



MINUTES

Table of Contents

| | | |
|--------|--|-----------|
| 1. | DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS..... | 4 |
| 2. | DISCLAIMER..... | 4 |
| 3. | ANNOUNCEMENTS FROM THE PRESIDING MEMBER | 4 |
| 4. | ATTENDANCE..... | 5 |
| 5. | DECLARATION OF INTEREST | 5 |
| 6. | PUBLIC QUESTION TIME..... | 6 |
| 6.1 | <i>Response to Previous Public Questions Taken on Notice.....</i> | <i>6</i> |
| 6.1.1. | Mr Geoff Defrenne, 24 Kennard Street, Kensington | 6 |
| 6.1.2. | Mr Barrie Drake, 2 Scenic Crescent, South Perth..... | 7 |
| 6.2 | <i>Public Question Time : 27.11.2007</i> | <i>8</i> |
| 6.2.1. | Mr Barrie Drake, 2 Scenic Crescent, South Perth..... | 8 |
| 6.2.2. | Mr Andrew White, 11 Lawler Street, South Perth..... | 9 |
| 6.2.3. | Mr Geoff Defrenne, 24 Kennard Street, Kensington | 9 |
| 7. | CONFIRMATION OF MINUTES / BRIEFINGS | 11 |
| 7.1 | <i>MINUTES.....</i> | <i>11</i> |
| 7.1.1 | Ordinary Council Meeting Held: 16 October 2007..... | 11 |
| 7.1.2 | Special Council Meeting Held: 23 October 2007 | 12 |
| 7.2 | <i>BRIEFINGS.....</i> | <i>12</i> |
| 7.2.1 | Agenda Briefing - October Ordinary Council Meeting Held: 9.10.2007..... | 12 |
| 7.2.2 | Concept Forum - Training New Members - Meeting Held: 30.10.2007..... | 12 |
| 7.2.3 | Concept Forum - Town Planning Major Developments - Meeting Held: 7.11.2007..... | 12 |
| 7.2.4 | Concept Forum Code of Conduct Official Conduct Regulations, Underground Power Como East; and Collier Park Golf Course Lease Options - Meeting Held: 13.11.2007..... | 13 |
| 8. | PRESENTATIONS..... | 13 |
| 8.1 | <i>PETITIONS - A formal process where members of the community present a written request to the Council.....</i> | <i>13</i> |
| 8.1.1 | Petition received from Frank O'Connor, 14/1 Preston Street, Como together with 5 signatures against the proposed Tavern at No. 1 Preston Street, Como..... | 13 |
| 8.2 | <i>PRESENTATIONS - Formal or Informal Occasions where Awards or Gifts may be Accepted by..... the Council on behalf of the Community.....</i> | <i>14</i> |
| 8.2.1 | Communicare - 30 Anniversary Celebration | 14 |
| 8.2.2 | Cannock Chase Council, Birmingham UK | 14 |

MINUTES : ORDINARY COUNCIL MEETING: 27 NOVEMBER 2007

| | | |
|---------|--|-----|
| 8.3 | <i>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.</i> | 14 |
| 8.4 | <i>DELEGATES' REPORTS Delegate's written reports to be submitted to the Minute Secretary prior to 9 November 2007 for inclusion in the Council Agenda.</i> | 14 |
| 9. | METHOD OF DEALING WITH AGENDA BUSINESS | 14 |
| 10. | REPORTS | 15 |
| 10.0 | <i>MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS (7.35pm)</i> | 15 |
| 10.0.1 | Collier Park Hostel Progress Report (<i>Item 9.0.2 Council Meeting 22.5.07</i>) | 15 |
| 10.0.2 | Certificate of Occupancy (<i>Item 10.0.3 referred Council Meeting 24 July 2007</i>) | 18 |
| 10.0.3 | Preston Street Parking Facility- Agreement to Develop Public Car Park (<i>Item 10.4.1 Council Meeting 24 July 2007</i>) | 21 |
| 10.0.4 | Proposed Two Storey Single House No. 69 Strickland Street (<i>Item 10.3.6 Council Meeting 28 August 2007</i>) | 23 |
| 10.0.5 | Proposed Closure of Surplus Portions of Godwin Avenue and Bickley Crescent Road Reserves, Manning (<i>Item 9.3.5 Council Meeting 26 July 2005 refers</i>) | 28 |
| 10.0.6 | Clarification of Extent of Partial Closure of Right-of-Way No. 133 Como (<i>Referred Item 10.0.2 Council Meeting 16 October 2007</i>) | 31 |
| 10.0.7 | Request for Partial Closure of Right-of-Way No. 82, Como. (<i>Item 9.3.3 August 2004 Council Meeting</i>) | 32 |
| 10.0.8 | Request for Partial Closure of Right-of-Way No. 106 Como. (<i>referred Item 9.0.1 November 2005 Council Meeting</i>) | 35 |
| 10.0.9 | Sewerage Disposal Options Sir James Mitchell Park (<i>referred Item 9.0.2 Council Meeting 28 November 2006</i>) | 38 |
| 10.1 | <i>GOAL 1 : CUSTOMER FOCUS</i> | 41 |
| 10.2 | <i>GOAL 2: COMMUNITY ENRICHMENT</i> | 41 |
| 10.2.1 | Community Partnership Moorditj Keila | 41 |
| 10.3 | <i>GOAL 3: ENVIRONMENTAL MANAGEMENT</i> | 45 |
| 10.3.1 | Draft Planning Policy P398 "Applications for Planning Approval: Applicant's Responsibilities" | 45 |
| 10.3.2 | Retrospective Planning Approval for Change of Use from Office to Consulting Rooms No. 95 Canning Highway, cnr Dyson Street, South Perth | 47 |
| 10.3.3 | Proposed Change of Use - 'Café / Restaurant' to 'Tavern' Lot 10 Preston Street, Como | 52 |
| 10.3.4 | Proposed Change of Use: Shop to Temporary Use as an Indoor Sporting Activity Lot 1 (No. 45-49) George Street, South Perth | 62 |
| 10.3.5 | Request for Review of Condition of Planning Approval. Lot 9 (29) Templemore Gardens, Waterford | 68 |
| 10.3.6 | Carport Addition to Single House. Lot 28 (No. 19) Glyde Street, South Perth | 74 |
| 10.3.7 | Proposed Two Storey Single House. Lot 129 (No. 12) McNess Glade, Salter Point | 77 |
| 10.3.8 | Proposed Naming of Right-of-Way No. 123 Como | 82 |
| 10.3.9 | Amendment No. 10 to TPS6 to rezone portion of Pt. Lot 1 Burch Street, South Perth | 85 |
| 10.3.10 | Proposed New Establishment Agreement Rivers Regional Council (<i>formerly South East Metropolitan Regional Council</i>) | 93 |
| 10.4 | <i>GOAL 4: INFRASTRUCTURE</i> | 96 |
| 10.4.1 | State Undergrounding of Powerlines Program - Como East Project | 96 |
| 10.4.2 | River Wall and Foreshore Works | 102 |

| | | |
|--------|--|-----|
| 10.5 | <i>GOAL 5: ORGANISATIONAL EFFECTIVENESS</i> | 104 |
| 10.5.1 | Applications for Planning Approval Determined Under Delegated Authority..... | 104 |
| 10.5.2 | Use of the Common Seal | 105 |
| 10.5.3 | Swan Catchment Council - Proposed Integrated Natural Resource Management Group - Appointment of Council Member Representative | 106 |
| 10.5.4 | Delegates from Council | 108 |
| 10.5.5 | Council Meeting Schedule 2008..... | 112 |
| 10.6 | <i>GOAL 6: FINANCIAL VIABILITY</i> | 114 |
| 10.6.1 | Monthly Financial Management Accounts - October 2007 (8.40pm)..... | 114 |
| 10.6.2 | Monthly Statement of Funds, Investments and Debtors at 31 October 2007..... | 117 |
| 10.6.3 | Warrant of Payments Listing | 120 |
| 10.6.4 | Statutory Financial Statements for Quarter ended 30 September 2007 | 121 |
| 10.6.5 | Budget Review for the Quarter ended 30 September 2007..... | 124 |
| 10.6.6 | Capital Projects Review to 31 October 2007 | 127 |
| 11. | APPLICATIONS FOR LEAVE OF ABSENCE | 129 |
| 12. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... | 129 |
| 13. | QUESTIONS FROM MEMBERS WITHOUT NOTICE | 129 |
| | <i>13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE</i> | 129 |
| | <i>13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 27.11.2007</i> | 130 |
| | 13.2.1 Progress on Mediation following DoLG Inquiry : Cr Hasleby | 130 |
| | 13.2.2 Southern Gazetten newspaper Cr Smith's article : Cr Gleeson | 130 |
| 14. | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MTG | 131 |
| 15. | MEETING CLOSED TO PUBLIC..... | 131 |
| | <i>15.1 Matters for which the Meeting May be Closed.</i> | 131 |
| | 15.1.1 City of South Perth Volunteer of the Year Award <i>CONFIDENTIAL NOT TO BE DISCLOSED REPORT</i> | 131 |
| | 15.1.2 Review of Collier Park Golf Course Lease <i>CONFIDENTIAL- NOT TO BE DISCLOSED REPORT</i> | 132 |
| | <i>15.2 Public Reading of Resolutions that may be made Public.</i> | 133 |
| 16. | CLOSURE | 133 |



ORDINARY COUNCIL MEETING

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth Tuesday 27 November 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 then paid respect to the Noongar people, custodians of the land we are meeting on and acknowledged their deep feeling of attachment to this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Activities Report Mayor Best

The Mayor advised that his 'Activities Report' was circulated with the Agenda paper for information.

3.2 The Mayor reported that the meeting is being audio recorded in accordance with Council Policy P517 "Audio Recording of Council Meetings" and Clause 6.1.6 of the Standing Orders Local Law which states: "*A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member*" and stated that as Presiding Member he gave his permission for the Administration to record proceedings of the Council meeting.

3.3 The Mayor read aloud correspondence from the Department of Local Government and Regional Development dated 27 November 2007 which stated that as part of the ongoing compliance monitoring program an officer from the Department was in attendance in the public gallery.

Cr Smith asked for the name of the representative in attendance from the Department of Local Government.

Mayor Best advised that Colin Gray, Senior Investigating Officer, was the representative in attendance from the Department.

4. ATTENDANCE

Present:

Mayor J Best

Councillors:

| | |
|----------------|-----------------|
| G W Gleeson | Civic Ward |
| I Hasleby | Civic Ward |
| P Best | Como Beach Ward |
| B Hearne | Como Beach Ward |
| T Burrows | Manning Ward |
| L P Ozsdolay | Manning Ward |
| C Cala | McDougall |
| R Wells, JP | McDougall |
| R Grayden | Mill Point Ward |
| D Smith | Mill Point Ward |
| S Doherty | Moresby Ward |
| K R Trent, RFD | Moresby Ward |

Officers:

| | |
|-----------------|--|
| Mr C Frewing | Chief Executive Officer |
| Mr G Flood | Director Infrastructure Services |
| Mr M J Kent | Director Financial and Information Services |
| Mr S Cope | Director Planning and Community Services |
| Mr C Buttle | Manager Development Assessment |
| Mr S Camillo | Manager Environmental Health Services (until 7.48pm) |
| Mrs M Clarke | Manager Collier Park Village (until 7.48pm) |
| Ms D Gray | Manager Financial Services |
| Mr N Kegie | Manager Community, Culture and Recreation (until 8.10pm) |
| Mr R Bercov | Strategic Urban Planning Adviser (until 8.21pm) |
| Mr S McLaughlin | Legal and Governance Officer (until 8.10pm) |
| Ms R Mulcahy | City Communications Officer |
| Mrs K Russell | Minute Secretary |

Gallery

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

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. DECLARATION OF INTEREST

The Mayor reported having received Declarations of Interest from:

- Cr Doherty in relation to Agenda Items 10.0.9, 10.2.1 and 15.1.1;
- Cr Trent in relation to Agenda Items 10.2.1 and 15.1.1
- Cr Gleeson in relation to Agenda Item 10.3.2; and
- Cr Ozsdolay in relation to Agenda Item 10.2.1

The Mayor then read aloud the Declarations, as detailed in the Minutes before Items 10.0.9, 10.2.1, 10.3.2 and 15.1.1 respectively.

Declaration of Interest (verbal) Cr Smith : Item 10.0.1

Cr Smith declared a conflict of Interest in Agenda Item 10.0.1 "Collier Park Hostel Progress Report". *"I am a resident of the Collier Park Village, part of the same location as the Hostel, and as such I will leave the Council Chamber during the debate on this item."*

6. PUBLIC QUESTION TIME

6.1 Response to Previous Public Questions Taken on Notice

At the Council meeting held 16 October 2007 the following questions were taken on notice:

| |
|--|
| 6.1.1. Mr Geoff Defrenne, 24 Kennard Street, Kensington |
|--|

Summary of Questions

In August and September I asked a series of questions re car parking and Australian Standards. Last month I asked a series of questions in response to Mr Cope asking for guidance from the Council about the application of the Australian Standards in respect to parking as per the Note in the Scheme.

Question: As the planning staff have appeared to have a different understanding as per the response, when did the Council come to that understanding and since when has it been applied?

Response: Provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have been applied since the gazettal of the Scheme in 2003.

This answer appears to be grossly incorrect in that the officer recommendation for buildings brought to Council have not complied with the Scheme. Mr Cope asked for guidance on the application of the Australian Standards as the planning department was using the Note in the scheme column to justify the use of the Australian Standards in respect to car park dimensions.

1. Is the CEO confident that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have been applied since the gazettal of the Scheme in 2003?
2. On what basis has the CEO come to that conclusion?
3. Is the CEO going to undertake a training program to ensure the scheme provisions are applied?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 13 November 2007, a summary of which is as follows:

1. Yes
2. On advice of the City's planning staff.
3. As previously advised in my letter dated 11 September 2007, the City's planning services team undertakes training as and when the need arises. I am satisfied that planning staff are competent with respect to their understanding of the car parking provisions of TPS6 and that training in this area is not required.

Summary of Question

Last month I asked about 'Notes' in the Town Planning Scheme.

1. Who has authorised Notes to be added to the column of the Town Planning Scheme?
2. Can Notes be added to the column of the Town Planning Scheme without the authorisation of the CEO?
3. Who has the authority to add Notes to the Town Planning Scheme column?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 13 November 2007, a summary of which is as follows:

1. Notes added to the 'Notes' column of Town Planning Scheme No. 6 since its gazettal have been authorised administratively by the City's Planning Department. The Note relating to Australian Standard AS 2890.1 was included in Town Planning Scheme No. 6 when it first became operational in April 2003.
2. Yes.
3. The City's Director, Planning and Community Services, acting on the advice of the Planning Department, has the capacity to add notes.

Summary of Question

Is Agenda Item 10.0.4 "Request for Report on Item 15.1.1 August 2007 Council Meeting" in any way a matter affecting an employee or employees, in particular the CEO or the Legal and Governance Officer?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 24 October 2007, a summary of which is as follows:

Report Item 10.0.4 on the October 2007 Council Agenda clearly identifies the substance of the Council resolution in relation to Item 15.1.1 of the August 2007 Council Minutes and reports, as requested, on the issues raised in that resolution.

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

Summary of Questions

My questions refer to the Report on No. 11 Heppingstone Street, South Perth by Ernie Samec who is a partner in the law firm of Kott Gunning. This report was commissioned by the CEO, Mr Cliff Frewing, and it was dated 26 June 2007.

1. How much did this report cost the City of South Perth?
2. Will the City forward a complete copy of this report to Mr Rob Giles who is the Chief of Staff of the Office of the Minister for Planning and Infrastructure, Alannah MacTiernan?

Summary of Response

A response was provided by the Chief Executive Officer, by letter dated 9 November 2007, a summary of which is as follows:

1. The City has not made any payment in relation to the advice dated 26 June 2007 from Kott Gunning.
2. The City forwarded an extract of the 26 June advice to the Minister in accordance with Council's resolution made at its July ordinary meeting. The City has not received any response from the Minister's office in relation to Council's resolution. If the City receives a request from the Minister's office for the full report to be provided, the request will be considered at that time.

6.2 PUBLIC QUESTION TIME : 27.11.2007

Opening of Public Question Time

The Mayor advised that Public Question Time would be limited to 15 minutes and that questions, not statements must relate to the area of Council's responsibility. He advised that questions would be taken from the gallery on a rotational basis and requested that speakers state their name and residential address. The Mayor then opened Public Question Time at 7.10pm.

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

Summary of Question

Refer to question asked last month. Although a written response provided response did not address question asked.

Why is the City not prepared to forward the complete report by Ernie Samec dated 26 June 2007 which reports on compliance or non-compliance of the building at No. 11 Heppingstone Street, South Perth to the Minister's Office?

Summary of Response

The Mayor stated that a summary of findings of Ernie Samec's report has been forwarded to the Minister's Office.

The Chief Executive Officer referred to page 6 of the Agenda paper at Item 6.1.2, the response provided last month, and reiterated that should the Minister's Office require a copy of the report, we will forward a copy.

Summary of Question

Is this report Confidential?

Summary of Response

The Chief Executive Officer responded, not to my knowledge.

Summary of Question

Was the report supplied to Council by Kott Gunning free of charge?

Summary of Response

The Chief Executive Officer responded, not to my knowledge.

Summary of Question

What was the cost of that report? Previously asked this question and the response stated "the City has not paid yet".

Summary of Response

The Chief Executive Officer stated that he believed the previous response to be accurate - we do not know the cost at this time.

Summary of Question

What was, or what will be, the cost of the report?

Summary of Response

The Chief Executive Officer said he could not answer the question until the account is received and the administration is satisfied with it.

Summary of Question

Will the report be made available to the ratepayers of the City of South Perth?

Summary of Response

The Chief Executive Officer said the question was taken on notice.

6.2.2. Mr Andrew White, 11 Lawler Street, South Perth

Summary of Question

Refer to the recent Red Bull Air Race event and in particular road closures. I was stopped at the corner of Tate and Angelo Street and even after showing ID was not allowed through. What measures will Council be taking so such a situation does not occur at the Australia Day Skyworks and subsequent events?

Summary of Response

The Mayor apologised for the inconvenience caused as a result of road blocks implemented to avoid gridlock. He stated that unfortunately there were a few instances where attendants had not allowed local residents through and said that improved 'instructions to attendants' were being drawn up in preparation for next year's event. He further advised that residents would also be provided with specific officer contact phone numbers in order to be able to deal with any issues that arise during this event.

Summary of Question

Regarding the personnel who control road blocks - do they have a Code of Conduct in a customer service approach when dealing with residents?

Summary of Response

The Mayor acknowledged that there were 1 / 2 road blocks where there were interactions with the people manning the road blocks and local residents and confirmed that he would do everything he could to ensure that it does not happen again.

6.2.3. Mr Geoff Defrenne, 24 Kennard Street, Kensington

The Mayor reported that Mr Defrenne had 'tabled' a series of written questions. At the request of Mr Defrenne the Mayor read aloud the following questions.

The Chief Executive Officer stated that as there were 24 questions in total that they would be taken on notice.

Summary of Question

Re 180 Mill Point Road - I have previously asked a series of questions in regard to the building currently under construction at 180 Mill Point Rd, South Perth. I have previously been advised that the City is leasing part of Sir James Mitchell Park to the builder which I assume is for the period of construction. I believe there has been a series of lease agreements or extensions of lease agreement for this 500 odd square metres.

1. What have been the periods of lease or extensions of lease for this site.
2. What have been the payments for each of these periods.

Tree - There was an article in the Southern Gazette recently regarding the only tree on the verge adjoining this property alleging it may have been poisoned.

3. When the application for planning consent was made for this building, was this tree on the plans.

4. Was the proposed crossover for this site in the same position as it is currently constructed.
5. Was it a condition of planning consent that the tree was to remain.
6. If the tree was to remain as a condition of planning consent, has there been any application to vary that condition.
7. When the application for a building licence was made for this building, was this tree on the plans.
8. Was the proposed crossover for this site in the same position as it is currently constructed.
9. Will this tree cause any obstruction to the proposed crossover for this site.
10. If this tree is removed for any reason will the city plant a new tree in the same spot along with a substantial steel or concrete tree.
11. Will this tree cause any obstruction to the access or egress to this site.
12. Who was the CEO when planning consent was issued in 2002.
13. Who was the CEO when a building licence was issued in 2005.

Note: Cr Gleeson sought approval to raise a point of clarification. The Mayor agreed.

Cr Gleeson asked: How long has the tree been planted there?.

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

Summary of Question

Re. Ngala site George Street, Kensington - Alexandria Village on the corner of George Street and Baron-Hay Court received planning consent some time ago.

1. Was it a condition of planning consent that the existing (at the time) tall pine trees were to remain.
2. Has the developer made an application to remove any of these trees.
3. If an application has been made, was it given and by whom.
4. Is the City aware that most the tall pine trees were removed just on two weeks ago.

Summary of Question

For the Ordinary Council meeting held on 25 September 2007 there was an acting CEO in attendance while the CEO was on leave.

5. With respect to agenda item 12.2 at the Ordinary Council meeting held on 25 September 2007 can you please advise:
 - (a) Which City officers contributed drafts, edits, reviews or otherwise to the section headed "CEO Comment"?
 - (b) Which City officer is accountable for the content of the section headed "CEO Comment"?

Summary of Question

Car Parking – Last month I asked: *Is the CEO confident that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have been applied since the gazettal of the Scheme in 2003?* The CEO response was a simple “Yes”. I also asked *“On what basis has the CEO come to that conclusion?”* The Response was: “on advice of the City’s planning staff.”.

On reviewing the wording of the current and previous town planning scheme the wording in respect to parking bays abutting a wall or pillar is essentially identical. So in effect, the increase of 30cm in width where car bays abut a wall or pier, has been the **law** in South Perth for over 20 years; yet as recently as several months ago the staff were recommending or approving car bay widths of less than 2.8m where they abutted a wall or pier.

19. Can the CEO give assurance to the council that the planning staff have not approved any building that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have **not** been applied since the gazettal of the Scheme in 2003?
20. Can the CEO give assurance to the council that the planning staff have not recommended to council to approve any building that the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking have **not** been applied since the gazettal of the Scheme in 2003?
21. Can the CEO give assurance to the council that the planning staff or other staff, have not issued a building licence or approved a strata scheme where the development did not comply with the provisions of the City of South Perth Town Planning Scheme No. 6 relating to car parking since the gazettal of the Scheme in 2003?
22. If the CEO can give the requested assurance in 19,20 & 21 on what basis can he give that assurance?

Summary of Question

Matter Affecting an Employee. Last month I asked the question: *Is item 10.0.4 in any way a matter affecting an employee or employees in particular the CEO or the Legal and Governance officer?* A response was provided by the Chief Executive Officer, by letter dated 24 October 2007, a summary of which is as follows: Report Item 10.0.4 on the October 2007 Council Agenda clearly identifies the substance of the Council resolution in relation to Item 15.1.1 of the August 2007 Council Minutes and reports, as requested, on the issues raised in that resolution. The answer tells me, and I assume anyone else, nothing that is meaningful, I ask again:

23. Is item 10.0.4 in the October meeting in any way a matter affecting an employee or employees in particular the CEO or the Legal and Governance officer? (A very simple “yes” or “no” would be sufficient and efficient).

Summary of Question

Principle - During the debate on an item last month, a Councillor stated to the effect that if a Councillor stands on principle rather than expediency then the Councillor may have to bear the cost of that principle.

24. For the benefit of the residents, will the Council initiate a policy where if it votes on expediency rather than principle, Councillors will make a declaration to that effect?

Summary of Response

As previously indicated by the Chief Executive Officer, the questions were taken on notice.

Close of Public Question Time

There being no further questions the Mayor closed Public Question time at 7.28pm

7. CONFIRMATION OF MINUTES / BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 16 October 2007

COUNCIL DECISION ITEM 7.1.1

Moved Cr Trent, Sec Cr Wells

That the Minutes of the Ordinary Council Meeting held 16 October 2007 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.1.2 Special Council Meeting Held: 23 October 2007

COUNCIL DECISION ITEM 7.1.1

Moved Cr Grayden, Sec Cr Hearne

That the Minutes of the Special Ordinary Council Meeting held 23 October 2007 be taken as read and confirmed as a true and correct record.

CARRIED (13/0)

7.2 BRIEFINGS

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

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

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

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

7.2.1 Agenda Briefing - October Ordinary Council Meeting Held: 9.10.2007

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

7.2.2 Concept Forum - Training New Members - Meeting Held: 30.10.2007

Officers of the City and representatives from McLeods and Woodhouse & Associates presented information in relation to Governance, the Local Government Act, Declarations of Interest and Town Planning Principles. Notes from the Concept Briefing are included as **Attachment 7.2.2.**

7.2.3 Concept Forum - Town Planning Major Developments - Meeting Held: 7.11.2007

Officers of the City presented information in relation to Major Town Planning Developments

- Proposed Change of Use Café to Tavern, Preston Street;
 - Proposed 10 Multiple Dwellings 52 Mill Point Road; and
 - draft Policy P398 'Applications for Planning Approval: Applicant's Responsibilities'
- Notes from the Concept Briefing are included as **Attachment 7.2.3.**

7.2.4 Concept Forum Code of Conduct Official Conduct Regulations, Underground Power Como East; and Collier Park Golf Course Lease Options - Meeting Held: 13.11.2007

Mr John Woodhouse of Woodhouse Legal provided an overview of the Official Conduct Regulations and Officers of the City provided an update on the Underground Power Project for the Como East area and Lease Options in relation to the Collier Park Golf Course. Notes from the Concept Briefing are included as **Attachment 7.2.4.**

COUNCIL DECISION ITEMS 7.2.1 TO 7.2.4 INCLUSIVE

Moved Cr Trent, Sec Cr Ozsdolay

That the comments and attached Notes under Items 7.2.1 to 7.2.4 inclusive on Council Agenda Briefings held since the last Ordinary Meeting of Council on 16 October 2007 be noted.

CARRIED (13/0)

8. PRESENTATIONS

8.1 PETITIONS -

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

8.1.1 Petition received from Frank O'Connor, 14/1 Preston Street, Como together with 5 signatures against the proposed Tavern at No. 1 Preston Street, Como.

Text of petition reads: We the undersigned respectfully request the City oppose the Proposed Change of Use from Café/ Restaurant to Tavern, Lot 950 (No. 1) Preston Street, Como.

RECOMMENDATION

That it be noted, that the Petition dated 29 October 2007 received from Frank O'Connor, 14/1 Preston Street, Como together with 5 signatures against the proposed Change of Use from Café/Restaurant to Tavern at No. 1 Preston Street, Como, has been considered in Report Item 10.3.2 of the November Council Agenda, together with other submissions received in relation to the proposal.

COUNCIL DECISION ITEM 8.1.1

Moved Cr Doherty, Sec Cr Hearne

That it be noted, that the Petition dated 29 October 2007 received from Frank O'Connor, 14/1 Preston Street, Como together with 5 signatures against the proposed Change of Use from Café/Restaurant to Tavern at No. 1 Preston Street, Como, has been considered in Report Item 10.3.2 of the November Council Agenda, together with other submissions received in relation to the proposal.

CARRIED (13/0)

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

8.2.1 Communicare - 30 Anniversary Celebration

The Mayor presented a trophy to the City in recognition and thanks for the City of South Perth's continue support to Communicare over the last 30 years.

8.2.2 Cannock Chase Council, Birmingham UK

The Mayor presented a 'Reindeer Head' spirit measure gift from Katherine Cooper, Public Relations Manager of Cannock Chase Council in the UK in recognition of her visit to the City of South Perth. On behalf of the Council the Mayor also extended his thanks to the CEO for his involvement in making Ms Cooper feel welcome.

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

Nil

Note: Deputations in relation to Agenda Items 10.0.9, 10.2.1, 10.3.3, 10.3.5, 10.3.6 and 10.3.9 were heard at the November Council Agenda Briefing held on 20 November 2007.

8.4 DELEGATES' REPORTS Delegate's written reports to be submitted to the Minute Secretary prior to **9 November 2007** for inclusion in the Council Agenda.

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Chief Executive Officer confirmed that this was correct.

COUNCIL DECISION ITEM 9.0 - EN BLOC RESOLUTION

Moved Cr Trent, Sec Cr Grayden

That the officer recommendations in relation to Agenda Items 10.0.2, 10.0.4, 10.0.5, 10.0.6, 10.0.9, 10.3.1, 10.3.4, 10.3.6, 10.3.7, 10.3.8, 10.3.9, 10.3.10, 10.4.1, 10.5.1, 10.5.2, ~~10.5.5~~, 10.6.2, 10.6.3, 10.6.4 and 10.6.5 be carried en bloc.

CARRIED (13/0)

Note: Item 10.5.5 was withdrawn from Item 9.0 and the en bloc resolution subsequently revoked later in the meeting. (Pages 114 and 130 refer)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS (7.35pm)

DECLARATION OF INTEREST (VERBAL) CR SMITH : ITEM 10.0.1

Cr Smith declared a conflict of Interest in Agenda Item 10.0.1 "Collier Park Hostel Progress Report" on the November 2007 Council Agenda. *"I am a resident of the Collier Park Village, part of the same location as the Hostel, and as such I will leave the Council Chamber during the debate on this item."*

Note: Cr Smith left the Council Chamber at 7.35pm

| |
|--|
| 10.0.1 Collier Park Hostel Progress Report (Item 9.0.2 Council Meeting 22.5.07) |
|--|

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | CS/501/4 |
| Date: | 22 October 2007 |
| Author: | Margaret Clarke, Manager Collier Park Village |
| Reporting Officer: | Director Planning and 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 and as a follow-on from the May 2007 progress report to Council.

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.*

Following the engagement of Susan Clarke a progress report was presented to the May 2007 Council meeting at Item 9.0.2. At that meeting Council resolved as follows:

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 Sinitatives at the Collier Park Village Hostel be received; and*
- (b) *a further progress report be submitted to the October 2007 meeting of Council.*

As reported in the monthly Status Report, as a result of the Council elections in October the further progress report was held over to the November 2007 Council meeting.

Comment

Methodology

Since May 2007, the consultant has 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.

Staffing Structure

The present staffing structure is in line with the recommendations of the review from January 2007, however, it must be noted the higher level of resident is retained, the higher the demands for care, the higher staff hours will be needed and higher costs will be incurred as a result.

Hostel Staff Current

| Position / Qualification | Hours | Weekend / Shifts |
|--|--|--|
| Care Manager - Cert IV | Full Time Monday - Friday | N/A |
| Registered Nurse | Casual 15 hours per week - M/W/F | N/A |
| 5 Multi Skilled Carers 3 Certificate IV 2 Certificate III | Monday - Friday 4 Staff 7:00am - 2:00pm 1 Staff 7:00am - 2:30pm | Enrolled Nurse 7:00am - 3:00pm Carer 7:00am - 1:00pm Carer 7:00am - 2:00pm |
| Enrolled Nurse Carer | Monday - Friday 2:30pm - 10:00pm Monday - Friday 4:30pm - 9:30pm | Enrolled Nurse 2:30pm - 10:00pm Carer 4:30pm - 9:30pm |
| 3 Enrolled Nurses | Night Shift 10:00pm - 7:00am | 7 Nights per week. |
| Housekeeper | Split Shift Monday - Friday 7:00am - 10:00am 5:00pm - 7:00pm | 5:00pm - 7:00pm |
| Activities Person | Monday/Wednesday/Thursday 9:30am - 3:30pm Tuesday/Friday 9:00am - 12:30pm | N/A |
| Accreditation Assistant | 4 days per week / 6 hours per day | N/A |
| Gardener Maintenance Person | 1 day per week 1 day per week | N/A |
| Registered Nurse hours can change - Depending on level of residents or sickness. Accreditation person can change depending on Accreditation requirements and audits required. | | |

RCS Review

Periodic reviews have been completed for all current residents in the Hostel and as their review dates become due most are being raised by one 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. If this occurs, the level drops two categories until reassessed when they return from hospital. That (RCS) level then remains in place for 6 months until further reviewed.

The RCS levels comparing the May - September period are shown below

| RCS LEVELS | MAY 2007 | SEPTEMBER 2007 |
|--------------------------|------------------|------------------|
| LEVEL 2 | 0 | 1 |
| LEVEL 3 | 2 | 2 |
| LEVEL 4 | 2 | 2 |
| LEVEL 5 | 14 | 14 |
| LEVEL 6 | 12 | 8 |
| LEVEL 7 | 8 | 8 |
| LEVEL 8 | 1 | 1 |
| RESPIRE - HIGH | 1 | 3 |
| | 40 | 39 |
| CONCESSIONAL | 13 | 14 |
| Total daily Value | \$1501.32 | \$1542.58 |

In addition, 3 Residents are still going through assessment. An estimate of extra income would be an additional \$112.38 per day if current assessments are accepted. As residents leave the Hostel, the RCS levels of other residents are assessed in order to maintain income levels.

Training

It was recommended that all staff had more training with regard to the documentation requirements to receive the maximum income from RCS levels of Hostel Residents. This training has now been completed and follow-up training takes place annually to capture any changes that may be required.

A new funding system for grants is to commence on the 20th of March, 2008. This will be ACFI (Aged Care Funding Instrument) and will replace the old R.C.S (Resident Classification Scheme).

Training has already been completed by key personnel and will be followed up by training to all carers in the Hostel before March, 2008. The industry as a whole are still questioning if this will make a significant difference in income. Please see chart below for information.

| TRAINING CONDUCTED | No. ATTENDEES |
|---|---------------|
| First Aid Training 20 & 21 August 2007 | 13 |
| Accreditation Assessors Course 5, 12, 19, & 25 September 2007 | 1 |
| Quest Training - Data into Evidence 21 September 2007 | 7 |
| Evidence Based Practice 24 September 2007 | 2 |
| ACFI Manager National Training 25 & 26 September 2007 | 1 |
| Aged Care Channel Training - 29 Modules. Staff at various stages of completion. | 22 |

Accreditation

The accreditation application was submitted in October 2007 and the accreditation of the Centre will be conducted on 7 and 8 February 2008. It is anticipated that the accreditation would be obtained for up to 3 years.

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 as the pension grant can still be claimed. This allowable rate was increased to \$135,000 on the 20 September 2007 and the Bond has been adjusted accordingly.

Conclusion

The City can be confident that there will be an increase in income, compared with the previous year, as the figures below compare grants received for R.C.S levels:-

| | | | |
|----------------|----------|----------------|----------|
| July 2006 | \$44,742 | July 2007 | \$64,669 |
| August 2006 | \$54,867 | August 2007 | \$60,318 |
| September 2006 | \$51,840 | September 2007 | \$64,714 |

Implementation of recommendations 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, care and services are provided to all residents according to needs as previously stated. There would also be a need for some capital expenditure to provide adequate equipment to service a higher level of care, eg special beds at 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 the City is a local government authority and the Hostel is a 'stand alone' identity owned and operated by local government 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 the Hostel or the City. Funding has already been lost for November, 2007 and a letter seeking exemption from the rules has been written to the Secretary, Ageing and Aged Care Department.

Consultation

Consultation has continued with both staff and residents over changes that have been made. At this stage the changes have been well received by all involved. Evaluation will continue to take place through our continuous improvement processes, meetings and adjustments will be made as and when 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:

As at June 2007

| | 2006/07 Budget | 2006/07 Actual |
|---------------------|-----------------------|-----------------------|
| Cash Operating Loss | (97k) | (105k) |
| Capital Expenditure | (67k) | (33k) |
| Overall -cost | (164k) | (138k) |

As at September 2007

| | 2007/08 Budget | 2007/08 Actual |
|---------------------|-----------------------|-----------------------|
| Cash Operating Loss | (40k) | (20k) |
| Capital Expenditure | (8k) | (10k) |
| Overall cost | (48k) | (30k) |

It is noted that the overall financial position as at 30 June 2007 still reported a cash loss of \$138,000 as against a budget cost of \$164,000. The financial position as at 30 September 2007 also showed signs of improvement against the budgeted position.

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 10.0.1 |
|--|

That report item 10.0.1 of the November 2007 Council Agenda be received.

CARRIED (12/0)

Note: Cr Smith returned to the Council Chamber at 7.38pm

| |
|--|
| 10.0.2 Certificate of Occupancy (Item 10.0.3 referred Council Meeting 24 July 2007) |
|--|

Location: City of South Perth
 Applicant: Council
 File Ref: PH/203
 Date: 7 November 2007
 Author/Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

To provide a progress report on investigation of the proposal for provision of compliance certificates prior to issue of a Strata Title Certificate/Certificate of Classification for any multiple dwelling unit.

This report provides comment on the outcome of investigation into private certification of planning applications in other local governments.

The report concludes with an outline of the process to be followed to move towards preparation and adoption of a City of South Perth policy.

Background

Attached to this report is Draft Outline Policy P399 - Final Clearance Requirements for Completed Buildings (**Attachment 10.0.2**).

At its meeting held on 27 March 2007, Council resolved (at Item 11.3)

“That....

- (a) *a report be submitted to the next available Council meeting on the proposed adoption of the following procedures as Council policy:*

That prior to the issuing of a Certificate of Occupancy or Classification for any Multiple Dwelling Unit, that the City requires a signed Compliance Certificate from a registered Building Surveyor or other appropriate professional on behalf of the Building Owner or Owners. Specific compliance issues to be identified in this certificate shall be Plot Ratio, setbacks and height.

- (b) *in addition, the report will also examine the validity of the issuing of Strata Certificates before the issuing of a Certificate of Classification.”*

At its meeting held on 24 July 2007 Council resolved (at Item 10.0.3)

“That...

- (a) *Council note the advice received from McLeods on private certification prior to issue of strata titles certificate and certificate of classification and agrees in principle with the advice that independent certification is a valid tool that the City may use to ascertain compliance with approved plans; and*
- (b) *a further report be presented advising of a draft policy outlining the City's revised procedure for processing applications for 23 Strata Title Act Section 23 Certificates and certificates of occupancy and/or classification based on advice received from McLeods on this matter.”*

Some investigation has been undertaken of systems implemented by other Australian local governments of private certification of planning applications (e.g. Gold Coast City Council, Glen Eira City Council, City of Greater Dandenong); those systems involve certification of planning compliance at the time of lodgement of a development application. The proposal currently under consideration by City of South Perth is for private certification of completed buildings for compliance with plans approved at the time of issue of a building licence.

As reported to the July 2007 Council meeting advice was obtained from Council's Solicitors, McLeods. The critical elements of that advice were:

- When dealing with an application for a Strata Titles Act Section 23 certificate the local government is permitted to consider the laws relevant to building control for the purpose of deciding whether the building is of sufficient standard.
- The local government should have regard to certain matters in subsections (1) and (2) of Section 23 of the Strata Titles Act
- A local government may adopt a policy or a set of guidelines for the achievement of satisfaction of the matters referred to in subsections (1) and (2) of Section 23.

- The policy or guidelines might reasonably require independent certification provided at the applicant's expense

Comment

It is considered that in view of the complexity of the applications which are the subject of applications for Section 23 certificates that further legal advice will be required to complete the drafting of the a policy.

It is proposed to refer this task to McLeods with the following guidance:

- Policy to apply to all 'major' development proposal incorporating multiple dwellings
- Applicant to bear cost of independent certification
- Panel of independent experts to be registered
- Independent experts to have qualifications approved by local government
- Independent expert to provide report of inspection to the City recognising a duty owed to the City as principal
- Independent expert to carry appropriate professional indemnity insurance

The Draft Outline Policy P399 would be provided to McLeods for guidance on format.

The following stages in the policy development process are then anticipated:

1. Preparation of draft Policy by solicitors
2. Review of draft Policy by City executive and relevant officers
3. Re-draft of Policy by City solicitors
4. Concept Forum briefing for Council Members on draft Policy
5. Review of Policy by Audit & Governance Committee
6. Preparation of final draft Policy by Council solicitors
7. Presentation of final draft Policy to Council for adoption (possibly on a trial basis for a specified time period).

Policy and Legislative Implications

Relevant provisions of the Local Government Act and Regulations and the Strata Titles Act and Regulations.

Financial Implications

The issue has no particular impact on this particular area.

Strategic Implications

The report is aligned to Goal 3 "Environmental Management" and Goal 5 "Organisational Effectiveness" within the City's Strategic Plan. Goal 3 is expressed in the following terms: *"To effectively manage, enhance and maintain the City's unique natural built environment"*.

Goal 5 is expressed in the following terms: *"To be a professional effective and efficient organisation"*.

Consultation

It is noted that the proposed Policy does not require advertising prior to Council adoption as it is not subject to a statutory advertising requirement (e.g. Town Planning Scheme). It is proposed however that the development industry be notified of any new Policy following adoption by Council and prior to implementation.

Conclusion

In conclusion it is recommended that Council note the proposed policy development process which incorporates further opportunity for consideration by Elected Members.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.2**

That Council note the progress of investigation of the proposal for provision of compliance certificates prior to issue of a Strata Title Certificate/Certificate of Classification for any Multiple Dwelling unit.

CARRIED EN BLOC RESOLUTION

**10.0.3 Preston Street Parking Facility- Agreement to Develop Public Car Park
(Item 10.4.1 Council Meeting 24 July 2007)**

Location: City of South Perth
Applicant: Council
File Ref: PR1
Date: 15 November 2007
Authors: Sebastian Camillo, Manager Environmental Health Services
Les Croxford, Manager Engineering Infrastructure
Reporting Officer: Glen Flood, Director Infrastructure Services

Summary

To consider the development of a public car park at No. 16 Preston Street, Como (known as Portion of Lot 1, Diagram 5661), adjacent to the Cygnet cinema.

Background

At the February 2007 Council meeting Item 9.3.9 "Progress Report - Parking Review Report", reference was made to the parking demand within the Preston Street Commercial Precinct. In that report it was stated that vacant private land (with the agreement of the owners) off Preston Street could be utilised as a temporary parking facility to alleviate the parking demand at the eastern end of the precinct. The use of the vacant land adjacent to the cinema in Preston Street is advantageous to the City for a relatively low outlay and represents an opportunity worthy of pursuing.

A further report at the July 2007 Council meeting it was resolved that:

- (a) *Council supports the construction of a public parking area on vacant land off Preston Street; and*
- (b) *an appropriate draft agreement be prepared by the CEO between the land owner and the City for the use of the land as a public parking area. This agreement is to be brought back before Council for consideration and approval prior to signing by both parties.*

Comment

The City has designed a temporary parking facility to fit on the site at 16 Preston Street, Como (known as Portion of Lot 1, Diagram 5661), for approximately 22 vehicles for an outlay of approximately \$20,000. The construction would take the form of recycled/profiled road material from one of the many road projects, spread and compacted to form an even and dense surface but not water proof (i.e. does not include an asphalt surface). The area would be kerbed to prevent stormwater entering downhill properties and on-site soak wells would be installed. All of the drainage etc is included in the estimated cost.

Discussions have been conducted between the City officers and the property owner to formalise an agreement for the project. The agreement, would essentially require the City to:

- construct/maintain the temporary car park until such time as the land is required by the owner for redevelopment;
- allow the City a minimum of 12 months use of the land and review the agreement every two years; and
- indemnify the owner for public liability by users of the temporary car park legitimately using the car park for the intended purpose but not for any loss or damage to parked vehicles within the parking.

The owner would:

- continue to meet all outgoings for the vacant land now forming the car park;
- make available the land to the City for the intended purpose at no cost, until such time as the site is the subject of a building approval for building works; and
- accept the removal of materials placed on the land for the temporary car park as incidental site works during redevelopment.

The discussions to date have been favourable between the City officers and the land owner and the agreement is now ready to be signed off by the relevant parties. Once the agreement has been signed off the work is able to commence on construction of the car park in time for the busy summer season in the Preston Street precinct.

This capital project is included in the capital works program for 2007/08 and if approved in November could be completed by the end of December.

Consultation

No public consultation is required other than the specific negotiations with the land owner.

Policy and Legislative Implications

There are no policy or legislative implications in respect to the contents of the report.

Financial Implications

Funding for this work has been approved by Council and included in the 2007/08 Capital Works Budget.

Strategic Implications

This proposed parking facility is consistent with Goal 4, Strategy 4.3 of the adopted Strategic Plan:

Develop plans, strategies and management systems to ensure Public Infrastructure Assets (road, drains, footpaths, river wall, community buildings etc) are maintained to a responsible level.

OFFICER RECOMMENDATION ITEM 10.0.3

That Council approve the Agreement between the City and the land owners as detailed in report Item 10.0.3 of the November 2007 Council Agenda for the construction of a temporary parking facility at 16 Preston Street, Como (known as Portion of Lot 1, Diagram 5661) adjacent to the Cygnet cinema.

MOTION

Cr Trent moved the officer recommendation, Sec Cr Burrows

Cr Hearne point of clarification - believe that with the concurrence of the Mover and Secunder that the Motion should be modified to include the words *the terms of* before the words *the Agreement* in the first line. The Mover and Secunder concurred.

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.3 |
|--|

The Mayor put the Motion

That Council approve the terms of the Agreement between the City and the land owners as detailed in report Item 10.0.3 of the November 2007 Council Agenda for the construction of a temporary parking facility at 16 Preston Street, Como (known as Portion of Lot 1, Diagram 5661) adjacent to the Cygnet cinema.

CARRIED (13/0)

Note: Manager Environmental Health Services and Manager Collier Park Village retired from the meeting at 7.48pm

| |
|---|
| 10.0.4 Proposed Two Storey Single House No. 69 Strickland Street <i>(Item 10.3.6 Council Meeting 28 August 2007)</i> |
|---|

Location: Lot 187 (No. 69) Strickland Street, South Perth
 Applicant: Premier One Construction on behalf of property owners, Mr B V and Mrs R M McCartney
 Lodgement Date: 20 March 2007
 File Ref: 11.2007.125.1 and ST4/69
 Date: 9 November 2007
 Author: Stephanie Radosevich, Trainee Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

This application for planning approval proposes a Two Storey Single House with Undercroft Parking. The officer report recommends that the application be conditionally approved.

Background

This report includes the following attachments:

- Confidential Attachment 10.0.4(a):** Plans of the proposal.
- Attachment 10.0.4(b):** Letter dated 22 October 2007 from Carl Barbato, the applicant.
- Confidential Attachment 10.0.4(c):** Overshadowing example (2) plans.
- Confidential Attachment 10.0.4(d):** Overshadowing example (3) plans.

The development site details are as follows:

| | |
|------------------------------|----------------|
| Zoning | Residential |
| Density coding | R15 |
| Lot area | 506 sq. metres |
| Building height limit | 7.0 metres |
| Development potential | 1 Single House |
| Maximum Plot ratio | Not applicable |

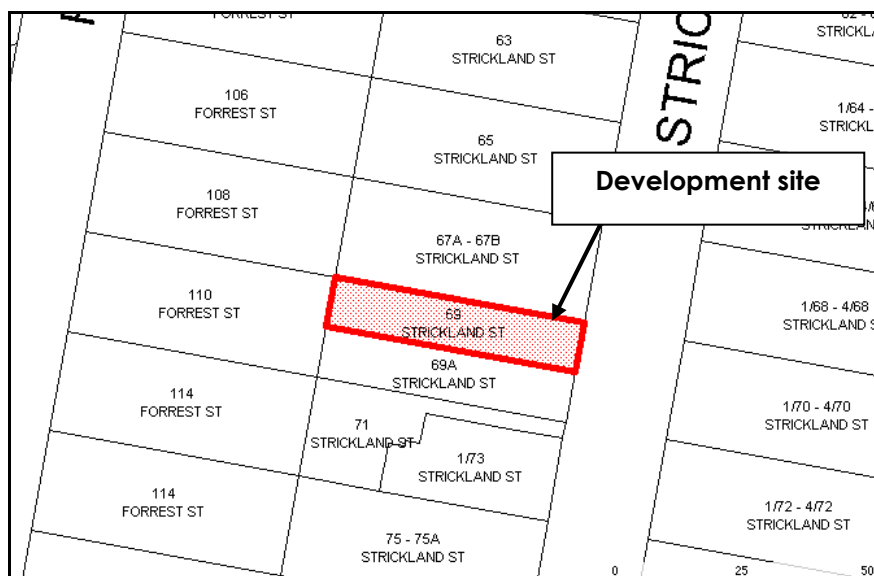
In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

1. ***The exercise of a discretionary power***
Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.

2. Matters previously considered by Council

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

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



A report in relation to the proposed dwelling was previously considered by Council in August, at which time Council resolved as follows:

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

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

Subsequent to the August meeting, the applicant has presented revised drawings and further supporting information which have addressed the majority of items referred to in Council’s August resolution.

Comment

(a) Description of the proposal

The proposal is for a two storey single house with undercroft parking. An assessment of the proposal reveals various departures from various provisions of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies which are discussed in more detail below. The officer recommends that the application for the proposed development be conditionally approved.

(b) **Street walls and fences**

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

(c) **Solar access for adjoining sites**

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

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

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

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

As the adjoining southern property is a vacant lot, the applicant has submitted two possible designs for the adjoining property in an attempt to demonstrate the potential impact that overshadowing from the proposed dwelling may have.

Overshadowing example (2) (**Confidential Attachment 10.0.4(c)**) shows the adjoining property developed with a two storey single house with basement garage. These drawings of a possible house that could be built at 69A Strickland Street have been assessed against the Performance Criteria of the R-Codes. The impact on the outdoor living area is minimal in comparison to the size of the outdoor living area, with there only being 15.90 square metres of overshadowing. Elevation 4 demonstrates that there is no overshadowing to major opening to habitable rooms. The window that is in the area of overshadowing is to a staircase and is not a habitable area. Due to the property to the south having a slightly higher natural ground level than the development site, it is apparent that a two storey house could be built without having overshadowing to any solar heating devices. The example does not meet with the requirement relating to overshadowing of balconies as balcony 1 is completely in shadow, however balcony 2 does not fall under any areas of overshadowing and it is not required for the property to have a balcony where balcony 1 is located.

Overshadowing example (3) (**Confidential Attachment 10.0.4(d)**) shows the adjoining property developed with a single storey house with basement garage. These drawings of the possible house that could be built at 69A Strickland Street have also been assessed against the Performance Criteria of the R-Codes. The impact on the outdoor living area is once again minimal in comparison to the size of the outdoor living area, with the proposed main entertaining area being located outside the area of

overshadowing. There is no overshadowing to major opening to habitable rooms, as the habitable rooms have highlight windows facing the adjoining property at 69 Strickland Street. The single house on the southern property would have no overshadowing to balcony.

The additional information that has been presented by the applicant shows that it is possible for the adjoining property owner to design a house which is not unduly affected by the shadow cast by the proposed dwelling.

(d) Boundary walls

The length of the proposed boundary wall on the southern boundary is 24.7 metres. The boundary walls have an average height of 2.3 metres with a maximum height of 3.3 metres. When assessed against the provisions of the City's Policy P376_T "Residential Boundary Walls", the proposed wall complies with the permitted average wall height of 2.5 metres with a maximum height of 3.5 metres for a length of the wall that is two thirds of the length of the boundary (33.5 metres long). The length of the boundary wall for the proposed garage has not been taken into this assessment due to its low height.

As with the extent of shadow cast by the proposed dwelling, the positioning of boundary walls is something that the adjoining property owner can take into account when preparing a design for the adjoining lot.

The proposed development also incorporates a small portion of two storey boundary wall adjacent to the northern boundary of the development site. The adjoining property owners have not expressed any concern in relation to this wall, and it is recommended that it be approved.

(d) Open Space

The Officer assessment shows that the proposed development is slightly deficient of the required 50% open space. A condition of approval has been formulated which requires the drawings submitted in conjunction with a building licence to demonstrate compliance with the 50% open space requirement.

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

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

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

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

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

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.*

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

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

- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and*
- (x) *any other planning considerations which the Council considers relevant.*

Consultation

Neighbour consultation

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

| Submitter's Comment | Officer Response |
|---|---|
| Having viewed the drawings, there was a concern in relation to the length and height of the proposed boundary wall on the north side boundary of the adjoining vacant lot as well as its overshadowing. | Comments with respect to the boundary wall and overshadowing have been provided within the body of the report. Having regard to the fact that the adjoining property is vacant, and that the applicant has produced indicative plans for a dwelling on this property which would not be unduly affected in either of these respects, the comment is NOT UPHELD . |

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.4**

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a two storey single house with undercroft garage on Lot 187 (No. 69) Strickland Street, South Perth **be approved**, subject to:

(a) **Standard Conditions**

340 (walls, southern and northern), 377, 390, 416, 427, 455 (side and rear), 456, 470, 471, 550, 625, 660.

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

(b) **Specific Conditions**

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

- (i) The front wall is to be no greater than 0.75 metres solid in height where it falls within the 1.5 metre x 1.5 metre truncation area of where it meets a vehicle access point, outside the 1.5 metre x 1.5 metre truncation area the front wall is to be no greater than 1.2 metres solid in height, demonstrating compliance with Clause 3.2.5 "Street Walls and Fences" A5 and Clause 3.2.6 "Sightlines at Vehicle Access Points and Street Corners" A6 of the R-Codes.
- (ii) Provide detailed drawings of the privacy screen that is to be used southern boundary of balcony 1 and 2, demonstrating compliance with the visual privacy provisions contained within clause 3.8.1 of the R-Codes.
- (iii) Provide 50% open space in accordance with Table 1 of the Residential Design Codes.

(c) **Standard Important Footnotes**

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

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

CARRIED EN BLOC RESOLUTION

10.0.5 Proposed Closure of Surplus Portions of Godwin Avenue and Bickley Crescent Road Reserves, Manning (*Item 9.3.5 Council Meeting 26 July 2005 refers*)

Location: Godwin Avenue and Bickley Crescent Road Reserves, Manning
Applicant: C Kusmanovich and M Currie
File Ref: GO1
Date: 9 November 2007
Author: Stephanie Radosevich, Trainee Planning Officer
Reporting Officer: Steve Cope, Director, Planning and Community Services

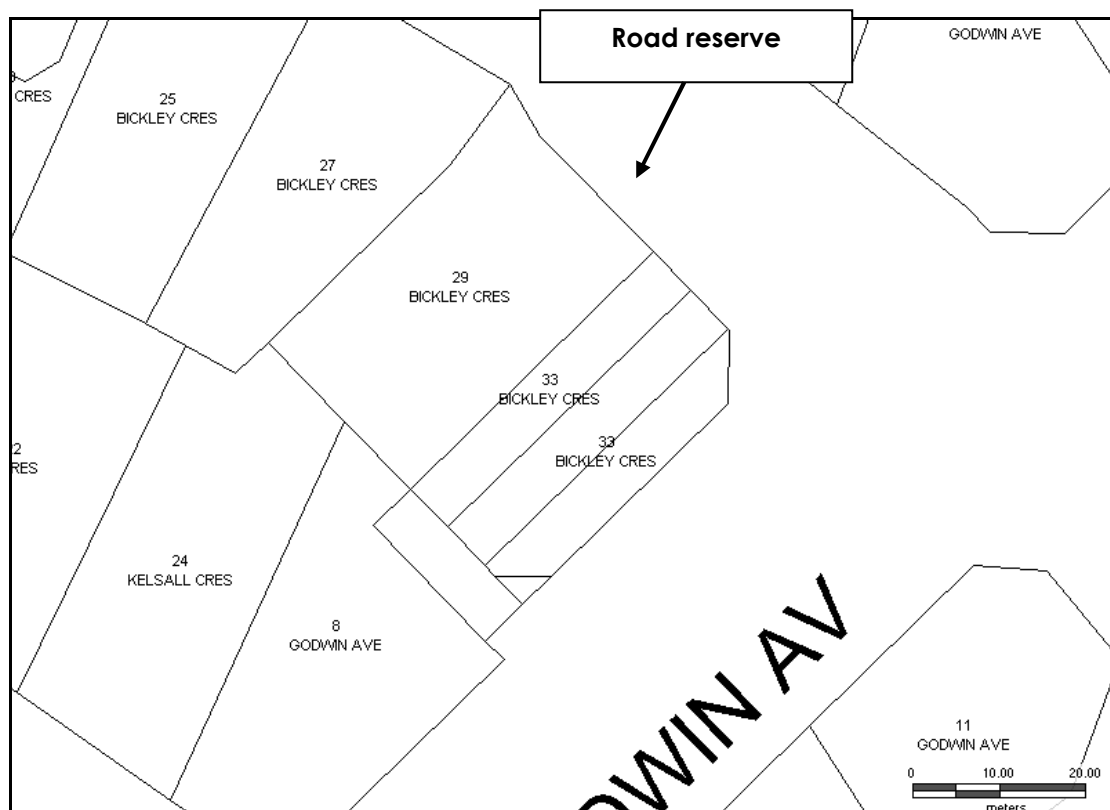
Summary

This report considers the proposed partial closure of surplus portions of the Godwin Avenue and Bickley Crescent road reserves, Manning, and recommends that Council support closure of these portions of road reserves, with the land in front of No. 29 Bickley Crescent **not** being included in the road closure and that the land be allocated to adjoining lots in accordance with the plan provided in **Attachment 10.0.5**.

Background

Location

The subject portions of road reserve are located in Godwin Avenue and Bickley Crescent, as shown on the location map below:



Previous action toward closure

At Council's July 2005 meeting the proposed partial closure of surplus portions of the Godwin Avenue and Bickley Crescent road reserves, Manning was supported and the closure process was initiated.

The subject portions of the road reserves are excessively wide and surplus to the City's requirements. The main portion of the road reserve to be closed is adjacent to the former shops on Lots 4, 5 and 6 (No. 33) Bickley Crescent. In earlier times, wide road reserves were provided adjacent to shops to allow for public parking in the street reserve. At that time, there were no requirements relating to the provision of on-site parking bays. However, the former shops have now been demolished and the owners of No. 33 Bickley Crescent have expressed their wish to redevelop the property for residential purposes. Under the City's Town Planning Scheme No. 6, No. 33 Bickley Crescent is zoned 'Local Commercial'. 'Single House' and 'Grouped Dwelling' are 'D' (discretionary) land uses within that zone.

As the shops no longer exist, the portion of road reserve provided for public car park is no longer necessary and the exceptionally wide road reserve has become redundant. Accordingly, the proposal involves reducing the road reserves to the standard width of 20 metres or thereabouts. The vehicle carriage way will not be affected. Following closure, it is intended that the land will be offered for sale to the owners of abutting properties. The owners' intention is then to build residential dwellings or to offer the lots for sale.

Comment

Council is now being asked to reconsider the extent of the road reserve closure that was previously approved. It is now proposed that the land in front of No. 29 Bickley Crescent not to be included in the road closure process.

The surplus portion of Bickley Crescent in front of Lot 10 (No. 29) Bickley Crescent was previously included in the Council's proposed road closure. Lot 10 is owned by Mr T Kingdon and the Estate of P M Kingdon. However, Mr Kingdon considers that the surplus land is of no benefit to him and he is not prepared to purchase the land. Therefore, the City has been asked to support the closure of the balance of the surplus road reserve land, while leaving the land in front of Lot 10 as part of the road reserve.

The owners of the other affected land are Kusmanovich and Malakovski [Lots 4, 5 and 6 (No. 33) Bickley Crescent] and Currie [Lot 7 (No. 8) Godwin Avenue]. These owners would like to proceed with the closure with the exclusion of the land in front of Lot 10 (No. 29) Bickley Crescent.

Consultation

Consultation has been undertaken in accordance with the requirements of Section 58 of the *Land Administration Act*. The landowners immediately abutting the affected portion of road reserve have been in discussions with City officer's regarding closure since they were first formally requested by letter to provide comment in January 2001.

Policy and Legislative Implications

The road closure is being implemented in accordance with the provisions of the *Land Administration Act*.

Financial Implications

Financial implications were considered when the proposal was presented to the July 2005 Council meeting. The July 2005 report advised the following; the landowners adjoining the 'closed road' land, who will be acquiring land, are initially responsible for the costs of relocating services such as telephone, water, gas, sewer and electricity. They can then make arrangements with DPI to have the purchase price of the land reduced by the amount of those particular costs. It is their responsibility to confirm with DPI the ability to claim any monies back from DPI. In relation to the City's services, the cost of the verge reinstatement needs to be borne by the participating landowners. In relation to the relocation of the footpaths in Godwin Avenue and Bickley Crescent, the Manager, Engineering Infrastructure, recommends that the developer bear half of the cost. The relocation will involve upgrading from the existing slab footpath to an 'in-situ' concrete footpath and therefore the City should bear part of the cost of the reconstruction.

Strategic Implications

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

| |
|---|
| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.5</p> |
|---|

That the proposal to exclude the land in front of No. 29 Bickley Crescent in the proposed road closure be supported as shown in **Attachment 10.0.5**.

CARRIED EN BLOC RESOLUTION

10.0.6 Clarification of Extent of Partial Closure of Right-of-Way No. 133 Como
(Referred Item 10.0.2 Council Meeting 16 October 2007)

Location: Right-of-Way No. 133 bounded by Paterson Street, Edgecumbe Street, Gentilli Way and Lockhart Street, Como.
 Applicant: G Hurst and M Lee
 File Ref: ROW 133
 Date: 9 November 2007
 Author: Stephanie Radosovich, Trainee Planning Officer and Christian Buttle, Manager, Development Assessment
 Reporting Officer: Steve Cope, Director, Planning and Community Services

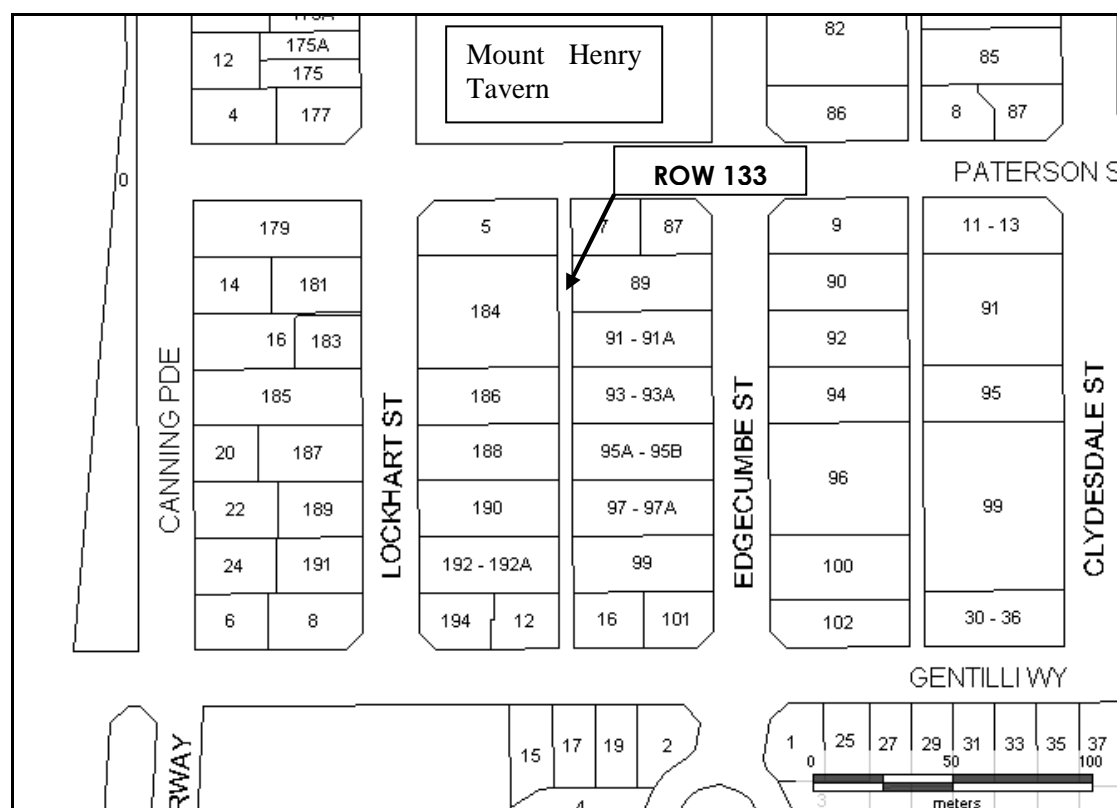
Summary

This report relates to the Council decision on Agenda Item 10.0.2 (Petition Requesting Partial Closure of Right-of-Way No. 133 contained within block bounded by Paterson Street, Edgecumbe Street, Gentilli Way and Lockhart Street, Como) at the October Council meeting, and seeks clarification with respect to that decision.

Background

This report includes a proposed closure plan referred to as **Attachment 10.0.6**.

The ROW is adjoined by residential properties. The location of the ROW is shown below:



Comment

When Council determined this matter at its October meeting, it decided not to adopt the Officer recommendation, and instead resolved that:

“That the request for partial closure of Right-of-Way No. 133 be supported for the reasons of security and Council’s long standing policy on the closure of Rights-of-Way.”

Following the October Council meeting, Officers have received a number of contacts from affected property owners seeking clarification with respect to the extent of the right-of-way which is subject to closure. Such contact has been made as the Council decision was not fully deterministic with respect to the extent to which the closure would apply.

Although Council did not specify the extent to which the closure would apply, it is thought that the Council intended that the closure would apply to the extent shown on the closure plan presented by the petitioners (Hurst and Lee) and which formed an attachment to the October and current officer reports. The portion of the right-of-way affected by the closure request extends from the southern boundary of the right-of-way up to (and including) the portion of the right-of-way abutting properties located at Nos. 188 Lockhart Street and 95A Edgecumbe Street. The officer recommendation has been framed on this basis.

Consultation

No consultation has been undertaken in relation to this Council report, however the City wrote to every property owner / occupier in the street block to advise the of the referral of this matter to the October Council meeting and again to advise them of the decision made at that meeting.

Policy and Legislative Implications

This issue has no impact on this particular area.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.6 |
|--|

That....

(a) ~~Council clarifies its position with respect to the extent of closure of right of way No. 133 insofar as the intended extent of closure matches that which is shown on the plan contained within Attachment 10.0.6. The extent of closure is to extend from the southern end of the right of way up to (and including) the portion of the right-of-way abutting properties located at Nos. 188 Lockhart Street and 95A Edgecumbe Street; and~~ **Revoked by resolution of Council at Item 10.0.3(b) of 22 September 2009 meeting.**

(b) owners and occupiers of properties within the street block bounded by Paterson Street, Edgecumbe Street, Gentilli Way and Lockhart Street be advised accordingly.

CARRIED EN BLOC RESOLUTION

| |
|--|
| 10.0.7 Request for Partial Closure of Right-of-Way No. 82, Como. (Item 9.3.3 August 2004 Council Meeting) |
|--|

| | |
|--------------------|--|
| Location: | Right-of-Way No. 82 bounded by Saunders Street, Lockhart Street, Greenock Street and Robert Street, Como |
| Applicant: | Not applicable |
| File Ref: | ROW 82 |
| Date: | 9 November 2007 |
| Author: | Stephanie Radosevich, Trainee Planning Officer and Christian Buttle, Manager, Development Assessment |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

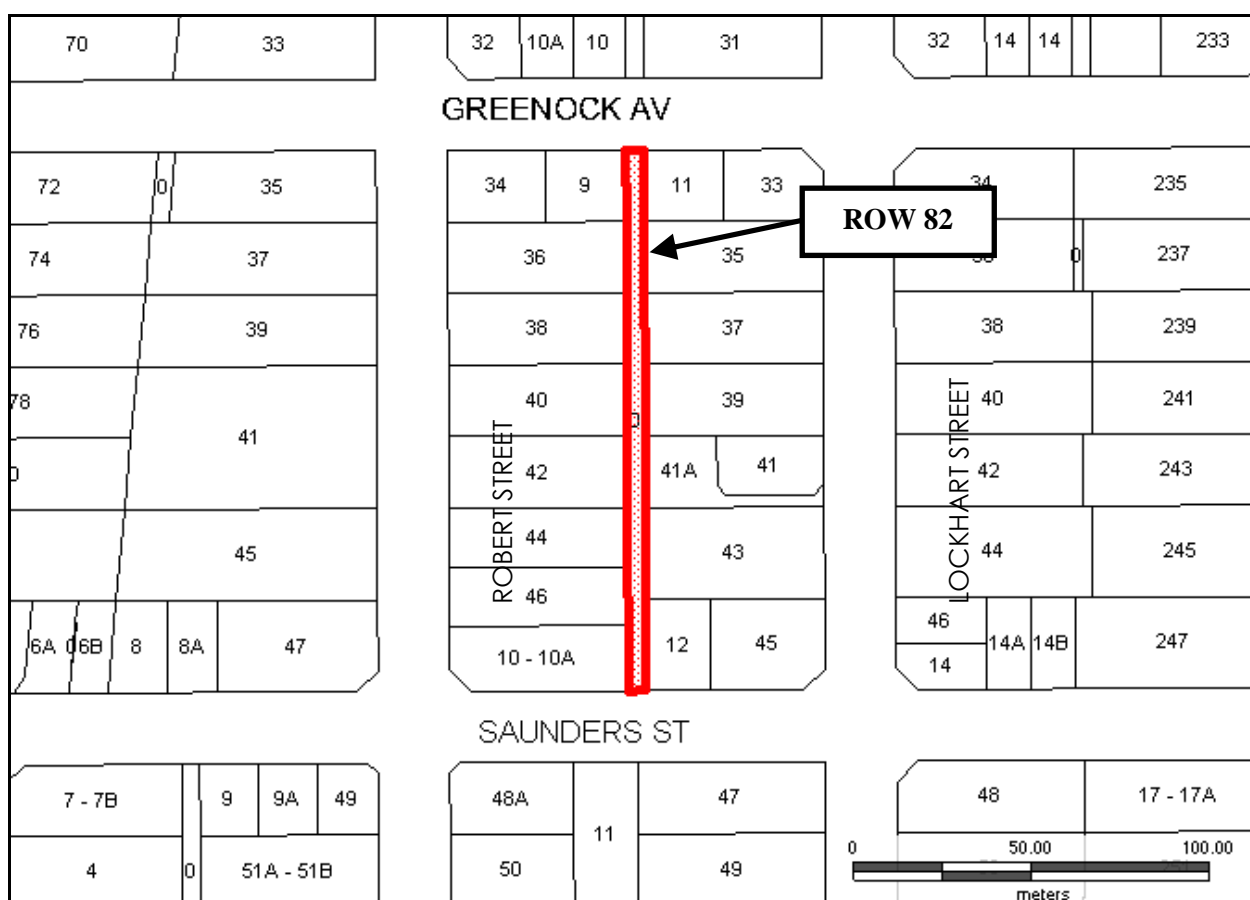
This report provides Council with advice received from the Western Australian Planning Commission (WAPC) in response to Council’s decision to initiate partial closure of Right-of-Way (ROW) No. 82. The WAPC have advised that they are not supportive of the Council’s request for partial closure of ROW 82. It is on this basis that the Officer report recommends that the WAPC advice be noted, that affected property owners be notified, and that no further action be taken.

Background

This report includes a letter from the Western Australian Planning Commission dated 31 August 2007 (received 5 September 2007) referred to as **Attachment 10.0.7**.

(a) Location

The Right-of-Way is adjoined by residential properties. The location of the Right-of-Way is shown on the map below:



(b) History associated with ROW 82 closure request

The history associated with the proposed partial closure of ROW 82 is summarised below:

- **August 2004** Officer report presented to Council. Council initiated the closure process by resolving to advertising the proposal for public comment.
- **February 2006** McMullan Nolan Surveyors on behalf of the City, wrote to the WAPC requesting comment on the proposed closure request.
- **August 2006** WAPC writes back to McMullan Nolan Surveyors advising that the WAPC does not support closure of ROW 82.

- **February 2007** City writes to the WAPC requesting review of decision not to support partial closure of ROW 82.
- **Aug / Sept 2007** City receives correspondence from the WAPC re-affirming its original decision not to support the partial closure of ROW 82.

Comment

The WAPC's letter dated 31 August 2007 re-affirmed it's earlier decision not to support the closure of Rights-of-Way 82 and 106 and advised that alternative measures to address traffic management issues on these Rights-of-Way should be considered as part of the City's forthcoming upgrading program, such as traffic calming devices and signage.

Consultation

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

Consultation was undertaken with owners / occupiers adjoining the ROW following the Council's decision to initiate the closure process at its August 2004 meeting.

Policy and Legislative Implications

This issue has no impact on this particular area.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 10.0.7

That....

- (a) Council note the decision of the Western Australian Planning Commission not to support the proposed closure of Right-of-Way No. 82; and
- (b) the owners / occupiers of properties adjoining Right-of-Way 82 be advised accordingly.

AMENDED OFFICER RECOMMENDATION ITEM 10.0.7

That....

- (a) Council note the decision of the Western Australian Planning Commission not to support the proposed closure of Right-of-Way No. 82; and
- (b) the owners / occupiers of properties adjoining Right-of-Way 82 be advised accordingly;
- (c) representatives of the Western Australian Planning Commission be invited to attend a Council Concept Forum briefing early in 2008 to discuss the WAPC advice of 31 August 2007 **not** to support the closure of ROW 106.

STATEMENT : DIRECTOR PLANNING AND COMMUNITY SERVICES : ITEM 10.0.7

In discussion at the Council Agenda Briefing held on 20 November the possibility of inviting the WAPC to a Council Concept Forum briefing was raised. Attendance by WAPC representatives and DPS officers at such a briefing would enable clarification of the WAPC advice of 31 August 2007 including an explanation of the reference to traffic calming devices and signage. No final decision is being recommended on the proposed Right of Way 106 Closure in the meantime until the meeting with WAPC has been held.

**AMENDED OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.0.7**

Moved Cr Doherty, Sec Cr Burrows

That....

- (a) Council note the decision of the Western Australian Planning Commission not to support the proposed closure of Right-of-Way No. 82; and
- (b) the owners / occupiers of properties adjoining Right-of-Way 82 be advised accordingly;
- (c) representatives of the Western Australian Planning Commission be invited to attend a Council Concept Forum briefing early in 2008 to discuss the WAPC advice of 31 August 2007 **not** to support the closure of ROW 106.

CARRIED (13/0)

10.0.8 Request for Partial Closure of Right-of-Way No. 106 Como. (referred Item 9.0.1 November 2005 Council Meeting)

Location: Right-of-Way No. 106 bounded by Cale Street, Lockhart Street, Henley Street and Robert Street, Como

Applicant: Council

File Ref: ROW 106

Date: 9 November 2007

Author: Stephanie Radosevich, Trainee Planning Officer and Christian Buttle, Manager, Development Assessment

Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

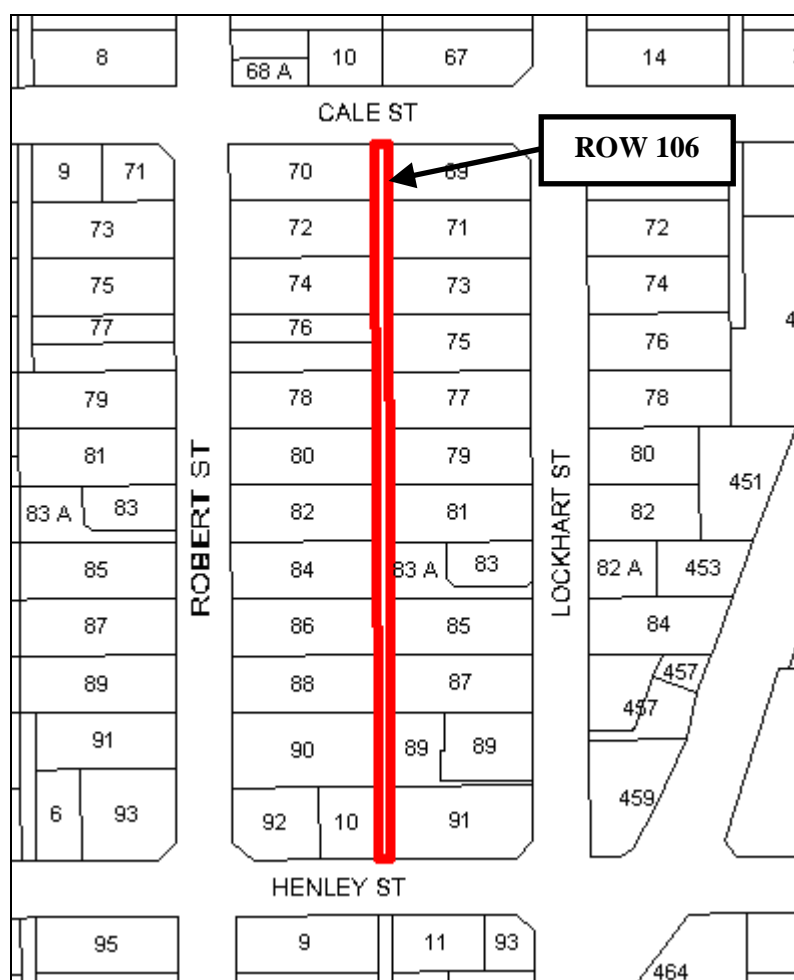
This report provides Council with advice received from the Western Australian Planning Commission (WAPC) in response to the Council's decision to initiate partial closure of Right-of-Way (ROW) No. 106. The WAPC have advised that they are not supportive of the request for partial closure of ROW 106. It is on this basis that the Officer report recommends that the WAPC advice be noted, that affected property owners be notified, and that no further action be taken.

Background

This report includes a letter from the Western Australian Planning Commission dated 31 August 2007 (received 5 September 2007) referred to as **Attachment 10.0.8**.

(a) Location

The location of the Right-of-Way is shown on the map below. The Right-of-Way is adjoined by residential properties.



(b) History associated with ROW 106 closure request

The history associated with the proposed partial closure of ROW 106 is summarised below:

- **August 2005** Council receives a petition requesting partial closure from Ms T Marshall.
- **September 2005** Officer report presented to Council (Agenda Item 9.3.4). Council deferred the matter and requested clarification / further information, and presentation of a further Council report.
- **November 2005** Second Officer report presented to Council. Council resolved to initiate the closure process by advertising the proposal for comment.
- **February 2006** City writes to the WAPC seeking comment on the proposed partial closure of ROW 106.
- **November 2006** City receives correspondence advising that the WAPC does not support closure of ROW 106.
- **February 2007** City writes to the WAPC requesting review of decision not to support partial closure of ROW 106.
- **Aug / Sept 2007** City receives correspondence from the WAPC re-affirming its original decision not to support the partial closure of ROW 106.

Comment

The WAPC's letter dated 31 August 2007 re-affirmed it's earlier decision not to support the closure of Rights-of-Way 82 and 106 and advised that alternative measures to address traffic management issues on these Rights-of-Way should be considered as part of the City's forthcoming upgrading program, such as traffic calming devices and signage.

Consultation

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

Consultation was undertaken with owners / occupiers adjoining the ROW following the Council's decision to initiate the closure process at its November 2005 meeting.

Policy and Legislative Implications

This issue has no impact on this particular area.

Financial Implications

This issue has no impact on this particular area.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 10.0.8

That....

- (a) Council note the decision of the Western Australian Planning Commission not to support the proposed closure of Right-of-Way No. 106; and
- (b) the owners / occupiers of properties adjoining Right-of-Way 106 be advised accordingly.

AMENDED OFFICER RECOMMENDATION ITEM 10.0.8

That....

- (a) Council note the decision of the Western Australian Planning Commission not to support the proposed closure of Right-of-Way No. 106; and
- (b) the owners / occupiers of properties adjoining Right-of-Way 106 be advised accordingly; and
- (c) representatives of the Western Australian Planning Commission be invited to attend a Council Concept Forum briefing early in 2008 to discuss the WAPC advice of 31 August 2007 **not** to support the closure of ROW 106.

STATEMENT : DIRECTOR PLANNING AND COMMUNITY SERVICES : ITEM 10.0.8

In discussion at the Council Agenda Briefing held on 20 November the possibility of inviting the WAPC to a Council Concept Forum briefing was raised. Attendance by WAPC representatives and DPS officers at such a briefing would enable clarification of the WAPC advice of 31 August 2007 including explanation of the reference to traffic calming devices and signage. No final decision is being recommended on the proposed Right of Way 106 Closure in the meantime until the meeting with WAPC has been held.

AMENDED OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.8

Moved Cr Cala, Sec Cr Trent

That....

- (a) Council note the decision of the Western Australian Planning Commission not to support the proposed closure of Right-of-Way No. 106; and
- (b) the owners / occupiers of properties adjoining Right-of-Way 106 be advised accordingly; and
- (c) representatives of the Western Australian Planning Commission be invited to attend a Council Concept Forum briefing early in 2008 to discuss the WAPC advice of 31 August 2007 **not** to support the closure of ROW 106.

CARRIED (13/0)

DECLARATION OF IMPARTIALITY INTEREST : ITEM 10.0.9 : CR DOHERTY

“As my husband is an employee of the Water Corporation and they are referred to in Agenda Item 10.0.9 “Sewerage Disposal Options, Sir James Mitchell Park” , albeit that my husband does not work within the section of the Water Corporation that has anything to do with this matter, (he is employed in a role that undertakes Contract Management and in particular dispute resolution in relation to the Water Corporation), I wish to declare an ‘Impartiality Interest’ in accordance with Regulation 11 of the Local Government Act (Rules of Conduct Regulations 2007). “

Note: Cr Doherty remained in the Council Chamber.

| |
|---|
| <p>10.0.9 Sewerage Disposal Options Sir James Mitchell Park (referred Item 9.0.2 Council Meeting 28 November 2006)</p> |
|---|

| | |
|--------------------|--|
| Location: | Sir James Mitchell Park |
| Applicant: | Council |
| File Ref: | RC/112 |
| Date: | 2 November 2007 |
| Author: | Sebastian Camillo, Manager Environmental Health Services |
| Reporting Officer: | Steve Cope, Director Planning and Community Services |

Summary

The purpose of this report is to document the progress of the work conducted by the Engineering Consultant appointed to investigate options for the disposal of sewerage at Sir James Mitchell Park and to generally progress the work of the Sir James Mitchell Park, Sewerage Disposal Working Group.

Background

A progress report was presented to the November 2006 Council meeting. At that meeting it was resolved:

That...

- (a) *the City formally appoint Parsons Brinkerhoff - Civil Engineering Consultants to carry out Task (1) as detailed in report at a total cost of \$12,000 and for the first part of Task (2) at an estimated cost of \$2,000;*
- (b) *the working group be authorised to consider and approve the design plans and review the indicative costs;*
- (c) *on completion of (b) above:-*
 - (i) *the City Submit the submission to the Water Corporation / Swan River Trust for approval; and*
 - (ii) *the City approach the Department of Environment, Department of Health, Department of Planning and Infrastructure, Swan River Trust and the Water Corporation seeking contributions for the installation of the sewerage connection points;*
 - (iii) *the Consultants be authorised to proceed to preparation of tender documents stage*
- (d) *Additional funds totaling \$4,000 be allocated to the project from the Waste Management Reserve;*
- (e) *a further report is provided to the earliest meeting of Council when all the relevant information detailed in recommendations (a) to (c) has been obtained.*

The Sir James Mitchell Park Sewerage Disposal Working Group have met in March and June 2007 to review and progress of the consultants plans and specifications in relation to the preferred sites and design of the proposed sewer connection points. The final costs for the power and water service connections were received from the consultant in October 2007.

In the interim, Council was kept informed of the progress of the working group with articles in the Bulletin during February, March, April, May and September 2007.

Comment

The consultants were engaged by the City to undertake an investigation into installing permanent services (power, water and sewerage connections) for temporary high volume toilet blocks at the South Perth foreshore for large public events such as Lotterywest and Red Bull Air Race. The concept of the connection points was to allow direct disposal (via existing access chambers) from the temporary toilet blocks into the South Perth Main Sewer line, as an alternative to using chemical toilets.

The location of the South Perth Main Sewer line is generally set well back from the foreshore and follows the properties and Mill Point Road from Mends Street pumping station to the Armagh Street pumping station in Victoria Park.

The consultants have advised that to allow and achieve gravitational flow into the main sewer line, the connection points would need to be situated close to the main sewer line which is relatively shallow in the area. The connection points would need to be located next to existing access chambers as the Water Corporation does not allow for direct connections into the main sewer line. The Consultants have undertaken an assessment of the sewer main line of the foreshore area and identified seven (7) suitable locations which would suit gravitational connection points.

In selecting the sites, the consultants have advised that once the infrastructure to facilitate the temporary toilets has been established there is little flexibility to relocate them to alternative sites anywhere else on the foreshore. This may be a disadvantage to those residents that are situated close to them.

The consultants report based on the design provided to the City which will allow for connection into the main sewer line via an access chamber is estimated at a capital cost of \$28,500 per site. A break down of the cost for each site is as follows:

| Works Item | Estimated cost (excl GST) |
|---|---------------------------|
| Power connection (30A) and associated works | \$19,000 |
| Water connection and associated works | \$5,000 |
| Sewer connection and associated works | \$4,500 |
| Total estimated cost per site | \$28,500 |

The total cost for the suggested seven (7) sites would be in the order of **\$199,500**.

Additional to the capital costs would be the rental costs of the temporary toilet which would be in the order of \$175 per toilet pan, depending on the type of cubicles used and excludes the service connection costs by the appropriate trades (electrician and plumber). This cost would be a charge that the reserve hirer would be expected to pay should they wish to connect to the sewer connection points. The City would be required to pay for the water and electrical usage as well as ongoing rates payable for the connections which can be recovered from the reserve hirer. There are no capital or connection rates applicable for the chemical toilet option.

It was originally anticipated that a range of government agencies should contribute to the project from an equity point of view, and as a result correspondence was written to the Department of Environment, Department of Health, Department of Planning and Infrastructure, Swan River Trust and the Water Corporation requesting financial contributions to the project. No positive response has been received, therefore the initiative was unsuccessful. If Council decided to 'go it alone' on this project, it should determine the funding sources for full cost and provide funds either in the current budget, if sufficient funds are available, or by including funds within the future capital items in the 2008/2009 budget.

At the 2007 Lotterywest Australia Day Skyworks the City hired chemical cubicles at \$120 per unit all inclusive of delivery to and from the venue, pump out charges and damage waiver. This option gave the City the flexibility to provide substantially more toilets for the public at various locations around the foreshore.

In previous years there were fewer companies available to provide sufficient numbers of temporary toilets to meet the sanitary demands of the public that attended these large events. The toilets were generally of poor quality and the type that would be used on building and harsh industrial sites. The event organisers of the Skyworks event would hire the limited number of toilet cubicles at the time in an attempt to meet public demand. Unfortunately, the quantity available was generally insufficient and resulted in very long queue's and mixed gender usage of the toilets. This was not a desirable situation for all concerned.

In the current market there are many more competitive suppliers and manufacturers of temporary toilet cubicles which are able to supply the required number of toilets to meet the demand for large events such as Skyworks. The standard and quality of toilet cubicles have substantially improved which meet the appropriate Health requirements in every aspect. The hire costs have also become very competitive amongst suppliers that it is uneconomical to have permanent facilities or connection points for occasional large public events like Skyworks or Red Bull Air Race.

The working group at its final meeting conducted a triple bottom line assessment of the project concluding that whilst there were financial, environmental and social benefits of the sewer line connection points for the City, the cost imposed to install and maintain them could not be supported versus alternative options that are currently available in the market place.

Consultation

Consultation has occurred with the working group representatives of the following external organisations:

- Water Corp
- Department of Health
- Department of Water
- Department of Environment
- Parsons Brinkerhoff - Civil Engineering Consultants
- ITT Flygt - Pump Station Providers

Policy and Legislative Implications

Report consistent with Council resolution

Financial Implications

The initial recommended course of action totaling \$12,000 for the consultant's project for task 1 has been allocated in the first quarter budget review.

This final task for this project is not included on the capital items for 2007/08. If Council should resolve to proceed with this project then sufficient funds must be included in future capital items in the 2008/2009 budget.

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.0.9 |
|--|

That Council not proceed with the installation of sewer connection points into the South Perth Main Sewer line for the connection of temporary toilet blocks at Sir James Mitchell Park.

CARRIED EN BLOC RESOLUTION

10.1 GOAL 1 : CUSTOMER FOCUS

Nil

10.2 GOAL 2: COMMUNITY ENRICHMENT

DECLARATION OF IMPARTIALITY INTEREST ITEM 10.2.1 : CRS DOHERTY, TRENT AND OZSDOLAY

Note: The following declaration is from Crs Doherty, Trent and Ozsdolay:

"As I am a Board member of Southcare who is auspicing Moorditj Keila in the Community Partnership Agreement with the City at Item 10.2.1 on the Agenda for the November 2007 Ordinary Council Meeting, I wish to declare an 'Impartiality Interest' in accordance with Regulation 11 of the Local Government Act (Rules of Conduct Regulations 2007)."

Note: Crs Doherty, Trent and Ozsdolay remained in the Council Chamber.

| |
|--|
| 10.2.1 Community Partnership Moorditj Keila |
|--|

| | |
|--------------------|--|
| Location: | Council |
| Applicant: | City of South Perth |
| File Ref: | GS/102 |
| Date: | 5 November 2007 |
| Author: | Neil Kegie, Manager Community Culture and Recreation |
| Reporting Officer: | Steve Cope, Director Planning and Community Services |

Summary

This report recommends that the City enter into a new Community Partnership with the Aboriginal Community Support group *Moorditj Keila*.

Background

The City recognises that effective community outcomes can best be achieved by working in partnership with organisations towards common goals. The City is committed to identifying partnering opportunities and developing Community Partnership Agreements that are aimed at delivering benefits to the City of South Perth Community.

The goals of the Community Partnerships program are to:

1. provide opportunities to develop partnerships between the City and the community;
2. enable groups and individuals to maximise their development opportunities;
3. provide an equitable means by which community groups can access funding;
4. provide a process for distributing funds to meet defined outcomes; and
5. involve stakeholders in a shared approach to the development of projects and services in the City.

Through a number of programs the City provides opportunities for organisations to enter into Community Partnerships so they may access financial and other forms of support from the City to assist in the delivery of programs and services. A significant difference between a Community Partnership and general funding assistance from the City is the increased level of commitment to working together towards common goals.

In 2003 the City established Community Partnership Agreements with Southcare Incorporated and Perth Zoo. In 2004 a Community Partnership was established with the South Perth Church of Christ and in 2006 a Community Partnership was established with Millennium Kids Incorporated. In October 2007 Council endorsed a Community Partnership with the RSPCA to support its annual Million Paws Walk. This proposed Community Partnership Agreement with *Moorditj Keila* will be the sixth such agreement that the City will have entered into with local community based organisations with a view to collaboratively working towards common objectives.

Comment

The South Perth Aboriginal Community group *Moorditj Keila* (happy healthy dolphin) is the name given to the group by native title holder and elder Mrs Dorothy Winmar of Manning. The dolphin is significant to Aboriginal people for the Canning and Swan River areas adjacent to the City of South Perth. The group is committed to building healthy relationships and promoting safe and happy lives for Aboriginal children, youth, women, men and the family unit.

Moorditj Keila's Mission Statement is to develop the capacity of the Aboriginal community in partnership with the broader community to empower individuals and families to build a community of trust, engagement and participation for the mutual benefit of all. *Moorditj Keila* is the umbrella group for the Moorditj Yorgas (Women's) Danjoo Wangkanini group and Marmans (Men's) group. These groups work collaboratively with local service provider Southcare Incorporated, in particular with Southcare's Aboriginal Family Support Services as well as with other relevant stakeholders in developing and supporting an holistic health and well-being service to Aboriginal people encompassing wider community benefits.

Over the past twelve months City officers have been working with *Moorditj Keila* on a number of projects including the Clontarf Family event for Fiesta 2007 and a project which saw approximately 40 predominantly Aboriginal children organised into basketball teams and integrated into a local basketball competition. This particular project was developed in response to some anti social behaviour by a small group of children at the Welwyn Avenue shopping precinct. In addition to a reduction in undesirable behaviour this project demonstrated the broader benefits of a positive early intervention approach.

Additional support provided to the group by the City includes direct grant funding; assistance in preparing grant applications from other sources such as Lotterywest and the Office of Crime Prevention, and through facilitating networking opportunities with other community based organisations, government agencies and funding bodies.

The group has been operating from the Manning Hall and also through a special arrangement with the Manning Rippers Football Club, from the James Miller pavilion. However with the expansion of the group's programs and as equipment and materials are procured, it has identified the need for a home base with storage and administrative space. Representatives from the group have been meeting regularly with City Officers, including on two occasion meetings with former Mayor Collins and Cr Ozsdolay to discuss ways in which the City can extend its support. The development of a Community Partnership between the City and *Moorditj Keila* was discussed at these meetings as an effective way of working together to address a range of issues.

The main objectives of an agreement will be:

1. To Promote a greater understanding and respect for Noongar Culture and other Aboriginal people
2. Collaboration on Fiesta, other community events and Art projects
3. Facilitation of relationships between the City of South Perth, *Moorditj Keila* and other community organisations
4. Exploration of opportunities for collaboration including but not limited to an Aboriginal Community Arts Centre, Aboriginal Church and hostel
5. Collaboration on support services including but not limited to Elders, women, men, youth, children and families.

Through this proposed partnership agreement the City would provide the following support to *Moorditj Keila*;

Funding

\$5,500 as a contribution towards the groups ongoing programs

Venue - Program Delivery

Waiver of casual hire charges for weekly usage of Manning Hall

Venue - Administration

- (a) Free exclusive use of a storage area at Manning Hall; and
- (b) A commitment to working with the City to identify longer term accommodation options for the group

Attachment 10.2.1 is a draft agreement which outlines the detail of the Community Partnership.

At the time this report was prepared *Moorditj Keila* had commenced the process of incorporation in order for the group to operate as an independent incorporated not for profit association. In order to progress the development of the partnership while ensuring appropriate governance and protection for all parties, this Community Partnership Agreement will be auspiced by Southcare Incorporated which provides ongoing support to *Moorditj Keila* and which would assume responsibility for overseeing the agreement.

Consultation

Officers have developed the draft partnership agreement in collaboration with representatives from *Moorditj Keila* and Southcare Incorporated.

Policy and Legislative Implications

This report relates to Policy P202 *Funding Assistance* which states:

Level 1. Community Partnerships

The City may enter into Community Partnerships with identified organisations that provide a major benefit to the City of South Perth community.

Financial Implications

The recommendation of this report has both cash and 'in kind' cost implications

Cash:

\$5,500 from the City's Funding Assistance Program and which is within budgetary parameters

In Kind:

The value associated with the waiver of hall costs is \$120 per week for the use of Manning Hall for programs and activities and \$16 per month for the waiver of a storage fee. Assuming a usage of 45 bookings in a year this amounts to an 'in kind' value of \$5,592.

Strategic Implications

This report relates to the following aspects of the City's Strategic Plan 2004 - 2008:

Goal 2: Community Enrichment - To foster a strong sense of community and a prosperous business environment

Strategy 2.2: Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations

| |
|---|
| OFFICER RECOMMENDATION ITEM 10.2.1 |
|---|

That Council endorse a Community Partnership with the Aboriginal Community Support Group *Moorditj Keila* as outlined in **Attachment 10.2.1**.

MOTION

Cr Trent moved the officer recommendation, Sec Cr Hasleby

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Trent opening for the Motion

- nothing further to add to report
- commend report
- encourage Council support partnership with *Moorditj Keila*

Cr Hasleby for the Motion

- very succinct presentation at Agenda Briefing by *Moorditj Keila*
- presentation outlined what is trying to be achieved by group
- believe amount of funding to be provided was on diminutive side
- applicant assured us this is just the initial stage in putting the program together
- very worthwhile presentation - Council may wish to increase future funding
- support Motion

Cr Hearne point of clarification - refer indemnity insurance - the agreement remains silent on that issue. Many organisation need to be 'incorporated' before funds are provided? Does this insurance issue have to be in the Agreement?

Manager Community, Culture and Recreation acknowledged that the group is not yet incorporated and advised that the Agreement was made through Southcare under the auspices of government agencies.

Chief Executive Officer - suggested that the report be deferred for consideration at the December Council meeting and that in the meantime further information be provided in relation to the indemnity insurance issue.

COUNCIL DECISION ITEM 10.2.1

Moved Cr Gleeson, Sec Cr Hearne

That consideration of the proposed Community Partnership with the Aboriginal Community Support Group *Moorditj Keila* be deferred for consideration at the December Council meeting and in the meantime further information be provided in relation to the Agreement and in particular the indemnity insurance.

CARRIED (12/1)

Reason for Change

Deferred to next meeting of Council to allow more information to be provided.

Note: Manager Community, Culture and Recreation and the Legal and Governance Officer retired from the meeting at 8.10pm.

10.3 GOAL 3: ENVIRONMENTAL MANAGEMENT

10.3.1 Draft Planning Policy P398 "Applications for Planning Approval: Applicant's Responsibilities".

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | LP/801/4 |
| Date: | 1 November 2007 |
| Author: | Rod Bercov, Strategic Urban Planning Adviser |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

This report presents draft Planning Policy P398 "Applications for Planning Approval: Applicant's Responsibilities" for Council's endorsement prior to public advertising.

For Council's information, the report also presents an example of a document referred to in the Policy, titled "*Applicant's Planning Assessment Check-Sheet*".

Background

At the August meeting, Council considered a report from the Director, Planning and Community Services containing information about a range of actions taken towards improved assessment procedures in relation to applications for planning approval and building licences. That report referred to an intended new policy titled "Planning Approval and Building Licence processes and Applicants' Responsibilities". The draft Policy P398 attached to this report is now presented for endorsement prior to the required public advertising. The title of the policy is now "Applications for Planning Approval: Applicant's Responsibilities".

This report includes the following attachments:

Attachment 10.3.1(a) Draft Planning Policy P398 “Applications for Planning Approval: Applicant’s Responsibilities”.

Attachment 10.3.1(b) “Applicant’s Planning Assessment Check-Sheet”.

Comment

Draft Policy P398 has been prepared in response to a February 2007 Council resolution. At the February meeting, arising from issues concerning buildings at Nos. 21 South Perth Esplanade and 12 Stone Street, Council adopted a detailed resolution aimed at improving assessment procedures, including a new expectation that applicants would submit detailed calculations and annotated plans relating to the plot ratio of a development proposal. Policy P398 will formally give effect to this part of the Council resolution. The policy also requires applicants to submit similar calculations and annotated plans in respect of open space or landscaped area. In addition, the policy states that applicants seeking planning approval are required to complete and submit an “Applicant’s Planning Assessment Check-Sheet”. In this regard, Part 4(c), of the Policy contains the following statement:

“By completing and submitting an “Applicant’s Planning Assessment Check-Sheet”, the applicant is certifying that all of the required documents and information have been submitted to enable the City to determine compliance with TPS6, the R-Codes and Policies. The applicant is also acknowledging that additional information may be required in particular instances.”

Policy P398 also contains provisions concerning planning officers’ assessment of building licence drawings. In relation to variations from ‘planning’ application drawings at the building licence stage, the Policy itemises the kinds of variations which constitute “major” variations and others which constitute “minor” variations. The Policy further states that, if major variations are identified by the City planning officers, the applicant will be required to either revise the building licence drawings to achieve consistency with the related ‘planning’ drawings, or to submit another application for planning approval.

Consultation

At this stage, no community consultation has been undertaken. Formal advertising procedures will be implemented in this regard following Council’s endorsement of the draft Policy P398.

In the course of preparing the draft Policy the City’s Director, Planning and Community Services; the Legal and Governance Officer; and the Manager Development Assessment have been consulted.

Policy and Legislative Implications

Clause 9.6 of Town Planning Scheme No. 6 (TPS6) contains the procedure for preparation and adoption of planning policies. In accordance with Clause 9.6 and Policy P104 relating to community consultation processes, the required procedure is as follows:

- After Council has endorsed draft Policy P398, a notice is to be published once a week for two consecutive weeks in the *Southern Gazette* newspaper inviting comments on the draft policy. The submission period is to be not less than 21 days.
- At the conclusion of the submission period, a report on any submissions received is to be presented for Council’s consideration. Having considered the submissions, the Council decides either to finally adopt the policy, with or without modification, or not to proceed with the policy.

In addition to the consultation procedures required by TPS6 and Policy P104, it is proposed that notices also be placed on the City's web site, in the City's Libraries and at the Civic Centre office. Following final adoption of Policy P398, notification to this effect will be published once in the *Southern Gazette* newspaper. The Policy will become operational from the date of that notice.

Following final adoption of Policy P398, the new Policy and an explanatory information sheet will be placed on the City's web site, together with the "Applicant's Planning Assessment Check-Sheets". A letter will also be distributed to 'regular' applicants informing them of new requirements.

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.*

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.1 |
|--|

That

- (a) draft Policy P398 "Applications for Planning Approval: Applicant's Responsibilities", **Attachment 10.3.1(a)**, be adopted for the purpose of public consultation;
- (b) public advertising of the draft Policy be undertaken in accordance with the advertising intentions referred to in this report; and
- (c) a report on any submissions received be presented to the earliest available Council meeting following the conclusion of the advertising period.

CARRIED EN BLOC RESOLUTION

DECLARATION OF INTEREST : ITEM 10.3.2 : CR GLEESON

"I wish to declare a Declaration of Interest in relation to Item 10.3.2 of the November 2007 Council Agenda "Retrospective Planning Approval for Change of Use from Office to Consulting Rooms Lot 1 (No. 95) Canning Highway, cnr Dyson Street, South Perth" as a part-owner of the 'Dyson Business Centre' at 95 Canning Highway, cnr Dyson Street, South Perth."

Note: Cr Gleeson left the Chamber at 8.11pm

| |
|--|
| 10.3.2 Retrospective Planning Approval for Change of Use from Office to Consulting Rooms No. 95 Canning Highway, cnr Dyson Street, South Perth. |
|--|

| | |
|--------------------|--|
| Location: | Lot 1 (No 95) Canning Hway, cnr Dyson Street, South Perth. |
| Applicant: | Owners of Strata Plan 18436 (Dyson Business Centre) |
| File Ref: | 11.2007.456 and CA6/95 |
| Date: | 9 November 2007 |
| Author: | Andrew Carville, Planning Officer |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

The application for planning approval relates to an existing building on the corner of Canning Highway and Dyson Street (the Dyson Business Centre). The development application incorporates the following components:

1. Retrospective approval for a change of use from Office to Consulting Rooms for tenancy 5. Tenancy 5 has been used as a dental surgery for a number of years without having obtained the prior approval of the Council;
2. Retrospective approval for additions and alterations to tenancy 5. A former bin storage area located to the rear of the building was ‘absorbed’ into tenancy 5, a number of years ago, without the prior approval of the Council; and
3. Prospective approval for a new bin storage area, to replace the bin storage area which has been incorporated into tenancy 5.

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

Background

This report includes the following attachments:

- | | |
|--|--|
| Confidential Attachment 10.3.2(a) | Plans of the proposal. |
| Attachment 10.3.2(b) | Letter from the Owners of Strata Plan No. 18436 dated 3 August 2006. |
| Attachment 10.3.2(c) | Parking statement from Shawmac Pty Ltd, dated 22 June 2007. |

The development site details are as follows:

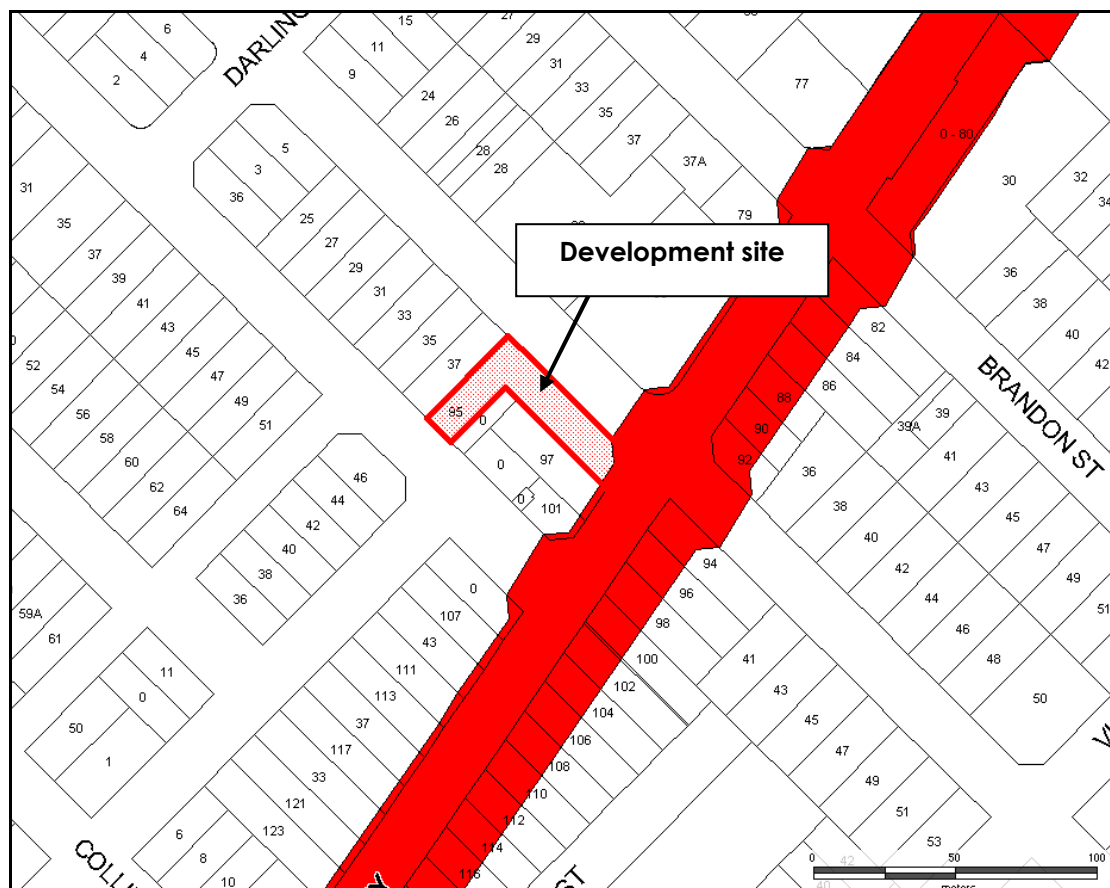
| | |
|------------------------------|------------------------------------|
| Zoning | Regional Road / Highway Commercial |
| Density coding | R80 |
| Lot area | 1145 sq. metres |
| Building height limit | 10.5 metres |
| Maximum Plot Ratio | 0.5 |

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. ***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.

The extent of amenity impact arising from the proposal will be in relation to the reduced parking provision for the proposed use.

The location of the development site is shown below:



Comment

(a) Description of the proposal

The proposal comprises retrospective approval for use as consulting rooms, the enclosing of the existing bin store area into Unit 5’s floor area, and the construction of a new bin store area to replace the existing bin store which has been incorporated into Unit 5. The applicant’s letter, **Attachment 10.3.2(b)**, describes the proposal in more detail.

The proposal complies with all of the requirements of the No. 6 Town Planning Scheme (TPS6) and relevant Council Policies with the exception of the variations discussed below.

(b) Plot ratio

Non-residential uses in the Highway Commercial zone are permitted a plot ratio of 0.50. Prior to the inclusion of the bin store into Unit 5, the plot ratio was 0.70. The addition of the 9.0 sq.metres from the existing bin store to the floor area of Unit 5 will take the ‘as built’ plot ratio to 0.707, which is negligible.

(c) Parking

The previous requirement for parking for Unit 5 as shops / offices was five bays. After including the bin store area as part of Unit 5, the requirement for parking changes to 6 bays. A change of use for Unit 5 to Consulting Rooms would see the parking requirements change from 6 bays to 6 bays plus one bay for each person employed. The number of staff working at the dental surgery during the week varies

between 3 and 7. Refer to page 10 of **Attachment 10.3.2(c)** for a table showing staffing numbers at differing times. The report also asserts that 3 of the staff use transport other than cars to come to work.

Within a 50 metre radius of the surgery there are 24 marked public parking bays, and space for a further 10 bays along the road reserve. The Parking Statement prepared by Shawmac notes that the typical usage of the public parking bays is around 50%. Given that the dental surgery has operated for approximately five years, it would appear that the existing parking provision is sufficient for the proposed use.

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

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

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

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

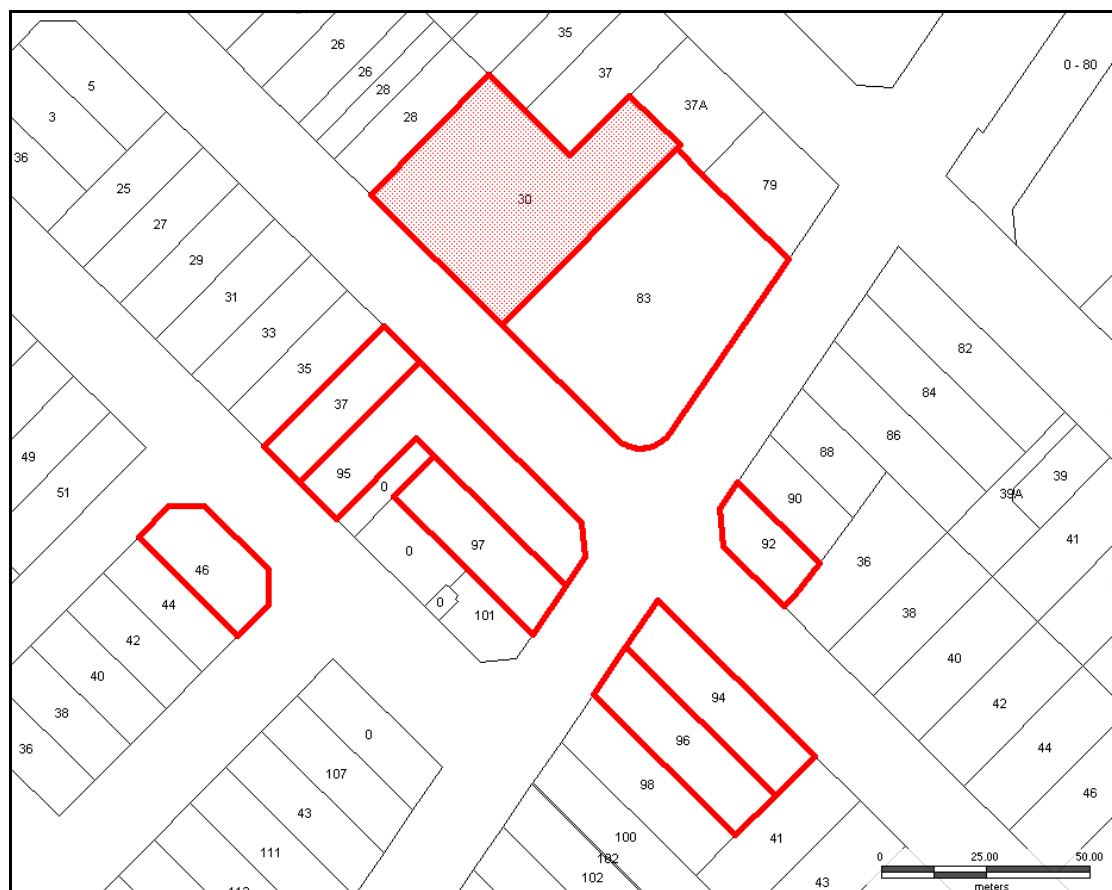
In addition to the issues relating to technical compliance of the project under TPS6, as discussed above, in considering an application for planning approval, the Council is required to have due regard to, and may impose conditions with respect to, other matters listed in Clause 7.5 of TPS6 which are, 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:

- (i) the preservation of the amenity of the locality;*
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) any other planning considerations which the Council considers relevant.*

Consultation

(a) 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 map below shows the properties for which neighbour consultation notices were sent:



During the advertising period, no submissions were received.

(b) Manager, Environmental and Health Services

The Manager of the City's Environmental and Health Services Department was invited to comment on the location and details of the proposed bin store. The Manager is satisfied with the proposed location of the bin store, and has provided a list of general requirements for bin store areas within the City of South Perth

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.2**

Moved Cr Trent, Sec Cr Hearne

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 Retrospective Approval for a Change of Use from Office to Consulting Rooms and Conversion of Approved Bin Store to Floor Area associated with Tenancy 5 and Prospective Approval for Relocation of the Bin Storage Area on Lot 1 (No. 95) Canning Highway **be approved**, subject to:

- (a) **Standard Conditions**
352, 354, 425, 560, 660.
- (b) **Specific Conditions:**
 - (i) Detailed drawings of the bin storage area shall be provided in conjunction with the application for a building licence.
 - (ii) The parking bay alongside the proposed bin store to be a minimum width of 2.8 metres.
- (c) **Standard Important Footnotes**
642, 646, 648, 651

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

CARRIED (12/0)

Note: Cr Gleeson returned to the Council Chamber at 8.12pm

10.3.3 Proposed Change of Use - 'Café / Restaurant' to 'Tavern' Lot 10 Preston Street, Como..

Location: Lot 950 (No. 1) Preston Street, Como
 Applicant: Cardno BSD
 Lodgement Date: 14 September 2007
 File Ref: 11.2007.476 & PR1/1
 Date: 9 November 2007
 Author: Owen Hightower, Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

An application for planning approval has been received for a Change of Use from 'Café / Restaurant' to 'Tavern' for a vacant ground floor commercial tenancy on Lot 950 (No. 1) Preston Street, Como. The recommendation is for approval, subject to a number conditions.

Background

The proposal is a 'DC' use in the 'Neighbourhood Centre Commercial Zone'. A 'DC' use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice of the development proposal in accordance with the provisions of clause 7.3 of Town Planning Scheme No. 6.

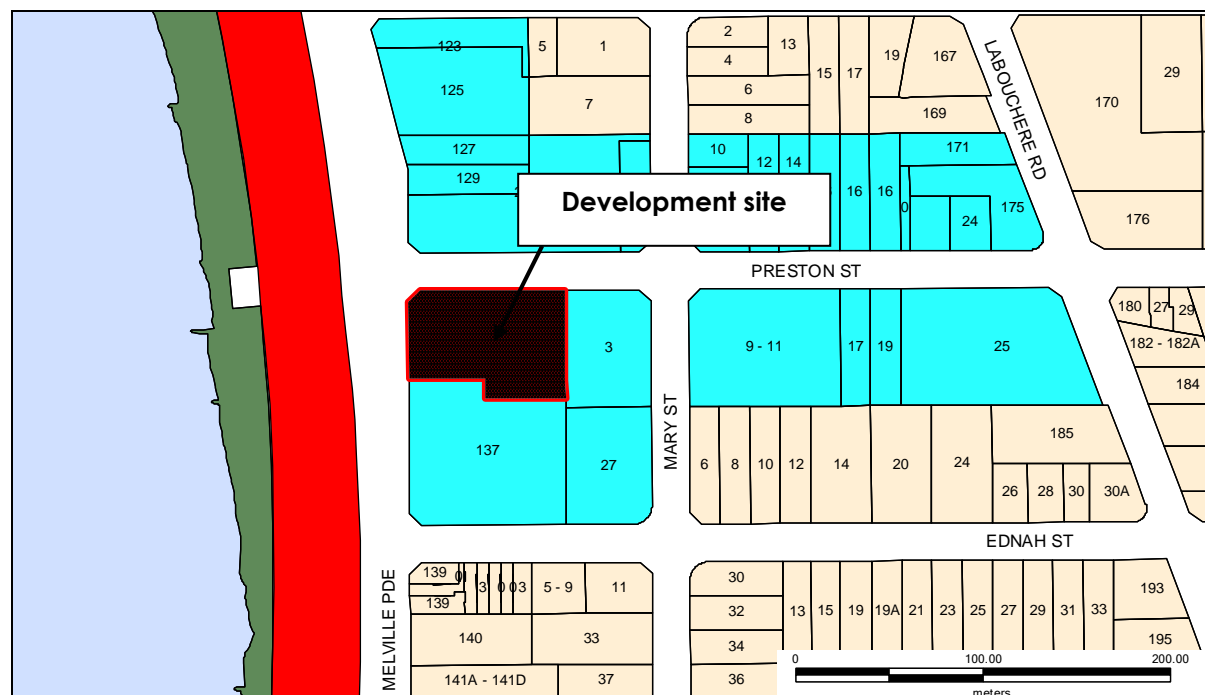
The development site details are as follows:

| | |
|---------------------------|---------------------------------|
| Zoning | Neighbourhood Centre Commercial |
| Density coding | R80 |
| Lot area | 4, 362 sq. metres |
| Area of Tenancy | 308 sq.metres |
| Maximum Plot ratio | 1.2 |

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** Information Flyer prepared by Applicant.
- Attachment 10.3.3 (c)** Applicant's Written Submission dated 6 September 2007

The location of the development site is shown below:



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

1. ***The exercise of a discretionary power***
Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.
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.

Comment

(a) Description of the proposal

The application is for a change of use, from 'Café / Restaurant' to 'Tavern'. A 'Tavern' is defined under City's Town Planning Scheme No 6 (the 'Scheme') as 'any land or building the subject of a Tavern Licence granted under the Liquor Licensing Act 1988 (as amended)'. The applicant is presently seeking this type of licence pursuant to the Liquor Control Act. It has been outlined to the applicants and owners by Council Officers that the City would not endorse the associated Section 40 Certificate (Certificate of Local Planning Authority) in conjunction with this application unless and until such time as the Council had granted planning approval for the use of the premises as a Tavern.

The property has the capacity to physically accommodate more than 160 people (including the proposed alfresco areas) with operating hours being Monday - Sunday 7:00am to late (not exceeding midnight).

The applicants have stressed that the proposal will not operate as a 'Tavern' as most people would perceive, but rather would operate as an '*up-market restaurant and cocktail lounge, with a dedicated area for private dining, boardroom business sessions and cocktail style events*'. This would seem to suggest that alcohol service would be an incidental component of the proposal and that the restaurant and function service would be retained as the predominant use of the premises.

The applicant's drawings show that the fit out of the Tenancy will occur in the following manner:

- Around one third of the premises will be devoted to kitchen and other 'service' type areas;
- There is a long bar area;
- There is a main 'restaurant' area; and
- There is a secondary 'restaurant' area which can be segregated into one large or two smaller function rooms.

The proposal also shows two alfresco dining areas, one being located within the Road Reserve and the other located on the development site adjacent to the entry foyer.

The alfresco dining area within the road reserve does not form part of this application and will be the subject of a separate application under the City's Alfresco Dining Local Law. Notwithstanding, this portion of road reserve has been considered with respect to parking implications. It should be noted that the City's Local Commercial Strategy outlines that council will '*encourage alfresco dining facilities using the footpath*', (page 9) along Preston Street.

Should Council grant approval, it is necessary to outline that the approved use would give the property the opportunity to be utilised as a literal Tavern (i.e. such as the Karalee Tavern). As such, the proposal must be assessed considering the full implications of a Tavern approval and the associated impacts on amenity resulting from a 'Tavern'.

(b) Strategic context

The subject site is located within the Como Beach Precinct and the Preston Street 'Mixed Use Neighbourhood Centre'. The area is characterised in the City of South Perth Commercial Strategy as a '*vibrant, after-hours village centre for the community, endowed with tourist and entertainment facilities*'.

An objective of the Scheme outlines that commercial centres should promote an appropriate range of land-uses consistent with the function of a centre based on the Local Commercial Strategy and the preservation of the amenity of the locality [s1.6(j), s7.5(i)]. Amenity is defined in the Model Scheme Text '*as all those factors which combine to form the character of an area and include the present and likely future amenity*'.

It is considered that the style of development which has been proposed provides an opportunity to enhance the amenity of the Preston Street Neighbourhood Centre based on the character description of the area provided in the Draft Commercial Strategy, therefore meeting this objective of the Scheme.

Council is also required to consider *'the objectives and provisions of any relevant Precinct Plan ...'* [s. 7.5(a)]. The objectives of the Como Beach Precinct Plan outline Preston Street as *a vibrant after hours village centre by encouraging development of tourist and / or entertainment facilities ...'*. This is to occur by promoting the *'re-instatement of Preston Street as an integrated centre supporting cultural requirements by suggesting only low scale office accommodation, additional entertainment facilities, restaurants ...'*.

It is evident, upon a visit to Preston Street, that it is still under-utilised and the attraction to the area has not increased substantially since Council adopted the Commercial Strategy in 2004. The area is recognised as being culturally significant and does have potential to develop into in a successful *'main street village such as Oxford Street (Leederville) or Rokeby Road (Subiaco)'* (Commercial Strategy, page 9). Considering the Como Beach Precinct Plan explicitly outlines that *'Council will promote a vibrant after-hours village centre'*, the proposal provides an opportunity to 'kick-start' the intended redevelopment of Preston Street into a culturally significant retail and entertainment strip. The proposal is therefore considered to contribute to the *'cultural significance of any place or area'* [s. 7.5(o)].

Based on the above, it is considered that the proposed development would provide a positive contribution to the Preston Street Neighbourhood Centre, and should it be successful, the proposal could provide incentive for further investment in the area that would contribute to the re-instatement of Preston Street as a *'vibrant community oriented area with wide appeal'* (Commercial Strategy, page 8).

(c) Residential amenity

As Preston Street has a residential component, the implications of this proposal on the 'Residential Amenity' (the lifestyle currently experienced by residents) requires consideration by Council. The impact that could be experienced by this proposal in relation to residential Amenity must be put into context with regard to the overall enhancement of the Preston Street 'Amenity' that would result from this proposal. As such, the impacts on 'residential amenity' do require consideration but should not have so great an impact on the development of the area so as to restrict the growth and redevelopment of Preston Street in accordance with the Commercial Strategy and Precinct Plan.

Significant concerns have been raised by surrounding residents relating to the implications of an approval for a 'Tavern'. Residents have outlined that once approval for a 'Tavern' is granted the property could be used in a manner other than what is intended by the owners. The resulting impacts on the residential component of the area would be significant in relation to noise, lighting, littering, anti-social / drunken behaviour and parking implication.

Whilst the concerns raised by residents is understandable, they are not warranted based on the current proposal. It has been extensively marketed as an eatery / bar-lounge and the clientele generally associated with such a venture do not increase the likelihood of anti-social behaviour or put the safety of surrounding residents at risk.

The residents are correct in outlining that should planning approval be granted for a licence, it is possible for the property to be used as a 'Tavern' as most people would perceive (i.e. alcohol service being the predominant use of the property and food service becoming incidental). If this were to occur, the resulting impacts in regards to noise, lighting, security etc. would be greater than what would be produced by the current style of development proposed.

In order to address the concerns of residents, there are some measures Council may take to restrict the site being used predominantly for service of alcohol. A management plan addressing, noise and particularly the dispersion of persons upon close, would provide some form of assurance that the issues that arising from alcohol consumption may be managed appropriately to limit the any impact to residents in the area. It is also possible to place a range of conditions on the approval which will assist in controlling the way in which the premises operates, such as:

- Requiring that the main restaurant area only be used in the manner of a Cafe / Restaurant with Tables and Chairs; and
- Preventing the sale of packaged liquor.

Such conditions would effectively limit the portion of the premises which could be used in the manner of a Tavern to the area around the bar and the space which can be segregated as a function room. This should alleviate many of the concerns which have been raised by the submitters.

(d) Car parking

The Scheme requires that parking be provided for a Tavern at the rate of *'1 bay per 3m2 of public space used for bars, lounges, dining & function areas, beer gardens and areas used predominantly for games'*.

The applicants have requested a full parking dispensation for the proposal based on the following:

- It is anticipated that a substantial portion of clientele will come from the local area and therefore these patrons are not likely to visit the premises by vehicle;
- The main trade will be evenings when 97 bays will be available for patrons; and
- The existing parking within Melville Parade, Preston Street and Mary Street could easily accommodate any additional parking that is generated by lunch time patrons.

Council has the discretion to vary parking requirements provided that *'the Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for the different uses on the development site'* [s. 6.3(4)(a)], or more generally pursuant to the provisions of clause 7.8 of the Scheme (Discretion to Permit Variations from the Scheme). Clause 7.8 of the Scheme states that the power conferred may only be exercised if the Council is satisfied that:

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

The applicants have suggested the total public floor space applicable to the above to be 169 sq. metres however Council officer calculations consider the floor area to be at a total 226 sq. metres (including the identified alfresco dining areas shown on the plan). Therefore the required number of parking bays would be 75 bays.

Council previously granted planning approval for two Café / Restaurants, Offices, a multi-level car park and 24 Multiple Dwellings in 2003. This application permitted a total parking dispensation of 86 bays based on a reciprocal parking arrangement utilising the 102 office parking bays provided on-site. The reciprocal parking arrangement acknowledged that peak trading hours of restaurants are outside of usual trading hours for offices (i.e. after 6:00pm) and as such, parking bays allocated for office use would be available for use by patrons of the restaurants after close of usual business trading hours, where the peak periods for restaurants begin. A condition requiring office bays be available after 6:00pm for the café / restaurant uses was placed on the original approval issued by the City in 2003. This condition is still applies to the subject site.

In August 2007, Council granted planning approval for a change of use from 'Café / Restaurant' to 'Sales and Information Centre' for one of the previously approved Café / Restaurants. The Sales and Information Centre now has standard office trading hours, leaving all Office parking bays (97 bays taking into account 15 bays dedicated for visitors and Sales / Information Centre) available to be used by patrons of the proposed 'Tavern' during peak trading hours.

The main concern that may arise from the proposal as a result of parking will be from breakfast and lunch trading times by the Tavern, combined with the additional parking that would result from the Sales and Information Centre. To assess the implications on car parking during these periods, it is necessary to refer to the previous traffic study undertaken in 2002 regarding parking availability within the immediate vicinity.

The following comments were made at that time:

- *A total of 153 street parking bays exist within the portions of street referred to above;*
- *At 9:00am, an average of 96 bays are vacant within the survey area. This represents a vacancy rate of approximately 63%;*
- *At 1:00pm (the most critical time), an average of 88 bays are vacant within the survey area. This represents a vacancy rate of approximately 58%;*
- *At 4:00pm, an average of 95 bays are vacant within the survey area. This represents a vacancy rate of approximately 62%.*

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

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

Based on the above information, it is considered that the existing public parking provision within the direct vicinity of the site can sufficiently accommodate any additional traffic and parking generated by the proposed use during standard business trading hours (i.e. 9:00am - 5:00pm).

Taking into account the above and that the proposed 'Tavern' will have peak trading hours outside of standard Office trading hours it is considered acceptable that current number of bays provided is sufficient to accommodate the change of use.

(e) **Other relevant legislation and approvals**

Should Council grant planning approval for a 'Tavern', the applicants will also require a planning certificate under the Liquor Control Act 1988. This provides further opportunity to place conditions on the actual sale of liquor on the property. Any conditions placed on a planning certificate are only recommendations, however after liaising with Department of Racing, Gaming and Liquor, it was outlined that generally conditions recommended by Local Governments are applied to licences issued.

The Liquor Control Act 1988 outlines conditions that may be imposed by a licensing authority including to 'vary (a licence), in such a manner as to become more restrictive, a term fixed or a condition specifically imposed by this Act in relation to the licence' [s.64(e)].

The applicant has submitted an application for a Section 40 simultaneously with the application for planning approval. This outlines that liquor is not intended to be sold for consumption off the premises.

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

The most relevant objective of the Scheme effecting this application has been discussed above under 'Strategic Context'.

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.

The following general Scheme Objectives are met:

- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (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.*

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (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;*
 - (o) *the cultural significance of any place or area affected by the development;*
 - (p) *any social issues that have an effect on the amenity of the locality;*

- (s) *whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (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.*

The above matters have been discussed in the body of the report.

Consultation

(a) 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 application was referred to potentially affected landowners and a site notice was placed on the subject property. A period of 21 days was given to respond. During the advertising period, 33 submissions were received, one in favour and 32 against the proposal. The submissions have been summarised below.

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

| Submitter's Comment | Officer Response |
|---|---|
| <ul style="list-style-type: none"> • An additional tavern-style eating place would add to the attractiveness of Preston Street as a centre of social activity and excitement. • Existing restaurants are well used and additional competition to the area is a good idea. • Parking does not appear to be an issue from observations and many patrons probably would choose to walk rather than drive. | <p>The comments provided by the submitter are consistent with the relevant strategic documents and traffic study of the area as discussed above</p> <p>The comment is UPHELD.</p> |
| <p><u>Noise</u> A number of submitters commented on the potential noise during late hours that may be generated from the proposal (e.g. bands, people leaving the premises, hoons etc.)</p> | <ul style="list-style-type: none"> • The proposal, should it be approved will be required to demonstrate compliance with the Noise Regulations 1997. • In regards to noise generated by people leaving the property and hoons, a management plan addressing such issues would be appropriate to alleviate the potential of this occurring on a regular basis. • The area is recognised as a vibrant after-hours village has been recognised in this manner in the past. Residents purchasing properties located in and surrounding Preston Street would be aware of this, and the implications in regard to greater noise levels in such an area compared to a residential area. <p>The comment is NOTED.</p> |

| | |
|--|---|
| <p><u>Parking</u> A number of submitters raised that parking in the area is under significant stress. The proposal would only further contribute to this issue and result in other private parking bays in the area being used by patrons of the 'Tavern'.</p> | <p>The study undertaken in 2002 (and referred to in Councils August 2007 meeting) outlines that the area is not under as significant stress as most would perceive, and that the area would be able to accommodate the change of use, particularly taking into account that there will only be one facility operating, rather than two as previously approved in 2003. The comment is NOT UPHELD.</p> |
| <p><u>Anti-social Behaviour</u> Anti-social behaviour and the implications with regards to security, vandalism, violence, littering etc. The safety of surrounding residents is a concern. Alcohol is linked to increased anti-social behaviour and would subsequently result in the safety of residents being compromised and the area being degraded and less welcoming to community and family as a result.</p> | <p>The intended style of development would not be considered to attract patronage generally associated with anti-social behaviour, however it is recognised that the proposal does have the potential to result in an impact identified by surrounding residents. In an attempt to address this, a management plan addressing such issues would be required to be developed so as to alleviate the associated issues a proposal such as this may result in. The comment is UPHELD.</p> |
| <p><u>Sufficient Alcohol Facilities</u> The area already has a number of licensed facilities including the Karalee Tavern, located on Preston Street. An additional Tavern would only compound existing issues resulting from excessive alcohol consumption.</p> | <p>As discussed in the body of the report, the proposal is consistent with all relevant strategic documents endorsed by Council. Preston Street is a commercial precinct that should be encouraged to be developed into a vibrant after-hours village. The proposed style of use would contribute to this objective. Concerns relating to increased anti-social behaviour resulting from a Tavern have been discussed in the body of the report. It is also worth noting that families visiting Como Beach and Preston Street would most commonly occur during the day, outside of peak trading hours of the proposed use. The comment is NOTED.</p> |
| <p><u>Alfresco Areas</u> The alfresco area would allow drinking and smoking within Preston Street directly near the entrance to the Precinct from Como beach. This would deter families and community to the area and create a poor environment along Preston Street</p> | <p>The Draft Commercial Strategy outlines that Council should encourage the re-instatement of Preston Street as a main street village by encouraging alfresco dining along the street. Alfresco dining is considered to enhance the atmosphere and vibrancy of an area by bringing patrons onto the street and encouraging more interaction. Smoking in open areas is permitted whether or not an alfresco area exists. The comment is NOT UPHELD.</p> |
| <p><u>Consultation Period</u> Consultation undertaken by the City was inappropriate and people who may be impacted upon were not directly informed, rather receiving notice late into the consultation period through a corporate body.</p> | <p>Consultation was carried out in accordance with the City's Policy, which outlines '<i>Where there is a requirement to invite comments from the owners and occupiers of a property containing more than twelve (12) dwellings, the City will forward the required notice to the Strata Company. It will be the responsibility of the Strata Company to advise its members and their tenants of the contents of the notice</i>'. The comment is NOTED.</p> |

(b) Other City Departments

Comments have also been invited from the City's Environmental Health Officers. The Manager, Environmental Health Services has recommended that the applicant be required to submit an acoustic report demonstrating compliance with the *Environmental (Noise) Regulations 1997*.

Policy and Legislative Implications

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

Financial Implications

There are no financial implications relating to this proposal.

Strategic Implications

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

Conclusion

The proposal is considered to comply with the City of South Perth Commercial Strategy, Como Beach Precinct Plan and the objectives of the Scheme. It is acknowledged that there is some limited potential for the proposal to impact negatively on existing residents within the surrounding area. As such, a condition ensuring that the premises are managed in a responsible manner to prevent any significant impact on residents would be most appropriate to address this issue. The proposal will provide a positive contribution to Preston Street and the wider locality by enhancing the attractiveness of Preston Street as a commercial and entertainment Precinct in South Perth and therefore is recommended for approval.

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.3 |
|--|

Moved Cr Hearne, Sec Cr Trent

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a change of use from 'Café / Restaurant' to 'Tavern' and application for a Planning Certificate (Section 40) under the Liquor Control Act 1988 on Lot 950 (No. 1) Preston Street **be approved**, subject to:

(a) Standard Conditions

661, 664.

(b) Specific Conditions

- (i) A detailed venue management plan shall be submitted to the City. This plan shall address the potential impacts that may result from the use (anti-social behaviour, noise, dispersion of crowds at the close of trading etc.) to the satisfaction of the Director, Planning and Community Services.
- (ii) The portion of the tenancy marked Restaurant on the approved plans and situated between the four existing structural columns (as marked on the approved drawings) shall be used only in the manner of a Restaurant and furnished permanently with Tables and Chairs.
- (iii) No packaged liquor sales shall be made from the premises.
- (iv) A prominent sign shall be provided which clearly shows that all on site parking is available to the Tavern patrons after 6pm, on weekends and on public holidays. This sign shall direct patrons to the existing on site parking.

- (v) An acoustic report shall be submitted to the City demonstrating compliance with the *Environmental (Noise) Regulations 1997*.
- (vi) Alfresco Dining does not form part of this approval. A separate application for any proposed alfresco dining must be made under the City's Alfresco Dining Local Law.
- (vii) The permitted hours of operation shall not exceed the following:
 - (A) Monday - Saturday: 6am to midnight; and
 - (B) Sunday: 6am to 10pm.

(c) **Standard Advice Notes**
642, 648, 649A, 651.

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

(d) **Specific Advice Notes**

- (i) Any signage for the proposed site will require separate approval. Please liaise with the City's Planning Services with respect to the required signage
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Department with regard to obtaining a Section 39 Certificate under the *Liquor Control Act 1988* and compliance with any other relevant Health Legislation.
- (ii) For the avoidance of doubt, Specific Condition (b)(ii) does not prevent patrons from being seated at a table within the designated area of the premises and consuming alcohol without a meal.

CARRIED (12/1)

| |
|--|
| 10.3.4 Proposed Change of Use: Shop to Temporary Use as an Indoor Sporting Activity Lot 1 (No. 45-49) George Street, South Perth. |
|--|

Location: Lot 1 (Nos. 45-49) George Street, Kensington
Applicant: Ms M C Rees, operator / owner of Fitness Attitudes
Lodgement Date: 3 October 2007
File Ref: 11.2007.506.1 & GE1/45-49
Date: 9 November 2007
Author: Rajiv Kapur, Senior Planning Officer
Reporting Officer: Steve Cope, Director Planning and Community Services

Summary

The application for planning approval relates to the proposed use of an established commercial premises for the purpose of Indoor Sporting Activities at Lot 1 (Nos. 45-49) George Street, Kensington. The application is recommended for approval, subject to a number of specific conditions, as the proposed use is not seen to have any adverse impact on neighbouring properties and will offer a facility which is beneficial to residents of the locality.

Background

This report includes the following attachments:

| | |
|--|--|
| Confidential Attachment 10.3.4(a) | Plans of the proposal. |
| Attachment 10.3.4(b) | Letters dated 2 and 17 October 2007 from Ms M C Rees, operator of Fitness Attitudes. |
| Attachment 10.3.4(c) | Photographs of the existing shop and the proposed front elevation treatment |

The development site details are as follows:

| | |
|------------------------------|------------------|
| Zoning | Local Commercial |
| Density coding | R15 |
| Lot area | 905 sq. metres |
| Building height limit | 7.0 metres |
| Maximum Plot Ratio | 0.5 |

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*
Temporary Uses being considered under Clause 7.13 of the No. 6 Scheme.

The particular tenancy which is the subject of this application is adjoined by other non-residential uses on the same lot (Take Away Food Shop and Cafe / Restaurant) as well as other commercial uses on the adjoining lot. The commercial properties which form the George Street shopping precinct (between Kennard Street and Lansdowne Road) are zoned Local Commercial within the City of South Perth Town Planning Scheme No. 6. The location of the development site is shown below:



Comment

(a) **Description of the proposal**

The proposal relates to a change of use of one of the tenancies on the subject lot from shop to a Temporary Use as Indoor Sporting Activities. The applicant's letters, **Attachment 10.3.4(b)**, describes the proposal in more detail.

Indoor Sporting Activities is assigned an 'X' (not permitted) classification within the Local Commercial Zone. Accordingly, the only basis upon which the Council can consider approving the use is under the Temporary Use provisions contained within clause 7.13 of TPS6. Clause 7.13 of TPS6 states:

“7.13 Temporary Use

- (1) *Notwithstanding any other provision of the Scheme, the Council may grant planning approval for land to be used temporarily for a purpose not otherwise permitted by the Scheme provided that:*
- (a) *notice has been served in accordance with Clause 7.3, advising of the nature of, and the time limitation on, the proposed use;*
 - (b) *the Council is satisfied that the proposed temporary use will not have any adverse effect on the residents or amenity of the properties in the precinct; and*
 - (c) *any proposed building to be erected or placed on the land is, in the opinion of the Council, of a temporary or transportable nature.*
- (2) *A planning approval granted by the Council for a temporary use shall be for a period specified by the Council and may contain such conditions as the Council considers necessary to ensure that there is no adverse effect on the amenity of the precinct.*
- (3) *A person shall not undertake the temporary use of land other than in accordance with the provisions of this clause.*
- (4) *If the Council grants planning approval for a temporary use, then upon expiry of the period specified by the Council under sub-clause (2):*
- (a) *the temporary use shall cease immediately; and*
 - (b) *any temporary or transportable buildings erected or placed on the land pursuant to the Council’s approval shall be immediately removed from the land.”*

Having regard to the above Scheme provisions, the applicant has provided the following written justification. The assessing officer’s response is provided alongside.

| | Applicant’s Comments | Officer Response |
|----|--|---|
| 1. | <p>Time period for the temporary use With regard to the advice from the City, approval would be given for two years on first application and further applications on an annual basis to a maximum period of five years. In this time there may be changes to the regulations which would give us a more permanent tenure. After this time, we would be in a better position to argue an ongoing accommodation of the business based on the previous years’ history. We would be happy to accept these recommendations as it would at least give us time to evaluate a number of things about the business.</p> | <p>It is recommended that the “temporary use” be initially approved for a period of two years. Having regard to the impact of the business activity on the general amenity of the surrounding residential development during this time period, and upon formal application from the business operator(s), the time period of the approval could be extended further if considered to be appropriate at that time.</p> |
| 2. | <p>Maximum number of persons on the premises At any given time of the day, there would be two staff and two clients in the studio. With regard to the layout plan submitted we feel it will work well and adequately caters for room to move around the equipment enabling clients to work on their specific programs.</p> | <p>A condition of approval has been formulated with respect to limiting the number of staff employed at the premises at any one time to a maximum of two.</p> |
| 3. | <p>Operating hours The daily operating hours will be 6:00am to 10:00pm six days a week.</p> | <p>The proposed operating hours are consistent with other similar uses situated within commercial localities.</p> |

| | | |
|------------------|---|---|
| <p>4.</p> | <p>Availability of car parking bays Sufficient parking is available for the purpose. There are currently 24 plus bays, some of which are being utilized by the other businesses. With six other businesses along George Street (one vacant) if we were to divide the parking between us it would equate to 3.2 bays each. Most of the other shops would consist of short term parkers. We would be encouraging our clients to park in the adjoining streets to help with this issue, our cliental would not be parked for more than 30-45 minutes.</p> | <p>There are 11 car parking bays which are marked within the George Street road reserve (between Kennard Street and Lansdowne Road). There are additional bays (not marked) on Lansdowne Road and Kennard Street, and there are three car parking bays on the development site.</p> <p>The available car parking satisfies the needs of the local shopping centre and this has been confirmed during inspections undertaken by City Officers. The intensity of use which is associated with the proposed development (i.e. two x staff members and two x clients at any one time), is not anticipated to adversely affect parking availability for the centre.</p> <p>The applicant's comments with respect to encouraging clients to park in the adjoining streets are noted, but not supported.</p> |
| <p>5.</p> | <p>Amenity impact The noise impact will be very low as we only operate on an appointment basis and the low number of people on the premises would not create a noise issue. The front door will be closed while clients are being supervised and coached through their programs. We feel the facility will be of great benefit to the community as a service provided to help encourage healthier lifestyles.</p> | <p>In light of the comments from the City's Environmental Health Department in which no noise related concern was identified, the applicant's comments are sufficiently justified.</p> |

(b) Car Parking

Table 6 "Car and Bicycle Parking" of TPS6 sets out the number of car and bicycle parking bays required for certain land uses. Based upon the requirement of 1 car bay per 25 sq. metres of gross floor area (approximately 75 sq. metres) for the previous "shop" use, three bays would have been required. A specific car parking ratio is not prescribed for the land use of Indoor Sporting Activities. In the case of uses not listed in Table 6 of TPS6, clause 6.3(2) of TPS6 states that Council shall determine the number of car bays required in each case, having regard to the likely demand. Based upon written justification provided by the applicant and associated comments provided by the assessing officer as discussed in the table above, it is recommended that Council discretion be exercised with respect to car parking provision.

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

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

- Objective (a)** *Maintain the City's predominantly residential character and amenity;*
- Objective (h)** *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
and
- Objective (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.*

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

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

- (i) the preservation of the amenity of the locality;*
- (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;*
- (x) any other planning considerations which the Council considers relevant.*

(e) Conclusion

In addition to the points discussed above, the proposal does not affect the design and form of the existing building, its plot ratio, setbacks, building height and landscaped areas in any manner. As such, the proposal is seen to generally satisfy the provisions of TPS6 and it is recommended that the application be approved accordingly.

As discussed within the report, as the proposed land use is an 'X' or prohibited use within the Local Commercial zone, the only method by which the Council can consider approving the application is under the Temporary Use provisions of the Scheme. In accordance with the provisions contained within clause 7.13 of TPS6, it is necessary for Council to specify a timeframe for which such an approval remains valid.

Consultation

(a) 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. 27, 28, 29, 31 and 32 Kennard Street, Nos. 131 and 135 Lansdowne Road and Nos. 45 and 51 George Street were invited to inspect the application and to submit comments during a 14-day period. A total of 15 consultation notices were mailed to individual property owners and occupiers. During the advertising period, no submissions were received by the City in relation to the proposal.

During the advertising period three neighbouring property owners contacted the assessing officer to make verbal enquiries in relation to the proposal. Each of these neighbours were generally in favour of the proposal. However, the following specific concern was unanimously expressed by them:

- An increased demand for the proposed use in the future could lead to a larger number of clients visiting the proposed use along with an increase in the staff numbers. This could potentially lead to a lack of available car parking bays for other commercial uses. This will have an adverse impact on the business activity of the adjoining non-residential uses which also rely on these parking bays. People parking cars on the streets in front of the adjoining residential development could also lead to increased noise and general reduction of residential amenity.

Having regard to the above concern, a specific condition of approval has been recommended which limits the number of staff employed at the premises at any one time to a maximum of two.

(b) Environmental Health Department

Comments were invited from the City's Environmental Health Department in relation to all relevant health related matters. The recommendation states that:

"The existing bin enclosure at the rear of the premises is to be utilised for the storage and cleaning of bins".

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

| |
|---|
| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.4</p> |
|---|

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for change of use from Shop to Temporary Use (Indoor Sporting Activities) on Lot 1 (Nos. 45-49) George Street, Kensington, **be approved**, subject to:

(a) Specific Conditions:

- (i) This approval shall expire two (2) years from the date of issue of Planning Approval, at which time the use of the building for the purposes of Indoor Sporting Activities shall cease unless, prior to the expiry of this approval, a further application for Planning Approval has been submitted and approved, for the purpose of extending the time period of approval.
- (ii) No more than two persons shall be employed at the premises at any one time.
- (iii) The validity of this approval shall cease if the proposed use of the premises does not commence within 12 months of the date of planning approval.

(b) Specific Important Footnotes

- (i) The applicant is advised of the need to obtain approvals from the City's Environmental Health and Building Services Departments prior to the commencement of the use.
- (ii) If you are aggrieved by aspects of the decision where discretion has been exercised, you may lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.
There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

CARRIED EN BLOC RESOLUTION

| |
|--|
| <p>10.3.5 Request for Review of Condition of Planning Approval. Lot 9 (29) Templemore Gardens, Waterford.</p> |
|--|

Location: Lot 9 (No. 29) Templemore Gardens, Waterford
 Applicant: Mr W & Mrs S Cox
 Lodgement Date: 22 October 2207
 File Ref: 11.2007.311 & TE1/29
 Date: 9 November 2007
 Author: Owen Hightower, Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

The City has received a request to review a condition of planning approval for a proposed solid 1.8 metre high fence located within the front setback area at the abovementioned address. The condition of planning approval allows the fence to be solid to a maximum height of 1.2 metre and visually permeable thereafter in accordance with the provisions of the Residential Design Codes (R-Codes). As the proposal for a solid 1.8 metre high fence within the street setback area is not seen to satisfy the Acceptable Development nor the Performance Criteria provisions of the R-Codes, it is recommended that the applicant's request for deletion of the condition of planning approval not be supported.

Background

On 12 September 2007, Council granted planning approval for a fence within the street setback area subject to the following condition:

- (1) *Revised drawings shall be submitted, and such drawings shall incorporate the following:*
 - (i) *The front fence, within the primary street setback area, to be visually permeable 1.2 metres above natural ground level.*

The City has subsequently received a request that this condition be reviewed by Council, as the property owner wishes to pursue approval for a solid front fence.

The development site details are as follows:

| | |
|---------------------------|----------------|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 815 sq. metres |
| Maximum Plot Ratio | Not applicable |

This report includes the following attachments:

- Attachment 10.3.5(a)** Submission from the applicant; and
- Confidential Attachment 10.3.5(b)** Plans of the proposed fence.

The location of the development site is shown below:



The proposal has been referred to a Council meeting as the applicant has sought review of the decision which was made under delegated authority.

Comment

(a) Description of the proposal

The applicant has proposed the construction of a solid 10.0 metre long fence with a height of 1.8 metres along a portion of the front boundary. The fence is to be constructed of bricks to match those used in the construction of the main dwelling.

The property owner has recently obtained City approval for the construction of a below ground swimming pool within the front setback area, and the proposed fence performs the function of pool safety fencing and screening of the pool area.

(b) Residential Design Codes

The R-Codes contain provisions relating to fencing within the primary street setback area. The R-Codes contain both Acceptable Development, or deemed to comply provisions, and associated performance criteria.

The Acceptable Development provisions require that front walls and fences within the street setback area that are visually permeable 1.2 metres above natural ground level. As the proposal does not satisfy the Acceptable Development provisions, the applicant has requested that the proposal be considered against the associated Performance Criteria which state:

Front walls and fences to promote surveillance and enhance the streetscape, taking account of:

- The need to provide protection from noise and headlight glare where roads are designated as Primary or District Distributors or Integrator arterials; or
- The need to provide screening where there is no alternative outdoor living area to the front setback.

The subject property is not located on a distributor or arterial road. The property also has a complying outdoor living area located to the rear of the dwelling. As such, the two points above raised can not be considered in the case of this proposal. The fence must therefore be assessed as to whether it *promotes surveillance and enhances the streetscape*.

(i) Fences to promote surveillance

The proposed fence will not be located in front of any major opening, however it will inhibit the extent of surveillance provided from the only habitable room located on the ground floor of the house.

The property does effectively provide the 'perception' of surveillance to Templemore Gardens. One window, being the window most affected by the proposal literally provides full surveillance of the street. Two windows on the first floor also provide some outlook to the street however views are severely restricted already by the roof design and orientation of the windows. It is therefore important to ensure that the actual surveillance of the street is, at a minimum, maintained.

The performance criteria outlines, fences and walls to '*Promote surveillance*'. In this case, the fence will clearly restrict the surveillance otherwise provided from the house to the street and therefore does not meet the performance criteria.

(ii) Fences to enhance the streetscape

In relation to streetscape, it is necessary to determine the streetscape character having regard to the definition outlined in the City's General Design Guidelines for Residential Development Planning Policy.

The street remains 'open' with large setbacks to buildings from the road. This results in 10 of the 12 houses along this portion of the street having no front fencing. The only houses with fencing along street boundaries are each of the houses on the corner of Templemore Gardens and Waterford Avenue and the fencing in each of these instances provides screening to the designated outdoor living area of each property.

Based on the above comments, in order to enhance the streetscape of Templemore Gardens, any development should contribute to, or enhance the open streetscape character which exists along the street.

The proposed 1.8 metre fence would disrupt the open street environment and accordingly can not be said to enhance the streetscape.

(c) **Applicant's submission**

The applicant's submission (Attachment 10.3.5 (a) refers) attempts to justify the proposal. A summary of the main points contained within the applicant's submission, along with an officer response, is provided in the table below:

| Applicant's Comments | Officer Response |
|---|--|
| The proposed fence will not impact on social interaction with pedestrians/ residents or street surveillance as the majority of the house will remain open to the street and no windows or doors will be covered by the fence | The performance criteria do not discuss social interaction with pedestrians and / or other residents. With regard to surveillance, as previously discussed, the views of the major habitable window will not be covered by the fence however views to the street will be restricted significantly by the fence. The fence therefore does not promote surveillance and does not meet the performance criteria of the R-Codes. |
| Two-thirds of the house will remain open to the street and the fully enclosed fence would contribute to an attractive streetscape as it would achieve a balance with the garage on the opposite side of the property. The fence will also be constructed of materials consistent with the existing house and landscaping will be provided in front of the fence to further contribute to enhancing the streetscape. | The performance criteria outlines fences are to enhance the streetscape. As discussed above, Templemore Gardens demonstrates an open streetscape due to the lack of existing fencing along front boundaries and the large setbacks to buildings on the street, although it is certainly acknowledged that the fence is intended to cover only a portion of the frontage. The 1.8 metre fence, whilst it could be looked upon as an attractive addition in its own right, does not enhance the streetscape based on the characteristics of the street and therefore does not comply with the performance criteria. |
| The R-Codes outline that <i>'where a wall is needed to provide privacy to an outdoor living area, a solid wall of 1.8 metre high would be acceptable- at least for a portion of the frontage'</i> . Privacy to a pool is definitely needed from a swimming pool outdoor area. | The performance criteria discuss screening to the front setback area <i>'where there is no alternative outdoor living area'</i> . There is an outdoor living area of approximately 110 sq.metres to the rear of the dwelling which is completely screened from the street. This compares favourably to the prescribed size of 30 sq.metres. |
| The neighbours have given full support | The comment is noted, although the support of neighbours does not assist in promoting surveillance or enhancing the streetscape as required under the R-Codes. |
| The proposal is a better option than providing a 1.2 metre fence along the full frontage of the property. | An alternative proposal for a 1.2 metre high fence along the frontage of the property would retain full surveillance of the street and comply with the acceptable development provisions of the R-Codes. |
| There a large amount of houses have solid 1.8 metre fencing along the frontage of properties throughout South Perth. | As explained within the body of the report, the immediate area within which the fence is to be constructed has an 'open' feel which is characterised by the absence of fencing along street boundaries. The circumstances of other properties which have solid high front fencing would have to be considered based upon the individual characteristics of the individual property. Many would have been constructed prior to the introduction of the current R-Codes (at which time there was no control over front fences), or would be associated with properties on distributor type roads or dwellings for which there was no alternative outdoor living area. |

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

Having regard to the preceding comments, in terms of the general objectives listed within Clause 1.6 of TPS6, the proposal is considered not to meet the following objective:

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

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

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

- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance.*

Consultation

No neighbour consultation was undertaken as it was not required under the R-Codes.

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 application has no financial implications.

Strategic Implications

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

Conclusion

The proposed 1.8 metre high solid fence along the front boundary of the property does not promote surveillance or enhance the streetscape. It therefore complies with neither the performance criteria nor acceptable development provisions contained within clause 3.2.5 of the R-Codes. In order for development to be approved, it must be seen to comply with one or the other. As this is not the case, it is not possible to accede to the applicants request, and condition 1 of the planning approval dated 12 September 2007 must be maintained.

| |
|---|
| OFFICER RECOMMENDATION ITEM 10.3.5 |
|---|

That, in respect of the planning approval dated 12 September 2007 issued for a proposed fence within the front setback area at Lot (No. 29) Templemore Gardens, Waterford, the applicant’s request for deletion of Condition 1, which requires the fence to be visually permeable, 1.2 metres above the natural ground level, **not** be approved.

OFFICER RECOMMENDATION

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

MOTION

Moved Cr Ozsdolay, Sec Cr Burrows

That....

- (a) the officer recommendation not be adopted; and
- (b) in respect to the planning approval dated 12 September 2007 issued for a proposed fence within the front setback area at Lot 9 (No. 29) Templemore Gardens, Waterford, the applicant's request for deletion of Condition 1, which requires the fence to be visually permeable, 1.2 metres above the natural ground level, **be approved.**

Note: For the benefit of the public gallery Cr Ozsdolay read aloud his alternative Motion.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Ozsdolay opening for the Motion

- refer Members to 'notice' from applicant circulated at Deputations, supporting reasons why fence should be approved
- refer to *Confidential* Attachment 10.3.5 which provides a 'visual' of proposed fence
- officer recommendation for refusal in line with Council policy
- Deputation clearly demonstrated that the proposed fence would be an enhancement to the streetscape / will have limited adverse impact on surveillance from the house
- proposed fence covers no windows or doors on the front of the house
- proposed fence in effect covers a corner of the house/one side between house and fence
- re performance criteria covering no alternative outdoor living area
- back yard is very small with a 13 m fence line if pool had been placed there it would leave virtually no back yard for laundry, pets etc.
- while it can be argued that it is an alternative, in reality it is neither practical nor viable
- plan as submitted by the applicant best/only viable alternative
- proposal a common sense approach / will be an enhancement to the street.
- urge Councillors support alternative Motion

| |
|-------------------------------------|
| COUNCIL DECISION ITEM 10.3.5 |
|-------------------------------------|

The Mayor put the Motion

- (a) the officer recommendation not be adopted; and
- (b) in respect to the planning approval dated 12 September 2007 issued for a proposed fence within the front setback area at Lot 9 (No. 29) Templemore Gardens, Waterford, the applicant's request for deletion of Condition 1, which requires the fence to be visually permeable, 1.2 metres above the natural ground level, **be approved.**

CARRIED (13/0)

Reason for Change

It has been clearly demonstrated to Council that the proposed fence would be an enhancement to the streetscape and will have limited adverse impact on surveillance from the house.

10.3.6 Carport Addition to Single House. Lot 28 (No. 19) Glyde Street, South Perth.

Location: Lot 28 (No. 19) Glyde Street, South Perth
 Applicant: Mr M W Perry
 Lodgement Date: 22 August 2007
 File Ref: 11.2007.299 GL3/19
 Date: 9 November 2007
 Author: Stephanie Radosevich, Trainee Planning Officer
 Reporting Officer: Steve Cope, Director, Planning and Community Services

Summary

This application for planning approval relates to the proposed addition of a dome roof carport to an existing Single House.

The Officer report recommends that the application be refused, as the dome roof carport conflicts with the objectives and provisions of the City's Policy P370_T "General Design Guidelines for Residential Development" and is observed to be incompatible with the existing building and the established streetscape character. The proposal is also in conflict with the requirements of Clause 3.5.3 "Design of Parking Spaces" of the Residential Design Codes 2002, Clause 6.3(8) "Car Parking" and Schedule 5 "Minimum Dimensions of Car Parking Bays and Accessways" of Town Planning Scheme No. 6.

Background

This report includes the following attachments:

Confidential Attachment 10.3.6(a) Plans of the proposal.
Attachment 10.3.6(b) Letter from applicant dated 8 August 2007.

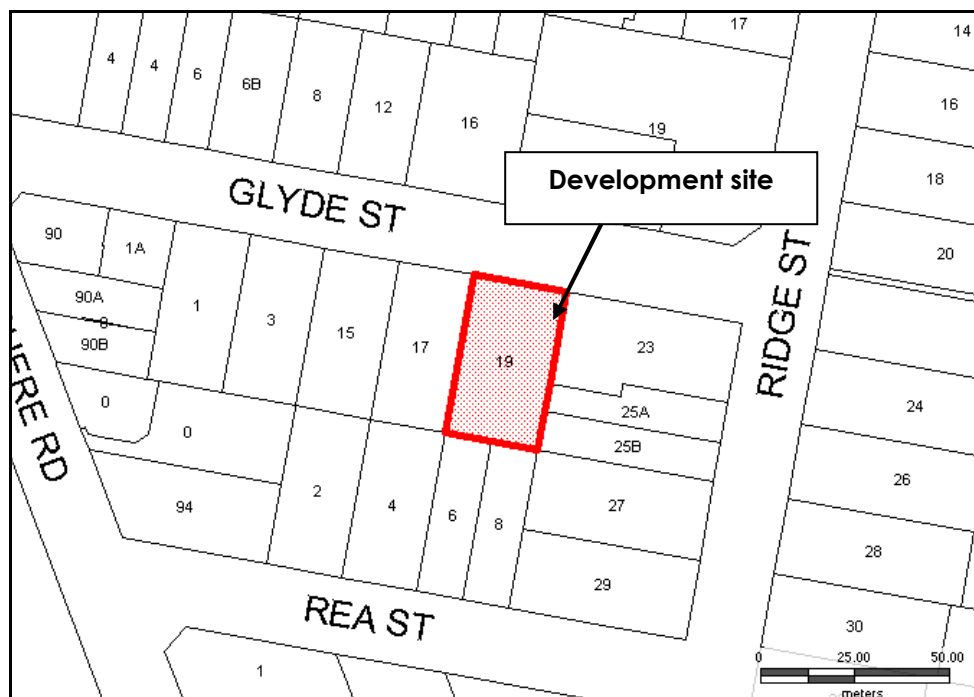
The development site details are as follows:

| | |
|------------------------------|-----------------|
| Zoning | Residential |
| Density coding | R15 |
| Lot area | 1075 sq. metres |
| Building Height Limit | 7.0 metres |
| Development Potential | Single House |
| Maximum Plot Ratio | Not applicable |

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

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

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



Comment

(a) Description of the proposal

The applicant's proposal is for the addition of a dome roof carport to an existing Single House. The proposal complies with all of the requirements of the No. 6 Town Planning Scheme (TPS6), the Residential Design Codes (R-Codes) and relevant Council Policies with the exception of the variations discussed below.

(b) Policy P370_T "General Design Guidelines for Residential Development"

One of the objectives of Policy P370_T "General Design Guidelines for Residential Development" is that proposed development preserve or enhance the desired streetscape character, as well as promoting a strong design compatibility between existing and proposed buildings (or additions to such buildings). The relevant provision under Clause 6(f) of the Policy is expressed in the following manner:

"Design of Carports, Garages and Outbuildings

The design and materials of construction of carports, garages and habitable outbuildings shall be compatible with the existing or proposed dwelling. Where a proposed carport is designed with a pitched roof, either half-height or full-height brick piers are required to be used to support the roof."

The proposed dome roof carport is not compatible with the streetscape nor is it compatible with the pitch roof form of the existing dwelling. For the proposed carport to be deemed acceptable it would be required to have a tiled pitch roof with either half-height or full-height piers.

(c) Car parking bay dimensions

The proposed carport addition to the side of the existing Single House is in conflict with Clause 6.3(8) "Car Parking" and Schedule 5 "Minimum Dimensions of Car Parking Bays and Accessways" of Town Planning Scheme No. 6. The proposed carport is 3 metres wide by 5.020 metres in length. However, Schedule 5 and Clause 6.3(8) of Town Planning Scheme No. 6 require the width of a carport to be 2.5 metres, with that width being increased by 0.3 metres where a wall, column, pier or fence

abuts the side of a car parking bay. In this instance, it is necessary for an additional 0.3 metre width to be added to each side of the bay, resulting in an overall required bay width of 3.1 metres. Schedule 5 of TPS6 requires that the length of the car parking bay be a minimum of 5.5 metres as opposed to the 5.020 metre length which has been proposed.

The proposed dimensions of the dome roof carport do not comply with the requirements of the City's Town Planning Scheme No. 6. For the proposed carport to be deemed acceptable it would be required to increase the dimensions from 3 metres in width to 3.1 metres and from 5.020 metres in length to 5.5 metres.

(d) Access and Egress

The applicant's drawings do not provide satisfactory detail with respect to access into, nor egress from, the proposed carport.

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

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

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;*
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details; and*
- (x) any other planning considerations which the Council considers relevant.*

(f) Conclusion

In conclusion, having regard to the City's Town Planning Scheme and Policy objectives and provisions, the proposed dome roof carport alongside the existing Single House is inconsistent with Policy P370_T "General Design Guidelines for Residential Development", Clause 6.3(8) "Car Parking" and Schedule 5 "Minimum Dimensions of Car Parking and Accessways" of Town Planning Scheme No. 6.

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 23 July 2007. Their comments are summarised below:

- (i) The Advisory Architects comments were that the curved / vaulted roof carport was observed to be incompatible with the pitched roof form of the existing dwelling. The carport was also seen to be inconsistent with the character of the existing streetscape.*

(b) **Neighbour consultation**

Council Policy P104 “Neighbour and Community Consultation in Town Planning Processes” did not require consultation with respect to this development proposal.

Policy and Legislative Implications

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

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.6 |
|--|

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for a carport addition to an existing Single House on Lot 28 (No. 19) Glyde Street, South Perth **be refused** for the following reasons:

- (a) The proposal is in conflict with the Objectives and Clause 6(f) of Policy P370_T “General Design Guidelines for Residential Development” as the proposed dome roof carport is not compatible with the streetscape nor is it compatible with the pitch roof form of the existing dwelling.
- (b) The proposal is in conflict with Clause 6.3(8) “Car Parking” and Schedule 5 “Minimum Dimensions of Car Parking Bays and Accessways” of Town Planning Scheme No. 6 which requires minimum carport dimensions of 3.1 metres in width and 5.5 metres in length.
- (c) The drawings do not provide satisfactory detail with respect to access into, nor egress from, the proposed parking structure.

Standard Important Footnote

- 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.

CARRIED EN BLOC RESOLUTION

| |
|--|
| 10.3.7 Proposed Two Storey Single House. Lot 129 (No. 12) McNess Glade, Salter Point. |
|--|

| | |
|--------------------|---|
| Location: | Lot 129 (No. 12) McNess Glade, Salter Point |
| Applicant: | JWH Group Pty Ltd |
| Lodgement Date: | 27 July 2007 |
| File Ref: | 11.2007.370 & MC5/12 |
| Date: | 9 November 2007 |
| Author: | Lloyd Anderson, Planning Officer |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

The application for planning approval relates to a proposed Two Storey Single House on Lot 129 (No. 12) McNess Glade, Salter Point. The proposed Single House is designed with a flat roof over the main dwelling and blank walls on both sides of the house; a ‘cubic’ appearance. The design is not consistent with the predominant character of housing with pitched roofing contributing to the amenity of the focus area. The issue is whether the flat roof design and blank walls are acceptable with respect to streetscape. The recommendation is for refusal based upon the incompatible design.

Background

This report includes the applicant’s response letter referred to as **Attachment 10.3.7**.

The development site details are as follows:

| | |
|------------------------------|------------------|
| Zoning | Residential |
| Density coding | R20 |
| Lot area | 466 sq. metres |
| Building height limit | 7 metres |
| Development potential | One Single House |
| Maximum Plot Ratio | Not applicable |

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

1. The exercise of a discretionary power

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

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

The site is adjoined by residential development to each side and a private institution site (retirement village) at the rear. The location of the development site is shown below:



Comment

(a) Description of the proposal

The proposed development is a two storey Single House. The applicant’s letter, **Attachment 10.3.7**, describes the proposal in more detail.

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

(b) Design

The main objective of Council Policy P370_T “General Design Guidelines for Residential Development” is as follows:

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

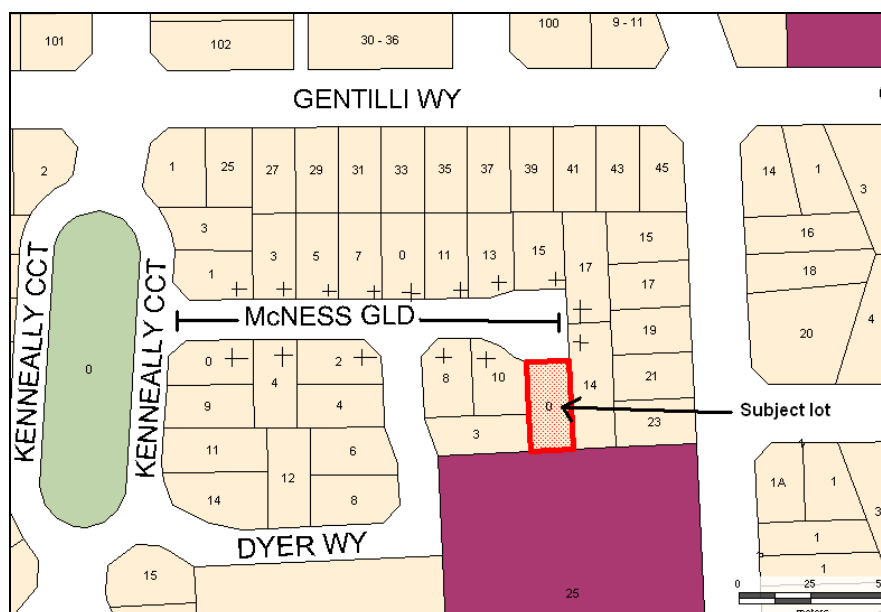
The proposal does not comply with the overriding objective of P370_T.

Policy P370_T provides, under Clause 3 “Streetscape Character” that:

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

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

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



Characteristics of the focus area as follows:

- Single houses;
- Predominantly two storey; and
- Roof form - pitched.

The proposal is not in keeping with the dominant characteristics of the focus area in terms of its flat roof design and blank side walls. The form and shape of the proposed single house differs markedly from existing houses within the focus area, as it displays predominantly square and flat elements with its design being ‘cubic’ in appearance. Existing dwellings have similar blank solid walls however differ due to the pitched roofs within their design. As a result of the wall height, flat roof and square elements of the proposed single house, the perceived magnitude of the building is significantly greater than that of other existing dwellings within the focus area.

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

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

Objective (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.*

In accordance with Objectives (c) and (f) of TPS6, the City will facilitate a diversity of dwelling styles where proposed dwellings retain the desired streetscape character. Although new dwellings do not need to be an exact match or replica of existing dwellings within the streetscape, they should incorporate characteristics and features (i.e. architectural details, roof designs, building materials) of existing residential development to ensure compatibility with the existing streetscape. The proposed dwelling has few features or characteristics in keeping and in harmony with the character and scale of existing residential development.

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

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

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

- (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.*

The listed matters above are relevant to the subject application. In relation to listed matters (j) and (n) the proposal is not in keeping with the dominant streetscape character and is therefore, inconsistent with the abovementioned listed matters.

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

(e) Conclusion

The recommendation is for refusal based on the incompatible roof design and blank walls making for a design which does not sit comfortably with other dwellings within the street. McNess Glade is characterised by housing with pitched roofing contributing to the amenity of the focus area. It is therefore concluded that the proposal does not meet the objectives of Policy P370_T “General Design Guidelines for Residential Development” and TPS6.

Consultation

(a) Design Advisory Consultants’ (DAC) comments

The proposed development was considered by the City’s Design Advisory Consultants (Advisory Architects) at their meeting held on 20 August 2007. The Advisory Architects did not support the proposed development and made the following comments:

- (i) *Design of the built form is incompatible to the existing streetscape character.*
- (ii) *The blank walls on both sides of the building to incorporate relief features such as windows, shade devices and variety in terms of materials.*
- (iii) *Articulation of the design required by incorporating awnings on the north / street facing elevation.*

Attachment 10.3.7 is the applicant’s response to the DAC comments and related policy.

(b) Neighbour consultation

Having regard to the provisions of Policy P104 “Neighbour and Community Consultation in Town Planning Processes”, it was not necessary to undertake consultation with respect to the development proposal.

(c) **Consultation with the applicant**

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

Policy and Legislative Implications

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

Financial Implications

The proposal has no impact on this particular area.

Strategic Implications

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

| |
|---|
| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.7</p> |
|---|

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for proposed two storey Single House on Lot 129 (No. 12) McNess Glade, Salter Point **be refused**, for the following reasons:

- (a) Owing to its incompatible design, the proposed development does not comply with a number of the objectives listed within Clause 1.6 “Scheme Objectives” of the City of South Perth Town Planning Scheme No. 6.
- (b) Owing to its incompatible design, the proposed development does not comply with a number of the matters listed within Clause 7.5 “Matters to be Considered by Council” of the City of South Perth Town Planning Scheme No. 6.
- (c) Owing to the incompatible design, the proposed dwelling does not satisfy the provisions of Policy P370_T “General Design Guidelines for Residential Development” which requires all new development to be designed in such a way so as to preserve or enhance the desired streetscape character.

Important Note

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

CARRIED EN BLOC RESOLUTION

| |
|---|
| <p>10.3.8 Proposed Naming of Right-of-Way No. 123 Como</p> |
|---|

| | |
|--------------------|---|
| Location: | Right-of-Way No. 123 situated within block bounded by Lockhart Street, Manning Road, Edgumbe Street and Woollana Street, Como |
| Applicant: | Dr Deborah Jenner |
| File Ref: | ROW 123 |
| Date: | 9 November 2007 |
| Author: | Stephanie Radosevich, Trainee Planning Officer |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

To consider a request to initiate the process towards the naming of Right-of-Way No. 123 which is owned by the City of South Perth. The recommendation is that the 'naming' process now be initiated for the Right-of-Way (ROW).

Background

Location

ROW No. 123 is situated within the block bounded by Lockhart Street, Manning Road, Edgecumbe Street and Wooltana Street, Como. The ROW is indicated on the plan below:



Condition and usage

ROW No. 123 is paved for the entire length of the open portion. ROW No. 123 is 5.0 metres in width. There are six car bays adjacent to ROW No. 123 which rely upon access from the ROW. The ROW is not required for pedestrian access to dwellings and there are no mail boxes in the ROW.

Previous Right-of-Way naming

At Council's December 2001 meeting, five ROW's were approved for naming. Separate requests for naming had been received from three owners, each from a different ROW. The ROW's approved for naming were Nos. 86, 93, 94, 103, and 104. All of these are parallel to Canning Highway and the reason for Council's support for naming was that there were a range of difficulties in relation to giving directions to visitors to the abutting properties. Prior to naming, there was a trial of 'location signs'. The 'location signs' were placed at each end of the ROW and indicated that the laneway provided rear access to certain properties which front on to Canning Highway. The trial had mixed results.

At Council's June 2006 meeting, two more ROW's were approved for naming. The ROW's approved for naming were Nos. 75 and 76.

Right-of-Way 123 naming request

The request to name ROW No. 123 is from Dr Deborah Jenner, the owner / occupier of a dwelling which has vehicle access from the ROW. Dr Jenner advises that:

- ROW No. 123 is extensively used by residents and visitors;
- It is difficult to direct tradespersons to her dwelling from the ROW; and
- It is difficult to direct visitors to her dwelling from the ROW.

Comment

The fact that occupiers of dwellings use the ROW is not reason enough to name a ROW. The benefits of naming the ROW are that it simplifies instructions to visitors wishing to find access from the ROW, and the ROW will gain recognition in street directories. The Department for Planning and Infrastructure's Geographic Names Committee has a policy on naming ROW's (quoted in 'Policy and Legislative Implications' section of this report). The policy states that "Laneways will normally only be named if a name is required for addressing purposes". With regard to this, it would be only appropriate to re-number dwellings which have direct frontage to the ROW. There are presently no dwellings which would qualify for renumbering on this basis. Despite this, it is still appropriate to name the ROW for the reasons referred to above.

With regard to the possible names for the ROW, the following comments are made:

The theme of the Rights-of-Way that have already been named is flowering plants and shrubs. In this vein, Dr Jenner suggested the name "Tulip Lane". The policy of the Geographic Names Committee is that short names are to be used for lanes. Therefore names such as Wattle Lane, Boronia Lane, Waratah Lane and Acacia Lane would also be appropriate. It is recommended that the name "Tulip Lane" for ROW No. 123 be advertised for comment.

Consultation

At this stage, no consultation has been undertaken with affected adjoining property owners. The request for this ROW naming has come from one owner. Therefore, it is not known whether other owners abutting the ROW would also like to have the ROW named. The City does not have a policy regarding consultation on the matter of ROW naming, however the City has previously consulted affected residents in regard to previous ROW naming and road naming. Prior to finally determining whether the ROW should be named and if so, selecting the actual names, the Council should undertake 21-day advertising to all the owners of properties which directly abut the ROW. A subsequent report to Council will then consider submissions and at that time, Council will decide whether to name the ROW or not, and will also select the names. Should the Council decide to name the ROW, the proposal requires Geographic Names Committee approval prior to implementation.

Informal consultation has been undertaken with the City's Engineering Infrastructure Department has been undertaken, and this has not revealed any concerns with respect to the proposal.

Policy and Legislative Implications

Council does not have a policy to guide decisions as to whether or not the naming of particular Row's will be supported, and if so, how names will be selected. The Geographic Names Committee policy titled "Road Naming Guidelines (2001)" provides the following guideline for the naming of ROW's:

“The increase in urban density in new development and urban redevelopment has resulted in many narrow short lanes and right-of-ways requiring names. The naming of such roads is supported with a preference for use of the road type lane and short names. Laneways will normally only be named if a name is required for addressing purposes. The leg of a battleaxe lot is not a laneway.”

Financial Implications

At a later date if Council resolves to name the ROW, the cost to install a sign at each end will be determined by the length of the name, as the cost varies according to the length of the name.

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.8 |
|--|

That....

- (a) the proposal to name Right-of-Way No. 123 “Tulip Lane” be advertised to the owners and occupiers of properties abutting the Right-of-Way for a period of 21 days;
- (b) a report on submissions is to then be submitted to the first available Council meeting; and
- (c) the applicant be advised of Council’s resolution as above.

CARRIED EN BLOC RESOLUTION

| |
|---|
| 10.3.9 Amendment No. 10 to TPS6 to rezone portion of Pt. Lot 1 Burch Street, South Perth |
|---|

| | |
|--------------------|---|
| Location: | Portion of Pt. Lot 1 Burch Street, South Perth |
| Applicant: | Peter D Webb and Associates for South Perth Hospital |
| Lodgement Date: | 8 October 2007 |
| File Ref: | LP/209/10 |
| Date: | 1 November 2007 |
| Author: | Gina Fraser, Senior Strategic Planning Officer |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

The rezoning proposal referred to above will be identified as Amendment No. 10 to Town Planning Scheme No. 6 (TPS6). This action forms part of a long series of processes related to a request by the South Perth Hospital to purchase a piece of Council-owned land at the end for Burch Street, South Perth. The initial request was considered by the Council in July 2007. Final approval of Amendment No. 10 by the Minister for Planning and Infrastructure is a prerequisite to the Council being able to initiate land sale procedures under the Local Government Act. The recommendation is to initiate the Scheme Amendment process to enable Amendment No. 10 to be advertised for public inspection and comment before recommending to the Western Australian Planning Commission and the Minister whether or not to proceed further with the re-zoning proposal.

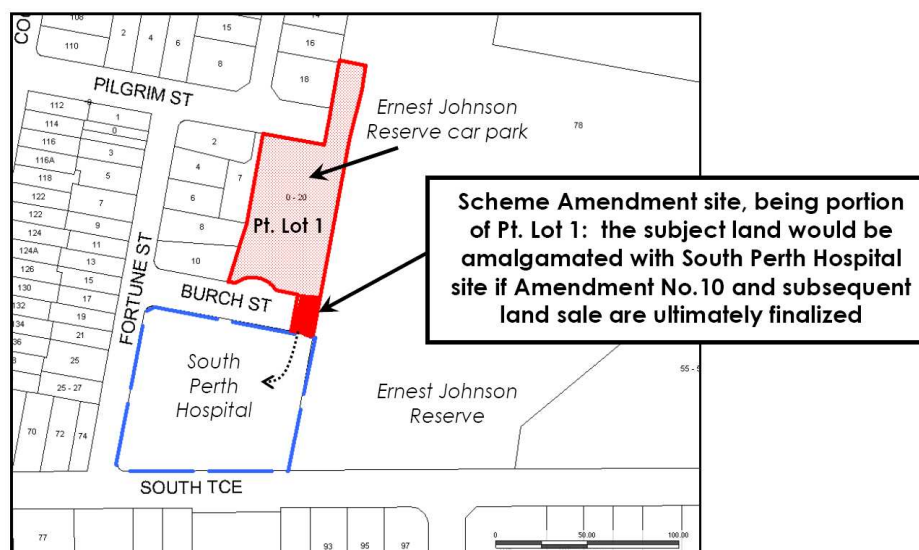
Background

Relevant details relating to the subject land are as follows:

| | |
|--|---|
| Current classification | Local Scheme Reserve - Parks and Recreation |
| Proposed zoning | Private Institution zone |
| Proposed density coding | R15 |
| Lot area | Approximately 249 sq. metres |
| Building height limit | 7.0 metres |
| Proposed development potential | As for the Private Institution zone. One of the listed 'P' (Permitted) Uses is 'Hospital' |
| Maximum Plot ratio (Private Institution zone) | 0.6 = 149 sq. metres |

The Draft Amendment No. 10 Report is provided as **Attachment 10.3.9**. The report describes the purpose of the Amendment.

The location of the development site is shown below:



The land which is the subject of this Scheme Amendment is owned by the Council. It forms part of the irregularly-shaped Pt. Lot 1 which also contains the Ernest Johnson Reserve car park. In July 2007, the Council considered a formal request by the South Perth Hospital to purchase the portion of this lot comprising a southerly ‘protrusion’ situated between the cul-de-sac end of Burch Street and the Ernest Johnson Reserve. The Hospital wishes to use this land for essential infrastructure equipment - fire management water tanks and pumps, air conditioning chillers and a bulk storage oxygen tank. The equipment and the intended treatment of the land is described more fully in the attached Amendment No. 10 report (**Attachment 10.3.9**).

Comment

Related processes

This Amendment No. 10 forms part of a complex series of actions associated with the Council’s consideration of the Hospital’s land purchase request. The main steps in this process were explained in detail in the report comprising Item 10.3.5 of the July 2007 Council meeting agenda. In that report, it was explained that if the Council wishes to support the Hospital’s land purchase request, certain statutory and administrative processes

would need to be followed. The July 2007 Council resolution states that, subject to satisfactory completion of all other prerequisite processes, Council would be prepared to consider the land purchase. In summary, the process involves the following:

- (a) Formal land valuation (although an indicative value has been obtained from the Valuer General's office, this will need to be reviewed within 6 months of the date of the sale of the land to the Hospital).
- (b) Amendment to Town Planning Scheme No. 6 to rezone the subject land for Hospital use.
- (c) Section 3.58 of the *Local Government Act 1995* procedures for disposal of Council-owned land.
- (d) Council consideration of a development application for infrastructure on the subject land, following completion of both the Scheme Amendment and the transfer of the land to the Hospital's ownership.

The Council requires the Hospital to meet all costs associated with all of the processes leading to the ultimate transfer of the land. The Hospital has agreed to meet all of the costs.

The current report on Amendment No. 10 to TPS6 now relates to item (b) in the above list of necessary processes.

Council's July 2007 decision

At the time of the Council's consideration of the Hospital's land purchase request in July 2007, there was uncertainty as to whether a Scheme Amendment should be a prerequisite to the disposal of the land. Consequently, the Council adopted a split resolution, as follows:

- Part 1 of the resolution set out the Council's decision in the event that a Scheme Amendment is not required before the Hospital can use the subject land; and
- Part 2 of the resolution set out the Council's decision in the event that a Scheme Amendment is required.

Legal advice has been obtained supporting part 2 of the July 2007 resolution, that in this instance, a statutory Scheme Amendment is required in order to rezone the land to properly 'match' its intended use. In summary, part 2 of the Council's July resolution contained the following elements:

- (a) The Council supports, in principle:
 - (i) the sale to the Hospital of approximately 249 sq. metres of Pt. Lot 1 situated to the east of Burch Street; and
 - (ii) the transplanting of the Jacaranda tree situated on the subject land.
- (b) Upon receipt of the Hospital's written agreement to meet all costs associated with all processes, the Council will initiate the Scheme Amendment process to rezone the subject land to 'Private Institution' zone.
- (c) Following the Scheme Amendment being finally approved by the Minister for Planning and Infrastructure, the other required processes will be followed towards the sale and development of the subject land.

Clause 2.2 of TPS6 relating to alternative use of reserved land

The subject land is currently reserved for Parks and Recreation purposes. Clause 2.2(2) of TPS6 provides for the Council, in certain circumstances, to approve a change of land use for reserved land, without implementing a Scheme Amendment. Before deciding whether or not to approve a change of use of 'reserved' land without prior rezoning, the Council must have regard to a wide range of matters, including the ultimate intended purpose for the Reserve.

After the Council considered the matter in July 2007, it obtained legal advice so as to clarify this matter. The solicitors advised that in this particular instance, it would not be appropriate to invoke clause 2.2(2) to approve the use of the reserved recreational land for Hospital purposes without first undertaking the proper rezoning process. This Amendment No. 10 proposal satisfies the legal concerns in this regard.

Matters previously considered by the Council

Prior to resolving to conditionally support the rezoning of the subject land 'in principle', the Council considered a wide range of issues relating to the matter. In addition to the various required statutory processes, these issues included the following:

- (a) Two previous development approvals by the South Perth Hospital in September 2005 and June 2006 for expansion works within the site which did not include any supporting infrastructure equipment.
- (b) The infrastructure proposed to be located on the subject land, and in particular:
 - (i) the composition of the proposed infrastructure;
 - (ii) the description of the proposed perimeter fencing and boundary walls;
 - (iii) the description of the proposed buildings within the compound.
- (c) The existing amenity value of the land as an extension of the adjoining Ernest Johnson Reserve.
- (d) The visual impact of the proposed infrastructure which will interrupt the line of sight between Burch Street and the Ernest Johnson Reserve, with two structures higher than the 1.8m high fencing.
- (e) The existing trees on the land and adjoining reserves, one of which will need to be relocated to enable the intended development of the land to proceed.
- (f) Noise emanating from the equipment itself and from delivery and service vehicles. This will be assessed and managed at the time of any future development application.
- (g) Access and servicing - information regarding the large nature of the vehicle likely to be delivering oxygen to the site was recently provided by the applicant. The vehicle is described as an 18 metre long articulated tanker. City officers have examined the route likely to be taken by this vehicle and consider that access can be adequately managed.

All of these issues were taken into account in July 2007 when the Council first considered the Hospital's land purchase request. It is considered that all aspects of the proposal can be adequately addressed through conditions of approval of any subsequent development application, and by ongoing management by the Hospital. Therefore City officers consider that the proposed Amendment No. 10 process should now be initiated.

Development approval September 2007

In September 2007, planning approval was granted for a development application for two-storey additions to the Hospital and other upgrading works on the site. The proposal was similar to two previous applications which were approved in September 2005 and June 2006, respectively. The latest proposal included the accommodation of all of the required infrastructure equipment within the main Hospital site. At the time of the application, however, the Hospital advised that the preferred location for this equipment would be the land which is the subject of this Amendment No. 10 and that the equipment would be relocated if the land is made available to the Hospital.

Consultation

(a) Statutory consultation

To date, no neighbour or community consultation has been undertaken with respect to this proposed Amendment No. 10. Should the Amendment process be initiated, community consultation will be undertaken as required by the *Town Planning Regulations 1967* and Council Policy P104 'Neighbour and Community Consultation in Town Planning Processes'.

Previously, neighbour consultation has been undertaken to the extent required by Policy P104 in relation to the Hospital's three most recent development applications, the latest of which involved the same infrastructure equipment as will be located on the subject land if this Amendment No. 10 and the land transfer are ultimately approved.

Policy P104 states that consultation will not be undertaken during the period from mid-December to mid-January in recognition of the special nature of the Christmas and New Year season. The *Town Planning Regulations* require that the Environmental Protection Authority (EPA) be consulted and allowed 28 days in which to determine whether or not an environmental assessment is required. The consultation with the EPA will be undertaken in early December, provided that the Council endorses this Amendment proposal at its November meeting.

Policy P104 also contains detailed descriptions of the method and extent of community consultation to be undertaken. The Policy requires mail notices to be sent within the area described as '*Area 3 or wider, as appropriate*'. In the case of the subject land, however, this extent of consultation would be minimal, relating only to Council-owned land, the Hospital and to one neighbouring house. Therefore, it is suggested that the area of consultation be widened considerably in this case, to include, as a minimum, the owners of all properties previously consulted in relation to recent development applications, and all properties with a boundary to Pilgrim Street which could be on the route of the oxygen delivery vehicle.

In accordance with Policy P104, and following the required clearance being obtained from the EPA, it is suggested that the statutory community consultation for Amendment No. 10 should be according to the following:

- A community consultation period of not less than 42 days, to begin after mid-January 2008.
- In addition to properties within 'Area 3', mail notices to:
 - all properties previously consulted in relation to the September 2007 development application;
 - all properties with a boundary to Pilgrim Street; and
 - affected service authorities.

Where a property contains more than twelve (12) Multiple Dwellings, the City will forward the required notice to the Strata Company. It will then be the responsibility of the Strata Company to advise its members of the proposal.

- Two site notices in prominent positions, as follows:
 - one site notice centrally located along the western boundary of the subject land facing Burch Street; and
 - one site notice located close to the steps leading to the Ernest Johnson Reserve, facing the Reserve and placed on the higher ground level so as to be clearly visible from the Reserve.
- *Southern Gazette* newspaper in two issues of the 'City Update' column.
- Civic Centre at the front counter and on the noticeboard.
- City's Libraries and Heritage House.
- City's web site on the 'Out for Comment' page.

Policy P104 states that it is the responsibility of the applicant to arrange for the preparation and erection of the required site notices, to specifications contained in that Policy. The cost of those notices is to be met by the applicant. The City undertakes the mail notification at the City's cost.

(b) Manager, Engineering Infrastructure

The City's Engineering Infrastructure department has not been consulted with respect to this Amendment proposal. However, detailed consultation was undertaken before the July 2007 report was presented to Council. Comments from that department were included in the July report on a range of issues.

Further detailed consultation was undertaken with the Manager Engineering Infrastructure with respect to the September 2007 development application which involved the same infrastructure equipment. At that time, comments were provided mainly in relation to the delivery of oxygen to the Hospital and the route that might be followed by the delivery vehicle. In this regard, it was considered that, although the delivery vehicle currently proposed to be used could be large, access to the site would be manageable. The route could include Pilgrim Street, among others.

Policy and Legislative Implications

The Scheme Amendment would have the effect of modifying the City's operative Town Planning Scheme No. 6 in terms of the zoning of the subject land and the future use of that land.

The statutory Scheme Amendment process is set out in the *Town Planning Regulations*. The process as it relates to the proposed Amendment No. 10 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

| Stage of Amendment Process | Estimated Time |
|--|--|
| Council adoption of decision to initiate Amendment No. 10 to TPS6 | 27 November 2007 |
| Council adoption of draft Scheme Amendment No. 10 proposals for advertising purposes | 27 November 2007 |
| Payment of Planning Fee by South Perth Hospital following Council endorsement of draft proposals | Unknown |
| Provision of copies of Amendment documents by Peter Webb and Associates following Council endorsement of draft proposals (Note: Edited version of the report to be provided to Consultant by the City) | Unknown |
| Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period | Unknown (28 days) |
| Public advertising period of not less than 42 days (Not to be undertaken between mid-December and mid-January) | (Estimated) Monday, 21 January to Friday, 6 March 2008 |
| Council consideration of Report on Submissions in relation to Amendment No. 10 proposals | (Estimated) April 2008 Council meeting |
| Referral to the WAPC and Minister for consideration: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment No. 10; • Three signed and sealed copies of Amendment No. 10 documents for final approval | (Estimated) Early May 2007 |
| Minister's final determination of Amendment No. 10 to TPS6 and publication in <i>Government Gazette</i> | Unknown |

Financial Implications

The issue has some impact on this particular area, to the extent of payment of the required Planning Fee by the applicant. The *Planning and Development (Local Government Planning Fees) Regulations 2000* and the City of South Perth 'Fees and Charges Schedule 2007/2008' provide for a Planning fee to be charged with respect to the preparation and processing of a request for a Scheme Amendment. Maximum hourly rates applicable to certain levels of Officer are prescribed in the Regulations and have been adopted into the Council's fee schedule. The Regulations provide for the fee to be paid at the time of lodgement of the rezoning request. The City's practice is to request payment of the fee following the Council initiating the Amendment process although calculation of the fee commences from the date of lodgement of the Amendment request and may also include preliminary discussions with the applicant.

In the current case, a long investigative period followed receipt of a land purchase request in February 2006. This investigation involved the Council obtaining a land valuation, and legal advice as to whether or not a Scheme Amendment is required, among many other considerations and actions. None of this preliminary investigation, which mainly related to the land purchase request, forms part of the fee calculations. The actual fee payable applicable to Amendment No. 10 is currently being 'logged' and calculated from the date of receipt of the formal Scheme Amendment proposal from Peter D Webb and Associates on 8 October 2007.

The Planning Fee is required to be determined in the first instance based on an estimate of the amount of time likely to be spent on the proposal by relevant officers. In addition to officers' hourly rates, the total fee includes GST, advertising costs which will be paid by the City, and any other incidental costs incurred by the City in the investigation or processing of the proposal.

The Regulations stipulate that "*any moneys paid in advance by an applicant to a local government for estimated costs or expenses ... that are not incurred by the local government are to be refunded to the applicant on the completion of the service.*" Should the estimated fee paid by the applicant prove to be less than the actual cost incurred by the City, it is the practice of this Council not to charge the applicant any additional fee.

Having regard to the above, it is recommended that an estimated total Planning Fee of \$8,000 be imposed for Amendment No. 10, payable immediately upon Council resolving to amend Town Planning Scheme No. 6 as requested.

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

In July and September 2007, the implications of the statutory Scheme Amendment proposal were considered in some depth by the Council. The next stages are Council's endorsement of the Amendment documents attached to this report, and the advertising of the proposal within the wider community. Following this process, the Amendment proposals will be reconsidered by the Council in the context of any comments received. A further decision will then be made regarding the Council's recommendation to the Western Australian Planning Commission and the Minister for Planning and Infrastructure. The Council's recommendation could be to proceed with the Amendment, modify it, or not proceed with it. The final decision will be made by the Minister.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.3.9**

That

- (a) Council in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by:
- (i) rezoning the land as generally described hereunder from the 'Local Scheme Reserve - Parks and Recreation' to the 'Private Institution' zone:
All of that portion of Pt. Lot 1 situated to the east of the eastern end of Burch Street, South Perth, and to the south of the easterly prolongation of the northern boundary of Burch Street to a point on the eastern boundary of Pt. Lot 1, as depicted on the Scheme Amendment Map; and
 - (ii) amending the Scheme Map - Zoning for Precinct 3 - South Perth Civic, accordingly.
- (b) the Report on the Amendment containing the draft Amendment No. 10 to the City of South Perth Town Planning Scheme No. 6, **Attachment 10.3.9**, be adopted and forwarded to the Environmental Protection Authority for environmental assessment and to the Western Australian Planning Commission for information.
- (c) upon receiving clearance from the Environmental Protection Authority, community advertising of Amendment No. 10 be implemented in accordance with the *Town Planning Regulations 1967* and Council Policy P104, to comprise the following:
- A community consultation period of not less than 42 days, to begin after mid-January 2008.
 - In addition to properties within 'Area 3', mail notices to:
 - all properties previously consulted in relation to the September 2007 development application;
 - all properties with a boundary to Pilgrim Street; and
 - affected service authorities.Where a property contains more than twelve (12) Multiple Dwellings, the City will forward the required notice to the Strata Company. It will be the responsibility of the Strata Company to advise its members of the proposal.
 - Two site notices in prominent positions, as follows:
 - one sign centrally located along the western boundary of the subject land facing Burch Street; and
 - one sign located close to the steps leading to the Ernest Johnson Reserve, facing the Reserve and placed on the higher ground level so as to be clearly visible from the Reserve.
 - *Southern Gazette* newspaper notice in two issues of the 'City Update' column.
 - Civic Centre at the front counter and on the notice-board.
 - City's Libraries and Heritage House.
 - City's web site on the 'Out for Comment' page.
- (d) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 10:

FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning and Infrastructure whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision.

- (e) The Hospital Board be advised that:
- (i) the Council notes the Hospital Board's agreement to meet all of the costs associated with the requested land purchase and related processes, including Amendment No. 10 to Town Planning Scheme No. 6;
 - (ii) as the Council has resolved to initiate the Scheme Amendment as requested, an estimated Planning Fee of \$8,000 including GST is now payable with respect to Amendment No. 10; and
 - (iii) upon receipt of the \$8,000 fee payment, further processing of Amendment No. 10 will proceed.

CARRIED EN BLOC RESOLUTION

| |
|---|
| 10.3.10 Proposed New Establishment Agreement Rivers Regional Council (formerly South East Metropolitan Regional Council) |
|---|

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GR/207 |
| Date: | 9 November 2007 |
| Author: | Steve Cope Director Planning and Community Services |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

A draft revised Establishment Agreement (EA) dated August 2007 has been received from the Rivers (South East Metropolitan) Regional Council (RRC). The SEMRC has forwarded the revised EA to each of the existing member Councils (and to the prospective member Councils) and is seeking written indication whether each Council will support signing the document.

A Concept Forum briefing for Councillors on the draft proposed EA was held on 18 September 2007. The former Mayor, Crs Trent and Cala and staff attended a Special Workshop on 20 September 2007 with representatives of each of the existing Member Councils and the prospective Member Councils to discuss the revised EA.

The officer recommendation is that the SEMRC be advised that the City requires further information and seeks to complete an analysis of future waste management options prior to making any decision on the proposed new EA.

Background

The City, along with the Cities of Armadale and Gosnells formed the SEMRC in 2001. The purpose of the SEMRC was to investigate and progress waste management issues on behalf of the member Councils.

The revised EA was presented to a Technical Advisory Committee (TAC) of the Regional Council in August by John Woodhouse of Woodhouse Legal on behalf of the RRC.

The draft revised Establishment Agreement achieves the following:

- Prepare 'rules' of funding, asset distribution, winding up and withdrawal provisions relevant to each Regional Purpose; and
- Narrows the regional purposes to specific activities related primarily to waste.

In recent times, discussions have been held with the City of Mandurah, Shire of Murray and Shire of Serpentine/Jarrahdale, with a view to expanding the membership to six local governments. In order to achieve this, it has been decided that the most appropriate method of facilitating this objective is to 'annul' the existing agreement between the three original members and enter into a new agreement with the six members.

The following process for progressing the Establishment Agreement is envisaged:

- The draft has been forwarded to each of the six Councils to advise that this was the draft that the RRC has recommended be supported, and seeking an indication, in writing, of whether each Council will support signing the document.
- Written confirmation or suggested alterations are to be provided by each Council (or suggested alterations).
- A special meeting of the SEMRC is proposed to be held in December 2007 to consider feedback and to recommend that member councils adopt the new Establishment Agreement and adopt a Deed of Variation of the new Establishment Agreement to expand from three to six members.
- When 3 existing Member Councils have all resolved to adopt a new Establishment Agreement and adopt a Deed of Amendment to expand from 3 to 6 members, and the 3 new members have resolved to sign the Establishment, the new Establishment Agreement is to be signed by the Minister.

Councillors have been kept informed with the progress of the RRC investigations into the future waste management options through Concept Forum briefings which have been presented in June 2006, September 2006, April 2007 and September 2007.

The reason given by the RRC for the adoption of a new EA is to provide for contractual agreements that will be necessary for a future Regional Resource Recovery Facility (RRRF). The existing (2001) EA (as amended) is deemed unsuitable for this purpose owing to the number and complexity of amendments that would be necessary. As well the revised EA would provide for the expansion of the SEMRC by the addition of three new member Councils.

The proposed new EA was reviewed by the City's Executive Management Team (EMT) and a discussion paper outlining the City of South Perth's points was provided to the RRC CEO for circulation and discussion at the TAC meeting held on 6 September 2007. Following the TAC meeting the City's discussion paper was circulated to the then Mayor and RRC Councillor representatives by memo prior to the RRC workshop held on 20 September 2007.

The following items form attachments to this report.

Attachment 10.3.10(a) - Draft proposed new Establishment Agreement

Attachment 10.3.10(b) - Explanatory notes prepared by Woodhouse Legal

Attachment 10.3.10(c) - Original (annotated) Establishment Agreement 2001

Attachment 10.3.10(d) - CoSP submission on draft proposed Establishment Agreement (5/9/07)

Attachment 10.3.10(e) - Draft proposed Deed of Amendment

The EMT review covered a number of points as follows:

- Reasons for/need for new Agreement
- Withdrawal of a participant
- Regional Purposes
- The Council
- Contribution to budget deficiency, deficit or anticipated exceptional deficit
- Contribution to acquisition of land
- Definitions
- Schedule 2

The City's points were outlined at the RRC workshop held on 20 September 2007. The City's key concern is that whilst the existing EA allows for the voluntary withdrawal of a participant under the proposed EA, a participating member can only withdraw with the agreement of all members. It is understood that the reason for this change is related to the potential impact of withdrawal of a participant on the continuity of contracts associated with a future RRRF.

Comment

The status of the first 12 tasks associated with the RRRF Feasibility Study is as follows:

Phase 1 (completed)

1. Project Management Plan
2. Land and Technology Options Guiding Principles
3. Preliminary Technical and Financial Assessment
4. Consultation with CRG (ongoing)
5. Preliminary Assessment of Sites and Technologies
6. SEMRC Participant Consultant (ongoing)

Phase 2

7. Preferred Sites & Technologies (draft subject to finalisation)
8. Waste Collection Systems (completed)
9. Financial Models (draft subject to finalisation)

Phase 3

10. Staging of the Project (not completed)
11. Contract Delivery Mechanism (completed)
12. Business Plan Participating Members Agreement and Project Plan draft subject to finalisation.

In summary, Phase 1 tasks are complete but Phase 2 and Phase 3 reports are partially drafted but not fully completed. In particular tasks 7, 9 and 12 remain to be completed. This is expected to occur in the next few weeks with the resolution and transmittal of information concerning site selection and the draft business plan.

The City's advice to the recent RRC workshop was that the City is satisfied with the present EA but that if current and prospective members are expected to underwrite a new EA with conditions considered onerous, then the City would first require relevant information from the RRRF Feasibility Study so as to consider its long term waste management options. Alternatively, the City, because of its position should not be restricted if it desires to withdraw from the Regional Council. In addition, there is no valid reason for the City to support a change to the terms of the Agreement that are not favourable to the City. The clause unilaterally contained in the new agreement which prevents the City from withdrawing from the Regional Council without the need to obtain consent of other members is one such example.

The City has no objection to the membership of the Regional Council being increased by the additional three members to six members. For this reason, and issues that have been raised and discussed at the Regional Council Elected Members Workshop on 20 September, the administration is firmly of the view that the City does not have sufficient information at this stage to commit to a new EA. It is therefore recommended that the City decline to support the new EA until the City is satisfied that it is in its best interests to participate in a larger Regional Council.

Consultation

- City of South Perth/Executive Management Team
- City of South Perth Elected Members (Concept Forum Briefing)
- SEMRC/Technical Advisory Committee
- SEMRC City of South Perth Elected Member Representatives

Policy and Legislative Implications

Local Government Act s3.61

Financial Implications

Unknown but potentially significant.

Strategic Implications

Strategy 3.7 to *“Continue to actively support and encourage waste reduction, recycling and reuse. Seek opportunities to implement sustainable secondary waste treatment processes to significantly reduce the amount of waste going to land fill sites”*.

| |
|--|
| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.3.10</p> |
|--|

That the RRC be advised that the City awaits completion and transmittal of relevant information of the SEMRC Regional Resource Recovery Facility Feasibility Study prior to responding to the SEMRC request for comment on the proposed new Establishment Agreements.

CARRIED EN BLOC RESOLUTION

10.4 GOAL 4: INFRASTRUCTURE

| |
|---|
| <p>10.4.1 State Undergrounding of Powerlines Program - Como East Project</p> |
|---|

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | ET/302 |
| Date: | 8 November 2007 |
| Author: | Les Croxford, Manager Engineering Infrastructure |
| Reporting Officer: | Glen Flood, Director Infrastructure Services |

Summary

As co-partner to the State Undergrounding of Power Lines Project (SUPP) Como East project, Council has previously determined that payment for the project shall be a direct charge raised against the affected property owners. This report provides the basis for the service charge to be adopted by Council.

Background

The City, for the purpose of the SUPP has been divided into seven underground power areas after taking into consideration the then existing underground power areas of Waterford, Karawara and the Peninsula in Mill Point Ward. To date the City has participated in the SUPP with successful projects in:

- Como West defined as the area bounded by South Terrace, Kwinana Freeway (Melville Parade) and Canning Highway; and
- Mill Point plus Civic extension defined as the area bounded by South Terrace, Canning Highway, Lawler Street, Mill Point Road and Kwinana Freeway (Melville Parade).

The above projects have been, with a small contribution to street lighting from Main Roads for Canning Highway, totally self funded from a service charge set against nominated classes of dwellings and commercial properties and directed to the property owner.

The Como East Project is a Round Three SUPP project awarded in early 2004 with an announced start date at that time of July 2006. A number of factors have delayed the implementation of several projects with Western Power now forecasting that Como East (with the concurrence of Council and the signing of an Underground Power Agreement with the City) would commence on or about 4 February 2008.

Comment

The Como East project area is defined as that area bounded by Canning Highway, Kwinana Freeway, Manning Road, Goss Avenue, Henley Street, Bruce Street, Morrison Street and Thelma Street.

In September 2006, Asset Research was commissioned to undertake a survey of all property owners within the underground power area. The survey was conducted as a postal survey with all listed owners being sent a copy of the questionnaire and a newsletter outlining the proposed project. The survey was accompanied by a reply paid envelope for return to Asset Research. A total of 2259 surveys were posted.

The Executive Summary from Asset Research is included as **Attachment 10.4.1(a)**. The results of the survey were presented to a Council Briefing session on 10 October 2006.

The Survey and newsletter was based on an overall service charge within the range of \$2,800 to \$3,400 per single residential property comprising the:

- Network Charge - the total anticipated cost to underground the overhead supply network including upgrade as necessary to meet future loads plus purpose designed street lighting divided equitably amongst property owners. For practical purposes every dwelling within the area has been assigned one of three levels of power need so that the network charge against each property represents a proportion of the total power load for the whole of the area;
- Connection Charge - the cost of connecting to the underground cable and any costs associated with supplying an underground service to the property. The maximum connection charge is \$600 (a subsidised charge with contribution from SUPP) for a single residential property with overhead supply service from the overhead street network. The connection charge will reduce marginally depending upon the extent of the existing underground connection and the ability to reuse that hardware already in the ground. Irrespective of the extent of the underground connection and the number of contributors to the charge, a minimum charge will be applied for the jointing/splicing to the underground main.

In summary, the key results of the survey were:

- 83.2% of all respondents do support the installation of UGP,
- 79.9% of all respondents would pay
- 82.8% of pensioners would elect to pay for underground power

The following table is a breakdown of the properties within the Como East Underground Power area.

Table 1 Property Classification

| Type of Dwelling | Number |
|---------------------------------|---------------|
| Single Residential | 705 |
| Strata Units (2-3) | 809 |
| Strata Units (4-9) | 694 |
| Strata Units (10+) | 111 |
| State Housing Commission | 33 |
| Commercial | 22 |
| Institutions | 13 |
| Collier Park Retirement Village | 1 |

The Office of Energy guidelines for submissions to the SUPP requires certain discounts to be applied to pensioners and to certain properties where infrastructure related to either the overhead or underground network must be retained/located within the road reserve.

For projects within Rounds 1 and 2 the City has provided a 50% discount for pensioners and a percent discount for:

- all properties where the overhead high transmission lines are retained;
- properties where a transformer and/or switching cabinet is located on the front verge, with a lesser discount where the equipment is located on the side verge.

In the past, the percentage discount was represented at worst case (pensioner plus street hardware) a reduction of \$1,013 (single residential) and \$825 (unit) on the respective full paying property owner. Understandably the more being offered by way of discounts to some means the balance is being met disproportionately by others. As the Round Three Service charge will be more than double the service charge applied to earlier stages the pensioner discount at 50% could be reassessed. In the newsletter distributed with the 2006 Survey reference was made to a “pensioner discount” being available to registered pensioners. While no percentage discount was mentioned in the survey there may well be a perception among many that the discount would equate to that applied to Municipal Rates. There is no requirement that this be so.

The following is an extract from correspondence received from the SUPP Project Manager.

“The Final Detailed Budget is \$14,422,341 (excluding GST) and incorporates fixed price labour installation (based on formal tenders) and variable price materials supply (based on current prices). All budget items have contingency provision.

We look forward to the City's help in achieving the attached project approval/start schedule.

Note that the City's approval needs to cover the terms of the Agreement (as per draft supplied by UPP Executive Officer on 7/11/07). Formal advice of the approval in the form of a letter of intent (template attached) will enable Western Power to place orders before signing of the Agreement by the parties and prevent delay to the start of the project”. As a co-funder the city will be required to meet one half the detailed estimate plus \$54,207 (for “powdercoating” to streetlight poles) or \$7,265,378.

A copy of the Agreement is at **Attachment 10.4.1(b)**.

Table 2 SUPP Budget

| Summary of Activities | October 2007 |
|------------------------------|---------------------|
| Project Management Costs | \$1,547,842 |
| Materials | \$4,381,609 |
| Labour | \$7,235,266 |
| Cost without Contingencies | \$13,164,717 |
| Contingencies | \$1,257,623 |
| Budget Cost | \$14,422,341 |

In the Office of Energy Guidelines for Round Three Major Residential Projects where funding is raised from the directly affected ratepayers “(Council should be) giving discounts to pensioners (50% is suggested)”. The Office of Energy acknowledges that it cannot dictate to Council the charges to be applied or the discounts that should be given. The guidelines are to be interpreted by each local government as it affects their individual circumstances. Considering the Round Three Submission was made in 2003 in a “climate” where the project cost was expected to be in the order of \$7 million the discount “suggested” may have been seen as equitable. Today with the project cost at \$14.4 million a percentage discount of 50% could appear excessive if some equity between former projects and current home owners is to be considered.

If a discount of 50% is maintained, then the base level of contribution from residential ratepayers increased from the maximum amount previously prepared, ie \$3,400 to \$3,700 (unless Council made a direct contribution to the project).

An argument can be developed for reducing the discount to pensioners from 50% to 30% as a means of retaining the maximum service charge at the previously suggested \$3,400. Equally it is acknowledged that all costs have risen steeply over the past 12 months and setting the service charge marginally higher than \$3,400 particularly with the City contributing direct to the project should be acceptable to the affected property owners.

Prior to the introduction of the SUPP in 1998 the City had commenced a Reserve for the Undergrounding of Powerlines similar to the practice having been taken previously by the City of Subiaco and at the time by the Town of Victoria Park. The purpose of the reserve was to assist with the undergrounding of powerlines throughout the city. With the introduction of the SUPP, the successful Rounds One and Two projects were completely self funded by the affected property owners. Not only did these two projects enjoy the advantage of low material costs and attractive contractor rates but the cost was distributed over many more property owners. The relative low charges set for Como West and Mill Point Underground Power areas would not have been possible for the “lower density residential areas had they been selected by the SUPP Steering Committee for implementation. It is therefore appropriate to consider the Underground Power Reserve as the means to offset some of the cost particularly the street lighting component and marginally reduce overall the service charge to the property owner.

In addition Council does budget for Street Lighting - Provision and/or upgrade as a Capital Expenditure item in each year of the Strategic Financial Plan and this could be increased to reflect an agreed City contribution to the project.

For the above reasons ie to maintain the pensioner discount at 50% and to maintain the base property charge as close as possible to the advertised figure, it is proposed that Council makes a contribution of \$400,000 to the project as details.

The following table reflects the suggested schedule of charges based on:

- a maximum network charge higher than \$3,400;
- a pensioner discount (and registered Senior discount) of 50% and 25% respectively;
- discounts up to 20% for properties where Western Power overhead high transmission lines have been retained or transformers and / or switch cabinets placed on the verge either in front of, adjacent to or opposite the affected property;
- a City contribution of \$250,000 from the Underground Power Reserve; and
- an amount of \$150,000 from Municipal Funds allocated in the Budget Years 2007 to 2009 for the purpose of street and reserve lighting upgrade.

Table 3 Schedule of Charges

| Type | Network Charge | Connection Charge | Service Charge |
|--|----------------|-------------------|----------------|
| Single Residential & 2 - 3 Strata Units | \$2,890 | \$600 | \$3,490 |
| Single Residential & 2 - 3 Strata Units (High Voltage Main Discount) | \$2,457 | \$600 | \$3,057 |
| Single Residential & 2 - 3 Strata Units (Transformer/Switchgear) | \$1,965 | \$600 | \$2,565 |
| Single Residential & 2 - 3 Strata Unit (Existing Green Dome) | \$2,890 | \$300 | \$3,190 |
| Single Residential & 2 - 3 Strata Units (Existing underground cable connection pillar to premises) | \$2,890 | \$400 | \$3,290 |
| Single Residential & 2 - 3 Strata Units - Pensioner | \$1,445 | \$600 | \$2,045 |
| Single Residential & 2 - 3 Strata Units - Pensioner (High Voltage Main Discount) | \$1,228 | \$600 | \$1,828 |
| Single Residential & 2 - 3 Strata Units - Pensioner (Transformer/Switchgear) | \$983 | \$600 | \$1,583 |
| Single Residential & 2 - 3 Strata Units - Pensioner (Existing Green Dome) | \$1,445 | \$300 | \$1,745 |
| Single Residential & 2 - 3 Strata Units - Pensioner (Existing underground cable connection pillar to premises) | \$1,445 | \$400 | \$1,845 |
| <hr/> | | | |
| 4 - 9 Strata Unit | \$2,312 | \$300 | \$2,612 |
| 4 - 9 Strata Unit (High Voltage Main Discount) | \$1,965 | \$300 | \$2,265 |
| 4 - 9 Strata Unit (Transformer/Switchgear) | \$1,850 | \$300 | \$2,150 |
| 4 - 9 Strata Unit (Existing Green Dome) | \$2,312 | \$100 | \$2,412 |
| 4 - 9 Strata Unit (Existing underground cable connection pillar to premises) | \$2,312 | \$200 | \$2,512 |
| 4 - 9 Strata Unit - Pensioner | \$1,156 | \$300 | \$1,456 |
| 4 - 9 Strata Unit - Pensioner (High Voltage Main Discount) | \$983 | \$300 | \$1,283 |
| 4 - 9 Strata Unit - Pensioner (Transformer/Switchgear) | \$925 | \$300 | \$1,225 |
| 4 - 9 Strata Unit - Pensioner (Existing Green Dome) | \$1,156 | \$100 | \$1,256 |
| 4 - 9 Strata Unit - Pensioner (Existing underground cable connection pillar to premises) | \$1,156 | \$200 | \$1,356 |

| | | | |
|--|---------|-------|---------------|
| 10+ Strata Unit | \$1,850 | \$200 | \$2,050 |
| 10+ Strata Unit (High Voltage Main Discount) | \$1,572 | \$200 | \$1,772 |
| 10+ Strata Unit (Transformer/Switchgear) | \$1,480 | \$200 | \$1,680 |
| 10+ Strata Unit (Existing Green Dome) | \$1,850 | \$50 | \$1,900 |
| 10+ Strata Unit (Existing underground cable connection pillar to premises) | \$1,850 | \$100 | \$1,950 |
| 10+ Strata Unit - Pensioner | \$925 | \$200 | \$1,125 |
| 10+ Strata Unit - Pensioner (High Voltage Main Discount) | \$786 | \$200 | \$986 |
| 10+ Strata Unit - Pensioner (Transformer/Switchgear) | \$740 | \$200 | \$940 |
| 10+ Strata Unit - Pensioner (Existing Green Dome) | \$925 | \$50 | \$975 |
| 10+ Strata Unit - Pensioner (Existing underground cable connection pillar to premises) | \$925 | \$100 | \$1,025 |
| State Housing Commission Flats | \$1,284 | \$200 | \$1,484 |
| Small Commercial Properties | NA | NA | From \$3,490 |
| Medium Commercial Properties | NA | NA | From \$6,615 |
| Large Commercial Properties | NA | NA | From \$8,740 |
| Minor Institutions | NA | NA | From \$3,490 |
| Major Institutions | NA | NA | From \$10,078 |

Consultation

The undergrounding of powerlines in the Como East SUPP area has been overwhelmingly supported by the respondees to the survey and along with the media interest has been the subject of a considerable number of phone calls and correspondence. With very few exceptions the calls have been in relation to the timing of the intended works not any opposition to the project.

Policy and Legislative Implications

There are no policy or legislative implications in respect to the contents of the report.

Financial Implications

The project will be funded by a service charge against property owners. Property owners will have the opportunity to spread payments over a number of years and as such the City will be required in the short term to borrow funds for the implementation of the works. The City has created an Underground Power Reserve. The recommended Schedule of Service Charges has been set with a contribution from the Reserve. The City will implement a practice within the Como East Underground Power area for any outstanding amounts on a property to be paid in full prior to property changing ownership.

The City will need to borrow funds to enable payment to be made to Western Power during the construction phase of the project. Provision has been made in the 2007/08 budget and Strategic Financial Plan accordingly. A further report will be prepared for Council consideration dealing with property levying arrangements.

Strategic Implications

The Como East Undergrounding of Powerlines Project is consistent with The continuation of the undergrounding of powerlines within the City is consistent with Strategy 4.3 of the adopted Strategic Plan:

“Continue to support the staged implementation of the Underground Power and fibre optic cabling throughout the City undertaken by the Office of Energy and Western Power.”

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1 |
|--|

That....

- (a) to facilitate the undergrounding of powerlines in the Como East Underground Power Area as a Round Three Project the estimate of costs as prepared by the SUPP Project Manager be accepted, with the signing of the Agreement between Co-Partners prepared by the Office of Energy being approved;
- (b) as requested by the SUPP Project Manager formal advice of the approval in the form of a letter of intent be provided prior to the signing of the Agreement to facilitate the purchase of materials and minimise further delays;
- (c) funding for the implementation of the undergrounding of powerlines be a service charge against all properties in the area, with an amount of \$400,000 from Council sources; and
- (d) the Service Charge Schedule comprising a network charge and a connection charge as detailed in report Item 10.4.1 of the November 2007 Council Agenda be adopted.

CARRIED EN BLOC RESOLUTION

| |
|--|
| 10.4.2 River Wall and Foreshore Works |
|--|

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | PR/559 |
| Date: | 8 November 2007 |
| Author: | Mark Taylor, Manager City Environment |
| Reporting Officer: | Glen Flood, Director Infrastructure Services |

Summary

A section of the Como Beach foreshore has severely eroded and a section of wood wall on the same foreshore to the south has failed. Both sections require immediate intervention to protect City and Main Roads WA infrastructure. This report recommends treatment methods and advises the funding arrangement.

Background

Like all assets, the City's foreshores and river walls are in need of regular programmed maintenance and at times specific intervention following storm events.

Shorelines are dynamic and have often been artificially created due to the construction of infrastructure such as the Kwinana Freeway or due to reclamation by extending Sir James Mitchell Park (SJMP). This means that some foreshores are not always stable as is evident in sections of SJMP and large sections of the western foreshore, particularly between the Canning and Narrows bridges. Climate change is also beginning to affect shorelines with higher sea levels and more severe storms and tidal surges.

The various sections of river wall protecting reserves and other assets around the City are in need of defective and preventative maintenance. Some sections have failed altogether and require replacement. The City is working with state agencies such as Main Roads WA (MRWA) whose infrastructure is also protected by the walls and shorelines, to ensure adequate maintenance is carried out.

Comment

The City has two sections of Como Beach foreshore that require immediate intervention. They are:

1. The foreshore immediately to the south of the Comer Street pedestrian overpass. The shoreline in this area has been seriously eroded by storms and attempts to create a more stable shoreline by trucking in additional beach sand have not worked, refer **Attachment 10.4.2(a)**. This shoreline has eroded to the extent that it is threatening not only the new pedestrian path installed by the City as part of the Como Beach upgrade project, but also the principal shared path maintained by MRWA.

Officers do not want to recommend the creation of additional river wall in this area due to the considerable cost involved but also the desire to maintain beach access to the foreshore. As a result, it is recommended to create two groyne along the section of foreshore in the vicinity of the Comer Street overpass which should stabilise sand movement and keep these beaches adequately nourished.

2. A section of wooden wall to the south of the Como Jetty that is in poor condition and requires replacement before next winter, refer **Attachment 10.4.2(a)**. This wall has already failed several times despite attempts to repair it and is threatening the newly constructed footpath and hindering the completion of the Como Beach landscaping project.

It is recommended that the wood wall is replaced with a limestone wall and joined with the limestone sections either side of it.

Plan designs of the two projects are at **Attachment 10.4.2(b)**.

Consultation

- City officers have sought professional advice from coastal engineering consultants about the best possible approach to replacing the wood wall section and dealing with the eroded shoreline adjacent to the Comer Street overpass.
- Officers have met with officers from MRWA regarding the eroded foreshore in the vicinity of the Comer Street overpass seeking advice and assistance.
- Officers have held preliminary meetings with staff from the Swan River Trust regarding the replacement of the wooden wall and the creation of the two groyne. These meetings were favourable; however the City now has to submit a formal application to the Trust for approval to proceed to construction.

Policy and Legislative Implications

The two construction projects will require approval under the new Swan and Canning Rivers Management Act 2006 and the Swan and Canning Rivers Management Regulations 2007. Under the new act, development approval is no longer required. This saves considerable time as previously approvals could take up to four months to come through. Under the new act and regulations, this has been streamlined into a permit process.

Financial Implications

It is estimated that it will cost in the vicinity of \$60,000 to create two groynes on the foreshore in the vicinity of the Comer Street pedestrian overpass plus beach re-nourishment. Main Roads WA has already committed to contribute to the proposed groyne project on a 50:50 basis with the City to around \$30,000 each, refer **Attachment 10.4.2(c)**.

It is estimated it will cost \$60,000 to construct a limestone wall to replace the wooden wall.

Funding has been allocated for these projects via a budget review process undertaken by Financial Services.

Strategic Implications

This item is consistent with Goal 4 Infrastructure on the City's Strategic Plan -

To sustainably manage, enhance and maintain the City's infrastructure assets.

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.2 |
|--|

Moved Cr Trent, Sec Cr Best

That the construction of a replacement limestone wall and groynes on the Como Beach foreshore to reduce the impact of erosion affecting the foreshore and associated infrastructure be approved.

CARRIED (13/0)

Note: Strategic Urban Planning Adviser retired from the Meeting at 8.21pm

10.5 GOAL 5: ORGANISATIONAL EFFECTIVENESS

| |
|--|
| 10.5.1 Applications for Planning Approval Determined Under Delegated Authority. |
|--|

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 9 November 2007 |
| Author: | Christian Buttle, Manager, Development Assessment |
| Reporting Officer: | Steve Cope, Director, Planning and Community Services |

Summary

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the months of September and October 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 September 2007, seventy eight (78) development applications were determined under delegated authority [**Attachment 10.5.1(a)** refers]. During the month of October 2007, fifty nine (59) development applications were determined under delegated authority. [**Attachment 10.5.1(b)** refers].

Policy and Legislative Implications

The issue has no impact on this particular area.

Financial Implications

The issue has no impact on this particular area.

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.1 |
|--|

That the report and **Attachments 10.5.1(a) and 10.5.1(b)** relating to delegated determination of applications for planning approval during the months of September and October 2007, be received.

CARRIED EN BLOC RESOLUTION

| |
|---|
| 10.5.2 Use of the Common Seal |
|---|

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 1 November 2007 |
| Author: | Sean McLaughlin, Legal and Governance Officer |
| Reporting Officer: | Cliff Frewing, Chief Executive Officer |

Summary

To provide a report to Council on the use of the Common Seal.

Background

At the October 2006 Ordinary Council Meeting the following resolution was adopted:
That Council receive a monthly report as part of the Agenda, commencing at the November 2006 meeting, on the use of the Common Seal, listing seal number; date sealed; department; meeting date / item number and reason for use.

Comment

Clause 21.1 of the City’s Standing Orders Local Law 2007 provides that the CEO is responsible for the safe custody and proper use of the common seal.

In addition, clause 21.1 requires the CEO to record in a register:

- (i) the date on which the common seal was affixed to a document;
- (ii) the nature of the document; and
- (iii) the parties described in the document to which the common seal was affixed.

Register

Extracts from the Register for the month of October appears below.

October 2007

| Nature of document | Parties | Date Seal Affixed |
|----------------------------------|----------------------|-------------------|
| CPV Hostel Residency Agreement | CoSP and Doris Asome | 19 October 2007 |
| Parking Amendment Local Law 2007 | CoSP | 2 October 2007 |
| S. 70A Certificate [TLA] | CoSP and Ngala Inc. | 8 October 2007 |

Note: The register is maintained on an electronic data base and is available for inspection.

Consultation

Not applicable.

Policy and Legislative Implications

Clause 21 of the City’s Standing Orders Local Law 2002 describes the requirements for the safe custody and proper use of the common seal.

Financial Implications

Nil.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.2

That the report on the use of the ‘Common Seal’ for the month of October 2007 be received.

CARRIED EN BLOC RESOLUTION

10.5.3 Swan Catchment Council - Proposed Integrated Natural Resource Management Group - Appointment of Council Member Representative

Location: City of South Perth
 Applicant: Council
 File Ref: GO/106
 Date: 1 November 2007
 Author: Kay Russell, Executive Support Officer
 Reporting Officer: Chief Executive Officer

Summary

The purpose of this report is to consider nominating a Councillor to the Swan Catchment Council’s ‘Local Government Reference Group’ to act as a ‘link’ between the Council and the delivery of Integrated Natural Resources Management (NRM).

Background

The Swan Catchment Council is one of six regional Natural Resource Management (NRM) groups in Western Australia and one of 56 across Australia that work with State and Local Governments, industry and community groups, to improve NRM in the Swan Region. The Council's Local Government Reference Group supports the involvement of the Metropolitan Local Governments in delivering 'Integrated Natural Resource Management' as a full partner with the State and Australian Governments.

Correspondence has been received from the Chair of the Swan Catchment Council extending an invitation to a series of sub-regional Forums designed to facilitate Local Government working together with the community to prepare 'Strategic Projects' for funding through the SCC's next Investment Plan (2008 - 2012). Part of this process is to formalise the Sub-regional Groups with joint Chairs from Local Government and the Community, as the prime means of delivering 'on ground' projects in the Region.

Correspondence has also been received from the President of the Western Australian Local Government Association setting out WALGA's position on Local Government support for the delivery of NRM and the Regional Delivery Model and stating that the Association will develop a 'policy position' on the terms for Local Government involvement. WALGA will also provide information and support to Local Governments across the State.

Comment

The Local Government Reference Group is now seeking Councillor / Officer nominations to provide a strong link with Council. The nominations sought are for Councillor, Senior Manager and Environmental Coordinator. The Local Government Reference Group would like to work with Local Government to provide support and get views on the best ways for all Local Governments in the Region, including Regional Local Governments, to contribute to a better delivery of 'Integrated NRM'. It is clear that NRM is core business for Local Government as the sphere of government nearest to the community and the complex issues of land development, conservation and management. The staff representatives are:

- Mr Mark Taylor Manager City Environment; and
- Ms Kim Dravnieks City Environment Coordinator

The first step proposed by the Local Government Reference Group is to provide briefings/information on the work that they do and to ensure that strong links are maintained with the initiatives that are already underway through WALGA and the sub-regions.

A draft Strategic Plan (**Attachment 10.5.3**) is proposed to be discussed with Local Governments and will cover the following topics:

- Defining and mapping the 'NRM business', including what this covers in practical terms;
- Development of a limited number of Local Government Models for NRM to achieve more consistency and support better co-ordination;
- Information and Knowledge Management for integration and better decision-making;
- Clarification of Strategic and Operation NRM Issues to improve efficiency and effectiveness, including links to State Government agencies;
- Capacity Building and Institutional Arrangements to provide better support; and
- Development of Strategic Programs and Projects to improve opportunities for funding and sponsorship

Consultation

Council decision is required to nominate Councillors to external groups / boards / committees.

Policy Implications

This is in line with Policy P514 “Delegates from Council”

Financial Implications

Minor representation costs.

Strategic Implications

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

OFFICER RECOMMENDATION ITEM 10.5.3

That Council appoint a Councillor as its representative on the Swan Catchment Council’s ‘Local Government Reference Group’ for Integrated Natural Resources Management (NRM).

NOMINATIONS

The Mayor called for nominations to the Swan Catchment Council’s reference group.

Cr Ozsdolay nominated Cr Best. Cr Best accepted nomination.

COUNCIL DECISION ITEM 10.5.3

Moved Cr Ozsdolay, Sec Cr Hearne

That Council appoint Cr Peter Best as its representative on the Swan Catchment Council’s ‘Local Government Reference Group’ for Integrated Natural Resources Management (NRM).

CARRIED (13/0)

10.5.4 Delegates from Council

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 6 November 2007 |
| Author: | Kay Russell, Executive Support Officer |
| Reporting Officer: | Chief Executive Officer |

Summary

The purpose of this report is to nominate Delegates to represent Council on several external organisations.

Background

A number of community, regional and statewide organisations regularly request that Council provide a member to be a Delegate and sit on a management or consultation committee of the external organisation. Where Council provides a delegate they may wish to nominate a deputy delegate to act in the absence of the delegate.

In determining those organisations to which the Council should provide a member as a delegate the City must be careful to avoid any implication of bias in its decision-making processes. Where the City offers funding to an organisation or otherwise makes decisions affecting its operations it may be inappropriate for a council member to sit on a committee of that organisation. For this reason it is now generally regarded as inappropriate for

Council Members to act as official delegates on committees of organisations that operate locally within the City, especially where these organisations may apply for funding from the City or represent the interests of commercial organisations.

In order to ensure that the City has a consistent approach to the provision of delegates to external organisations Policy P514 “Delegates from Council” was developed which sets out the criteria to be followed. **Attachment 10.5.4** refers. In applying the criteria Council has previously provided Delegates to the following organisations:

| ORGANISATIONS | CRITERIA | DELEGATES |
|---|---------------------------|------------------|
| *South East Metropolitan Regional Council | 1. Regional Council | Two and a deputy |
| South East District Planning Committee | 1. Regional Council | One and a deputy |
| WALGA - South-East Metropolitan Zone | 3. Professional Peak Body | Two and 1 deputy |
| Perth Airport Municipalities Group | 4. Other | One and a deputy |

*Due to the meeting schedule of the South East Metropolitan Regional Council it was necessary to appoint the Council Delegates to the SEMRC (now called the *Rivers Regional Council*) at the Special Council Meeting held on 23 October 2007. The Delegates are Mayor Best and Cr Trent with Cr Cala as the Deputy Delegate.

Comment

Details of the other external organisations previously provided with Delegates are provided hereunder:

South East District Planning Committee

The South East District Planning Committee (SEDPC) exists under the authority of the *Western Australian Planning Commission Act* and the *Metropolitan Region Town Planning Scheme Act* (MRTPS)

The SEDPC is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- Shire of Serpentine Jarrahdale
- City of South Perth
- Town of Victoria Park

Members and Deputy Members shall hold office for the period commencing from the date of their appointment by the Local Government and concluding on the day of the next subsequent annual municipal elections. The previous Council representative was Cr Maddaford with Cr Ozsolday as Deputy Delegate. Meetings are held on the first Thursday on a bi-monthly basis with the next meeting of this committee scheduled to be held on 6 December 2007.

The SEDPC is to assist the Commission in the management of the Metropolitan Region Scheme, more specifically, Section 24 of the MRTPS Act states:

24. Functions of District Planning Committees

- (1) Each District Planning Committee may, and at the direction of the Commission shall, within the time stipulated by the direction or within such extended time as the Minister may authorize, make inquiries into and report and formulate recommendations in respect to the Metropolitan Region Scheme so far as it relates to the area or part of the area comprising the districts which the District Planning Committee represents.
- (2) Each District Planning Committee shall present its reports and recommendations to the Commission.
- (3) Each District Planning Committee shall perform such functions of the Commission as may be delegated to it under section 20 of the Western Australian Planning Commission Act.

South East Metropolitan Zone - Western Australian Local Government Association (WALGA)

The South East Metropolitan Zone Committee provides input to the West Australian Local Government Association State Council on issues relating to Local Government affecting members of the Local Government Association.

A paper providing information on WALGA, the State Council, the role of State Councillors and what makes an effective State Councillor is at **Attachment 10.5.4**. Terms of office for elected representatives and deputy representatives will be two years.

The previous Council representatives were the Mayor John Collins and Cr Smith with Cr Cala and the CEO as deputies. Mayor James Best has indicated his willingness to represent the City on this Committee. Meetings are held every two months on a Wednesday evening and the City is entitled to nominate two members and a deputy to the Zone Committee. The next meeting of this Committee is scheduled to be on Thursday 13 December 2007.

The WALGA South East Metropolitan Zone is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- Shire of Serpentine Jarrahdale
- City of South Perth
- Town of Victoria Park

Perth Airports Municipalities Group

The objectives of the PAMG are as follows:

- (a) To provide a forum of meaningful discussion on issues which affect the Perth International Airport and Jandakot Airport and their environs and to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports and to monitor their use and environmental impact on neighbouring communities.
- (b) To advise relevant State and Federal Ministers, State and Commonwealth Government departments, the Noise Management Committee, and Westralia Airports Corporation (WAC) and Jandakot Airport Holdings Pty Ltd (JAH) on issues of major concern affecting Airports and the surrounding communities.
- (c) To provide a medium for the expression of community views and a proper exchange of information with members of the community.
- (d) To consider all proposals affecting Airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations.

- (e) To liaise with the Airport Emergency Procedures Committee where necessary on matters involving emergency co-ordination and rescue response.
- (f) To pursue active participation on the Australian Mayoral Aviation Council (AMAC) and such other bodies that may come into existence for the purpose of fostering participation in the development, use and impact of Airports.
- (g) To promote the benefits of Airports.

Membership to the PAMG includes the following Local Governments:

The Cities of: Swan, Bayswater, Belmont, Canning, Cockburn, Gosnells, South Perth, the Shires of Kalamunda and Mundaring and the Town of Bassendean.

Meetings are held bi-monthly or as decided by the PAMG on a rotational basis at the members local government offices. The previous Council representative was the Mayor John Collins. Mayor Best has indicated a preference not to represent the City on this group because of other priorities. The next meeting of this Committee is scheduled for Thursday 6 December 2007.

Consultation

Council decision required to nominate Members to external groups/boards/committees.

Policy Implications

Policy P514 "Delegates from Council".

Financial Implications

Minor representation costs.

Strategic Implications

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

| |
|---|
| OFFICER RECOMMENDATION ITEM 10.5.4 |
|---|

That Council provide the following organisations with the identified number of Elected Member delegates:

- | | |
|--|------------------|
| • South East District Planning Committee | One and a deputy |
| • WALGA: South-East Metropolitan Zone | Two and a deputy |
| • Perth Airport Municipalities Group | One and a deputy |

NOMINATIONS

The Mayor called for nominations for the South East District Planning Committee

Moved Cr Trent, Sec Cr Gleeson - Cr Doherty as Deputy. Cr Doherty accepted
Moved Cr Hearne, Sec Cr Trent - Cr Cala as Delegate. Cr Cala accepted

The Mayor called for nominations for the WALGA: South-East Metropolitan Zone

Moved Cr Hearne, Sec Cr Trent - Mayor Best as Delegate. Mayor Best accepted
Moved Cr Ozsdolay, Sec Cr Doherty - Cr Trent as Delegate. Cr Trent accepted
Moved Cr Trent, Sec Cr Ozsdolay - CEO as Deputy Delegate. CEO accepted

The Mayor called for nominations for the Perth Airport Municipalities Group

Moved Cr Gleeson, Sec Cr Doherty - Cr Hasleby as Delegate. Cr Hasleby accepted
Moved Cr Doherty, Sec Cr Trent - Cr Burrows as Deputy Delegate. Cr Burrows accepted

COUNCIL DECISION ITEM 10.5.4

The Mayor put the Motions

That Council appoints:

- (a) Cr Cala as its representative on the South East District Planning Committee with Cr Doherty as Deputy Delegate;
- (b) Mayor Best and Cr Trent as its representatives on the WALGA: South-East Metropolitan Zone Committee with the CEO, Mr Frewing as Deputy Delegate; and
- (c) Cr Hasleby as its representative on the Perth Airport Municipalities Group with Cr Burrows as Deputy Delegate.

CARRIED (13/0)

10.5.5 Council Meeting Schedule 2008

| | |
|----------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | GO/106 |
| Date: | 6 November 2007 |
| Author: | Kay Russell, Executive Support Officer |
| Reporting Officer: : | Cliff Frewing, Chief Executive Officer |

Summary

The purpose of this report is to adopt the Council Meeting / Agenda Briefing Schedule for the 2008 year.

Background

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

Exceptions to the above are:

In December the ordinary scheduled Council meeting date is usually brought forward by one week to accommodate the Christmas period.

During January each year when the Council is in recess any urgent matters that may arise, that the Chief Executive Officer does not have authority to deal with, will be the subject of a Special Meeting of Council. Clause 3.1 of the Standing Orders Local Law. 'Calling and Convening Meetings' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government as he is empowered to do in accordance with the *Local Government Act*.

Comment

In addition to the exceptions in January and December as detailed above, the meeting date scheduled in March should also be considered for change. In 2008, Easter is early (Friday 21 March to Monday 24 March). The meeting commitments at this time are therefore as follows:

- 18 March Council Agenda Briefing
- 21 - 24 March Easter
- 25 March scheduled Council Meeting

In view of the fact that the scheduled Council meeting date is, in accordance with custom, set for the fourth Tuesday in the month and this day is the day immediately following the Easter break, it may be appropriate to change this day to another day. Reasons for change include the likelihood that the holiday period may interfere with the proper consideration of the Agenda by Elected Members and public alike. Alternative days that could be considered include Wednesday 26 March or Tuesday 1 April

A resolution is required to adopt the Council Meeting / Agenda Briefing Schedule for the year 2008. The 'standard' meeting schedule is as follows:

A schedule has been developed on the basis there is no change to the March meeting date.

| Council Agenda Briefings 2008 | | Ord. Council Meetings 2008 | |
|-------------------------------|------------|----------------------------|-----------------------------------|
| Month | Recess | Month | Recess |
| January | Recess | January | Recess |
| February | 19.2.2008 | February | 26.2.2008 |
| March | 18.3.2008 | March | 25.3.2008 26.3.2008 ** |
| April | 15.4.2008 | April | 22.4.2008 |
| May | 20.5.2008 | May | 27.5.2008 |
| June | 17.6.2008 | June | 24.6.2008 |
| July | 15.7.2008 | July | 22.7.2008 |
| August | 19.8.2008 | August | 26.8.2008 |
| September | 16.9.2008 | September | 23.9.2008 |
| October | 21.10.200 | October | 28.10.2008 |
| November | 18.11.2008 | November | 25.11.2008 |
| December | 9.12.2008 | December | 16.12.2008 |

** Amended by Council Decision at page 130 of these Minutes

The changes proposed for January and December have been custom and practice at the City of South Perth and this report is proposing continuation of this practice. There is minimal public impact expected.

Consultation

It is proposed to advertise the Council Meeting / Agenda Briefing Schedule for the year 2008 in the Southern Gazette newspaper and to update the internet 'Schedule of Meetings' accordingly. In accordance with normal practice the contents of Agendas for all meetings are included on the internet 'Minutes/Agendas' and displayed on the noticeboards in the Libraries, Heritage House and outside the Civic Centre Administration Offices.

Policy Implications

Action in common with past practice.

Financial Implications

N/A

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.5.5 |
|--|

~~That the Council Meeting Schedule for 2008, as detailed in Report Item 10.5.5 of the November 2007 Council Agenda be adopted and advertised for public interest.~~

CARRIED EN BLOC RESOLUTION

Note: This en bloc Resolution for Item 10.5.5 revoked and reconsidered on Page 130 of these Minutes.

10.6 GOAL 6: FINANCIAL VIABILITY

10.6.1 Monthly Financial Management Accounts - October 2007 (8.40pm)

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 9 November 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.

A summary of budgeted revenues and expenditures (grouped by department and directorate) is also provided each month. This schedule reflects a reconciliation of movements between the 2007/2008 Adopted Budget and the 2007/2008 Amended Budget including the introduction of the capital expenditure items carried forward from 2006/2007.

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

Comment

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

- Balance Sheet - **Attachments 10.6.1(1)(A) and 10.6.1(1)(B)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(2)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(3)**
- Summary of Capital Items - **Attachment 10.6.1(4)**
- Schedule of Significant Variances - **Attachment 10.6.1(5)**
- Reconciliation of Budget Movements - **Attachment 10.6.6 (A) & (B)**
- Rate Setting Statement - **Attachment 10.6.1 (7)**

Operating Revenue to 31 October 2007 is \$26.81 which represents 101% of the \$26.56M year to date budget. Major factors contributing to this favourable variance include a better than expected rates revenue performance (due to late notification of revised GRVs from the Valuer General's Office and new interim valuations since the rates strike), higher RCS subsidies being earned at the Collier Park Hostel (although these come with an offsetting cost burden for carers) and better than anticipated investment revenue due to higher volumes of cash being held for carry forward works. A favourable variance also exists due to unbudgeted planning and building fees for two large developments and the trade in of two vehicles that were delayed from June 2007. The favourable variances are partly offset by less than expected revenue from rubbish service levies and a slightly slower than anticipated start to the year at the golf course (although this is beginning to correct). Relevant items are addressed in the Q1 Budget Review that is presented to Council at Item 10.6.5 of the November Council meeting agenda.

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

Operating Expenditure to 31 October 2007 is \$6.10M which represents 95% of the year to date budget of \$6.30M. Operating Expenditure to date is around 3% favourable in the Administration area and about 6% under budget in the Infrastructure Services area.

Most of the favourable variance (particularly in the Infrastructure area) is regarded as only of a timing nature as early in the year programs for operational and maintenance activities are developed, specifications documented and quotations sought. As a consequence a number of apparent timing variances appear on the management accounts - but these are expected to correct in future months as the various programs are rolled out. A number of small variances exist in the administration area but these are also largely considered to reflect timing differences that should correct later in the year.

The salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 8% under the budget allocation for the 213.4 FTE positions approved by Council in the budget process - although some agency staff invoices were not received at month end.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances. **Attachment 10.6.1(5)**. Relevant items are addressed in the Q1 Budget Review that is presented as Item 10.6.5 of this month's Council meeting agenda.

Capital Revenue is disclosed as \$0.48M at 31 October against a budget of \$0.27M - with revenue (lease premiums and refurbishment levies) from 5 newly occupied units at the Collier Park Village combining with road grants received ahead of budget timing and a contribution for parking bay works from the South Perth Church of Christ making up the very favourable variance at reporting date. These matters are addressed in the Q1 Budget Review.

Capital Expenditure at 31 October is \$2.17M against a year to date budget of \$2.78M. Most of the capital expenditure program is scheduled for later in the year with some \$2.9M planned for the October to December quarter. Overall, the City has now completed around 11.5% of the full year capital program including the carry forward works. A detailed report on the progress of the capital works program is presented as Item 10.6.6 in the November Council Agenda.

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

| Directorate | YTD Budget | YTD Actual | % YTD Budget | Total Budget |
|---------------------------------|------------------|------------------|--------------|-------------------|
| CEO / Financial & Info Services | 151,000 | 58,471 | 39% | 3,555,000 |
| Corp & Community Services * | 170,168 | 170,672 | 100% | 1,255,978 |
| Strategic & Reg Services | 20,000 | 8,251 | 41% | 710,000 |
| Infrastructure Services | 2,438,750 | 1,933,280 | 79% | 8,681,060 |
| Underground Power | 0 | 0 | - | 4,800,000 |
| Total | 2,779,918 | 2,170,674 | 78% | 19,002,038 |

Capital Expenditure relating to the former Corporate and Community Services directorate is to be re-classified among the other directorates in line with the revised organisational structure during the Christmas break. It will be reported under the new format from the start of the 2008 calendar year.

More than 60% of the variance in the CEO / Financial and Information Services area relates to unspent Council Members Discretionary Ward Funds (including carry forward funds from 2006/2007). The Director Financial & Information Services has been contacting Council Members during October and November to clarify Council Members intentions in relation to the ward funding allocations and to progress these initiatives.

Details on the variances relating to Capital Revenue and Capital Expenditure items are provided in **Attachment 10.6.1(5)** of this agenda.

The attachments to this report also include a Rate Setting Statement (required under Regulation 34 of the Local Government Financial Management Regulations). As advised in the director's report to the Audit & Governance Committee, this schedule is only relevant or meaningful at the date that rates are struck - hence it is provided monthly simply to achieve statutory compliance.

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 it 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.

Financial Implications

The attachments to this report compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of and responses to variances.

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*'. Such actions are necessary to ensure the City's financial sustainability.

OFFICER RECOMMENDATION ITEM 10.6.1

Moved Cr Hearne, Sec Cr Trent

That

- (a) the monthly Balance Sheet and Financial Summaries provided as **Attachment 10.6.1(1-4)** be received;
- (b) the Schedule of Significant Variances provided as **Attachment 10.6.1(5)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (c) the Summary of Budget Movements and Budget Reconciliation Schedule for 2007/2008 provided as **Attachment 10.6.1(6)(A)** and **10.6.1(6)(B)** be received.
- (d) the Rate Setting Statement provided as **Attachment 10.6.1 (7)** be received.

CARRIED (13/0)

10.6.2 Monthly Statement of Funds, Investments and Debtors at 31 October 2007

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 10 November 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 and 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 \$36.64M compare very favourably to \$32.71M at the equivalent stage of last year. Around 65% of the difference relates to higher holdings of cash backed reserves whilst the remainder is due to funds associated with carry forward works being held as investments until needed later in the year. The strong free cash position is also impacted by excellent rates collections to date - with collections being slightly ahead of last year's outstanding result. Our customer friendly payment methods, prompt debt collection actions and the Rates Early Payment Incentive Prize have all contributed to this very pleasing result.

The net Municipal cash position is improved relative to October 2006 with monies brought into the year and our subsequent cash collections being invested in secure financial instruments to generate interest until those monies are required to fund operations or projects later in the year. The City does not have any exposure to higher risk investment instruments such as CDOs (the sub prime mortgage market).

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 \$16.99M (compared to \$15.59M in 2006/2007). **Attachment 10.6.2(1)**. Considering future cash demands for capital and operating expenditure for the remainder of the year, and likely cash inflows (as budgeted) during the same period, the City currently anticipates finishing the year close to the budgeted cash position (after allowing for quarantined / committed funds for carry forward works).

(b) Investments

Total investment in short term money market instruments at month end is \$35.95M compared to \$32.39M last year. As discussed above, the difference relates to good cash collections, higher reserve cash holdings and delayed outflows for capital projects.

Funds held are responsibly spread across various approved financial institutions to diversify risk as shown in **Attachment 10.6.2(2)**. Interest revenues (received and accrued) for the year to date total \$0.68M - significantly up from \$0.58M at this time last year. This is attributable to higher cash holdings and timely, effective treasury management.

The average rate of return for the year to date is 6.73% with the anticipated yield on investments yet to mature currently at 6.65%. This reflects careful selection of investments to meet our immediate cash needs. During the year it is necessary to balance between short and longer term investments - to ensure that we can responsibly meet our cash flow needs. The City actively manages its treasury funds to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income.

(c) **Major Debtor Classifications**

The level of outstanding rates relative to the same time last year is shown in **Attachment 10.6.2(3)**. Rates collections to the end of October 2007 (after the due dates for the first rates instalment) represent 72.1% of total rates levied compared to 72.0% at the equivalent stage of the previous year. This suggests that collections to date are again strong - being slightly in advance of last year's best ever result. It also provides evidence that the rating and communication strategy used for the 2007/2008 rates strike have again established a good foundation for successful rates collections this year.

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 again had a very positive impact on initial rates collections.

General debtors stand at \$1.40M at 31 October 2007 compared to \$1.18M at the same time last year. Most debtor categories are at similar levels to this time last year - other than Balance Date Debtors which is impacted this year by outstanding balances for vehicle trade-ins and also yet to be claimed Pension Rebates. Despite lodging a claim that was bigger than any previous claims ever lodged by the City in September, we still have a larger unclaimed balance in this account than at the same time last year. The Office of State Revenue has not processed around \$80,000 of the pension rebate claim at present as it is still validating details for some city ratepayers. Pensioners have up until 30 June to make the qualifying payment that converts their 'allowed' rebate to an 'entitled' one.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.2**

That Council receives the 31 October 2007 Statement of Funds, Investment & Debtors comprising:

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

CARRIED EN BLOC RESOLUTION

10.6.3 Warrant of Payments Listing

| | |
|--------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 10 November 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 September 2007 and 31 October 2007 is presented to Council for information.

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval.

They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's Auditors each year during the conduct of the annual audit. After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made from either the Municipal Fund or the Trust Fund and the transaction recorded in the City's financial records.

Comment

A list of payments made since the last list was presented is prepared and is presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list (Warrant of Payments) is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation can not be individually debated or withdrawn.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Payment of authorised amounts within existing budget provisions.

Strategic Implications

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

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.3 |
|--|

That the Warrant of Payments for the months of September and October 2007 as detailed in the Report of the Director Financial and Information Services, **Attachment 10.6.3**, be received.

CARRIED EN BLOC RESOLUTION

| |
|--|
| 10.6.4 Statutory Financial Statements for Quarter ended 30 September 2007 |
|--|

| | |
|---------------------------|---|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | FM/301 |
| Date: | 9 November 2007 |
| Author/Reporting Officer: | Michael J Kent, Director Financial and Information Services |

Summary

In accordance with statutory requirements, an Income Statement is provided for the period ended 30 September 2007. Revenues and expenditures are disclosed by the local government programs specified in Schedule 1 of the Local Government Financial Management Regulations (1996) and also presented by nature and type classification. Statutory schedules comparing actual performance to budget for the period in relation to Rating and General Purpose Revenue are also provided.

Background

The Local Government (Financial Management) Regulations 1996 require the City to produce financial statements in the specified statutory format and to submit those statements to Council for adoption. The statutory Income Statement emphasises the City's operations classified by the programs specified in the Schedule to the Local Government Financial Management Regulations - rather than focussing on capital expenditures.

Although the monthly management accounts presented in departmental format are believed to be the most effective mechanism for the City's Administration and Council in monitoring financial progress against the budget; the highly summarised, program-classified statutory Income Statement is mandated by the legislation because it is required by the Australian Bureau of Statistics and Grants Commission - who are able to derive some comparisons on a broadly aggregated basis despite the limited validity or integrity of comparisons made on an individual basis.

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

Comment

The total AAS 27 classified Operating Revenue for the period of \$26.29M compares favourably with the year to date budget of \$25.85M. This represents 101.7% of the year to date budget. Analysing the Operating Revenues by nature and type, the significant favourable variances are in Rates (late advice of GRVs from the Valuer General's Office and a high level of interim rates activity in the first quarter) and Fees and Charges (Housing program) which relates to the much higher than expected turnover of units at the Collier Park Village. Grants and Subsidies are slightly above budget due to higher RCS subsidies at the CPV. Interest Revenue (as discussed in Agenda Item 10.6.2) continues to be well ahead of expectations due to good investment performance.

The principal variances disclosed by program are the favourable variances in the General Purpose Funding and Housing programs. General Purpose Funding is favourably impacted by rates and the extra interest revenue generated from excellent investment performance (refer Agenda Item 10.6.2). The Housing program indicates a significant favourable variance due to the higher turnover of units at Collier Park Village. Revenue in the Community Amenities program is below budget expectations due to a shortfall on expected billing for rubbish service charges. This is currently being investigated by the administration and will be the subject of remedial action in the November / December 2007 period.

The remainder of programs are close to budget expectations for the year to date in when analysed in aggregate - with individual significant variances being separately identified and addressed by either appropriate management action or by the items being included in the Q1 Budget Review.

Operating Expenditure classified according to AAS 27 principles to 30 September 2007 totals \$7.86M and compares favourably to a year to date Budget of \$8.18M. Analysing those Operating Expenditure items by nature and type, Employee Cost are 6% under budget (as expected due to the vacant positions and the timing delay on some training expenditures). Materials & Contracts are also 4% under budget for the year to date - although this is expected to correct further in later months. Utilities & Insurances are within 2% of budget. Interest expense is moderately under budget and carrying amount of assets sold (a non cash item) is slightly over budget due to a timing difference.

Most programs have small variances with the more significant being in the Housing, Recreation & Culture and Transport programs. The unfavourable variance in the Housing program relates to a additional refurbishment costs due to the higher turnover of units in the village and higher carer costs associated with increasingly frail residents at the Hostel.

Timing differences on parks and building maintenance expenditure activities and golf course maintenance (which are expected to correct later in the year) have all impacted favourably on the Recreation and Culture program. Hall operating costs are currently slightly lower than budgeted. The Transport program is favourably impacted by timing differences in the delivery of maintenance works (these should correct later in the year) and a lesser allocation for depreciation following a revaluation of the City's infrastructure assets at 30 June. Relevant items are being addressed by management action or are included in the Q1 Budget Review.

The Schedule of Rating Information shows that as at 30 September 2007, the City had levied some \$19.35M in residential and commercial rates compared to a budget of \$19.23M. As noted above, the Valuer General's Office has had a backlog of revised GRVs for properties within the City - leading to a higher than previously modelled rates strike and higher interim rates growth for the year to date.

Salaries were around 8.0% below budget expectations to September 2007 but this is distorted by some timing differences with budgets phased ahead of actual expenditures in areas such as Rangers and Health Services and a number of vacancies that are currently being filled in the City Environment, Engineering, Golf Course and Building Services areas. Most other areas are slightly under - but relatively close to budget expectations.

The Statement of Financial Position provides a comparison of asset and liability categories at 30 September 2007 and at an equivalent time in the 2006/2007 financial year. Current Assets stand at \$46.25M as at 30 September 2007 compared to \$41.63M in September 2006. The major aspects of this change are the much higher level of investment funds resulting from quarantined cash backed reserves - plus funds held for significant construction projects later in the year. Cash backed reserves are approx \$3M higher than at the equivalent time last year and Municipal funds around \$1M higher. Receivables are higher than at September 2006 overall although rates collections to date are excellent - and ahead of last year.

Non Current Assets of \$183.66M compare with \$174.67 at September 2006. This increase reflects the higher valuation of infrastructure assets after these classes of asset were re-valued at 30 June 2007. Non current receivables relating to self supporting loans have reduced relative to last year.

Current Liabilities are disclosed as \$5.62M compared to a balance of \$5.67M at 30 September 2006. The principal reason for this is the slightly lower value of creditor invoices outstanding from suppliers at balance date - most arriving after month end and having to be accrued. Employee entitlements accrued and cash backed in accordance with statutory requirements are also some \$0.05M lower than at the equivalent time last year.

Non-Current Liabilities stand at \$25.59M at 30 September 2007 compared with \$24.53M last year. This is distorted by a much higher (an additional \$1.4M) holding of refundable monies for the leaseholder liability at the Collier Park Complex this year because of the leasing of a number of previously vacated units at the village. City borrowings undertaken as part of the overall funding package are \$0.3M lower than at the same time last financial year whilst non current Trust Funds have also been reduced by \$0.1M relative to last year.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 – *'To provide responsible and sustainable management of the City's financial resources'*.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.4**

That Council receive the statutory Financial Statements for the period ending 30 September 2007 comprising:

- Income Statement **Attachments 10.6.4(1)(A) and 10.6.4(1)(B)**
- Schedule of General Purpose Funding **Attachment 10.6.4(2)**
- Schedule of Rating Information **Attachment 10.6.4(3)**
- Statement of Financial Position **Attachment 10.6.4(4)(A)**
- Statement of Change in Equity **Attachment 10.6.4(4)(B)**

CARRIED EN BLOC RESOLUTION

10.6.5 Budget Review for the Quarter ended 30 September 2007

Location: City of South Perth
Applicant: Council
File Ref: FM/301
Date: 9 November 2007
Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A review the 2007/2008 Adopted Budget for the period to 30 September 2007 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments

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

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

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter.

This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at this frequency, the City chooses to conduct a Budget Review at the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review. The results of the Half Yearly (Q2) Budget Review will be required to be forwarded to the Department of Local Government for their review after they are endorsed by Council. This requirement allows the Department to provide a value-adding service in assessing the ongoing financial sustainability of each of the local governments in the state based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire – as this is good financial management practice.

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

Comment

The Budget Review is presented in three parts :

- Amendments resulting from normal operations in the quarter under review **Attachment 10.6.5(1)**

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

- Items funded by transfers to or from existing Cash Reserves are shown as **Attachment 10.6.5(2).**

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

- Cost Neutral Budget Re-allocation **Attachment 10.6.5(3)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 10 July 2007.

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

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

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

Consultation

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

Policy and Legislative Implications

Compliance with the statutory requirement to conduct a half yearly budget review and to forward the results of that review to the Department of Local Government is achieved through the presentation of this report to Council.

Financial Implications

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a change of \$51,500 to the projected 2007/2008 Budget Closing Position. The budget closing position is now calculated in accordance with the Department of Local Government’s guideline - which is a modified accrual figure adjusted for restricted cash. It does not represent a cash surplus - nor available funds. It is essential that this is clearly understood as less than anticipated collections of Rates or UGP debts during the year can move the budget from a balanced budget position to a deficit.

The changes recommended in the Q1 Budget Review will result in the (estimated) 2007/2008 Closing Position being revised to \$255,853 (up from the actual Opening Position of \$204,353)

The impact of the proposed amendments in this report on the financial arrangements of each of the City’s directorates is disclosed in Table 1 below. Figures shown apply only to those amendments contained in the attachments to this report (not previous amendments).

Table 1 includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

Adjustments to the Opening Balance shown in Table 1 refer to the difference between the Estimated Opening Position used at the budget adoption date (July) and the final Actual Opening Position as determined after the close off and audit of the 2006/2007 year end accounts (September).

TABLE 1 : (Q1 Budget Review Items)

| Directorate | Increase Surplus | Decrease Surplus | Net Impact |
|------------------------------------|------------------|------------------|----------------|
| Office of CEO | 21,500 | (0) | 21,500 |
| Financial and Information Services | 215,000 | (110,000) | 105,000 |
| Planning and Community Services | 27,500 | (32,500) | (5,000) |
| Infrastructure Services | 57,000 | (127,000) | (70,000) |
| Accrual and Opening Position | 150,312 | 0 | 150,312 |
| Total | 471,312 | (269,500) | 201,812 |

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

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2 : (Cumulative Impact of all 2007/2008 Budget Adjustments)

| Directorate | Increase Surplus | Decrease Surplus | Net Impact |
|------------------------------------|------------------|------------------|----------------|
| Office of CEO | 21,500 | (0) | 21,500 |
| Financial and Information Services | 215,000 | (110,000) | 105,000 |
| Planning and Community Services | 27,500 | (32,500) | (5,000) |
| Infrastructure Services | 57,000 | (127,000) | (70,000) |
| Accrual and Opening Position | 150,312 | 0 | 150,312 |
| Total | 471,312 | (269,500) | 201,812 |

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City’s Strategic Plan Goal 6 – *‘To provide responsible and sustainable management of the City’ financial resources’*.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.6.5

That following the detailed review of financial performance for the period ending 30 September 2007, the budget estimates for Revenue and Expenditure for the 2007/2008 Financial Year, (adopted by Council on 10 July 2007 - and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to the November 2007 Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment 10.6.5(1)**;
- Items funded by transfers to or from Reserves; **Attachment 10.6.5(2)**; and
- Cost neutral re-allocations of the existing Budget **Attachment 10.6.5(3)**.

CARRIED EN BLOC RESOLUTION
And by Required Absolute Majority

10.6.6 Capital Projects Review to 31 October 2007

Location: City of South Perth
 Applicant: Council
 File Ref: FM/301
 Date: 11 November 2007
 Author/Reporting Officer: Michael J Kent, Director Financial and Information Services

Summary

A schedule of financial performance supplemented by relevant comments is provided in relation to approved capital projects to 31 October 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 early in the month immediately following the reporting period - and then presented the next ordinary meeting of Council. The schedule is presented to Council Members to provide an opportunity for them to receive timely information on the progress of capital works program and to allow them to seek clarification and updates on scheduled projects.

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

Comment

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

Overall, expenditure on the Capital Program represents 78% of the year to date target - and 11.5% of the (revised) full year's budget. Excluding the anticipated City contribution to the UGP project, which will be delivered entirely by external parties with the City merely meeting cash calls at the appropriate time, completed works to date represent 15% of the City's part of the program.

The Executive Management Team acknowledges the challenge of delivering the remaining capital program given contractor and staff resource shortages 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 10.6.1(5)** of this agenda and details on specific projects impacting on this situation are provided in **Attachment 10.6.6(1)** and **Attachment 10.6.6(2)** to this report. Comments on the relevant projects have been sourced from those managers with specific responsibility for the identified project lines. Their responses have been summarised in the attached Schedule of Comments.

Consultation

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

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This report deals with matters of financial management which directly relate to the key result area of Financial Viability identified in the City's Strategic Plan Goal 6 - *'To provide responsible and sustainable management of the City' financial resources'*.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 10.6.6**

Moved Cr Hearne, Sec Cr Doherty

That the Schedule of Capital Projects complemented by officer comments on identified significant variances to 31 October 2007, as per **Attachments 10.6.6(1) and 10.6.6(2)**, be received.

CARRIED (13/0)

COUNCIL DECISION - ITEM 10.5.5

(a) Withdrawal Item 10.5.5

Moved Cr Hearne, Sec Cr Hasleby

That Item 10.5.5 be withdrawn from the list of en bloc items as per Council Resolution at Item 9 on page 14 of the Minutes of the November 2007 Council Meeting.

CARRIED (13/0)

(b) Revocation Item 10.5.5

Moved Cr Trent, Sec Cr Hearne

That en bloc Item 10.5.5 insofar as it relates to the Minutes of the Council Meeting dated 27 November 2007 at page 114 be revoked.

CARRIED (13/0)

And By Required Absolute Majority'

(c) Reconsideration Item 10.5.5

Moved Cr Hasleby, Sec Cr Gleeson

That the Council Meeting Schedule for 2008, as detailed in Report Item 10.5.5 of the November 2007 Council Agenda, and as amended by the March Ordinary Council meeting being re-scheduled to be held on **Wednesday 26 March 2008**, be adopted and advertised for public interest.

CARRIED (13/0)

Reason

Following discussion at the November Council Agenda Briefing in relation to the Easter public holidays for 2008 falling immediately prior to the March 2008 scheduled Ordinary Council meeting it was agreed to hold the March meeting one day later.

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 27.11.2007

13.2.1 Progress on Mediation following DoLG Inquiry : Cr Hasleby

Summary of Questions

1. Mr Mayor would you inform Members of the progress being made by Council appointed mediator Mr Graham Castledine towards implementing the Department of Local Government's Inquiry Report recommendations into the City of South Perth?
2. How was the mediation process moved forward in line with the fulfilment of the City's Code of Conduct and has there been Elected Member training?
3. Has Mediator Castledine been given the full co-operation of all Councillors or have there been issues and impediments delaying its progress?
4. When will the full report on the outcomes of the mediator's deliberations be expected to be received by Council?

Summary of Response

The Mayor responded as follows:

1. The Mediator has met with Councillors and officers and the progress is excellent.
2. The first part of the question is taken on notice. In relation to Member training would say extensive training has taken place on the Code of Conduct and the new Official Conduct Regulations under the *Local Government Act* covering the roles of Councillors and staff.
3. Believe all Councillors are co-operating. Not aware of any issues delaying the progress of mediation. Councillors will be aware there is a further session scheduled for 10 December for pre-existing Councillors to discuss some issues that are outstanding. In the New Year would like to bring all Councillors back together to discuss the findings of the report and comment on strategic planning.
4. As soon as possible but expect it will not be available until early 2008.

13.2.2 Southern Gazette newspaper - Cr Smith's article : Cr Gleeson

Summary of Question

Have you read the article in the Southern Gazette newspaper 30 October 2007 "David Smith Councillor - City of South Perth" (Cr Gleeson read aloud the article)?

Summary of Response

The Mayor responded yes, but stated that he did not believe there was any relationship to the current Council.

Summary of Question

Have you (Mayor) spoken to Cr Smith to seek his apology to former Mayor John Collins?

Summary of Response

The Mayor said that the item in question was between former Mayor Collins and Cr Smith and was not the business of this Council.

Summary of Question

Are you aware former Mayor John Collins was cleared in the report findings following the Inquiry into the City of South Perth whereas there were adverse findings found against Cr Smith?

Point of Order - Cr Hearne - I have also read the article in question and see nothing in the article that refers to the Inquiry into the City of South Perth. Do not know what Cr Smith intended by his article.

Mayor Best - Point of Order upheld. This article occurred in the past and is between former Mayor Collins and Cr Smith. If the former Mayor is aggrieved by the article there are other avenues where he can pursue the issue. Ratepayers want the Council to maintain good governance but questions of this nature are not contributing in a positive sense to Council's activities.

Summary of Question

Have you received, in the last couple of weeks, any Code of Conduct complaint forms from Members?

Point of Order - Cr Smith - this is not Cr Gleeson's business.

Mayor Best - Point of Order Upheld. This is a private matter between the persons who lodged the Code of Conduct complaints and the mediator.

Note: Questions without Notice concluded at 9.02pm

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

Nil

15. MEETING CLOSED TO PUBLIC

15.1 Matters for which the Meeting May be Closed.

COUNCIL DECISION : MEETING NOT TO BE CLOSED TO THE PUBLIC

Note: As there was an indication from the Members present that there would be no debate on *Confidential* Items 15.1.1 and 15.1.2 the meeting was not closed to the public.

DECLARATION OF IMPARTIALITY INTEREST
ITEM 15.1.1 : CRS DOHERTY AND TRENT

As I nominated a member of the community for the City of South Perth Volunteer of the Year Awards, at Item 15.1.1 on the Agenda for the November 2007 Ordinary Council Meeting, I wish to declare an 'Impartiality Interest' in accordance with Regulation 11 of the *Local Government Act (Rules of Conduct Regulations 2007)*.

**15.1.1 City of South Perth Volunteer of the Year Award CONFIDENTIAL
NOT TO BE DISCLOSED REPORT**

| | |
|--------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | CR/109 |
| Date: | 8 November 2007 |
| Author: | Lyndal Palmer, Community Projects Officer |
| Reporting Officer: | Steve Cope, Director Planning and Community Services |

Confidential

This report is declared ***Confidential*** under Section 5.23(h) of the *Local Government Act* as it relates to the selection of a community member as the recipient of an Award to be announced and presented at the Thank a Volunteer Day Ceremony on 2 December 2007.

Note: *Confidential- Not to be Disclosed Report circulated separately*

| |
|--|
| OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 15.1.1 |
|--|

Moved Cr Cala, Sec Cr Hasleby

That....

- (a) following consideration of the nominations received for the 2007 City of South Perth Volunteer of the Year Award that the nominees as recommended in *Confidential* Report Item 15.1.1 of the November 2007 Council Agenda, be approved;
- (b) a letter of thanks be sent to all nominees thanking them for their outstanding contribution to volunteering in the City of South Perth and inviting them to the Thank a Volunteer function to be held on 2 December 2007;
- (d) a personal invitation to be sent to all nominators recognising the time and effort involved in submitting nominations and inviting them to the Thank a Volunteer function to be held on 2 December 2007; and
- (e) the contents of this report remain ***Confidential*** until after the Award presentation 2 December 2007.

CARRIED (13/0)

| |
|--|
| 15.1.2 Review of Collier Park Golf Course Lease <i>CONFIDENTIAL- NOT TO BE DISCLOSED REPORT</i> |
|--|

| | |
|---------------------------|--|
| Location: | City of South Perth |
| Applicant: | Council |
| File Ref: | PR/301 |
| Date: | 6 November 2007 |
| Author/Reporting Officer: | Glen Flood, Director Infrastructure Services |

Confidential

This report is declared ***Confidential*** under Section 5.23(c) of the *Local Government Act* as it relates to a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting.

Note: *Confidential- Not to be Disclosed Report circulated separately*

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 15.1.2**

Moved Cr Ozsdolay, Sec Cr Doherty

That

- (a) the Council endorses the proposal to negotiate an interim 2 year lease extension with Rosetta Holdings Pty Ltd to explore golf course development opportunities at Collier Park Golf Course, prior to considering longer term lease options; and
- (b) the renegotiated terms of the 2 year lease extension be brought back before Council at its February 2008 meeting for endorsement. Should the renegotiated terms be endorsed, the public consultation process as required under section 3.58 of the *Local Government Act* be initiated.

CARRIED (13/0)

15.2 Public Reading of Resolutions that may be made Public.

For the benefit of the members of the public in the gallery the Mayor read aloud the Council Resolutions for items 15.1.1 and 15.1.2 respectively.

16. CLOSURE

The Mayor closed the meeting at 9.10pm.

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 18 December 2007

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