of the building licence referred to in part (b) above;*
- (c) *condition (1) of the Planning Approval dated 26 August 1998 be amended to read as follows:*

“Upon completion of the double carport, driveway and crossover in front of the existing dwelling, the maximum permissible number of children receiving care shall be increased to seven (7) at any one time.”

- (d) *the operator be informed that:*
 - (i) *all requirements imposed by the Department of Community Development Child Care Licensing and Standards Unit and the Communicare Family Day Care Scheme must be complied with, and that Council’s planning approval does not replace or alter any such requirements;*
 - (ii) *if at any future date, the Department of Community Development Child Care Licensing and Standards Unit should approve an increase in the permissible number of children receiving care, this does not negate the limit imposed by the Council’s condition of planning approval; and*
 - (iii) *at the present time, the number of children receiving care represents a breach of Condition (1) of the Planning Approval dated 26 August 1998, however provided that construction of the double carport, driveway and crossover is completed by not later than 2 July 2007, Council will not implement enforcement action concerning this breach.”*

The applicant submitted an application for a building licence on 5 January 2007, addressing condition (a), above. This application was incomplete and additional information was requested by the City's Building Services Department on 8 January. The requested additional information was not received by the City until 30 March, following which the building licence issued on 3 April.

The owner has sought an extension of time until at least 31 August 2007, to comply with part (d)(iii) of the Council resolution dated 19 December 2007, for the following reasons:

- The owner is faced with difficulties in obtaining building materials and contractors;
- The owner needs to maintain a safe, separate, environment for the children in care, away from the construction activity outside; and
- Tradespeople need to work in a manner which does not compromise the safety and amenity of children in care.

Comment

The owner of No. 76 Todd Avenue, and the applicant who sought reconsideration of the original planning approval, were informed of the outcome of the 19 December 2006 Council meeting. Council allowed some six months for the double garage and crossover to be constructed. Although the building licence was submitted within the prescribed time frame, had the application been complete, some five months would have remained for the construction of the garage and crossover to be constructed. Due to additional information not being lodged until 30 March 2007, almost three months of construction time have been lost.

Consultation

No consultation was undertaken prior to the preparation of this report.

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

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 operator of the Family Day Care facility at No. 76 Todd Avenue, is currently operating in breach of the maximum permissible child numbers approved by the City and has been provided with fair and reasonable time within which to undertake remedial work specified by Council in its resolution dated 19 December 2006.

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

Director Strategic and Regulatory Services stated that the applicant is aspiring to complete the renovations by the deadline, albeit that the painting may be pending completion, however this would not be considered to be of major concern and therefore there is no need to alter the officer recommendation.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.3.2**

Moved Cr Doherty, Sec Cr Trent

That

- (a) the request for an extension of time until at least 31 August 2007, to comply with part (d)(iii) of the Council resolution dated 19 December 2006, be refused; and
- (b) the owner of No. 76 Todd Avenue, be advised that should the construction of the double garage and crossover not be completed by 2 July 2007, the number of children in care must be reduced to not more than four (4) children in care at any one time, in accordance with the current valid planning approval.

CARRIED (11/0)

9.3.3 Proposed Three Single Houses and Two Grouped Dwellings. Lot 10 (No. 249) Coode Street and Lot 12 (No. 20) Greenock Avenue, Como.

Location: Lot 10 (No. 249) Coode Street and Lot 12 (No. 20) Greenock Avenue, Como

Applicant: Peter Jodrell Architect for Ampezzo Pty Ltd

Lodgement Date: 19 February 2007

File Ref: CO6/249 and GR1/20 - 11.2007.77.1

Date: 27 April 2007

Author: Rajiv Kapur, Senior Statutory Planning Officer

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

Summary

The application for planning approval is for three Single Houses and two Grouped Dwellings at No. 249 Coode Street and No. 20 Greenock Avenue. The proposal involves the amalgamation and re-subdivision of these lots which have a dual density coding of R20/R30. The applicant has satisfied the required criteria to achieve development at the R30 density code.

The originally submitted drawings have been subsequently revised by the applicant following advice from the Planning Department in order to comply with most of the relevant planning requirements. However, the proposal is still in conflict with Council Policies P370_T "General Design Guidelines for Residential Development" and P376_T "Residential Boundary Walls". Policy P370_T requires the proposed development to demonstrate compatibility with the existing development within the focus area on both streets in terms of roof form, and external materials and colour finishes for the roof and walls. Similarly, to meet the intent of the Policy P376_T, a substantial degree of modification is required to the boundary walls on both side boundaries of the Houses on proposed Lots 1, 2 and 3. Since the proposed development does not comply with the above requirements, the officer report recommends that these aspects of the proposal be not supported and the application be refused.

Background

This report includes the following attachments:

- **Confidential Attachment 9.3.3(a)** Plans of the proposal.
- **Attachment 9.3.3(b)** Letters from Peter Jodrell Architects, dated 15 February and 28 February 2006.

The development site details are as follows:

Zoning	Residential
Density coding	R20 / R30
Lot area	A combined area of 1543 sq. metres
Building height limit	7.0 metres
Development potential	Three dwellings at R20 and five dwellings at R30 density
Plot ratio	Not applicable

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

1. The Exercise of a Discretionary Power

(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.*

2. Amenity Impact

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

In relation to the items above, the extent of amenity impact arising from the proposal will be the proposed boundary walls on the northern boundary of the adjoining property at No. 251 Coode Street which abut outdoor living areas.

The location of the development site is shown below. The site is adjoined by residential development along Coode Street and Greenock Avenue. The development along Coode Street faces a Petrol Station.



Comment

(a) Description of the proposal

The proposal comprises three Single Houses and two Grouped Dwellings. The applicant's letter, **Attachment 9.3.3(b)** describes the proposal in more detail.

Even though the proposal complies with most of the requirements of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes), significant conflicts exist in relation to relevant Council Policies. It is recommended that the application be refused and the applicant be advised to amend the drawings to achieve compliance with normal requirements.

(b) Setbacks

The setbacks of the proposed development comply with either the Acceptable Development or the Performance Criteria provisions of the R-Codes, with the exception of boundary walls described in more detail within point (f) below.

(c) Building height limits

The proposed building height is within the permissible Building Height Limit of 7.0 metres assigned to the site as prescribed by TPS6.

(d) Parking

The proposal complies with the car parking and vehicular access requirements of the R-Codes and TPS6 however, the proposed crossovers for Houses on proposed Lots 1 and 2 conflict with the provisions of Clause 3.5.4 of the R-Codes due to their excessive width.

(e) Design

The design of the proposed dwellings with pitched roof forms are seen to be compatible with the surrounding streetscape. However, the proposed flat roof form over the dwelling on proposed Lot 3 facing Greenock Avenue is seen to be in conflict with the existing streetscape comprising houses with pitched roofs. Policy P370_T requires the proposed development to demonstrate compatibility with the existing development within the “focus area” on both streets in terms of roof form, and external material and colour finishes for the roof and walls. It is recommended that the flat roof form be modified to a pitched roof form for this house.

(f) Boundary walls

Having regard to the Policy P376_T “Residential Boundary Walls”, the height of all proposed boundary walls is required to be lowered to 3.0 metres as measured from the adjacent natural ground level on the adjoining properties. Additionally, having regard to the amenity of the adjoining property at No. 251 Coode Street, and noting that the boundary walls of the Houses on proposed Lots 2 and 20b are located on their southern boundary and abut the outdoor living areas of the dwellings on the adjoining property, these boundary walls are required to be set back in accordance with normal R-Code requirements.

The proposed north side boundary walls of the houses on Lots 1 and 2 are required to have a minimum setback of 6.0 metres from the front boundaries of the lots. Houses on proposed Lots 1, 2 and 3 incorporate boundary walls on both sides of each proposed lot, contrary to the provisions of Policy P376_T “Residential Boundary Walls” and the R-Codes. As proposed, the existence of walls on both side boundaries creates a continuous unbroken building mass which is characteristic of ‘terrace’ style housing. Council policy aims to prevent this form of development by ensuring that houses are not built “boundary to boundary” and that there is a regular spacing between dwellings. Since the proposed development does not comply with the above requirements, the officer report recommends that the proposed boundary to boundary development not be supported.

(g) Visual privacy

The proposed development generally complies with either the Acceptable Development or the Performance Criteria provisions of Clause 3.8.1 “Visual Privacy” of the R-Codes. However, the proposed south facing Terrace of Grouped Dwelling 20a on Lot 4 is required to be adequately designed by incorporating privacy screens to ensure visual privacy of the adjoining property at No. 18 Greenock Avenue and the proposed House on Lot 3.

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

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

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

In terms of the general objectives listed within clause 1.6 of TPS6, the project is considered **not** to meet the following relevant general Scheme Objectives:

- 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.*

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

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

- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
(i) the preservation of the amenity of the locality;
(j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;
(n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and

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 19 February 2007. The application was formally lodged with the City on the same day. The Advisory Architects noted the proposed roof forms in the development as well as the proposed boundary walls. Their specific comments on the originally submitted drawings are summarised below:

- (i) In relation to streetscape compatibility, the Advisory Architects considered that the elevations should be modified by changing the roofs of the two dwellings facing Coode Street to symmetrical gables. The upper storey portion of the walls of the Coode Street units should be of contrasting material. Visual differentiation should be introduced between the two houses fronting Coode Street. In this regard it was suggested that, in respect House 249A, a roof should be extended forward of the alignment of the garage door, possibly to the same setback as the existing flats to the south.
- (ii) In principle, the Advisory Architects supported the boundary walls on both sides of the Coode Street dwellings, noting the considerable space separation from the adjacent buildings to the north and south. However, before supporting the boundary wall on the southern side of House 249A, a shadow diagram should be submitted to demonstrate the effect upon the drying areas and windows of the dwellings on the adjoining lots.

The drawings were revised to incorporate the DAC comment (i). However, the flat roof over the house on Lot 3 facing Greenock Avenue which forms a part of the current proposal was not modified and is not seen to demonstrate compatibility with the existing streetscape.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 "Neighbour and Community Consultation in Town Planning Processes". The owners of properties at Nos. 247 and 251 Coode Street were invited to inspect the application and to submit comments during a 14-day period. Neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received.

(c) Other City Departments

Comments were invited from the City Environment Department in relation to two matters. The first matter concerns the clearance required from an existing street tree to the proposed crossover for House on Lot 3 that faces Greenock Avenue. As advised by the Parks Officer, the clear distance required is to be increased from 2.4 metres to 3.0 metres.

The other matter relates to a tree on the property at No. 20 Greenock Avenue. It is a red flowering gum tree (eucalyptus species) located in close proximity of the street tree discussed earlier. In order to ascertain whether the tree is "a significant tree" to meet one of the performance criteria for development at the higher density coding, the applicant has provided an Arboricultural report from John Banks Consultants. The report presents argument in support of the tree meeting the performance criteria. The City's Parks Officer concurs with the report subject to standard conditions being placed on the approval that reinforce the need to protect the tree during construction work. The proposed 800mm clearance from the significant tree is supported in the report as well as by the City's Parks Officer. However, it is noted that when the proposed crossover and driveway will be modified to provide a 3.0 metre clearance from the street tree, the clearance from the significant tree will also be increased to 1.2 metres.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 9.3.3
--

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for three Single Houses and two Grouped Dwellings on Lot 10 (No. 249) Coode Street and Lot 12 (No. 20) Greenock Avenue, Como **be refused**, for the following reasons:

- (a) The proposal does not comply with the objective (f) listed within clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6 (TPS6).
- (b) The proposal conflicts with matters (f), (i), (j) and (n) listed within clause 7.5 “Matters to be Considered by Council” of TPS6.
- (c) The proposed flat roof over House on Lot 3 conflicts with the existing streetscape and thus the City’s Policy 370_T “General Design Guidelines for Residential Development”.
- (d) The front setback of the proposed north side boundary walls of Houses on Lots 1 and 2 is less than the 6.0 metres prescribed by the City’s Policy P376_T “Residential Boundary Walls”.
- (e) The boundary walls on both side boundaries of each of the Houses on proposed Lots 1, 2 and 3 conflict with the provisions of Council Policy P376_T “Residential Boundary Walls”.
- (f) The boundary wall of the House on proposed Lot 2 located on its southern boundary adversely affects the amenity of the adjoining property at No. 251 Coode Street.
- (g) The boundary wall of the Grouped Dwelling on Lot 20b located on its southern boundary adversely affects the amenity of the adjoining property at No. 251 Coode Street.
- (h) The height of the proposed boundary walls exceeds the height of 3.0 metres average and 4.0 metres maximum prescribed by the City’s Policy P376_T “Residential Boundary Walls”.
- (i) The proposed south facing Terrace of Grouped Dwelling 20a on Lot 4 overlooking the adjoining property at No. 18 Greenock Avenue and the proposed House on Lot 3 do not comply with Clause 3.8.1 “Visual Privacy” of the R-Codes.
- (j) The proposed widths of crossovers and driveways for Houses on proposed Lots 1 and 2 do not comply with Clause 3.5.4 “Vehicular Access” of the R-Codes.
- (k) An insufficient separation distance has been provided between the existing street tree and the proposed crossover for the proposed House on Lot 3.

Standard Important Footnotes

If the applicant elects to submit a new application for planning approval within 6 months of the date of determination of this application, no new application fee will be payable.

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

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

COMMENT ON DEPUTATION ITEM 9.3.3

The Mayor requested an officer comment on the Deputation.

Director Strategic and Regulatory Services stated that officers needed to be guided by the current policy P376_T. He said that the key issues are the proposed flat roof and boundary walls. The Residential Design Guidelines Policy is under review and until such time as that is completed each application is assessed on its merits. He said that he was not suggesting any change to the officer recommendation.

OFFICER RECOMMENDATION 9.3.3

The Mayor called for a mover of the officer recommendation for Item 9.3.3. the officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Smith

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 three Single Houses and two Grouped Dwellings on Lot 10 (No.249) Coode Street and Lot 12 (No.20) Greenock Avenue, Como **be approved**, subject to **standard conditions** and the following **specific conditions**:

- (a) The height of the boundary walls shall not exceed the height of 3.0 metres average and 4.0 metres maximum as prescribed by the City's Policy P376_T " Residential Boundary Walls".
- (b) the proposed widths of crossovers and driveways for houses on proposed Lots 1 and 2 comply with Clause 3.5.4 "Vehicular Access" of the R-Codes; and

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala opening for the Motion

- heard Deputation - good argument
- recommendation looking at multi-issues whereas one main issue - the flat roof
- other issues of concern can be addressed in conditions of approval
- plan clearly shows majority of development is for a pitched roof
- flat roof proposed compliments the pitched roofs
- do not see flat roof as major reason for refusal
- until Residential Design Guidelines in place should not force people to go to SAT
- significant cost involved in going to SAT - believe SAT would give their approval
- until design policy in place need to look at each application on its merit

Cr Smith for the Motion

- persuaded by Deputation
- no reflection on staff - staff governed by current policy
- persuaded by fact we are going to be approached by environmental planning
- have to look at far better use of natural resources - should be encouraged
- support the Motion

COUNCIL DECISION ITEM 9.3.3

The Mayor put the Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for three Single Houses and two Grouped Dwellings on Lot 10 (No.249) Coode Street and Lot 12 (No.20) Greenock Avenue, Como **be approved**, subject to **standard conditions** and the following **specific conditions**:

- (a) The height of the boundary walls shall not exceed the height of 3.0 metres average and 4.0 metres maximum as prescribed by the City's Policy P376_T " Residential Boundary Walls".
- (b) the proposed widths of crossovers and driveways for houses on proposed Lots 1 and 2 comply with Clause 3.5.4 "Vehicular Access" of the R-Codes; and

CARRIED (11/0)

Reason for Change

Until the Residential Design Guidelines have been reviewed and adopted each application will be accessed on its merits. Council agreed that areas of concern had been addressed and supported approval of the development with appropriate standard and specific conditions.

**9.3.4 Request for Extension to Validity of Approval for 8 Multiple Dwellings.
Lot 8 (. 52) Mill Point Road, South Perth.**

Location: Lot 8 (No. 52) Mill Point Road, South Perth
Applicant: Hodge and Collard Architects
Lodgement Date: 12 April 2007
File Ref: MI3/52 - 11/4865
Date: 1 May 2007
Author: Christian Buttle, Manager, Development Assessment
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

To consider a request from the Project Architect to extend the validity of approval for the abovementioned development.

Background

At its meeting held 24 May 2005, Council granted planning approval for a proposed 7 storey development containing 8 Multiple Dwellings on Lot 8 (No. 52) Mill Point Road, South Perth. In line with standard practice, the approval contained a condition such that "*the validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval*". Construction of the proposed development has not yet commenced.

Comment

The City received a letter from Project Architect Hodge & Collard (**Attachment 9.3.4**) on 12 April 2007 requesting that the validity of approval be extended for a further 12 months. That letter goes on to state that "*for various reasons the development has not been 'substantially commenced' within the life of the development approval, however it is the owners firm intention to proceed in the very near future.*"

Clause 7.9(7)(a)(ii) of the City of South Perth Town Planning Scheme No. 6 states that: "*Where a planning approval has been issued under this Scheme and remains current, an application in writing may be made requesting the Council to reconsider that approval in relation to:*

- (ii) *extending the period of the validity of the approval nominated pursuant to sub-clause (4) with the maximum permissible extension of that period being 12 months, without the need for a new application for planning approval to be lodged.*"

In the normal course of events, planning staff would not have concern in relation to a request to extend the validity of an approval for a further 12 months provided that there had been no change to the statutory environment within which the application were to be assessed (i.e. through modification to the Town Planning Scheme, Residential Design Codes or Policy) that would affect the method by which the application must be assessed. In this instance, however, there has been a significant change to the method by which the City assesses plot ratio since the original approval was granted. The change to the method of plot ratio calculation means that areas of the building which would previously have been excluded from plot ratio calculations would now be included in such calculations. The major changes that would affect this building relate to the stores for each of the dwellings, ducts and walls adjoining the central core (lift and stair). A check of the Officer's assessment sheet shows that there was no spare capacity with respect to allowable plot ratio floor area when the application was originally determined.

Having regard to the preceding comments, and the need to include additional parts of the building within the plot ratio calculation, it is not possible to support the applicant's request for an extension to the validity of the earlier approval.

Consultation

Consultation was not undertaken in conjunction with the preparation of this report.

Policy and Legislative Implications

Comments in relation to the relevant provisions of the City of South Perth Town Planning Scheme No. 6 incorporating the Residential Design Codes 2002 have been provided elsewhere in this report.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.4

Moved Cr Best, Sec Cr Cala

That, in respect of the planning approval dated 24 May 2005 issued for a proposed 7 storey building containing 8 Multiple Dwellings on Lot 8 (No. 52) Mill Point Road, South Perth, the applicant be advised that:

- (a) the request for an extension to the validity to the approval pursuant to the provisions of Clause 7.9(7)(a)(ii) of the City of South Perth Town Planning Scheme No. 6 is not approved; and
- (b) any new application for planning approval for the site will need to demonstrate compliance with the maximum plot ratio prescribed by the Residential Design Codes 2002, with such calculation being undertaken strictly in accordance with the plot ratio definition contained within the R-Codes.

CARRIED (11/0)

**9.3.5 Proposed Conversion of Windsor Hotel car park to Public Parking Station.
Lot 100 (No. 112) Mill Point Road, South Perth**

Location: Lot 100 (No. 112) Mill Point Road, South Perth
Applicant: Parking Asset Management Pty Ltd (Mr Alf Wilson). For Windsor Hotel South Perth Pty Ltd
Lodgement Date: 26 March 2007
File Ref: MI3.112 - 11/139
Date: 1 May 2007
Author: Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

To consider the proposed installation of parking ticket machines in the Windsor Hotel car park. This will have the effect of converting the car park into a “Public Parking Station” as defined in the No. 6 Town Planning Scheme. If approved, the hotel would no longer have on-site parking available for the exclusive use of hotel patrons and staff. Rather, the hotel patrons and staff would be required to pay for parking and any other motorist would be welcomed onto the site subject to payment of the parking fee. The recommendation is that the application be refused.

Background

This proposal is described in a document titled “Parking Management Plan” submitted by Mr Alf Wilson, General Manager of Parking Asset Management (WA) Pty Ltd, which is accompanied by data relating to the proposed ticket machines and also a site plan showing the proposed location of three ticket machines. That document was submitted with a covering letter from Mr Wilson dated 23 March 2007 addressed to the City’s Manager Environmental Health and Regulatory Services. The Director of Windsor Hotel South Perth Pty Ltd, Mr Geoff Ogden has also submitted a letter authorising Parking Asset Management to act on his behalf. Those documents collectively comprise **Attachment 9.3.5(a)**.

In support of the application, a letter has also been submitted by Planning Consultants, Greg Rowe and Associates (**Attachment 9.3.5(b)**). The Planning Consultants’ letter contends that the Windsor Hotel car park is already classified as a “Public Parking Station” as a consequence of which, the current proposal does not constitute a change of use. This is discussed further in the Comment section of this report.

The Parking Management Plan states that the applicant’s intention is for the hotel car park to serve not only the patrons and tenants of the Windsor Hotel Bar and Restaurant, but also the general public who visit South Perth. The report refers to the current practice of ferry commuters to park all day within the hotel car park. The applicant’s objective is to discourage “all-day” parkers while encouraging hotel patrons and also parkers associated with surrounding businesses.

The applicants propose to charge parking fees seven days per week between the hours of 7am and midnight. A schedule of fees is set out in the Parking Management Plan ranging from \$2 for 1 hour to \$14 for 7 hours or more. The intention is that the public would purchase tickets from the three Pay and Display machines.

The Parking Management Plan states that the hotel site contains 117 parking bays, some of which would be reserved for hotel staff and bottle shop customers without fee payment.

Comment

No. 6 Town Planning Scheme requirements

Clause 6.3(1) of TPS6 reads as follows:

“Subject to sub-clause (4), in the case of Uses listed in Table 6, car parking bays shall be provided to the respective numbers prescribed in that table.”

Table 6 prescribes a car parking ratio for “Hotel”, this being one of the Uses listed in that table. The parking bays provided on this basis are for the exclusive use of hotel patrons and staff. The Town Planning Scheme is silent on the question as to whether or not a fee payment may be charged for the use of the required parking bays. However, having regard to the provisions of Clause 6.3(1) and Table 6 of TPS6, it is the case that, whether or not a fee is charged, the parking bays may only be occupied in conjunction with hotel activities.

The Windsor Hotel site is zoned “Mends Street Centre Commercial”. Within that zone, “Public Parking Station” is identified as a “P” (permitted) use. Public Parking Station is defined as follows:

“Any land or building used primarily for public car parking but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.”

Based upon this definition, the applicant’s proposal would have the effect of converting the hotel car park into a public parking station and depriving hotel patrons and guests of the exclusive use of the entire car park. Having regard to the car parking requirements of the No. 6 Town Planning Scheme (and previous Schemes), all of the existing parking bays are required to be available for the exclusive use of hotel patrons and staff. In fact the number of parking bays on the site does not meet the requirements of the current No. 6 Scheme. This circumstance has arisen through historical evolution. Under these circumstances, it is not appropriate to actively encourage motorists who are not hotel patrons and staff to occupy the hotel parking bays as is the applicant’s intention.

The applicant is encouraging people visiting the Mends Street Centre to park in the hotel car park. It is anticipated however, that ferry commuters will be discouraged through the proposed scale of fees.

Comments on Planning Consultants’ letter

The Planning Consultants contend that, since the existing car park provides parking for the public using the Windsor Hotel, it meets the definition of “Public Parking Station” under TPS6.

The TPS6 definition of this term makes it clear that, to be classified as a Public Parking Station, the land must be **“used primarily for public parking”**. In this instance, that is not the primary use of the subject site. Rather, the use of the site is as a “Hotel”. The parking provided as required by TPS6 to support that land use is not permitted to be used by the general public, but only by hotel patrons and staff. If the Planning Consultants’ interpretation were correct, that would mean that the car parks of every non-residential land use would be classified as “Public Parking Stations”. On this basis, the City of South Perth would contain potentially hundreds of Public Parking Stations. It is therefore clear that the Planning Consultants’ interpretation of the existing hotel car park as being a “Public Parking Station”, is incorrect.

Consultation

(a) Neighbour Consultation

In accordance with Council Policy P104 “Neighbour and Community Consultation in Town Planning Processes”, no neighbour consultation was required in relation to this application.

(b) Manager Environmental Health and Regulatory Services

The Manager Environmental Health and Regulatory Services has had extensive involvement in this matter, in connection with his responsibilities for the City Rangers and parking matters generally. Apart from the current “fee paying” proposal, other options have been investigated by the Manager Environmental Health and Regulatory Services which could apply to the management of the Windsor Hotel private car park in conjunction with the City’s public car park facility.

The City officers met with the applicant to discuss the proposal in detail. The applicant referred to car park management arrangements in other local governments namely the City of Subiaco in which the City would manage private parking stations on behalf of the land owners.

Following investigations of various options at the City of Subiaco the following options could be considered as likely arrangements between the City and the applicant:

(i) Private Property Parking Agreement.

Private Property Parking Agreements relate to parking areas on private property where free timed parking is permitted. This provision is available under the Part 8 of City’s Parking Local Laws 2003 which states:

Establishing Agreements

8.1.1 *The City may resolve to enter into a private parking agreement with the owner or occupier of land that the City does not occupy.*

8.1.2 *Where the City enters into a private parking agreement the land that is the subject of the private parking agreement becomes a parking facility under this Local Law.*

8.1.3 *Where the City resolves to enter into a private parking agreement it must;*

- (a) *identify the land that is the subject of the private parking agreement;*
- (b) *specify the conditions that will apply to the land that is the subject of the private parking agreement; and*
- (c) *erect signs, or cause signs to be erected, to indicate the nature of the parking facility and the conditions that apply to that parking facility.*

8.1.4 *Private parking agreements that the City has entered into under the City of South Perth Parking Local Law 2000 published in the Government Gazette on 27 March 2000 continue to be private parking agreements under this Parking Local Law.*

In accordance with the Private property Parking Agreement the land owner would install all signage and have authorised employees who would liaise and report any parking breaches at their parking facility to the City's Community Rangers who would proceed to patrol and issue infringements where appropriate. All infringements are paid to the City without any dividend going to the landowner.

(ii) Licence to Control Parking Area.

This is where the City enters into a "Deed of Licence to Control a Parking Area" with the owners of the private property where parking is to be managed, conducted and controlled.

The City (Licensee) and the Windsor Hotel (Licensor) determine the terms and conditions of the Deed of Licence. In accordance with the Deed of Licence the Licensor grants the Licensee and its officers and authorised employees a licence to enter upon a portion of land for the purpose of managing, conducting and controlling the parking of motor vehicles and to administer the provisions of the Parking Local Law 2003.

In accordance with the Licence to Control Parking Area the land owner would install all signage, ticket machines and all other infrastructure. The City's Community Rangers would then patrol the car park and issue infringements where appropriate as if it were a public parking facility. All infringements are paid to the City without any dividend going to the landowner.

(iii) Private Property Parking Station Deed.

Under this arrangement the City agrees to designate the car park as a parking station for the purpose of the Parking Local Laws and agrees to enforce the Parking Local Laws as they relate to parking stations from the commencement date of the Deed.

The Deed will require that the property owner make the car park available for use as a parking station on a 24 hour basis, the parking fees to be determined in agreement between the parties at the discretion of the City.

In accordance with the Private Property Parking Station Deed all infrastructure including signage, line markings, ticket machines, maintenance and insurance of all infrastructure (including ticket machines) will be covered by the property owner. The City will collect all revenue from the ticket machines and infringements and enter into revenue distribution arrangement agreed by both parties. The City and the property owner will require extensive discussion and agreement to determine the full range of terms and conditions of the Private Property Parking Station Deed that will suit both parties.

Any option which would actively support or encourage the use of the hotel car park by the general public would bring about a change of use of the car park to Public Parking Station. For the reasons explained elsewhere in this report, such a change of use is not supported. The hotel car parking bays must continue to be provided for the exclusive use of hotel staff and patrons.

Policy and Legislative Implications

The implications of the proposal in relation to the No. 6 Town Planning Scheme have been explained elsewhere in this report.

Financial Implications

This issue could have implications if Council were to agree to the current proposal on the basis of any revenue from the “pay parking” being retained by 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

While it is appreciated that the current proposal has been motivated by the present “unauthorised” use of the car park, the proposed conversion to a Public parking Station would be in conflict with the terms of the various development approvals granted for the hotel. Further, even if there were no such statutory conflict, the fee paying proposal may not result in a significant increase in on-site parking by hotel patrons. Vehicle owners who are not hotel patrons or staff should not be encouraged to use the hotel car park. Therefore the proposal is not supported.

Director’s comment

The City’s Chief Executive Officer, Director Strategic and Regulatory Services and Managers have held discussions with the owner of the Windsor Hotel over the past few months on parking issues on the hotel site. The hotel site is adjacent to the City’s Car Parking Station No. 1 in the Mends Street commercial precinct where parking demand is high.

The owner’s concern is that the hotel car park is used as a defacto public car park and as a consequence, hotel patrons are denied access to on-site bays.

The owner referred the City officers to parking arrangements within the City of Subiaco, where apparently the Council has put in place Private Property Parking Station Deeds with private landowners which effectively pool the supply of private and public car parking under a metered parking arrangement.

The City officers have conducted one site inspection within the City of Subiaco and have spoken to City of Subiaco officers, however the research has not been finalised at the time of writing. Once this research is concluded, whatever parking arrangement is recommended by City of South Perth officers for the Windsor Hotel site, this must take into account the statutory obligations of the hotel owner to provide on-site parking for hotel customers as a consequence of the identification of parking bays on the approved plans and conditions of planning consent.

In order to finalise the current research, it may be necessary to obtain input from Council’s solicitors. In these circumstances, it is considered that a decision on the application should be deferred. It is anticipated that a further report will be submitted to the July 2007 Council meeting. It is noted that under Clause 7.11 of Town Planning Scheme No. 6, a right of appeal will exist against Council’s deemed refusal of the application as from 60 days after the date of lodgement (26 March 2007). However, this does not prevent the Council from making a decision at a later date.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.3.5**

Moved Cr Macpherson, Sec Cr Ozsdolay

That.....

- (a) in respect of the proposed conversion of Windsor Hotel car park to Public Parking Station on Lot 100 (No. 112) Mill Point Road, South Perth, a decision **be deferred** until the July Council meeting; and
- (b) current research and investigation of shared parking arrangements involving the City and the Windsor Hotel owner be concluded and a recommendation as to the favoured parking arrangement be presented to the July Council meeting; such recommendation to take account of the statutory obligations of the hotel owner under former development approvals to provide on-site parking and to be presented following further discussion with the hotel owner.

CARRIED (11/0)

9.3.6 Proposed Two Storey Single House and Proposed Two x Two Storey Grouped Dwellings. Lot 2 (No. 92) Labouchere Road, South Perth.

Location: Lot 2 (No. 92) Labouchere Road, South Perth.
Applicant: Ray and Liz Sandon / Ross and Kathleen Bell
File Ref: 11/5293 11.2006.581.1 LA1/92 (Two Storey Single House)
11/5293 11.2006.612.1 LA1/92 (Two Grouped Dwellings)
Date: 4 May 2007
Author: Stephanie Radosevich, Trainee Planning Officer
Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

The subject property is currently in the process of being subdivided to create a street front 'Green Title' lot which will be developed with a Single House and a rear battleaxe lot which will be developed with two Grouped Dwellings. Planning approval has been granted under delegated authority for a two storey Single House at the front of the site and two Grouped Dwellings at the rear of the site. The development will be undertaken by two separate parties.

The applicants have requested reconsideration of Condition 5 of the planning approval for the two storey single house, which states that:

"Details of the proposed colours of the external materials shall be submitted for approval by the City, prior to the issuing of a building licence. The selected colours shall demonstrate compatibility with neighbouring buildings."

and Condition 8 of the planning approval for the two Grouped Dwellings, which states that:

"The materials and external finishes of the proposed dwellings shall match those of the approved front dwelling. Details of the proposed colour finishes and materials shall be provided with the working drawings, prior to the issuing of a building licence".

Background

Drawings relating to this proposal are provided as **Confidential Attachment 9.3.6(a)** to this report. In support of the proposal, the applicant has submitted a letter dated 3 April 2007 requesting approval to use materials and colours for the roof of the front dwelling which do not match the materials and finishes of the proposed rear dwellings.

This report includes the following attachments:

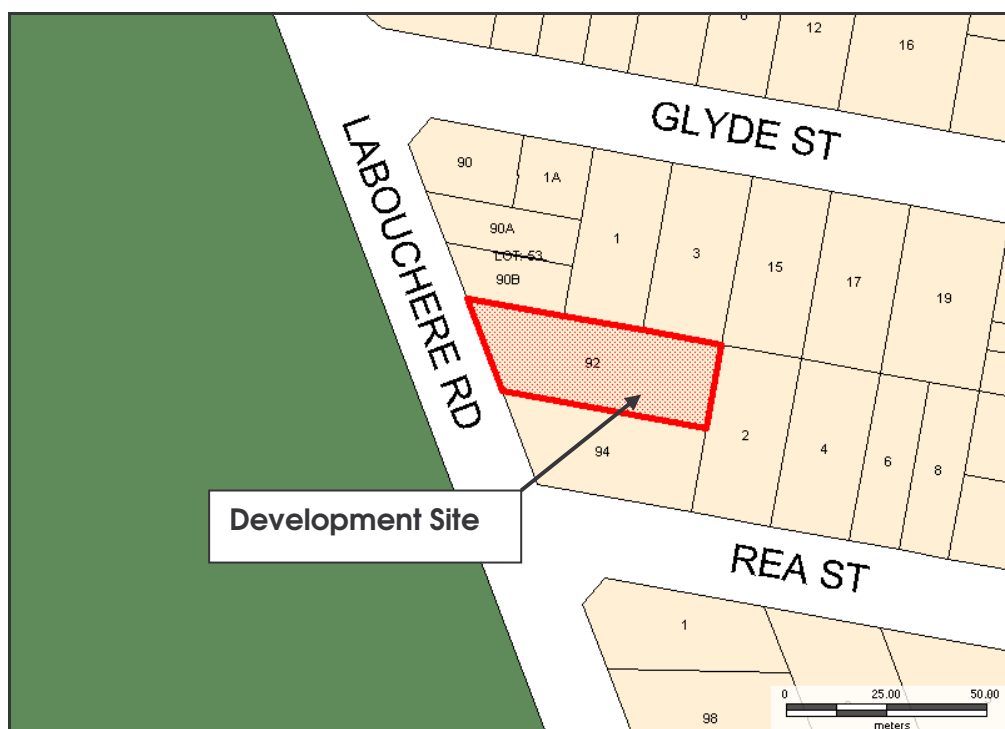
- **Confidential Attachment 9.3.6(a)** Streetscape elevation drawing.
- **Attachment 9.3.6(b)** Letter from Ray and Liz Sandon, dated 3 April 2007.

The development site details are as follows:

Zoning	Residential
Density coding	R25 / R40
Lot area	1247 sq. metres
Building height limit	7.0 metres
Development potential	Three Dwellings
Plot ratio	Not applicable

In accordance with normal procedure, the planning approval offered a right of review at a Council meeting if the applicant was aggrieved by the delegated decision. The applicants have requested that this review process be implemented.

The location of the development site is shown below. The site is adjoined by residential uses on either side and the rear while the Royal Perth Golf Club is situated opposite the development site.



Comment

(a) Description of the proposal

The proposed rear Grouped Dwellings are proposed to be constructed with a ‘latte’ coloured tiled roof while the proposed front Single House is intended to be constructed with a Colorbond ‘Jasper’ colour metal roof. Although the proposed roofing materials differ, it is noted that the selected colours demonstrate a reasonably high degree of compatibility.

Conditions of planning approval requiring matching materials and finishes were imposed in order to achieve compliance with both an objective and a specific provision of Council’s Planning Policy No. P370_T “General Design Guidelines for Residential Development”. The policy objective seeks to enhance residential amenity standards generally, with the policy provisions offering specific guidance as to Council’s expectations in this respect. The specific relevant policy provision is expressed in the following manner:

“Where proposed dwellings are to be located behind one another, or behind an existing house, all dwellings, including the existing house shall match each other.”

The following table presents the applicants’ comments together with the Planning Officer’s response:

	Applicant’s Comments	Planning Officer’s Response
1.	The rear properties are set well away from the road and will be almost obscured behind the proposed residence and landscaping.	It is acknowledged that the rear dwellings will be somewhat obscured from the street by the front dwelling. However, current Council policy requires that materials and colours of dwellings constructed in a battle-axe configuration match each other.
2.	A green title subdivision has recently been settled, allowing the front two storey Single Dwelling to be on a separate lot number to the rear two Grouped Dwellings. Should this allow for more variation to the policy as they are two separate lots?	Council policy does not differentiate between dwellings situated on separate ‘green’ titles as opposed to those developed as ‘strata’ titles.

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

The proposal has been assessed under, and has been found to meet the following general Scheme Objective listed in Clause 1.6 (2) of TPS6:

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.

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

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

- (f) any planning policy, strategy or plan adopted by the Council under the provisions of Clause 9.6 of this Scheme; and*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details.*

(d) Conclusion

The Council's Planning Policy No. P370_T "General Design Guidelines for Residential Development" aims to enhance the residential amenity standards. This proposal is unable to be supported as it is in conflict with this policy, which therefore does not align with the identified matters listed in Clause 7.5 of the City's Town Planning Scheme No. 6.

Consultation

(a) Design Advisory Consultants' comments

The application was not referred to the Design Advisory Consultants as the design and form of the proposed building were seen as being compatible with the streetscape.

(b) Neighbour consultation

Neighbour consultation was not undertaken with respect to the matter under consideration.

(c) Consultation with the applicants

In relation to this issue, there has been communication between the assessing officer and the applicant.

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 9.3.6
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That, in respect of the planning approval issued for a proposed two storey Single House and two Grouped Dwellings on Lot 2 (No. 92) Labouchere Road, South Perth, the applicants be advised that Council is not prepared to delete the conditions of approval requiring matching materials and finishes for each of the dwellings, as it is considered that the proposed development does not have any unique attribute that would justify a departure from the provisions of Council's Policy P370_T "General Design Guidelines for Residential Development".

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

Director Strategic and Regulatory Services said that as previously stated for Item 9.3.3 officers needed to be guided by the Council's Planning Policy No. P370_T "General Design Guidelines for Residential Development" which aims to enhance the residential amenity standards. This proposal is unable to be supported as it is in conflict with this policy, which therefore does not align with the identified matters listed in Clause 7.5 of the City's Town Planning Scheme No. 6.

OFFICER RECOMMENDATION ITEM 9.3.6

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

MOTION

Moved Cr Cala, Sec Cr Trent

That, in respect of the planning approval issued for a proposed two storey Single House and two Grouped Dwellings on Lot 2 (No. 92) Labouchere Road, South Perth, the applicants be advised that Council is prepared to delete, as requested, the conditions of approval requiring matching materials and finishes for each of the dwellings.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala opening for the Motion

- until City has a Residential Design Policy unfair to impose conditions for external materials to match on applicants
- two green titles ie two separate lots
- issue came up previously in Lockhart Street
- the quicker the design policy is in place the better
- have a moral obligation to approve application
- support Motion

Cr Trent for the Motion

- policy guides officers on what they can approve
- for benefit of ratepayers Council makes these discretionary decisions
- support applicant's request
- support Motion

COUNCIL DECISION ITEM 9.3.6

The Mayor put the Motion

That, in respect of the planning approval issued for a proposed two storey Single House and two Grouped Dwellings on Lot 2 (No. 92) Labouchere Road, South Perth, the applicants be advised that Council is prepared to delete, as requested, the conditions of approval requiring matching materials and finishes for each of the dwellings.

CARRIED (11/0)

Reason for Change

Council acknowledged that the three proposed dwellings would be 'free standing' and as such the differing materials proposed would not have an adverse affect on the streetscape.

9.3.7 Proposed Change of Use from Single House to Consulting Rooms. Lot 2 (No. 383) Canning Highway, cnr Alston Avenue, Como.

Location:	Lot 2 (No 383) Canning Highway, cnr Alston Avenue, Como
Applicant:	Levitch Design
Lodgement Date:	22 December 2006 (Amended plan 24 January 2007)
File Ref:	11.2007.1 - CA6/383
Date:	27 April 2007
Author:	Simon Bain, Consultant Planner
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

An application for planning approval is for a change of use from single house to consulting rooms. The recommendation is for approval subject to conditions.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	1,657 sq. metres
Building height limit	Existing single storey house retained
Development potential	Seven Grouped Dwellings
Plot ratio	Not applicable

This report includes *Confidential Attachment 9.3.7* being the amended plans of the proposal.

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*
 - (i) *Non-residential 'DC' uses within the Residential zone.*

The location of the development site is shown below:



Comment

(a) Description of the proposal

The subject property currently supports a single house. The proposal is for a change of use to consulting rooms for a dental practice. The existing building will be retained and the rear extension and swimming pool removed.

The hours of operation are proposed to be 8:00 am to 8:00 pm Monday to Friday and 8:00 am to 6:00 pm on weekends. There will be two dental practitioners and two support staff. A total of 17 car bays are proposed on site, with one being disabled.

(b) Plot ratio

Plot ratio requirement does not apply to consulting rooms.

- (c) **Building height**
The existing building is proposed to be used and therefore there is no change in height.
- (d) **Road widening**
The Canning Highway frontage has a widening requirement tapering to 2.6 metres on the southern boundary. Policy P374 requires a condition to be imposed on the approval requiring subdivision of the MRS reserved land.
- (e) **Bicycle parking**
TPS6 requires one bay per practitioner, totalling to two bays. Two bays are proposed to be provided.
- (f) **Highway setback**
Table 5 of TPS6 requires a setback of 4.0 metres from Canning Highway to provide for future widening. The existing house is set back 9.0 metres and therefore complies.
- (g) **Landscaping**
Table 4 of TPS6 requires 25% of a site to be landscaped. 40% of the site is proposed as landscaping.
- (h) **Setbacks**
Table 4 of TPS6 requires a 6.0 street setback, 6.0 metre rear and side setbacks as per the R Codes. These are all achieved.
- (i) **Other development standards**
The minimum lot area of 900 sq. metres and minimum frontage of 20 metres are achieved, as is the maximum number of practitioners of two.
- (j) **Car parking**
Parking is required at one space per 19 sq. metres gross floor area (minimum of six spaces) plus one space per employee. The 223 sq. metres of floor area requires 12 spaces and the 4 employees requires 4 bays, totalling 16 bays. A total of 17 bays with one being a disabled bay is proposed.
- (k) **Appropriateness of Use**
Consulting Rooms are a 'DC' use in TPS6, meaning "*a discretionary use with consultation and means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving notice in accordance with Clause 7.3.*"

Table 4 of TPS6 specifies Consulting Rooms will only be approved on land abutting a number of streets, including Canning Highway. Consulting Rooms will not be permitted on Canning Highway unless:

- “(a) the site is a corner property;*
- (b) vehicular access is confined to a side street only; and*
- (c) in the case of sites located at traffic light controlled intersections ...”*

The proposal complies with these requirements.

Policy 379T-Consulting Rooms in Residential Zones gives more specific guidance. The proposal also complies with this policy.

In addition to complying with TPS6 requirements and all development standards the proposal is considered to be appropriate for the site and consistent with the amenity of the locality. Opposite to the east and north are two to three storey units. To the south is a service station and a doctors surgery.

Only one objection was lodged and this was subject to ample on-site parking and the hours of operation and type of consulting rooms being acceptable. As outlined above, the proposal is considered acceptable and all development standards are complied with. A condition limiting the hours to standard hours is recommended.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (k) Recognise and preserve areas, buildings and sites of heritage value; and*
- (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.*

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

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

- (i) the preservation of the amenity of the locality;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (o) the cultural significance of any place or area affected by the development;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) whether adequate provision has been made for access by disabled persons.*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

Consultation

(a) Design Advisory Consultants' comments

The application was not referred to the Design Advisory Consultants because it is a change of use.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. The owners of properties at Nos. 20-29 Alston Avenue, 236-238 Coode Street and 382, 387 and 388 Canning Highway were invited to inspect the application and to submit comments during a 14-day period. A total of 36 neighbour consultation notices were mailed to individual property owners and occupiers. In addition, signs were placed on site inviting comment from any other interested person. During the advertising period, one submission was received against the proposals. The submission has been summarised and responses provided to all comments below.

The comments of the submitters, together with officer responses, are summarised as follows:

Submitter's Comment	Officer Response
Object to proposal unless: 1. Ample on-site parking is available for all employees and customers; and 2. Type of consulting and hours of operation are acceptable to objector.	1. The proposal provides adequate on-site car parking in accordance with TPS6 standards 2. Consulting rooms are at Council discretion and is considered appropriate for the location. Standard hours are recommended to be imposed as a condition of approval. The comment is NOT UPHELD.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure, was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. His comments are as follows:

General comment – The plans supplied for infrastructure review appear to be ok. Setback on Canning Highway defined by Main Roads ie space between footpath and proposed fence is to be landscaped with suitable plants as advised by landscape officer

Vehicular movements – okay.

On-site parking - Minimum bay size 2.5 metres wide by 5.5 metres long. At blind aisles the end spaces shall be made 1.0 metre wider than the adjacent spaces. The bay sizes from the plan seem to be below the minimum. This being the case all of the bays are only 4.8 metres long instead of the minimum 5.5 metres. The amended plan has addressed the minimum width problems.

Street trees – No crossing to be located closer than 3.0 metres to any street tree unless prior approval is granted from Manager Park and Environment.

Crossovers – Crossovers are to be constructed to COSP specifications. Paths to be continuous through the crossover. If brick paved crossover a concrete apron is to be constructed at the kerb line. No part of the crossover is to be higher or lower than the existing level of the verge. Footpath to be continuous through the crossover. Crossover to be at ground level. At a point 1500mm from the face of kerb path level to be at least 100mm above road level or top of kerb, whichever is the lesser. Obsolete crossovers to be removed and reinstated to COSP specifications.

Ground levels – Property line levels are to be higher than the top of the kerb and set by the existing insitu concrete path.

Stormwater – Stormwater drainage is to be designed in accordance with the requirements of Policy P415 – Stormwater Drainage Requirements for Proposed Buildings and associated Management Practice for the Como Precinct. A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage. The ability to store stormwater run off from the design event on site for re-use is encouraged. The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI). Soak wells can be included in design.”

(d) Other City Departments

Comments have also been invited from the Building and Environmental Health areas of the City’s administration. The Team Leader, Building Services had no comments to make on the proposal at this stage; however, if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage.

The Manager, Environmental Health Services provided comments and recommended the following:

“Noise from air conditioners – Noise from air conditioning systems to comply with the Environmental Protection (Noise) Regulations 1997.

Surgeries – It is recommended that wash basins be provided to all consulting rooms/surgeries with an adequate piped supply of hot and cold water.

Disabled toilet – Disabled facilities to comply with AS1428.1 Design for Access & Mobility

Toilet and wet area - Provide details of floor surface finishes, floor wastes and mechanical ventilation.

Staff lunch room – Provide details of sinks and appliances.

Medical waste – Used dressings, hypodermic syringed needles, etc; to be kept in approved sealed impervious receptacles. All medical waste to be collected and disposed of by an approved contractor, and not deposited in the Council’s rubbish receptacles. Provide details for management of medical waste and location of bin store.”

The Parks and Environment Department have supported the location of the proposed crossover being a total distance of 1.8 metres from the adjoining western street tree.

Conclusion

The proposal will have no detrimental impact on adjoining residential neighbours, and meets all of the relevant Scheme objectives. It is considered that the application should be conditionally approved.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.7

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from Single House to Consulting Rooms on Lot 2 (No 383) Canning Highway, Como **be approved**, subject to:

(a) **Standard Conditions**

330 (2), 349, 352, 354, 357, 390, 393, 416, 427, 445, 455 (northern and eastern boundary), 508, 661, 664.

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

(b) **Specific Conditions**

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) At blind aisles the end car bay spaces shall be made 1.0 metre wider than the adjacent spaces;
- (ii) A maximum of two dental practitioners and two support staff.
- (iii) The maximum gross floor area not exceeding 223 sq. metres.
- (iv) A separate application being lodged for any signage with full details and plans of the signage being proposed.
- (v) The applicant must apply to the Western Australian Planning Commission for subdivision of the Metropolitan Region Scheme reserved land from the balance of the development site. The road widening area shall be landscaped and maintained by the applicant.
- (vi) The hours of operation being limited to 8:00 am to 8:00 pm Monday to Friday and 8:00 am to 6:00 pm on weekends.

(c) **Standard Advice Notes**

645, 646A, 648, 651.

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) It is the applicant's responsibility to liaise with the City's Environmental Health Department to ensure satisfaction of all of relevant requirements Environmental Health requirements.
- (ii) It is the applicant's responsibility to liaise with the City's Engineering Infrastructure Department to ensure satisfaction of all of the relevant Engineering requirements.

CARRIED EN BLOC RESOLUTION

9.3.8 Review of Condition of Approval for Illuminated Direction Sign within Canning Highway Road Reserve (Opposite Junction of Preston Street and Canning Highway, Como)

Location: Canning Highway Road Reserve (Opposite Junction of Preston Street and Canning Highway), Como

Applicant: Churchill Consultancy

Lodgement Date: 21 March 2007

File Ref: 11.2006.525 - RO/103

Date: 1 May 2007

Author: Christian Buttle, Manager, Development Assessment

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

Summary

To reconsider a condition of approval for the erection of an illuminated direction sign within the Canning Highway road reserve, opposite the junction of Preston Street and Canning Highway.

Background

Council considered a report in relation to this matter at its meeting held 27 February 2007 and resolved to grant planning approval 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.”*

Comment

By way of letter dated 21 March 2007, Churchill Consultancy have requested that Condition (e) of the Council determination be reconsidered. This correspondence has been provided as **Attachment 9.3.8(a)**.

In support of the request to have Condition (e) of the Council's approval re-considered and deleted, Churchill Consultancy make the following comments:

- As Como IGA and Karalee on Preston are jointly and solely funding the sign, the imposition of Condition (e) is fatal to the proposal;
- The proposed sign (with the inclusion of an anchor tenant) is similar to others found both within the City of South Perth and other localities;
- The concern with respect to commercial advantage is sustained. The anchor tenants pay for the sign, but all businesses within the precinct benefit from the sign;
- Karalee on Preston is particularly sought after by tourists and visitors to the precinct; and
- IGA is involved in numerous civic and community projects and is deserving of particular support of Council.

In addition to the comments referred to above, the applicant has also refined the signage proposal from that which was previously approved. The revised design includes a predominantly blue colour theme as opposed to a combination of blue and green. The revised design is more subtle in that there is no longer a sharp distinction between the component of the sign advertising the precinct as a whole, and the component of the sign advertising the individual business. The revised design has also been provided as **Attachment 9.3.8(b)** to this report.

Having regard to the comments referred to above, it is considered reasonable to delete Condition (e) of the planning approval while at the same time also approving the revised sign face.

Consultation

Consultation was not undertaken in conjunction with the preparation of this report.

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.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.8

That, in respect of the planning approval dated 27 February 2007 issued for a proposed Illuminated Direction sign within the Canning Highway road reserve opposite the junction of Preston Street and Canning Highway:

- (a) the applicant's request for deletion of Condition (e) from the planning approval be approved; and
- (b) the revised design be approved in lieu of the design presented with the original application.

CARRIED EN BLOC RESOLUTION

9.3.9 Proposed Major Additions / Alterations to Village Green Shopping Centre (Waterford Plaza). Lots 102, 104, 105, and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara

Location: Lots 102, 104, 105 and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara
 Applicant: Greg Rowe & Associates on behalf of Midpoint Holdings P/L
 Lodgement Date: 19 December 2006
 File Ref: WA1/37 & 11/1286 & 11.2006.613
 Date: 9 May 2007
 Author: Christian Buttle, Manager, Development Assessment
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

Summary

This report covers two matters, the first being a new application for planning approval for major additions and alterations to the Village Green Shopping Centre (which has recently been re-named the Waterford Plaza), and the second being a request that the validity of the approval granted by Council in May 2005 be extended by varying the wording of the condition relating to the need to undertake substantial commencement.

Background

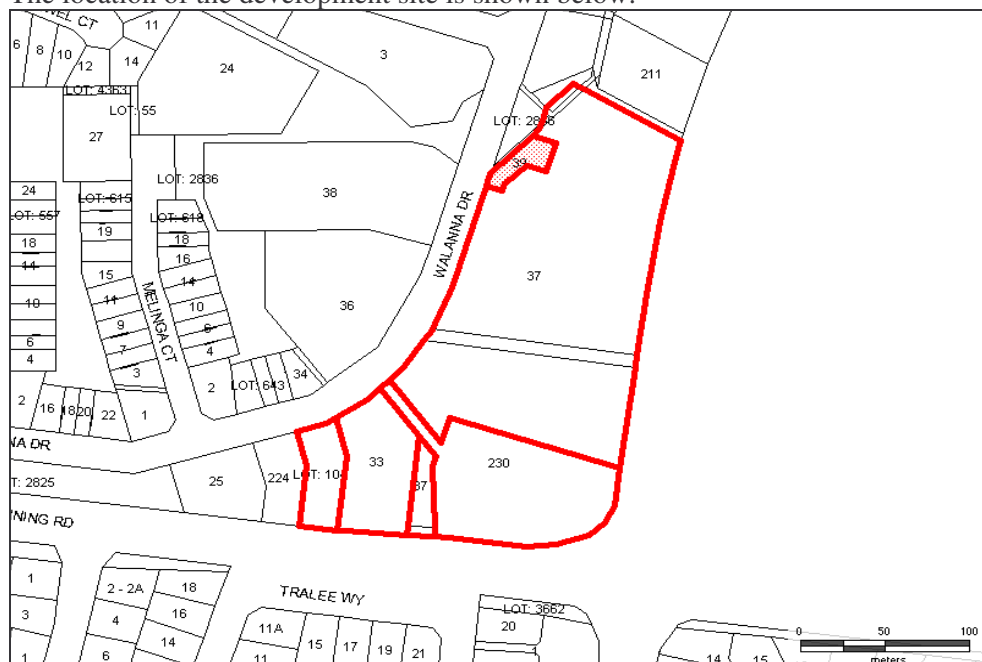
The development site details are as follows:

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

This report includes the following attachments:

Confidential Attachment 9.3.9(a) Plans of the proposal.

The location of the development site is shown below:



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

1. ***Large scale development proposals***
Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.
2. ***Matters previously considered by the Council***
Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

Councillors will be aware of previous proposals for the same site which are summarised below:

May 2006

Council considered, and approved, a request to extend the validity of an existing approval for major additions and alterations to the shopping centre.

May 2005

Council considered, and approved, an application for major additions and alterations to the shopping centre.

December 2004

Council endorsed revised drawings to those which were the subject of the Minute of Consent Orders, with a recommendation to the Town Planning Appeal Tribunal for the approval of those modifications.

June 2004

Minute of Consent orders endorsed by the then Town Planning Appeal Tribunal has the effect of granting approval for the drawings (incorporating various modifications) that were the subject of Council refusal in May 2003.

May 2003

Council formally considered an application for planning approval for proposed major additions and alterations to the existing shopping centre. This application was refused.

Comment

(a) Description of the proposal

The proposed expansion of the shopping centre includes the following components:

- Overall increase in total floor area to around 14,800 sq.metres of net lettable area;
- Addition of further specialty tenancies to the north of the existing centre (above and beyond the additions which have just been completed);
- Addition of an upper level parking deck to the northern side of the centre to hold around 150 car parking bays;
- Retention of the 'Main Street' concept traversing the site between Kent Street and Walanna Drive;
- Re-location of the Waterford Tavern from the Manning road frontage of the site to a location at the corner of the Main Street and Kent Street;
- Addition of a second major supermarket and specialty tenancies to the south (Manning road side) of the existing centre;
- Basement car park beneath the proposed second supermarket and specialty tenancies to hold around 160 car parking bays.

(b) **Building height**

In terms of the City's Town Planning Scheme No 6 (TPS6) the height limit pertaining of this site is 7 metres. The drawings do not provide sufficient detail to demonstrate that compliance with the maximum permissible building height is achieved.

(c) **Car Parking**

Table 6 of TPS6 prescribes the following ratios for car and bicycle parking provision:

- Cars: 1 bay per 20 sq.metres of gross floor area (for shops and offices)
- Bicycles: 1 bay per 200 sq.metres of gross floor area (for shops and offices).

Although the abovementioned ratios apply to shops and offices, they do not apply to "Cafe / Restaurant", "Take-Away Food Outlet" or "Tavern" - other land uses which are also situated on the development site. These land uses are subject to the following parking requirements:

- Cafe / Restaurant: 1 car bay per 5 sq.metres of dining area; and
1 bicycle bay per 40 sq.metres of dining area.
- Tavern: 1 car bay per 3 sq.metres of public floor space used
as bars, lounges, dining and function areas, beer
gardens, and areas used predominantly for games;
and
1 bicycle bay per 25 sq.metres of bar floor area and
1 per 100 sq.metres of lounge, dining and function
areas, beer gardens, and areas used predominantly
for games.
- Take-Away Food Outlet: Car parking bays to be provided in accordance with
the number determined by Council.

Having regard to a number of factors, including:

1. The fact that differing uses on the site have differing 'peaks' with respect to car parking demand;
2. The inability of the applicant to state with absolute certainty what mix of future tenants will occupy the expanded shopping centre;
3. The fact that the tenancy mix within such a centre is not static (i.e. it is always changing and evolving over time as different businesses come and go); and
4. The fact that a number of "Take-Away Food Outlets" exist on the site, for which there is no prescribed parking ratio;

it is proposed to simply pool all of the floor space together, and undertake a parking calculation at a ratio of 1 car parking bay per 20 sq.metres of gross floor area and 1 bicycle bay per 200 sq.metres of gross floor area. It is acknowledged that this is a lenient method by which to assess the proposal, as the uses of Cafe / Restaurant and Tavern generate a higher parking demand than those which are prescribed for shops or offices.

Although this method of calculation has not been specifically used in the assessment of previous applications for planning approval for the site, planning staff have retrospectively calculated the ratio of parking bays that were provided for the previous approvals, and compared these with the intended method of calculation in this instance. The results are summarised in the table below:

Date	Proposed Gross Floor Area (sq.metres)	No. of Car Parking Bays Proposed	Gross Floor Area per parking bay
June 2004	12, 760	660	19.33 sq.metres
Dec 2004	12, 265	634	19.34 sq.metres
May 2005	13, 296	662	20.08 sq.metres
May 2007	16, 990 (approx)	707	24.03 sq.metres (approx)

As can be seen from the table, parking bays have consistently been provided at a ratio of 1 per 19.3 to 20 sq.metres of gross floor area, calculated over the entire centre. None of the above calculations differentiate between any of the proposed land uses on site (i.e. all calculations have been undertaken on exactly the same basis by combining all land uses within the one calculation, irrespective of differing prescribed parking requirements for different uses).

If the current proposal included car parking provision at a ratio of 1 bay per 20 sq.metres of gross floor area over the entire centre around 850 parking bays are required whereas only 707 bays are proposed. Using the same method of calculation for bicycle bays (i.e. 1 per 200 sq.metres of gross floor area), around 85 bays are required compared with the 30 bays proposed.

It is of particular relevance to note that a parking concession was inherent in all of the approvals which have previously been granted by the Council (or the former Town Planning Appeal Tribunal in the case of the June 2004 decision).

Also of particular relevance to note is the proportion of motor cycle bays which have been proposed as a percentage of proposed parking bays. Of the 707 bays which have been proposed, only 667 support the parking of motor vehicles, while a further 40 (or around 5% of the total) are bays designed to accommodate the parking of motor cycles only. The proportionate provision of parking bays between cars and motor cycles appears to be unbalanced in favour of motor cycles.

If the parking calculation were to be undertaken strictly in accordance with the provisions of TPS6, based upon all of the differing land uses within the centre, approximately 1,180 car parking bays would be required. It is important to note that this figure is an approximate calculation as the level of information that has been provided with the application is not sufficient to enable staff to provide an absolutely definitive calculation. A parking calculation based on this method results in an overall shortfall of around 473 bays.

Planning staff can not support the proposed level of car and bicycle parking provision.

The drawings also show that more than 200 of the proposed parking bays do not comply with the minimum dimensions prescribed by TPS6, primarily due to the presence of support columns. In every instance where support columns have been shown, they intrude into the width of the adjacent bay. This is contrary to the provisions of TPS6 which requires bay widths to be increased in such circumstances, rather than reduced.

(d) Landscaping

Table 3 of TPS6 prescribes a requirement for 10% of the site to be maintained as landscaped area. The plans which have been submitted for Council approval incorporate far less than 10% landscaped area, although based upon the scale, level of detail and inconsistencies in the drawings, it has not been possible to arrive at a precise calculation with respect to the amount of landscaped area which has been provided.

Having regard to the site area of 36,937 sq.metres, at least 3,694 sq.metres of landscaping must be provided. The plans show that around 2,000 sq.metres of landscaped area (i.e. around 5.5% of the site area) has been provided.

The deck to the northern side of the site is also of particular relevance with respect to the provision of landscaping. It would be appropriate to provide landscape screening between the deck and property boundaries. As the design currently incorporates a zero setback between the deck and lot boundaries, there is no opportunity to provide such landscape screening. It is also appropriate for planting areas to be provided within the deck structure itself.

(e) Setbacks

Table 3 of TPS6 prescribes minimum setbacks of 1.5 metres from each of the street frontages (Walanna Drive, Manning Road and Kent Street). It goes on to prescribe nil setbacks to side boundaries and a 4.5 metre setback to a rear property boundary. The setbacks to the north (adjacent to the park and recreation reserve which sits between the shopping centre and the Kingdom Hall of Jehovah's Witnesses) and the west (adjacent to the Chinese restaurant on the Manning Road frontage of the site) have been treated as side setbacks for assessment purposes.

(f) Plot Ratio

Table 3 of the City of South Perth Town Planning Scheme No. 6 prescribes a maximum plot ratio of 1.5 for the site. The proposed development sits comfortably below the permissible limit at a figure of around 0.35.

(g) Amalgamation / Subdivision

As the proposed development crosses various lot boundaries, it is necessary for these lots to be amalgamated into a single certificate of title.

(h) 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;

(i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;

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

(i) the designated function of each centre as set out in the Local Commercial Strategy; and

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (d) *any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;*
- (x) *any other planning considerations which the Council considers relevant.*

(j) Conclusion

Although the City is generally supportive of the proponent's intention to develop the site in the manner which has been proposed, the proposal has serious deficiencies with respect to the provision of car parking bays and landscaped area. In addition to these major areas of concern, there are other areas of concern which need to be addressed through the provision of more detailed drawings. Having regard to the preceding comments, it is recommended that a decision on the application be deferred and that the proponents be given the opportunity to review the design proposal in an attempt to address identified areas of concern.

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 19 February 2007. The Advisory Architects considered that the elevation of the proposed development were satisfactory, however made the following comments:

- (i) For a development of the scale of this project, to facilitate a detailed assessment of the drawings, a floor plan / site plan at a scale of 1:200 should be submitted.
- (ii) To provide visual relief and a focus on the entry to the 'high street', the Advisory Architects considered that a tall 'entry statement' should be included. They were mindful of the possible restrictions imposed by the prescribed 7 metre height limit in this respect.
- (iii) In the general vicinity of the vehicle ramp to the basement car park, there are several conflicting vehicle movements. The Advisory Architects were concerned about the traffic circulation in this vicinity and advocated design modifications to improve the circulation.
- (iv) The support columns within the basement car park, and any other obstructions within the car parks generally, need to be accurately shown on the drawings. The drawings must demonstrate that the prescribed minimum car bay widths are provided clear of the face of any wall, column or other obstruction.

(b) Neighbour consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Policy P104 'Neighbour and Community Consultation in Town Planning Processes'. Surrounding property owners were invited to inspect the application and to submit comments during the period from 5 January 2007 to 22 January 2007. A total of 53 neighbour consultation notices were mailed to individual property owners and occupiers. During the advertising period, 2 submissions were received, neither which objected to the proposed development, but made comments in relation to transport / traffic as summarised in the table below.

Submitter's Comment	Officer Response
Give consideration to the volume of traffic that may use Jackson Road and Walanna Drive to access the shopping centre.	The traffic analysis does not indicate any concern with respect to the volume of traffic which is anticipated to use Jackson Road and Walanna Drive to access the shopping centre. The comment is NOTED .
Truck deliveries to shops should be from Kent Street and Manning Road and not through Karawara.	It is anticipated that truck deliveries would be made via Kent Street and Manning Road. The comment is NOTED .
Query relationship between the newly constructed northernmost entrance to the shops from Kent Street and that shown on the plans which are the subject of consideration. There seems to be a discrepancy between the two.	It is understood that the newly constructed crossover will be removed and a new crossover constructed in the position shown on the applicant's drawings.
Query appropriateness of the close proximity of the northernmost crossover accessed from Kent Street and the crossover serving the Kingdom Hall of Jehovah's Witnesses. Customers exiting the shopping centre may pull in front of cars indicating to go into the Kingdom Hall.	Although the submitters' comments are acknowledged, it will be necessary for shoppers to ensure that it is safe to leave the property before exiting onto Kent Street.

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

The Manager, Engineering Infrastructure, and Manager, City Environment were each invited to comment on a range of issues relating to matters such as car parking, traffic movements, access, egress and landscaping. Their comments are as follows:

Manning Road

- All crossings to be constructed in concrete (commercial specification minimum thickness 150mm reinforced concrete on prepared base);
- Pathways to be continuous through the crossing;
- Property levels established by existing path. Crossing to match path level;
- Generally crossing to be level with verge;

- Crossing to Chinese Restaurant to be modified to accommodate left turning lane;
- Left turning lane designed/constructed in accordance with Austroads Guidelines to be extended to the Chinese Restaurant;
- Left turning lane to be constructed to same standard as Manning Road incorporating adequate surface drainage;
- Obsolete crossings are to be removed and openings re-kerbed and the verge reinstated as turf;
- Where the existing crossings to be removed extend into the slip road the road pavement is to be reconstructed to ensure continuity of longitudinal and transverse gradients commensurate with the slip road profile elsewhere.

Kent Street

- The proposed Kent Street opening is to be constructed in concrete (see Manning Road);
- The property level is established by the existing path and no modification to the path level will be accepted;
- A turning lane commensurate with the class of road and posted road speed will be constructed in Kent Street up to the new crossing;
- The turning lane will be designed to ensure all stormwater surface flow is collected and disposed into the road system;
- Median openings to be designed to the appropriate standard for the class of road and speed limit and will be constructed to the same standard as Kent Street at this location;
- Existing crossings no longer required for access to the shopping centre to be removed and pathway, kerbing and verge to be reinstated to an approved standard;
- Any median opening no longer required for access to the Centre is to be closed, the median kerbing reinstated to the former alignment of Kent Street and the median reinstated as turf or approved landscaping.

Internals

- Access to both loading docks i.e. off Kent Street and off Manning Road have the potential to create some internal conflict for circulating traffic if deliveries received during peak times;
- As there are no median openings permitted on Manning Road both crossings will require adequate sign posting. The opening nearest Kent Street is to be sign posted NO ENTRY and the crossing nearest Chicken Treat to be LEFT TURN ONLY;
- Internal speeds particularly leading to the up ramp at Kent Street to be limited by speed reducing measures or pavement texture. Similar attention will need to apply to the approaches to the down ramp off Walanna Drive.

Stormwater Drainage

- Stormwater Drainage is to comply with Policy P415 and associated Management Practice;
- Storage and reuse of stormwater is to be encouraged;
- A design detailing collection, storage and disposal is to be prepared by an Engineering Consultant specialising in stormwater disposal;
- Any connection to the street system is to comply with the Management Practice and Private Drainage connection.

Landscaping

- All existing trees intended to be retained as indicated on the revised site plan 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 Council;
- A revised landscaping plan shall be prepared which:
 - Provides landscaping (trees and shrubs) on the proposed upper north deck car parking;
 - Provides additional shade trees shall within, or immediately adjacent to the rows of parking spaces to the south east and south west of the shopping centre;
 - Revises proposed landscaping on the Kent and Manning Road verges to reduce the amount of reticulated lawn and to introduce landscaping to complement that planted by the City on the Kent Street median island adjacent to Manning Road.
 - Demonstrates that all proposed trees will be a minimum height of 2.0 metres at the time of planting.

General Comment

- No detailed assessment has been undertaken of the Traffic Impact Report completed by Riley Consulting. The methodology appears consistent with the type of development. The consultant has presented sufficient documentation to support his contention that the development will have minimal impact on the surrounding streets. The consultant identifies, and it is acknowledged, that at times queue lengths in Kent Street leading to the traffic signals may impact on exiting traffic from the shopping centre. The queue length in Kent Street is not a function of capacity of the road system but more a matter of the signal phasing at Manning Road to accommodate all of the required movements;
- It had been a condition of the earlier development that the property owner would pay an amount of up to \$40,000 for the upgrading of the pedestrian underpass. The upgrading is still an essential requirement to meet easy access standards.
- The conditions contained in the officer recommendation from the May 2003 development particularly as they relate to parking facilities for cyclists including detailed plan showing the location of and number of facilities at 10% of vehicle parking bays (if not addressed elsewhere in this memo) should be included.

Specific Conditions

- Detailed plans and specifications for all road works including path and crossings to be submitted to Infrastructure Services;
- All internal roads to have appropriate speed reducing measures and in particular on all approaches or departures from the ramps to the basement and the north deck car parks.
- The stormwater drainage design and detailed plans to be submitted to Infrastructure Services.

(d) Manager, Environmental Health and Regulatory Services

The Manager, Environmental Health and Regulatory Services, was invited to comment on a range of issues relating to matters such as provision of public conveniences and bin storage. His comments are summarised as follows:

- An additional 3 bin areas are proposed which appears to be suitable to accommodate the proposed tenancies;
- The rubbish storage areas appear to be evenly distributed across the site with satisfactory access arrangements by service vehicles;

- Bin enclosures will need to be fully enclosed to prevent access by birds and other vermin; and
- Toilet numbers may not be suitable if tenancies are occupied by additional cafe / restaurants. Toilet numbers will be reviewed further upon submission of an application for a building licence.

(e) **Western Australian Planning Commission**

As the development site abuts roads which are reserved under the Metropolitan Region Scheme (Manning Road and Kent Street) which are affected by the proposed development, the proposal was referred to the Western Australian Planning Commission (WAPC) for consideration and comment, in accordance with the requirements identified within the notice of delegation of 20 September 2002 under the Western Australian Planning Commission Act (1985).

The WAPC confirms that the traffic analysis which has been undertaken in relation to the level of capacity for both Kent Street and Manning Road demonstrates that the capacity for both adjoining regional roads would be maintained, having regard to the additional traffic which will be generated by the proposed development. However, the WAPC goes on to state that the development is likely to cause a decrease in the level of service for the Kent Street / Manning Road signalised traffic signal cycle time with resultant increased queuing times.

Having regard to the potential increased queuing times at the traffic signals, the WAPC have recommended that:

“The City of South Perth (which is responsible for local area traffic management on Kent Street and Manning Road) together with Main Roads Western Australia (responsible for traffic signals in Perth metro area) and the developer review the overall operation of the Kent Street / Manning Road signalised intersection, in the light of the Riley Consulting Traffic Report findings and recommendations, to agree on a suitable traffic engineering (signal timing) course of action for maintaining an acceptable operational level of service for the intersection with the additional traffic resulting from the proposed Waterford Plaza shopping centre additions and improvements.”

(f) **Independent Retail Consultant**

The City engaged an external retail consultant to review the retail analysis provided by the proponents. The results of the independent retail analysis were reviewed by the City’s Strategic Urban Planning Adviser and Senior Strategic Planning Officer who have provided the following comments:

Retail Floor Space analysis

The most recent planning approval for extensions to the Village Green Shopping Centre (now known as Waterford Plaza) was granted by the Council in May 2005 for a period of 12 months and subsequently extended until May 2007. Those approved plans contain around 12,000 sq. metres of Net Lettable Area (nla). The current application proposes to increase the total floor area for the Centre to 14,803 sq. metres nla, an increase of around 2,800 sq.metres. In assessing whether or not the proposed floor space is sustainable in terms of retail strategies and demand, the proposal has been considered against the background of the Metropolitan Centres Policy, the City’s (draft) Local Commercial Strategy, a Retail Needs Assessment undertaken for the applicant by MacroPlan Australia and a review of the MacroPlan findings undertaken by the City’s retail consultant, Planwest (WA) Pty Ltd & Belingwe Pty Ltd .

(a) Metropolitan Centres Policy

The Western Australian Planning Commission's Metropolitan Centres Policy 2000 (MCP) is identified as Statement of Planning Policy No. 4.2 (formerly SPP 9). In the MCP, the Waterford Plaza Shopping Centre is designated as a "District Centre". District Centres have a floor space limit of 15,000 sq. metres nla, unless a higher limit is approved by the Western Australian Planning Commission (WAPC) upon consideration of a development application. Under the MCP, any District Centre development proposal is required to be referred to the WAPC for determination where the floor space would exceed 15,000 sq. metres nla, or the floor space limit specified in an endorsed structure plan or town planning scheme. The City's current Local Commercial Strategy was adopted by Council in March 2004 and then referred to the WAPC for endorsement. However, a response has still not been received from the WAPC.

In the circumstances outlined above, provided that the proposed floor area does not exceed 15,000 sq. metres nla, the application does not require referral to the WAPC in relation to the proposed floor space. The Council is the decision-maker in this instance. Before deciding whether or not to support the proposal, the City's responsibility is to assess the extent of the proposed floor area on the basis of professional retail analysis.

Enquires have been made to the relevant officer from the Department for Planning and Infrastructure to confirm the correct assessment procedure. In respect of consideration of the proposed floor area, the officer has confirmed that, provided that the proposed expansion does not cause the total floor area to exceed 15,000 sq. metres, referral of the application to the WAPC is not required.

(b) City of South Perth Local Commercial Strategy

The current version of the City's Local Commercial Strategy (LCS) was prepared by Planwest (WA) Pty Ltd & Belingwe Pty Ltd (hereafter referred to as the City's Consultant). That version of the LCS was adopted by Council in March 2004, however as stated above, it has still not been endorsed by the WAPC. In that Strategy document the floor space limit for Waterford Plaza is recommended as follows:

2006	-	7,754 sq.metres nla
2011	-	9,496 sq.metres nla
2021	-	10,233 sq.metres nla

The currently proposed expansion of the Shopping Centre will cause the total floor space to significantly exceed the recommended limits. It is important to note however, that the recommendations of the City's Consultant in the LCS relate to retail floor space only, and acknowledge that additional non-retail floor area can also be sustained.

(c) Applicant's Retail Needs Assessment

The applicant has engaged MacroPlan Australia to undertake a comprehensive Retail Needs Assessment relating to the proposed development. MacroPlan's assessment of the sustainable capacity of the site is expressed in the following terms:

"MacroPlan note from the outset that all assumptions used in the data model in arriving at a development outcome are conservative. Noting this, the results of the sustainable floorspace assessment, combined with potential levels of retention indicate that residents from the main trade area are currently generating demand for some:

- *13,800 sq.m of convenience, supermarket and speciality floorspace*
- *1,300 sq. m of bulky good floorspace"*

The total floor space supported by MacroPlan (15,100 sq. m) is around 300 sq. m. more than the applicants are proposing.

(d) Review of MacroPlan findings by the City's Consultant

Noting that the applicant's proposed floorspace significantly exceeds the maximum retail floor space recommended in the City's LCS, the City engaged the author of the LCS to review the Retail Needs Assessment undertaken by MacroPlan for the applicant. The principal findings of the City's Consultant are as follows:

- (i) Having regard to the draft Local Commercial Strategy (2003) and earlier work by Shrapnel Urban Planning for the Village Green (Waterford Plaza) Centre, the City's Consultant is of the view that Waterford Plaza cannot sustain 14,803 (say, 15,000) sq. m. of 'shop-retail' floorspace, but could very well sustain 15,000 sq. m. of overall shopping centre floor space, including a range of non-retail and quasi-retail commercial uses, such as post offices, banks, real estate agents and showrooms. On this basis, the City's Consultant concludes that there would be no harm in the Council approving an increase in floor space at Waterford Plaza from 12,000 sq. m. as already approved by the Council, to 15,000 sq. m. and recommends accordingly.
- (ii) The City's Consultant considers that there will not be any significant impact on other centres by allowing Waterford Plaza to increase beyond the total floor space previously approved by Council (12,000 sq. m.) to 15,000 sq. m. Modelled impacts for other centres, should Waterford Plaza expand as proposed by 2008, are negligible, other than for the local shops at Salter Point. In the 'worst case scenario' of Waterford Plaza developing with 15,000 sq. m of retail floorspace (rather than mixed commercial uses as recommended), the Welwyn Avenue Neighbourhood Centre would have an impact of 5.6%, which is marginally above what would be considered acceptable competition (5%). The Local Centre shops in Salter Point would be affected by 6.6%.
- (iii) Local Commercial Strategies must be reviewed from time to time. Given the intended extent of refurbishment and expansion at Waterford Plaza, the City's Consultant recommends that the draft Local Commercial Strategy not be modified at this time, as it is not certain that the proposed expansion will eventuate - in the Consultant's view. Any change to the draft Local Commercial Strategy should be made when it is next reviewed in the normal course of events.

In summary, the City's Consultant is not opposed to the Council approving the expansion of Waterford Plaza to the extent proposed, provided that all other aspects of the proposal are found to be acceptable.

(g) Councillors Briefing

The property owners team of consultants, including:

- Stewart Johnson (Project Manager) of the Johnson Group;
- Paul McQueen (Legal Adviser) of Lavan Legal;
- Bill Hames (Project Architect) of Hames Sharley; and
- Greg Rowe (Town Planner) of Greg Rowe & Associates,

gave an overview of the proposed development, including key differences to the earlier planning approval granted by Council in May 2005 at a briefing session held on Tuesday 3 April 2007.

(h) 2005 Planning Approval

At the Council meeting held 24 May 2005, Council granted approval for an earlier application for major additions and alterations to the shopping centre. This approval contained a condition relating to the validity of approval which stated that:

“(aa) This approval shall cease to be valid if all stages of the development are not substantially commenced within 12 months by the completion of the floor slabs.”

At its meeting held 23 May 2006, Council resolved to extend the validity of the approval in the following manner:

“That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, Council agrees to vary condition (aa) of the planning approval for major additions and alterations to the Village Green Shopping Centre, Karawara on Lots 101 (No. 37), 102 (No. 39), 104 and 105 (No. 33) Walanna Drive and Lot 802 (No. 230) Manning Road cnr Kent Street, Karawara granted on 24 May 2005 from 12 months to 24 months.”

There is no further capacity to extend the validity of the 2005 approval. However, representatives on behalf of the property owner have requested that the wording of the condition (aa) be modified so as to affect the approval in such a way that it will remain permanently valid, based upon the works which have been completed to date. City officers have been advised that the reasons behind such a request are that:

- (a) It provides for a continuing valid approval to fall back on if the current application were not to receive Council approval; and
- (b) It provides for a continuing valid approval against which to negotiate with potential future tenants.

In order to facilitate this request, it has been requested that condition (aa) of the 2005 planning approval be deleted or re-worded by one of the following options:

1. Deleting condition (aa) entirely; or
2. Varying condition (aa) by redefining what amounts to ‘substantial commencement’. It is said that this could be done by:
 - 2.1 removing the words “all stages”; or
 - 2.2 removing the words “by the completion of the floor slabs”; or
 - 2.3 changing the period by which the floor slabs must be completed from 24 months to 47 months so that the final day for completion of the floor slabs is 27 April 2009.

Planning staff recommend that Council support the proponents request with respect to the 'extension' to the validity of the 2005 approval, noting that it is not possible to recommend approval for the new application at this time.

In this respect, it is recommended that condition (aa) of the 2005 planning approval be modified in the following way:

“(aa) This approval shall cease to be valid if ~~all stages of the development are~~ is not substantially commenced within 12 months. ~~by the completion of the floor slabs.~~”

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

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

OFFICER RECOMMENDATION ITEM 9.3.9
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That...

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

“(aa) This approval shall cease to be valid if development is not substantially commenced within 12 months.”

COMMENT ON DEPUTATION

The Mayor requested an officer comment on the Deputation.

Director Strategic and Regulatory Services stated that although the City is generally supportive of the proponent’s intention to develop the site in the manner which has been proposed, the proposal has serious deficiencies with respect to the provision of car parking bays and landscaped area. A review of the landscaping calculations has been discussed in relation to the method of calculation. He said that the reason why officers have used ‘GFA’ is that it is a requirement of TPS6 however Council does have the ability to exercise discretion in this regard where it is satisfied it will not cause any problems to the surrounding amenity. In addition to these major areas of concern, there are other issues which need to be addressed and therefore the officer recommendation should remain.

OFFICER RECOMMENDATION ITEM 9.3.9

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

MOTION

Moved Cr Smith, Sec Cr Wells

That...

- (a) a decision with respect to the application for planning approval for major additions and alterations to the Village Green Shopping Centre (Waterford Plaza) on Lots 102, 104, 105, and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara be **approved**; and
- (b) condition (aa) of the planning approval for major additions and alterations to the Village Green Shopping Centre on Lots 102, 104, 105, and 180 (Nos. 33 - 39) Walanna Drive and Lot 802 (No. 230) Manning Road, Karawara be modified so as to read as follows:

“(aa) This approval shall cease to be valid if development is not substantially commenced within 12 months.”

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Smith opening for the Motion

- believe majority are of opinion we have to get on with this development
- logicity of predicating parking to leased area
- can not extrapolate into leased area
- to incorporate other areas as identified in Deputation is not logical
- Council has always demonstrated will accepted intelligent logical arguments
- support the Motion

Cr Wells for the Motion

- heard Deputation - says it all
- support the Motion

Cr Macpherson against the Motion

- Deputation introduced a lot of planning concepts
- feel more comfortable for item to be deferred and discussed at greater depth
- purely on that basis cannot support the Motion

Cr Hearne point of clarification Deputation highlighted landscaping and car parking issues - are there any other issues in part (a) and if so how long will it take to address them?

Director Strategic and Regulatory Services confirmed that they were the two principal issues.

Cr Hearne point of clarification in relation to the landscaping issue the officer claim 5.5% and the applicant indicated 12.5% - explain in detail the difference.

Director Strategic and Regulatory Services stated that the principal difference is that the applicant has included areas of paving in the landscaping calculations whereas the past practice has been for the planted areas rather than paved areas be included in the calculations.

Cr Ozsdolay point of clarification - in relation to parking bays, as there appears to be an urgency for Council to approve this, I do not want to approve if there is a deficiency in car bays. Is there a condition we can add that would protect us and allow us time to negotiate with the applicant?

Director Strategic and Regulatory Services said that an approval with an amendment to calculate car bays later is not considered feasible.

Cr Trent point of clarification - if deferred for one month, in order that we have a better understanding of this matter for next month - would it impact?

Mayor Collins asked Mr Rowe to comment.

Mr Rowe stated that a deferral is compounding the delays currently being experienced. In relation to calculating parking in GFA, we cannot comply.

Cr Gleeson point of clarification - when did the policy change from GLA to GFA?

Director Strategic and Regulatory Services responded that when the new TPS6 was gazetted. Under TPS5 GLA applied.

Cr Hearne point of clarification - do we have discretion to change the method of calculation from GLA to GFA?

Director Strategic and Regulatory Services said no, because TPS6 specifies GLA is the method, however there is discretion to approve lesser car parking requirements under clause 7.8 but Council has to be satisfied that this will not result in any adverse amenity impacts.

Cr Hearne point of clarification - if matter deferred for another month and applicant part complied, am I hearing you will refuse?

Director Strategic and Regulatory Services responded that with additional time officers will gather information to assist Council to make a decision. Council then has the discretion to approve or otherwise.

Mayor Collins

This proposal has been going on for a long time and Council has gone through a lot trying to get this development approved. We are now looking at Stage 2 but want to go ahead with compliance. The developer is saying that they cannot comply in relation to the major issue of car parking. If we defer this matter we will still have the same issues next month as the developers have stated that they cannot comply. We would have to accept the number of bays and be satisfied that they will not impact on the surrounding area.

Cr Hearne point of clarification - given officers have had plans for five months have they identified any areas in the plans to be used for parking other than those indicated?

Director Strategic and Regulatory Services stated that the applicants proposed basement and deck parking and it is still possible to expand those areas to accommodate a greater amount of parking.

Cr Ozsdolay point of clarification - given we do not know which way it will go, if defeated we could find ourselves in trouble with part (b) of the recommendation. Can we deal with both parts separately?

Mayor Collins said yes, you could foreshadow a motion to separate the two parts.

FORESHADOWED MOTION

Cr Ozsdolay foreshadowed that if the current Motion is lost he would be moving that parts (a) and (b) of the officer recommendation be dealt with separately.

Cr Gleeson against the Motion

- in the past have refused items because of lack of car parking bays
- endorse development of shopping centre on the basis that it has adequate parking bays
- Council has previously refused applications with only a few bays missing
- do not want to approve something when there are more than 60 bays missing
- GFA calculations based on TPS6
- cannot approve this when other applicants have been refused for only having a few car bays missing
- against the Motion

Cr Best point of clarification - given there is a Special Council Meeting on 6 June, can we deal with this matter at that meeting?

Mayor Collins - said if Council deemed that appropriate and provided we are able to get all the information required.

Director Strategic and Regulatory Services - stated that he could try, but not guarantee that the information could be gathered in time for the Special Council meeting as it would depend on the applicant.

Cr Smith closing for the Motion

- question is not of semantics - but how we calculate
- question is do we want shopping centre to go ahead
- go back to gross areas that are not productive
- not just a question of parking but leasing arrangements, amalgamation of lots etc
- do we want shopping centre to go ahead - if we do and have discretion use it
- if it extrapolates to a 'valid' discretion - use it
- to delay has ramifications for shopping centre
- applicant cannot provide additional bays
- logical to take it back to leased area - other Councils are doing this
- will it impact on adjoining street - no, who would park in Manning Road
- do we want shopping centre to go ahead, if answer is yes then use discretion
- support Motion

Director Strategic and Regulatory Services stated he believed it was his duty to point out the Motion contained no conditions relating to traffic or any other treatment of the site which are normally associated with other approvals.

The Mayor put the Motion.

(LOST 4/7)

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Best

Cr Ozsdolay opening for the Motion

- important that we get part (b) of the recommendation in place - meet legal requirements
- important we satisfactorily address areas of concern
- support officer recommendation

Cr Best for the Motion

- shortfall in car parking issues have been before Council previously
- need to make sure parking will not have detrimental impact
- endorse getting further information together for Special Council meeting
- support Motion

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.3.9

The Mayor put the Motion

That...

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

“(aa) This approval shall cease to be valid if development is not substantially commenced within 12 months.”

CARRIED (11/0)

9.4 GOAL 4: INFRASTRUCTURE

Nil

9.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

9.5.1 Applications for Planning Approval Determined Under Delegated Authority.

Location:	City of South Perth
Applicant:	Council
File Ref:	Not applicable
Date:	1 May 2007
Author:	Christian Buttle, Manager, Development Assessment
Reporting Officer:	Steve Cope, Director, Strategic and Regulatory Services

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of April 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 April 2007, forty four (44) development applications were determined under delegated authority [**Attachment 9.5.1** refers].

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.1

That the report and **Attachment 9.5.1** relating to delegated determination of applications for planning approval during the month of April 2007, be received.

CARRIED EN BLOC RESOLUTION

9.5.2 Use of the Common Seal

Location:	City of South Perth
Applicant:	Council
File Ref:	N/A
Date:	4 May 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 month of April appears below.

March 2007

Nature of document	Parties	Date Seal Affixed
Removal of expired term of CPV lease per TLA & LAA	CoSP	2 April 2007
CPV Hostel Residency Agreement	CoSP & Caroline Grieves	11 April 2007
Grant of easement	CoSP & Jon Lawrance & Dabin PL	27 April 2007
CPV Hostel Residency Agreement	CoSP & George Rodwell	30 April 2007
Deed of Agreement to Enter CPV Lease	CoSP & Clarice Brown	30 April 2007
CPV Lease	CoSP & Clarice Brown	30 April 2007
Registration of CPV Lease	CoSP & Clarice Brown	30 April 2007
Deed of Agreement to Enter CPV Lease	CoSP & Hope & Joseph Mann	30 April 2007
CPV Lease	CoSP & Hope & Joseph Mann	30 April 2007
Registration of CPV Lease	CoSP & Hope & Joseph Mann	30 April 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.

<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 month of April 2007 be received.

CARRIED EN BLOC RESOLUTION

9.5.3 Local Government Elections - October 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	A/EL/1
Date:	7 May 2007
Author:	Sean McLaughlin, Legal and Governance Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Local government elections are due in October 2007 for half of the elected member positions on the Council - one from each of the six wards together with the position of the Mayor which is popularly elected. The Western Australian Electoral Commissioner having agreed to be responsible for the conduct of the election, Council may now formally declare the Electoral Commissioner to be responsible for the conduct of the election and decide that the election be conducted as a postal election.

Background

State Parliament recently amended the electoral provisions of the *Local Government Act* so as to provide that elections will now be held on the third Saturday of October rather than in May. The current terms of elected members are automatically extended to the October date.

Section 4.20 of the *Local Government Act* (the Act) enables Council to appoint the Electoral Commissioner to conduct the election. The Act requires that this must be done at least 80 days prior to the election date.

Pursuant to section 4.61 of the Act, Council may determine that the election be conducted as a postal election. Section 4.61 requires that this decision must be made after or in conjunction with the decision to appoint the Electoral Commissioner.

The City has received written confirmation from the Electoral Commissioner that he agrees to be responsible for the conduct of the elections in 2007 and further that this agreement is conditional on the proviso that the City also wishes to have the election undertaken by the WA Electoral Commission as a postal election.

Comment

Part 4 of the *Local Government Act* sets out the requirements for the conduct of local government elections. Section 4.20 of the Act enables Council to appoint the Electoral Commissioner to conduct elections. For the last two ordinary elections and last year's extraordinary election for Civic Ward, the City has appointed the Electoral Commissioner to be responsible for the conduct of the election.

Under section 4.60 Council may decide to have the election conducted as a postal election. The last two ordinary elections and the 2006 Civic Ward by-election were conducted as postal elections.

It is noted in the February 2007 edition of *Local Government News* from the WA Electoral Commission that it had received requests from 23 local governments representing 673,450 electors to be responsible for the conduct of the 2007 ordinary election as a postal election. This is likely to significantly increase if changes to the method of voting are approved by Parliament later this year.

It is recommended that Council appoint the Electoral Commissioner to conduct the 2007 elections to be conducted as a postal election.

Consultation

The WA Electoral Commission has been consulted on the conduct of the 2007 ordinary election.

Policy and Legislative Implications

The conduct of local government elections is regulated under Part 4 of the *Local Government Act*.

Financial Implications

The WAEC's estimated cost for the 2007 ordinary election is \$67,000 plus GST. This estimate does not include non-statutory advertising or one local government staff member to work at the polling place on election day. There is likely to be an increased cost of vote counting due to the complexity of the proposed method of voting. As a result, the City has allocated \$80,000 in its draft budget.

Strategic Implications

In line with Strategic Plan Goal 5 - Organisational Effectiveness - *"To be a professional, effective and efficient organisation."*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.3

That:

- (a) under section 4.20(4) of the *Local Government Act* Council declares* the Electoral Commissioner to be responsible for the conduct of the October 2007 ordinary election; and
- (b) under section 4.61(2) of the *Local Government Act* Council decides* to conduct the October 2007 ordinary election as a postal election.

CARRIED EN BLOC RESOLUTION
And By Required Absolute Majority

9.5.4 Western Australian State Electoral Boundaries
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Location:	City of South Perth
Applicant:	Council
File Ref:	A/BO/2
Date:	8 May 2007
Author:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to consider an invitation from the WA Electoral Distribution Commissioners to make a submission regarding the State Electoral Boundary for South Perth.

Background

The West Australian Electoral Distribution Commissioners have announced that a review of the electoral boundaries will be carried out to determine the electorates for the next State general election due in 2009. In determining where to place the electoral boundaries, the Commissioners are required by the *Electoral Act* to consider a number of factors as follows:

- Community of interest
- Land use patterns
- Means of communication and distance from the capital
- Physical features
- Existing boundaries of regions and districts
- Existing local government boundaries
- The trend of demographic change

Because of amendments to the *Electoral Act*, the Commissioners are also required to create electorates in which the number of electors is within plus or minus 10% of the 'quotient'. The quotient for each seat in the metropolitan area is 21,350 electors.

Council last considered this issue in February 2003 when it made a submission which sought to preserve the existing State Electoral Boundary as it closely coincided with the City's local government boundary.

Comment

It is considered appropriate that the City should make a submission to the Electoral Distribution Commissioners with a view to preserving an essentially similar electoral boundary to that which currently exists.

There will necessarily be some adjustment to the electoral boundary to accommodate the new 'one vote-one value' principles set out in the amended *Electoral Act*. The number of electors in the state electorate of South Perth at 26 February 2007 was 27,464. This is well above the permitted 10% variation and therefore changes will need to be made to the state electorate boundary.

The Commissioners have received submissions from the major political parties in relation to South Perth which are very similar. Each proposes an amendment to the eastern boundary of the electorate which would move part of Kensington which is currently in the local government area of South Perth into Victoria Park.

The area which would be affected by these proposals is bounded by Canning Highway, Banksia Terrace (ALP proposal) or Dyson Street (Liberal Party proposal), George Street, Anketell Street, Rathay Street and Berwick Street.

Each of these proposals is outlined in a map of the current South Perth state electoral boundary which is at **Attachment 9.5.4**.

Given the factors that the Electoral Distribution Commissioners are required to take into account, it is considered that a position to preserve a boundary which is essentially similar to the existing State electoral boundary may be justified on the following basis:

- The existing State electoral boundary closely follows the Local Government boundary of the City and to that extent is unusual in WA. The boundaries have been the same since at least 1994 and there is a compelling argument to seek to maintain the closeness of the two sets of boundaries.
- The City of South Perth is bounded by the Swan and Canning Rivers on its northern, western and southern boundaries which in itself create an unusual natural border for which there is no opportunity to either increase or decrease the number of electors in those directions.
- The Swan and Canning Rivers therefore provide a natural boundary and are consistent with the physical features factor noted above.
- The only practicable opportunity therefore for a boundary adjustment is on the eastern boundary, where the existing local government boundary to a large extent follows main roads consisting of Berwick Street, George Street, Kent Street and Manning Road.
- Demographic change over the past decade has been marginal. Apart from a small number of development opportunities within the City of South Perth, the municipality is fully developed with limited opportunity for expansion in population. In fact the number of electors has fallen slightly since 2005.

- Factors such as community of interest, land use patterns and means of communication are little changed since the currently existing boundaries were established some considerable time ago and revised boundaries should seek to largely preserve these factors within the current boundaries as far as possible.

Consultation

This report has been prepared as a result of a public consultation process being conducted by the WA Electoral Commission.

Policy Implications

There are no policy implications relating to this item.

Financial Implications

There are no financial implications relating to this item.

Strategic Implications

In line with Strategic Plan Goal 5: Organisational Effectiveness. *'To be a professional, effective and efficient organisation.'*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.4

That the City forwards this report to the WA Electoral Distribution Commissioners urging them to retain a state electoral boundary for South Perth which is essentially similar to the current boundary for the reasons outlined in the report.

CARRIED EN BLOC RESOLUTION

9.5.5 2007 National General Assembly of Local Government

Location:	City of South Perth
Applicant:	Council
File Ref:	N/A
Date:	7 May 2007
Author/Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The 2007 National General Assembly of Local Government will be held from 26 - 29 November 2007 in Darwin. The Mayor has approved for the CEO to attend and the purpose of this report is to seek consent for the Mayor and Deputy Mayor to attend and represent the City.

Background

The Conference is organised by Australian Local Government Association [ALGA] which is the peak elected member organisation. The National Conference attracts representatives from Councils from each State and is the principal conference organised by ALGA each year.

The 2007 National General Assembly will focus on local government relationship - with the community, with Federal and State Governments, and with other Councils both here in Australia and overseas.

The core work of the General Assembly will focus on three key themes:

- Physical climate - climate change and its implications for local government;
- Financial climate - increasing financial sustainability challenges for local government; and
- Political climate - new opportunities that may arise for Constitutional recognition of local government

Under the theme “A Climate for Change” this year’s Assembly will further build on ALGA’s three F’s campaign - Fair Federal Funding, Fair Treatment and Formal Recognition. This enables a broad range of issues relevant to local government to be covered impacting on local government.

Prominent futurist Richard Neville and Constitutional law expert, Professor Cheryl Saunders are the key speakers. The closing date for submissions of motions for the debating sessions is Friday, 10 August 2007 and Council is invited to submit motions for debate at the Assembly.

Comment

The National General Assembly is considered the pre-eminent local government event for Australia. Many Mayors, Councillors and CEOs from Western Australia attend this Congress. The City is encouraged to send at least two delegates to ensure full representation in all concurrent debating sessions. The Mayor has endorsed the CEO’s attendance as a delegate as per Policy P513.

As there are Council elections in October 2007, it will not be possible to register the current Mayor and Deputy Mayor but registrations would be made for those positions.

In addition to the value of the congress sessions, the delegates will have the opportunity to discuss macro issues such as federal government grants while networking with other local government representatives. The delegates will also have the opportunity whilst at the Assembly to meet with other local government dignitaries and discuss matters of importance to South Perth and local government generally.

Consultation

Nil

Policy and Legislative Implications

This item is submitted in accordance with Policy P513.

Financial Implications

Total estimated costs of attendance at the assembly is approximately \$2855 per person.

A breakdown of the cost is as follows:

	Cost \$
Airfares (Economy)	800
Early bird registration (prior to 5 October)	770
Accommodation (4 nights)	500
Expenses (Approximate Cost)	500
TOTAL	2570

** Funding is available in the 2007/08 Budget.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.5.5

That Council approves the attendance of the Mayor and Deputy Mayor (elect) at the National General Assembly of Local Government to be held in Darwin, Northern Territory from 26 - 29 November 2007 inclusive at an estimated cost of \$2570 per person.

CARRIED EN BLOC RESOLUTION

9.5.6 Organisation – Divisional Structure
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Location:	City of South Perth
Applicant:	Council
Date:	8 May 2007
Author/Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to provide a review of the current Divisional restructure of the organisation and make recommendations in regards to its implementation.

Background

A periodic review of the City’s organisational structure is good business practice. The Divisional structure of the City has been reviewed on a number of occasions over the last decade or so to accommodate changing priorities and demands.. The attached structural review summary **Attachment 9.5.6(a)** outlines the changes that have occurred over recent years, and demonstrates that reviews of this kind have been undertaken to ensure good business practice.

The attachment shows that in 1995, the City’s organisational structure consisted of the CEO and five Directorates. The Directorates were traditional in nature and reflected a common distribution of responsibilities across the organisation.

The structure was changed in April 2000 to a somewhat unusual structure that included four Directorates and in addition the position of General Manager who was responsible for limited functions. In essence therefore, there were still five Directorates in existence at this time. This adopted organisational structure attracted adverse comments in the 2002 City of South Perth Inquiry report.

The organisational structure was further modified in November 2000 when the position of General Manager was deleted and three Divisions were created.

In February 2001 on appointment of the Acting CEO, a more conventional organisational structure was adopted which consisted of four Divisions and this structure continues to exist today.

It is now timely to again review the organisation structure as it is has been some time since the last review, and at least one Director has been absent for much of the current financial year which necessitated internal adjustments to organisational responsibilities.

The absence on long service leave of two Directors (at different times) since July 2006 has enabled the Administration to explore alternative management arrangements.

In July 2006, the Director of Corporate and Community Services took long service leave over a period of approximately 6 months. It was not considered appropriate to appoint either a relieving Director or an Acting Director to that position for a number of reasons:

1. In two of the operational areas, the Managers reporting to the Director (Community Development and Library Services) were relatively new to their own positions and it was considered that it was more appropriate for them to concentrate on the demands in their new position than attempting to relieve in the Director position.
2. The third operational area, Collier Park Village (Hostel) was under major review at the time and it was simply not reasonable or appropriate for that Manager to relieve in the capacity of acting Director.
3. It was thought that the areas of responsibility of this Directorate could reasonably be re-allocated to the other Directorates because of related operational similarities.

As a functional consequence, the re-allocation of management responsibilities has served as a useful trial for any longer term proposition that may be considered in the future..

During the period of July 2006 to January 2007, the Divisional structure of the organisation was temporarily amended so that it operated as follows:

Management Structure

<p>Chief Executive Officer</p> <p>Members Liaison Human Resource Services Public Relations Legal and Governance <i>* Collier Park Village</i></p>		
Financial and Information Services	Infrastructure Service	Strategic and Regulatory Services
<p>Financial Services Information Technology Services Customer Focus <i>* Libraries</i></p>	<p>Infrastructure Services Parks and Environment Buildings Plant and Equipment <i>* Collier Park Golf Course</i></p>	<p>Strategic Services Planning and Building Services Health Services Ranger Services Waste Management <i>* Community Development</i></p>

* Denotes operational areas normally included in the Corporate and Community Services Directorate

The reasons for the allocation of the Managers areas to the particular Divisions were as follows:

1. Libraries to Financial and Information Services

The allocation of Libraries to Financial and Information Services was an appropriate move because there exists a strong connection between the provision of information in both Libraries and Financial and Information Services. Whilst the information principally provided by the libraries is delivered externally to the community and the provision of information of the Financial and Information Services is principally for internal purposes there still exists inherent similarities in the core business of each unit, in particular, the two areas are very much reliant on information technology in the delivery of the services that they provide.

2. Golf Course to Infrastructure Services

The transfer of the Golf Course to the Infrastructure Services Division was also considered to be an appropriate option principally because of the very important ground maintenance component of the service. The grounds maintenance activity therefore was effectively managed by the Manager Parks and Environment.

The business side of the operation was managed by the Director of Infrastructure Services.

3. Community Development to Strategic and Regulatory Services

The Community Development area was managed by the Director Strategic and Regulatory Services on the basis that the Director had a similar responsibility for this area in his previous role with the City of Geraldton and was therefore familiar with the wide range of issues that occur in this area. It is not unusual in Local Government for this area to report to a "Planning Director".

4. Functions relating to the Collier Park Village and the residual Administrative functions were managed by the CEO's office.

In the interest of appropriate workload management, and because the CEO undertook to be directly involved in the review of the Collier Park Hostel, it made good business sense for this area of activity to be managed by the CEO.

Subsequent to the return of the Director Corporate Community Services from long service leave, the relevant operational areas have all returned to this directorate with the exception of the Library Services function.

At the present time, the Library Services function has remained in the Financial and Information Services Directorate principally for operational reasons:

- Over the next 6 months or so, considerable resources will need to be spent on facilitating Councils' direction and decisions in relation to the operation of this major asset.
- The Civic Centre Library's scheduled upgrade is planned to occur over the next two years again demanding a considerable resource commitment. If the responsibility of Libraries was retained by the Corporate and Community Services Directorate this again would significantly impact on time available for the proper management of the Golf Course Controllers lease review.

- The Financial and Information Services Director is the Project Manager for the Library renovations project and for the time being it would be prudent for this Directorate to continue to hold decision making responsibility for the Library Services. The transfer of the Library Services to the Financial and Information Services Division on a temporary but ongoing basis continues to work well because of the synergies that exist between the two areas particularly with regard to Information Technology facilities.

For these reasons, the Corporate and Community Directorate will therefore be freed of the management responsibility of this service until the end of the calendar year when the situation is planned to again be reviewed. This timing also fits well with the anticipated completion of the review of the Golf Course Controllers lease.

Coincidentally, the Director Infrastructure Services took long service leave in January 2007 and returned in late April. During his absence his duties were shared by the Manager City Environment and Manager Engineering Infrastructure in an Acting capacity.

It is therefore clear that the organisation has managed general operational functions without a Director for most of the 2006/07 calendar year.

Comment

One of the distinctive features of Local Government is that although each organisation provides similar types of services within its own community and operates under the same legislation, individual Local Governments may operate quite differently through different organisational structures. This difference reflects local autonomy and individual community circumstances. Therefore, a casual observer examining various Local Government structures for comparative reasons is unlikely to be fully aware of the many different factors that may exist, very rarely are two Local Governments the same in their business structure.

There are many reasons why differences exist and these include the following:-

- Size, shape and population factors
- Growth factors
- Commercial, Industrial, rural and mining land use factors
- Geographical and environmental factors
- Infrastructure provision (including by State and Commonwealth)
- Level of sophistication of community
- Financial sustainability issues
- Demand for particular services

For these reasons there is no common Divisional structure that is used throughout the industry as it is rightfully left for each Local Government to determine its own structure based on its particular circumstances. To illustrate the variation in Directorate structures of metropolitan Local Governments of roughly equivalent size to the City of South Perth, **Attachment 9.5.6(b)** has been prepared for information purposes. The attachment confirms the point that Local Government organisations may have very different structures. This does not imply that some are right and some are wrong as circumstances exist which drive individual structures.

The general position is that of the Local Governments surveyed, Divisional Structures of 3 or 4 exist. Again, of those Local Governments surveyed, no Local Government larger than South Perth has 3 Divisions (this is not to say that none exist).

There are of course always options available in terms of future organisational structure and there is no exception here. The organisation as it is currently structured is quite appropriate with structures based around Community Development and Services, Finance, Infrastructure and Planning and Development activities which are all common to Local Governments because these are the primary functions.

Notwithstanding this, the organisation has clearly demonstrated that it can manage with a three Directorate structure as this has actually been in operation since July 2006 during the absence of one of the Directors. This does not mean however, that there were no issues to address or that difficulties were not experienced during this period of time.

- Clearly significant issues arose in the Strategic and Regulatory Services Directorate, particularly in relation to planning and building matters that generally went back over the past 4 years or so. The structure of the Planning Department was reviewed during this period and a separation between the strategic / policy sections and statutory sections was created and implemented.
- A significant amount of time was spent by the CEO in relation to the Collier Park review and associated planning matters referred to above.
- The Finance and Information Services Directorate, in addition to the temporary responsibility for the management of the Library Services Department, was also responsible for the project management of the Administration office modifications and extensions and these additions to the structure and operations of the Division also had a significant impact on the time and resources of that Division.
- Collier Park Golf Course management issues also heavily impacted on the time and resources of the Infrastructure Services Directorate.
- In addition all Directorates continue to suffer the effects of employee turnover which is currently running at 23% (not unusual for a Local Government in the current economic circumstances). The Planning Department has been particularly hard hit during this period of “skills shortage” where staff turnover is running at 40% and where at the present time 4 Planning Officer positions are vacant.
- During the period under review some issues and areas of activity were not addressed as quickly as would have been liked as resources were stretched during this period.

It seems inevitable that if the organisations Divisional structure is to be reduced in number as has recently occurred, unless other changes were made to the support structure of the organisation, one outcome could be that the Executive Team could become much more operational in its focus than strategic. It has been demonstrated many times in management theory that if the leadership of an organisation is too operational in its focus it will miss strategic development/improvement opportunities. This in turn can lead to a situation where innovation and business improvement initiatives are stifled through lack of capacity to explore these opportunities.

One disadvantage seen in permanently reducing the Executive Team numbers is that although it may appear attractive in the short term by yielding financial savings, it may result in more of an operational focus being taken by the Executive Management Team, and the long term the capacity of the city may well be compromised and may affect the drive toward best practice service delivery.

Nevertheless, it remains that the option of streamlining to three Divisions can be supported as the temporary Divisional structure in place for the second half of 2006 has functioned at an acceptable level despite the complex and extraordinary issues that were dealt with during this period. The structure and performance could have been improved with the addition of additional resources at mid levels within the organisation.

On the basis of the content of this report, if Council wishes to further explore a proposed rationalisation of the Divisional structure further, it is suggested that a supplementary report be prepared for consideration identifying a proposed structure together with costing and human resource implications.

Consultation

No specific consultation has occurred with respect to this matter.

Policy and Legislative Implications

In accordance with section 5.2 of the Local Government Act, Council is responsible for ensuring there is an appropriate organisational structure for administering the local government.

Financial Implications

Unknown at this time.

Strategic Implications

No specific strategic implications at this time.

OFFICER RECOMMENDATION ITEM 9.5.6

That Council considers a further report on this subject be provided at the earliest opportunity identifying a proposed future organisational structure together with human resource and financial implications.

MOTION

Cr Ozsdolay moved the officer recommendation. Sec Cr Gleeson

AMENDMENT

Moved Cr Hearne, Sec Cr Best - That the officer recommendation be amended by the deletion of the words: *the earliest opportunity* and the inclusion of the words *June meeting of Council*.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Hearne for the Amendment

- asked organisational structure be review and subject of a report
- do not want it to drag on - want it dealt with expeditiously
- eager to hear recommendations of CEO
- conscious Council decided on current structure

Cr Best for the Amendment

- concur with Cr Hearne's comments

Cr Cala point of clarification - is a report to June Council allowing sufficient time?

Chief Executive Officer - Concurred with Cr Hearne and agreed it was an important topic that he also wanted to deal with expeditiously but pointed out that the closing date for June Council report was in fact next week.

Cr Hearne stated he was happy for the report to go to the July meeting. The seconder of the Amendment, Cr Best, concurred.

The Mayor put the Amendment.

CARRIED (11/0)

COUNCIL DECISION ITEM 9.5.6

The Mayor put the Amended Motion

That Council considers a further report on this subject be provided to the July Council meeting identifying a proposed future organisational structure together with human resource and financial implications.

CARRIED (11/0)

9.6 GOAL 6: FINANCIAL VIABILITY

9.6.1 Monthly Financial Management Accounts - April 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 6 May 2007
Author / Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

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

Background

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

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

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

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

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

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 Non Infrastructure Operating Revenue and Expenditure **Attachment 9.6.1(2)**
- Summary of Operating Revenue & Expenditure - 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 30 April 2007 is \$30.01M which represents just over 100% of the \$29.9M year to date budget. Most of the monthly variances in the Operating Revenue area relate to the introduction of the Q3 Budget Review adjustments - particularly in the areas of interest revenue, building and planning licenses, CPH subsidies and contributions to infrastructure works. Parking revenue has had a significant downturn due to staff losses in the area and the full year revenue target for parking is unlikely to be achieved. An unbudgeted amount of \$47,500 was also received in advance for an employment subsidy in relation to a Recreation Club Development Officer position (shared with the Town of Victoria Park). These funds will be quarantined in the Future Municipal Works Reserve until the actual costs have been incurred.

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

Operating Expenditure to 30 April 2007 is \$24.39M which represents 98% of the year to date budget of \$23.99M. Operating Expenditure is around 4% favourable in the Administration area and on budget in the Infrastructure Services area.

The most significant category of costs contributing to the favourable variance is salary and wage costs. As noted in earlier months, the year to date figures for staff costs remain well under budget due to staff positions having been vacant due to either resignation or leave entitlements in the Administration area - particularly in Community Services, Planning, Building Services & Human Resources with other extended vacancies in the Finance, Engineering Admin and Recreation areas. The City has continued to try new strategies to attract staff - including a different employment advertising regime which is returning very positive results. Several long term vacancies have been now filled as a result of attracting better candidates. In the interim, the City 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.

Most other costs are close to budget on a year to date basis - but a number of monthly variances have been created as a consequence of reflecting the Q3 Budget Review adjustments in the accounts. These include training expenditure, recruitment costs, cleaning cost on halls and carers at the Collier Park Hostel. Higher transport costs currently being incurred for rubbish removal whilst the Canning Vale facility normally used by the City has been out of action have also been reflected in the Budget Review.

Overall, Infrastructure Services operating expenditure is close to budget - with a reversal of earlier timing differences on activities such as parks and environmental maintenance along with corrections to allocations of overheads and charge out for plant items being evident in the April accounts. As noted previously, plant charge and overheads were 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 to the particular jobs on which the staff are deployed. This issue will continue to be closely monitored for the remainder of the year. Street tree pruning has accelerated to the extent of the full year budget and actions are being taken to curb further cost incurrence.

Bus shelter maintenance has been delayed whilst a detailed tender specification was prepared and advertised. Fleet operations are closer to budget overall - after adjusting both the fleet recovery and cost components downwards (proportionately) in the Q3 Budget Review.

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)**.

Capital Revenue is disclosed as \$1.04M at 30 April against a budget of \$1.15M. Road grant revenue is now on budget. The unfavourable variance in capital revenues relating to the lower than anticipated turnover of units in the Collier Park Village continues - although more units that were recently vacated have been refurbished and are being re-leased. It is unlikely that the full year budget for this item will be attained. However, the offsetting benefit from this is that capital expenditure on refurbishment of vacated units is also currently lower than budgeted.

Capital Expenditure at 30 April is \$6.23M against a year to date budget of \$8.61M representing 72% of the year to date budget. Overall, the City has now completed around 56% of the revised full year capital program - suggesting that a good deal is still to be achieved in the final couple of months of the year although this is traditionally the period in which a significant portion of the capital program is delivered.

The Executive Management Team continues to closely monitor the progress of the City's departments in delivering the capital program - and a monthly strategic review of the delivery of the program is now being conducted.

A summary of the progress of the revised capital program (including the approved carry forward works) by directorate is provided below:

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO / Financial & Info Services	1,362,000	1,266,358	92%	1,962,000
Corp & Community Services	597,454	390,557	65%	1,151,454
Strategic & Reg Services	152,300	31,654	21%	216,500
Infrastructure Services	6,475,925	4,534,936	70%	7,155,999
Underground Power	20,000	11,061	45%	20,000
Total	8,607,679	6,234,566	72%	11,063,953

Further comment on the variances relating to Capital Revenue and Capital Expenditure items will be provided in **Attachment 9.6.1(5)** of this agenda - and a more detailed update is included in **Attachment 9.6.4** of the May Agenda.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.1

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 30 April 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	6 May 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 \$27.16M compare very favourably to \$25.02M 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 (still 0.8% ahead of last year after the final rates instalment due date). Timely claims for pension / seniors rebates from the Office of State Revenue and the delayed outflow of capital expenditure have also impacted our cash position favourably. The impact on our cash position of the change in the way we remit ESL collections to FESA is now starting to even out with collections and remittances now almost equal. The City has, however, gained from the additional investment revenue earned whilst the ESL collections (above the pre-determined payment quotas) were invested until required to be remitted.

The net cash position is improved relative to April 2006 with monies brought into the 2006/2007 year and our subsequent cash collections being invested in secure financial instruments to generate interest until those monies are required to fund operations or projects later in the year. Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$9.61M (compared to \$8.96M in 2005/2006). **Attachment 9.6.2(1).**

(b) Investments

Total investment in short term money market instruments at month end is \$26.66M compared to \$24.30M last year. As discussed above, the difference relates to improved cash collections and delayed outflows for capital projects.

Funds held are responsibly spread across various institutions to diversify risk as shown in **Attachment 9.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$1.56M, which is up from \$1.32M at the same time last year. This is primarily attributable to higher cash holdings and the higher interest rates accessed.

The average rate of return for the year to date is 6.25% with the anticipated yield on investments yet to mature currently at 6.49% - 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 April 2007 (after the due date for the final regular rates instalment) represent 96.6% of total rates levied compared to 95.7% at the equivalent stage of the previous year. This continues to be the City's best ever rates collection result to this stage of the year - with the 95% year end key

performance indicator being achieved ahead of the target date. This result again supports the rating strategy and the communication strategy used for the 2006/2007 rates strike.

Despite the impressive collection of rates to date, Financial Services officers are continuing to initiate responsible collection actions - including issuing reminder notices and taking other more serious and appropriate debt collection actions where necessary. These actions complement the rates strategy to ensure that we build upon our existing very solid treasury management foundations.

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 all had a very positive impact on initial rates collections.

General debtors stand at \$0.90M at 30 April 2007 compared to \$0.82M at the same time last year. Most debtor categories are in fact lower than at this time last year except for GST Refundable from the ATO which is \$113,000 higher - but is assured of collection. The outstanding amount for Pension Rebates is also higher than last year but this is considered a timing issue relating to when claims can be lodged and processed at the Office of State Revenue. Until the pensioner / seniors make their qualifying payment, at any time up to 30 June, the City can not lodge a claim for reimbursement of rebate granted.

Consultation

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

Policy and Legislative Implications

Consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. The provisions of Local Government (Financial Management) Regulation 19 are also relevant to the content of this report.

Financial Implications

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

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.2

That the 30 April 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

9.6.3 Warrant of Payments Listing

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	7 May 2007
Authors:	Michael J Kent and Deborah M Gray
Reporting Officer:	Michael J Kent, Director Financial and Information Services

Summary

A list of accounts paid by the CEO under delegated authority (Delegation DC602) between 1 April 2007 and 30 April 2007 is presented for information to the April 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's financial resources'*.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.6.3**

Moved Cr Ozsdolay, Sec Cr Macpherson

That the Warrant of Payments for the month of April 2007 as detailed in the Report of the Director Financial and Information Services, **Attachment 9.6.3**, be received.

CARRIED (9/2)

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

MEETING ADJOURNED

Moved Cr Doherty, Sec Cr Wells

That the meeting be adjourned at 9.33pm to allow for a 10 minute break.

CARRIED (11/0)

MEETING RESUMED

Moved Cr Trent, Sec Cr Macpherson

That the meeting be resumed at 9.45pm

CARRIED (11/0)

Note: All those present before the adjournment returned to the Chamber.

9.6.4 Capital Projects Review to 30 April 2007

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 May 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 30 April 2007. Officer comment is made only on the significant identified variances as at the reporting date.

Background

A schedule reflecting the financial status of all approved capital projects is prepared on a bi-monthly basis 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 72% of the year to date target - and 56% of the (revised) full year's budget.

The Executive Management Team acknowledges the challenge of delivering the remaining capital program and the resource difficulties associated with the current economic boom. It is closely monitoring and reviewing the capital program with operational managers on an ongoing basis. This action has included 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 9.6.4 (1)** and **Attachment 9.6.4 (2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. 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' financial resources'*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.6.4

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 30 April 2007, as per **Attachments 9.6.4(1)** and **9.6.4(2)**, be received.

CARRIED EN BLOC RESOLUTION

9.7 MATTER REFERRED FROM AUDIT & GOVERNANCE COMMITTEE

<p>9.7.1 Audit and Governance Committee Recommendation - Meeting held 8 May 2007</p>

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	9 May 2007
Author:	Kay Russell, Minute Secretary
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The purpose of this report is to enable Council to consider a recommendation arising from the Audit and Governance Committee meeting held 8 May 2007.

Background

The Committee was established by Council in recognition of the importance of its audit functions and to monitor and improve the City's corporate governance procedures. The Committee normally meets on a regular (usually quarterly) basis. However, the Committee Meeting held 8 May was called specifically to review and receive an independent audit report prepared by Horwath Securities (WA) Pty Limited on the tender process for the provision of catering services to the Collier Park Village Hostel for a 3 year period commencing May 2006. The author of the report, Mr Chris Potter attended the meeting to respond to any questions from Members.

Comment

The Minutes of the Committee meeting held on 8 May 2007 are attached. **Attachment 9.7.1** refers.

The Committee does not have delegated authority but may make recommendations to Council. The recommendation from the Committee requiring Council's consideration set out below:

- (a) **Collier Park Village Hostel Catering Tender Audit**
(*Item 4.1 Audit & Governance Committee Meeting 8.5.2007*)

Officer Recommendation

That the Committee receives report Item 4.1 of the Audit and Governance Meeting 8 May 2007 and recommends that Council acknowledges the Administration's continuing efforts to improve the City's tender process as outlined in the report.

Comment

Following discussion and questions raised by Members the Committee moved the following recommendation.

Committee Recommendation Item 4.1

That the Audit and Governance Committee recommends Council....

- (a) accepts the report from Horwath Securities (WA) Pty Limited; and
- (b) notes the significant lapse of time from Council's request of April 2006 to now to table the report; and that the CEO is the officer responsible for implementing Council decisions.

Consultation

N/A

Policy and Legislative Implications

N/A

Financial Implications

No specific funding s contained in the budget for this audit assignment. A budget adjustment may be required at a later time when costs of the assignment are known.

Strategic Implications

The report and recommendations are consistent with the relevant Goal 5 - Organisational Effectiveness - City's Strategic Plan: - *To be a professional, effective and efficient organisation.*

OFFICER RECOMMENDATION ITEM 9.7.1
--

That Council considers the following recommendation from the Audit and Governance Committee meeting held 8 May 2007:

That the Audit and Governance Committee recommends Council...

- (a) accepts the report from Horwath Securities (WA) Pty Limited; and
- (b) notes the significant lapse of time from Council's request of April 2006 to now to table the report; and that the CEO is the officer responsible for implementing Council decisions.

OFFICER RECOMMENDATION 9.7.1

The Mayor called for a mover of the officer recommendation for Item 9.7.1. The officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Wells

That...

- (a) the Audit and Governance Committee recommendation not be adopted;
- (b) Council receives report Item 4.1 of the Audit and Governance Committee Meeting held 8 May 2007 and thanks Horwath Securities (WA) Pty Ltd for the audit they have undertaken into the tendering process for the Catering Tender for Collier Park Hostel;
- (c) Council acknowledges that the City followed a correct statutory process in accordance with the Local Government Act in its handling of the Catering Tender. However, it regrets the manner in which it handled a number of procedural issues in relation to the formulation of the Tender Brief and the Tender Process and the ill feeling these gave rise to on the part of the unsuccessful tenderer, Aurum Catering; and
- (d) as a part of the City's ongoing commitment to provide the best possible service to the residents of the Hostel and having been made more aware through the Audit process of the catering options available, the CEO investigate the feasibility of implementing a full "Cook Fresh" service This being done through a process of consultation with the Contractor pursuant to the provisions in the existing contract which allow for the City to change the requirements of the service as a result of suggestions / requests submitted by the residents.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala opening for the Motion

- Committee recommendation lacks an acknowledgement of work done by Horwath
- difficult and sensitive task this company had in the Audit process
- process did identify some procedural deficiencies
- process gave rise to unsuccessful tenderer feeling he had been unfairly treated
- City had not looked closely at whole issue/nature of catering method, previous to tendering of current contract - audit followed
- Council is now duty bound to look beyond “Cook Chill” process to fresh cooking whilst recognising its contractual obligations
- motion seeks to look at a way forward and provide residents of Hostel with best possible meals

Cr Wells for the Motion

- take Councillors back to proposal to close Hostel
- went to tender for catering - could have saved \$60,000
- add cost of audit to that \$60,000
- do not intend a ‘witch hunt’ but best business practices not carried out
- taken a year for this matter to come to fruition
- encourage Council offer Aurum Catering an apology for the way this matter was handled
- support Motion

Cr Hearne point of clarification - is it not normal for a comment from the CEO?

Chief Executive Officer stated that written ‘CEO Comments’ are normally provided on Notices of Motion contained in the Agenda paper, not in relation to alternative Motions proposed by Members, but that he was happy to make comment. The CEO advised that he had discussed part of the motion submitted by Cr Cala for consideration. He said that in relation to part (c) that he certainly acknowledged that the statutory requirements were followed but agreed that the process could have been improved upon. He referred to a report that he had presented to Council some 12 months ago on this matter and that following his own investigations he had reached some of the same conclusions Horwath came to. Horwath had in fact endorsed some of his comments in their report. He said that the process has now certainly been changed in respect of tendering and he was confident that the issues identified will not reoccur. In relation to part (d) of the Motion he said he believed it was the sensible way to go and that if there were concerns raised that he would be more than happy to consult with residents at the Hostel to hear their views and report back to Council.

Cr Smith against the Motion

- Motion does not go far enough
- does not ‘shoot home’ responsibility to officer responsible
- here we have a situation that is nothing more than a farce
- Aurum negotiated out on a technicality
- Medirest did not comply with process - should have been knocked out
- real issue is Roger Burrow’s handling of the matter
- refer letter dated 12 April 2006 from Aurum
(*Cr Smith read aloud from correspondence dated 12.4.2006 from Aurum*)
- Aurum were disappointed and disgusted at Council’s handling of the matter
- Roger Burrows is a qualified health surveyor....

Cr Macpherson point of order - This is not the forum for making derogative comments in relation to staff.

Cr Smith cont'd

- it's a farce when the best possible food preparation is overtaken by a technicality
- tragedy of issue is the safety issue
- problem arose in terminology of terms of tender

Cr Macpherson point of order - How do these comments relate to the Motion before us?

Mayor Collins - We are dealing with a report on the audit of the catering tender for the Hostel which found no unfair advantage had been given. The issue under debate is not in relation to the cook fresh vs cook chill method.

- audit report does not exonerate this Council
- disgrace the way it was handled
- against the Motion

STATEMENT CEO

The Chief Executive Officer stated that he needed to come to the defence of the officer's name which was raised. He said that there was never a misrepresentation of facts and that he would strongly argue that there was not a case for the Aurum audit and it was not substantiated. The audit did indicate there were process improvements and that has been done. He said Cr Cala's Motion acknowledges that and takes the issue forward. The CEO said that prior to the current contract that meals supplied were 'cook chill'. During that period of contract under Brightwater no complaints had been received. Brightwater supply 'cook chill' meals to major aged care facilities, Qantas and many others as do Medirest and the 'cook chill' method is a common way of preparing food. When their contract expired officers called tenders for 'cook chill' meals and Aurum in their tender stated that they preferred to provide 'cook fresh' and were therefore eliminated. The CEO applauded Cr Cala's direction to now move forward.

COUNCIL DECISION ITEM 9.7.1

The Mayor put the Motion

That...

- (a) the Audit and Governance Committee recommendation not be adopted;
- (b) Council receives report Item 4.1 of the Audit and Governance Committee Meeting held 8 May 2007 and thanks Horwath Securities (WA) Pty Ltd for the audit they have undertaken into the tendering process for the Catering Tender for Collier Park Hostel;
- (c) Council acknowledges that the City followed a correct statutory process in accordance with the Local Government Act in its handling of the Catering Tender. However, it regrets the manner in which it handled a number of procedural issues in relation to the formulation of the Tender Brief and the Tender Process and the ill feeling these gave rise to on the part of the unsuccessful tenderer, Aurum Catering; and
- (d) as a part of the City's ongoing commitment to provide the best possible service to the residents of the Hostel and having been made more aware through the Audit process of the catering options available, the CEO investigate the feasibility of implementing a full "Cook Fresh" service This being done through a process of consultation with the Contractor pursuant to the provisions in the existing contract which allow for the City to change the requirements of the service as a result of suggestions / requests submitted by the residents.

CARRIED (10/1)

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

Reason for Change Item 9.7.1

The recommendation put forward by the Audit and Governance Committee lacks an acknowledgement of the work done by Horwath Securities for the difficult and sensitive task this company had in the Audit process and the fact that this process did identify some procedural deficiencies which gave rise to the unsuccessful tenderer feeling that he had been unfairly treated.

Also, the City had not, for one reason or another looked closely at the whole issue of the nature of the Catering method previous to the tendering of the current contract and the Audit process that followed. In now having done so, the Council is duty bound to look beyond the "Cook Chill" process to a fresh cooking method, or "Cook Fresh" process whilst recognising the contractual obligations it currently has. The alternative motion seeks to look at a way forward to providing the residents of the Hostel with the best possible meals

10. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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

11.1 Proposed Cat Local Law : Cr Jamieson 1.5.2007

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 22 May 2007.

MOTION

That in order to promote responsible cat ownership, a report be prepared for the August Council meeting outlining alternative strategies and process for the development of a Cat Local Law.

MEMBER COMMENT

The Strategic Plan for the City of South Perth states:

"GOAL 3 - ENVIRONMENTAL MANAGEMENT: To sustainably manage, enhance and maintain the City's unique, natural and built environment.

Strategy 3.2 Develop and implement a Sustainability Strategy and Management System to coordinate initiatives contained in associated Management Plans and to ensure City's environment is managed in a sustainable way."

Cats outside the control of owners are a known hazard to the natural environment. Cats have great night vision, climb trees, are intelligent, and are very good hunters. In contrast our natural wildlife have not evolved with cats and hence have limited if any defence.

Byford Enviro Link (email 20 March 2007 **Attachment 11.1**) advise that "Every cat that is allowed to wander kills an average of 25 native animals each year. "

The COSP has in other situations considered itself a leader in the environment area. However with respect to cat control we are lagging well behind other WA Councils that either have or are in the process of creating cat local laws. My understanding is that COSP is at best middle of the road if not in the second half of WA Councils. If we are to be consistent with our own Strategic Plan, we need to lead by example and develop a cat local law.

COMMENT CEO

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

The City investigated this issue 10 years ago and Council resolved not to proceed with the development of regulations on cats. The City does have in place a cat sterilisation subsidy and in accordance with the Health Local Law (2002) there are restrictions on the number of cats in each household (Clause 61).

The creation of a Cat Local Law will be controversial and will therefore require a robust development process including considerable community involvement. This will take some time and effort to complete.

If Council wishes to pursue this issue I believe the best initial response to this Motion is to provide a report to Council outlining current research on the issue, highlighting what has been achieved in other local authorities and to recommend a course of action for the City to take. This will consume officer resources during a busy period, however I believe the timing of the request (August meeting) will provide sufficient time to prepare a report.

COUNCIL DECISION ITEM 11.1

Note: Cr Jamieson was called away on business and was a late apology. As no written authorisation for another Member to put the Motion on his behalf had been submitted this matter was withdrawn from consideration.

Cr Wells reported to the meeting that when Cr Jamieson had advised him of his apology that he had also indicated that he was happy for this matter to be considered at the June meeting of Council.

11.2 Proposed Strategic Plan Collier Park Village: Cr Cala 4.5.2007

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 22 May 2007.

MOTION

That a Strategic Plan be prepared for the Collier Park Village to provide the City with a means to identify present and future opportunities. This plan will be developed in consultation with the Collier Park Residents Committee and include the following:

- (a) that further to the appointment of consultants for the implementation of the operational initiatives outlined in the Southern Cross Care Report for the improved financial viability of the Collier Park Hostel, a report be submitted to the next available Council meeting on the extent and costing for building works that would be required to enable the facility to extend its service to that of a High Care Provider;
- (b) that as a matter of urgency, a Feasibility Study be undertaken to explore the future options for the Collier Park Village Community Centre, with a view of utilising the whole Centre for the operational use of the Independent Living Units and the Hostel and the creation of a possible Adult Day Therapy Centre;
- (c) future expansion opportunities for additional Independent Living Units and the upgrade of the existing units;
- (d) future amenities that reflect the changing life style of retirees; and
- (e) Ownership options.

MEMBER COMMENT

Now that Council has made its decision to retain ownership of the Collier Park Hostel, it is in a better position to plan the future of the whole Village Complex. A holistic approach is required with the setting of priorities, rather than an add-hoc response to possible opportunities leading to confusion in direction.

The Southern Cross Care Report outlined the need for a higher classification scale of resident (RCS) to gain a higher level of government subsidy. Should the Council choose this option, the present building will require modifications to allow for dementia patients.

There presently exists an anomaly in the use of the Collier Park Community Centre. Whilst one end remains under the control of the City and is available at a charge to the public, the other end is used exclusively for the Village residents. The City controlled end has a commercial kitchen adjacent to the Function Room, which earns the City a few thousand dollars a year. The resident managed wing has a small kitchen facility that is inadequate for large scale activities. The City officers are presently investigating plans to expand this kitchen and build a new store to replace the one lost with the kitchen expansion. Preliminary estimates would suggest a budget of up to \$70,000.00 to do this work. This is work that is totally unnecessary if the whole facility came under the operation of one user – the residents.

The additional space would then allow the residents to set up and leave areas for crafts and other activities. The larger Function Room would not be lost for use to the public as this would be managed by the Residents Committee, however its use would fall into line with the schedule of village functions.

There is and will be a need to maintain the high standard in the buildings of the Village. To achieve this, new independent living units will need to be built, in order for the older ones to be replaced over time. This needs to be factored into any future strategic financial planning.

The trend to a healthier and active lifestyle for retirees is now becoming entwined in government policy. Retirement villages are providing a range of services to provide residents with opportunities for keeping mentally and physically healthy. Future planning of this kind is needed to ensure the Collier Park Village Complex is kept in line with industry standards.

Ownership options have been discussed between the City and the Village residents for some time. Incorporation has previously been identified as a beneficial option as the operations of the facility would be freed of the restrictions imposed by the *Local Government Act*. This would also enable additional grants to be obtained. Disadvantages have also been identified. Nothing conclusive has occurred, but for the best interests of the residents this matter needs a closure.

CEO COMMENT

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

Council has indicated, through its decision to retain the Collier Park Hostel (CPH) that it wishes to remain involved in the field of aged care. As a consequence, the exploration of future needs and opportunities for both the independent living units and the Hostel would be worth considering. The Motion broadly falls in line with the City's Strategic Plan in the areas of Goal: 2 'Community Enrichment', Goal 4 'Infrastructure' and Goal 6 Financial Viability.

The Southern Cross Care Report made some relevant points in its Report on the basis that Council remained both the owner and the operator of the Hostel in relation to moving into the higher care area. These were:

- *that expenditure of up to \$500,000 would be necessary to facilitate the admission of people with dementia and ageing in place; and*
- *that trends in residential aged care suggest that this would be a short term solution and that, eventually, major capital investment will be required to render CPH viable in the long term.*

One of the conclusions in the report was that the City build more independent living units on the present Hostel site, however now that Council will be retaining the Hostel, the argument could be extended to build more independent units in the existing complex or on the vacant land adjoining the current units and adjacent to Penhros College. The cost of providing more independent living units would be considerable and there needs to be investigation on a whole raft of issues that would be associated with a building project of this size.

Specialist advice would necessarily be required to be employed in the form of a further consultancy to progress Motions (a), (b) and (c).

The upgrading of the original 20 independent living units has been discussed on a number of occasions at administration level and a future strategy on them along with the subsequent stages is considered appropriate.

In relation to Motion (d) a strategy into the Collier Park Village Community Centre with a view to the whole facility being managed by the Residents' Committee is supported and could be undertaken before committing to any alterations in the kitchen activities area. This could be achieved simply and quickly following a report prepared for Council consideration.

In relation to Motion (e), significant annual losses are likely to continue to be incurred into the foreseeable future. A change in the ownership may have the capacity to minimise these losses and result in the facility becoming operationally viable.

It is suggested that if Council wishes to pursue the options above, a Workshop be arranged with an appropriate facilitator to determine a future strategy for the complex and how it would fit into the Strategic Financial Plan.

DECLARATION OF INTEREST ITEM 11.2

The Chief Executive Officer stated that he had anticipated Cr Smith would make a Declaration of a Financial Interest as he is a lease holder and resident at the Collier Park Village and the proposed Motion deals with improvements to the Village.

Cr Smith declared a financial interest in Item 11.2 "Proposed Strategic Plan Collier Park Village" as a lease holder and resident of the Village and left the Chamber at 10.10pm.

COUNCIL DECISION ITEM 11.2

Moved Cr Cala, Sec Cr Doherty

That a Strategic Plan be prepared for the Collier Park Village to provide the City with a means to identify present and future opportunities. This plan will be developed in consultation with the Collier Park Residents Committee and include the following:

- (a) that further to the appointment of consultants for the implementation of the operational initiatives outlined in the Southern Cross Care Report for the improved financial viability of the Collier Park Hostel, a report be submitted to the next available Council meeting on the extent and costing for building works that would be required to enable the facility to extend its service to that of a High Care Provider;
- (b) that as a matter of urgency, a Feasibility Study be undertaken to explore the future options for the Collier Park Village Community Centre, with a view of utilising the whole Centre for the operational use of the Independent Living Units and the Hostel and the creation of a possible Adult Day Therapy Centre;
- (c) future expansion opportunities for additional Independent Living Units and the upgrade of the existing units;
- (d) future amenities that reflect the changing life style of retirees; and
- (e) Ownership options.

CARRIED (10/0)

Note: Cr Smith returned to the Chamber at 10.20pm

11.3 Sustainability Plan : Cr Doherty 7.5.2007

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 22 May 2007.

MOTION

That Council...

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

MEMBER COMMENTS

The establishment of sound policies and controls to achieve ecological sustainable development are timely in light of the State Government's recent announcements in relation to sustainability. The City needs to lead the way in initiating the implementation of a wide range of innovative sustainable measures.

Consideration may be given to facilitating Workshops/Meetings between the Councillors, Officers and members of the Sustainable Advisory Group to discuss ideas for the way forward, with the option of holding similar meetings once or twice a year.

COMMENT CEO

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

Public Building Program

The City has commenced a program to incorporate energy and water efficient devices into its public buildings when they are being refurbished. All toilet upgrades include dual low flush cisterns and waterless urinals. Water efficient shower heads are being progressively installed into sporting pavilions. Roof insulation and where possible window tinting is being utilised to reduce heat intrusion. Storage water heaters are being replaced with gas instantaneous models which avoids the constant heating of water in buildings that are only used spasmodically. Incandescent light globes are being progressively replaced with compact fluorescent lights.

Future programs will investigate additional water re-use with either “grey” or stored rainwater possibilities. Air conditioning is another area that will be investigated.

Future building programs, such as the Civic Library and Hall, will include consideration of Ecologically Sustainable Design (ESD) as a key part of the design process.

Current and Proposed Measures for Sustainable Residential Development

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

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

COUNCIL DECISION ITEM 11.3

Moved Cr Doherty, Sec Cr Trent

That Council....

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

CARRIED (11/0)

11.4 Inquiry into City of South Perth-Censure Motion : Cr Gleeson 11.5.2007

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 22 May 2007.

MOTION

That

- (a) Councillor Smith be censured generally in relation to his misconduct as found by the Report of Inquiry into the City of South Perth 2006; and in particular in respect of the findings of the Inquiry that:
- (i) Cr Smith attempted to influence Mr Burrows to issue a demolition licence and in doing so, attempted to obtain a benefit or advantage for a person, contrary to clause 2.11 of the City's Code of Conduct;
 - (ii) Cr Smith's use of insulting language in his telephone conversation with the CEO on 8 July 2005 was inappropriate;
 - (iii) Cr Smith's attempts to influence the CEO to dismiss Mr Burrows were inappropriate and an attempt to intervene in an administrative function of the City;
 - (iv) Cr Smith using his position as councillor to orchestrate and implement a personal and improper campaign of attacks against the professional and personal integrity of a staff member.
- (b) in the interests of cleansing Council of Cr Smith's influence and rebuilding a proper, professional and respectful relationship between Council and the City's Administration , that Cr Smith be asked to resign immediately.

MEMBER COMMENT

The Inquiry Report records a shameful period in the City's history in which a number of Councillors, myself included, allowed their better judgment to be influenced and overborne by Cr Smith who unfortunately was able to convince them that his continuing and unrelenting campaign against staff members was an appropriate way to proceed.

The Report records that this campaign was waged against the advice provided by the CEO and two respected and independent law firms. Cr Smith's campaign has cost the City financially and in lost work hours and staff resources, not to mention the cost to the Department in conducting the Inquiry. The Report records that Cr Smith made numerous unsubstantiated allegations against members of the Administration. These all had to be investigated and dealt with, again wasting many hours of staff time and resources. Many of these unfounded allegations ended up in Notices of Motion which again wasted not only staff members' time but also Council's time.

Whilst the Council seemingly became obsessed with Cr Smith's false accusations, the 'big picture' issues of South Perth were ignored.

It would greatly improve the chances of the Council mending its relationship with the Administration if Cr Smith was no longer on Council. It would also allow fresh blood onto the Council and provide an opportunity for the community to express its opinion on what has been happening on Council for the past two years. The Council needs to repair its working relationship with the Administration which has kept the City running in excellent condition notwithstanding the numerous distractions caused by Cr Smith's actions.

A new era on Council is needed - but it can't proceed whilst Cr Smith and his influence remains.

CEO COMMENT

In accordance with Clause 3.6(d)(iii) of Standing Orders Local Law the Chief Executive Officer comments as follows: It is not appropriate for the CEO to comment on this.

MOTION

Cr Gleeson moved his Motion at Item 11.4. Sec Cr Ozsdolay

DECLARATION OF INTEREST ITEM 11.4 CR SMITH

Councillor Smith declared an interest "in principle" and left the Chamber at 10.33pm.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Gleeson commenced reading aloud his proposed Motion. The Mayor stated that as the Motion was provided in the Council Agenda that everyone had before them, that Cr Gleeson was not required to read it out aloud.

Cr Gleeson opening for the Motion

- Inquiry Report records a shameful period in the City's history
- Councillors, myself included, allowed their better judgment to be influenced by Cr Smith
- Cr Smith was able to convince many Councillors that his continuing and unrelenting campaign against staff members was an appropriate way to proceed
- Report records his campaign was waged against advice provided by CEO and two respected and independent law firms.

Cr Hearne point of order - thought the Mayor ruled Cr Gleeson was not to read out his Motion. The Mayor advised that Cr Gleeson was reading out his supporting comments.

- Cr Smith's campaign has cost the City financially in lost work hours/staff resources and cost to the Department in conducting the Inquiry
- Report records Cr Smith made numerous unsubstantiated allegations against staff members
- allegations all had to be investigated and dealt with, again wasting many hours of staff time and resources
- Many of these unfounded allegations ended up in Notices of Motion which again wasted not only staff members' time but also Council's time
- Council seemingly became obsessed with Cr Smith's false accusations, the 'big picture' issues were ignored

Cr Wells point of order - Cr Gleeson is reading from the comments. The Mayor advised that Cr Gleeson was permitted to read out his supporting comments.

Note: Cr Wells left the Chamber at 10.40pm

- better chance of Council mending its relationship with the Administration if Cr Smith was no longer on Council
- would also allow fresh blood onto the Council / provide an opportunity for the community to express its opinion on what has been happening on Council for the past two years
- Council needs to repair its working relationship with the Administration
- City has been running in excellent condition notwithstanding the numerous distractions caused by Cr Smith's actions
- new era on Council is needed - but it can't proceed whilst Cr Smith and his influence remains

Cr Ozsdolay for the Motion

- it is with regret that I support this Motion
- forced into this position
- read the findings of the report
- Cr Smith has said in this Chamber that he will stop at nothing to sack the CEO
- worried by this type of comment from Cr Smith
- worried where it is going and why so many Councillors have supported Cr Smith on this
- have a responsibility with time and money in acting for the good of ratepayers of the City
- this issue has gone on over 2 years - for what benefit
- Cr Smith first approached Cliff Frewing on his very first day in the job
- there has been an going attack from then until now
- in the face of legal advice Cr Smith has still continued
- I support the findings of the Inquiry Report - Cr Smith does not
- Cr Smith has written to Councillors advising he does not support Inquiry Report and will be calling a Special Electors Meeting
- his complaint has been given a fair hearing but still he wants to keep going
- not long ago Cr Gleeson called this Council 'idiots' - he was wrong and he apologised
- Cr Smith in spite of receiving that apology moved a censure Motion against Cr Gleeson
- the Cr Gleeson issue pales into insignificance compared to the Inquiry Report findings against Cr Smith
- urge Members support the Motion

PROCEDURAL MOTION

Moved Cr Cala, Sec Cr Hearne - That the Motion be Put.

Cr Cala for the Motion

Believe the item is provocative and does not deserve debate, we are not into ethnic cleansing.

The Mayor put the Motion that the Motion be put.

CARRIED (5/4)

DIVISION ITEM 11.4

The Mayor put the Motion for Item 11.4

Cr Gleeson called for a Division.

For the Motion

Against the Motion

Mayor Collins
Cr Ozsdolay
Cr Gleeson
Cr Macpherson

Cr Best
Cr Doherty
Cr Trent
Cr Hearne
Cr Cala

COUNCIL DECISION ITEM 11.4

That

- (a) Councillor Smith be censured generally in relation to his misconduct as found by the Report of Inquiry into the City of South Perth 2006; and in particular in respect of the findings of the Inquiry that:
- (i) Cr Smith attempted to influence Mr Burrows to issue a demolition licence and in doing so, attempted to obtain a benefit or advantage for a person, contrary to clause 2.11 of the City's Code of Conduct;
 - (ii) Cr Smith's use of insulting language in his telephone conversation with the CEO on 8 July 2005 was inappropriate;
 - (iii) Cr Smith's attempts to influence the CEO to dismiss Mr Burrows were inappropriate and an attempt to intervene in an administrative function of the City;
 - (iv) Cr Smith using his position as councillor to orchestrate and implement a personal and improper campaign of attacks against the professional and personal integrity of a staff member.
- (b) in the interests of cleansing Council of Cr Smith's influence and rebuilding a proper, professional and respectful relationship between Council and the City's Administration , that Cr Smith be asked to resign immediately.

LOST (4/5)

Note: Cr Wells returned to the Chamber at 10.46pm and Cr Smith at 10.48pm

Note: The Strategic Urban Planning Adviser retired at 10.50pm

11.5 Audi Recording of Council and Committee Meetings : Cr Doherty 11.5.2007

I hereby give notice that I intend to move the following motion at the Council Meeting to be held on 22 May 2007.

MOTION

In order to expedite the Recommendation of the South Perth Inquiry to implement the Audio recording of all Council and Committee meetings, an Urgent Audit and Governance Committee Meeting to be held during the first week of June to enable the draft Policy P517 "Audio Recording of Council Meetings" to be tabled at the June Council Meeting.

MEMBER COMMENT

In light of the Recommendation 4 of the Report of the Inquiry into the City of South Perth 2006 (which was also recommended by Mr McIntyre in the former Inquiry into the City of South Perth), it is imperative that Council implement this Policy as soon as possible.

Council proposed investigation into Audio Recording of all Council Meetings at the meeting of 24 October 2006. An Officer Report and Recommendation was presented to the 19 December 2006 Council Meeting. At this meeting the Council Decision Item 9.0.4 adopted was:

"(c) *Council undertakes to proceed with the audio recording of Council Meetings; after a policy is prepared covering the implementation of the audio recording of Council Meetings, and presented to the first available Council meeting for adoption.*"

At the Audit and Governance Committee Meeting minutes of 13 March 2007, the following was endorsed:

"That the draft Policy 517 "Audio Recording of Council Meetings", as set out in Attachment 4.6(a), be circulated to all Council Members for their comment following which a further report on the outcome be presented to the next meeting of the Audit and Governance Committee."

The Audit and Governance Committee met on Tuesday 8 May; however time did not allow Policy P517 "Audio Recording of Council Meetings" to be discussed. This Policy needs to be expedited and calling a Special Audit and Governance Meeting will enable the Policy to be presented to the June Council Meeting.

CEO COMMENT

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

The need for Council to adopt a practice in relation to audio recording of Council meetings was contained in the City of South Perth 2002 and 2006 Inquiry Reports. The City is required to respond to the recommendations contained in the 2006 Inquiry Report within 35 days of receipt of the report ie by Friday 15 June.

The Mayor has indicated that a Special Council meeting will also be called in the first week of June 2007 to discuss the recommendations contained in the Inquiry Report. It may be possible to deal with the audio recording policy at the Special Council meeting.

COUNCIL DECISION ITEM 11.5

Moved Cr Doherty, Sec Cr Hearne

In order to expedite the Recommendation of the South Perth Inquiry to implement the Audio recording of all Council and Committee meetings, an Urgent Audit and Governance Committee Meeting to be held during the first week of June to enable the draft Policy P517 "Audio Recording of Council Meetings" to be tabled at the June Council Meeting.

CARRIED (10/1)

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

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

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

that an item of 'New Business of an Urgent Nature' had been received from Cr Doherty. A copy of the proposed Motion was circulated to Members.

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 12.1

Moved Mayor Collins, Sec Cr Hearne

That the item of new business introduced by Cr Doherty be discussed.

CARRIED (8/3)

COUNCIL DECISION ITEM 12.1

Moved Cr Doherty, Sec Cr Hearne

That.....

- (a) Council notes the limited time period of 60 days from 10 May 2007 which is available to the Council to satisfy the Department for Local Government and Regional Development that it is addressing the recommendations of the South Perth Inquiry Report; and
- (b) in order to facilitate the mediation process contemplated in the Inquiry Report:
 - (i) the Council compiles a list of two (2) mediators/facilitators from each of the following (to total 6 in all) by inviting :
 - LEADR (Institute of Arbitrators and Mediators Australia)
 - WA Chapter; and
 - WALGAto nominate individuals and to include appropriate information as to fees;
 - (ii) the list to be presented to the Department for Local Government and Regional Development for its endorsement and adoption; and
 - (iii) final selection of the agreed mediator/facilitator from the list of nominees to be carried out by the Council as soon as practicable.

CARRIED (10/1)

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

NEW BUSINESS OF AN URGENT NATURE - CORRESPONDENCE FROM DEPARTMENT OF LOCAL GOVERNMENT ITEM 12.2

The Mayor reported the receipt (late in the afternoon) of a letter from the Department of Local Government dated 21 May 2007 in relation to Item 11.1 of the April Council meeting relating to the payment of legal fees. He then read the letter aloud.

Chief Executive Officer said that Council may recall that at last month's meeting Council considered a Notice of Motion by Cr Ozsdolay in relation to legal fees. He said that as a majority of Councillors declared an interest in that item there was no quorum and as a consequence Council was unable to deal with the matter and he had therefore written to the Minister asking for an exemption. As the response to that letter only came in late this afternoon he said he was not in a position to offer advice to Members on this matter. The letter also states that despite approval that fresh declarations are also required to be made at the time this item is to be debated. This exemption does not allow Councillor Best or Cr Smith to participate. Cr Best because he did not declare an interest and Cr Smith because he did declare an interest. As an alternative the CEO stated that Council could advise the Department that we have been unable to deal with the matter because of the 'late notice' and suggest to them that we can deal with the matter at the Special Council Meeting scheduled for 6 June or alternatively at the next Ordinary Council Meeting in June.

MOTION

Moved Mayor Collins, Sec Cr Trent

That the item of new business, correspondence dated 21 May 2007 received from the Department of Local Government in relation to Item 11.1 of the April Council meeting relating to the payment of legal fees, be discussed.

DECLARATION OF INTEREST CR SMITH ITEM 12.2

Cr Smith declared an interest in this matter as he had claimed for legal fees and left the Chamber at 11.20pm.

Cr Hearne against the Motion

- time is 11.20pm - this is an important issue
- would rather get papers to be able to digest issue and deal with on 6 June
- against dealing with this matter tonight
- against Motion

COUNCIL DECISION - NEW BUSINESS OF AN URGENT NATURE ITEM 12.2

The Mayor put the Motion

That the item of new business, correspondence dated 21 May 2007 received from the Department of Local Government in relation to Item 11.1 of the April Council meeting relating to the payment of legal fees, be discussed.

LOST (3/7)

13. MEETING CLOSED TO PUBLIC

13.1 Matters for which the Meeting May be Closed.

13.2 Public Reading of Resolutions that may be made Public.

14. CLOSURE

The Mayor closed the meeting at 11.25pm

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 22 May 2007

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